

**2008
REGULAR SESSION**

Scorecard @ Mar 21
(51/60 days)

	Senate	House
# bills filed	256	775
# resolutions filed	204	234
# bills passed 1 chamber	87	262
# bills passed both chambers	8	21
# bills into law	0	3
# bills vetoed	0	0

LRC Contact Numbers

Mtg info	800/633-9650
Legislators msg	800/372-7181
TTY msg	800/896-0305
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Key Session Dates

Jan 8	Session convenes
Feb 26	Last day to have a new bill drafted
Mar 4	Last day to file House bills
Mar 6	Last day to file Senate bills
Mar 28 & 31	Concurrence days
Apr 2 - 12	Veto days (GA not in session)
Apr 15	Session adjourns

The stage is set for the House and Senate to move the final pieces of major legislation in the final 9 days of this session. Many of Governor Steve Beshear's issues are nowhere to be seen, either running into trouble in the House or simply not filed as originally expected based on his campaign. *Conference committees, made up of appointed members of both houses, will try to work out differences and determine the fate of many bills this week. Look for partisan politics, kept in check most of the session, to play a big role this week.*

The Senate is expected to vote on a budget plan without new taxes in **HB 406** early this week. The House is expected to oppose the Senate changes and send the budget bill to conference committee. The conference committee is expected to send a compromise bill to the floor by April 1 for an up or down vote. Look for the Senate to also pass **HB 262**, the tax bill, if it does end up supporting any new taxes.

The GA must pass a budget by April 1 to have enough time to consider over-riding any vetoes by the Governor before the session adjourns on April 15. The Governor has line-item veto authority on the budget.

The Senate has passed its version of executive branch ethics reform in **HB 250**. Senate changes include making the lobbying restrictions the same for both the executive and legislative branches, new restrictions on a legislator's ability to promote bills that impact their employers and new restrictions on contributions to statewide campaigns. The House will likely oppose some Senate changes this week, and another conference committee is expected. More campaign finance reform is included in **SB 8** which is now on the House floor.

The House refused to accept the Senate changes to **HB 600**, state retirement pension reform last week, and a conference committee will begin meeting this week.

The Governor's casino amendment bill, **HB 537**, did not get a House vote last week. Supporters admitted they did not have the 60 votes needed to pass and will try again this week and the Governor does not want a vote unless it will pass. The Governor and House leadership have been unable to resolve their differences to produce a bill that has widespread support in the House.

Telecom Issues

HJR 88 was not called in the Senate Appropriations and Revenue Committee last week and appeared dead with so little time left in the session. Senate leadership, however, has indicated it may still be heard so it is now in a wait and see mode. Supporters continue to lobby Senators on the merits and need for a study of the funding of local 911 call centers, including a combined 911 fee.

HB 106, the *copper theft* bill, passed the House on March 14. The Senate received it on March 17 but has yet to assign it to a committee. The bill may be in trouble.

HB 649, the *811 or call-before-you dig* bill, passed the House last week on a 93-2 vote and is now in the Senate. The chief sponsor, Rep. Alecia Webb-Edgington (R-Ft. Wright), filed a late amendment to correct technical errors in the bill language, and address floor questions before the vote. The main components of the bill remain.

HB 725, the *911* bill, was heard in the House Seniors, Military Affairs and Public Safety Committee last Wednesday but no vote was taken. When the sponsor, Rep. Johnny Bell (D-Glasgow), stated that utilities objected to a central provision in the bill, committee members called on utility representatives in the audience to comment. Electric and gas representatives stated they opposed the provision that would authorize local governments to

designate an entity other than telcos to collect the 911 fee. Rep. Bell and other supporters claimed the issue was public safety and it should not matter who collects the fee, and committee members seemed to agree. A committee substitute is still expected to correct language and technical errors before the bill could move. It is unlikely, however, that the bill will be heard again in committee with the short time left in the session.

Ins & Outs

Sunshine Week? Last week was Sunshine Week honoring the public's right to know what is going on in governments. It must have been a well-kept secret because it was news to many working the hallways of the Capitol.

Gov. Beshear has tasked the Kentucky Criminal Justice Council to consider ways to reduce the prison population without risk to the public. He had been expected to seek major prison reform this session but decided not to due to the budget situation. Instead, Senate leadership filed its own reform bill, **SB 72**, that is now in the House.

The new PSC Executive Director, Stephanie Stumbo, was on the job last week and at work signing orders.

Budget bill quirks. The Governor's budget bill was 197 pages; the House version was 359 pages plus another 26 pages on new taxes in another bill.

Senate Bills & Resolutions

SB 1 STUDENT CURRICULUM AND TESTING

(Williams et al) – Would replace the state student achievement testing system with a national system and make other curriculum changes. The current system (called CATS) was developed as part of the KERA reforms. *Senate passed the bill on party line vote; not likely to be considered in the House. [Filed 2/19. Senate Education Committee passed 3/6. Senate passed 22-15, 3/7. Now in House A&R.]*

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. HB 689 provides similar state authority. *The sponsor has indicated he would not call bill. [Filed 1/8. Now in Senate Transportation. 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. Reassigned to Senate Judiciary from State & Local Gov’t (S&LG), 3/6. Senate Judiciary passed 3/13. Senate passed 31-4, 3/19. Now posted in House State Government (SG).]*

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. Now in Senate Transportation.]*

SB 230 PSC – GAS COMPANY COMPETITION

(Thayer) – Would require PSC to mandate retail gas competition under certain conditions. *[Filed 3/4. Now in Senate Ag&NR.]*

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 adopted 32-1-1, 2/6.]*

SJR 76 ELECTRONIC WASTE STUDY

(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 (Ag&NR) passed 2/14. Senate adopted 38-0, 2/20. House Natural Resources & Environment passed 3/6. House adopted 95-0, 3/13. Now in Senate.]*

SJR 80 PRISON REFORM STUDY

(Neal et al) – Would create a commission to study prison reform; report by July 2011. Proposed by Gov. Beshear. *[Filed 1/29. Senate Judiciary passed committee substitute (cmt sub) to reduce the study timeframe, 2/21. Senate adopted w/2 floor amendments 38-0, 3/4. Now posted in House Judiciary.]*

House Bills & Resolutions

HB 56 MOBILE PHONE RESTRICTIONS

(Burch & Meeks) – Would restrict use of hand-held wireless communications devices with limited exceptions. *Cmt tabled the bill after testimony. [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 THEFT

(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. *The cmt sub removes ferrous materials from reporting requirements. [Filed 1/8. House Judiciary passed cmt sub 3/5. House passed w/floor amendment 91-0, 3/14. Now in Senate.]*

HB 125 MOBILE PHONE AND TEXTING RESTRICTIONS

(Stacy) – Would prohibit certain classes of drivers from using “personal telecommunications devices” to cover voice, data & texting. *[Filed 1/8. House Transportation passed cmtc sub 2/26. House passed w/2 floor amendments 95-0, 3/4. Now in Senate 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. House Banking & Insurance passed a cmtc sub 2/13. House passed 93-1, 2/19. Now in Senate Ag&NR.]*

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. Senate S&LG passed cmtc sub 3/19. Senate passed 29-7 w/floor amendment. Now in House for concurrence.]*

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. *The cmtc chair indicated he would not call the bill. [Filed 1/10. Now posted in House A&R.]*

HB 262 HOUSE TAX BILL

(Wayne et al) – The House revenue enhancement, or tax, bill to fund the budget proposal in HB 406. This bill was originally filed as a tax bill to replace the current income tax system, and then changed to provide a sales tax exemption to camels. The chair of the House A&R changed the bill to support the budget bill. *[Filed 1/10. House A&R passed cmtc sub 3/11. House passed w/1 floor amendment 50-45, 3/12. Now in Senate A&R. 1 floor amendment filed.]*

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. *The House cmtc sub excludes telecom towers. [Filed 1/10. House A&R passed cmtc sub, 2/19. House passed 95-0 2/26. Senate A&R passed 3/11. Now in Rules.]*

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 posted in 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. *Cmtc mtgs seeking public comments are being held but no vote is scheduled. [Filed 1/16. Now in House Judiciary.]*

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 clarity bidding & contracting provisions. *[Filed 1/17. House Judiciary passed 3/7. House passed 96-0 w/floor amendment 3/21.]*

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 Government (LG).]*

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 cmtte sub expected after mtg with utilities. [Filed 1/22. Now in House Tourism Development & Energy (TD&E).]*

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 local sales or use tax and restrictions. *[Filed 1/24. Posting waived in House Elections, Constitutional Amendments and Intergovernmental Affairs (E,CA&IA).]*

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. House passed w/1 floor amendment 81-14, 3/11. Now in Senate S&LG.]*

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. *The Governor and House leadership are split on revenue measures in the budget bill. [Filed 1/29. House A&R passed cmtte sub 3/11. House passed w/2 floor amendments 84-14, 3/12. Now in Senate 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. House A&R passed 3/11. House passed 89-7, 3/12. Now in Senate 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. House A&R passed cmtte sub 3/11. House passed 95-3, 3/12. Now in Senate 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 posted 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. House LG passed 3/4. House passed 93-0, 3/11. Now in Senate S&LG.]*

HB 527 COMMUNICATION TAX

(Crimm et al) – Would require state to increase the hold-harmless amount of the communication tax earmarked to replace local franchise taxes by about \$8 million to \$44 million. Supported by Kentucky League of Cities. *[Filed 2/13. Now in House A&R.]*

HB 537 CASINO GAMING

(Hoffman et al) – Governor's bill to establish the parameters for casino gaming, including locations, fees and allocations for use of tax revenues. Companion bill to HB 550. *[Filed 2/14. Now in House Licensing & Occupations]*

HB 542 PSC - DISPOSAL OF NUCLEAR WASTE

(Rudy & Nesler) – Would require nuclear waste disposal plans be in accordance with federal law and regulations. *PSC would continue to be required to monitor plans. [Filed 1/28. Now in House TD&E.]*

HB 550 CONSTITUTIONAL AMENDMENT FOR CASINO GAMING

(Owens et al) – Governor's bill for a constitutional amendment to allow casino gaming be submitted to voters in the fall election; requires 2/3 votes for passage. *House leadership is split on cmtte sub; w/o agreement, enough votes for passage is unlikely. [Filed 2/14. House E,CA&IA passed cmtte sub 2/28. 10 floor amendments filed. Now on House floor.]*

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. Reassigned to House Judiciary from L&I 2/28. House Judiciary passed cmtte sub 3/12. 4 floor amendments filed. House passed 96-0 w/floor amendment, 3/18. Now in Senate.]*

HB 563 CDL DRUG TESTING AND REPORTING

(Combs) – Would establish new CDL drug and alcohol test results reporting requirements and require immediate license suspension for positive tests. Also see SB 162. *[Filed 2/19. Now in House Transportation w/ posting waived.]*

HB 599 JUDICIAL ELECTION REFORM

(Koenig) – Would change the election process for judges beginning in 2014. *[Filed 2/21. Now in House E,CA&IA.]*

HB 600 PUBLIC EMPLOYEE RETIREMENT REFORM

(Cherry et al) – Governor's bill to amend the public employee pension system by increasing fees and reducing benefits, primarily to future hires. House passed floor amendments to add similar provisions of the retirement plans for judicial and legislative branch. *[Filed 2/21. House SG passed cmte sub 2/26. House passed w/4 floor amendments 96-0, 2/28. Senate S&LG passed cmte sub 3/12. Senate passed 33-3 3/12. House refused to concur w/Senate cmte sub 3/19. Senate refused to recede 3/20. Conference cmte to be appointed.]*

HB 649 UNDERGROUND FACILITY DAMAGE PREVENTION - 811

(Webb-Edgington et al) – Would amend the current 811 law to recognize a state one-call center, tighten requirements for both facility owners and excavators, and expand penalty provisions. *[Filed 2/27. House S,MA&PS passed cmte sub 3/5. House passed 93-2 w/floor amendment, 3/19. Now in Senate.]*

HB 689 PUBLIC INFRASTRUCTURE AUTHORITIES

(Pasley et al) – Would establish a new state Public Transportation Infrastructure Authority to manage mega projects, including authority to contract, issue bonds and finance (tolls). SB 7 provides local authority some similar projects. *[Filed 2/29. House A&R passed 3/5. House passed w/1 floor amendment 84-13, 3/13. Now in Senate Transportation.]*

HB 704 TAX CLARIFICATIONS & NEW UTILITY SCHOOL TAX PENALY

(Moberly) – Would clarify and amend various sections of tax laws; *establish new penalty procedures on utilities for school tax billing errors.* *[Filed 3/3. House A&R passed 3/7. House passed w/2 floor amendments 94-2, 3/13. Now in Senate A&R.]*

HB 716 PSC - ELECTRIC UTILITY PLANNING REQUIREMENTS

(Pasley & Moberly) – Would require the PSC to study electric utility emissions reduction plans, including demonstration projects, cost recovery procedures and issue biennial reports. *[Filed 3/3. Now in House TD&E.]*

HB 725 911 REFORM

(Bell et al) – Would amend 911 law to allow other entities collect the landline 911 fee, limit uses of 911 funds and reform CMRS Board & operations, including wireless fee authority. *Cmte heard testimony 3/19. [Filed 3/4. Now posted in House S,MA&PS.]*

HB 763 TV BROADCASTS

(Rasche) – Would require television & cable providers to offer all non-HD TV programming on channels 2-99 in analog format until 2017. *[Filed 3/4. Now in House TD&E.]*

HJR 88 PSAP (911 CENTER) FUNDING STUDY

(Glenn & Webb-Edgington) – Would require LRC to study funding of local 911 emergency call centers (PSAPs) and report by 12/1/08. CMRS Board has endorsed. *Senate leadership generally opposes "studies" and bill may not be called in cmte; may need to pursue in interim cmte process. [Filed 1/31. House Local Government passed 2/19. Telecom supported a floor amendment to require study of a combined 911 fee. House adopted w/floor amendment 87-1, 2/29. Now in Senate A&R.]*

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