



January 27, 2020

## Budget Address is Coming This Week

The fourth week of the legislative session begins today and the KYR Legislative Quick Response Team (QRT) is busy tracking several important issues related to HOAs, occupational tax, rental property, attorney's fees, and assistance dogs. So far this session, the QRT has voted to support 3 bills, oppose 2, and monitor 11.

Governor Beshear is scheduled to deliver his budget address to the General Assembly on Tuesday night (Jan. 28). The General Assembly is constitutionally obligated to pass a two-year budget. Look for the number of bills filed to pick up following this budget address. Much of the discussion about it is centered around education and the troubled pension system.

Another Real Estate Industry Collaboration Meeting is scheduled for the end of this week as well. Representatives from the Auctioneers, Appraisers, Home Inspectors, REALTORS®, and Home Builders are expected to be in attendance. During this meeting, we will discuss issues that may arise during the 2020 legislative session that could have an impact on our collective industries.

### **Upcoming Event:**

**2020 Legislative Conference (and Hill visit) – February 11<sup>th</sup> – 13<sup>th</sup>. Lexington, KY**

Register today for the 2020 KYR Legislative Conference to be held February 11-13 at the Embassy Suites in Lexington. The Legislative Reception is Wednesday, February 12<sup>th</sup> from 5:30pm – 8:00pm ET at Buffalo Trace Distillery, 113 Great Buffalo Trace, Frankfort, KY. The Hill visits are scheduled for the morning of Wednesday, February 12<sup>th</sup>. For more information, a schedule, and to register for this event, [visit the KYR website at this link](#).

## Helpful Links

[2020 Regular Session Calendar](#)

[2020 Daily Legislative Calendar](#)

[Who's My Legislator?](#)

[House and Senate Bill Status Information](#)

Please be sure to look for KYR's Legislative Update sent weekly during this legislative session for the latest updates and information in Frankfort and how it affects your business.

KYR and the Quick Response Team will keep you up to date on issues during the 2020 Legislative Session. Please contact Richard Wilson, KYR Government Affairs Director, at [rwilson@kyrealtors.com](mailto:rwilson@kyrealtors.com) if you have questions or comments regarding KYR's legislative activity.

## KENTUCKY REALTORS

Legislative Tracker

Updated 1/27/2020

### **HB16**      **ASSISTANCE DOGS** (KING, K) AN ACT relating to assistance dogs.

Amend KRS 258.500 to prohibit the misrepresentation of assistance dogs; allow peace officers to investigate; amend KRS 258.991 to conform and to remove outdated references.

*Current Status:* 1/10/2020 - (H) posted in committee House Judiciary (H)

*State Bill Page:* <https://apps.legislature.ky.gov/record/20RS/HB16.html>

**KYR Position: SUPPORT**

### **HB28**      **TAX RATES** (SIMS JR., J) AN ACT relating to an increase in tax rates

Amend KRS 139.200 to provide for a sales and use tax rate of eight percent (8%) on or after January 1, 2021; amend KRS 139.230 and 139.310 to conform; amend KRS 139.471 to provide a six percent (6%) sales tax rate on property purchased for use in the performance of a lump sum, fixed fee contract, sales made under a fixed fee contract, or sales made under a fixed price contract, if the contracts were executed on or before July 10, 2019; amend 138.460 to provide for a motor vehicle usage tax rate of eight percent (8%) on vehicles purchased on or after January 1, 2021; amend KRS 138.463 to provide for an eight percent (8%) U-Drive-It tax rate for rental and leasehold contracts entered into after January 1, 2021; amend KRS 139.260 and 139.470 to conform.

*Current Status:* 1/7/2020 - (H) Referred to Committee House Appropriations & Revenue (H)

*State Bill Page:* <https://apps.legislature.ky.gov/record/20RS/HB28.html>

**KYR Position: Monitor**

**HB36**      **VETERAN SERVICE ORGANIZATIONS** (KOCH, M) AN ACT relating to property taxes for veteran service organizations.

Create a new section in KRS Chapter 132 to exempt veteran service organizations from ad valorem taxation if over fifty percent of the organization's annual net income is expended on behalf of veterans and other charitable causes; amend KRS 132.010 to define veteran service organization; apply to property assessed on or after January 1, 2021.

**Current Status:** 1/16/2020 - (H) recommitted to committee House Appropriations & Revenue (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB36.html>

**KYR Position: Monitor**

**HB56**      **TAX ON SERVICES** (BRENDA, R) AN ACT relating to the taxation of certain services.

Amend KRS 139.200 to exclude mowing, fence cleaning, and other pasture maintenance services performed on agricultural or horticultural land for a farmer or retired farmer from landscaping services; EFFECTIVE August 1, 2020.

**Current Status:** 1/7/2020 - (H) Referred to Committee House Appropriations & Revenue (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB56.html>

**KYR Position: Monitor**

**HB98**      **ATTORNEY'S FEES** (MASSEY, C) AN ACT relating to causes of actions for building code violations.

Amend KRS 198B.130 to allow a court award under KRS Chapter 198B or the Uniform Building Code to include attorney's fees if a certificate of occupancy has not been issued.

**Current Status:** 1/10/2020 - (H) posted in committee House Judiciary (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB98.html>

**KYR Position: SUPPORT**

**HB100**      **EMERGENCY MEDICAL SERVICE FEES** (ROTHENBURGER, R) AN ACT relating to emergency medical service fees and declaring an emergency.

Create a new section of KRS Chapter 67 to allow a fiscal court to levy a fee on certain units for the provision of emergency medical services; define units subject to fee; require fee to be placed on tax bill; allow collection by sheriff in the same manner as for property taxes;

allow sheriff to receive up to 4.25% fee for collection; define "residential," "commercial," "charitable," and "educational" units; allow levy on occupied or unoccupied units or both, occupation determined at time of initial levy and July 1 thereafter; require fee increases to be imposed by ordinance; require fees collected to be placed in separate fund, used only for provision of emergency medical services; specify that fees are not to be in lieu of any taxes or fees established for the provision of emergency medical services; EMERGENCY.

**Current Status:** 1/15/2020 - (H) posted in committee House Local Government (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB100.html>

**KYR Position: MONITOR**

**HB155**      **PROPERTY AND TRUSTS (MASSEY, C) AN ACT relating to property and trusts.**

Create new sections of KRS Chapter 386 to establish the Kentucky Community Property Trust Act; set requirements for creation of community property trusts by spouses; amend KRS 141.019, relating to individual income tax, to provide that adjusted gross income does not include a change in the cost basis of the surviving spouse's share of property owned by a Kentucky community property trust occurring for federal income tax purposes; amend KRS 386.175 to provide that a second trust may be created from an original trust whose terms have been modified; create a new section of KRS Chapter 396 to provide that creditor claims are barred if not presented within 6 months after the appointment of a personal representative or if not presented within 60 days of a personal representative giving actual notice to the creditor; amend KRS 396.011 to require creditor claims to be brought within the earlier of 8 months after the decedent's death or the established time periods.

**Current Status:** 1/10/2020 - (H) posted in committee House Judiciary (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB155.html>

**KYR Position: No Action Taken**

**HB193**      **SALES AND USE TAX EXEMPTIONS (TIPTON, J) AN ACT relating to sales and use tax exemptions.**

Amend KRS 139.480 to exempt from sales and use tax tangible personal property purchased by a person for incorporation into a structure or improvement to real property under a contract with the federal, state, or local government, or a resident, nonprofit educational, charitable, or religious institution; apply to sales made after October 1, 2020, but before October 1, 2024; require the Department of Revenue to report the claimed exemptions to the Interim Joint Committee on Appropriations and Revenue; amend KRS 131.190 to give the Department authority to provide the report to LRC.

**Current Status:** 1/9/2020 - (H) Referred to Committee House Appropriations & Revenue (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB193.html>

**KYR Position: Monitor**

**HB225 CIVIL RIGHTS (MARZIAN, M) AN ACT relating to civil rights.**

Amend KRS 344.010 to include definitions for "sexual orientation" and "gender identity"; amend KRS 344.020, relating to the purpose of the Kentucky's civil rights chapter, to include a prohibition against discrimination because of sexual orientation and gender identity; amend KRS 344.025, 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 344.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments; amend KRS 18A.095 to conform.

**Current Status:** 1/13/2020 - (H) Referred to Committee House Economic Development & Workforce Investment (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB225.html>

**KYR Position: MONITOR**

**HB252 MANUFACTURED AND MOBILE HOMES (DOSSETT, M) AN ACT relating to manufactured and mobile homes.**

Amend KRS 227.605 to require an inspection and a new B1 seal prior to the transfer of title or ownership of a manufactured or mobile home; exempt homes bearing a B1 seal that was affixed by a licensed retailer within the six months prior to transfer.

**Current Status:** 1/16/2020 - (H) Referred to Committee House Licensing, Occupations, & Admin Regs (H)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB252.html>

**KYR Position: No Action Taken**

**HB261**      **TECHNICAL CORRECTIONS TO VARIOUS TAX STATUTES** (RUDY, S) AN ACT relating to technical corrections to various tax statutes and declaring an emergency.

Amend KRS 131.183 to clarify that the application of interest does not apply to the addition of tax for estimated tax purposes; amend KRS 131.250 to allow the Department of Revenue to determine which returns, reports, or statements should be electronically filed; amend KRS 133.225 to require certain specific information to be posted on the Department of Revenue’s website related to the assessment of property and the property tax calendar; amend KRS 138.220 to clarify when motor fuel dealers are to be notified about a change to the average wholesale price; amend KRS 138.450 and 139.260 to make a technical correction; amend KRS 139.340 and 139.450 to clarify that, once the threshold for sales or transactions is exceeded by a remote retailer or a marketplace provider, the taxpayer must register and collect the tax from the purchaser by the first day of the calendar month that begins no later than 60 days after either threshold is reached; amend KRS 141.039 to make technical corrections; amend KRS 141.0401 to clarify in which circumstances a consolidated return is allowed for the limited liability entity tax; amend KRS 141.044 to restore language permitting interest on refunds to begin after 90 days; amend KRS 141.121 to make technical corrections; amend KRS 141.201 to clarify the specific corporations that are exempt from taxation, that those corporations are not included in the consolidated return, and that by electing to file a consolidated return the group is voluntarily subjecting each member of the affiliated group to the jurisdiction of this state; amend KRS 141.202, 141.205, 141.206, 141.383, and 141.900 to make technical corrections; amend KRS 141.985 to clarify that the application of interest does not apply to the addition of tax for estimated tax purposes; amend KRS 224.50-868 to clarify that the new tire fee of \$2 per tire applies to the sale of all tires, not just new motor vehicle tires; repeal KRS 132.550 and 132.635; EMERGENCY.

**Current Status:** 1/15/2020 – Introduced

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB261.html>

**KYR Position:** Monitor

**HB268**      **PROTECTION OF KENTUCKY’S ADULTS** (ELLIOTT, D) AN ACT relating to the protection of Kentucky’s adults.

Amend KRS 381.230 to establish a simplified method for elderly or vulnerable adults to petition for an order to prevent or restrain other persons from trespassing onto the petitioner’s residence; create a new section of KRS Chapter 209 to clarify abuse of an adult and establish penalties; clarify exploitation of an adult and establish penalties; restate neglect of an adult and establish penalties; amend KRS 209.990 to delete existing penalties for abuse, exploitation, and neglect; amend KRS 209.020 to define terms; create a new section of KRS Chapter 209 to create a rebuttable presumption that transfers of real or personal property made by protected adults and not supported by adequate consideration were made under undue influence.

**Current Status:** 1/15/2020 – Introduced

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/HB268.html>

**KYR Position: Monitor**

**SB11**      **RENTAL PROPERTY CRIMINAL DAMAGE** (SCHICKEL, J) AN ACT relating to criminal damage to rental property.

Create a new section of KRS Chapter 512 to specify that a tenant who, having no right to do so or any reasonable ground to believe that he or she has such right, intentionally or wantonly defaces, destroys, or damages residential rental property is to be charged with violating KRS 512.020, 512.030, or 512.040 as appropriate.

**Current Status:** 1/16/2020 - (S) THIRD READING w/ SCA 1, Passed (29-5)

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/SB11.html>

**KYR Position: SUPPORT**

**SB93**      **RESIDENTIAL COMMUNITIES** (ALVARADO, R) AN ACT relating to residential communities.

Create new sections of KRS Chapter 381 to define terms related to planned communities; establish administrative standards for planned communities; provide standards for declarations for planned communities; indicate that planned communities shall have a declaration accompanied by bylaws that include specific provisions; provide that associations shall have an executive board with enumerated powers; allow periods of declarant control of the associations; provide for rights and responsibilities of associations; require associations to keep certain financial records; allow associations to assess lot owners for certain expenses; allow associations to have a lien upon any lot for nonpayment of assessments; provide guidelines for revitalization of defunct associations; establish guidelines for civil liabilities; define "governing documents" and "homeowners' association"; state that the governing documents may not prohibit the outdoor display of political yard signs 30 days before any special, primary, or general election until seven days after that election; establish a short title.

**Current Status:** 1/15/2020 - Introduced

**State Bill Page:** <https://apps.legislature.ky.gov/record/20RS/SB93.html>

**KYR Position: OPPOSE**

**SB95**      **SALES AND TAXES** (MCDANIEL, C) AN ACT relating to sales and use tax exemptions.

Amend KRS 139.480 to exempt from sales and use tax tangible personal property purchased by a person for incorporation into a structure or improvement to real property under a contract with the federal, state, or local government, or a resident, nonprofit educational, charitable, or religious institution; apply to sales made after October 1, 2020, but before October 1, 2024; require the Department of Revenue to report the claimed exemptions to the Interim Joint Committee on Appropriations and Revenue; amend KRS

131.190 to give the department authority to provide the report to the Legislative Research Commission.

***Current Status:*** 1/15/2020 - Introduced

***State Bill Page:*** <https://apps.legislature.ky.gov/record/20RS/SB95.html>

**KYR Position: Monitor**