

## 2014 General Assembly

### New Bills of Interest

*February 3 to February 21*

Here are selected new bills filed recently in the General Assembly. The list is organized by topic. Highlights include:

- [HB 338](#) Allow Circuit Court to grant grandparent visitation rights if in best interest of a child
- [HB 351](#) Allow person protected by EPO or DVO to carry concealed deadly weapon for 90 days
- [HB 361](#) Establish Medicaid MCO enrollee's right to state fair hearing in appeals of MCO actions
- [HB 403](#) Expand powers of land banks to develop properties
- [HB 418](#) Allow siblings to petition for reasonable visitation rights
  
- [SB 119](#) Medical review panels: establish system for use in civil litigation relating to health care
- [SB 132](#) Establish 6 year SOL for credit card default; increase exemptions (homestead to \$15,000)
- [SB 155](#) Create state earned income tax credit equal to 10%

**How to use:** To see the Legislative Research Commission summary of a bill and check its status, click the bill number. To see the text of the bill and amendments, click the links in the summary. For a complete list of bills, view the legislature's own website: [www.lrc.ky.gov](http://www.lrc.ky.gov).

This chart was compiled by Kentucky Equal Justice Center. For more information, or to share comments on a bill, contact Rich Seckel at [richseckel@kyequaljustice.org](mailto:richseckel@kyequaljustice.org).

Topic	Bill #	Sponsor	Summary
Access	<a href="#">HB 385</a>	Tilley	Clarify that Supreme Court authority over Kentucky Bar Association stems from issuance of court rules, not administrative regulations
Access	<a href="#">HB 386</a>	Tilley	Expand applicability of criminal liability for corporations to all forms of business entities
Access	<a href="#">SB 138</a>	Westerfield	Allow a court clerk to electronically transmit court process to Secretary of State when that office is responsible for service of process
Civil Rights	<a href="#">HB 342</a>	St. Onge	Drone bill: prohibit law enforcement agency from using drone to gather evidence; exceptions; prohibit use of evidence obtained in violation
Civil Rights	<a href="#">HB 429</a>	St. Onge	Nullify all federal laws restricting ownership or possession of firearms; exception for undocumented persons; more
Civil Rights	<a href="#">HJR 129</a>	Moore	Urge Governor and AG to appeal recent U.S. District Court ruling on the recognition of same-sex marriages in Kentucky
Civil Rights	<a href="#">HR 147</a>	Henderson	Urge Governor and AG to continue to oppose ruling of U.S. District Court forcing recognition of same-sex marriage upon citizens of Kentucky

Civil Rights	<a href="#">SB 140</a>	McGarvey	Prohibit discrimination on basis of sexual orientation and gender identity in certain housing, real estate, credit, insurance, other financial transactions; more
Consumer	<a href="#">HB 316</a>	Damron	Allow consumer loan company to exclude credit insurance from finance charge if insurer waives subrogation rights against borrower; disclosures
Consumer	<a href="#">HB 317</a>	Gooch	Prohibit solicitation of any service relating to making a claim for basic reparation benefits, rather than related to a motor vehicle accident
Consumer	<a href="#">HB 335</a>	Stumbo	Establish a False Claims Act for civil liability for fraud against state; allow AG or private citizens to sue; provide protections for whistleblowers
Consumer	<a href="#">HB 357</a>	Damron	Allow self-service storage operator to offer personal property insurance; require consumer protection disclosures to occupant leasing the space
Consumer	<a href="#">HB 360</a>	Horlander	Set appraisal method of motor vehicles older than 20 years for property taxes at actual value in 19 <sup>th</sup> year reduced by 10% each year; same as HB 143
Consumer	<a href="#">HB 369</a>	Yonts	Reduce statute of limitations for actions on written contracts from current 15 years to 10 years
Consumer	<a href="#">HB 375</a>	Damron	Authorize an association, including individual unincorporated underwriters, to transact insurance subject to minimum capital and surplus requirements
Consumer	<a href="#">HB 376</a>	Kay	Create non-refundable income tax credit for contributions of real property for conservation easements; create cause of action for party burdened by easement
Consumer	<a href="#">HB 377</a>	Keene	Create first lien priority status over other recorded liens for charges for towing and storage of motor vehicles
Consumer	<a href="#">HB 403</a>	Jenkins	Allow land banks to issue bonds, redevelop properties for commercial use, retain proceeds of sale and 50% of ad valorem taxes for 5 years
Consumer	<a href="#">HB 414</a>	Damron	Allow conversion of \$10K+ life insurance policies to life settlement contracts for long-term care costs; exclude proceeds as asset for Medicaid
Consumer	<a href="#">HB 425</a>	Collins	Require Motor Vehicle Commission to include at least one member of the public on advisory committees
Consumer	<a href="#">SB 114</a>	Carpenter	Consumer loans: change the dollar-amount classifications which are used to determine maximum charges; 3% up to \$2500; 2% over \$2500
Consumer	<a href="#">SB 116</a>	McDaniel	Establish bad-faith assertion of patent infringement as violation of CPA; allow remedies under CPA, plus exemplary damages up to 3x actual or \$50,000
Consumer	<a href="#">SB 132</a>	Carroll	Establish 6 year SOL for credit card default; allow assignee to charge interest after charge-off; increase exemptions (personal to \$5000, homestead to \$15,000)
Consumer	<a href="#">SB 150</a>	Carpenter	Self-storage liens: allow default and sale notices by electronic mail only; limit late fees to \$20 or 20% of

			monthly fee; more
Consumer	<a href="#">SCR 140</a>	Clark	Urge Congress to enact Glass-Steagall-inspired legislation currently before Congress, to separate commercial and investment banking functions
Corrections	<a href="#">HB 330</a>	Floyd	Abolish the death penalty and replace it with life imprisonment without parole for inmates presently sentenced to death; details
Corrections	<a href="#">HB 355</a>	Stone	Allow expungement of multiple misdemeanors, violations, or traffic infractions after ten years
Corrections	<a href="#">HB 382</a>	Stumbo	Allow for the transfer of inmates to secure health facilities for the prolonged treatment of specified conditions
Corrections	<a href="#">HB 397</a>	Dw. Butler	Permit parole board to review prisoners diagnosed with incurable, progressive illness for parole; details
Corrections	<a href="#">SB 145</a>	Jones	Allow Class D felony record to be expunged under specified circumstances; require a confidential index of expungement orders; allow possession of firearms
Corrections	<a href="#">SB 156</a>	Blevins	Constitutional amendment: create a Kentucky Pardon Board
Corrections	<a href="#">SCR 131</a>	Neal	Establish a task force to study the costs of administering the death penalty in Kentucky
Econ Dev	<a href="#">HB 327</a>	Hall	Kentucky New Markets Development Program: provide for recapture of tax credits if entity fails to invest as required in qualified low-income businesses; more
Econ Dev	<a href="#">HB 407</a>	Combs	Allow the use of a public-private partnership as an alternative method to finance a project; details
Education	<a href="#">HB 332</a>	Graham	Clarify participating agencies and schedule for implementing early child care and education provider rating system.
Education	<a href="#">HB 341</a>	Tilley	Establish Books for Brains Program to promote comprehensive statewide program to encourage preschool children to develop appreciation of books
Education	<a href="#">HB 424</a>	L. Clark	Allow waiver or modification of statewide assessment system for schools participating in a district of innovation plan; details
Education	<a href="#">HB 426</a>	Henderson	Require each board of education to adopt and implement a policy regarding voluntary student expression of religious viewpoints; more
Education	<a href="#">HB 427</a>	Nelson	Provide that a student shall not be denied meal offerings made available to other students if unable to pay for a meal; allow for collection from parents
Education	<a href="#">SB 126</a>	Higdon	Permit school districts to educate students about traditional winter holidays and to display seasonal decorations; more

Employment	<a href="#">HB 321</a>	Moore	Allow employer tax credit equal for hiring worker unemployed for at least thirty (30) days prior to the hire date; details
Employment	<a href="#">HB 323</a>	Yonts	Add legislators, teachers and judicial retirement plans to Public Pension Oversight Board review; allow system members to serve on board; more
Employment	<a href="#">HB 324</a>	Yonts	Retirement systems “housekeeping:” allow injury or from military service as disabling condition; more
Employment	<a href="#">HB 333</a>	Graham	Kentucky Teachers Retirement System housekeeping bill: require system staff to be subject to fiduciary requirements applicable to board members; more
Employment	<a href="#">HB 337</a>	Pullin	Require recognition of military training towards application for HVAC contractor’s or mechanic’s licenses
Employment	<a href="#">HB 349</a>	Waide	Workers comp: require partnerships and LLCs to provide documents to the commissioner if requested rather than annually
Employment	<a href="#">HB 364</a>	De. Butler	Allow sheriff’s offices the ability to employ retired police officers; continue officer benefits received upon retirement; details
Employment	<a href="#">HB 365</a>	Floyd	Increase monthly salary of fire district board members to \$100; require that firefighter members of the board be both paid and volunteer firefighters
Employment	<a href="#">HB 378</a>	Donohue	Require LRC to evaluate annually policies on workplace harassment; require General Assembly and LRC employees to receive related training
Employment	<a href="#">HB 384</a>	Tilley	Narrow types of crimes that prevent employment and licensure of persons convicted of crime; require consideration of passage of time since offense; more
Employment	<a href="#">HB 390</a>	Pullin	Executive ethics: require public servants who become aware of violations of Ethics Code to report concerns; protect those who report concerns; more
Employment	<a href="#">HB 392</a>	Henderson	Count time taken off at the direction of an agency as authorized hours worked in determining whether an employee is eligible to receive overtime pay
Employment	<a href="#">HB 393</a>	Denham	Require commissioner to develop an e-mail notification system to alert if a specific business has cancelled workers’ compensation coverage
Employment	<a href="#">HB 396</a>	Clark	Expand eligibility for jobs under KY Jobs Retention Act program to include certain household appliance and appliance parts or supplies manufacturers
Employment	<a href="#">HB 405</a>	Horlander	Allow local governments to require new law enforcement telecommunicators to reimburse for training if they accept another job; detail
Employment	<a href="#">HB 419</a>	Hoover	Exclude all educational buildings and facilities from the requirements of the prevailing wage law
Employment	<a href="#">SB 137</a>	Carroll	Double maximum attorneys’ fees in worker’s comp claims; require benefits to be paid until age 70 or 5 years

			after the injury; more
Employment	<a href="#">SB 142</a>	McDaniel	Limit members of Legislators or Judicial Retirement Plan to 10% growth in creditable compensation earned during their last five years of employment
Employment	<a href="#">SB 146</a>	Jones	Require that a person with five years of surface or underground coal mining experience be given preference in state employment
Employment	<a href="#">SB 147</a>	Neal	Narrow types of crimes that prevent employment and licensure of persons convicted of crime; require consideration of passage of time since the offense
Environment	<a href="#">HB 328</a>	Steele	Authorize Secretary to enter reciprocal agreements with other states re compliance with mining and surface mining statutes and regs
Environment	<a href="#">HB 336</a>	Pullin	Require surface mining permittee to include in reclamation plan removal of electric distributions installations on the surface; details
Family	<a href="#">HB 338</a>	Kerr	Allow Circuit Court to grant grandparent visitation rights if it determines them to be in best interest of a child; preponderance of the evidence standard
Family	<a href="#">HB 351</a>	G. Watkins	Allow person protected by EPO or DVO to carry, if authorized by issuing court, a concealed deadly weapon for a period of up to 90 days; details
Family	<a href="#">HB 359</a>	Thompson	Allow courts to order a person to wear a continuous alcohol monitoring device as a condition of pretrial release; permit inclusion of requirement in DVOs
Family	<a href="#">HB 372</a>	Tilley	Name change: account for proper jurisdiction for persons residing on a post, reservation, or fort of any branch of Armed Forces
Family	<a href="#">HB 412</a>	Adams	Harassing communications: expand acts which create a violation to include electronic communication; details; penalties
Family	<a href="#">HB 418</a>	Bell	Allow siblings to petition for reasonable visitation rights; use best interest of child standard
Family	<a href="#">SB 133</a>	Jones	Provide that substantiated findings of adult abuse, neglect, or exploitation and spousal abuse or neglect shall be open records
Government	<a href="#">SB 130</a>	Denton	Require agency head, upon final court determination of willful withholding of records, to pay court costs, vacate position and forfeit pension benefits
Health	<a href="#">HB 319</a>	Butler	Make sales of electronic cigarettes to a person who has not attained the age of 18 unlawful; earmark tax to retirement systems
Health	<a href="#">HB 325</a>	D. Watkins	Prohibit pharmacy from selling or distributing prescription drugs to any entity defined as a wholesale distributor
Health	<a href="#">HB 344</a>	Greer	Include licensed behavior analysts in definition of “mental health professional” under Mental Health Act of Unified Juvenile Code; more
Health	<a href="#">HB 350</a>	Marzian	Establish comprehensive system for medical cannabis in

			Kentucky, including provisions for medical verification of need; more
Health	<a href="#">HB 361</a>	Stumbo	Establish Medicaid MCO enrollee’s right to state fair hearing in appeals of MCO actions; require an MCO to state reason for action with specificity; more
Health	<a href="#">HB 362</a>	Stone	Prohibit health benefit plans from limiting out-of-network providers and covered services to those performed within the Commonwealth
Health	<a href="#">HB 395</a>	Wuchner	Permit patients with chronic illnesses, in consultation with their medical providers, to elect a day of the month to purchase all of their medications
Health	<a href="#">HB 417</a>	Jenkins	Require Energy Cabinet to work with waste coordinators, city and county officials and sheriffs to establish a prescription drug drop off program; details
Health	<a href="#">HB 421</a>	D. Watkins	Exempt health benefit plan that covers treatment of a post-acute acquired brain injury from assessment under KRS 304.17B-021; more
Health	<a href="#">HCR 133</a>	Burch	Encourage CHFS to study treatments and services for heroin and other opioid addiction and increase training for medical professionals
Health	<a href="#">SB 117</a>	Denton	Statewide smoke free: prohibit smoking in public places and places of employment; details
Health	<a href="#">SB 118</a>	Denton	Health insurance mandate: regulate coverage under health benefit plans for refills of prescription eye drops
Health	<a href="#">SB 119</a>	Denton	Medical review panels: establish system for use in civil litigation relating to health care providers
Health	<a href="#">SB 124</a>	Denton	Medical marijuana: exempt from the definition of ‘marijuana’ drugs used in FDA-approved studies or compassionate use programs; more
Health	<a href="#">SB 134</a>	Westerfield	Require Board of Medical Licensure to design program to ensure that physicians offer testimony based on professional knowledge; details
Health	<a href="#">SB 148</a>	Buford	Bar higher copayment for patient-administered anti-cancer medications than for medications injected or intravenously administered by a health care provider
Housing	<a href="#">HB 314</a>	Palumbo	Landscape architect “housekeeping:” update requirements for licensure, inactive licenses and retired licenses; more
Housing	<a href="#">HB 331</a>	Riggs	Omnibus city reclassification bill: rework classification of cities based on population size and type of governing body; details
Housing	<a href="#">HB 356</a>	Marzian	Require Energy and Environment Cabinet to establish Commonwealth Conservation Builder certification program for building debris diversion
Housing	<a href="#">HB 402</a>	Riner	Authorize issuance of ID card or operator's license to a discharged federal prisoner in the same manner as for a discharged state prisoner; details

Housing	<a href="#">SB 144</a>	Givens	Require planning commission to make zoning change recommendations within 60 days; allow BOZA to revoke conditional use permits for non-compliance
Taxes	<a href="#">HB 345</a>	Damron	Reduce interest on unpaid taxes and tax overpayments from prime plus 2% to prime, retroactive to all outstanding payments due
Taxes	<a href="#">HB 346</a>	Damron	Clarify that no interest is due on estimated tax payments; allow annualized income for taxpayers whose income fluctuates during the year; details
Taxes	<a href="#">HB 380</a>	Steele	Predicate collection of unmined minerals tax on the issuance of a permit to mine, drill or otherwise extract the mineral resource
Taxes	<a href="#">HB 399</a>	Thompson	Constitutional amendment: allow General Assembly to confer upon city or county power to levy up to 1% time-limited local option sales tax for capital projects
Taxes	<a href="#">HB 400</a>	Floyd	Provide a \$1,000 maximum tax credit for qualified preschool expenses; earmark net lottery proceeds; more
Taxes	<a href="#">HB 422</a>	D. Watkins	Allow increased compensation for sales tax collection if seller had gross receipts of \$5m or less in county with unemployment of 12% or higher
Taxes	<a href="#">SB 135</a>	Hornback	Constitutional amendment: allow General Assembly to confer upon city or county power to levy up to 1% time limited local option sales tax for capital projects
Taxes	<a href="#">SB 151</a>	Rhoads	Create non-refundable disaster relief tax credit equal to 20% of FMV of goods or services provided by taxpayer; set \$10K maximum; allow 5 year carryover
Taxes	<a href="#">SB 155</a>	McGarvey	Create refundable Kentucky earned income tax credit equal to 10% of federal earned income tax credit
Transportation	<a href="#">SB 143</a>	Turner	Allow retake of driver's test after 3 failures and allow nighttime driving examination upon recommendation of bioptic instructor and vision specialist
Utilities	<a href="#">HB 387</a>	Mills	Require entity constructing natural gas liquids pipeline to apply for construction certificate from KY State Board on Electric Generation and Transmission
Utilities	<a href="#">HB 388</a>	Gooch	Establish criteria for Energy Cabinet to set performance standards for CO2 emissions from existing fossil fuel-fired electric generating units
Utilities	<a href="#">HB 404</a>	Kay	Allow local governments to establish energy project assessment district programs financed by assessments on participating properties; allow bonds; details
Utilities	<a href="#">SB 123</a>	Parrett	Delete requirement that sewerage corporations notify all customers in writing of proposed rate change and probable financial impact
Utilities	<a href="#">SB 152</a>	Girdler	Set procedures for valuation of assets and rate base calculations in acquisition of existing water or sewer utilities by investor-owned utilities; details
Veterans	<a href="#">SCR 114</a>	Thomas	Urge Congress to pass SAVE Act and the Department of Defense and Department of Veterans

			Affairs to address sexual trauma in the military
--	--	--	--