



January 9, 2017

## **2017 Legislative Session**

The 2017 Session of the Kentucky General Assembly convened on Tuesday. For the first time in nearly a century, a Republican is holding the speaker's gavel in Kentucky's House of Representatives. House Speaker Jeff Hoover was confirmed to the position via acclamation during Tuesday's opening of the 2017 General Assembly's 30-day session. The week that began with the normal business of reorganization, formal election of leadership, ethics training and committee appointments, quickly turned to multiple committee hearings, much debate and the passage of legislation.

Seven bills were given final passage today by the Kentucky General Assembly and sent to the governor's desk. The bills covered a range of topics including labor unions and their membership, informed consent and abortion laws, repeal of prevailing wage, pension transparency, all include an emergency provision to ensure that they take effect the moment they are signed by the governor. All seven bills were introduced on the first day of the 30-day 2017 Regular Session that began on Tuesday and received final passage on Saturday within five days - the minimum time possible. The legislation passed by the General Assembly and sent to Governor Matt Bevin for his signature are:

**House Bill 1.** HB 1, sponsored by House Speaker Jeff Hoover, R-Jamestown, and Rep. Jim DeCesare, R-Bowling Green, would make Kentucky the nation's 27th right-to-work state. Right-to-work states prohibit mandatory membership in or payment of dues to labor unions. HB 1 passed the House by a vote of 58-39, and received final passage by the Senate with a vote of 25-12.

**House Bill 2.** HB 2, sponsored by House Speaker Jeff Hoover and Rep. Addia Wuchner, R-Florence, would require a woman seeking an abortion to have an obstetric ultrasound of her baby explained to her by her health care provider before she could give required informed consent for an abortion. Women could decline to see the ultrasound image or hear the fetal heartbeat if they choose. HB 2 passed the House by a vote of 83-12; and received final passage in the Senate by a vote of 32-5.

**House Bill 3.** HB 3, sponsored by Speaker Hoover and Rep. Adam Koenig, R-Erlanger, would repeal the state's prevailing wage law that dictates the hourly base wage for construction workers hired on for certain public works projects. HB 3 passed the House by a vote of 57-40; and received final passage in the Senate by a vote of 25-12.

**Senate Bill 3.** SB 3, sponsored by Sen. Christian McDaniel, R-Taylor Mill, would require that the retirement benefits of current and former General Assembly members be made public. Disclosure would include the member's name and estimated or actual monthly allowance. SB 3 passed the Senate by a vote of 36-0; and received final passage in the House by a vote of 95-1.

**Senate Bill 5.** SB 5, sponsored by Sen. Brandon Smith, R-Hazard, and Sen. Whitney Westerfield, R-Hopkinsville, would prohibit abortions in Kentucky at or after 20 weeks of pregnancy. The bill would not apply in cases where an abortion is required to save the life or prevent serious risk of permanent bodily

harm to the mother. SB 5 passed the Senate by a vote of 30-6; and received final passage in the House by a vote of 79-15.

**Senate Bill 6.** SB 6, sponsored by Senate President Robert Stivers, R-Manchester, would require public or private employees (with some exceptions under federal law) to request membership in a labor union in writing before they can be enrolled in that organization. It also specifies that dues or fees paid to labor organizations cannot be withheld from earnings without employee approval. Existing agreements between employers, employees and labor unions made before the legislation takes effect would be exempt from the provisions. SB 6 passed the Senate by a vote of 25-11; and received final passage in the House by a vote of 57-39.

**Senate Bill 12.** SB 12, sponsored by Senate President Stivers, would abolish the current board of trustees of the University of Louisville and clarify the number of members allowed on the new board along with qualifications and conditions of membership. The bill would also require Kentucky Senate confirmation of board appointments. SB 12 passed the Senate by a vote of 25-11; and received final passage in the House by a vote of 57-35.

The 2017 legislative session adjourned today for a scheduled break and will re-convene on Tuesday, Feb. 7. The session is scheduled to end on March 30.

As the 2017 legislative session begins, it is critical for REALTORS® across Kentucky to come together and speak with one voice about the stability a sound and dynamic real estate market brings to the Commonwealth.

Helpful Links:

[2017 Regular Session Calendar](#)

[Who's My Legislator](#)

[House and Senate Bill Status Information](#)

At the recent Kentucky Chamber Day event, Governor Bevin and legislative leaders discussed their priorities for the upcoming session. Please see the following coverage by KET. Lawmakers and Business Leaders Outline Legislative Priorities - <http://www.ket.org/public-affairs/chamber-day-2017/>

## **KAR Events and Activities**

### **2017 REALTOR® Hill Visits**

Mark your calendars for the 2017 KAR Legislative & Business Meetings February 6<sup>th</sup> – 9<sup>th</sup> at the Embassy Suites in Lexington. The Legislative Reception is Tuesday Feb. 7<sup>th</sup> from 5:00pm – 7:00pm ET at Hyatt Regency, 401 W High Street, Lexington, KY. The hill visits are scheduled the morning of Wednesday Feb. 8<sup>th</sup>. For more information and to register for this event, [click here](#).

KAR 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.

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

KAR and the Quick Response Team will keep you up to date on issues during the 2017 Legislative Session. Please contact [dharris@kar.com](mailto:dharris@kar.com) if you have questions or comments regarding KAR's legislative activity.

Below is a complete list of bills that KAR through the Legislative Quick Response Team have considered to ensure the protection of the real estate industry and homeownership.

## **KAR Supports:**

**HB72**      **PLANNING AND ZONING** (MILLER, J) Create a new section of KRS Chapter 100 to set requirements for filing a supersedeas bond for appeals of Circuit Court decisions before the case is transferred to the Kentucky Court of Appeals.

**Current Status:**                    1/3/2017 - (H) Referred to Committee House Judiciary

**State Bill Page:**                    <http://www.lrc.ky.gov/record/17RS/BR332.htm>

**KAR Position: Support**

**HB112**      **DOGS** (LEE, S) Amend KRS 258.095 to modify the definition of persons who would qualify as the owner of a dog for purposes of that chapter.

**Current Status:**                    1/6/2017 - (H) Referred to Committee House Tourism & Outdoor Recreation

**State Bill Page:**                    <http://www.lrc.ky.gov/record/17RS/HB112.htm>

**KAR Position: Support**

**SB63**      **CIVIL RIGHTS** (MCGARVEY, M) Amend KRS 344.010 to include definitions for "sexual orientation," "gender identity," " local Commission," and " real estate-related transaction"; amend KRS 344.020, relating to the purpose of the Kentucky's civil rights chapter, to include a prohibition on discrimination because of sexual orientation and gender identity; amend KRS 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 344.025, 344.100, 344.110, and KRS 18A.095 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, 344.680, 344.370, and 344.380, 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.

**Current Status:**                    1/7/2017 - (S) Referred to Committee Senate Judiciary

**State Bill Page:**                    <http://www.lrc.ky.gov/record/17RS/BR378.htm>

**KAR Position: Support**

**SB99**      **REAL PROPERTY OWNERSHIP** (ALVARADO, R) Amend KRS 258.095 to modify the definition of persons who would qualify as the "owner" of a dog for purposes of that chapter.

**Current Status:** 1/7/2017 - (S) Referred to Committee Senate State and Local Government

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/SB99.htm>

**KAR Position: Support**

## KAR Opposes:

**HB97 HOME INSPECTIONS** (NELSON, R) Create a new section of KRS Chapter 367 to require home inspections before purchasing.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Licensing, Occupations & Administrative Regulations

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR98.htm>

**KAR Position: Oppose**

## KAR Monitors:

**HB21 ZONE TAX INCENTIVES** (NELSON, R) Amend KRS 139.570 to allow additional compensation for sellers in the promise zone; create a new section of KRS Chapter 141 to allow an income tax credit for qualified employees equal to the individual income tax on wages earned in the promise zone, not to exceed \$2,400; allow an income tax credit for qualified employers in an amount equal to \$100 for each employee working within the promise zone; require reporting by the Department of Revenue to the Legislative Research Commission; amend KRS 141.0205 to order the new tax credits; create a noncodified section to set forth the purpose of the Act and describe actions previously taken by the federal government.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR74.htm>

KAR Position: Monitor

**HB28 CONSOLIDATED LOCAL GOVERNMENTS** (WAYNE, J) Amend KRS 100.137 to clarify the powers of certain cities within a consolidated local government, regarding home rule powers that do not conflict with the comprehensive plan.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Local Government

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR322.htm>

KAR Position: Monitor

**HB44 PROMISE ZONE TAX INCENTIVES** (YORK, J) Amend KRS 139.570 to allow additional compensation for sellers in the promise zone; create a new section of KRS Chapter 141 to allow an income tax credit for qualified employees equal to the individual income tax on wages earned in the promise zone, not to exceed \$2,400; allow an income tax credit for qualified employers in an amount equal to \$100 for each employee working within the

promise zone; require reporting by the Department of Revenue to the Legislative Research Commission; amend KRS 141.0205 to order the new tax credits; create a noncodified section to set forth the purpose of the Act and describe actions previously taken by the federal government.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR225.htm>

KAR Position: Monitor

## HB50

**ADMINISTRATIVE REGULATIONS** (IMES, K) Amend KRS 13A.010 to amend the definition of "administrative regulation" and to define "last effective date"; amend KRS 13A.040 to require the regulations compiler to maintain a list of all administrative regulation numbers and their corresponding last effective dates; amend KRS 13A.220 and 13A.222 to make conforming changes to enable the renewal of an administrative regulation; amend KRS 13A.310 to provide that, beginning July 1, 2017, an ordinary administrative regulation shall expire 7 years after its last effective date; provide that an administrative regulation that has a last effective date prior to July 1, 2012, shall expire on July 1, 2019; establish duties of regulations compiler; and establish requirements for an administrative body that does not want an administrative regulation to expire.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Licensing, Occupations & Administrative Regulations

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR112.htm>

KAR Position: Monitor

## HB59

**CONSTITUTIONAL AMENDMENT** (KAY II, J) Propose an amendment to Section 170 of the Constitution of Kentucky increasing the homestead exemption from the current inflation-adjusted amount of \$36,900 to the full assessed value of the property for totally and permanently disabled veterans who are rated unemployable or 100% disabled by the United States Department of Veterans Affairs due to a service-connected disability; add the continued biennial inflation indexing of the homestead exemption amount; make various typographical changes of a nonsubstantive nature; state ballot question; submit to voters.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Elections, Constitutional Amendments & Intergovernmental Affairs

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR369.htm>

KAR Position: Monitor

## HB64

**AIRPORT NOISE MITIGATION** (DONOHUE, J) 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, 2017, but before January 1, 2021; amend KRS 131.190 to require certain information to be submitted to the Legislative Research Commission; amend various chapters in the Kentucky Revised Statutes to make conforming changes; amend KRS 141.0205 to order the credit.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Appropriations & Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR318.htm>

KAR Position: Monitor

**HB66 KENTUCKY BOARD OF HOME INSPECTORS** (MARZIAN, M) Amend KRS 198B.706 to remove the standards of practice of the National Association of Home Inspectors from the list of standards of practice approved by the Kentucky Board of Home Inspectors; add the standards of practice of the International Association of Certified Home Inspectors to the board's list.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Licensing, Occupations & Administrative Regulations

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR158.htm>

KAR Position: Monitor

**HB88 PESTICIDE APPLICATION NOTICE REQUIREMENTS** (FISCHER, J) Create a new section of KRS Chapter 217 to define terms; require state or local government entities that engage in or direct the application of pesticides in residential areas to give notice to local officials and to the public no later than 48 hours prior to the application; require additional public notice every 7 days that the application continues; require state or local government entities to coordinate so that only one provides the required notices.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Agriculture

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR155.htm>

KAR Position: Monitor

**HB91 REAL AND PERSONAL PROPERTY OWNERSHIP** (MEEKS, R) Amend KRS 381.290, relating to right of an alien intending to be naturalized to own real or personal property in Kentucky, to delete original provisions and replace them with a provision permitting aliens, both resident and nonresident, to own real and personal property in Kentucky in the same manner as a citizen, except as otherwise provided by an applicable statute or treaty; repeal KRS 381.300, 381.310, 381.320, 381.330, and 381.340, which restrict the rights of aliens to own property in Kentucky.

**Current Status:** 1/3/2017 - (H) Referred to Committee House Judiciary

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/BR364.htm>

KAR Position: Monitor

**HB102 CONSTITUTIONAL AMENDMENT** (OWENS, D) Propose an amendment to Section 170 of the Constitution of Kentucky increasing the amount of the homestead exemption from the current inflation-adjusted amount of \$36,900 to the full assessed value of the property for totally disabled veterans of the United States Armed Forces whose disabilities are service-connected; add the continued biennial inflation indexing of the homestead amount; make various typographical changes of a nonsubstantive nature; state ballot question; submit to voters.

**Current Status:** 1/6/2017 - (H) Referred to Committee House Elections, Constitutional Amendments & Intergovernmental Affairs

**State Bill Page:** <http://www.lrc.ky.gov/record/17RS/HB102.htm>

KAR Position: Monitor

**HB109**      **CONDOMINIUM ASSOCIATIONS** (KOENIG, A) Amend KRS 381.9167 to reduce the fee charged by condominium associations for documentation to be furnished by the seller of a unit, amend KRS 324.160 to require the Real Estate Commission to impose sanctions on a realtor for failing to provide condominium documentation to a purchaser as required under KRS 381.9203(1), amend KRS 324.165 and KRS 324.312 to conform.

**Current Status:**                    1/6/2017 - (H) Referred to Committee House Licensing,  
Occupations & Administrative Regulations

**State Bill Page:**                    <http://www.lrc.ky.gov/record/17RS/HB109.htm>

KAR Position: Monitor

**HB113**      **OCCUPATIONAL LICENSURE** (RICHARDS, J) Create a new section of KRS Chapter 12 to require administrative bodies to issue professional licenses or certificates to military service members or veterans within two years of an honorable discharge if the training received by the service member or veteran could reasonably be expected to provide the necessary experience and skills; grant the administrative body the right to deny licensure or certification if training is not equivalent; allow appeal rights; require administrative bodies to promulgate administrative regulations to implement the section; clarify that military training and experience cannot be substituted for the acquisition of a college degree or passage of a specific examination when either is a prerequisite for licensure or certification.

**Current Status:**                    1/6/2017 - (H) Referred to Committee House Licensing,  
Occupations & Administrative Regulations

**State Bill Page:**                    <http://www.lrc.ky.gov/record/17RS/HB113.htm>

KAR Position: Monitor