

## 2011 General Assembly

### New Bills of Interest

*February 1-4*

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

- [HB 304](#) Reduce SOL for deficiency on foreclosure from 15 years to 1
- [HB 305](#) Reallocate Medicaid funds from FY12 to FY11 to draw enhanced match
- [HB 318](#) Progressive tax reform: tax certain services; adopt state EIC; more
- [SB 104](#) Workers' comp: allow attorney's fees for medical fee dispute

**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 to date, view the legislature's own excellent web page: [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="#">SB 87</a>	Carroll	Increase District Court jurisdictional amount from \$4,000 to \$7,500 and small claims jurisdiction from \$1,500 to \$3,000 for claims and counterclaims
Civil Rights	<a href="#">SB 98</a>	Stein	Amend Kentucky's civil rights chapter to prohibit discrimination based on sexual orientation and gender identity; apply to employment, housing, more
Comm Dev	<a href="#">HB 310</a>	Damron	Expand application of tax increment financing to mixed-use projects located in research park owned by public university or within 3 miles of military base
Comm Dev	<a href="#">HB 331</a>	Kerr	Modify the process and standards for business filings with the Secretary of State; address the usage of indistinguishable names; more
Comm Dev	<a href="#">HB 340</a>	Adkins	Expand types of alternative and renewable energy qualifying for incentives from Kentucky alternative fuel and renewable energy fund
Comm Dev	<a href="#">SB 96</a>	Pendleton	Expand tax increment financing to mixed-use development projects that are both within three miles of the border and three miles of a military base
Consumer	<a href="#">HB 249</a>	Riggs	Require insurers to issue payment for authorized claims, when a motor vehicle is subject to a lien, directly to the vehicle repair facility; more

Consumer	<a href="#">HB 304</a>	Bratcher	Reduce SOL for action on a deficiency judgment after a foreclosure sale of real estate from 15 years to one year; require notice; details
Consumer	<a href="#">HB 309</a>	Damron	Require life insurers to disclose all payment options available upon distribution of anything other than a lump-sum payment; details
Consumer	<a href="#">HB 334</a>	Denham	Authorize payment of premiums for employee group life insurance policy entirely by insured employees; allow groups other than employee groups; details
Corrections	<a href="#">HB 232</a>	Owens	Misdemeanor record expungement: remove requirement that offenses arise from same incident when multiple offenses are sought to be expunged
Corrections	<a href="#">HB 233</a>	Jenkins	Require the Administrative Office of the Courts to publish a Web site containing specific information concerning persons convicted of criminal conduct
Corrections	<a href="#">HB 240</a>	Simpson	Provide that conviction of felony sex offense operates as application for restraining order unless victim requests otherwise; details
Corrections	<a href="#">HB 246</a>	Simpson	Expungement: allow for Class D felonies; begin 5-year wait for misdemeanor expungement at time of adjudication; allow firearms possession; more
Corrections	<a href="#">HB 274</a>	Owens	Death penalty: prohibit the execution of a severely mentally ill defendant; definitions
Corrections	<a href="#">HB 292</a>	Burch	Abolish death penalty; require court with jurisdiction to convert existing sentence to imprisonment for life without benefit of probation or parole
Criminal	<a href="#">HB 227</a>	Cherry	Provide that any person may request a State Police background check on themselves through a name-based or fingerprint-supported search
Criminal	<a href="#">HB 235</a>	Jenkins	Require defendant, after a finding of probable cause and upon the request of the victim, to undergo a human immunodeficiency virus test; details
Criminal	<a href="#">SB 101</a>	Denton	Replace “encounter” with “required police action” re interactions of police and persons with mental illness, mental retardation, dual diagnosis, etc.
Education	<a href="#">HB 273</a>	Marzian	Require DOE to promulgate regs to implement and administer a sex education program and set education and training qualifications for sex ed teachers; details
Education	<a href="#">HB 297</a>	Bratcher	Allow peace officer to release truant child to child's school; allow officer to detain child if school not in session
Education	<a href="#">SB 85</a>	Stein	Require science-based content and age appropriate standards for human sexuality education; allow parent to excuse a child, view materials upon request
Education	<a href="#">SB 86</a>	Carroll	Require Board of Ed to establish elective social

			studies course on Hebrew Scriptures, Old Testament, New Testament, or combo; allow districts to offer
Employment	<a href="#">HB 248</a>	Riggs	Silica exposure: require physical impairment as essential element in a civil action based on exposure; more
Employment	<a href="#">HB 269</a>	Nelson	Designate the third week of August as Coal Miners Appreciation Week
Employment	<a href="#">HB 298</a>	Nelson	Set forth safety requirements for railroad employee contract carriers with regard to the transporting of railroad employees
Employment	<a href="#">HB 314</a>	Coursey	Prohibit commissioner of parks from contracting with person or corporation to accomplish the duties and functions being carried out by state park employees
Employment	<a href="#">HB 327</a>	Moore	Increase the exemption threshold from \$250,000 to \$1,000,000 for prevailing wage construction projects
Employment	<a href="#">HB 339</a>	Horlander	Prevent worker from receiving UI in successive benefit years unless the worker has returned to work and earned 5 times his/her weekly benefit rate
Employment	<a href="#">HB 343</a>	Moore	Prohibit disqualification for unemployment benefits for a worker who leaves a job to follow a military spouse who has been reassigned; 100 mile threshold
Employment	<a href="#">HB 345</a>	Moore	“Right to work:” prohibit requirement of membership or financial support of a labor organization as a condition of employment
Employment	<a href="#">SB 104</a>	Buford	Workers’ comp: recognize temporary partial disability benefits; allow attorney's fees for medical fee disputes decided in favor of claimant; more
Environment	<a href="#">HB 237</a>	Jenkins	Coal Combustion Residual: require disposal of CCRs as solid waste or in impoundments permitted by the Energy and Environment cabinet; details
Environment	<a href="#">HB 253</a>	Rudy	Exempt property owners who extract and transport sand and gravel over own land from requirement of surface mining permit even if crossing a public road
Environment	<a href="#">HB 259</a>	Yonts	Direct Energy and Environment Cabinet to seek one to five projects demonstrating injection of carbon dioxide into geologic storage; details
Environment	<a href="#">HB 270</a>	Richards	Require railroad bridge located over body of water to be maintained by railroad company to prevent flaking of paint into the water; fines of \$1000 per day
Environment	<a href="#">HCR 89</a>	Marzian	Urge Congress to make a series of amendments to the Toxic Substances Control Act of 1976; details
Environment	<a href="#">HJR 49</a>	Fischer	Prohibit enforcement and enactment of restrictions on carbon dioxide emissions by all agencies and political

			subdivisions of state and local government
Environment	<a href="#">HJR 90</a>	Steele	Direct Dept of Fish and Wildlife Resources to enter into new contract with Army Corps of Engineers to amend criteria for in-lieu-fee mitigation projects
Family	<a href="#">HB 254</a>	Graham	Make orders of protection required training subject for law enforcement basic training and 2-year certified peace officers training
Family	<a href="#">HB 323</a>	Burch	Establish a preliminary license for licensed child-care centers and a preliminary certificate of operation for certified family child-care homes
Family	<a href="#">HB 342</a>	Combs	Allow a bank or trust company of a another state to be appointed as fiduciary for matters of descent, will, and administration; provide for reciprocity; more
Family	<a href="#">HB 346</a>	Combs	Establish authority for CHFS to identify and take action against financial accounts of parents who fail to pay child support; set up data match system
Family	<a href="#">HCR 42</a>	Jenkins	Create Task Force on Children Exposed to and Affected by Domestic Violence; require report by 12-31-11
Family	<a href="#">SB 105</a>	Denton	Require a child-care center to have a written plan for evacuation in the event of fire, natural disaster, or other threatening situation
Government	<a href="#">SB 100</a>	Denton	Establish Kentucky Board of Health and Family Services to provide oversight and accountability for duties of cabinet and to employ the cabinet secretary
Health	<a href="#">HB 230</a>	Keene	Require that a health benefit plan that includes chiropractic benefits shall not impose a co-payment exceeding 50%; details
Health	<a href="#">HB 234</a>	Embry	Require nurses to receive two hours of training concerning the recognition and treatment of complex regional pain syndrome; definition; details
Health	<a href="#">HB 241</a>	Marzian	Permit physician assistants to prescribe drugs and medical devices as delegated by supervising physician, including schedules II to V
Health	<a href="#">HB 243</a>	Fischer	Require that a minor who petitions a court for permission to obtain an abortion be a Kentucky resident
Health	<a href="#">HB 255</a>	Simpson	Allow an income tax exclusion for health insurance premiums that are deductible pursuant to federal legislation enacted during 2010
Health	<a href="#">HB 264</a>	J. Lee	Medicaid: establish Technical Advisory Committees on Behavioral Health, Children's Health and the Intellectual and Developmental Disabilities
Health	<a href="#">HB 265</a>	J. Lee	Require Department for Medicaid Services to assign contract oversight duties and establish required expertise of personnel, including managed care

Health	<a href="#">HB 280</a>	Richards	Allow an income tax exclusion for health insurance premiums that are deductible pursuant to federal legislation enacted during 2010
Health	<a href="#">HB 281</a>	Belcher	Require Rx for pseudoephedrine and related substances; prohibit dispensing more than 9 grams in 30 days; more
Health	<a href="#">HB 282</a>	Hall	Delete requirement for advanced practice registered nurse to enter collaborative agreement with physician before prescribing nonscheduled legend drugs
Health	<a href="#">HB 283</a>	Rollins	Provide that if a student has an IEP and the nature of a disability may necessitate school absences or tardiness, the student shall not be reported as truant
Health	<a href="#">HB 285</a>	Moore	Prohibit General Assembly from requiring any individual to participate in any health care system or plan; direct AG to defend provision; more
Health	<a href="#">HB 291</a>	Burch	Health facility acquired infections: require each facility to implement infection prevention program; require use of best practices; require reporting
Health	<a href="#">HB 295</a>	Yonts	Require Office of Drug Control Policy to institute a Precursor Block List as a part of KY Electronic Methamphetamine Precursor Tracking system
Health	<a href="#">HB 296</a>	Palumbo	EMS: re-enact various statutes to establish types and levels of certification or licensure for emergency medical services personnel; more
Health	<a href="#">HB 305</a>	Rand	Amend executive branch budget to reallocate funds from fiscal year 2011-2012 to fiscal year 2010-2011 for Medicaid and Postsecondary Institutions
Health	<a href="#">HB 311</a>	Damron	Permit electronic prescriptions for methamphetamine and Schedule II controlled substances
Health	<a href="#">HB 325</a>	Denham	Provide that a dental plan shall not require a participating dentist to provide non-covered services at a fee set by or subject to the dental plan
Health	<a href="#">HB 335</a>	Marzian	Nursing homes: establish Civil Monetary Penalty Fund Advisory Committee, including membership and duties
Health	<a href="#">HB 337</a>	Rollins	Require staff-to-resident ratios in long-term care facilities as a condition of licensure; prohibit new admissions if facility is understaffed
Health	<a href="#">HB 338</a>	Watkins	Prohibit people under the age of 14 from using a tanning device
Health	<a href="#">HCR 45</a>	Decesare	Urge Congress to repeal the individual health insurance mandate; more
Health	<a href="#">HCR 94</a>	Glenn	Establish Kentucky Cancer Survivors and Friends

			Caucus to address quality-of-life issues for cancer survivors
Health	<a href="#">SB 88</a>	Jones	Require prescribers of schedule II or III controlled substances to search with KY electronic monitoring system and, if possible, bordering state systems
Health	<a href="#">SB 90</a>	Jones	Nursing homes: establish Civil Monetary Penalty Fund Advisory Committee, including membership and duties
Health	<a href="#">SB 91</a>	Jones	Require staff-to-resident ratios in long-term care facilities as a condition of licensure; prohibit new admissions if facility is understaffed
Health	<a href="#">SB 102</a>	Denton	202A: permit qualified mental health professionals to conduct an evaluation or examination using telehealth services
Health	<a href="#">SB 106</a>	Rhoads	Require Office of Drug Control Policy to institute a Precursor Block List as a part of the KY Electronic Methamphetamine Precursor Tracking system
Health	<a href="#">SB 107</a>	Buford	Establish Office of Autism Spectrum Disorders and related Council
Health	<a href="#">SJR 61</a>	Westwood	Direct CHFS to update State Health Plan to allow for access to Level IIIA neonatal care on a regional basis as recommended by Kentucky Hospital Association
Health	<a href="#">SR 71</a>	Shaughnessy	Urge owners of Passport Health Plan to escrow funds in amounts equal to those received in cash distributions during 2008 and 2009
Housing	<a href="#">HB 226</a>	Wayne	Recognize local government authority to adopt more stringent fire safety provisions in accordance with codes of National Fire Protection Association
Housing	<a href="#">HB 247</a>	Riggs	Provide for certification and regulation of radon measurement contractors, mitigation contractors and radon laboratories
Housing	<a href="#">HB 250</a>	Koenig	Board of home inspectors: clarify prohibition on unlicensed inspection; require board to specify license criteria in regulation; more
Housing	<a href="#">HB 256</a>	Denham	KY Housing Corp: define “area median income;” redefine “families of lower and moderate income” to mean income less than 200% of area median income
Housing	<a href="#">HB 260</a>	Riner	Define assistance animal to include a dog and a cat for purposes of housing, transportation; public accommodations, etc.
Housing	<a href="#">HB 288</a>	Westrom	Kentucky Appraisal Management Company Registration Act: require registration of real estate appraisal management companies; details
Housing	<a href="#">HB 321</a>	Edmonds	Require notice of appeal rights on civil actions of the planning commission in counties containing a city of

			the first class; more
Housing	<a href="#">HB 324</a>	Rand	Declare that property valuation administrators may use a variety of identified valuation methods to determine fair cash value
Immigration	<a href="#">HCR 99</a>	Meeks	Affirm support for comprehensive federal immigration reform
Taxes	<a href="#">HB 244</a>	Ford	Property tax: allow disabled individual to document disability at time of application for homestead exemption and not be required to apply annually
Taxes	<a href="#">HB 307</a>	Thompson	Expand tax credit allowed for certain limestone sold in interstate commerce; allow a credit for similar taxes paid to another state; amend definitions
Taxes	<a href="#">HB 318</a>	Wayne	Progressive reform: raise tobacco tax; decouple from federal estate tax; apply sales tax to select services; adopt state Earned Income Credit; change rates; more
Utilities	<a href="#">HB 239</a>	Marzian	Energy efficiency: set goals for diversification of sources; provide for weatherization; allow PSC to reject utility expansions if standards not met
Utilities	<a href="#">HB 312</a>	Damron	Grant sewer bodies the power to suspend water services for failure to pay sewer charges; more; details
Utilities	<a href="#">HB 330</a>	Stacy	Abandoned utilities: allow PSC to petition for receivership; require notice to PSC if loss of supplier will prevent provision of service
Utilities	<a href="#">SB 80</a>	Jones	Abandoned utilities: allow PSC to petition for receivership; require notice to PSC if loss of supplier will prevent provision of service
Veterans	<a href="#">HB 336</a>	Pullin	Permit public universities to set tuition rates for non-Kentucky students who are veterans at rate no greater than the maximum for a Kentucky resident