

**2008
REGULAR SESSION**

**Scorecard @ Feb 15
(28/60 days)**

	Senate	House
# bills filed	171	555
# resolutions filed	137	132
# bills passed 1 chamber	32	69
# bills passed both chambers	0	0
# bills into law	0	0
# bills vetoed	0	0

LRC Contact Numbers

Mtg info	800/633-9650
Legislators msg	800/372-7181
TTY msg	800/896-0305
En Espanola	866/840-6574
LRC web	www.lrc.ky.gov

Key Session Dates

Jan 8	Session convenes
Feb 25	Last day to have a new bill drafted
Mar 3	Last day to file House bills
Mar 5	Last day to file Senate bills
Mar 28 & 31	Concurrence days
Apr 1 - 11	Veto days (GA not in session)
Apr 15	Session adjourns

The GA is closed today in observance of the President's Day holiday. It returns in session tomorrow to continue working on a wide range of bills, the budget and now – casinos. *Look for partisan politics to play an increasing role as bills begin to move out of committees.*

Gov. Steve Beshear filed 2 casino bills last week. **HB 537** provides the details of his plan for up to 12 casinos -- 7 at racetracks and 5 free standing at designated locations around the state. **HB 550** would place a constitutional amendment allowing casino gaming to a vote in the fall elections. Both bills met instant criticism and opposition, and likely will see major revisions in the legislative process.

Passage will be difficult. Some legislators have objected to the details in HB 537 that will tie their hands on how best to spend the projected \$600 million casino tax revenues. Others object the wording of the amendment in HB 550 and will work to make it shorter and easier to understand. Speaker of the House Jody Richards (D-Bowling Green) would not co-sponsor HB 550 in its present form but indicated he would sign on if changes are made. Senate President David Williams (R-Burkesville) has already spoken against the bills and will oppose them. HB 550, like all constitutional amendments, requires a 3/5 vote to pass -- 60 votes in the House and 23 in the Senate. That's a tall order for the Governor, so *look for many political compromises if the casino bills are to pass.*

The House passed **HB 446** to limit the amount of emergency road funds that could be spend by an administration in an election year. Democrats have claimed former Gov. Ernie Fletcher spent 99% of the \$67 million highway construction contingency fund during his re-election campaign last fall, mainly to blacktop roads in exchange for votes. The bill restricts spending to only ½ of the fund, but does have some exceptions for emergencies and economic development projects.

Transportation Cabinet Secretary Joe Prather testified before a budget committee that the 6-year road plan had 1,072 projects worth \$8.1 billion, but that only \$5.3 billion was available. Without more revenues, it appears that only a few new road projects will be funded and some of the "mega" projects will get funds only for continued engineering studies. Mega projects include the 2 Louisville bridges projects.

A bill to tighten the reporting of positive tests for drugs or alcohol for CDLs has been filed by Sen. Tom Jensen (R-London). **SB 162** would require positive test results to be sent to a central database maintained by the Transportation Cabinet. Employers would be subject to penalties for not checking the database during the hiring process.

*The GA did pass its first bill last week – actually a resolution -- and sent it to the Governor. **HCR 112** recognizes Feb 12 as the official commencement date of the Abraham Lincoln Bicentennial celebration. The House adopted the resolution on an 87-12 vote; the Senate adopted it on a voice vote.*

Telecom Issues

With the session almost half-over, time is starting to become a factor for some bills. *Advocates for 811 and 911 reforms have been working with utility interests for support and are shopping bill drafts for sponsors.* House bills must be filed by Feb 25 and Senate bill by Mar 3.

The PSC began contacting utility lobbyists last week regarding changes in **HB 337** to move the bill. The bill as proposed would increase the maximum level of penalties, among other changes in the penalty provisions. The last time the penalty provisions were changed was in the early 1990s.

There was again no action last week on **HB 527**, the new state school tax on utility services. Overall, school interests now support the bill but several school districts that do not a local school tax have expressed major concerns about local funding options.

Rep. Susan Weston (D-Lexington) filed **HB 502** to allow notices of planning commission actions by first class mail. Now it must be done by certified mail. This would also apply to notice requirements for cell tower projects.

Ins & Outs

Want to know who's lobbying for casinos? The Senate State & Local Government Committee approved **SB 148** to require weekly reporting by casino amendment advocates, both for or against. The bill was filed to counter "527" political action committees that do not have to report until after elections, and used by some who were active in opposing the re-election of Gov. Ernie Fletcher.

In recognition of the impact of the recent bad weather, the House Local Government committee passed **HB 156** requiring a weather radio is included in each sale of a new manufactured (mobile) home.

Senate Bills & Resolutions

SB 7 PUBLIC INFRASTRUCTURE AUTHORITIES

(Williams & Roeding) – Would allow local governments to establish public infrastructure authorities to build roads and bridges, issue bonds and set tolls. *The local authority would be similar to a mini DOH. [Filed 1/8. Now in Senate Transportation Cmte w/4 floor amendments filed.]*

SB 106 PSAP EMPLOYEE CLASSIFICATIONS

(Kerr & Buford) – Would clarify law that "dispatch communications personnel" is an employee classifications subject to same rights as other local government employee classifications. *[Filed 1/23. Now in Senate State & Local Gov't (S&LG).]*

SB 116 PROHIBIT TEXTING WHILE DRIVING

(Harper Angel) – Would prohibit operator from texting while driving and make enforcement a secondary offense. *[Filed 1/28. Now in Senate Judiciary.]*

SB 162 CDL DRUG TESTING AND REPORTING

(Jensen) – Would establish new CDL drug and alcohol test results reporting requirements for employers and medical review officers, including penalties for non-compliance. *[Filed 2/14.]*

SR 33 PSC APPOINTMENT

CONFIRMED

(Williams) – Confirm the appointment of Mark David Goss as PSC commissioner and chairman for term ending July 1, 2011. *[Filed 1/16. Senate State & Local Gov't (S&LG) passed 1/23. Senate adopted 36-0, 1/24.]*

SR 36 PSC APPOINTMENT

CONFIRMED

(Williams) – Confirm the appointment of Carolyn Clark as PSC commissioner for term ending July 1, 2008. *[Filed 1/16. Senate S&LG passed 1/30. Senate passed 32-1-1, 2/6.]*

SJR 76

(Harper Angel) – Directs the EPPC Cabinet to recommend a statewide electronic waste disposal and recycling system by 12/15/08. *[Filed 1/28. Senate Agriculture & Natural Resources passed 2/14. Now in Rules.]*

House Bills & Resolutions

HB 26 LIMITED LIABILITY ENTITY FEE

(DeCesare et al) – Would establish a new \$175 annual fee on corporations and limited liability pass-thru entities. *Exemptions to this new tax include companies exempt under Section 501 of the IRS code. [Filed 1/18. Now in House Appropriations & Revenue (A&R) Cmte.]*

HB 56 MOBILE PHONE RESTRICTIONS

(Burch & Meeks) – Would restrict use of hand-held wireless communications devices with limited exceptions. *[Filed 1/8. Posting waived in House Transportation.]*

HB 69 PUBLIC SERVICE COMMISSION

(Cherry) – Would expand the Executive Branch Ethics law to include the PSC and its orders, and *extend lobbying restrictions to the PSC. [Filed 1/8. Now posted in House State Government (SG).]*

HB 90 PROHIBIT AUTOMATED CALLING IN ELECTIONS

(Higdon et al) – Would prohibit use of automated or recorded messages by political parties and create penalties. *[Filed 1/8. Now in House Labor & Industry (L&I).]*

HB 95 HIRING OF UNAUTHORIZED ALIENS

(Nelson et al) – Would prohibit, among other things, the hiring of unauthorized aliens and create penalties. *[Filed 1/8. Now in House Judiciary.]*

HB 106 COPPER WIRE THEFTS

(Denham et al) – Would expand the reporting requirements of junk dealers for purchases/sales of copper and other “ferrous or nonferrous” metals & materials, transfer of the sale records to local law enforcement, and penalties for non-reporting sales. *[Filed 1/8. Now posted in House Judiciary.]*

HB 125 MOBILE PHONE AND TEXTING RESTRICTIONS

(Stacy) – Would prohibit certain classes of drivers from using “personal telecommunications devices”. *[Filed 1/8. Posting waived in House Transportation.]*

HB 209 UTILITIES SALES TAX EXEMPTION

(Owens) – Would expand the sales tax exemption to sewer, water, & fuel service billed to a multi-unit residential facility or mobile home park owner. *[Filed 1/8. Now in House A&R.]*

HB 212 LEGISLATIVE BRANCH ETHICS

(Cherry) – Would revise and expand the legislative branch code of ethics by restricting acceptable legislators’ and lobbyists activities, restrict campaign donations during elections and expand investigative powers. *[Filed 1/8. Now in House SG.]*

HB 247 UNAUTHORIZED FAX TRANSMISSIONS

(Glenn et al) – Would prohibit unauthorized fax transmissions, establish procedures and opt-out requirements and create penalties. *[Filed 1/10. House L&I passed 1/31. Recommitted to House Banking & Insurance which passed a committee substitute passed 2/13. 5 floor amendments filed; FA1 prohibits prerecorded political messages, similar to HB 90, FA3 expands bill to prohibit certain telephone solicitations. Now on House floor.]*

HB 250 EXECUTIVE BRANCH ETHICS

(Cherry et al) – Would overhaul the executive branch code of ethics laws, including definition of public service, appointments to and operation of the EBEC. *[Filed 1/10. House SG passed 1/17. House passed w/2 floor amendments 94-0, 1/30. Now in Senate S&LG.]*

HB 257 UTILITY GROSS RECEIPTS TAX FOR SCHOOLS

(Moberly) – Would replace the local utility gross receipts license tax to fund public schools with a new statewide 3% tax, effective 1/1/09. The tax would apply to telecom, cable & satellite, electric, gas & water services. *[Filed 1/10. Now in House A&R.]*

HB 277 BROADCAST TOWERS & ANTENNA PROPERTY TAX EXEMPTION

(Webb et al) – Would clarify that television, radio, telephonic and broadcast equipment, including towers and antenna are exempt from local property local taxes, and add weather equipment to the exemption list. *[Filed 1/10. Now posted in House A&R.]*

HB 279 COPPER WIRE THEFTS

(Harmon & Simpson) – Would expand the reporting requirements of junk dealers for purchases/sales of copper to “ferrous or nonferrous” metals & materials. See HB 106 for more detailed bill. *[Filed 1/11. Now in posted House Judiciary.]*

HB 281 HARRASING COMMUNICATIONS OVER THE INTERENT

(Hoffman & Riner) – Would expand “harassing communications” to include actions via the internet or electronic communications, and penalties for multiple offenses. *[Filed 1/11. Now in House Judiciary.]*

HB 304 ILLEGAL IMMIGRATION

(Damron et al) – Would enact several measures to identify and reduce illegal immigrates, including identify theft measures, employment verification measures and expand local law enforcement authority. *Cmte mtgs seeking public comments are being held but no vote is scheduled. [Filed 1/16. Now in House Judiciary.]*

HB 314 EMPLOYMENT RIGHTS OF VETERANS

(Greer et al) – Would establish rights to leave on military duty and re-employment rights on return from service; termed the “Kentucky Uniformed Services Employment and Reemployment Rights Act”. *[Filed 1/16. Now in House Seniors, Military Affairs & Public Safety.]*

HB 323 OMIBUS BILL FOR BUSINESS ENTITIES

(Brinkman & Crimm) – A general revision to Kentucky business law to reenact and clarify HB 334 passed in 2007; reflect current provisions of the Model Business Corporation Act, and clarify bidding & contracting provisions. *[Filed 1/17. Now in House Judiciary.]*

HB 326 LICENSE TAXES

(Webb) – Would limit license fees imposed by 2nd-5th class cities to 1.5%, and a flat amount in 6th class cities and establishes new tax bases, but exempts any higher local tax already in effect. *The communications providers' exemptions remain. [Filed 1/17. Now in House Local Gov't.]*

HB 337 PSC PENALTIES

(Wilkey) – Would increase the range of penalties for violations of PSC law and regulations, and create a new penalty of up to \$25,000 for violations resulting in serious bodily injury or death. *PSC sponsored cmte substitute bill expected after mtg with utilities. [Filed 1/22. Now in House Tourism Development & Energy.]*

HB 361 LOCAL SALES AND USE TAX CONSTITUTIONAL AMENDMENT

(Stein) – Would provide for a constitutional amendment in the Nov elections to authorize the GA to impose a sales or use tax and restrictions. *[Filed 1/24. Posting waived in House Elections, Constitutional Amendments and Intergovernmental Affairs.]*

HB 382 COMPARABLE WORTH PAY

(Marzian) – Would prohibit sex-based wage discrimination on jobs of “comparable worth”, and sets out the definition of comparable worth. *[Filed 1/28. House L&I passed 2/14. 5 floor amendments filed. Now in Rules.]*

HB 406 EXECUTIVE BRANCH BUDGET

(Moberly et al) – Gov. Beshear’s budget seeks \$18.2 billion to fund state government for FY 2008-10. *The PSC budget proposal is \$16 million, including returning \$4.75M in surplus funds to the state general fund. [Filed 1/29. Now in House A&R.]*

HB 407 LEGISLATIVE BRANCH BUDGET

(Moberly et al) – Legislative branch seeks \$111.5 million to fund the LRC and GA operations for FY 2008-10. *[Filed 1/29. Now in House A&R.]*

HB 408 JUDICIAL BRANCH BUDGET

(Moberly et al) – Judicial branch seeks \$791.5 million to fund the state courts system in FY 2008-10. *[Filed 1/29. Now in House A&R.]*

HB 443 CIGARETTE TAX INCREASE

(Watkins et al) – Would increase the cigarette tax by 70 cents to \$1.00/pack and increase the tax rates on other tobacco products too. *[Filed 2/1. Now in House A&R.]*

HB 464 COMMUNICATIONS TAX EXEMPTION

(Wilkey) – Would exempt from gross revenues sales for resale to other providers (CLECs). *[Filed 2/5. Now in House A&R.]*

HB 502 PLANNING COMMISSION NOTICE REQUIREMENTS

(Weston) – Would allow for notice of local planning commission actions, including cell tower matters, to be made by first class mail. *[Filed 2/11. Now in House LG.]*

HB 506 LOCAL ANNEXATION OF UTILITY INFRASTRUCTURE

(Wilkey) – Would require cities proposing to annex any area with utility infrastructure of another city to notify that city of its proposal. Utility infrastructure is defined as electric, gas water or sewage property. *[Filed 2/11. Now in House LG.]*

HB 537 CASINO GAMING

(Hoffman et al) – Would establish the parameters for casino gaming, including locations, fees and allocations for use of tax revenues. *[Filed 2/14.]*

HB 542 PSC – DISPOSAL OF NUCLEAR WASTE

(Rudy) – Would require nuclear waste disposal plans be in accordance with federal law and regulations. *[Filed 1/28. Now in Senate Judiciary.]*

HB 550 CONSTITUTIONAL AMENDMENT FOR CASINO GAMING

(Owens et al) – Would provide for a constitutional amendment to allow casino gaming be submitted to voters in the fall election; requires 2/3 votes for passage. *[Filed 2/14.]*

HB 553 IDENTIFY THEFT

(Webb et al) – Would increase consumer protection laws for identify theft, security breaches and *phishing*, including requirements for all business entities to provide notice and penalties for non-compliance. *[Filed 2/15.]*

HJR 88 PSAP (911 CENTER) FUNDING STUDY

(Greer) – Would require LRC to study funding of local 911 emergency call centers (PSAPs) and report by 12/1/08. *Telecom interests seeking changes to study a combined rate alternative. [Filed 1/31. Now posted in House Local Government]*

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.