

2012 General Assembly

Top Bills of Interest

Through Filing Deadline

This table shows selected bills filed in the 2012 General Assembly to date. It includes measures that might affect low-income people and communities and some that simply figure prominently in this year's legislative debates. It is organized by topics, as follows:

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

[Employment](#)
[Environment](#)
[Family](#)
[Government](#)
[Health](#)
[Housing](#)

[Immigration](#)
[Juvenile Law](#)
[Public Assistance](#)
[Taxes](#)
[Utilities](#)

How to use: To jump to a topic, click on the links above. 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 website: 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.

Topic	Bill #	Sponsor	Summary
Access	HB 354	Burch	Require physician to be certified before testifying as an expert witness; details
Access	HB 496	Bell	Open records: exclude goods or services under contract obtained through public procurement from determination of whether an entity is a public agency
Access	HB 516	Simpson	Define “notify” and “notification” to mean any form of written communication, including electronic mail, except in cases involving legal rights
Access	HB 521	Thompson	Require state agencies to use USPS or commercial certified or registered mail for correspondence relating to legal rights; permit email for other matters
Access	HB 535	Waide	Constitutional amendment: authorize General Assembly to establish a review panel for professional malpractice claims; details
Budget	HB 265	Rand	The Executive Budget

Civil Rights	HB 70	Crenshaw	Constitutional amendment: allow persons convicted of a felony to vote after expiration of sentence; exceptions for intentional killing, sex crimes; details
Civil Rights	HB 111	Combs	Provide that attorney in fact shall not have right to waive principal's civil or constitutional rights or restrict freedom
Consumer	HB 62	Horlander	Require a mortgage holder to file a deed in lieu of foreclosure with the county clerk within 30 days of execution
Consumer	HB 88	Bell	Expand the circumstances under which an arbitration agreement may be found invalid or inapplicable
Consumer	HB 142	Bratcher	Provide that actions to recover deficiency judgments resulting from foreclosure must be brought within 2 years of foreclosure sale
Consumer	HB 332	Owens	Payday loan bill: limit APR to 36%; provide remedies for violations
Consumer	HB 362	Smart	Create Asset Resolution Corporation connected to KY Higher Ed Student Loan Corp to provide “debt resolution services” for student loan debt
Consumer	HB 363	Denham	Allow local governments to collect solid waste taxes and fees through Department of Revenue; allow 20% add on; allow offset by money owed debtor
Consumer	HB 365	Denham	Allow KY Higher Ed Student Loan Corp to establish administrative garnishment; limit to 10% of disposable pay
Consumer	HB 373	<u>Riggs</u>	Change advertising requirements for delinquent taxes; require internet web site for each county, 1 newspaper ad; raise clerk fee by \$1
Consumer	HB 389	Edmonds	Mobiles homes: provide that title lien statement and notation of lien on certificate of title may be filed in county of debtor, creditor or location of home
Consumer	HB 401	Stumbo	Kentucky False Claims act: create civil liability and penalties for committing fraud against state; allow AG or private citizens to sue; Medicaid provisions
Consumer	HB 417	<u>Greer</u>	Motor vehicle retail installment act: include more fees and services in cash price; increase attorneys’ fees and late fees
Consumer	HB 503	Combs	Price discrimination by location: in case of motor fuel, remove requirement that discrimination be for purpose of destroying competition
Consumer	HB 533	Thompson	Prohibit private transfer fees in real property transactions; require conspicuous notice of fees and obligations in contracts for purchase of real estate
Consumer	HB 545	Simpson	Property tax liens: require 3 rd party purchaser to

			notify homeowner of payment plan option; allow processing fee; more
Consumer	HB 560	Combs	Allow Attorney General to recover expert witness fees when intervening on behalf of consumers' interest before a quasi-judicial or rate-making body
Consumer	SB 97	Carpenter	Amend definition of "high-cost home loan"; transfer \$6 of lien recording fees to affordable housing trust fund; create online tax lien database
Corrections	HB 138	Simpson	Expungement: allow a felony record to be expunged under specified circumstances; change waiting period for misdemeanor expungement; details
Corrections	HB 145	Owens	Death penalty: prohibit execution of a severely mentally ill defendant
Corrections	HCR 173	Crenshaw	Create Death Penalty Reform Implementation Task Force to develop a strategy to implement reforms recommended by ABA's Kentucky assessment
Corrections	SB 185	R. Jones	Expungement: allow for Class D felonies; exceptions; details
Corrections	SB 216	R. Jones	Expungement: specify procedures in criminal expungement cases; make conforming amendments; provide for disposition of fees; more
Corrections	SCR 190	Neal	Establish task force to study costs of administering death penalty in Kentucky in all phases of the criminal justice system
Education	HB 216	Greer	Dropout prevention: raise age for compulsory attendance to 17 by 2016, 18 by 2017; delete counseling provision
Education	HB 308	Rollins	Abolish the Kentucky Board for Proprietary Education and create the Kentucky Commission on Proprietary Education; details
Employment	HB 270	Greer	Workers' comp: allow employer to recover indemnity plus medical and attorneys fees from liable third party
Employment	HB 291	Decesare	Start the 18 days for wage payment on the last day of the pay period, instead of requiring payment no more than 18 days after work begins
Employment	HB 350	Overly	Human trafficking: create victims fund; require asset forfeiture by offenders; create offense of theft of labor by force or threat; create civil cause of action
Employment	HB 355	Yonts	Clarify that the 18 day time period for wage payment begins on the last day of the pay period
Employment	HB 385	Gooch	Mine safety and drug testing: establish notice and appeal rights for failure of alcohol or drug test

			required for certification or licensing; details
Employment	HB 414	J. Lee	Prohibit disqualification of worker who leaves job to follow military spouse who has been reassigned; 100 mile threshold
Employment	HB 495	Clark	Require interest on federal UI loans be paid from the UI administration fund; assess a surcharge on employers if needed; details
Employment	SB 23	Higdon	Establish substance abuse screening program for adults receiving vocational education training
Employment	SB 77	Schickel	Misclassification: stipulate that prime contractor is not responsible for subcontractor's misclassification of independent contractors as employees; more
Employment	SB 149	Buford	Workers' comp: recognize temporary partial disability benefits; allow attorney's fees for medical fee disputes decided in favor of claimant; more
Employment	SB 167	Givens	UI: provide that interest payments due in next FY on federal loans shall be paid from general fund surplus or budget reserve trust fund if otherwise unpaid
Environment	HB 231	Wayne	Stream saver bill: require coal mine permittees to dispose of remaining overburden in mined area; prohibit disposal in streams; more
Environment	HB 246	Adkins	Expand types of alternative and renewable energy qualifying for incentives from Kentucky alternative fuel and renewable energy fund
Environment	HB 465	Nesler	Brownfields Redevelopment Program: establish program; extend nonliability of property owners to the extent of corrective action; more
Environment	HB 559	Adkins	Allow nuclear-based technologies if electricity is not primary output of including recycling of spent nuclear fuels, nuclear-assisted gas conversion
Family	HB 179	Bell	Allow a DVO to require that additional services be provided by CHFS to a child exposed to domestic violence; expand definition of "reasonable efforts"
Family	HB 186	Jenkins	Include dating partners who are 18 years of age or older among the class of persons allowed to obtain domestic violence protective orders
Family	HB 200	Westrom	Establish statewide child fatality and near fatality external review panel; make data on reports and investigations available to the public; details
Family	HB 239	Westrom	Request Supreme Court to create pilot project in each Supreme Court District for opening of abuse, neglect and dependency proceedings; more
Family	HB 264	Westrom	Separate definitions of "abused" and "neglected" child; require CHFS to participate in investigation of alleged abuse by family member or paramour

Family	HB 364	Yonts	Out of home child placement: conduct study of child welfare delivery; provide “gatekeeper” to assess level of care and conduct utilization review; more
Family	HB 456	York	Allow foster parents to have same right to attend court proceedings about foster child as parent or guardian
Family	HB 519	Nemes	Expand definition of an abused child to include a child who is sexually abused, exploited, or subjected to prostitution by any person
Family	SB 44	Harper Angel	Include persons in dating relationships within the coverage of Kentucky's domestic violence laws
Family	SB 57	Denton	Require Cabinet for Health and Family Services to provide on their Web site downloadable forms pertaining to divorces
Family	SB 139	Denton	Require establishment of state child fatality review team
Family	SB 140	Denton	Promote concept of 1-family-1-judge; require circuit clerk, during family division realignment, to maintain 1-family-1-judge relationship to extent possible
Family	SB 142	Wilson	Allow a DVO to require that additional services be provided by CHFS to a child exposed to domestic violence; expand definition of “reasonable efforts”
Government	SB 8	Hornback	Require that any administrative body established by executive order shall expire 180 days after the end of the term of office of the Governor; require reports
Health	HB 4	Stumbo	Rx drug abuse: require KASPER tracking; specify duties of AG; require professional license to operate pain clinic; allow anonymous complaints; more
Health	HB 51	Glenn	Medicaid fraud: establish civil mechanism for recovery of false or fraudulent claims; authorize private litigants to bring claims in name of state
Health	HB 55	Glenn	Colon cancer screening: require Department for Public Health to adopt schedule of income-based fees for screening; appropriation
Health	HB 68	Belcher	Childhood obesity: require 45 minutes per week of physical activity in half day K and 90 minutes in full day K-5; enhance required reporting
Health	HB 262	Greer	Set Medicaid managed care drug copayments at \$1, \$2 and \$3; include Medicaid managed care under access standards for other managed care plans; more
Health	HB 289	Westrom	Smoke Free Kentucky: prohibit smoking in indoor workplaces and places of business
Health	HB 307	Mills	Require an individual to be examined and assessed

			by a medical professional prior to admission to a personal-care home
Health	HB 313	Marzian	Require Department for Medicaid Services to reimburse community mental health centers 100 percent of allowable costs for Medicaid services
Health	HB 339	Moore	Prohibit requiring any individual to participate in any health care system; direct the AG of Kentucky to initiate legal proceedings
Health	HB 361	Henley	Establish medical review panel for use in civil litigation relating to long-term-care facilities; provide for utilization of panel results; details
Health	HB 494	Rollins	Require each school council to create a Coordinated School Health Committee; require wellness policy to include daily physical activity program
Health	HB 530	Marzian	Establish Home and Community Based Behavioral Health Services Advisory Committee including membership and duties
Health	HB 540	Jenkins	Medicaid managed care Rx: grandfather in pre-MCO Rxs; require regs on formularies; require response to a prior authorization request within two days; more
Health	HB 549	Tilley	Establish an employer wellness project tax credit; requiring CHFS to develop project model; require a certification for employer-provided programs
Health	HB 565	Wuchner	Physical activity in school: require DOE to identify model programs, provide resources and assessment tools and develop a checklist for reporting activity
Health	HB 566	Thompson	Medicaid MCO consumer protections: require written notice of covered services, grievance and appeals process with criteria for expedited review
Health	SB 76	Shaughnessy	Medicaid transparency: require Medicaid managed care companies to prepare annual report on expenditures; amend open records exemptions
Health	SB 85	Denton	“One free copy:” limit to medical records provided directly to patient; allow charges to authorized rep for first copy up to \$1 per page
Health	SB 114	Denton	Establish step therapy or fail-first protocol limitations; require override of restriction if based on sound clinical evidence
Health	SB 115	Higdon	Require an individual to be examined and assessed by a medical professional prior to admission to a personal-care home
Health	SB 133	Stine	“Complete streets:” require consideration of bicycle and pedestrian ways in planning and development of transportation facilities
Health	SB 137	Denton	Set Medicaid managed care drug copayments at \$1, \$2 and \$3; exempt Passport; require MCOs to

			contract with individual pharmacies; more
Health	SB 147	Denton	Require DMS or Medicaid MCO to contract directly with IMPACT Plus Program service providers; set out appeal rights for contract termination
Health	SB 217	Buford	Permit completion of medical order for scope of treatment directing medical interventions in life prolonging situations; provide for standardized orders
Health	SB 220	Stine	Require Medicaid Services to conduct face-to-face interviews for all new applicants and for renewal of Medicaid; provide for CHFS "data warehouse"
Housing	HB 396	<u>Tilley</u>	Expedited sale: allow property to be sold in foreclosure within 60 days after finding that it is vacant or abandoned for 45 days; details
Housing	HB 397	Edmonds	Manufactured homes: exempt from sales tax the retail sale of a pre-owned home or 50% of the gross receipts from the sale of new home
Immigration	HB 5	Damron	E-Verify: require public contractors and agencies to use; create complaint mechanism and penalties for contractors hiring unauthorized aliens
Immigration	HB 58	Montell	E-Verify: require public contractors and entities with 11 or more workers to use E-verify; prohibit hiring unauthorized aliens under public contract; penalties
Immigration	HB 78	S. Lee	Require law enforcement agencies and correctional facilities and jails to participate in the ICE "Secure Communities" program; details
Immigration	HB 118	S. Lee	Require agency that issues license to suspend it if a person hires an unauthorized alien (six months for each unauthorized alien employed); details
Immigration	HB 183	Richards	Permit local boards of education to enroll refugees and legal aliens in four year high school programs even if their age will exceed 21 upon graduation
Immigration	HB 195	S. Lee	Require applicant for vehicle title and registration to present valid KY operator's license, personal ID card, or other proof of U.S. citizenship or legal presence
Immigration	HCR 147	McKee	Urge reform of federal H-2A program to make it more efficient, reliable, economical, and user-friendly in serving its intended purposes
Immigration	SB 118	Wilson	Require applicants for public benefits to present a verifiable document or an affidavit verifying legal presence in U.S.; details re drivers license
Juvenile	HB 61	Flood	Status offenders: restrict secure detention; clarify contents necessary in dispositional reports; more
Juvenile	HB 143	Owens	Establish minimum age of criminal responsibility and provide alternative treatment

Juvenile	HB 475	Yonts	Status offenders: restrict secure detention of status offenders until after an adjudication hearing in which full due process is provided; more
Juvenile	HCR 129	Tilley	Task Force on Unified Juvenile Code: study status offenses, community resources, alternatives to detention, age of criminal responsibility; more
Public Assistance	HB 26	Napier	Require substance abuse testing for applicants and recipients of public assistance if caseworker suspects abuse; details
Public Assistance	HB 105	Nelson	Food stamp photo ID: require at the initial eligibility interview; require a government-issued photo ID card to use food stamps at stores; penalties
Taxes	HB 120	Farmer	Tax reform: extend sales tax to selected services and lower the rate; eliminate corporate income tax; expand base and lower rate for individual income tax
Taxes	HB 127	Wayne	Progressive tax reform: decouple KY estate tax from fed; enact refundable state EIC; impose sales tax on some services; adjust income tax rates; more
Utilities	HB 187	Wayne	Expand eligibility requirements for net metering (counting electricity generated by an eligible customer-generator)
Utilities	HB 399	Thompson	Require PSC to set interest rates paid by utilities annually; change rate on security deposits from 6% to an average of treasury rates in 3 months each year
Utilities	SB 135	Hornback	Eliminate PSC jurisdiction over rates for basic phone service after 60 months; limit ability to investigate telecom issues on its own motion; more re rates
Utilities	SB 150	Buford	Grant sewer bodies the power to suspend water services for failure to pay sewer charges; details