

## 2009 General Assembly

### The Watch List

*February 23*

This table shows bills we are following day-to-day. It includes measures that might affect low-income people and civil legal services practice—plus some that figure prominently in legislative debates. Topics include:

[Access to Justice Assistance](#)  
[Budget](#)  
[Civil Rights](#)  
[Consumer](#)  
[Corrections](#)

[Criminal Law](#)  
[Community Development](#)  
[Education](#)  
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[Environment](#)  
[Family Law](#)

[Health](#)  
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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@prodigy.net. 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 163</a>	Henderson	Allow successful small claims court litigant to elect to have the court collect their court costs and fees from the unsuccessful litigant
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="#">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
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 70</a>	Crenshaw	Constitutional amendment: restore convicted felon right to vote after expiration of probation or maximum sentence
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
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="#">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 446</a>	Marzian	Death penalty: ban for severely mentally ill; definitions
Corrections	<a href="#">SB 128</a>	P. Clark	Establish registry of persons against whom charges have been substantiated for adult abuse, neglect, or exploitation
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="#">SB 189</a>	Worley	Identity theft: add avoiding criminal prosecution as an element of the offense

Education	<a href="#">SB 43</a>	Westwood	Career Pathways Act: create a career and technical education accessibility fund for matching grants to local school districts; more
Employment	<a href="#">HB 33</a>	Marzian	Prohibit wage discrimination on basis of sex, race, or national origin by prohibiting wage differentials for employees who perform equivalent jobs; more
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 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 136</a>	Jones	Wage and hour: prohibit misclassification of construction industry employees; presume employee status unless certain factors are met; remedies
Environment	<a href="#">HB 104</a>	Pasley	“Stream saver” bill: provide that no spoil be disposed of in waterways; more
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 95</a>	Montell	Require the \$25 disbursement fee for child support to be charged to the noncustodial parent
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 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 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 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
Health	<a href="#">HB 7</a>	Burch	Long Term Care facility administrators housekeeping bill: make various changes in definitions and requirements
Health	<a href="#">HB 11</a>	Wuchner	Physical activity in schools: require that school council wellness policies provide for equivalent of at least 30 minutes of physical activity; details
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 99</a>	Hall	Allow optometrists and physicians with valid licenses from other states to provide charitable health care services in Kentucky; details
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 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 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 403</a>	Combs	Allow optometrists to practice outside their offices for charitable purposes
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 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
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="#">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 171</a>	Tapp	Youth smoking: prohibit persons from giving or buying cigarettes or tobacco products for minors; more
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 176</a>	Osborne	Theft by deception: include issuance of cold check for the lease, rent, or purchase of property, or for payment to an auction escrow account
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 379</a>	Miller	Establish a fee not to exceed \$150 for inspection of installation of new manufactured homes
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 134</a>	S. Lee	Require verification of employment eligibility of state contractor employees using federal work authorization program if available; details; penalties
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
Taxes	<a href="#">HB 144</a>	Stumbo	Increase tobacco tax to 60 cents; subject package sales of alcohol to 6 percent sales tax; more
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 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="#">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 51</a>	Harris	Give PSC authority to order energy utility to file demand-side management plans and specific management programs and measures; details