

**2016 Kentucky General Assembly Regular Session
Passed Legislation of Interest**

HB40

CRIMINAL RECORDS (OWENS, D) AN ACT relating to criminal records.

Amend KRS 431.076 to expand the scope of an expungement motion under that statute to include felonies referred to a grand jury where no indictment ensues; amend KRS 431.078 to expand that statute's expungement process to include Class D felonies; amend KRS 527.040 to expressly provide that an expunged felony does not trigger the application of that statute; create a new section of KRS Chapter 413 to prohibit the introduction of information pertaining to an expunged conviction as evidence in a civil suit or administrative proceeding alleging negligent hiring or licensing.

Current Status: 4/12/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB40.htm>

HB129

~~**PARENTAL RIGHTS TERMINATION 2016-2018 BIENNIAL HIGHWAY CONSTRUCTION PLAN**~~ (CRIMM, R) ~~AN ACT relating to the involuntary termination of parental rights and declaring an emergency.~~

Includes full funding for Dixie Highway and NuLu streetscape. Also includes funding for the Brook Street ramp.

Current Status: 4/27/2016 - Line items vetoed

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB129.htm>

HB149

CONSOLIDATED LOCAL GOVERNMENTS (DONOHUE, J) AN ACT relating to work periods within consolidated local governments and declaring an emergency.

Amend KRS 337.285 to allow consolidated local governments and collective bargaining units to agree to an 80-hour work period over 14 consecutive days before triggering a rate of pay one and one-half times a peace officer's hourly wage; EMERGENCY.

Current Status: 4/6/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB149.htm>

HB303

EXECUTIVE BRANCH BUDGET (RAND, R) AN ACT relating to appropriations and revenue measures providing financing and conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

The State/Executive Branch Budget: appropriate from the General Fund (Tobacco), General Fund, Restricted Funds, Federal Funds, Road Fund, Bond Funds, Agency Bonds, Capital Construction Surplus, Investment Income, Statewide Deferred Maintenance Fund, and other funds, \$182,013,700 in fiscal year 2015-2016, \$33,287,508,100 in fiscal year 2016-2017, and \$32,051,036,100 in fiscal year 2017-2018 as follows: General Government 2015-2016 \$22,370,700 2016-2017 \$1,504,467,800 2017-2018 \$1,538,644,000 Economic Development Cabinet 2015-2016 \$975,000 2016-2017 \$21,082,900 2017-2018 \$22,017,500 Department of Education 2016-2017 \$5,015,844,100 2017-2018 \$5,006,558,900 Education and Workforce Development Cabinet 2015-2016 \$900,000 2016-2017 \$833,470,500 2017-2018 \$847,236,600 Energy and Environment Cabinet 2016-2017 \$244,344,100 2017-2018 \$240,848,700 Finance and Administration Cabinet 2016-2017 \$874,431,800 2017-2018 \$919,630,900 Health and Family Services Cabinet 2015-2016 \$111,126,200 2016-2017 \$12,952,760,300 2017-2018 \$13,442,186,100 Justice and Public Safety Cabinet 2015-2016 \$21,157,300 2016-2017 \$1,038,865,300 2017-2018 \$1,041,148,500 Labor Cabinet 2016-2017 \$233,085,300 2017-2018 \$237,495,100 Personnel Cabinet 2016-2017 \$65,055,000 2017-2018 \$66,863,300 Postsecondary Education 2015-2016 \$3,054,500 2016-2017 \$7,630,081,700 2017-2018 \$8,052,714,200 Public Protection Cabinet 2016-2017 \$107,373,900 2017-2018 \$108,306,900 Tourism, Arts and Heritage Cabinet 2015-2016 \$15,880,000 2016-2017 \$234,406,800 2017-2018 \$238,146,000 Budget Reserve Trust Fund 2016-2017 \$153,436,000 2017-2018 \$160,960,900 Not included in the above appropriation amounts are capital project amounts as follows: Capital Projects 2015-2016 \$6,550,000 2016-2017 \$2,378,802,600 2017-2018 \$128,278,500. Full summary can be found in miscellaneous documents.

Current Status: 4/27/2016 - Line items vetoed

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB303.htm>

HB314

PEACE OFFICERS (RIGGS, S) AN ACT relating to weapons carried by current and retired peace officers and declaring an emergency.

Create a new section of KRS Chapter 237 to allow authorized off-duty and retired peace officers to carry concealed firearms at any location where on-duty officers may carry firearms; EMERGENCY.

Current Status: 4/13/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB314.htm>

HB422**LOCAL CODE ENFORCEMENT (MEREDITH, M) AN ACT relating local code enforcement.**

Amend KRS 65.8805 to add to the definition of "local government" and additional definitions; amend KRS 65.8808 to clarify the violations that may be enforced by a code enforcement board; amend KRS 65.8811 to clarify procedures for when a vacancy is not filled; amend KRS 65.8815 to require regular meetings to be set by ordinance for the code enforcement board and permit special or emergency meetings; create a new section of KRS 65.8801 to 65.8839 allow code enforcement boards to appoint hearing officers when authorized by local ordinance and set duties and authorities; amend KRS 65.8821 to strike language relating to hearing officers to make conforming amendment and allow code enforcement officers to serve subpoenas issued by hearing officers; amend KRS 65.8825 to make conforming amendment for the utilization of hearing officers in the enforcement proceeding process, acknowledge the alternative fine availability, allow lienholders to be notified of citations, and establish notice provisions for the issuance of final orders to cited violators; amend KRS 65.8828 to allow notification of lienholders with an interest in subject properties of hearings and establish protocols for final orders for code enforcement boards for orders issued preliminarily by hearing officers; amend KRS 65.8831 to state statutory citations for orders that may be brought to the District Court, clarify that the District Court hears the appeal de novo, and clarify when no appeal is filed with a District Court within 30 days, that the order of the board is final; amend KRS 65.8835 to direct how liens are placed on property for subjects of citations and set out permitted inclusions on the lien itself; create a new section of KRS 65.8801 to 65.8839 to establish a lien notification system for local governments to use to notify interested individuals of the placement of liens upon properties; amend KRS 65.8838 to include "imminent danger" as a condition when a local government may take immediate corrective action; create a new section of KRS Chapter 65 to define various terms and establish various nuisances relating to vehicles and machinery in various states of repair, uninhabited mobile or manufactured homes, rubbish and excessive weeds and grass, to include unsafe structures on properties, as well as set conditions and processes for liens; amend KRS 99.710 to allow the duties assigned a vacant properties commission to be assigned to a local code enforcement board; amend KRS 382.135 to include the full name of the grantor and grantee in with the deed to real property; amend KRS 426.530 to make a conforming amendment for a repeal; create a noncodified section to set construction and effect of certain repealed statutes; repeal KRS 82.700 to 82.725 and 381.770.

Current Status: 4/9/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB422.htm>

911 EMERGENCY SERVICES (KING, M) AN ACT relating to 911 emergency services and making an appropriation therefor.

Create a new section of KRS 65.750 to 65.760 to declare legislative findings relating to the provision of 911 emergency services; amend KRS 65.750 to change the definitions for "911 emergency service," "automatic number identification," and "automatic location identification"; add definitions for "automatic call distribution," "automatic vehicle location," "FCC order," "geographic information systems," "Law Enforcement Information Network of Kentucky and the National Crime Information Center," "local government," "master street address guide," "service connection," and "Interconnected Voice over Internet Protocol"; amend KRS 65.760 to require VoIP providers to collect locally-imposed 911 fees; list all allowable uses of locally-imposed 911 fees, list prohibited uses of locally imposed 911 fees; amend KRS 65.7621 to change definitions for "administrator," "automatic location identification," "automatic number identification," and "board,"; add definitions for "next generation 911," "prepaid wireless communications service," "prepaid wireless telecommunications service provider," and "service connection"; amend KRS 65.7623 to change the name of the Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky to the Kentucky 911 Services Board; remove the administrator and the member who is a mayor of a city or urban-county government from membership of the board; add two members serving as city officials, two members serving as county officials, two nonvoting legislative members, and the executive director of the Office of Homeland Security to the membership of the board; require the board to hold at least four meetings per year, two of which must be in congressional districts other than the one in which Frankfort is located; amend KRS 65.7625 to include in the administrator's duties the development and implementation of next generation 911 service; require the administrator to report to the board at each meeting regarding his or her activities since the last meeting; amend KRS 65.7627 to provide that revenues from the wireless service charge shall be generated equitably from prepaid and postpaid connections; provide that the postpaid wireless service charge be deposited into the CMRS fund; amend KRS 65.7629 to require the postpaid service charge to be adjusted once every four years according the positive percentage change in the CPI-U unless otherwise directed by the General Assembly; require the change to be accomplished by the promulgation of an administrative regulation to take effect on July 1 of the relevant year; require notice of the adjustment be given to affected providers by April 1 of the relevant year; require the board to deposit revenues from the wireless service charge into the CMRS fund; require the auditor retained by the board to verify the accuracy of CMRS customer count information; require the auditor retained by the board to share information with the Legislative Research Commission and the Auditor of Public Accounts; amend KRS 65.7630 to require the board to issue a report on data and information regarding 911 funding and the collection of service charges by November 1 of each year; specify reporting requirements for local government agencies with one or more PSAPs; require CMRS providers to submit quarterly reports to the board of their customer counts; amend KRS 65.7631 to adjust the apportionment formula for disbursement of moneys from the CMRS fund; end cost recovery disbursements for CMRS providers for compliance with wireless E911 service requirements; amend KRS 65.7633 to conform; amend KRS 65.7635 to require postpaid wireless service charges to be remitted by providers within 30 days of the end of the calendar month in which they were collected instead of within 60 days; amend KRS 65.7641 to increase the value of wrongfully obtained wireless emergency telephone service from \$100 to \$500 before it may be prosecuted as a Class D felony; amend KRS 39G.040, 65.755, 278.541, and 278.542 to conform; provide for the staggering of the Governor's appointments for the new members to the Kentucky 911 Services Board.

Current Status: 4/13/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/HB585.htm>

ALCOHOLIC BEVERAGES (SCHICKEL, J) AN ACT relating to alcoholic beverages.

Amend KRS 241.010 to define "bed and breakfast," "commercial quadricycle," and "discount in the usual course of business"; expand the definition of "alcoholic beverage" to include a powder or crystal containing alcohol; increase the annual production limit for small farm wineries from 50,000 gallons to 100,000 gallons; make a souvenir package a special package of Kentucky distilled spirits; create a new section of KRS Chapter 242 to allow a precinct-level local option election to authorize the sale of alcoholic beverages at a distillery; amend KRS 242.020 to require those who circulated a local option petition to bear the cost of the election if it is held on a day other than a primary or regular election day; amend KRS 242.030 to set the filing deadlines for a local option election held on a primary or regular election day; amend KRS 242.1241 to conduct a small farm winery local option election in the same manner as in KRS 242.020 to 242.120; create a new section of KRS Chapter 243 to establish and regulate authorized public consumption (APC) licenses for use with commercial quadricycles; set APC license qualifications, including a business office, general liability insurance of at least \$2,000,000, and a local government permit; establish the standards for drivers and local ordinances for commercial quadricycles; allow patrons to bring their own unopened packaged alcoholic beverages in nonglass containers for personal consumption on the commercial quadricycle; limit patron consumption to times after boarding and while riding the commercial quadricycle; prohibit patrons from bringing open alcoholic beverages from a licensed retail premises onto the commercial quadricycle; forbid local APC fees from exceeding state APC fees; amend KRS 243.030 and 243.070 to establish state and local APC license fees and craft rectifier license fees; amend KRS 243.060 to designate state and local APC license fees; amend KRS 243.0305 to set maximum souvenir package sales of nine liters per customer per day; establish rules for distillery use of a sampling license or an NQ3 license; amend KRS 243.033 to allow a caterer to cater a private party or special event at a nonfederally bonded portion of a distillery; amend KRS 243.036 to apply a distilled spirits and wine auction license to malt beverages; include raffles as a part of the auction license; amend KRS 243.086 to permit an NQ3 retail drink license for a distiller or a bed and breakfast; limit bed and breakfast drink sales to paid overnight guests; amend KRS 243.090 to make most local alcohol licenses expire on the same date as the corresponding state license; prorate the cost of a local license in the first year to allow the local license to synchronize with the state license; amend KRS 243.120 to create Class A and Class B rectifier's licenses; tax and distribute distiller retail drink sales in the same manner as souvenir package sales; amend KRS 243.130, 243.155, and 243.157 to allow employees of distillers, rectifiers, wineries, small farm wineries, and microbreweries to sample their employer's products for purposes of education, quality control, and product development; enable small farm wineries to enter into "custom crush" agreements with one another; permit a small farm winery to sell its wine products that are unmarketable as wine to a distiller; allow a small farm winery to produce up to 1,000 gallons of brandy per year; mandate the use of 100% Kentucky products in the production of brandy or its fortified wine products; forbid the offer or sale of brandy as a stand-alone product; exclude brandy and fortified wine production from a small farm winery's wine production limit; authorize sampling and sale of fortified wine products at a small farm winery or off-premises retail site located in wet territory; limit fortified wine samples to two ounces per patron per day; direct a small farm winery to only fortify its wine products with brandy it manufactured; increase the annual production limit for microbreweries from 25,000 barrels to 50,000 barrels; authorize a microbrewery to sell its products by the drink or package at fairs, festivals, and similar events; create a new section of KRS Chapter 244 to forbid any person to possess, sell, offer for sale, or use any powdered or crystalline alcoholic beverage product; amend KRS 244.050 to authorize a quota retail package licensee to provide free and paid samples of distilled spirits or wine; amend KRS 244.085 to allow a person under 21 years of age to remain at a licensed APC premises; amend KRS 244.130 to enable a distiller to provide visitors with free production by-products or free nonalcoholic novelty items; amend KRS 244.240 to permit distillers, rectifiers, wineries, and wholesalers to give discounts in the usual course of business if the same discounts are offered to all licensees of the same license type buying similar quantities; amend KRS 242.022, 242.1242, 242.1244, 243.034, and 243.882 to conform; repeal KRS 243.892.

Current Status: 4/9/2016 - SIGNED BY GOVERNOR

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB11.htm>

SB40

OPEN JUVENILE PROCEEDINGS (ADAMS, J) AN ACT relating to open juvenile proceedings.

Create new sections of KRS Chapter 21A to request that the Supreme Court establish a pilot project to permit participating courts to make specified juvenile proceedings presumptively open to the public; establish guidelines; provide a mechanism for a participating court to close a specific hearing upon a finding of cause; create a new section of KRS Chapter 610 to conform.

Current Status: 4/9/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB40.htm>

SB43

EMERGENCY MEDICAL SERVICES (BUFORD, T) AN ACT relating to emergency medical services.

Amend KRS 61.315 to make the survivors of emergency medical services providers who are killed in the line of duty on or after July 1, 2014, eligible for the state lump-sum death benefit; designate as the John Mackey Memorial Act.

Current Status: 4/1/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB43.htm>

SB191

REORGANIZATION (HORNBACK, P) AN ACT relating to reorganization and declaring an emergency.

Amend KRS 247.090 to expand the membership of the State Fair Board; remove legislative membership on the board; set board member terms; amend KRS 247.100 to remove quorum threshold language; amend KRS 247.110 to set out chair appointment powers of the Governor; set meeting requirements for the State Fair Board; require a majority of voting members of the board to constitute a quorum and adopt bylaws; amend KRS 247.120 to establish the per diem reimbursement rate for board meeting duties; amend KRS 247.140 to require the State Fair Board to hold an annual fair on the state fairgrounds and operate the Kentucky State Fair and World's Championship Horse Show and the National Farm Machinery Show; amend KRS 247.220 to remove the Kentucky Livestock Improvement Association from the Fair Council; clarify membership representation to include the Kentucky Colt Racing Association and Agricultural Education Consultant; add a representative of animal agriculture; amend KRS 247.226 to delete membership requirements of the North American International Livestock Exposition Executive Committee; amend KRS 247.228 to delete membership requirements of the North American International Livestock Exposition Executive Committee subcommittees; repeal KRS 247.200, which prohibits distribution of free passes; abolish the prior State Fair Board and transfer all responsibilities, records, equipment, staff, and budgets to the newly constituted board; nullify the effect of Executive Order 2015-398, dated June 23, 2015; EMERGENCY.

Current Status: 4/27/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB191.htm>

SB195**FIREFIGHTERS** (ROBINSON, A) AN ACT relating to firefighters and declaring an emergency.

Amend KRS 61.315 to create a presumption of a death in the line of duty and eligibility for a lump sum death benefit for firefighters who obtain certain types of cancer; specify that the rebuttable presumption exists if an firefighter is employed for five years or more and has not used tobacco products for ten years; specify that provisions do not apply to claims filed under KRS Chapter 342; EMERGENCY.

Current Status: 4/4/2016 - **BECAME LAW WITHOUT GOVERNOR'S SIGNATURE**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB195.htm>

SB230**PROPERTIES** (MCGARVEY, M) AN ACT relating to blighted and deteriorated properties.

Amend KRS 99.700, relating to blighted and deteriorated properties, to expand findings to include all local government jurisdictions; amend KRS 99.705 to define "alternative government entity," "local government," and "nuisance code"; amend KRS 99.710 to expand the availability of spot condemnation to all forms of local government; allow the duties that could be fulfilled by a vacant property review commission to be assigned to an alternative government entity with a similar mission; amend KRS 99.715, 99.720, 99.725, and 99.730 to conform; create a new section of KRS 99.700 to 99.730 to establish a tax delinquency diversion program for blighted property; amend KRS 416.540 to define "government lien" and "local government" and make technical corrections; amend KRS 416.570 to provide that a petition filed for a condemnation instituted pursuant to KRS 99.700 to 99.730 include certification of the assessment made by the property valuation administrator, a list of all government liens against the property and the amount due, and an estimate of the expense necessary to bring the property up to code; amend KRS 416.580 to provide that the presumed fair market value of property in eminent domain proceedings brought under KRS 99.700 to 99.730 shall be the assessed value as established by the property valuation administrator reduced by the total amount of all government liens and the estimated cost of repairs necessary to bring the property up to code; provide that the presumption may be rebutted by the property owner through submission of an independent appraisal establishing a different fair market value; amend KRS 416.610 and 416.660 to conform; amend KRS 134.128 and 134.504 to reference the tax delinquency diversion program established by Section 8 of the Act; amend KRS 91.285, 92.305, 416.550, 416.600, 416.630, 416.640, and 416.650 to conform.

Current Status: 4/13/2016 - **SIGNED BY GOVERNOR**

State Bill Page: <http://www.lrc.ky.gov/record/16RS/SB230.htm>

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