

**2007
REGULAR SESSION**

Scorecard @ Mar 12
(28/30 days)

	Senate	House
# bills filed	222	538
# resolutions filed	221	222
# bills passed 1 chamber	48	107
# bills passed both chambers	32	50
# bills into law	0	0
# bills vetoed	0	0

LRC Contact Numbers

Mtg info	800/633-9650
Legislators msg	800/372-7181
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LRC web	www.lrc.ky.gov

Key Session Dates

Jan-2	Session I Convenes
Feb-6	Session II Convenes
Feb-9	Last day to have a new bill drafted
Feb-16	Last day to file Senate bills
Feb-20	Last day to file House bills
Mar-9 & 12	Concurrence days
Mar 13 - 23	Veto days (GA not in session)
Mar 27	Adjourns

The words “play nice” have not been heard at the GA in the last several days. Although working hard last week and yesterday, the GA adjourned late last night without agreeing on the major issues set out early in the session. Partisan politics was evident as both the House Democrats and Senate Republicans traded verbal jabs blaming each other for holding up bills.

The Senate probably started the political action last week when it passed a committee amendment to **HB 418** that *overhauled the state employee pension system* and sent it back to the House for concurrence. House Majority Leader Jody Richards (D-Bowling Green) indicated the House would not concur because more time is needed to study the changes. Governor Ernie Fletcher came out in support of the changes and threatened to call a Special Session if this and a few other issues are not resolved. Yesterday, Senate President David Williams (R-Burkesville) held up action on an agreed to bill (**HB 1**) to restore the projects vetoed during the last session as leverage to encourage the House to pass pension reform. The House would only agree to the funding portion but the Senate wanted the entire reform plan. Even Attorney General Greg Stumbo got involved with a letter questioning the legality of the Senate plan.

The House’s *budget bill* (**HB 327**) was also held up by politics after the bill came out of committee without Gov. Fletcher’s priority spending plans, especially for the Kentucky Horse Park or the Wolf Creek Dam area. Yesterday, the Senate added these provisions in an amendment to **HB 262**, passed the bill 37-0 and sent it back to the House. But the House didn’t reconsider the bill before adjourning.

Over the next 2 weeks, the GA will be holding *conference committees* to determine if compromises on certain bills can be reached. Look for only partial success, and more long days on Mar 26-27 when the GA comes back to consider final actions on bills and any vetoes by the Governor.

PSC Commissioner John Clay was confirmed by the Senate last week by voting 38-0 to adopt SR 193. Commissioner Clay’s term will expire July 1, 2009.

It appears that the large gas companies won’t give up on its rate regulation bill (**HB 261**). After a House committee finally approved turning it into a task force study, the House leadership recommitted it to another committee. Over on the Senate side a few days later, the task force language was in a proposed amendment to **HB 102**, but it failed to receive a second and was not considered by the Senate Agriculture and Natural Resources committee.

Telecom Issues

Bills that have not moved out of committee onto either the House or Senate floor are likely dead this session – the fate of most telecom related bills.

The Senate Judiciary committee did not take up **HB 230**, which would restrict the use of mobile phones by school bus drivers. The other bill (**HB 301**) to restrict mobile phone use by all drivers was never heard by the House Transportation committee.

The ConnectKentucky bills had partial success. **SB 74** passed both the House (98-1) and Senate (37-0) last week and has been sent to the Governor. He is expected to sign the bill into law. The provisions of the bill should provide ConnectKentucky with permanent state funding. The Senate Agriculture and Natural Resources committee did not consider **HCR 126** to recognize ConnectKentucky as the state's information technology resource and to continue its role in broadband expansion.

The Senate Appropriation & Revenue committee did not take an expected vote on **HB 360**, and it was removed from the committee yesterday and passed twice on the Senate floor – once in a 19-13 vote and later on reconsideration by a 23-13 vote. The bill is intended to conform state law to the telecom portion of the national streamlined state sales tax pact not previously adopted but *also includes other provisions sought by the Department of Revenue.*

One of three telemarketing bills passed. **HB 430** passed the Senate last week by a 37-0 vote. The bill does away with the state do-not-call list and adopts the national list for compliance with the state telemarketing laws. **HB 433** to add wireless numbers to the do-not-call list did not get a hearing in the House Labor and Industry committee. **HB 437** prohibiting unauthorized fax transmissions passed the House but was not heard in the Senate Judiciary committee.

More help on copper theft may be on the way. The Senate passed **HB 82** in a 38-0 vote last week and it is now with the Governor for signature. The bill requires junk dealers to keep better records of copper transactions and make more complete reports of such transactions to local police.

Even with the controversy surrounding *911 PSAP center funding*, the House resolution (**HCR 70**) to establish a task force and study the issue failed to get out of the House Local Government. Local and county governments were pushing this bill.

Ins & Outs

A Special Session Ahead? Gov. Fletcher threatened the GA last week with a Special Session if it did not pass the Senate's pension reform plan and provide funding for, at least, his proposals on the Kentucky Horse Park and the Wolf Creek Dam. As previously stated, the Senate passed bills on each of the issues but the House has so far refused to concur.

Wolf Creek Dam spillover. The US Corps of Engineers probably didn't realize all of the consequences when it decided to lower Lake Cumberland last month to ease pressure on Wolf Creek Dam while it was being repaired. The state, for example, is working overtime to install a *reverse 911 system* to notify residents of potential dangers. Duo County Telephone, Windstream and South Central Rural Telephone are working with the state Office of Homeland Security (KOHS) to notify residents in Clinton, Cumberland, Monroe and Russell counties. KOHS has also received a \$350,000 grant from the CMRS Board to establish an *enhanced 911 system* in the same area. Only Monroe County is currently operating an enhanced 911 system. The KOHS system may ultimately cover all 11 counties in the Lake Cumberland ADD. The Government Contracts Review subcommittee approved a 1-year waiver yesterday so the grant could be awarded without competitive bidding.

Senate Bills & Resolutions

SB 7 ELECTRIC UTILITY STAFFING

(Worley) – Would require PSC to direct electric utilities to assign at least 1 full-time service employee in each county with over 500 customers. *[Filed 1/2; now in Senate Agriculture & Natural Resources (Ag&NR).]*

SB 55 FINANCE AND ADMINISTRATION CABINET REORGANIZATION

(Kelly) – Would require, in part, a review of all state agencies' IT sections and, if deemed necessary, consolidate operational control under COT. *[Filed 1/5. Senate State & Local Government passed cmtte substitute 2/7. Senate passed 34-0, 2/23. House State Government passed 3/1. Now on House floor w/2 floor amendments.]*

SB 65 SEX OFFENDERS REGISTRATION

(Jones et al) – Would amend required registration information to include internet communications identities. *[Filed 1/5. Senate Judiciary passed 2/8. Senate passed 36-0, 2/13. House Judiciary passed 2/28. House passed 97-0 3/8. Now w/Governor.]*

SB 74 CONNECTKENTUCKY FUNDING

(Harris & Boswell) – Requires DLG/GOLD to monitor and report on broadband deployment and adoption. DLG may contract w/non-profit organization (ConnectKentucky) to carry out provisions. *[Filed 2/6. Senate Ag&NR passed cmtte substitute, 2/15. Senate passed cmtte substitute 36-0, 2/22. Reassigned from House Local Government (LG) to House Tourism Development & Energy (TD&E) 2/27. Cmtte passed telecom supported cmtte substitute 3/1. Floor amendment filed to add another bill matter to this bill. House passed 98-1 w/floor amendment 3/7. Senate concurred 37-0 3/9. Now w/Governor.]*

SB 84 CDL DRUG TESTING

(Guthrie) – Would require employer to notify Transportation Cabinet of any positive drug tests of employees with CDLs. The cabinet will suspend the CDL pending treatment. *[Filed 2/6; now in Senate Transportation.]*

SB 176 COUNTY OCCUPTIONAL TAXES

(Sanders) – Would remove 1% limit on county occupational taxes for counties with population over 30,000 but less than 300,000. *[Filed 2/13; now in Senate Appropriations & Revenue (A&R).]*

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SR 139 CONFIRM PSC COMMISSIONER

(Williams) – Would consent to the appointment of John Clay as a member and vice chair of the PSC for a term ending 7/1/09. *[Filed 3/1. Senate State Government passed 3/7. Senate adopted 38-0 3/8.]*

House Bills & Resolutions

HB 7 IDENTITY THEFT REFORM

(Webb et al) – Would define identity theft, restricts use of social security numbers in general business and government and establishes expedited court process. *[Filed 2/7. House Judiciary passed cmtte substitute, 2/14. House passed 99-0, 2/22. Now in Senate Judiciary.]*

HB 55 CAMPAIGN ELECTION REFORM

(Wayne & Stein) – Would amend the state elections laws, including candidate registration requirements, citizen contributions & donations levels, campaign fund transfers and new penalty provisions. *[Filed 1/2; now posted in House Elections, Constitutional Amendments & Intergovernmental Affairs.]*

HB 68 UTILITIES SALES TAX EXEMPTION

(Owens) – Would exempt from sales tax sales to owner/operators of multi-unit residential property or mobile home park. *[Filed 1/2; now in House A&R.]*

HB 80 TELECOM TAX APPROPRIATIONS

(Crimm et al) – Would require state to increase the hold-harmless amount of telecom tax earmarked to replace franchise taxes of local gov't. *[Filed 1/2; now in House A&R.]*

HB 82 COPPER WIRE THEFTS

(Denham et al) – In response to increasing theft of copper wire and other products, this bill would require junk dealers to maintain records of copper transactions, report data to local police and increase civil penalties. *[Filed 1/2. House Judiciary passed cmtte substitute 2/14. House passed 97-0, 2/16. Senate Judiciary passed 3/6. Senate passed 38-0 3/9. Now w/Governor.]*

HB 123 PSC ELECTRIC METER PROGRAM

(Pullin) – Would require PSC to initiate a pilot program to install new electric meters to evaluate conservation of electric consumption. *[Filed 1/3. House Tourism Development & Energy (TD&E) passed w/cmtc amendment 2/8. House passed 100-0 w/floor amendment, 2/22. Now in Senate Ag&NR.]*

HB 148 HIRING OF UNAUTHORIZED ALIENS

(Nelson) – Would prohibit hiring of unauthorized aliens and impose penalties with Homeland Security exemptions. *[Filed 1/2; now in House Labor & Industry.]*

HB 181 STATE CONTRACTS

(Farmer) – Would reform state contract bidding process, including EEOC, contracting agency authority and bidding amounts. *[Filed 1/4. House State Government passed 3/1. Recommitted to House A&R 3/9.]*

HB 230 CELL PHONES RESTRICTIONS

(Adams et al) – Would prohibit school bus drivers from using cell phones while driving. Penalties and exceptions are included. *[Filed 1/6. House Education passed 2/20. House passed 96-0 2/27. Senate Judiciary passed 3/9. Now in Rules.]*

HB 246 FLORISTS ADVERSITING RESTRICTIONS

(Ford & Gray) – Would prohibit misrepresentation of geographic location of floral businesses in telephone directories or other e-directory databases. *[Filed 2/6. House L&I passed 2/28. House passed 91-0 3/2. Senate Judiciary passed 3/12. Now on Senate floor.]*

HB 254 GIFT CARDS

(Burch) – Would prohibit restrictions on use of card cards and require seller to obtain info from buyers. *[Filed 2/6. House Banking & Insurance passed 2/28. Recommitted to House A&R 3/7.]*

HB 261 QUARTERLY RATE FILINGS FOR LARGE GAS UTILITIES

(Belcher & Ballard) – Would provide for quarterly rate reviews & annual adjustment for large gas companies under expedited case review by PSC. There is significant consumer interest opposition, including the AG. PSC position is neutral. *[Filed 2/6. House TD&E heard cmtc substitute on 2/15 & 2/22 but took no vote. Cmtc passed cmtc substitute to create a Task Force to study issue and report by 12/07, 3/1. Recommitted to House A&R 3/7.]*

HB 301 CELL PHONE RESTRICTIONS

(Meeks & Burch) – Would restrict use of wireless communications devices in moving vehicle, with exceptions for emergency personnel and hands free mobile phones. *[Filed 2/6; now in House Transportation.]*

HB 305 MINIMUM WAGE INCREASE

(Gray et al) – Would increase the state minimum wage to \$7.00 on the effective date of the bill, provide for annual increases at least equal to the CPI and abolish the minimum tip credit rule. *[Filed 2/6. House L&I passed cmtc substitute to gradually increase minimum wage to federal level, 2/15. House passed 89-10 after considering 13 floor amendments, 2/21. Senate Economic Development, Tourism & Labor passed w/title amendment 3/6. Senate passed 33-1 3/8. House concurred 93-5 3/12. Now w/Governor.]*

HB 334 BUSINESS ENTITIES

(Brinkman) – would update statutes relating to various business entities to make them consistent and equivalent between business types and make technical corrections. *[Filed 2/7. House Judiciary passed 2/21. 2 floor amendments filed. House passed 95-0 3/2. Senate Judiciary passed 3/12. Now on Senate floor.]*

HB 360 STREAMLINED SALES TAX ADOPTION

(Moberly) – Would provide for Kentucky to adopt full provisions of the multi-state streamlined sales tax pact. Communications sales tax provisions impacted. *[Filed 2/7. House A&R passed cmtc substitute 2/14. House passed 99-0 3/1. Taken from Senate A&R on 3/12 and passed Senate 19-13. On reconsideration due to a procedural matter, the Senate passed it again by 23-13.]*

HB 430 TELEMARKETING – NATIONAL DO-NOT-CALL LIST

(Combs, Greer & Hoffman) – Would replace the state maintained do-no-call-list with the national list maintained by the FCC. *[Filed 2/12. House TD&E passed 2/15. House passed 100-0 2/22. Senate Ag&NR passed 3/8. Senate passed 32-0 3/12.]*

HB 433 TELEMARKETING – WIRELESS

(Denham) – Would add wireless numbers to the prohibited list in the state telemarketing law. *[Filed 2/12. Now posted in House L&I.]*

HB 437 TELEMARKETING – FAX TRANSMISSIONS

(Glenn et al) – Would prohibit unauthorized fax transmissions under the telemarketing law. *[Filed 2/13. House L&I passed cmtc substitute 2/22. House passed 96-0 3/1. Now in the Senate Judiciary.]*

HB 458 LIMITS LOCAL GOVERNMENT EMINENT DOMAIN AUTHORITY

(DeCesare) – Would limit local government use of eminent domain to public use only (not for private economic development). *[Filed 2/13; now in House Judiciary.]*

HCR 70 PSAP FUNDING STUDY

(Glenn) – Directs the LRC staff (or contracted body) to study local PSAP & 911 funding issues and report to LRC by Dec 07. *[Filed 2/6; now in House LG.]*

HCR 126 CONNECTKENTUCKY

(Hoffman et al) – Recognizes ConnectKentucky as the Commonwealth's "information technology resource" for its activities promoting broadband deployment and adoption. *[Filed 2/12. House TD&E passed 2/22. House adopted 98-0 2/27. Senate Ag&NR passed 3/8. Now in Rules.]*

HCR 131 e-SCRAPE TASK FORCE

(Webb) – Directs the LRC to establish a 15-member task force to study recycling e-scrape waste and report to LRC by Dec 07. *[Filed 2/13. House Natural Resources & Environment passed 3/1. Recommitted to House A&R.]*

Editors Note. This news bulletin is published weekly via email during sessions of the General Assembly for the benefit and information to KTA members and friends. Special issues and Member Alerts will also be published as needed to notify members of significant action or bills affecting members. Contact the KTA office to be added or deleted from the distribution list, or to receive it in a different medium. Each edition will also be available on the KTA web site at www.ktaoffice.org. Questions and comments should be directed to Forest M. Skaggs at 859/223-9001 or forest@ktaoffice.org.