



ACTION REQUEST

April 14, 2011

LEGISLATIVE REPORT #8 – FINAL REPORT

SUMMARY OF LEGISLATIVE ACTIVITIES DURING THE 2011 KENTUCKY GENERAL ASSEMBLY

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 [Senate Bill 79](#) was signed into law on March 16, 2011. We were also able to protect many of our other priority issues, such as our policy on property taxes and private property rights. The bills that were passed during the regular session will become effective on June 8, 2011. Those bills containing emergency clauses, which include SB 79, became effective upon the Governor signing the bill.

The General Assembly also convened a special session on March 14th to address the Medicaid shortfall for fiscal year ending June 2011. The special session was necessary because the House and Senate could not agree on how to resolve the shortfall during the regular session. The special session ended on April 6th when the Senate adjourned sine die, the House of Representatives adjourned sine die on March 24th after they concurred on the Senate version of the Medicaid fix ([HB 1](#)). However, on March 25th Governor Beshear vetoed most of the provisions of HB 1. The end result was essentially moving the necessary funds from the fiscal year 2012 budget forward to fiscal year 2011 to cover the Medicaid shortfall.

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.

As the General Assembly enters into their interim, we encourage those counties that have yet to conduct legislative appreciation events to do so. We know that several counties have already conducted these events during the session with great success. We also encourage you to invite your Representatives and Senators to your County Annual Meetings and our State Annual Meeting.

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.

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 1 – Representatives L. Combs, G. Stumbo, R. Adams, J. Arnold Jr., L. Belcher, J. Bell, K. Bratcher, D. Bunch, D. Butler, J. Carney, M. Cherry, L. Clark, H. Collins, J. Comer Jr., T. Couch, W. Coursey, R. Damron, M. Denham, M. Dossett, T. Edmonds, C. Embry Jr., J. Fischer, D. Ford, J. Glenn, J. Greer, S. Gregory, K. Hall, M. Harmon, R. Henderson, M. Henley, D. Horlander, B. Housman, T. Kerr, K. King, M. King, S. Lee, J. Lee, T. McKee, M. Meredith, C. Miller, T. Mills, B. Montell, T. Moore, R. Nelson, M. Nemes, F. Nesler, D. Osborne, S. Overly, R. Quarles, M. Rader, R. Rand, J. Richards, S. Riggs, T. Riner, C. Rollins II, S. Rudy, J. Short, K. Sinnette, F. Steele, J. Stewart III, W. Stone, T. Thompson, J. Tilley, B. Waide, D. Watkins, A. Wuchner, B. Yonts, J. York – AN ACT proposing to amend the Constitution of Kentucky relating to hunting, fishing, and harvesting wildlife.](#)

This bill proposes to amend the Constitution of Kentucky to create a right to hunt, fish, and harvest non-threatened species using traditional methods; submit to the voters for approval or disapproval. This amendment will be placed on the November 2012 ballot.

Farm Bureau Policy:

“We support passage of a right-to-hunt amendment in order to allow persons to hunt subject to the Kentucky Department of Fish and Wildlife Resources’ regulations and with permission of the landowner.”

[HB 74 – Representative M. Denham – AN ACT relating to weights and measures.](#)

This bill creates a new section of KRS 363.510 to 363.850 to allow the Commissioner 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 166 – Representatives T. McKee, M. Denham, R. Adams, W. Coursey, J. Greer, R. Palumbo, T. Riner, R. Smart, W. Stone – AN ACT relating to the use of Kentucky-grown agricultural products in state resort parks.](#)

This bill creates a new section of KRS 148.830 to 148.840 to require any contract for the provision and sale of food services and agricultural products in state resort park restaurants, gift shops, concessions, and golf courses to promote the sale of Kentucky-grown agricultural products under the Kentucky Proud Program.

Farm Bureau Policy:

“We encourage the utilization of Kentucky agriculture products by state and county agencies, state funded institutions, public schools and publicly funded projects whenever possible.”

“We support the Kentucky Department of Agriculture’s “Kentucky Proud” campaign for promotion of agricultural products.”

[HB 221 – Representatives T. McKee, W. Stone – AN ACT relating to grain.](#)

This bill will amend KRS 251.451 to change the amount that a grain warehouseman is required to be bonded for by increasing the minimum to \$25,000 and capping the maximum at \$1,000,000, except as otherwise authorized by the section; amend KRS 251.720 to cap the amount that a grain dealer is required to be bonded for by capping the maximum at \$1,000,000, except as otherwise authorized by the section.

Farm Bureau Policy:

"We commend the Kentucky General Assembly for the action taken relative to the grain insurance law and encourage that it continue to be monitored for protection of farmers."

HB 362 – Representative R. Henderson – AN ACT relating to ginseng.

This bill defines "Ginseng" and deletes the definition of "Cultivated ginseng"; amend KRS 246.660 to prohibit information relating to the purchase or sale of ginseng from being subject to public disclosure; to require the Kentucky Department of Agriculture to establish licensing requirements for ginseng dealers; to require the department to promulgate administrative regulations establishing administrative violations and civil penalties relating to ginseng; create a new section of KRS 246.650 to 246.660 to establish a Kentucky ginseng fund; amend KRS 246.990 to establish penalties and establish a mechanism for the seizing of ginseng.

Farm Bureau Policy:

"We support the Kentucky Department of Agriculture's efforts to monitor proper harvesting and sales of ginseng."

HB 382 – Representatives J. Gooch Jr., M. Nemes, B. Yonts – AN ACT relating to consumer protection.

This bill creates a new section of KRS Chapter 367 relating to consumer protection to prohibit business solicitation within 30 days following a motor vehicle accident, provide exceptions, and establish penalties.

Farm Bureau Policy:

"We believe that many awards in personal injury cases are excessive and have resulted in higher insurance premiums."

SB 12 – Senator K. Winters – AN ACT relating to principal selection.

This bill amends KRS 160.345 to require a superintendent or designee to serve as chair of the school council during the principal hiring process and to have voting rights during the selection process. The bill also prohibits any former principal previously removed for cause from a district position from being considered for a principal position; restore language to require the council to receive training prior to selecting a principal; restore language to allow superintendent to appoint a principal in a low performing school.

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."

SB 79 – Senators J. Pendleton, D. Parrett, M. Wilson – AN ACT relating to the operation of motor vehicles.

This bill establishes a three tiered weight classification system for farm trucks, consisting of the following categories: less than 26,000 pounds, 26,001 to 38,000 pounds, and over 38,000 pounds. The bill will also grant an exemption from some federal safety regulations in CFR Part 393 to farm registered vehicles with a gross vehicle weight rating (GVWR) or gross vehicle combined weight rating (GVCWR) of 26,000 pounds or less, that are engaged in farming activities, and are not engaged in interstate commerce. The bill also adds a new section to amend KRS 186.270 to allow annual over-dimensional haul permits to transport farm equipment from dealer to dealer. Lastly, the bill defines Kentucky's planting and harvesting season as being year round for the purposes of providing a limited exemption to farm truck operators regarding hours of service, reporting and limits.

Farm Bureau Policy:

"We support legislation that clearly defines the right of farmers to transport their products to market and to move their equipment by the most economically feasible method."

SR 161 – Senator D. Givens and HR 177 – 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 20 – 26, 2011, shall be recognized as Food Check-Out Week.

BILLS FARM BUREAU OPPOSED THAT PASSED

There were no bills that Farm Bureau opposed that passed in this session.

BILLS FARM BUREAU OPPOSED THAT DID NOT PASS

HB 51 – 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 76 – 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 56 – Representatives R. Crimm, T. Riner, L. Belcher, B. Housman, J. Jenkins, M. Marzian, R. Palumbo, J. Wayne, S. Westrom – AN ACT relating to animals.

This bill would have required an owner of an animal(s) to forfeit ownership of animals involved in cruelty and torture cases and prohibit ownership or possession of animals of the same species for two years.

HB 156 – Representatives J. Jenkins, R. Crimm, R. Damron, D. Keene, M. Marzian, R. Palumbo – AN ACT relating to cruelty to animals.

This bill would have amended KRS 525.130, relating to cruelty to animals, to define "shelter" and establish shelter and shade requirements for dogs.

HB 157 – Representatives J. Jenkins, R. Crimm, R. Damron, D. Horlander, D. Keene, R. Palumbo – AN ACT relating to animal impoundment.

This bill would have defined "animal control officer" "humanely destroy" and "reasonable expenses"; allow animal control officers to take physical custody of an animal if there is probable cause or the officer has a warrant finding probable cause to believe that the animal is in imminent harm, cruelly treated or tortured.

HB 277 – Representatives R. Crimm, T. Riner, J. Jenkins – AN ACT relating to welfare of animals.

This bill would have amended KRS 257.192 to change the name of the Animal Control Advisory Board to the Animal Care Advisory Board; amend KRS 258.117 to authorize the Animal Care Advisory Board to establish standards for the humane care of animals in publicly funded animal shelters, make policy recommendations on animal welfare and upgrade of animal shelters to the General Assembly; and amend KRS 436.605 to allow peace officers, animal control officers and agents of humane societies employed, appointed or contracted with a city or county for animal control services that have the peace officer powers under KRS 61.300 to enter premises without a warrant under reasonable suspicion of animal cruelty, mistreatment, or torture.

Farm Bureau Policy:

"We oppose legislation that would give animal rights organizations the right to establish standards for the raising, handling, feeding, housing or transportation of livestock, poultry, aquaculture and fur bearing animals."

HB 193 – Representatives S. Westrom, D. Watkins, T. Riner, B. Farmer, J. Jenkins, M. Marzian, D. Owens, G. Stumbo, J. Wayne – AN ACT prohibiting smoking in all public places and places of employment.

This bill would have prohibited smoking in enclosed public places or enclosed places of employment; prohibit smoking within reasonable distances outside of public places and places of employment; require no smoking signs to be posted; require all sleeping quarters of all hotels and public accommodations that are rented to guests to be smoke free; require the prohibition on smoking in a place of employment to be communicated to employees; permit more restrictive smoking policies in enclosed and outdoor places.

Farm Bureau Policy:

"We support smoking policies that accommodate the rights of smokers and nonsmokers. We believe business owners should have the exclusive right to prohibit tobacco use in their private business."

HB 378 – Representative D. Owens – AN ACT relating to support education excellence in Kentucky funding and making an appropriation therefore.

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."

BILLS FARM BUREAU SUPPORTED THAT DID NOT PASS

HB 133 – Representatives J. Glenn, T. Riner – 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."

HB 205 – Representatives T. McKee, R. Adams, M. Denham, D. Graham, W. Stone – AN ACT relating to the State Board of Agriculture.

This bill would have amended KRS 246.120 to change the membership of the State Board of Agriculture by broadening production agriculture representation.

Farm Bureau Policy:

"We recommend that the State Board of Agriculture consist of commodity specific members and at least one member representing Farm Bureau."

HB 208 – Representatives L. Napier, D. Keene, R. Adams, J. Arnold Jr., L. Belcher, K. Bratcher, D. Bunch, D. Butler, J. Carney, H. Collins, L. Combs, J. Comer Jr., T. Couch, W. Coursey, R. Crimm, R. Damron, J. DeCesare, B. DeWeese, M. Dossett, T. Edmonds, J. Fischer, D. Ford, J. Gooch Jr., J. Greer, K. Hall, M. Harmon, R. Henderson, M. Henley, J. Hoover, B. Housman, W. Hurt, T. Kerr, K. King, S. Lee, D. Mayfield, M. Meredith, C. Miller, B. Montell, T. Moore, M. Nemes, F. Nesler, D. Osborne, R. Quarles, M. Rader, S. Santoro, J. Short, R. Smart, F. Steele, W. Stone, G. Stumbo, T. Thompson, B. Waide, D. Watkins, A. Webb-Edgington, A. Wuchner, J. York – 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 402 – Representative M. Henley – AN ACT relating to substance abuse screening for public assistance recipients.

This bill would have amended KRS 205.200 to require the cabinet to design and implement a substance abuse screening program for individuals receiving monetary assistance, food stamps, or medical 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 212 – Representatives J. Comer Jr., K. King, S. Rudy, W. Stone – AN ACT relating to sales and use tax.

This bill would have amended KRS 139.480 to provide a sales and use tax exemption for drugs and over-the-counter drugs used in the diagnosis, cure, treatment, or prevention of disease in beef cattle, dairy cattle, sheep, swine, or poultry.

Farm Bureau Policy:

"We recommend that all farm production items including veterinary medicine, electricity, LP gas, and natural gas be exempt from sales and use tax."

HB 253 – Representatives S. Rudy, F. Nesler – AN ACT relating to sand and gravel operations.

This bill would have created a new section of KRS Chapter 350 to exempt property owners who extract and transport sand and gravel from and over their privately owned land from the requirement to obtain a surface mining permit even if the transportation of the sand and gravel crosses a public road.

Farm Bureau Policy:

"We support establishing a limited Sand and Gravel Operation Permit for small on-farm gravel pits."

[HB 327 – Representatives T. Moore, J. DeCesare – AN ACT relating to the prevailing wage.](#)

This bill would have amended KRS 337.010 to increase the exemption threshold from \$250,000 to \$1,000,000 for prevailing wage construction projects.

Farm Bureau Policy:

“We support a return to the \$1 million project level before the prevailing wage law is triggered, and support indexing the level for inflation.”

[HB 340 – Representatives R. Adkins, T. Riner, L. Clark, S. Riggs, J. Short, T. Thompson – AN ACT relating to the manufacturing of energy production components.](#)

This bill would have expanded the types of alternative and renewable energy qualifying for incentives.

Farm Bureau Policy:

“We support tax incentives for the usage of alternative forms of energy.”

[HB 348 – Representatives J. Short, D. Keene, L. Clark, H. Collins, L. Combs, R. Damron, T. Edmonds, K. Hall, R. Meeks, J. Stacy, F. Steele, G. Stumbo – AN ACT relating to elk hunting permits.](#)

This bill would have created a new section of KRS Chapter 150 to require the Department of Fish and Wildlife Resources to hold a postseason elk quota hunt for each year that a regular elk quota hunt is held. It would have also required the department to hold a postseason modern firearms elk quota hunt for antlerless elk and spikes following the regular elk quota hunt; require hunters for the postseason quota hunt to be drawn from the pool of applicants who were not drawn for the regular quota hunt and who live in the elk restoration zone; require the department to draw a number of participants in the postseason quota hunt equal to the number of unused permits from the previous regular quota hunt or to draw 25 participants, whichever is greater.

Farm Bureau Policy:

“We encourage more liberal deer, elk, turkey, duck, geese, and black bear hunting seasons to control rapidly expanding populations.”

“We recommend that the Kentucky Department of Fish and Wildlife provide extra elk tag allotments for purchase to the “counties of release”, and that extra consideration be given to local residents”

[HB 353 – Representative R. Nelson – AN ACT relating to the release of large animals in Kentucky counties.](#)

This bill would have created a new section of KRS Chapter 150 to prohibit the Department of Fish and Wildlife Resources or any other state agency from releasing a species that in adulthood may weigh more than five hundred (500) pounds without the approval of the legislative body for the county into which the species is to be released.

Farm Bureau Policy:

“The Kentucky Fish and Wildlife Department should not be permitted to release any animals in a county until they have secured approval from the county fiscal court.”

[HB 455 – Representative G. Stumbo – AN ACT relating to biomass energy facilities.](#)

This bill would have created a new section of KRS Chapter 278 to direct the Public Service Commission to approve certain purchase power contracts where the power is generated using biomass fuel.

Farm Bureau Policy:

“We support the use of wood, wood pellets, wood biomass, and wood products as a source of renewable energy.”

SB 36 – Senator J. Westwood – AN ACT relating to career and technical education, making an appropriation therefore, and declaring an emergency.

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 on how to embed reading, mathematics, and science knowledge and skills in specific career and technical education programs and create 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 56 – Senators J. Bowen, J. Schickel, J. Rhoads, M. Wilson – 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.

Farm Bureau Policy:

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

SB 156 – Senator D. Givens – AN ACT relating to vehicle weight limits.

This bill would have amended KRS 189.222 to allow a ten percent weight tolerance for commercial motor vehicles engaged in transporting agricultural products, livestock, poultry, and primary forest products from their point of origin to the first market, except those on interstate highways.

Farm Bureau Policy:

“We support legislation that clearly defines the right of farmers to transport their products to market and to move their equipment by the most economically feasible method.”

“We support the 10% weight exemption on farm trucks hauling raw agriculture products, similar to the same benefits currently given to the transportation of primary forest products.”

OTHER BILLS OF INTEREST THAT PASSED

HB 259 – Representatives B. Yonts, J. Gooch Jr., J. Short – AN ACT relating to economic development.

This bill will create new sections of KRS Chapter 353 to direct the Energy and Environment Cabinet to seek one to five projects demonstrating injection of carbon dioxide into geologic storage; provide a process for pooling of pore space necessary to create underground carbon storage reservoirs; create a process whereby ownership of and liability for stored carbon dioxide will pass to the federal or state government following a period of monitoring of the storage facility; direct the

Energy and Environment Cabinet to undertake discussions with surrounding states concerning accidental migration of geologically stored carbon across state lines; require annual reports.

HB 428 – Representatives W. Coursey, M. Cherry, J. DeCesare, J. Tilley – AN ACT relating to school facilities, making an appropriation therefore, and declaring an emergency.

This bill will create a new section of KRS Chapter 157 to direct the Department of Education to determine urgent and critical construction needs; direct the department to provide a funding allocation to a district for a school that is closed to the public because it is structurally unsound or is otherwise uninhabitable as determined by the commissioner of education; require the funding allocation be to retire the unpaid debt on the structurally unsound or uninhabitable building or to provide the semi-annual debt service payments on the current issue; provide that when funds are not available the costs shall be deemed a necessary government expense and shall be paid from the general fund surplus account under KRS 48.700; direct a school district that receives an allotment and receives funds from litigation or insurance to repay the allotment to the budget reserve trust fund account.

HB 433 – Representatives T. McKee, L. Napier, R. Smart – AN ACT relating to waste tires.

This bill will establish a five-member waste tire working group in the Energy and Environment Cabinet; prescribe the duties of the Waste Tire Working Group. This bill will also require the transporter or processor that contracts for out-of-state final disposal of the tires to return a receipt to the retailer showing who took final custody of the tires; require the retailer to contact the cabinet if a receipt has not been tendered by the transporter or processor within 30 days of receiving the tires. Finally, the bill will impose a 25% cap on the cabinet's use of the waste tire fund for administrative purposes.

HR 207 – Representative W. Stone, T. McKee

This resolution reauthorizes the Tobacco Task Force through December 31, 2011, to help address problems facing the tobacco industry in Kentucky.

SB 50 – Senator T. Jensen – AN ACT relating to the capture and transportation of carbon dioxide.

This bill will amend Subchapter 27 of KRS Chapter 154 to include carbon dioxide transmission pipeline eligibility for Incentives for Energy Independence Act. This bill will also require carbon dioxide transmission pipelines to obtain a construction certificate from the KY State Board on Electric Generation and Siting; To qualify for the incentives the minimum capital investment for a carbon dioxide transmission pipeline shall be \$50 million.

SB 135 – Senator J. Westwood – AN ACT relating to the enforcement of local government ordinances.

This bill initially dealt with the Local Government Code Enforcement Act allowing the assignment of a hearing officer to conduct hearings related to code enforcement on behalf of the board and to require those serving as hearing officers to take training relative to the conduct of administrative hearings. Later the bill took on parts of HB 47 that dealt with "amelioration costs" and liens on property being possessed to recover these costs. Agriculturally assessed land was exempted from this provision.

OTHER BILLS OF INTEREST THAT DID NOT PASS

HB 3 – Representatives M. Cherry, R. Damron, R. Adkins, L. Clark, D. Horlander, D. Keene, M. King, R. Nelson, D. Osborne, S. Riggs, J. Stacy, F. Steele, G. Stumbo, T. Thompson, A. Webb-Edgington, S. Westrom, B. Yonts, J. York - AN ACT relating to hiring unauthorized aliens.

This bill would have required public agencies to require use of federal employment verification programs and prohibit hiring unauthorized aliens. It would have also required all contractors and

subcontractors with public agencies to use federal employment verification programs, not hire unauthorized aliens, and provide sworn affidavits of compliance.

HB 29 – Representatives R. Henderson, T. Riner, M. Denham, T. Mills – AN ACT relating to historic farms.

This bill would have created new sections of KRS Chapter 171 establishing a Historic Farms Program and establish criteria and recognition process for a historic farm designation.

HB 58 – Representatives D. Keene, T. Riner, R. Adams, T. Burch, L. Clark, L. Combs, W. Coursey, R. Crimm, R. Damron, M. Denham, T. Edmonds, C. Embry Jr., J. Gooch Jr., J. Greer, K. Hall, M. Henley, D. Horlander, M. King, T. McKee, C. Miller, B. Montell, L. Napier, M. Nemes, M. Rader, R. Rand, J. Richards, S. Riggs, S. Santoro, J. Short, F. Steele, T. Thompson, D. Watkins – AN ACT relating to driving under the influence and making an appropriation therefore.

This bill would have expanded the definition of "ignition interlock device"; amend KRS 189A.010 to include driving the wrong way on a four-lane highway among the list of factors for triggering aggravated DUI penalties.

HB 68 – Representatives B. Yonts, T. Riner – AN ACT relating to incompatible offices.

This bill would have amended KRS 61.080 to make membership on a governing body of certain districts, local ethics bodies, and planning units, incompatible offices with other such positions within a county.

HB 130 – Representatives K. Hall, F. Steele, J. York – AN ACT relating to outdoor recreation and tourism development and making an appropriation therefore.

SB 113 – Senator J. Turner – AN ACT relating to outdoor recreation and tourism development and making an appropriation therefore.

These bills would have created new sections of KRS Chapter 148 to establish the Kentucky Mountain Trail Authority (KMTA) as an independent, de jure municipal corporation attached to the Kentucky Tourism, Arts and Heritage Cabinet for administrative purposes only; authorize the KMTA to establish the Kentucky Mountain Regional Recreation Area for tourism and outdoor recreation opportunities for residents and visitors; establish the process by which counties participate in the authority and appoint representatives to serve on the board. These bills also attempt to ensure that participating landowners are not liable for willful negligence or similar damages.

HB 136 – Representatives H. Collins, L. Combs, F. Steele – AN ACT relating to motor vehicle registration.

This bill would have amended KRS 186.050 to require that voluntary donations for the Agricultural Program Trust Fund accompanying farm vehicle registrations be listed separately on any notices and that the voluntary contribution not be automatically added to the cost of registration; amend KRS 186.164 to require that voluntary donations accompanying any special license plate be listed separately on any notices and that the voluntary contribution not be automatically added to the cost of registration.

HB 137 – Representatives J. Fischer, J. Comer Jr., J. DeCesare, M. Dossett, S. Gregory, M. Harmon, S. Lee, D. Mayfield, D. Osborne, R. Quarles, S. Santoro, A. Webb-Edgington, A. Wuchner, J. York – AN ACT relating to property tax.

This bill would have redefined "compensating tax rate" and define "four percent (4%) rate" and "taxing district"; amend KRS 132.023 to require all taxing districts to calculate separate real and personal property tax rates; create a new section of KRS Chapter 132 to allow a one-time adjustment in property tax rates in 2012 to align real and personal property rates.

HB 150 – Representatives A. Simpson, D. Keene, D. Horlander, S. Santoro – AN ACT relating to local government.

This bill would have amended KRS 67.830 to require that a petition seeking the creation of a charter county commission be signed by 20 percent of the residents of both unincorporated and incorporated areas of the county; specify the composition of the commission. It would have also consolidated, streamlined, and set out procedures for county ordinance passage.

[HB 216 – Representatives G. Stumbo, T. Riner, M. Marzian – AN ACT relating to children in motor vehicles.](#)

This bill would have created a new section of KRS Chapter 189 to prohibit smoking in a motor vehicle containing a child under the age of 17.

[HB 266 – Representative F. Nesler – AN ACT relating to aquaculture.](#)

This bill would have established guidelines for reporting country of origin information on aquacultural products, to establish labeling, advertising, and recordkeeping requirements for aquacultural products, and to require the Commissioner to promulgate administrative regulations.

[HB 305 – Representatives R. Rand, G. Stumbo, R. Adkins, L. Clark, R. Damron, J. Lee, R. Palumbo, A. Simpson, T. Thompson – AN ACT amending the 2010-2012 executive branch budget bill, relating to Medicaid and Postsecondary Education, making an appropriation therefore, and declaring an emergency.](#)

[HB 347 – Representative T. McKee – AN ACT relating to veterinarians.](#)

This bill would have amended KRS 321.185 to provide that veterinarians who report suspected animal cruelty cases are not in violation of client/patient confidentiality requirements contained in the statute.

[HB 356 – Representatives J. Stacy, H. Collins, M. Cherry – AN ACT relating to motor vehicles.](#)

[HB 359 – Representatives M. Cherry, L. Napier – AN ACT relating to motor vehicles.](#)

These bills would have created a new section of KRS 189 to define the term "mini-truck" and add mini-trucks to the definition of "motor vehicle"; permit the operation of mini-trucks on highways other than interstate highways and highways with a speed limit greater than 55 mph; require operators of mini-trucks to comply with the same insurance, title, registration and usage tax requirements as a motor vehicle.

[HB 365 – Representatives T. McKee, W. Stone – AN ACT relating to veterinarians.](#)

This bill would have amended KRS 321.181 to define "Veterinarian wellness program" and "Veterinary wellness committee".

[HB 398 – Representative D. Osborne – AN ACT relating to eminent domain.](#)

This bill would have amended KRS 416.660 relating to eminent domain to allow separately deeded tracts of land owned by the same person to be considered as a single parcel for valuation purposes.

[SB 1 – Senators D. Williams, B. Leeper – AN ACT relating to fiscal policy, making an appropriation therefore, and declaring an emergency.](#)

This bill would have established the Kentucky Council on Revenue Reform to assess the effectiveness of the state and local tax and revenue system and propose legislation to revise revenue statutes; provide for the appointment of members to the council; require the council to report to the Legislative Research Commission on, or before November 30, 2011; provide sunset date for the council.

[SB 3 – Senators D. Williams, D. Seum, J. Westwood – AN ACT relating to schools.](#)

This bill would have created new sections of KRS Chapter 160 to define charter schools and to prescribe the requirements and conditions under which a local board of education may authorize a charter school; create a new section of KRS Chapter 156 to require the Kentucky Board of

Education to promulgate administrative regulations for charter schools including an appeal process; create a new section of KRS Chapter 161 to specify that teachers and staff shall participate in the Kentucky Teachers' Retirement System and the County Employees Retirement System, respectively; ensure they receive health benefits the same as other school employees; create a new section of KRS Chapter 157 to describe the transfer of public funds to charter schools in a district; amend KRS 159.070 to permit under certain conditions that a parent shall be permitted to enroll for attendance their children in the public school nearest their home; amend KRS 160.346 to permit a persistently low-achieving school to be converted to a charter school as one of the intervention options.

SB 6 – Senators J. Schickel, B. Smith – AN ACT relating to unauthorized aliens.

This bill would have created new sections of KRS Chapter 432 to define terms; set out the intent of the chapter and prevent the adoption of policies, administrative regulations, or laws that restrict the enforcement of federal immigration laws; allow for determining the immigration status of a person on reasonable suspicion, the arrest of an unlawful alien upon probable cause, and the transference of a convicted unlawful alien to the United States Immigration and Customs Enforcement or the United States Customs and Border Protection; specify that officials or agencies may not be prohibited from sharing the immigration status of a person under specific instances; indemnify a governmental law enforcement officer where the officer has been brought into a legal action; make it a Class D felony to intentionally smuggle persons for profit or commercial purposes, a Class B felony if the smuggled person is under 18 or the offense involved a deadly weapon, or a Class C felony if serious physical injury is used or threatened; define trespassing by an unauthorized alien in the first degree and set out the penalties for conviction; make it a Class A misdemeanor for a person to transport or conceal unauthorized aliens, or encourage an unauthorized alien to come to this state; amend KRS 186A.320 to include motor vehicles used in transporting unlawful aliens subject to impoundment procedures.

SB 13 – Senator K. Winters – AN ACT relating to education performance incentives and making an appropriation therefore.

This bill would have created a new section of KRS 158.845 to 158.849 and establish performance awards to teachers, based on student achievement on Advanced Placement tests or International Baccalaureate tests in advanced science and mathematics, beginning no later than the 2012-2013 academic year; require that the Kentucky Department of Education distribute the awards; provide that if funds in the science and mathematics fund are insufficient for making the required awards that the expenditure to make awards shall be considered a necessary government expense; amend KRS 158.847 to authorize use of the science and mathematics advancement fund for monetary awards to teachers.

SB 35 – Senators J. Schickel, D. Thayer – AN ACT relating to school funding.

This bill would have amended KRS 157.310 to clarify the intention of the General Assembly that no mandate be placed on the public schools without program funding to carry out the mandate; require legislation relating to the public schools that includes a fiscal note pursuant to KRS 6.955 or a state mandate pursuant to KRS 6.965 to include a provision for funding that is adequate for compliance with the mandate; clarify that no school district shall be compelled to comply with mandated enactments of the General Assembly that do not provide adequate funding; specify that this amendment does not relieve a school district from the obligation to comply with state or federal laws relating to health, safety, or civil rights.

SB 61 – Senator J. Rhoads – AN ACT relating to recreational tourism and economic development and making an appropriation therefore.

This bill would have created a new section of KRS Chapter 97 to enable local parks and recreation boards and regional recreation boards to establish landowner incentive programs for increasing access to lands for recreational use and tourism development; require those local parks and recreation boards, as well as the regional recreation boards choosing to implement a landowner

incentive program for recreational use of lands, develop a proposed program and submit the proposal to local governing bodies, which includes the legislative body of any city, unified local government, consolidated local government, charter county government or fiscal court of any county, for review and approval; require local governing bodies to conduct a public hearing on the proposed landowner incentive program and require that any program approved be adopted as an ordinance.

SB 85 – Senators K. Stein, J. Bowen – AN ACT relating to public health.

This bill would have created a new section of KRS Chapter 158 to require science-based content and age appropriate and medically accurate standards for human sexuality education; provide that a parent or guardian may excuse a child from the educational program and permit the parent or guardian to review instructional material upon request; specify that nothing requires a school district, public school, or family resource and youth services center to offer human sexuality education; create a new section of KRS Chapter 211 to permit the Cabinet for Health and Family Services to refuse federal funding for abstinence-only education; require science-based content if state funds are received by the cabinet or subcontractor for human sexuality education or teen pregnancy prevention; permit the cabinet to promulgate an administrative regulation to specify instructional content; and require an entity that receives state funding and offers human sexuality education or teen pregnancy prevention to adopt science-based content.

SB 92 – Senator D. Givens – AN ACT relating to agriculture.

This bill would have amended KRS 261.260 to clarify that the Department of Agriculture promulgate administrative regulations determining bond amounts and conditions if stockyard owners or operators, market agencies, or livestock dealers do not have surety bonds filed under requirements of the federal Packers and Stockyards Act.

SB 94 – Senator D. Givens – AN ACT relating to agriculture.

This bill would have created a new section of KRS Chapter 376 to establish a livestock seller's lien when a seller does not receive payment for livestock within three days of delivery.

SB 95 – Senator J. Higdon – AN ACT relating to career and technical education area technology centers and declaring an emergency.

This bill would have established procedures for transferring a state-operated area technology center to a local board of education; describe how the state employees in a center shall be treated in a transfer including contracts, accumulated sick leave, compensatory and annual leave time; describe how funds shall be transferred from the Office of Career and Technical Education; create a new section of KRS Chapter 160 to require after July 1, 2011, new area technology centers and transferred area technology centers to establish a process for engaging the local development office and employers in the service area to make recommendations regarding local programming.

SB 124 – Senator M. Wilson – AN ACT relating to selection of school personnel.

This bill would have created a new section of KRS Chapter 156 to require the Kentucky Department of Education to develop a teacher selection training module; require the department to provide training to all principals; require the department to develop and make available a training module update; allow credit hours to be given for completing initial and update training.

SB 151 – Senators R. Jones II, J. Turner, W. Blevins Jr. – AN ACT relating Public Service Commission members.

This bill would have amended KRS 278.050 to expand membership of the Public Service Commission (PSC) from three to seven commissioners, one for each U.S. Congressional District and one for the state at large, who shall be elected for staggered four year terms beginning with the next regular election in even-numbered years for terms of four years.

SB 153 – Senators D. Thayer, J. Schickel – AN ACT relating to special districts.

This bill would have created a new section of KRS Chapter 65 to define terms; provide for local legislative body approval in taxing districts for ad valorem rate changes that produce increased revenues and changes in charges by non-taxing districts that will produce increased revenues; establish procedures for submission of proposed changes to rates or charges and their approval or disapproval; amend KRS 220.035 to require districts governed by KRS 220.135 to submit proposed service charges, user fees, and any other charges, as defined in Section 1 of this Act for approval of appropriate local legislative bodies.

Note: The Legislative Report and KFB's Priority Issues will also be included on KFB's website at kyfb.com

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