

## 2009 General Assembly

### New Bills of Interest

*February 9-13*

Here are selected new bills filed in the 2009 General Assembly during the week of February 9-13. The list is organized by topic. Highlights include:

- [SB 101](#) Allow dating partners to obtain Domestic Violence Orders
- [SB 108](#) Exempt state banks from state limits on interest rates
- [HB 405](#) Allow variations from Uniform Residential Landlord Tenant Act for “safety”
- [HB 427](#) Reduce fees private purchasers may charge on certificates of tax delinquency
- [HB 440](#) Permit local law enforcement agencies to enforce immigration law
- [HB 444](#) Payday loans: set up database to enforce 2 loan and \$500 limits
- [HB 469](#) Permit power of attorney for care of a minor child

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

This chart was compiled by the Kentucky Equal Justice Center. For more information, or to share comments about a bill, contact Rich Seckel at [richseckel@kyequaljustice.org](mailto:richseckel@kyequaljustice.org). 859-233-3057.

Topic	Bill #	Sponsor	Summary
Access	<a href="#">HB 367</a>	Jenkins	Administrative hearings (Chapter 13B): expand definition of "party" to include union representative or other designee
Access	<a href="#">HB 382</a>	Marzian	Allow loss of consortium actions by surviving spouse; provide that claim may be brought as part of the wrongful death action; details
Access	<a href="#">SB 104</a>	Buford	Interest on judgments: delete 12 percent interest requirement and replace it with rate in KRS 131.183(1) or six percent, whichever is greater
Access	<a href="#">SB 150</a>	Stine	Require an administrative body to hold harmless any person or entity who has complied in good faith with a court order
Assistance	<a href="#">HB 344</a>	McKee	Establish a program in the Department of Agriculture to distribute surplus agricultural food commodities to food banks; details
Budget	<a href="#">HB 423</a>	Rand	Make revenue estimate used in enacted budget official until revised by consensus forecasting group; require legislative action if revenues are 5% below

Civil Rights	<a href="#">SB 95</a>	Stein	Prohibit discrimination based on sexual orientation and gender identity in housing, employment, public accommodations, etc.; more; details
Civil Rights	<a href="#">SB 126</a>	Stein	Constitutional amendment: restore convicted felon's right to vote after expiration of probation, parole or maximum sentence; exceptions
Civil Rights	<a href="#">SB 139</a>	Neal	Create a Kentucky Center for African American Heritage
Comm Dev	<a href="#">HB 339</a>	Palumbo	Procurement: require contractors with state contracts over \$500K to use Kentucky small businesses for at least 20% of their contract price; more
Comm Dev	<a href="#">HB 361</a>	Greer	Economic development incentives: rework definitions; reduce minimum investment; allow full recovery of eligible skills training costs; more
Comm Dev	<a href="#">SB 89</a>	Denton	Require nonprofits with income less than \$10 million that receive a state grant to have an attorney and a CPA review and sign grant agreement; more
Comm Dev	<a href="#">SB 127</a>	Palmer	Adopt modern standards of prudent investment and modernize responsibilities in management of institutional funds of charitable organizations; details
Consumer	<a href="#">HB 381</a>	Gooch	Insurance: permit a reparation obligor to contract with a private review agent to perform independent reviews of medical expenses; require appeals process
Consumer	<a href="#">HB 427</a>	Denham	Reduce the fees that private purchasers may charge upon the purchase and collection of certificates of delinquency
Consumer	<a href="#">HB 444</a>	Bell	Payday loans: set up database to enforce limit on number and amount of loans per customer; allow \$1 fee per transaction; oversight; penalties; more
Consumer	<a href="#">SB 85</a>	Denton	Gift cards: remove requirement that card be issued by a merchant; provide that cards without expiration dates are not abandoned property subject to escheat
Consumer	<a href="#">SB 108</a>	Buford	Exempt Kentucky state banks from state statutes pertaining to limits on interest rates; more
Consumer	<a href="#">SB 179</a>	Denton	Payday loans: establish database to establish number and amount of loans; provide for extended payment plans; fees; details
Corrections	<a href="#">HB 372</a>	Tilley	Make nonviolent Class D felon eligible for parole after serving 15% of sentence or 2 months of original sentence whichever is longer; more
Corrections	<a href="#">HB 378</a>	Tilley	Penalty enhancements: provide that when there are two or more the attorney for the Commonwealth and the courts shall choose only one; exception
Corrections	<a href="#">HB 446</a>	Marzian	Death penalty: ban for severely mentally ill;

			definitions
Corrections	<a href="#">SB 90</a>	Jones	Prohibit employees, vendors and volunteers of correctional or detention facilities from engaging in sexual intercourse with inmates of the facility
Corrections	<a href="#">SB 103</a>	Stein	Require AOC to transmit correctional cost-to-incarcerate data to each circuit judge who may hear a felony case; details
Corrections	<a href="#">SB 128</a>	P. Clark	Establish registry of persons against whom charges have been substantiated for adult abuse, neglect, or exploitation
Corrections	<a href="#">SB 190</a>	Worley	Death penalty: delete use for a youthful offender who committed a capital offense when he or she was 17; provide for life imprisonment without parole
Criminal	<a href="#">HB 390</a>	Bell	Allow a \$50 fee both prior to or after the initiation of a theft by deception prosecution for county attorney office operating expenses
Criminal	<a href="#">SB 173</a>	Blevins	Restrict the interview or interrogation of a minor about their suspected involvement in criminal conduct
Criminal	<a href="#">SB 189</a>	Worley	Identity theft: add avoiding criminal prosecution as an element of the offense
Education	<a href="#">HB 364</a>	Wuchner	Establish an option for early high school graduation; prescribe how an early graduate would qualify for a KEES award; details
Education	<a href="#">HB 408</a>	Greer	SEEK funds: permit growth districts to request adjustments; more
Education	<a href="#">HB 409</a>	Tilley	Dyslexia: require screening of students entering second year of primary; expand definition of specific learning disability to include dyslexia; more
Education	<a href="#">HB 420</a>	Edmonds	Delete writing portfolios from the statewide assessment program; require school councils to adopt writing program and submit it for approval
Education	<a href="#">HB 459</a>	Tilley	Establish Books for Brains Program to promote a comprehensive statewide initiative for preschool children to develop an appreciation of books
Education	<a href="#">SB 180</a>	Borders	Define homeschool students as eligible for Kentucky educational excellence scholarships; use ACT scores as proxy for GPA; details
Education	<a href="#">SB 186</a>	Harris	Permit special needs student to receive alternative education support to move from their resident public school to a participating school
Employment	<a href="#">HB 333</a>	Yonts	Workers comp: require use of the 5th edition of American Medical Association's "Guides to the

			Evaluation of Permanent Impairment"
Employment	<a href="#">HB 342</a>	Moore	Allow a job stimulus tax credit to employers hiring an employee certified as unemployed for at least 30 days prior to employment; sunset after 2 years
Employment	<a href="#">HB 392</a>	Overly	Wage and hour: prohibit misclassification of construction industry employees; presume employee status unless certain factors are met; remedies
Employment	<a href="#">HB 455</a>	Nelson	Permit employee to sue employer for reckless conduct
Employment	<a href="#">SB 136</a>	Jones	Wage and hour: prohibit misclassification of construction industry employees; presume employee status unless certain factors are met; remedies
Employment	<a href="#">SB 145</a>	Thayer	Exempt elementary, secondary, and post secondary school construction from the definition of "public works" relating to prevailing wage
Employment	<a href="#">SB 146</a>	Thayer	Redefine "construction" for purposes of prevailing wage law to raise the exemption for public works projects from \$250,000 to \$1,000,000
Employment	<a href="#">SB 165</a>	Thayer	"Right to Work:" prohibit mandatory membership or financial support of a labor organization as a condition of employment; penalties
Environment	<a href="#">HB 351</a>	Adkins	Carbon sequestration: set framework and standards for research and development projects
Environment	<a href="#">HB 376</a>	Rudy	Nuclear power: require that nuclear power facilities have a plan for the storage of nuclear waste rather than a means for permanent disposal
Environment	<a href="#">HB 397</a>	Combs	Logging: increase the maximum civil penalty for violation of bad actor provisions; details
Environment	<a href="#">HB 422</a>	Belcher	Establish a method for member entities to form a regional wastewater commission; exempt from regulation by the Public Service Commission
Environment	<a href="#">HB 452</a>	Gooch	Require oil and gas well operators to submit plats to the division when drilling through workable coal beds; details
Environment	<a href="#">HJR 116</a>	Combs	Grant infrastructure projects that support a coal-to-liquid facility priority in funding over other projects
Environment	<a href="#">HJR 119</a>	Webb	Direct the Environmental and Public Protection Cabinet to promulgate regs requiring Emergency Action Plans for high hazard potential dams
Environment	<a href="#">SB 100</a>	Stein	"Stream saver" bill: provide that no spoil be disposed of in waterways; more

Environment	<a href="#">SB 134</a>	Ridley	Oil and gas wells: permit forfeited bond fees to be used in reclamation operations for tank batteries and gathering lines associated with abandoned wells
Environment	<a href="#">SB 138</a>	Jensen	Require DNR to develop a program of permitting oil and gas operations on state-owned lands, including university-owned land; details
Environment	<a href="#">SJR 67</a>	Jensen	Study value of potential oil and gas operations on state and university-owned lands; direct development of model lease and oversight guidelines
Family	<a href="#">HB 413</a>	Belcher	Limit period children are in temporary custody to 45 days from the date of removal, regardless of whether they are in custody of state or another agency
Family	<a href="#">HB 468</a>	Marzian	Enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to govern jurisdictional questions and disputes between states
Family	<a href="#">HB 469</a>	Stone	Permit a power of attorney for care of a minor child; provide that parent's decision supersedes caregiver when there is conflict in decision making
Family	<a href="#">SB 98</a>	Stein	Paternity: allow actions in Family court; create rebuttable presumption of paternity during wedlock; provide venue in child's county of residence
Family	<a href="#">SB 101</a>	Stein	Include dating partners among the class of persons allowed to obtain domestic violence protective orders; details
Family	<a href="#">SB 106</a>	Buford	Adjust the rate of compensation allowed for guardians and conservators
Family	<a href="#">SB 162</a>	Denton	Child medical support: define "reasonable in cost" and "cash medical support"; require court to order the parent to obtain or maintain coverage
Government	<a href="#">SB 163</a>	Denton	Establish the Kentucky Board of Health and Family Services to provide oversight for the cabinet and to employ the cabinet secretary; details
Government	<a href="#">SB 187</a>	Kelly	Executive orders: provide for filing with Secretary of State, legislative review and expiration; more
Government	<a href="#">SB 188</a>	Williams	Establish the General Assembly Accountability and Review Division
Health	<a href="#">HB 336</a>	Palumbo	Permit a dental hygienist to provide dental screening services without a supervising dentist under board approved conditions; details
Health	<a href="#">HB 375</a>	Damron	Specify that an employer who grants benefits to employees' children must do regardless of whether they are natural, step or adopted children
Health	<a href="#">HB 384</a>	Marzian	Require science-based content and age appropriate

			and medically accurate standards for human sexuality education; more
Health	<a href="#">HB 386</a>	DeWeese	Establish student loan forgiveness for medical, dental medicine or osteopathic students; require service to clients in a medically underserved community
Health	<a href="#">HB 403</a>	Combs	Allow optometrists to practice outside their offices for charitable purposes
Health	<a href="#">HB 434</a>	Yonts	Provide Good Samaritan protection for all persons rendering emergency services or medical care during a declared emergency
Health	<a href="#">HB 453</a>	Hall	Provide that health benefit plans offering pregnancy-related benefits shall contain coverage for the diagnosis and treatment of infertility
Health	<a href="#">HB 454</a>	Hall	Require an ultrasound prior to an abortion; more
Health	<a href="#">HB 464</a>	Palumbo	Require health plans that cover Rx drugs or outpatient services to provide coverage for all Rx contraceptives approved by the FDA; exception
Health	<a href="#">SB 91</a>	Jones	Ambulance: require an ambulance to take the patient to the hospital of the patient's choice; details; exceptions
Health	<a href="#">SB 96</a>	Stein	Allow patient of a health facility 18 years or older to designate person not legally related by marriage or blood to be considered an immediate family member
Health	<a href="#">SB 97</a>	Stein	Require science-based content and age appropriate and medically accurate standards for human sexuality education; more
Health	<a href="#">SB 102</a>	Stein	Prohibit health benefit plan from excluding coverage for routine patient costs incurred in the course of a cancer clinical trial if otherwise covered
Health	<a href="#">SB 133</a>	Harper Angel	Require food facilities to provide dietary information including calories for all standard menu items sold, on menus and indoor and outdoor menu boards
Health	<a href="#">SB 160</a>	Harper Angel	Require Commission for Children with Special Health Care Needs to set standards for infant audiological assessment centers; details
Health	<a href="#">SB 171</a>	Tapp	Youth smoking: prohibit persons from giving or buying cigarettes or tobacco products for minors; more
Health	<a href="#">SJR 90</a>	Shaughnessy	Direct the Office of Insurance and the Health Insurance Advisory Council to develop a uniform group health insurance application
Housing	<a href="#">HB 355</a>	Ford	Real estate commission: establish system to allow any person to submit a grievance against a real estate

			commission licensee; more; details
Housing	<a href="#">HB 379</a>	Miller	Establish a fee not to exceed \$150 for inspection of installation of new manufactured homes
Housing	<a href="#">HB 401</a>	Ford	Real estate brokers: require criminal records check of applicants; allow emergency hearing for escrow account violations; allow offer of prizes to purchaser
Housing	<a href="#">HB 405</a>	Simpson	Allow local governments to adopt landlord tenant ordinances that do not conflict with URLTA if the ordinance is designed to protect public safety
Immigration	<a href="#">HB 440</a>	Nelson	Add Social Security Number to definition of identity theft; require pretrial release officers to obtain and report citizenship information; much more
Immigration	<a href="#">HB 441</a>	Nelson	Require all contractors with public agencies to use federal employment verification program, not hire unauthorized aliens; require affidavits of compliance
Immigration	<a href="#">SB 174</a>	Blevins	Require verification of employment eligibility of state contractor employees using federal work authorization program if available; details; penalties
Motor Vehicles	<a href="#">HB 450</a>	Gooch	Require payment of a \$500 reinstatement fee when motor vehicle registration is revoked for lack of insurance
Motor Vehicles	<a href="#">HJR 133</a>	Sims	Direct the Transportation Cabinet not to comply with the provisions of the REAL ID Act of 2005 regarding national ID system using drivers licenses
Motor Vehicles	<a href="#">SJR 73</a>	Tapp	Direct the Transportation Cabinet not to comply with the provisions of the REAL ID Act of 2005 regarding national ID system using drivers licenses
Taxes	<a href="#">HB 347</a>	Moberly	Sales tax: impose Kentucky sales tax on digital property; exempt durable medical equipment if Rx written; more
Taxes	<a href="#">HB 394</a>	Dossett	Establish a refund program for new small businesses of 50% of sales tax up to \$3000
Taxes	<a href="#">HB 448</a>	Napier	Require 50% of the tax imposed on wages by a fiscal court of any county to be remitted to the county in which the person resides
Taxes	<a href="#">SB 107</a>	Leeper	Provide an exemption from the motor vehicle usage tax for certain transfers between a trustee, a trust, and a beneficiary
Utilities	<a href="#">HB 424</a>	Higdon	Require PSC-regulated electric utilities to consider underground installation for new distribution lines, cost-benefit analysis
Utilities	<a href="#">HB 456</a>	Osborne	Permit utilities to grant rate discounts to senior citizens, low income, disabled and active duty military

Utilities	<a href="#">HB 470</a>	Simpson	Include sanitation districts created under KRS Chapter 220 within the definition of "utility"
Utilities	<a href="#">SB 154</a>	Thayer	Create certification process for bulk natural gas suppliers; direct PSC to create a code of conduct
Veterans	<a href="#">HB 335</a>	Farmer	Permit Department of Veterans Affairs to act as a guardian or a conservator for a disabled veteran or the minor child of a veteran
Veterans	<a href="#">SB 87</a>	Tori	Require the Kentucky Department of Veterans' Affairs to promulgate administrative regulations necessary to operate veterans' nursing homes
Veterans	<a href="#">SB 135</a>	Jones	Specify that tuition waiver is available to qualifying veterans for no less than the lesser number of months required to complete a bachelor's degree