



March 23, 2021

## Legislative Update

### Veto Period Has Begun

Wednesday, March 17th, began the veto session for the 2021 Legislative Session, which means that was the final day legislators could pass bills and still have the opportunity to override a veto from the Governor before the final day of the legislative session (Sine Die is March 30). The Governor has 10 days to sign a bill or it will become law without his signature. The Governor is expected to veto a few bills.

KYR members, please keep an eye out for SB 11 - Damage to rental property - that is sponsored by Sen. John Schickel. This bill was vetoed by the Governor in 2020. The KYR QRT is in full support of this bill and a support letter was sent to the Governor expressing our desire to see this bill become law.

Here is a breakdown of where each KYR Supported and Opposed bill is in the legislative process. The bills in bold (and green) are the bills that have made it all the way through the legislative process, or they are currently on the Governor's desk.

### Supported Bills:

HB 151 (Fischer) - Recorded Instruments - This bill will not move this session.  
SCR 136 was filed to include the KY REALTORS in the County Clerk Modernization Task Force

HB 172 (Frazier) - Appraiser's Board - This bill was signed by the Governor on 3/15.

HB 207 (Gooch) - Utilities - This bill has been delivered to the Governor.

HB 561 (Santoro) - Infrastructure Funding - This bill has not moved

HB587/588 & SB 100/125 - West End Opportunity Partnership - These bills have not moved

HB 570 (Meade) - Rental Assistance Fund - This bill has not moved

SB 10 (Givens) - Commission on Race and Access to Opportunity - This bill has been delivered to the Governor

SB 11 (Schickel) - Damage to Rental Property - This bill has been delivered to the Governor (keep in mind this bill was vetoed by the Governor last year)

SB 243 (Howell) - Recorded Instruments - This bill will not move this session.  
SCR 136 was filed to include the KY REALTORS in the County Clerk Modernization Task Force

SB 264 (West) - Evictions Prohibition - The bill has not moved.

SR 51 - Resolution Honoring Jeff Smith was adopted by the Senate on 3/12.

### **Opposed bills:**

SB 121 (Alvarado) - HOA Bill - This bill will not move this session

HB 595 (Kulkarni) - Uniform Residential Landlord/Tenant Act - This bill will not move this session.

\*The Budget and Revenue Bills have been sent to the Governor as well. He may veto specific lines in the bills if he chooses.

## **Helpful Links**

[2021 KYR Legislative Guide](#)

[KYR Legislative Updates \(Archive\)](#)

[2021 Legislative Session Calendar](#)

[Find 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 2021 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.

## KYR Legislative Tracker

As of 3/19/2021

**Green = Supported**

**Red = Opposed**

### **HB151** RECORDED INSTRUMENTS *(FISCHER, JOSEPH M.)*

AN ACT relating to recorded instruments.

Create a new section of KRS Chapter 67 to define "recorded instrument" and "portal"; require county clerks to be open for reviewing and obtaining copies of recorded instruments for 40 hours a week unless they maintain a portal that allows the public to search for electronic copies of recorded instruments; establish deadlines for county clerks to maintain portals for the filing and searching of recorded instruments.



#### **CURRENT STATUS**

2/9/2021 – Referred to Committee House Local Government (H)

**KYR Position: SUPPORT**

[HB151 Bill Page](#)

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## **HB172** KENTUCKY REAL ESTATE APPRAISERS BOARD (FRAZIER, DEANNA)

AN ACT relating to the Kentucky Real Estate Appraisers Board.

Amend KRS 324A.015 to require the board to employ state-certified general appraisers with at least five years of experience to conduct grievance investigations; amend KRS 324A.035 to make technical corrections; amend KRS 324A.047 and 324A.050 to clarify standards; amend KRS 324A.052 to require complaints to be filed within five years after the date of transmittal of the appraisal report or review assignment or at least two years after the final disposition of any judicial proceeding that the appraiser provided testimony related to the assignment; amend KRS 324A.065 to require the initial application fee to not exceed \$200 for federally related transactions; require the annual certificate and licensure fees to not exceed \$200 for federally related transactions; establish a returned check fee of \$50 for federally related transactions; eliminate the initial application fee, examination fee, duplicate certificate fee, and roster fee for nonfederally related transactions; require the board to promulgate administrative regulations to establish and collect a prelicensure fee not to exceed \$100 and a continuing education course review fee not to exceed \$50; amend KRS 324A.150 to include a network, list, or roster of licensed or certified appraisers to the definition of "appraiser panel"; amend KRS 324A.152 to require an appraisal management company to certify that it is not partly or fully owned by an appraiser whose license has been disciplined; amend KRS 324A.154 to require the board to promulgate administrative regulations with the approval of the executive director of the Kentucky Real Estate Authority; amend KRS 324A.164 to exclude a federally defined "federally regulated appraisal management company" from the appraisal management company statutes.



### **CURRENT STATUS**

3/12/2021 – Delivered to Governor

### **KYR Position: SUPPORT**

[HB172 Bill Page](#)



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## **HB207** UTILITY SERVICE (GOOCH JR., JIM)

AN ACT relating to utility service.

Create a new section of KRS Chapter 65 to prohibit a local government entity from taking any legislative or executive action that has the purpose or effect of impairing a consumer's ability to use a utility service that is described in KRS 278.010(3)(a), (b), or (c) and that is provided by a utility regulated by the Public Service Commission under KRS Chapter 278 or is otherwise incorporated under KRS Chapter 279.



### CURRENT STATUS

3/15/2021 – (H) PLACED IN THE ORDERS OF THE DAY; for Concurrence or Nonconcurrence in Senate Committee Substitute (1) and

Senate Committee Amendment (1-title)

### **KYR Position: SUPPORT**

[HB207 Bill Page](#)



## **HB561** Transportation (SANTORO, S)

AN ACT relating to transportation and making an appropriation therefor.

Amend KRS 138.220 to set a single excise tax on gasoline and special fuels; set initial base rate at 34 cents per gallon (cpg); subject tax to annual adjustment; eliminate references to taxation on the average wholesale price of gasoline and the supplemental tax on gasoline and special fuels; require annual notification to motor fuel dealers of the adjusted rate of the excise tax on gasoline and special fuels for each upcoming fiscal year and annual notification to county clerks of the adjusted rate of highway user fees for electric vehicles; amend KRS 138.660 to set the initial base rate for the heavy equipment motor carrier surtax at 4.3 cpg for gasoline and 7.2 cpg for special fuels; subject the surtax to annual adjustment; create a new section of KRS

Chapter 138 to define "taxes"; provide a mechanism for annual adjustment of the excise tax on gasoline and special fuels and the heavy equipment motor carrier surtax based on changes in the National Highway Construction Cost Index 2.0; allow these taxes to increase or decrease no more than ten percent from one year to the next, subject to the statutory minimums; create a new section of KRS Chapter 186 to establish a base highway user fee for nonhybrid electric vehicles of \$150; require the fee to be adjusted with any increase or decrease in the gasoline tax under Section 3 of the Act; establish an annual highway preservation fee of \$35-\$40 on noncommercial vehicles with a fuel efficiency of 30 MPG or greater, based on the EPA mileage rating of the make model and year of the vehicle; require collection of both fees at the time of registration; require that both fees be transferred to the road fund; amend KRS 186.010 to define "nonhybrid electric vehicle"; amend KRS 186.018 to increase the fee for a driving history record from \$3 to \$6; amend KRS 186.020 to eliminate the requirement to present a vehicle's registration receipt when renewing the vehicle registration and allow mail or online registration renewal with no additional fee; amend KRS 186.040 to eliminate the \$30 county clerk fee for motor carrier registrations on vehicles in excess of 44,000 pounds; increase the county clerk fee for motor vehicle registrations from \$6 to \$8; amend KRS 186.050 to increase to state fee for motor vehicle registrations from \$11.50 to \$22; require payment of the highway user fees for electric vehicles and the highway preservation fees at the time of registration or renewal; provide for a \$10 late charge for vehicle registrations not renewed within 30 days of expiration; make technical correction; amend KRS 186.162, 186.180, and 186.240 to conform; amend 186.531 to set reinstatement fee for a suspended operator's license at \$100 and provide for distribution of funds; amend KRS 281A.150 to increase reinstatement fees for suspended CDLs from \$50 to \$100; amend KRS 186A.130 and 186A.245 to set the fee for an initial title at \$25, the fee for a duplicate or replacement title at \$10, and the fee for a speed title at \$40, and adjust the distribution of fees between the Cabinet and the county clerk; amend KRS 189.574 to increase to fee for state traffic school from \$15 to \$50; amend KRS 189.270 to increase fees for various overweight and overdimensional permits; create a new section of KRS Chapter 174 to create the multimodal transportation fund, specify allowable uses for moneys in the fund, and appropriate funds for those purposes; amend KRS 177.320 and 177.365, regarding allocation of a portion of fuel tax revenue to county road aid funds and municipal road aid funds; change the revenue-sharing formula on the portion of fuel tax revenue available for revenue sharing which exceeds \$825 million in any year from 18.3% to counties and 7.7% to cities to 13% for each fund; amend KRS 138.4603, regarding the determination of total consideration for the purpose of calculating retail price for motor vehicle use tax, to limit the trade in allowance on the purchase of new motor vehicles to \$25,000; amend KRS 176.080 to establish limitations and awarding of single bid construction contracts the exceed, engineer's estimates, require reporting of such contracts; amend KRS 176.210 to prohibit the Department of Highways from revealing the identities of eligible bidders on a project until the project bid letting; amend KRS 138.210 to delete the definitions for "average wholesale price," "average wholesale floor price," and "quarterly survey value"; amend KRS 138.695, 138.270, 42.409, 234.320, and 234.380 to conform; repeal KRS 138.228, regarding the calculation of average wholesale price of gasoline, KRS 138.4602, regarding determination of total consideration on vehicles purchased between 2009 and 2014, and KRS 175.505 regarding the debt payment acceleration fund for turnpike authority debt; Sections 1 to 3 and 23 to 23 are EFFECTIVE July 1, 2021; Sections 4, 5, and 7 to 12 are EFFECTIVE January 1, 2022; APPROPRIATION.

## ■ CURRENT STATUS

### KYR POSITION: SUPPORT

2/26/2021 – To Appropriations and Revenue (H)

[HB561 Bill Page](#)

### HB570 EMERGENCIES *(MEADE, DAVID)*

AN ACT relating to emergencies and making an appropriation therefor.

Create new sections of KRS Chapter 198A to establish the Kentucky emergency rental assistance fund and provide for its administration and funding; set out the requirements for the use of the Kentucky emergency rental assistance fund; amend KRS 39A.100 to limit the Governor from suspending or modifying KRS Chapter 383 or KRS 65.875 during an emergency; amend KRS 214.020 to limit the actions taken by the Cabinet for Health and Family Services during an epidemic to 30 days unless extended by the General Assembly.



## CURRENT STATUS

### KYR POSITION: SUPPORT

2/23/2021 - Introduced

[HB570 Bill Page](#)



### HB587 WEST END OPPORTUNITY PARTNERSHIP *(FLEMING, KEN)*

AN ACT relating to the West End Opportunity Partnership and making an appropriation therefor.

Create a new section in KRS Chapter 65 to define terms and require a minimum investment be pledged from private sector investors, consolidated local government, and the Commonwealth; require incremental tax revenues be pledged to the West End Opportunity Partnership from a

consolidated local government and the Commonwealth; effective only if 2021 Regular Session Bill Request Number 1553 becomes law; APPROPRIATION.



## CURRENT STATUS

### KYR POSITION: SUPPORT

3/11/2021 – Returned to Committee House Appropriations and Revenue (H)

[HB587 Bill Page](#)



### **HB588** PROPERTY IN A DEVELOPMENT AREA *(FLEMING, KEN)*

AN ACT relating to property in a development area.

Create new sections in KRS Chapter 65 to state findings and declaration of the General Assembly for the development area; define terms; establish the West End Opportunity Partnership, its powers and duties and purpose; require the West End Opportunity Partnership to comply with open meetings and open records requirements; require the West End Opportunity Partnership to reimburse real property taxes; establish the board and membership requirements; require a local participation agreement and specify provisions of the agreement; establish requirements pertaining to documentation, records, incremental revenues, and bonds; require reporting of the West End Opportunity Partnership to the Interim Joint Committee on Appropriations and Revenue; establish the West End Louisville Advisory Council and its members and duties; create a new section in KRS Chapter 132 to establish the classification of residential property in a revitalization area; define terms; and prohibit the legislative body of a consolidated local government from levying an ad valorem tax rate on residential property in a revitalization area that is higher than 50 percent of the prevailing rate of other real property located in its jurisdiction; EFFECTIVE only if 2021 Regular Session Bill Request Number 1454 becomes law.



## CURRENT STATUS

### KYR POSITION: SUPPORT

3/11/2021 – Returned to Committee House Appropriations and Revenue (H)

[HB588 Bill Page](#)





## **HB595** RIGHTS AND OBLIGATIONS OF LANDLORDS AND TENANTS TO A RESIDENTIAL LEASE *(KULKARNI, NIMA)*

AN ACT concerning rights and obligations of landlords and tenants to a residential lease.

Repeal and reenact and create new sections of KRS Chapter 383 to enact the Uniform Residential Landlord and Tenant Act and apply it across the Commonwealth; repeal various sections of KRS Chapter 383 to conform.



### **CURRENT STATUS**

### **KYR POSITION: OPPOSE**

2/23/2021 - Introduced

[HB595 Bill Page](#)



## **SB10** CREATION OF THE COMMISSION ON RACE AND ACCESS OF OPPORTUNITY *(GIVENS, DAVID P.)*

AN ACT relating to the creation of a Commission on Race and Access to Opportunity.

Create a new section of KRS Chapter 7 to establish a Commission on Race and Access to Opportunity; define "commission"; set forth the membership of the commission; authorize the authority to hold monthly meetings, seek comment and testimony, and provide research driven policy proposals; and require the commission to publish an annual report.



### **CURRENT STATUS**

3/15/2021 – (S) PLACED IN THE ORDERS OF THE DAY; posted for passage for concurrence in House Committee Substitute (1) and House Floor Amendment (1)

### **KYR Position: SUPPORT**

[SB10 Bill Page](#)



## **SB11** CRIMINAL DAMAGE TO RENTAL PROPERTY *(SCHICKEL, JOHN)*

AN ACT relating to criminal damage to rental property.

Amend KRS 512.010 to define "lease or rental agreement", "residential rental property", and "tenant"; amend KRS 512.020, 512.030, and 512.040 to specifically include damage to residential rental property in the crime of criminal mischief.



### **CURRENT STATUS**

3/12/2021 – Delivered to Governor

### **KYR Position: SUPPORT**

[SB11 Bill Page](#)



## **SB100** PROPERTY IN A DEVELOPMENT AREA *(STIVERS, ROBERT)*

AN ACT relating to property in a development area.

Create new sections in KRS Chapter 65 to state findings and declaration of the General Assembly for the development area; define terms; establish the West End Opportunity Partnership, its powers and duties and purpose; require the West End Opportunity Partnership to comply with open meetings and open records requirements; require the West End Opportunity Partnership to reimburse real property taxes; establish the board and membership requirements; require a local participation agreement and specify provisions of the agreement; establish requirements pertaining to documentation, records, incremental revenues, and bonds; require reporting of the West End Opportunity Partnership to the Interim Joint Committee on Appropriations and Revenue; establish the West End Louisville Advisory Council and its members and duties; create a new section in KRS Chapter 132 to establish the classification of residential property in a revitalization area; define terms; and prohibit the legislative body of a consolidated local government from levying an ad valorem tax rate on residential property in a revitalization area that is higher than 50 percent of the prevailing rate of other real property located in its jurisdiction; EFFECTIVE only if 2021 Regular Session Bill Request Number 850 becomes law.



## CURRENT STATUS

### KYR POSITION: SUPPORT

2/23/2021 - Introduced

[SB100 Bill Page](#)



### **SB121** RESIDENTIAL COMMUNITIES *(ALVARADO, RALPH)*

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 regular election until seven days after that election; establish a short title.



## CURRENT STATUS

### KYR POSITION: OPPOSE

2/2/2021 - Introduced

[SB121 Bill Page](#)



### **SB125** WEST END OPPORTUNITY PARTNERSHIP *(STIVERS, ROBERT)*

AN ACT relating to the West End Opportunity Partnership and making an appropriation therefor.

Create new a section in KRS Chapter 65 to define terms and require a minimum investment be pledged from private sector investors, consolidated local government, and the Commonwealth; require incremental tax revenues be pledged to the West End Opportunity Partnership from a consolidated local government and the Commonwealth; effective only if 2021 Regular Session Bill Request Number 1553 becomes law; APPROPRIATION.



## CURRENT STATUS

### KYR POSITION: SUPPORT

2/25/2021 – Referred to Committee Senate Appropriations and Revenue (S)

[SB125 Bill Page](#)



### SB243 RECORDED INSTRUMENTS *(WEST, STEPHEN)*

AN ACT relating to recorded instruments.

Create a new section of KRS Chapter 67 to define "recorded instrument" and "portal"; require county clerks to be open for reviewing and obtaining copies of recorded instruments for 40 hours a week unless they maintain a portal that allows the public to search for electronic copies of recorded instruments; establish deadlines for county clerks to maintain portals for the filing and searching of recorded instruments; create a task force on issues regarding the implementation of electronic recording, fees or functions of the county clerk in the recording of documents, closure of county clerk offices due to an emergency, and related issues; report by December 1, 2021.



## CURRENT STATUS

### KYR POSITION: SUPPORT

3/1/2021 – Returned to Committee Senate Judiciary (S)

[SB243 Bill Page](#)



## **SB264** EVICTION PROHIBITION DURING EMERGENCIES (*WEST, STEPHEN*)

AN ACT relating to eviction prohibition during emergencies.

Amend KRS 39A.100 to forbid a prohibition against evictions during an emergency.



### **CURRENT STATUS**

### **KYR POSITION: SUPPORT**

3/11/2021 – Returned to Committee Senate Economic Development, Tourism, and Labor (S)

[SB264 Bill Page](#)



## **SR51** HONORING JEFF SMITH (*SCHICKEL, JOHN*)

A RESOLUTION honoring Jeff Smith upon winning the Lifetime Achievement Award from the Northern Kentucky Association of Realtors.

Honor Jeff Smith upon winning the Lifetime Achievement Award from the Northern Kentucky Association of Realtors.



### **CURRENT STATUS**

### **KYR POSITION: SUPPORT**

3/12/2021 – Adopted by voice vote

[SR51 Bill Page](#)



