

## 2009 General Assembly

### New Bills of Interest

*February 3-6*

Here are selected new bills filed in the 2009 General Assembly during the week after recess, February 3-6. The list is organized by topic. Highlights include:

- [HB 184](#) Require license or certification to perform real estate appraisals
- [HB 199](#) Homeless ID: establish \$2 charge for first personal ID
- [HB 262](#) Certificates of property tax delinquency: establish procedures
- [SB 51](#) Demand-side management: give PSC authority to require plans

**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 243</a> | McKee    | Increase the jurisdictional limit of the small claims division of the District Court from \$1,500 to \$2,500, for both claims and counterclaims              |
| Budget       | <a href="#">HB 292</a> | Rand     | Budget tweaks: repeal and re-enact several sections of 2008-09 budget re KCTC, Bucks for Brains, more  |
| Civil Rights | <a href="#">HB 300</a> | Webb     | Human rights commission: revise time for processing complaints, allow mediation; create fair housing procedure for self-testing compliance; more             |
| Consumer     | <a href="#">HB 184</a> | Palumbo  | Real estate appraisers: make it unlawful to influence any appraisal; require license or certification to perform appraisals; exceptions; details             |
| Consumer     | <a href="#">HB 193</a> | J. Lee   | Omnibus auctioneer bill: establish advertising requirements for court ordered, bankruptcy, seized, confiscated, or forfeiture property; more                 |
| Consumer     | <a href="#">HB 230</a> | Crimm    | Prevent insurers from prohibiting agents from negotiating a life settlement contracts; require notice of life settlement option at certain times to consumer |
| Consumer     | <a href="#">HB 268</a> | Richards | Credit cards on campus: require credit card issuer to register with school before soliciting students on a college campus; require parental consent to card  |

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| Consumer    | <a href="#">HR 40</a>  | Jenkins  | Urge Congress to enact a Homeowners and Bank Protection Act; details   |
| Corrections | <a href="#">HB 239</a> | Adams    | Require a jailer to establish a written policy governing community-service-related projects by prisoners; provide notice to service organizations          |
| Corrections | <a href="#">HB 287</a> | Santoro  | Assess drug service fee of \$85 on conviction for controlled substance violation of KRS Chapter 218A; use funds for prosecution, public defender, more     |
| Corrections | <a href="#">HB 312</a> | Watkins  | Expungement: increase to 6 the number of convictions for misdemeanors or violations that may be expunged; increase fees; provide for distribution          |
| Corrections | <a href="#">SB 73</a>  | Stivers  | Require Medicaid providers to provide services to prisoners at or below Medicaid rates; specify that services do not come from Medicaid funds              |
| Corrections | <a href="#">SB 76</a>  | Stivers  | Give per diem payment of \$30 per prisoner per day for care and maintenance of state prisoners housed in county jails, plus \$2 for medical care; more     |
| Criminal    | <a href="#">HB 188</a> | Richards | Criminal gangs bill: authorize state police database; permit victims to sue convicted defendants; create crime of gang recruitment; more                   |
| Criminal    | <a href="#">HB 315</a> | Bell     | Internet sex crimes: prohibit sex offenders from using social networking websites; include communication devices as means of stalking; more                |
| Criminal    | <a href="#">HB 321</a> | Meeks    | DNA samples: repeal, re-enact and amend various provisions on collection, storage and use of DNA samples   |
| Criminal    | <a href="#">SB 57</a>  | Jones    | Sex crimes registry: require new photograph if there is a substantial change in appearance; subject lifetime registrants on parole to GPS monitoring; more |
| Econ Dev    | <a href="#">HB 207</a> | Brinkman | Corporations: make numerous changes regarding partnerships, LLC's, etc.; address dissolution, liability, venue, required info on filings; more             |
| Econ Dev    | <a href="#">HB 220</a> | Brinkman | Corporations II: modify procedural rules across various business entity acts to contain equivalent provisions; have statutory rules on nonprofit LLCs      |
| Econ Dev    | <a href="#">HB 229</a> | Thompson | Tax incentive: establish income tax credit program for employers who hire at least 5 new employees and who pay qualifying tuition expenses for employees   |
| Education   | <a href="#">HB 189</a> | Yonts    | Raise age of compulsory school attendance to 17 in 2010 and 18 in 2011   |
| Education   | <a href="#">HB 219</a> | Fischer  | Autism Scholarship Program: permit autistic children to receive scholarship to move from public school to a participating public or nonpublic school       |
| Education   | <a href="#">HB 226</a> | Rollins  | College textbook prices: establishing a deadline for   |

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|             |                        |              | faculty posting of retail price for all undergrad courses; unbundle prices for combined texts  |
| Education   | <a href="#">HB 255</a> | Moore        | Dropouts: declare new goals for reducing the dropout rate by the year 2011; provide for grants to school districts   |
| Education   | <a href="#">HB 294</a> | Henley       | Remove the prohibition on employees of local school districts taking part in the management or activities of any political campaign for school board         |
| Education   | <a href="#">HB 314</a> | Moore        | Require public post-2ndary institutions to inform students which credits from technical & community colleges will transfer to 4-year schools; more           |
| Education   | <a href="#">HB 324</a> | Hall         | Create 2-year pilot program of grants for high school students in coal counties to participate in dual credit courses up to twelve (12) college credit hours |
| Employment  | <a href="#">HB 205</a> | Riggs        | Silica dust liability: require physical impairment as essential element in a civil action based on exposure; more; apply to pending and future actions       |
| Employment  | <a href="#">SB 52</a>  | Stivers      | Mine safety: require emergency action plans to include telephone numbers of first responders that can provide medical air evacuation; more                   |
| Employment  | <a href="#">SB 56</a>  | Jones        | Workers comp: require use of the 5th edition of AMA guides for disability determinations   |
| Employment  | <a href="#">SB 64</a>  | Jensen       | Require mine ventilation plans to allow for operation of mine ventilation fans in manner prescribed by the Mine Safety and Health Administration             |
| Environment | <a href="#">HB 178</a> | Adkins       | Energy: repeal and re-enact various energy saving provisions; authorize bond funds for 2008-2009 for the Bluegrass Turns Green program                       |
| Environment | <a href="#">HB 285</a> | Adkins       | Establish parameters for tax incentives for a clean coal electrical generation power plant pilot project if federal incentives become available              |
| Environment | <a href="#">SB 63</a>  | Harper Angel | Create electronic scrap recycling program including definitions, manufacturer responsibility, retailer responsibility; more                                  |
| Environment | <a href="#">SB 66</a>  | Boswell      | Include crude oil from tar sands in the definition of "alternative transportation fuels"; set minimum capital investment for facilities                      |
| Environment | <a href="#">SJR 37</a> | Jones        | Direct Environmental Protection Cabinet to promulgate regs requiring Emergency Action Plans for high hazard potential dams                                   |
| Family      | <a href="#">HB 222</a> | Stevens      | Increase the amount in a trust that is eligible for distribution upon petition of the fiduciary from \$25,000 to \$100,000 or less                           |
| Family      | <a href="#">HB 259</a> | Wuchner      | Court appointed special advocate: increase oversight and coordination of local CASA programs; specify  |

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|        |                        |              | records a CASA volunteer may have access to; more   |
| Family | <a href="#">HB 296</a> | Brinkman     | Replace existing interstate compact relating to the child placement with the new Interstate Compact, effective when ratified by 35 states                     |
| Family | <a href="#">SB 68</a>  | Tapp         | Prohibit approval of foster care, relative caregiver services, or adoption by applicant cohabiting with a sexual partner outside of legally valid marriage    |
| Health | <a href="#">HB 190</a> | Brinkman     | Autism: require health policies to provide coverage for the diagnosis and treatment of autism spectrum disorders and related conditions; more                 |
| Health | <a href="#">HB 191</a> | Fischer      | Require a physician to perform an obstetric ultrasound and show images to the woman seeking an abortion   |
| Health | <a href="#">HB 194</a> | Riner        | Require child-care centers to post information on the Kentucky Consumer Product Safety Program and the program's Web site                                     |
| Health | <a href="#">HB 206</a> | Stewart      | Prohibit moving nursing home resident involuntarily from one bed to another if resident has used personal funds to pay for care for 5 or more years           |
| Health | <a href="#">HB 231</a> | Belcher      | Repeal and reenact KRS 202B.070, re duty of individuals with direct care responsibility for residents of ICF/MR to meet specific needs                        |
| Health | <a href="#">HB 253</a> | Moore        | Amend "Good Samaritan" law on emergency care to apply to all persons rendering care without remuneration rather than to named persons                         |
| Health | <a href="#">HB 280</a> | Marzian      | 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="#">HB 288</a> | Marzian      | Allow physician assistants to prescribe Schedules II through V controlled substances if delegated to do so by their supervising physicians                    |
| Health | <a href="#">HB 297</a> | Burch        | Pharmacists: provide enhanced pharmacy-related primary care including authority to issue nonscheduled legend drugs; details                                   |
| Health | <a href="#">HB 318</a> | Rollins      | Require long-term care facilities to post in a conspicuous place the star quality rating assigned them by the CMS Five-Star Quality Rating System             |
| Health | <a href="#">HJR 52</a> | Westrom      | Direct CHFS to estimate the cost of care for dialysis patients who drop private health coverage and transfer to Medicare or Medicaid programs                 |
| Health | <a href="#">SB 54</a>  | Jones        | Autism: require health policies to provide coverage for the diagnosis and treatment of autism spectrum disorders and related conditions; more                 |
| Health | <a href="#">SB 61</a>  | Harper Angel | Require Medicaid to provide smoking cessation treatment interventions for pregnant women  |

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| Health         | <a href="#">SB 65</a>  | Denton  | KASPAR: permit DMS to share data on over prescribing by Medicaid providers with the licensing board or peace officer; limit uses of data; more   |
| Health         | <a href="#">SB 71</a>  | Boswell | Modify Kentucky's partial birth abortion law to mirror the provisions of federal law relating to partial birth abortions                         |
| Health         | <a href="#">SB 74</a>  | Jones   | Autism: require health policies to provide coverage for the diagnosis and treatment of autism spectrum disorders and related conditions; more    |
| Health         | <a href="#">SB 79</a>  | Tori    | Require an ultrasound prior to an abortion; more   |
| Health         | <a href="#">SJR 46</a> | Buford  | Direct CHFS to estimate the cost of care for dialysis patients who drop private health coverage and transfer to Medicare or Medicaid programs    |
| Housing        | <a href="#">HB 199</a> | Burch   | Homeless ID: establish a \$2 charge for the first personal ID issued to a person without a fixed, permanent address                              |
| Housing        | <a href="#">HB 310</a> | Damron  | Require CHFS to adopt mold remediation standards regs; require complaints about remediation companies to be directed to the Attorney General     |
| Motor Vehicles | <a href="#">HB 267</a> | Burch   | Prohibit person under 18 with instruction permit from using a personal telecommunication device while driving, except to summon emergency help   |
| Taxes          | <a href="#">HB 223</a> | Wayne   | Progressive tax bill: establish state EIC at 15% of federal; increase rate over \$75K; apply sales tax to selected services; more                |
| Taxes          | <a href="#">HB 227</a> | Coursey | Require that any anyone who fails to pay school taxes pay the school board's court costs and attorney's fees incurred to collect                 |
| Taxes          | <a href="#">HB 237</a> | Collins | Impose sales and use tax on sale of distilled spirits, wine, and malt beverages not consumed on the premises; increase excise taxes; details     |
| Taxes          | <a href="#">HB 257</a> | Wayne   | Progressive taxes II: impose Kentucky estate tax; enact refundable state Earned Income Credit; details   |
| Taxes          | <a href="#">HB 262</a> | Simpson | Certificates on delinquency: establish a temporary procedure to address issues with the sale of certificates of delinquency for 2009; more       |
| Utilities      | <a href="#">SB 49</a>  | Thayer  | Prohibit charging rates in areas unserved by sanitary sewer system for the conveyance, management, storage, treatment or disposal of storm water |
| Utilities      | <a href="#">SB 51</a>  | Harris  | Give PSC authority to order energy utility to file demand-side management plans and specific management programs and measures; details           |
| Utilities      | <a href="#">SB 55</a>  | Jones   | Include new coal-fired power plants and expansions   |

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|          |                        |         | in the definition of "eligible project" in the Incentives for Energy Independence Act (HB 1)                                       |
| Veterans | <a href="#">HB 232</a> | Belcher | Exempt the estate of anyone eligible for death gratuity benefits, and of any regular member of the Armed Forces, from probate fees |