

The background of the entire page is a photograph of the Kentucky State Capitol building, featuring a large dome and classical columns. The image is tinted with a light blue color.

2010 *Kentucky League of Cities* LEGISLATIVE UPDATE

Bills Enacted by the 2010 Kentucky General Assembly
of Interest to Kentucky Cities



Kentucky League of Cities

www.klc.org

NOTE: The effective date of all legislation enacted by the 2010 Regular Session of the General Assembly is July 15, 2010, except for measures containing emergency or delayed effective date provisions. (OAG 10-002)

If a bill reported in this update becomes effective on a date other than July 15, 2010, it is noted in the summary of the bill.

The complete text of all bills is available for review on the Legislative Research Commission website at www.lrc.ky.gov.

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HB 220 BUILDING SAFETY PROGRAMS

Sponsor: Representative Brent Yonts (D-Greenville)

HB 220 establishes a fire sprinkler inspection certification program and an elevator safety program in the Department of Housing, Buildings and Construction. New sections of KRS Chapter 198B are created to establish certification and annual renewal requirements for fire sprinkler inspectors effective July 1, 2012. Applicants currently licensed by the state as fire sprinkler inspectors that apply for certification prior to July 1, 2012, will be certified without having to meet the certification requirements established by HB 220.

New sections of KRS 198B.400 to KRS 198B.540 are created to establish licensure and annual renewal requirements for elevator contractors and elevator mechanics effective July 1, 2012. Applicants currently engaged in business as an elevator contractor or elevator mechanic who make application for licensure by the Department of Housing, Buildings and Construction prior to July 1, 2012, will be licensed without completing the licensure requirements established by HB 220 if 1) the applicant has a minimum of three years of verifiable experience as an elevator contractor or elevator mechanic in Kentucky or 2) is currently licensed as an elevator contractor or elevator mechanic in another state with comparable licensure requirements. Effective July 1, 2011, any person working as an elevator contractor or elevator mechanic in Kentucky must be licensed by the Department of Housing, Buildings and Construction. Only a licensed elevator mechanic working under the general supervision of a licensed elevator contractor may erect, alter, replace, maintain or remove an elevator in Kentucky.

HB 220 additionally amends KRS 198B.520 relating to cities that maintain their own elevator inspection departments. KRS 198B.520 currently permits cities that maintain their own elevator inspection departments to approve plans and specifications for the erection of an elevator or repair of an elevator that alters its classification or lifting capacity. HB 220 amends KRS 198B.520 to require all permits for the erection or repair of an elevator to be issued by the Department of Housing, Buildings and Construction. HB 220 has a DELAYED EFFECTIVE DATE of July 1, 2011.

HB 295 BUILDING INSPECTOR'S TRAINING PROGRAM FUND

Sponsor: Representative Tommy Thompson (D-Owensboro)

HB 295 amends KRS 198B.095 to reduce the maximum funding allotted to the Building Inspector's Training Program Fund from plan review fees collected by the Department of Housing, Buildings and Construction from \$150,000 to \$125,000. The program provides training to encourage building inspectors to upgrade their skills and encourage local governments to establish and improve building code enforcement programs. Any plan review fees collected in excess of \$125,000 will be used to support the department's building inspection program.

COUNTY EMPLOYEES RETIREMENT SYSTEM

HB 146 RETIREMENT SYSTEMS INVESTMENTS

Sponsor: Representative Mike Cherry (D-Princeton)

HB 146 amends provisions of KRS Chapters 16, 61 and 78 related to investment practices of the Kentucky Retirement Systems. KRS 61.645 is amended to require two of the appointments made by the Governor to the Board of Trustees of the Kentucky Retirement Systems to have at least 10 years of investment experience. KRS 61.650 is amended to limit the amount of assets managed by a single external investment manager to 15 percent of the assets in the pension and insurance funds of the Kentucky Retirement Systems and to require the Board of Trustees to establish a five-member investment committee comprised of the two gubernatorial appointees with investment experience and three trustees appointed by the board chair. KRS 16.642 and 78.790 are amended by HB 146 to make clear the investment committee established by KRS 61.650 serves also as the investment committee for the State Police Retirement System and the County Employees Retirement System, and the amount of assets managed by a single external investment manager is limited to 15 percent of the assets in the pension and insurance funds.

HB 289 RETIREMENT BENEFITS AND DOMESTIC RELATIONS ORDERS

Sponsor: Representative Mike Cherry (D-Princeton)

HB 289 amends various sections of the Kentucky Revised Statutes to require all state retirement systems, including the County Employees Retirement System, to honor qualified domestic relations orders. A "qualified domestic relations order" means any judgment, decree or order, including approval of a property settlement agreement, that is issued by a court or administrative agency and relates to the provision of child support, alimony payments or marital property rights to an alternate payee who is a spouse, former spouse, child or other dependent of a retired member receiving a monthly retirement allowance. Except in cases involving child support payments, the retirement systems may charge reasonable fees and expenses to the member and alternate payee for administration of the qualified domestic relations order.

HB 329 SELECTION OF RETIREMENT OPTIONS

Sponsor: Representative Jim Glenn (D-Owensboro)

HB 329 amends KRS 61.542 and 61.590 to prohibit any change in the beneficiary designation or payment option selected by a member of the County Employees Retirement System, Kentucky Employees Retirement System or State Police Retirement System on or after the first day of the month in which the member receives his or her first payment, rather than on or after the date the State Treasurer issues the first payment.

KRS 16.642, 61.650 and 78.790 are amended by HB 329 to require investment policies of the Kentucky Retirement Systems to be adopted by the Board of Trustees for implementation by the investment committee rather than adopted by the investment committee, and to require any change in registration of securities acquired by the Kentucky Retirement Systems to be accomplished pursuant to written policies adopted by the board rather than upon the written signature of the board chair and executive director.

HB 265 DRIVING UNDER THE INFLUENCE

Sponsor: Representative Will Coursey (D-Benton)

HB 265 amends KRS 189A.010 and KRS 189A.105 relating to driving under the influence of a substance that impairs driving ability. KRS 189A.010 is amended to prohibit operation of a motor vehicle if the driver has a detectable amount of a listed controlled substance in his or her blood according to a scientifically reliable test unless prescribed by a medical practitioner. HB 265 additionally amends KRS 189A.105 to lower the amount of alcohol in a driver's blood or breath considered as an aggravating factor for sentencing from a concentration of 0.18 to a concentration of 0.15. When an aggravating factor is present at the time a person is driving under the influence, the driver is subject to a sentence that is twice as long as the mandatory minimum jail sentence imposed if the results are less than 0.15.

HB 415 PERSONAL COMMUNICATION DEVICES

Sponsor: Representative Tom Riner (D-Louisville)

HB 415 creates a new section of KRS Chapter 189 to prohibit the use of a personal communication device to manually communicate with any person using text-based communication, including communication referred to as a text message or electronic mail, while operating a motor vehicle that is in motion on the traveled portion of a roadway except to summon medical help or a law enforcement or public safety agency in an emergency. HB 415 additionally creates a new section of KRS Chapter 189 to prohibit any person under the age of 18 who has been issued an instruction permit, intermediate license or operator's license to operate a motor vehicle, motorcycle or moped on the traveled portion of a roadway while using a personal communication device for audio or text communication except to summon medical help or a law enforcement or public safety agency in an emergency. Prior to January 1, 2011, any person who violates the provisions of HB 415 will receive a warning. On or after January 1, 2011, any person who violates the provisions of HB 415 will be fined \$25 for the first offense and \$50 for each subsequent offense.

ECONOMIC DEVELOPMENT

HB 287

RURAL ECONOMIC DEVELOPMENT

Sponsor: Representative Richard Henderson (D-Jeffersonville)



HB 287 amends KRS 154.22-050 pertaining to rural economic development to permit the Kentucky Economic Development Finance Authority to grant extension of the term of a tax incentive agreement executed for a term of 15 years pursuant to KRS 154.22-050 for up to 10 additional years under the following conditions: 1) the approved company commits to an additional investment or the creation of additional jobs at the project site; 2) the approved company consolidates operations, facilities or services currently located in another state to the Kentucky project site; 3) the approved company has used less than 60 percent of the inducements awarded under the tax incentive agreement; and 4) the maximum amount of incentives established by the existing tax incentive agreement is not increased.

SB 227

COMMUNITY FOUNDATIONS

Sponsor: Senator Brandon Smith (R-Hazard)

SB 227 creates a new section of KRS Chapter 147A to establish the Endow Kentucky Commission attached to the Department for Local Government for administrative purposes to promote community foundations as a funding source for community improvement projects. The membership of the commission includes one representative from each community foundation organized in Kentucky, one representative from each area development district and the Secretary of the Cabinet for Economic Development. SB 227 additionally establishes the Community Endowment Fund in the state treasury to consist of any funds appropriated from the general fund and any gifts or grants made available for the purpose of the fund. Grants from the fund may be awarded by the Department for Local Government for the purpose of developing and enhancing community foundations. In order to receive grants from the fund, a community foundation must substantially comply with standards established by the National Council on Foundations and be certified by the Endow Kentucky Commission.

HB 88 CAMPAIGN FINANCE REPORTS

Sponsor: Representative Bill Farmer (R-Lexington)

HB 88 amends KRS 121.180 to permit candidates or committees required to file campaign finance reports to designate an entry reading "no change since last report" if the filer has received or spent nothing since the date of the filer's last report. A filer designating this entry must state only the balance carried forward from the previous report. HB 88 has a DELAYED EFFECTIVE DATE of November 3, 2010.

HB 97 NOMINATION PETITIONS

Sponsor: Representative Darryl Owens (D-Louisville)

HB 97 amends KRS 118.375 to change the minimum amount of time before a regular election that a candidate may file a nomination petition for a vacant elective office from 106 days to three months. HB 97 additionally amends sections of KRS Chapter 118 to establish procedures for the nomination of independent, political organization and political group candidates for a special election, and to require political organization candidates and political group candidates to file nomination petitions for a regular election, as currently required of political party candidates.

HB 149 EXECUTIVE BRANCH EMPLOYEES

Sponsor: Representative Mike Cherry. (D-Princeton)

HB 149 amends various sections of KRS Chapter 18A relating to employees in the executive branch of state government. Among other provisions, KRS 18A.140 is amended to permit employees in the classified service of the executive branch (merit system employees) to be candidates for and occupy an elected office if the election is on a nonpartisan basis and the duties of the elective office do not interfere with, or create a conflict of interest with, the state duties of the employee. The measure requires the employee to give notice to his or her employer of his or her intention to run for election to a nonpartisan office upon filing to run for office.

HB 152 ELECTIONS

Sponsor: Representative Darryl Owens (D-Louisville)

HB 152 amends various sections of KRS Chapters 116, 117 and 118 pertaining to elections to reflect current practice, including KRS 116.055 to permit members of a political organization or political group to vote in primaries for nonpartisan races (as currently permitted for members of a political party) and KRS 117.045 to prohibit an individual from serving as an election officer if the individual or a family member of the individual is a candidate in the election. KRS 117.265 is amended to establish the second Friday before the date of a special election as the latest date an individual can file a declaration of intent to be a write-in candidate in a special election.

ELECTIONS (CONT.)

SB 35 **ROSTER OF ELIGIBLE VOTERS**

Sponsor: Senator Alice Kerr (R-Lexington)



SB 35 amends KRS 116.200 to require each city clerk, except the clerk in a consolidated local government or urban-county government, to provide information on its boundaries to the clerk of the county in which the city is located to assist the county clerk in maintaining an accurate roster of voters eligible to vote in city elections. Each city clerk is required by SB 35 to provide a map of the boundaries of the city to the county clerk by January 1, 2011, along with a list of all properties within the city. Any change in boundaries after January 1, 2011 must also be reported to the county clerk in accordance with existing annexation and deannexation laws. The map may be a copy of the city's boundary map maintained by the Kentucky Commonwealth Office of Technology, Division of Geographic Information. The list of properties may be submitted in electronic format. SB 35 additionally amends KRS 81A.470 to delete the requirement for cities to submit a map and boundary description of areas annexed or severed to the Department for Local Government.

The board of each school district is likewise required by SB 35 to provide information on its boundaries to the clerk of the county in which the school district is located by January 1, 2011 to assist the county clerk in maintaining an accurate roster of voters eligible to vote in school board elections.

HB 504

WET WEATHER DISCHARGES FROM SANITARY SEWERS

Sponsor: Representative Kevin Sinnette (D-Ashland)



The United States Environmental Protection Agency previously delegated to the Kentucky Environmental and Public Protection Cabinet authority under the Federal Water Pollution Control Act to: 1) issue permits for discharges consisting of combined sewer overflows; 2) approve long-term control plans for wet weather discharges from combined or separate sanitary sewer systems; and 3) enforce provisions of the Water Pollution Control Act. HB 504 amends KRS 224.16-050 pertaining to state enforcement of the Water Pollution Control Act to require the Environmental and Public Protection Cabinet to consider, to the extent allowable under KRS 224.16-050 and the Water Pollution Control Act, limitations on financial capabilities of state and local governments and regulated utilities to secure necessary funding for long-term control plans, and to allow for reasonable accommodations when fines for noncompliance would impose a disproportionate financial hardship in light of the environmental benefits to be gained. The measure additionally requires the Environmental and Public Protection Cabinet to consider factors set forth in the Environmental Protection Agency's "Combined Sewer Overflow Control Policy" that may ease the cost burden of implementing long-term control plans.

FIREFIGHTERS

HB 170 COMMISSION ON FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION

Sponsor: Representative Joni Jenkins. (D-Shively)

HB 170 amends KRS 95A.020-95A.040 to establish operational guidelines for the Commission on Fire Protection Personnel Standards and Education in relation to meeting times, attendance and the election of officers. It additionally permits the Commission to provide financial support for training and salaries of instructors necessary to achieve minimum standards for certification of fire protection personnel.

HB 165

EMPLOYER-SPONSORED HEALTH PLANS

Sponsor: Representative Robert Damron (D-Nicholasville)



HB 165 amends KRS 344.040 pertaining to unlawful employer practices to permit an employer providing an employer-sponsored health plan to establish different employee contribution rates for smokers and nonsmokers. HB 165 additionally permits employers to offer incentives or benefits to employees who participate in a smoking cessation program.

LOCAL GOVERNMENTS

HB 204 DEPARTMENT FOR LOCAL GOVERNMENT

Sponsor: Representative Steve Riggs (D-Jeffersontown)

HB 204 amends various sections of the Kentucky Revised Statutes to rename the Governor's Office for Local Development the Department for Local Government and confirm Executive Order 2009-540 dated June 12, 2009.

HB 323 CHARTER COUNTY GOVERNMENTS

Sponsor: Representative Brad Montell (R-Shelbyville)

HB 323 creates a new section of KRS 67.825 to 67.875 relating to charter county governments to require charter county governments to comply with the provisions of KRS 68.245 and KRS 132.017, commonly referred to as HB 44 (1978 Special Session). Under KRS 68.245 and KRS 132.017, local governments are restricted to setting real property tax rates at a level that would generate no more than a 4 percent increase in property tax revenues annually without being subject to a recall by voters through a petition and referendum process. There are currently no charter county governments in Kentucky.

SB 88 URBAN-COUNTY BOARDS OF HEALTH

Sponsor: Senator Alice Kerr (R-Lexington)

SB 88 amends KRS 212.638 to permit urban-county boards of health to enter into agreements for the purchase of supplies and materials or performance of work with a value of less than \$20,000 without advertisement for bids pursuant to KRS Chapter 424.

SB 88 STATEWIDE ASSOCIATIONS OF LOCAL GOVERNMENTS

Sponsor: Senator Alice Kerr (R-Lexington)

SB 88 creates new sections of KRS Chapter 65 to require organizations that represent a statewide association of local governments where the majority of the governing body is composed of local elected officials to comply with Kentucky open meetings and open records laws with certain exceptions. Exceptions are provided to protect proprietary information and to permit telephonic conference calls as long as a designated location is provided where members of the public can attend and hear the audio.

SB 88 additionally requires organizations that represent a statewide association of local governments to:

- ◆ Adopt a procurement policy consistent with state procurement law by August 1, 2010;
- ◆ Approve by August 1, 2010, an equitable personnel and compensation policy;
- ◆ Adopt a code of ethics for its members, officers and employees by August 1, 2010;
- ◆ Establish by August 1, 2010, an independent process to receive, investigate and resolve concerns related to the organization, including alleged violations of the code of ethics;
- ◆ Conduct training for its members relating to their legal and fiduciary responsibilities by August 1, 2010;
- ◆ Forward a copy of its annual audit report to the Auditor of Public Accounts and permit the Office of the Auditor of Public Accounts to conduct an audit at its discretion;
- ◆ Provide a website by January 1, 2011, to allow citizens Internet access to budget and financial data of the organization; and
- ◆ Establish a schedule of regular meetings by January 15 of each year.

MOTOR VEHICLES

HB 79 GOLF CARTS ON PUBLIC ROADS

Sponsor: Representative John Arnold, Jr. (D-Sturgis)

HB 79 amends KRS 189.286 to permit the governing body of a local government to authorize and regulate the operation of a golf cart on any public roadway within its jurisdiction under specified conditions. The legislation amends the original statute that permitted operation of a golf cart within five miles of an entrance to a golf course.

If a local government authorizes operation of a golf cart on a public roadway, KRS 189.286 requires the golf cart to have a minimum of four wheels, be insured in compliance with KRS 304.39.080, operated only between the hours of sunrise and sunset, display a slow-moving vehicle emblem in compliance with KRS 189.820 and obtain a permit issued by the local government. The posted speed limit on the roadway must be 35 miles per hour or less and the golf cart cannot cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than 35 miles per hour. The local government is required to adopt an ordinance specifying each roadway that is open for golf cart use.

Any golf cart operated on a public roadway is additionally required by KRS 189.286 to meet the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. Part 571.500. The standards require each low-speed vehicle to be equipped with: 1) headlights; 2) front and rear turn signals; 3) tail lights; 4) brake lights; 5) red reflectors on each side and on the rear; 6) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; 7) a parking brake and 8) a windshield that conforms to the federal motor vehicle safety standard on glazing materials set forth in 49 C.F.R. Part 571.205. KRS 189.286 requires inspection of the golf cart by an inspector designated by the county sheriff and certified by the Department of Vehicle Regulation to ensure compliance with the provisions of KRS 189.286.

HB 454 LIEN FOR CHARGES BY MUNICIPAL UTILITY

Sponsor: Representative Rick Rand (D-Bedford)

HB 454 creates a new section of KRS Chapter 376 related to statutory liens to authorize municipal utilities providing gas, electric, sewer, water or telecommunication services to retail business ratepayers to impose a statutory lien on the ratepayer's real property for any outstanding rates and charges in excess of \$10,000. A lien may not attach to the real property of an owner who has leased the property to a retail business ratepayer unless the owner is responsible for payment of utility charges under the terms of the lease agreement. A statement of lien, including the amount due for services provided and a legal description of the property against which the lien is claimed, must be subscribed by an authorized representative of the utility and recorded in the office of the county clerk where the property serviced by the municipal utility is located. A statement of lien filed by a municipal utility may take priority over a mortgage, contract lien or bona fide conveyance for value if the lien is filed before recording of the mortgage, contract lien or conveyance.

HJR 141 NATURAL GAS RETAIL CHOICE PROGRAMS

Sponsor: Representative Keith Hall (D-Phelps)

House Joint Resolution 141 directs the Public Service Commission to commence a collaborative study of natural gas retail competition programs to determine whether such programs can be crafted to benefit Kentucky consumers by creating competitive options for the purchase of natural gas. The Public Service Commission is encouraged to seek input for the study from interested stakeholders, including but not limited to the Attorney General, regulated local distribution companies, natural gas marketers, representatives from all classes of customers and representatives from consumer groups. The Public Service Commission must provide a written report of its findings and recommendations to the Legislative Research Commission on or before January 1, 2011.

PLANNING AND ZONING

HB 391 **CONDOMINIUMS**

Sponsor: Representative Scott Brinkman (R-Louisville)

KRS 391 creates new sections of KRS Chapter 381 pertaining to ownership and conveyance of property to establish uniform policies for the creation and management of condominiums effective January 1, 2011. The measure, known as the Kentucky Condominium Act, is applicable to all condominiums, including condominium owners, associations and developers. Among other provisions, the legislation requires condominiums to comply with applicable zoning, subdivision, building code or other real estate use law, ordinance or regulation, except no law may prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. HB 391 has a DELAYED EFFECTIVE DATE of January 1, 2011.

HB 398 **LIVESTOCK**

Sponsor: Representative Tom McKee (D-Cynthiana)

HB 398 creates a new section of KRS Chapter 257 to prohibit a local government from adopting any ordinance, resolution, rule or regulation regarding on-farm livestock or poultry care that is more stringent than administrative regulations promulgated by the Kentucky Board of Agriculture. Nothing in HB 398 preempts any local ordinance or regulation related to planning and zoning adopted in accordance with KRS Chapter 100 or affects any local ordinance or regulation adopted before the effective date of HB 398.

SB 17 SEXUAL OFFENSES

Sponsor: Senator Julie Denton (R-Louisville)

SB 17 amends KRS Chapter 510 relating to sexual offenses to establish criminal penalties for sexual conduct by prison guards, jailers or other staff persons of state or local detention facilities with prison inmates. KRS 510.060, KRS 510.090 and KRS 510.120 are amended by SB 17 to establish the crimes of rape in the third degree for sexual intercourse with an inmate, sodomy in the third degree for deviate sexual intercourse with an inmate and sexual abuse in the second degree for sexual contact with an inmate, respectively, by a prison guard, jailer or other staff person of a state or local detention facility. Violation of KRS 510.060 or KRS 510.090 is a Class D felony. Violation of KRS 510.120 is a Class A misdemeanor.

SB 32 INMATE CIVIL ACTIONS

Sponsor: Senator John Schickel (R-Union)

SB 32 amends KRS 454.415 to require dismissal of civil actions brought by an inmate against the Department of Corrections, a Department of Corrections contract facility or a county jail in reference to a disciplinary proceeding, sentence calculation, custody credit or conditions of confinement if the inmate fails to exhaust the facility's administrative remedies prior to filing the action. The order of dismissal may assess court costs against the inmate. If court costs are assessed, the correctional facility may enforce the assessment against the inmate's canteen account and any other assets as provided by law. SB 32 additionally amends KRS 454.405 to permit the Department of Corrections, county jails and other local or regional correctional facilities to enforce assessments for court costs against an inmate's canteen account if any civil action brought by an inmate is dismissed by a court as legally without merit or factually frivolous.

SB 84 INMATE HEALTH CARE

Sponsor: Senator Robert Stivers (R-Manchester)

KRS 441.053 requires correctional facilities owned or operated by a unit of local government or regional jail authority to utilize the Department of Corrections' contract pharmacy plan unless the requirement is waived by the department. SB 84 amends KRS 441.053 to permit units of local government or regional jail authorities that contract for comprehensive health services from a private provider to elect not to utilize the Department of Corrections' contract pharmacy plan. SB 84 additionally requires the Department of Corrections to waive the requirement to use the department's contract pharmacy plan if a unit of local government or regional jail authority contracts with a private vendor for a prescription plan that is equal to or less than the total cost of the department's pharmacy plan. A person or entity that assists the Department of Corrections to manage claims or evaluate applications for waivers may not be awarded a contract to provide medical or dental care, psychological care or pharmaceutical products to inmates in any jail operated by a unit of local government or regional jail authority.

PROCUREMENT

SB 45 BIDDER PREFERENCES

Sponsor: Senator Gary Tapp (R-Shelbyville)

SB 45 creates new sections of KRS Chapter 43A and KRS Chapter 65 to require public agencies, including state and local governments, to provide a preference to Kentucky residents against a nonresident bidder from any state that gives or requires a preference to bidders from that state when awarding contracts for the purchase of goods and services or construction projects. The preference must be equal to the preference given or required by the state of the nonresident bidder.

A resident bidder is defined by SB 45 as an individual, partnership or corporation that has for one year prior to and through the date of the advertisement for bids: 1) filed Kentucky corporate income taxes; 2) made payments to the Kentucky unemployment insurance fund established in KRS 341.490 and 3) maintained a Kentucky workers' compensation policy in effect. A nonresident bidder is an individual, partnership or corporation that does not meet the requirements of a resident bidder.

The Finance and Administration Cabinet is required by SB 45 to maintain a list of states that provide a preference for their own resident bidders, including details of the preference provided, to be used by public agencies in determining resident bidder preferences.

Any public agency advertising for bids must indicate a preference for Kentucky resident bidders against a nonresident bidder pursuant to KRS 45A.

SB 176 REVERSE AUCTIONS

Sponsor: Senator Vernie McGaha (R-Russell Springs)

SB 176 amends KRS 45A.345 and 45A.365-45A.370 of the to permit local governments adopting the Local Model Procurement Code to use reverse auctions in procurement procedures. "Reverse auction" is defined by SB 176 to mean "a real-time, structured bidding process, usually lasting less than one hour, and taking place during a previously scheduled time and Internet location, during which multiple bidders, anonymous to each other, submit revised, lower bids to provide the solicited good or leased space."

Reverse auctions may not be used to solicit bids for services or construction projects, including but not limited to road, bridge, and building projects. SB 176 additionally amends various other procurement statutes to permit state government, local boards of education and governing boards of higher education institutions to use reverse auctions in procurement procedures. The general bidding statute utilized by local governments (KRS 424.260) is not amended by SB 176.

HB 1 GLOBAL POSITIONING MONITORING SYSTEMS

Sponsor: Representative Greg Stumbo (D-Prestonsburg)

HB 1 creates new sections of KRS Chapter 67 to permit any county or combination of counties to operate a global positioning monitoring system program for the purpose of: 1) monitoring a domestic violence respondent and petitioner; 2) monitoring the pretrial release of a person charged with certain crimes; 3) monitoring a person assigned to a pretrial diversion program; and/or 4) monitoring a person granted probation or conditional discharge. Agreements between counties for operation of a global positioning monitoring system program may be completed by contract or by an interlocal cooperation agreement. The county or combination of counties must contract with an entity providing a global positioning system and devices through a public bid process.

The court may order a respondent or defendant to pay the costs associated with operation of a global positioning monitoring system. If the court determines the respondent or defendant is indigent, the court may require the respondent or defendant to pay less than the full amount of the cost. A contract with a vendor providing a global positioning monitoring system must require the vendor to accept the reduced payments as payment in full. The contract must further specify that no unit of local government is responsible for payment of monetary costs, except that a county or counties may agree to pay all or part of a monitoring fee to the monitoring entity if the county would have otherwise been required by a court to place a person in jail at county expense.

A county utilizing a global positioning monitoring system program may charge an administrative fee to a person ordered to participate in a global positioning program to cover the county's cost in administering the program. The fee must be set by ordinance and is in addition to the fee charged by the entity contracted to provide the monitoring system.

HB 1 additionally amends KRS 15.334 to require all certified peace officers to complete training provided by the Justice and Public Safety Cabinet on the subject of domestic violence and abuse at least once every two years.

PUBLIC SAFETY (CONT.)

HB 285 PREVENTION OF PEDIATRIC ABUSIVE HEAD TRAUMA

Sponsor: Representative Addia Wuchner (R-Burlington)

HB 285 amends various statutes to require training covering the recognition and prevention of pediatric abusive head trauma, also known as Shaken Baby Syndrome. KRS Chapter 311A is amended by HB 285 to require emergency medical technicians, first responders and paramedics to receive continuing education that includes completion of 1.5 hours of approved training covering the recognition and prevention of pediatric abusive head trauma at least once every 5 years. The training must be included in the current number of required continuing education hours.

KRS 15.334 is amended by HB 285 to require the Kentucky Law Enforcement Council to include training covering the recognition and prevention of pediatric abusive head trauma in all law enforcement basic training programs and in mandatory continuing education courses for peace officers. Each peace officer is required by HB 285 to receive continuing education that includes completion of 1.5 hours of training covering the recognition and prevention of pediatric abusive head trauma by December 31, 2013, to be included in the current number of required continuing education hours.

HB 285 also creates a new section of KRS Chapter 197 relating to state prisons to require the Department of Corrections to make available a 1.5-hour course for inmates that addresses the prevention of pediatric abusive head trauma and to encourage local jails to provide a similar course.

HB 172 RECLASSIFICATION OF THE CITY OF CADIZ

Sponsor: Representative John Tilley (D-Hopkinsville)

HB 172 reclassifies the City of Cadiz in Trigg County from a city of the fifth class to a city of the fourth class.

TAXATION

HB 278

INSURANCE PREMIUM TAXES

Sponsor: Representative Steve Riggs (D-Jeffersontown)



KRS 91A.0810 requires an insurance company to include the amount of any insurance premium tax charged to a policy holder and the name of the taxing district on either the billing or renewal certificate for the policy period. HB 278 amends KRS 91A.0810 to clarify placement of the required information. For newly issued policies, the information may be included on the policy, declaration sheet or initial billing instrument. For renewed policies, the information may be included on either the renewal certificate or billing instrument for each renewal period.

HB 278 additionally exempts premiums paid to insurance companies by nonprofit, self-insurance groups whose membership consists of cities, counties, urban county governments, consolidated local governments, school districts or any other political subdivision from license fees imposed pursuant to KRS 91A.080 beginning July 1, 2010, and ending June 30, 2012.

For more information contact the

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