



January 14, 2019

## 2019 Legislative Session

On Tuesday, January 8, legislators returned to Frankfort to kick off the 2019 legislative session. The House and Senate will return to Frankfort on Tuesday, February 5 to reconvenes for the remainder of the 30-day session.

On the first day of the session, the House addressed a request from incumbent Representative D.J. Johnson to investigate his race against challenger Jim Glenn. The KY Board of Elections certified Glenn as the winner of the race by just one vote, but Johnson's attorneys claim that 17 absentee ballots were not counted. A nine-member Election Contest Board was created by drawing random names of sitting members of the House. The board consists of 6 Republicans and 3 Democrats. Meanwhile in the Senate, the focus of the first week fell largely on education, with two bills moving through committee and passing the full Senate on Friday.

On Friday, January 11, the Kentucky REALTORS® Legislative Quick Response Team (QRT) convened for its first meeting of the session. The QRT is chaired by AnnElizabeth Delahanty and vice-chaired by Nita Allen, and it is designed to be the fast-acting clearing house for legislation filed during session. Each Friday, while the legislature is in session, the QRT will convene via conference call to discuss any bills filed and guide the decision process for KYR to support, oppose, or monitor those bills based upon their impact on REALTORS®, homeowners, and the health of the real estate industry in Kentucky. Decisions made by the QRT will be guided by the 2019 Legislative Priorities document, which was created by the KYR Governmental Affairs Committee and approved by the KYR Board of Directors and Delegate Body. Each Monday, while the Legislature is in session, please be on the lookout for our Legislative Update. Here, you can find information about relevant bills filed as well as a recap of the action in Frankfort.

As a reminder, KYR's new Government Affairs Director, Richard Wilson, will be joining the staff here at the office on Monday, January 21<sup>st</sup>. Special thanks goes to Pamela Gregory for

helping KYR get this legislative session started and for her upcoming role of helping to get Richard acclimated to our group.

## Helpful Links

[2019 Regular Session 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 2019 Legislative Session. Please contact Pamela Gregory, KYR Government Affairs Director, at [pgregory@kyrealtors.com](mailto:pgregory@kyrealtors.com) if you have questions or comments regarding KYR's legislative activity.

**KYR is tracking (either supporting, opposing or monitoring) numerous bills that relate to real estate, either directly or indirectly, from landlord tenant issues, planning and zoning, home inspections, condo associations, economic development incentives, etc. Below is a complete list of bills that KYR, through the Legislative Quick Response Team, have considered to ensure the protection of the real estate industry and homeownership.**

## KYR Bill Tracker

### NEW BILLS FILED THIS WEEK (9):

**HB27 NONPROFIT SALES TAX EXEMPTION** (KEENE, D) AN ACT relating to exempting admissions to events held by nonprofit organizations from sales and use taxation.

Amend KRS 139.470 to exempt from sales and use tax the sale of admissions to events held by nonprofit organizations and to remove the specific exemption for county fairs to conform; amend KRS 139.200 to conform; apply to transactions occurring on or after July 1, 2019.

**Current Status:** 1/10/2019 - (H) Referred to Committee House Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/hb27.html>

**KYR Position:** Monitor

**HB28 NONPROFIT TAXATION EXEMPTIONS** (OSBORNE, D) AN ACT relating to nonprofit exemptions in taxation and declaring an emergency.

Amend KRS 139.495 to exempt from sales and use tax the sale of admissions by nonprofit educational, charitable, or religious institutions; amend KRS 139.200 to add the exemption; amend KRS 132.195 to exempt from property tax leasehold interests in property owned by a purely public charity when the property and income are used to further the purely public charity's mission; EMERGENCY.

**Current Status:** 1/10/2019 - (H) Referred to Committee House Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/hb28.html>

**KYR Position:** **Monitor**

**HB49 PROPERTY TAXES** (LEE, S) AN ACT relating to the levy of property taxes.

Amend KRS 132.017, relating to property taxes levied by local government entities, to extend the deadline to file a petition to 75 days; allow petition papers to be substantially uniform in size and style; allow the names of voters from more than one voting precinct to be on the same sheet of the petition paper; allow electronic signatures to be counted when the signatures comply with the Uniform Electronic Transactions Act; lower the number of signatures needed for the petition to 5%; require the local governmental entity or school to levy a tax rate that is equal to the compensating tax rate when an election on the tax rate levy is canceled or the vote fails to pass the election; amend KRS 132.018 to conform.

**Current Status:** 1/10/2019 - (H) Referred to Committee House Local Government

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/hb49.html>

**KYR Position:** **Monitor**

**HB118 OCCUPATION LICENSURE** (TIPTON, J) AN ACT relating to occupational licensure.

Create new sections of KRS Chapter 335B to prohibit an occupational licensing authority from suspending or revoking a license it issued because the licensee is in default or delinquent on a student loan or work-conditional scholarship; define terms; encourage a person who is in default or delinquent in the payment of a student loan to contact the appropriate student loan servicer to establish a voluntary pay agreement for the student loan; state the goal of ensuring that individuals keep their occupational licenses while struggling to pay off student loan debt; designate a short title of "Keep Americans Working Act of 2019".

**Current Status:** 1/10/2019 - (H) Referred to Committee House Education

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/hb118.html>

**KYR Position:** **Support**

**HB119 REAL ESTATE (TIPTON, J) AN ACT relating to real estate.**

Amend KRS 324.360 to require the section to apply to all real estate transactions if any person licensed under KRS Chapter 324 receives compensation; require the Kentucky Real Estate Commission to promulgate administrative regulations authorizing seller disclosure forms for residential single family, residential multi-family, vacant land, and commercial properties; eliminate the exception for the use of a seller's disclosure of conditions form for residential purchases of new homes if a warranty is offered.

**Current Status:** 1/10/2019 - (H) Referred to Committee House Natural Resources & Energy

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/hb119.html>

**KYR Position:** **Oppose**

**HB122 TAX CREDITS (DONOHUE, J) AN ACT RELATING TO tax credits for airport noise mitigation.**

Create a new section of KRS Chapter 141 to establish a refundable income tax credit for the costs of mitigating noise from a commercial airport for taxable years beginning on or after January 1, 2019, but before January 1, 2023; amend KRS 131.190 to require certain information to be submitted to the Legislative Research Commission; amend KRS 141.0205 to order the credit.

**Current Status:** 1/10/2019 - (H) Referred to Committee House Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/hb122.html>

**KYR Position:** **Monitor**

**SB21 COMMON INTEREST COMMUNITIES (ALVARADO, R) AN ACT relating to common interest communities.**

Create new sections of KRS Chapter 381 to establish definitions for common interest communities which exclude condominiums; prohibit waiver of rights conferred by the bill; impose good faith obligation; establish a requirement to record a declaration for a common interest community with county clerks and set minimum contents of the declaration; limit application to communities created after the effective date or, for existing communities, apply only to events occurring after the effective date; specify that agreements between communities do not create a separate common interest community; require establishment of a unit owners association and specify methods of transfer of developer control to an association; set minimum powers of unit owners associations and boards; set duties and powers of board members; establish minimum requirements for recorded bylaws regarding board and association procedures; establish procedures for calling and conducting association meetings; establish procedures for calling and conducting executive board meetings; define quorum for meetings; create and limit voting methods for unit owners; limit foreclosure action by unit owners association; require records to be kept by association and determine methods of publicizing records; establish procedure for adopting and amending policy rules within the community; specify methods of providing notice to community

members; provide for removal of executive board members; require budget and special assessment adoption and publication; allow cause of action to enforce rights and obligations; apply supplemental principles of law and equity.

**Current Status:** 1/8/2019 - (S) Referred to Committee Senate Judiciary

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/SB21.html>

**KYR Position:** **Monitor**

**SB 26** Amend KRS 132.017, 160.485, and 160.597 to extend the deadline to file a property tax recall petition to 75 days; allow petition papers to be substantially uniform in size and style; allow the names of voters from more than one voting precinct to be on the same sheet of the petition paper; allow electronic signatures to be counted when the signatures comply with the Uniform Electronic Transactions Act; lower the number of signatures needed for the petition to five percent; amend KRS 132.017 to require the local governmental entity or school to levy a tax rate that is equal to the compensating tax rate when an election on the tax rate levy is canceled or when the election is held and the vote on the proposed increase fails to pass; amend KRS 160.470 to subject a tax increase by the district board of education in excess of the amount of revenue produced by the compensating tax rate to a recall vote; amend KRS 82.095 and 132.018 to conform.

**Current Status:** 1/8/2019 - (S) Referred to Committee Senate Judiciary

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/SB21.html>

**KYR Position:** **Monitor**

**SB59 SALES AND USE TAX (SCHICKEL, J)** AN ACT relating to a sales and use tax exemption for certain nonprofit entities and declaring an emergency.

Amend KRS 139.010 to define "fundraising"; amend KRS 139.200 to exempt from sales and use tax the sale of admissions by nonprofit educational, charitable, or religious institutions; amend KRS 139.495 to exempt from sales and use tax the fundraising activities done by nonprofit educational, charitable, or religious institutions; amend KRS 139.496 and 139.497 to conform; EMERGENCY.

**Current Status:** 1/10/2019 - (S) Referred to Committee Senate Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/19RS/SB59.html>

**KYR Position:** **Monitor**