

## 2009 General Assembly

### The Watch List

*March 15*

This table shows a selective list bills filed in the 2009 General Assembly, including many that have moved forward in the legislative process. Topics include:

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**How to use:** Click on a topic or scroll through the table to find your bills of interest. To view the Legislative Research Commission summary of a bill and a report on its status, click the bill number. To view the text of the bill and of amendments, click the links in the summary.

This chart was compiled by the Kentucky Equal Justice Center. For more information, contact Rich Seckel at [richseckel@kyequaljustice.org](mailto:richseckel@kyequaljustice.org). 859-233-3057. Or view the legislature's own excellent web page: [www.lrc.ky.gov](http://www.lrc.ky.gov).

Topic	Bill #	Sponsor	Summary
Access	<a href="#">HB 145</a>	Yonts	Competency hearings: allow bench trial when parties agree, there is no objection from interested parties, and judge finds no cause to require jury trial
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 487</a>	Fischer	Interest on judgments: except in child support, replace 12 percent interest with the rate provided in KRS 131.183(1); create 6 percent minimum; details
Access	<a href="#">HB 496</a>	Sinnette	Notary public: specify the conditions and procedure for revocation of commission, including lack of legal resident status or fixed place of business
Access	<a href="#">HB 539</a>	Horlander	Notaries public: enact comprehensive statutory scheme with provisions on applications, bonding, privacy, notarial authority, fees, and record keeping
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

Assistance	<a href="#">HB 15</a>	Henley	Create two pilot substance abuse screening programs for public assistance recipients; deny eligibility for use of certain substances or refusal to allow screening
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 143</a>	Stumbo	Declare that the 2009 General Assembly, in an effort to address the projected revenue shortfall, shall modify the current state/executive branch budget
Civil Rights	<a href="#">HB 70</a>	Crenshaw	Constitutional amendment: restore convicted felon right to vote after expiration of probation or maximum sentence
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
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
Comm 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
Comm 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
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
Comm Dev	<a href="#">HB 507</a>	Weston	Establish income tax credit for qualified employers of up to 50 percent of amount paid for tuition and other educational expenses, limited to 2,800 employees
Consumer	<a href="#">HB 83</a>	Glenn	Credit cards on campus: require public post-2ndary institutions to provide new students with information on credit cards and debt management
Consumer	<a href="#">HB 106</a>	Thompson	Mortgage lending: enact new provisions on mortgage loan originators and processors; participate in Nationwide Mortgage Lending Registry; 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 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="#">HB 516</a>	Jenkins	Payday loans II: cap APR at 36 percent; limit to 1 loan at a time and 1 per quarter; ban internet lending; remedies
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 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 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="#">HB 446</a>	Marzian	Death penalty: ban for severely mentally ill; definitions
Corrections	<a href="#">SB 4</a>	Kelly	Require pretrial screening of felony substance abuse offenders and allow testing and treatment as a condition of pretrial release; more
Corrections	<a href="#">HB 490</a>	Burch	Permit CHFS to contract for a therapeutic home as a residential option for substance abuse treatment for adults; require treatment, job training; more
Corrections	<a href="#">SB 26</a>	Stivers	Permit Department of Corrections to operate a Prison Industries Enhancement (PIE) program in which labor of prisoners is leased to private entities; details
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 128</a>	P. Clark	Establish registry of persons against whom charges have been substantiated for adult abuse, neglect, or exploitation
Corrections	<a href="#">SJR 12</a>	Neal	Create a subcommittee of the Interim Joint Committee on Judiciary to study and reform the Kentucky Penal Code
Criminal	<a href="#">HB 138</a>	Jenkins	Require all criminal justice system participants, certain state agencies, the courts, and AOC to participate in a statewide e-warrant system
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="#">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 5</a>	Jones	Establish a per se violation of the DUI statute if the driver has at least a certain amount of a controlled substance in the blood; more
Criminal	<a href="#">SB 189</a>	Worley	Identity theft: add avoiding criminal prosecution as an element of the offense
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 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 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 508</a>	Moberly	Educational assessment: require DOE to implement a comprehensive process to revise academic content standards; details; timelines; testing changes; more
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
Employment	<a href="#">HB 49</a>	Jenkins	Prohibit employers from retaliating against employee who is a crime victim when the employee takes leave to attend proceedings associated with the crime
Employment	<a href="#">HB 119</a>	Hall	EMTs at mines: allow one EMT instead of two if less than 18 employees; more
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 392</a>	Overly	Wage and hour: prohibit misclassification of construction industry employees; presume employee status unless certain factors are met; remedies
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 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 21</a>	Riggs	Allow the use of low-speed electric vehicles on highways with a posted speed limit of 35 miles per hour or less; definitions; more
Environment	<a href="#">HB 81</a>	Yonts	Allow the use of low-speed electric vehicles on highways with a posted speed limit of 45 miles per hour or less; more
Environment	<a href="#">HB 104</a>	Pasley	“Stream saver” bill: provide that no spoil be disposed of in waterways; more
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="#">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="#">HB 537</a>	Adkins	Energy: Create Renewable and Efficiency Portfolio Standard; set goals; create Energy Education workgroup; rework tax credits for biofuels; more
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="#">HCR 141</a>	Thompson	Establish the Kentucky Natural Resource Caucus to support the coal, oil, and natural gas industries
Environment	<a href="#">SB 27</a>	Leeper	Brownfields: establish brownfield redevelopment fund; allow grants and loans to government agencies for actions to restore property to beneficial use
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 22</a>	Crimm	Add promotion of a healthy relationship between the

			child and other custodian or parent as a factor for the consideration of awarding custody of children
Family	<a href="#">HB 28</a>	Owens	Paternity: establish that presumption of paternity is rebuttable; include county where child resides as an appropriate venue in paternity cases; more
Family	<a href="#">HB 48</a>	Jenkins	Include dating partners among the class of persons allowed to obtain domestic violence protective orders; details
Family	<a href="#">HB 146</a>	S. Lee	EPOs and custody: provide that court may only deny visitation if no other reasonable alternative exists to prevent domestic violence
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 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="#">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="#">HB 489</a>	Burch	Child medical support: define "reasonable in cost" and "cash medical support"; require court to order the parent to obtain or maintain coverage
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
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="#">HB 37</a>	Marzian	Allow Governor, when appointing to boards from lists submitted to him, to appoint a male or female so as to achieve as much gender equity as possible
Health	<a href="#">HB 5</a>	Burch	Establish standards for infant audiological assessment and diagnostic centers based on national standards; more
Health	<a href="#">HB 30</a>	Marzian	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="#">HB 54</a>	Damron	Require Kentucky residency for eligibility in Kentucky Access; make clear that individual eligible under another group health plan is not eligible
Health	<a href="#">HB 71</a>	Collins	Kentucky Family Trust Program: allow family and friends to place money in trust for persons with disabilities without affecting public benefits
Health	<a href="#">HB 169</a>	Palumbo	Alzheimer's Disease and Related Disorders: revise membership of Advisory Council; require annual

			report on the activities of Office
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 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 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 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="#">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 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="#">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 6</a>	Stine	Physical activity in schools: implement 30 minutes per day of structured physical activity in K-8; allow structured recess to count
Health	<a href="#">SB 22</a>	Denton	Provide for certification of personal care services agencies; require written personal services plans; more
Health	<a href="#">SB 61</a>	Harper Angel	Require Medicaid to provide smoking cessation treatment interventions for pregnant women
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 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="#">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 6</a>	Burch	Continue the homelessness prevention pilot project to offer discharge planning on a voluntary basis to persons exiting state-operated institutions
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
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
Motor Vehicles	<a href="#">HB 46</a>	Nelson	Prohibit use of a personal communication device by an operator of a motor vehicle who is under the age of 18
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
Taxes	<a href="#">HB 10</a>	Wayne	Create a community rehabilitation tax credit for the amount paid to a nonprofit agency for work performed by individuals who are blind or disabled
Taxes	<a href="#">HB 26</a>	Pullin	Amend KRS 141.0205 to establish a small business tax credit
Taxes	<a href="#">HB 144</a>	Stumbo	“Technical change” in tobacco taxes: amended to increase tobacco excise tax by 30 cents and apply sales tax to package sales of alcohol
Taxes	<a href="#">HB 158</a>	Stumbo	Slots at tracks: provide for licensing, distribution of funds, including problem gamblers fund; eliminate property tax on motor vehicles; more
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 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
Taxes	<a href="#">HB 495</a>	Overly	Tax administration: allow disclosure of information required in the prosecution of any violation of the Kentucky Penal Code or other criminal laws; more
Taxes	<a href="#">HB 503</a>	Farmer	Exclude from adjusted gross income a portion of unemployment compensation received after December 31, 2008
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 89</a>	Owens	Add \$2,000,000 to Low Income Home Energy Assistance Program should it run out of money this winter
Utilities	<a href="#">SB 13</a>	Leeper	Nuclear power: require that facilities have a plan for the storage of nuclear waste rather than a means for permanent disposal
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
Veterans	<a href="#">HB 61</a>	Cherry	Expand state hiring preference for military service; add five or ten preference points to a military-connected individual's examination score; details
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 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