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KENTUCKY FARM BUREAU  
FEDERATION  
9201 BUNSEN PARKWAY  
P.O. BOX 20700  
LOUISVILLE, KY 40250-0700  
PHONE: 502.495.5121  
FAX: 502.495.5114  
WEB: kyfb.com

April 28, 2010

**LEGISLATIVE REPORT #13 – FINAL REPORT**

**SUMMARY OF LEGISLATIVE ACTIVITIES DURING THE 2010 KENTUCKY  
GENERAL ASSEMBLY**

The 2010 session of the General Assembly adjourned Sine Die Thursday, April 15, 2010 until January 4, 2011. A total of 826 bills and 571 resolutions were introduced during the 2010 session. Legislation passed this session will become law July 15, 2010, bills which contained an emergency clause became law upon Governor Beshear's signature.

The 2010 session ended without a state budget being passed, this impasse will require Governor Beshear to call the General Assembly into a special session sometime in May or June to pass a budget. Without the passage of a state budget prior to July 1, 2010, some state government services will be forced to shutdown.

Kentucky Farm Bureau was involved in many pieces of legislation this session supporting, opposing, or monitoring bills. We were able to secure passage of one of our priority issues this year, when the Livestock Care Standards Commission legislation was signed into law on April 12, 2010. We were also able to protect many of our other priority issues, like our policy on property taxes, our opposition to the reinstatement of Kentucky's estate tax, and private property rights.

The Public Affairs staff would like to express our sincere appreciation to all of those who responded to our Legislative Action Request concerning various issues each week. The success of implementing your policy depends on the continued involvement and efforts of county Farm Bureau leaders and members. Please accept our thanks for your assistance in making this years session a success for Kentucky Farm Bureau. If you have questions concerning any legislation, please contact the Kentucky Farm Bureau Public Affairs staff at 502.495.5121 or the Legislative Research Commission in Frankfort at 502.564.8100. You may also email your questions to Jeff Harper at [Jeff.Harper@kyfb.com](mailto:Jeff.Harper@kyfb.com).

The following is a detailed report summarizing many of the bills and resolutions in which Kentucky Farm Bureau was involved:

## BILLS FARM BUREAU SUPPORTED THAT PASSED

### [HB 398 – Representatives T. McKee, R. Adams, R. Crimm, M. Denham, C. Hoffman, D. Pasley, K. Stevens, W. Stone, S. Westrom – AN ACT relating to agriculture.](#)

This bill created new sections of KRS Chapter 257 to establish the Kentucky Equine Health and Welfare Council. The council is prohibited from abrogating the authority of the Kentucky Horse Racing Authority, the Kentucky Board of Veterinary Examiners, or the Kentucky Livestock Care Standards Commission.

This bill also created the Kentucky Livestock Care Standards Commission (**SB 105**). The Commission will consist of 16 members that will make recommendations to the State Board of Agriculture to promulgate the regulations for on-farm livestock and poultry care. However, the key provision of the bill is the Board of Agriculture shall not establish, maintain, or revise on-farm livestock and poultry care standards without a recommendation by the Livestock Care Standards Commission. This bill also has a preemption clause for local governments, which will prohibit them from enacting more stringent regulations for on-farm livestock and poultry care than is recommended by the commission.

#### **Farm Bureau Policy:**

*“We support the creation of a Kentucky Livestock Care Standards Board to establish livestock care guidelines for producers.”*

*“We support legislation preempting local governments from establishing animal care standards.”*

### [SB 85 – Senator D. Givens – AN ACT relating to the Kentucky Milk Commission.](#)

This bill codified the Governor’s Executive Order by adding a representative from Kentucky Farm Bureau to the Kentucky Milk Commission.

#### **Farm Bureau Policy:**

*“We support the efforts of the Kentucky Milk Commission Board to study Kentucky dairy equity issues, especially items pertaining to the transportation of milk.”*

### [HB 486 – Representative T. McKee – AN ACT relating to agriculture.](#)

This bill amended KRS 413.072 to set statutory parameters to determine what constitutes sustainable agriculture. It requires that further definition of this term be based on sound science and consider a wide range of factors including increased production needed to meet the country’s growing demand for a safe and affordable food supply.

It also expands the bill’s scope to include administrative regulations that establish standards for the production and harvesting of agricultural products by requiring that they too be based on these principles and allow the use of BMPs (best management practices) developed under the Ag Water Quality Act.

#### **Farm Bureau Policy:**

*“We recommend the use of agricultural water quality plans as the basis for environmental quality compliance.”*

[HR 132 – Representatives J. Gooch Jr., K. Hall, R. Adkins, J. Arnold Jr., E. Ballard, H. Collins, L. Combs, W. Coursey, J. DeCesare, T. Edmonds, J. Fischer, D. Ford, J. Glenn, R. Henderson, M. Henley, T. McKee, C. Miller, T. Moore, L. Napier, R. Nelson, M. Rader, K. Sinnette, J. Stacy, F. Steele, J. Stewart III, W. Stone, G. Stumbo, T. Thompson, S. Westrom, B. Yonts.](#)

This resolution encourages Congress to adopt legislation postponing the United States Environmental Protection Agency's regulation of greenhouse gas emissions from stationary sources until an approach which does not cripple the economy is adopted.

**Farm Bureau Policy:**

*“We oppose mandatory air quality standards for ozone, greenhouse gases, and particulate matter on farmers and agricultural businesses.”*

[SB 132 – Senators K. Stine, E. Harris, J. Schickel – AN ACT relating to school facilities and making an appropriation therefor.](#)

This bill created new sections of KRS Chapter 157 to support the construction of new school buildings and the renovation of existing school buildings in a manner that will create a healthy environment for students and teachers while saving energy, resources, and operational expenses and to encourage the use of a life-cycle cost, holistic approach to building design that considers school design, construction, operation, and maintenance in the initial decision-making process.

**Farm Bureau Policy:**

*“We favor reducing the cost of new educational facilities by eliminating features not essential to a sound education program. Local school boards should consider renovation whenever practical rather than new construction. Furthermore, the state should consider the county growth rate when approving the size of new construction for schools. As well as review the justification for new construction versus renovation prior to approving a bond sale for new construction.”*

[SR 113 – Senator D. Givens and HR 143 – Representative T. McKee.](#)

Resolutions stating: Kentucky's farmers shall be honored for providing its citizens with the most nutritious and affordable food in the world, and February 21 to 27, 2010, shall be recognized as Food Checkout Week.

**BILLS FARM BUREAU OPPOSED THAT DID NOT PASS**

[HB 296 – Representative Tommy Thompson – AN ACT relating to smokeless tobacco.](#)

This bill would have replaced the unit (tin) tax with an ad valorem tax on smokeless tobacco.

**Farm Bureau Policy:**

*“We oppose ad valorem taxes on tobacco products.”*

### [HB 91 – Representative R. Meeks – AN ACT relating to human remains and burial objects.](#)

This bill would have created a new section of KRS 171 by placing the responsibility of maintaining a cemetery's integrity on the landowner and establishing a process by which the landowner shall provide reasonable access to the cemeteries to the descendants and relatives of those buried and it would make denial of access to the cemetery a violation.

### [HB 92 – Representative R. Meeks – AN ACT relating to historic preservation.](#)

This bill would have created a new section of KRS Chapter 381 to establish new state requirements for property owners to verify whether property contains known human remains and a regulatory process including fines.

#### **Farm Bureau Policy:**

*"We oppose any legislation that would allow public access to or through private property without permission of the property owner or authorized agent. We oppose scientific or archeological activity being conducted on private land without written permission from, and compensation to, the landowner."*

### [HB 168 – Representatives D. Owens, R. Meeks – AN ACT relating to support education excellence in Kentucky funding and making an appropriation therefor.](#)

This bill would have amended KRS 157.360 to provide that a district board of education that levies a tax that is less than the maximum tax rate in a specific year as permitted shall receive a reduced share of any additional support education excellence in Kentucky funds based on the rate in that year.

#### **Farm Bureau Policy:**

*"We recommend that property taxes collected for school purposes be levied and administered locally."*

### [HB 491 – Representative B. Yonts – AN ACT relating to carbon management and making an appropriation therefor.](#)

This bill would have created new sections of KRS Chapter 353 declaring carbon dioxide management and storage to be important goals. Direct the Division of Oil and Gas Conservation to develop a regulatory plan for development of geologic carbon dioxide storage including condemnation powers. Direct the Secretary of the Environmental and Public Protection Cabinet to negotiate with bordering states to resolve issues of geologic carbon storage and create the Kentucky Carbon Storage Authority to take ownership of closed and stable carbon storage facilities.

#### **Farm Bureau Policy:**

*"We support protection of private property rights from eminent domain actions for any reason other than public use."*

### [HB 348 – Representatives J. Jenkins, D. Owens – AN ACT relating to comprehensive plans.](#)

This bill would have amended KRS 100.111 to define "comprehensive environmental status review" (CESR) and amended KRS 100.182 to require a planning unit to complete a CESR for comprehensive planning, regulation, or zoning change purposes. It would have also required

the development of a remediation plan for any development and require examination of watershed pollution and development of a remediation plan. Finally it would have amended KRS 100.197 to require a planning unit to perform a CESR to protect natural resources and environments.

**Farm Bureau Policy:**

*"We support planning efforts that consider the needs of agriculture for the future which allow for both the continuation of normal farming practices and residential and/or commercial development of agriculture property."*

*"We believe that any state land use planning initiatives should respect local control and private property rights, and not contain any mandates from state or regional entities."*

**[HB 493 – Representatives J. Jenkins, T. Riner – AN ACT relating to collective bargaining for public employees and making an appropriation therefor.](#)**

This bill would have created an omnibus collective bargaining bill for public employees.

**Farm Bureau Policy:**

*"We strongly oppose any mandate that would require any government entities to recognize and collectively bargain with employee unions."*

**BILLS FARM BUREAU SUPPORTED THAT DID NOT PASS**

**[HB 197 – Representatives D. Pasley, J. Comer Jr., D. Butler, J. Lee, T. McKee, H. Moberly Jr., L. Napier, J. Richards, D. Sims, B. Yonts – AN ACT relating to waste tires.](#)**

This bill would have amended KRS 224.50-868 to extend the waste tire program until 2014. The bill would have also authorized the continuation of the \$1 fee that has been assessed when buying new tires. Language extending the waste tire program was included in the state budget document being discussed by legislators.

**Farm Bureau Policy:**

*"We support the implementation and funding of a tire amnesty program every two years and efforts to protect and ensure the integrity of the program."*

**[HB 419 – Representatives C. Hoffman, E. Ballard, D. Graham, J. Jenkins, M. Marzian, T. McKee, R. Meeks, D. Pasley, J. Richards, J. Wayne, B. Yonts – AN ACT relating to land conservation and making an appropriation therefor.](#)**

This bill would have created a new section of KRS Chapter 146 to establish the Kentucky land stewardship and conservation fund and amended KRS 146.570 to allow the board to allocate funds to private, nonprofit land conservation organizations. The Agricultural Enhancement Fund (PACE) would have received fifty percent of any monies received by the fund.

**Farm Bureau Policy:**

*"We encourage the General Assembly to increase funding for the PACE Program in order for the state to receive the maximum federal funds available."*

### **HB 433 – Representative B. Yonts – AN ACT relating to stream maintenance.**

This bill would have created a new section of KRS Chapter 150 to authorize counties to designate an agent responsible for maintenance and clean up of debris from streams. The bill would have prohibited the Department of Fish and Wildlife Resources from interfering with county stream maintenance or clean-up needed to repair impeded water flow.

#### **Farm Bureau Policy:**

*“We support agencies involved in regulating waterways on private property be able to ease regulations in times of disaster so that landowners may effectively clean or clear waterways on their property.”*

### **HB 308 – Representatives T. McKee, M. Denham – AN ACT relating to forest health and agricultural forest products.**

This bill would have created a new section of KRS Chapter 149 to establish a Forest Health Board and include forest fire prevention as part of the Division of Forestry's education program curriculum.

#### **Farm Bureau Policy:**

*“We encourage the Kentucky General Assembly to establish and fund a Forest Health Task Force, and make it a permanent part of state government.”*

### **HB 223 – Representative M. Denham – AN ACT relating to weights and measures.**

This bill would have created a new section of KRS 363.510 to 363.850 to allow the Department of Agriculture to promulgate administrative regulations relating to tobacco moisture testing devices and amended KRS 363.510 to include instruments to measure internal moisture or density of unprocessed bulk tobacco in the "weights and measures" definition.

#### **Farm Bureau Policy:**

*“We recommend the licensing of all moisture meter operators and we endorse a unified system of measuring moisture content in grain, soybeans and tobacco at all purchasing stations.”*

### **HB 322 – Representatives K. Stevens, W. Stone, R. Adams, L. Belcher, D. Horlander, A. Koenig, S. Santoro – AN ACT relating to principal selection.**

This bill would have amended KRS 160.345 to permit the superintendent to fill a principal vacancy in a school after consultation with the school council and required the superintendent to provide additional personnel applicants to the principal upon request.

#### **Farm Bureau Policy:**

*“We favor a selection process for school principals that includes a requirement for a meaningful screening of candidates by the local superintendent.”*

### [HCR 47 – Representative J. Bell.](#)

This resolution would have urged members of Congress to oppose legislation that interferes with states abilities to direct the transport or processing of horses and to support horse processing facilities.

#### **Farm Bureau Policy:**

*“We support the right to humanely and safely harvest horses and livestock.”*

### [HB 120 – Representatives L. Napier, R. Adams, J. Bell, S. Brinkman, J. Comer Jr., B. DeWeese, M. Dossett, T. Edmonds, D. Ford, B. Housman, B. Montell, D. Osborne, M. Rader, S. Santoro, W. Stone, B. Yonts – AN ACT relating to public assistance.](#)

This bill would have amended KRS 205.200 to create a substance abuse screening program for adult recipients of public assistance, food stamps, and state medical assistance.

### [HB 417 – Representatives M. Henley, K. Bratcher, R. Crimm, B. Montell, T. Moore, S. Santoro, A. Wuchner – AN ACT relating to substance abuse screening pilot programs for public assistance recipients.](#)

This bill would have amended KRS 205.200 to create two pilot substance abuse screening programs for recipients of public assistance.

#### **Farm Bureau Policy:**

*“We support the idea that those who receive SSI, food stamps, housing, or other government welfare payments should have to submit to random drug testing.”*

### [HB 113 – Representatives M. Denham, M. King, T. Riner – AN ACT relating to transportation.](#)

This bill would have amended KRS 189.030 to require the illumination of headlights during any period of precipitation that necessitates the use of windshield wipers by motorists.

#### **Farm Bureau Policy:**

*“We support legislation requiring headlights being illuminated if windshield wipers are in use.”*

### [HB 55 – Representatives J. Glenn, J. Carney, K. Hall, B. Housman, R. Meeks, T. Moore, T. Riner, S. Santoro, C. Siler, T. Thompson, A. Webb-Edgington, S. Westrom, A. Wuchner – AN ACT relating to college student financial awareness.](#)

This bill would have created a new section of KRS Chapter 164 to require public postsecondary institutions to provide new undergraduates with information regarding credit cards and debt management and encourage them to conduct informational sessions and encourage nonpublic postsecondary institutions to provide new undergraduates with information regarding credit cards and debt management and to conduct informational sessions. It would have also required the Kentucky Higher Education Assistance Authority to assist institutions in identifying appropriate materials and curricula.

#### **Farm Bureau Policy:**

*“We support “Financial Literacy” core content being included in Kentucky school curriculum at all appropriate levels.”*

**SB 28 – Senator J. Westwood – AN ACT relating to career and technical education, making an appropriation therefor, and declaring an emergency.**

This bill would have been named “Career Pathways Act of 2010.” The bill would have required communication of the minimum college and career-readiness standards to all local school districts prior to the beginning of the 2011-2012 school year and required the Department of Education to develop enhanced courses in English, reading, and mathematics for at-risk students in grades 9, 10, 11, and 12. It would have also required all career and technical education teachers to receive training in how to embed reading, mathematics, and science knowledge and skills in specific career and technical education programs and created a new section of KRS Chapter 157 to establish a career and technical education accessibility fund for matching grants to local school districts to be administered by the Kentucky Department of Education. It would have amended KRS 158.814 to require that the Kentucky Department of Education and the Office of Career and Technical Education to determine the statewide unmet needs for career and technical education capital projects and provided a tax credit for a financial gift or in-kind contribution to the career and technical education accessibility fund.

**Farm Bureau Policy:**

*“We support all school districts in providing more equitable access to career and technical education based on workforce development needs. We recommend that an adequate and equitable level of funding be permanently established for all areas of career and technical education.”*

**SB 142 – Senators D. Boswell, J. Carroll, W. Blevins Jr., D. Harper Angel, R. Jones II, R. Webb, E. Worley – AN ACT relating to Bible literacy courses in the public schools.**

This bill would have created a new section of KRS Chapter 156 to require the Kentucky Board of Education to promulgate administrative regulations to establish an elective social studies course on the Hebrew Scriptures, Old Testament of the Bible, the New Testament, or a combination of the Hebrew Scriptures and the New Testament of the Bible and required that the course provide students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy. It would have permitted students to use various translations of the Bible for the course.

**Farm Bureau Policy:**

*“We favor inclusion of the study of the Bible in the curriculum of world religions.”*

**HB 594 – Representatives J. Bell, G. Stumbo, W. Stone, R. Weston – AN ACT relating to milk.**

This bill would have directed the Kentucky Milk Commission to gather data relating to the processing, marketing, distribution, and pricing of milk, directed the commission to report any potential violations of the Consumer Protection Act to the Office of the Attorney General for further action and to report their findings to the Legislative Research Commission and the Interim Joint Committee on Agriculture by November 1, 2010.

**Farm Bureau Policy:**

*“We support the efforts of the Kentucky Milk Commission Board to study Kentucky dairy equity issues, especially items pertaining to the transportation of milk.”*

## OTHER BILLS OF INTEREST THAT PASSED

### [HB 79 – Representative J. Arnold Jr. – AN ACT relating to the operation of golf carts on public roads.](#)

This bill will amend KRS 189.286, relating to the ability of local governments to allow operation of golf carts on roads under their control.

### [HB 175 – Representatives F. Steele, T. Riner, J. Carney, T. Couch, R. Crimm, B. DeWeese, C. Embry Jr., K. Hall, T. McKee, S. Santoro, J. Stewart III, D. Watkins, S. Westrom – AN ACT relating to bees.](#)

This bill will create a new section of KRS Chapter 350 to declare the importance of supporting pollinator habitats on reclamation sites to speed up re-vegetation and improve soil and hydrologic stability and amend KRS 350.113 to include pollinator colonies in the planting reports. It also amends KRS 350.435 to include pollinator habitats when dealing with introduced species on reclamation sites and creates a non-codified section to request the interim joint committee with jurisdiction over mine reclamation to examine the issue of pollinator habitats and ways to support beekeeping on mine reclamation sites.

### [SB 178 – Senator D. Givens – AN ACT relating to evaluation of superintendents of schools.](#)

This bill will amend KRS 156.577 to clarify the evaluation requirements for the local superintendent and require that the summative evaluation be discussed and adopted in an open meeting of the local board of education and reflected in the minutes. It also will specify that if the local policy requires a written evaluation that it shall be made available to the public upon request and require that preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation be conducted in closed session. This bill also requires the Department of Education approve the local board of education evaluation procedures.

### [HB 251 – Representative D. Butler – AN ACT relating to stray animals.](#)

This bill amends KRS 259 to reduce the time from two years to ninety days an individual must keep a stray equine prior to obtaining absolute ownership of the stray equine. The absolute ownership of stray cattle remained unchanged and is still 12 months from the day for which the cattle have been posted as stray.

## OTHER BILLS OF INTEREST THAT DID NOT PASS

### [HB 290 – Representative R. Rand – The State Budget.](#)

The state budget bill was not passed, but below are some of the agricultural items the free conference committee was working from when they adjourned and very well could be the starting point once budget talks resume.

- The Agricultural Development Fund was maintained as presented in Governor Beshear's budget. There was language, as in the past, to cap the county money at \$16,419,375 in each year.

- The soil conservation cost-share money was proposed to be \$9 million in FY11 and \$6 million in FY12 in both the House and Senate budgets. The House budget proposal provided \$1.45 million in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts compared to the Senate proposal which provided \$950,000 each fiscal year.
- The Breathitt Lab was not funded in either version of the budget.
- The Kentucky Department of Agriculture budget was proposed to be \$17.1 million in FY11 (both House and Senate) and \$16.7 million (House) and \$16.9 million (Senate) in FY12 of general fund dollars.

In previous state budgets the general fund appropriation for operating cost of each disease diagnostic laboratory was in the Kentucky Department of Agriculture budget; however, this year both versions of the budget designates \$392,000 each year for the laboratories as a line item in both the Murray State University and University of Kentucky budgets.

**[HB 234 – Representative J. Stewart III – AN ACT relating to stockyards.](#)**

This bill would have amended KRS 261.240 to require stockyards to provide buyers of livestock with sales receipts showing the names and counties of sellers and require the sales receipt to show the state of the seller if the livestock are from out of state.

**[HB 238 – Representative J. Richards – AN ACT relating to veterinarians.](#)**

This bill would have amended KRS 321.185 to provide immunity from civil or criminal actions to veterinarians who, in good faith, report suspected incidents of animal abuse or torture to the proper authorities.

**[HB 255 – Representative D. Osborne – AN ACT relating to bicycles.](#)**

This bill would have created a new section of KRS Chapter 189 to prohibit the operation of a bicycle on a state-maintained highway while transporting a person under the age of 18 years in an attached trailer or other apparatus

**[HB 304 – Representative J. Stewart III – AN ACT relating to stockyards.](#)**

This bill would have created a new section of KRS Chapter 261 that would require owners of stockyards to maintain the stockyards in a sanitary manner, required the stockyards to be disinfected every six months and notify the Department of Agriculture when the disinfecting would take place and required the department to provide the disinfectant.

**[HB 314 – Representatives S. Lee, C. Embry Jr., T. Moore – AN ACT relating to hiring unauthorized aliens.](#)**

This bill would have created new sections of KRS Chapter 337 to provide definitions for provisions relating to the hiring of unauthorized aliens and would have also prohibited persons transacting business with state or local governments and government agencies from hiring unauthorized aliens.

**HB 321 – Representatives R. Damron, K. Bratcher, W. Coursey, C. Embry Jr., S. Lee, J. Lee, R. Nelson, K. Sinnette, F. Steele, K. Upchurch, S. Westrom – AN ACT relating to hiring unauthorized aliens.**

This bill would have created a new section of KRS Chapter 337 relating to public agencies to require use of federal employment verification programs and prohibit hiring unauthorized aliens.

**HB 354 – Representatives S. Westrom, A. Wuchner, J. York – AN ACT relating to bed and breakfast inns.**

This bill would have amended KRS 219.011 to define "bed and breakfast inn" and "farmstay"; create a new section of KRS 219.011 to 219.081 to specify the business functions permitted at bed and breakfast inns and farmstays; amend KRS 247.4015 to include farmstays as farm animal activity sponsors.

***Note: The Final Legislative Report and KFB's Priority Issues are also included on KFB's website at [kyfb.com](http://kyfb.com).***