



February 12, 2018

## **2018 Legislative Session**

As we sprint towards the halfway point of the 2018 session, Kentucky REALTORS® is busy tracking several important issues, but there are still several large matters still looming in the legislature. The General Assembly must constitutionally pass a two-year budget, and promises have been made to reform the state's troubled pension system. While those issues continue to develop, the Legislative Quick Response Team is watching bills related to property deeds, assistance animals, and planning and zoning enforcement appeals.



This week also begins the annual KYR Legislative Meetings where hundreds of REALTORS® from across the state will meet in Lexington for legislative briefings, committee and task force meetings and networking before heading to Frankfort on Wednesday, February 14 for a day at the Capitol. The day is highlighted with Hill Visits with elected officials, a Rally in the Rotunda and a group photo to commemorate the experience. Later that evening, KYR will host a Legislative Reception at Buffalo Trace where members and legislators can meet and discuss real estate issues.

***New this year:** KYR will be going live on Facebook at 8:30am on Wednesday to broadcast the Rally at the Rotunda for those who can't join us. Hear from KYR leaders, state legislators and find out who won the Jess & Carolyn Kinman Award. Find KYR at [facebook.com/kyrealtors](https://www.facebook.com/kyrealtors).*

## **2018 REALTOR® Hill Visits**

Mark your calendars for the 2018 KYR Legislative & Business Meetings February 13<sup>th</sup> – 15<sup>th</sup> at the Embassy Suites in Lexington. The Legislative Reception is Wednesday, February 14<sup>th</sup> from 5:30pm – 8:00pm ET at Buffalo Trace Distillery, 113 Great Buffalo Trace, Frankfort, KY. The Hill Visits are scheduled the morning of Wednesday, February 14<sup>th</sup>. For more information and to register for this event, [click here](#).

## **Helpful Links**

[2018 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 2018 Legislative Session. Please contact Pamela Gregory, KYR Governmental 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 THIS WEEK (8):**

#### **SUPPORT (3):**

**HB322 PLANNING AND ZONING (GOOCH, J) AN ACT** relating to planning and zoning enforcement action appeals.

Create a new section of KRS Chapter 100 allowing a party to recover court costs and reasonable attorney's fees when appealing an action of an enforcement officer, or underlying zoning regulation or ordinance that results in a monetary penalty, is finally found to be arbitrary, unenforceable, or unconstitutional.

Current Status: 2/7/2018 - Introduced  
State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB322.htm>  
**KYR Position:** SUPPORT

**HB325 CONDOMINIUMS (GRAHAM, D) AN ACT** relating to condominiums.

Amend KRS 381.870 to provide that condominium administration and maintenance fees may be allocated for as provided in the master deed.

Current Status: 2/7/2018 - Introduced  
State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB325.htm>  
**KYR Position:** SUPPORT

**HB329 ASSISTANCE ANIMALS (KOENIG, A) AN ACT** relating to assistance animals.

Create a new section of KRS Chapter 383 to allow a person with a disability or disability-related needs to make a reasonable request for an accommodation in housing to maintain an assistance animal; allow a person receiving a request to ask for documentation on the assistance animal; provide penalties for the offense of misrepresentation of an assistance animal.

Current Status: 2/8/2018 - Introduced

State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB329.htm>  
KYR Position: SUPPORT

**OPPOSE (0)**

**MONITOR (5):**

**HB302 REORGANIZATION (BENTLEY, D) AN ACT relating to reorganization.**

Amend KRS 12.020 and 12.252 to create the Professional Licensing Legal Division within the Public Protection Cabinet; create the Office of Administrative Hearings within the Public Protection Cabinet; confirm Executive Order 2017-325.

Current Status: 2/6/2018 - (H) Referred to Committee House State Government  
State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB302.htm>  
KYR Position: MONITOR

**HB324 TRESPASS (ST. ONGE, D) AN ACT relating to trespass.**

Create a new section of KRS Chapter 511, to establish the offense of trespass upon key infrastructure assets.

Current Status: 2/7/2018 - Introduced  
State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB324.htm>  
KYR Position: MONITOR

**HB328 MECHANICAL SYSTEMS (JOHNSON, D) AN ACT relating to mechanical systems.**

Amend KRS 198B.660 to eliminate certain requirements for HVAC license examinations; amend KRS 198B.6673 and 198B.6678 to allow an applicant for an inspector position with a local jurisdiction or the department to become certified after the applicant has been hired.

Current Status: 2/7/2018 - Introduced  
State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB328.htm>  
KYR Position: MONITOR

**HB333 OFFICIAL DOCUMENTS (RICHARDS, J) AN ACT relating to official documents.**

Create new sections of KRS Chapter 423 to define various terms; limit the applicability of the Act to notarial acts performed on or after January 1, 2019; allow a notarial officer to perform a notarial act in Kentucky; outline requirements for certain notarial acts; require a personal or online appearance before a notarial officer; specify the requirements of identifying an individual before a notarial officer; allow a notarial officer to refuse to perform a notarial act; state who may perform a notarial act in Kentucky;

recognize notarial acts performed in other states; recognize notarial acts performed in federally recognized Indian tribes under federal law, and in foreign countries; allow a notary public to perform a notarial act by means of communication technology; require a notarial act to be evidenced by a certificate; provide short form certificates for use by notarial officers; outline the requirements for an official stamp of a notary public; assign responsibility of the notary public's stamping device to the notary public; require a notary public to maintain a journal chronicling all notarial acts performed by that notary public; require a notary public to register with the Secretary of State that the notary public will be performing notarial acts with respect to electronic records; outline the necessary requirements to be a notary public; outline grounds for suspending, denying, or revoking a commission as a notary public; require the Secretary of State to maintain an electronic database of notaries public; detail prohibited acts; establish the validity of notarial acts; allow the Secretary of State to promulgate administrative regulations to implement this Act; require all commissions occurring after the effective date of this Act to comply with this Act; state that a portion of this Act may be cited as the Uniform Real Property Electronic Recording Act; create a new section of KRS Chapter 382 to state that a paper copy of an electronic record shall satisfy a law requiring a tangible document; create a new section of KRS Chapter 64 to create the Kentucky Notarization and Recording Standards Commission; amend KRS 423.200 to make technical corrections; amend KRS 369.103 to allow electronic signatures on transactions relating to the conveyance of interests in real property and the creation or transfer of negotiable instruments; amend KRS 62.065 to allow a surety to cover more than one required bond; repeal KRS 423.010, 423.020, 423.030, 423.040, 423.050, 423.060, 423.070, 423.080, 423.110, 423.130, 423.140, 423.150, 423.160, 423.170, 423.180, 423.190, 423.200, and 423.990; EFFECTIVE January 1, 2019.

Current Status: 2/8/2018 - Introduced  
State Bill Page: <http://www.lrc.ky.gov/record/18RS/HB333.htm>  
KYR Position: MONITOR

**SB135 OFFICIAL DOCUMENTS (SCHRODER, W) AN ACT relating to official documents.**

Create new sections of KRS Chapter 423 to define various terms; limit the applicability of the Act to notarial acts performed on or after August 1, 2019; allow a notarial officer to perform a notarial act in Kentucky; outline requirements for certain notarial acts; require a personal or online appearance before a notarial officer; specify the requirements of identifying an individual before a notarial officer; allow a notarial officer to refuse to perform a notarial act; state who may perform a notarial act in Kentucky; recognize notarial acts performed in other states; recognize notarial acts performed in federally recognized Indian tribes under federal law, and in foreign countries; allow a notary public to perform a notarial act by means of communication technology; require a notarial act to be evidenced by a certificate; provide short form certificates for use by notarial officers; outline the requirements for an official stamp of a notary public; assign responsibility of the notary public's stamping device to the notary public; require a notary public to maintain a journal chronicling all notarial acts performed by that notary public; require a notary public to register with the Secretary of State that the notary public will be performing notarial acts with respect to electronic records; outline the necessary requirements to be a notary public; outline grounds for suspending, denying, or revoking a commission as a notary public; require the Secretary of State to maintain an electronic database of notaries public; detail prohibited acts; establish the validity of notarial acts; allow the Secretary of State to promulgate administrative regulations to implement this Act; require all commissions

occurring after the effective date of this Act to comply with this Act; state that a portion of this Act may be cited as the Uniform Real Property Electronic Recording Act; create a new section of KRS Chapter 382 to state that a paper copy of an electronic record shall satisfy a law requiring a tangible document; create a new section of KRS Chapter 64 to create the Kentucky Notarization and Recording Standards Commission; amend KRS 423.200 to make technical corrections; amend KRS 369.103 to allow electronic signatures on transactions relating to the conveyance of interests in real property and the creation or transfer of negotiable instruments; amend KRS 62.065 to allow a surety to cover more than one required bond; repeal KRS 423.010, 423.020, 423.030, 423.040, 423.050, 423.060, 423.070, 423.080, and 423.990; EFFECTIVE August 1, 2019.

**Current Status:** 2/8/2018 - (S) Referred to Committee Senate State and Local Government

## **PREVIOUSLY TRACKED BILLS (33)**

(note: changes in status are highlighted in yellow below)

### **SUPPORT (2):**

**HB266 REAL PROPERTY DEEDS (MEREDITH, M) AN ACT** relating to deeds to real property.

Amend KRS 382.135 to describe the requisite "full name" for an grantor and grantee when recording a deed to real property and direct that the record is still notice and admissible as evidence if the instrument is not in compliance with the provisions as set out in this section.

**Current Status:** 2/8/2018 - (H) Posted for Passage in Consent Orders of the Day for Friday, February 9, 2018

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB266.htm>

**KYR Position:** SUPPORT

**HB283 HOME MODIFICATION TAX CREDITS (PRUNTY, M) AN ACT** relating to home modification tax credits.

Create a new section of KRS Chapter 141 to allow an income tax credit for qualified home modification expenses incurred by an individual equal to the actual cost of the home modifications, up to \$7,500 per taxpayer per year; limit total credits to \$500,000 per year; require reporting by the Department of Revenue; amend KRS 141.0205 to order the tax credit, amend various sections of KRS Chapter 131 and 141 to make technical corrections.

**Current Status:** 2/2/2018 - (H) Referred to Committee House Appropriations and Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB283.htm>

**KYR Position:** SUPPORT

### **OPPOSE (0)**

## MONITOR (31):

**HB10 CONSTITUTIONAL AMENDMENT** (IMES, K) AN ACT proposing to amend Section 29 of the Constitution of Kentucky relating to administrative regulations.

Propose to amend Section 29 of the Constitution of Kentucky to permit the General Assembly or an agency or committee it creates to review, approve, or disapprove any administrative regulation of the executive branch during or between regular sessions of the General Assembly; submit to the voters for approval or disapproval; supply ballot language.

**Current Status:** 2/8/2018 - (H) THIRD READING, passed 68-22

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB10.htm>

**KYR Position:** MONITOR

**HB22 PUBLIC SAFETY** (ST. ONGE, D) AN ACT relating to public safety.

Amend KRS 446.010 to define "unmanned aircraft system"; create a new section of KRS Chapter 500 to prescribe permitted and prohibited uses of drones; provide exceptions; prohibit use of evidence obtained by a drone in violation of stated prohibitions; authorize that section to be cited as the "Citizens' Freedom from Unwarranted Surveillance Act"; create a new section of KRS Chapter 501 to clarify criminal liability for offenses committed using a drone; create a new section of KRS Chapter 525 to create the offense of obstructing an emergency responder.

**Current Status:** 1/19/2018 - (S) Referred to Committee Senate Judiciary

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB22.htm>

**KYR Position:** MONITOR

**HB29 TAXATION** (WAYNE, J) AN ACT relating to taxation.

Amend KRS 140.130 to decouple from changes to the federal estate tax since 2003; amend KRS 141.010 to provide for a reduction and phase-out of the pension exclusion, disallow the domestic production activities deduction, establish a cap for itemized deductions, and define "taxpayer"; amend KRS 141.020 to provide for changes to income tax rates; amend KRS 141.066 to make a technical correction; amend KRS 141.0205 to recognize and order changes in income tax credits; amend KRS 141.0401 to lower the exclusion threshold; amend KRS 141.120 to change apportionment methods to use a "throwback" rule and market-based sourcing for receipts; amend KRS 141.200 to require "combined" reporting for corporations; amend KRS 134.810, 136.310, 136.530, 141.040, 141.121, 141.206, and 141.420 to conform; amend KRS 141.205 to recognize "tax haven" foreign countries and tax all income apportioned or allocated to those countries; amend KRS 141.383, 148.544, and 148.546 to make the film industry tax credit nonrefundable and nontransferable; create a new section of KRS 6.905 to 6.935 to require review and sunset of all economic development tax credits; amend KRS 131.190 to allow LRC employees to review selected tax documents; amend KRS 138.270 to reduce motor fuels dealer compensation to one percent; amend KRS 132.020 to make the real property tax rate 12.2 cents per \$100, remove the rate

adjustment provision, and remove the recall provisions; amend KRS 132.260 to clarify requirements for reporting of rental space for mobile or manufactured homes, private aircraft, and certain boats or vessels; amend KRS 132.730, 132.751, 132.810, and 132.815 to clarify property tax treatment of manufactured homes; amend KRS 140.300 to clarify the treatment of agricultural valuation on inherited property; amend KRS 279.200, 279.530, 279.220, and 139.530 to repeal rural electric and telephone co-op taxes; amend KRS 132.097 and 132.099 to amend the exemption for personal property shipped out of state; amend KRS 139.105, 139.200, 139.220, 139.270, 139.340 and 139.740 to impose sales tax on selected services; create a new section of KRS Chapter 141 to provide for a refundable Kentucky earned income tax credit; amend KRS 243.0305 and 243.990 to recognize changes in the distilled spirits case tax; amend KRS 138.130, 138.140, and 138.143 to change the tax on cigarette rolling papers, to raise the tobacco taxes, to impose a floor stock tax, and to tax e-cigarettes; amend KRS 65.125, 65.674, 67.862, 67.938, 67A.843, 68.245, 68.248, 82.095, 97.590, 132.0225, 132.023, 132.024, 132.027, 132.029, 157.440, 160.470, 160.473, 67C.147, 78.530, 342.340, and 134.810 to remove provisions that allow for recall of certain tax rates and make conforming and technical changes; create a new section of KRS Chapter 141 to provide for a refundable noise mitigation credit; repeal KRS 132.017, 132.018, 132.025, 132.720, 143A.035, and 243.710, relating to recall petitions and to various tax rates; provide that estate tax provisions apply for deaths occurring on or after August 1, 2018, sales tax provisions are effective for periods beginning on or after October 1, 2018, motor fuels compensation provisions are effective August 1, 2018, and property tax provisions are for assessments on and after January 1, 2019.

**Current Status:** 1/2/2018 - (H) Referred to Committee House Appropriations and Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB29.htm>

**KYR Position:** MONITOR

#### **HB49 PERSONAL JURISDICTION (NEMES, J) AN ACT relating to personal jurisdiction.**

Amend KRS 454.210 to expand personal jurisdiction of courts over nonresidents.

**Current Status:** 1/22/2018 - (S) Referred to Committee Senate Judiciary

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB49.htm>

**KYR Position:** MONITOR

#### **HB50 OCCUPATIONAL LICENSING REGULATIONS (NEMES, J) AN ACT relating to occupational licensing regulations.**

Create new sections of KRS Chapter 12 to define terms; set forth requirements for all occupational licensing regulations established by an agency on or after November 15, 2018; require each agency to conduct a comprehensive review of all occupational licensing regulations under its jurisdiction every five years and to prepare and submit a report of its review to the Legislative Research Commission; establish a process to petition an agency to repeal or modify an occupational licensing regulation; allow a petitioner to appeal an agency's actions or inaction to Circuit Court.

**Current Status:** 1/19/2018 - (H) posted in committee House Licensing, Occupations, and Administrative Regulations

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB50.htm>

**KYR Position:** MONITOR

**HB79 CONSTITUTIONAL AMENDMENT (KAY II, J)** AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation.

Propose an amendment to Section 170 of the Constitution of Kentucky increasing the homestead exemption from the current inflation-adjusted amount of \$37,600 to the full assessed value of the property for owners with a permanent and total one hundred percent service-connected disability rating by the United States Department of Veterans Affairs; make the exemption transferrable upon death to the surviving spouse; 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:** 1/11/2018 - (H) reassigned to committee House Elections, Constitutional Amendments, and Intergovernmental Affairs

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB79.htm>

**KYR Position:** MONITOR

**HB87 ANNEXATION (MOFFETT, P)** AN ACT relating to annexation and declaring an emergency.

Create a new section of KRS Chapter 81A to allow standing to any person who owns property in a territory to file suit against a city that annexes the territory; retroactive to January 1, 2004; EMERGENCY.

**Current Status:** 1/4/2018 - (H) Referred to Committee House Local Government

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB87.htm>

**KYR Position:** MONITOR

**HB89 CONSOLIDATED LOCAL GOVERNMENTS (WAYNE, J)** AN ACT relating to planning and zoning in consolidated local governments.

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:** 1/4/2018 - (H) Referred to Committee House Local Government

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB89.htm>

**KYR Position:** MONITOR

**HB90 AIRPORT NOISE MITIGATION (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, 2018, but before January 1, 2022; amend KRS 131.190 to require certain information to be submitted to the Legislative Research Commission; amend various sections in the Kentucky Revised Statutes to make conforming changes; amend KRS 141.0205 to order the credit.

**Current Status:** 1/4/2018 - (H) Referred to Committee House Appropriations and Revenue

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB90.htm>

**KYR Position:** MONITOR



**HB94 REAL PROPERTY TRANSFER (KEENE, D) AN ACT relating to transfer of real property on death.**

Create new sections of KRS Chapter 394 to establish the Kentucky Uniform Real Property Transfer on Death Act to codify provisions for the creation, administration, modification, termination, and validity of transfer on death deeds; define terms; specify that a transfer on death deed is not an inter vivos transfer and that transfer occurs at the time of the transferors death; specify that the transferor retains the power to revoke a transfer on death deed; enumerate that a transfer on deed is nontestamentary; establish requirements for a transfer on death deed and specify the process of recording a transfer on death deed; specify that a transfer on death deed is effective without notice to or acceptance by the beneficiary during the transferors lifetime; establish provisions for the revocation of a transfer on death deed by instrument or act; enumerate the effect of a transfer on death deed during transferors life; allow a beneficiary to disclaim all or part of the beneficiarys interests; specify the impact of transfer on death deed on claims when an estate is insufficient; enumerate that a beneficiary of a transfer on death deed may disclaim the property interest in the deed; create the form for creating a transfer on death deed; create the form for revocation of a transfer on death deed; require that the provisions of KRS Chapter 394 be applied and construed so as to promote uniformity; conform to federal requirements related to electronic signatures and records; specify the applicability of KRS Chapter 394 to current law; specify that this Act may be cited as the Uniform Real Property Transfer on Death Act; amend KRS 382.110, 391.360, and 403.190 to conform.

**Current Status:** 1/4/2018 - (H) Referred to Committee House Judiciary  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB94.htm>  
**KYR Position:** MONITOR

**HB100 BUILDING INDUSTRY LICENSURE (BECHLER, L) AN ACT relating to building industry licensure.**

Amend KRS 198B.650 to revise the definitions of "maintenance person or maintenance engineer," "major repair," and "routine maintenance of heating, ventilation, or air conditioning"; amend KRS 198B.658 to change the experience requirement from five years to two years for a master, and from four years to two years for a journeyman; amend KRS 198B.678 to permit a master HVAC contractor to represent more than one firm if specified criteria are met; create a new section of KRS 198B.650 to 198B.689 to require the department to grant a 180-day interim period to allow a company to use the license of a deceased master HVAC contractor; amend KRS 318.054 to require the department to grant a 180-day interim period to allow a company to use the license of a deceased master plumber; amend KRS 227.480 to require the department to grant a 180-day interim period to allow a company to use the license of a deceased electrical contractor; amend KRS 227A.140 to require the department to grant a 180-day interim period to allow a business to use the license of a deceased master electrician.

**Current Status:** 2/7/2018 - (S) Referred to Committee Senate Licensing, Occupations, and Administrative Regulations  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB100.htm>  
**KYR Position:** MONITOR

**HB130 ADMINISTRATIVE REGULATIONS (UPCHURCH, K) AN ACT relating to administrative regulations.**

Create a new section of KRS 13A.290 to 13A.335 to require the staff of the Administrative Regulation Review Subcommittee to submit to that committee's co-chairs an annual report on administrative

regulations found deficient by a legislative committee; list the information that is necessary to complete the report; include prominent text on the first page of the report outlining potential legislative options; amend KRS 13A.290, 13A.330, and 13A.331 to allow a committee to take action on an administrative regulation within 60 days of LRC referral.

**Current Status:** 1/29/2018 - (S) Referred to Committee Senate State and Local Government  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB130.htm>  
**KYR Position:** MONITOR

**HB138 BOARDS OF ADJUSTMENTS (KOENIG, A) AN ACT relating to boards of adjustments.**

Amend KRS 100.217, relating to planning and zoning boards of adjustment, to allow for a joint board of adjustment to be appointed, and set out its membership parameters.

**Current Status:** 2/1/2018 - (S) Referred to Committee Senate State and Local Government  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB138.htm>  
**KYR Position:** MONITOR

**HB154 ADMINISTRATIVE REGULATIONS (WELLS, W) AN ACT relating to administrative regulations.**

Amend KRS 13A.290 to require the administrative regulations compiler to compile a list of administrative regulations considered during the year, including their disposition; require the co-chairs of the Administrative Regulation Review Subcommittee to file the list of regulations as a simple resolution in their respective chambers; allow members to object to any resolution on the list; require the Legislative Research Commission to refer administrative regulations removed from the list to the interim joint committee with jurisdiction over the administrative regulation for additional consideration.

**Current Status:** 1/10/2018 - (H) Referred to Committee House State Government  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB154.htm>  
**KYR Position:** MONITOR

**HB200 EXECUTIVE BRANCH BUDGET (RUDY, S) 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: Detail Part I, Operating Budget; appropriate to General Government: 2017-2018: \$7,018,500, 2018-2019: \$1,704,291,300, 2019-2020: \$1,655,441,200; appropriate to the Economic Development Cabinet: 2018-2019: \$31,672,600, 2019-2020: \$32,384,800; appropriate to the Department of Education: 2018-2019: \$4,885,519,300, 2019-2020: \$4,885,920,600; appropriate to the Education and Workforce Development Cabinet: 2018-2019: \$630,653,700, 2019-2020: \$635,306,400; appropriate to the Energy and Environment Cabinet: 2018-2019: \$272,522,400, 2019-2020: \$280,337,000; appropriate to the Finance and Administration Cabinet: 2018-2019: \$932,955,700, 2019-2020: \$962,132,700; appropriate to the Health and Family Services Cabinet: 2017-2018: \$12,064,200, 2018-2019: \$13,902,025,100, 2019-2020: \$14,153,724,700; appropriate to the Justice and Public Safety Cabinet: 2017-2018: \$22,281,300, 2018-2019: \$1,279,407,200, 2019-2020:

\$1,315,928,100; appropriate to the Labor Cabinet: 2018-2019: \$221,768,700, 2019-2020: \$221,427,400; appropriate to the Personnel Cabinet: 2018-2019: \$66,174,600, 2019-2020: \$66,486,800; appropriate to Postsecondary Education: 2018-2019: \$7,834,090,600, 2019-2020: \$8,200,114,600; appropriate to the Public Protection Cabinet: 2018-2019: \$123,723,400, 2019-2020: \$122,273,100; appropriate to the Tourism, Arts and Heritage Cabinet: 2017-2018: \$8,831,600, 2018-2019: \$258,238,600, 2019-2020: \$261,409,800; appropriate to the Budget Reserve Trust Fund: 2018-2019: \$62,414,100, 2019-2020: \$183,378,000; not included in the appropriation amounts are capital project amounts as follows: 2017-2018 \$16,500,000, 2018-2019: \$2,804,425,500, 2019-2020: \$342,579,500; detail Part II, Capital Projects Budget; detail Part III, General Provisions; detail Part IV, State Salary/Compensation, Benefit, and Employment Policy; detail Part V, Funds Transfer; detail Part VI, General Fund Budget Reduction Plan; detail Part VII, General Fund Surplus Expenditure Plan; detail Part VIII, Road Fund Budget Reduction Plan; detail Part IX, Road Fund Surplus Expenditure Plan; detail Part X, Phase I Tobacco Settlement; and detail Part XI, Executive Branch Budget Summary.

**Current Status:** 1/18/2018 - (H) Referred to Committee House Appropriations and Revenue  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB200.htm>  
**KYR Position:** MONITOR

**HB217 HOME INSPECTIONS** (BRATCHER, K) AN ACT relating to home inspections.

Create a new section of KRS Chapter 367 to require home inspectors to be granted access to all areas of a home when conducting an inspection; provide appeal to the Board of Home Inspectors'; require the inspector to notify all realtors involved in the transaction if access is denied; impose a fine not to exceed \$500; stipulate that denial of reasonable access to a home inspector is grounds for termination of an offer to buy without recourse against the offeror.

**Current Status:** 1/22/2018 - (H) Referred to Committee House Licensing, Occupations, and Administrative Regulations  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB217.htm>  
**KYR Position:** MONITOR

**HB223 PUBLIC HOUSING AUTHORITY** (PRATT, P) AN ACT relating to public housing authorities.

Amend KRS 80.030, 80.040, 80.060 relating to city public housing authorities, and KRS 80.266, relating to city-county public housing authorities, to allow a city divesting itself of authority over its public housing program to have representation on the public housing authority that has agreed to take over responsibility.

**Current Status:** 2/6/2018 - (S) Referred to Committee Senate State and Local Government  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB223.htm>  
**KYR Position:** MONITOR

**HB227 NET METERING** (GOOCH, J) AN ACT relating to net metering.

Amend KRS 278.465 to redefine "net metering"; amend KRS 278.466 to set the rate of compensation for an eligible customer-generator for electricity produced that flows to the retail supplier to be equal to

the most recently approved rate by the Public Service Commission for the retail electric supplier to purchase electricity on an as-available basis from qualifying facilities with design capacities of 100 kilowatts or less; allow the retail electric supplier discretion to either carry forward or pay out the customer for excess generation during a billing period; create an exemption for customer-generators taking net metering service on July 15, 2018 to allow those customers to keep their current net metering contract or tariff rate calculation until they cease to take net metering service at the eligible premises or July 15, 2043, whichever comes first; specify that the exemption does not apply to lessees, successors, assigns, or subsequent owners of eligible premises.

**Current Status:** 2/8/2018 - floor amendments (2), (4), and (6) filed to Committee Substitute and floor amendments (1), (3) and (5) filed to Bill  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB227.htm>  
**KYR Position:** MONITOR

**HB264 REORGANIZATION (CASTLEN, M) AN ACT** relating to reorganization.

Amend KRS 12.020, 12.252, 224.10-020, 336.015, and 336.020 to abolish the Office of General Administration and Program Support for Shared Services and all of its divisions and abolish the Office of Inspector General for Shared Services for the Energy and Environmental Cabinet, Labor Cabinet, and Public Protection Cabinet and create new offices and divisions within each cabinet to handle the services previously handled by GAPS; confirm Executive Orders 2017-745, 2017-746, 2017-747, 2017-748, and 2017-855.

**Current Status:** 2/8/2018 - (H) FIRST READING to Consent Calendar  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB264.htm>  
**KYR Position:** MONITOR

**HB281 PROPRIETARY EDUCATION (PRATT, P) AN ACT** relating to proprietary education.

Repeal and reenact KRS 165A.310, relating to proprietary education, to delete outdated definitions and add definition of "license"; amend KRS 165A.330 to require renewal applications to be filed annually 45 days prior to the expiration date; amend KRS 165A.340 to require a biennial audit of the commission; expand the advertising requirements to be administered by the commission; delete the requirement for the commission to monitor programs and courses offered by licensed institutions; amend KRS 165A.370 to revise the minimum standards for licensure of proprietary schools; amend various sections of KRS Chapter 165A to conform.

**Current Status:** 2/8/2018 - floor amendment (1) filed  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB281.htm>  
**KYR Position:** MONITOR

**HB284 HIGH COST HOME LOANS (OVERLY, S) AN ACT** relating to high-cost home loans.

Amend KRS 360.100 to update references to federal law and to provide exemptions for initial construction loans and short-term "bridge" loans to match federal regulation.

**Current Status:** 2/2/2018 - (H) Referred to Committee House Banking and Insurance  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB284.htm>  
**KYR Position:** MONITOR

**HB287 POWERS OF APPOINTMENT (HARRIS, C) AN ACT relating to powers of appointment.**

Establish KRS Chapter 390 and create new sections thereof to define various terms; specify the governing law over a power of appointment; state that common law supplements this chapter; outline the creation of a power of appointment; prohibit the transfer of a power of appointment; specify general presumptions upon a power of appointment's creation; make an exception to the general presumption about a power of appointment; define "adverse party"; allow a donor to revoke or amend a power of appointment in certain instances; state when a power of appointment may be exercised; provide that a residuary clause manifests a powerholder's intent to exercise a power of appointment; state that a blanket-exercise clause extends to a power acquired by the powerholder after executing the instrument containing the clause; require substantial compliance with a formal requirement of appointment; outline permissible appointments; provide that appointment to a deceased appointee is ineffective and appointment to an impermissible appointee is ineffective; require a powerholder's intent be carried out in cases of selective allocation; establish the procedure for disposition of property ineffectively appointed; provide for the disposition of unappointed property under released or unexercised general power; provide for the disposition of unappointed property under released or unexercised nongeneral power; provide for the disposition of unappointed property if partial appointment is to the taker in default; provide for the disposition of property appointed to the taker in default; allow a powerholder to revoke or amend an exercise; allow a powerholder to disclaim a power of appointment or contract to appoint or not appoint any property subject to the power; allow a powerholder to release a power of appointment; state the method in which a powerholder may release a power of appointment; allow a powerholder to revoke or amend a release of power; allow a powerholder of a presently exercisable power of appointment and a not presently exercisable power of appointment to contract; establish a remedy for a powerholder's breach of a contract to appoint or not to appoint appointive property; outline the rights of a powerholder's creditors in appointive property; state when appointive property is subject to a claim when the power is general; state when appointive property is subject to a claim when the power is nongeneral; require uniformity of interpretation and application with regards to other states that have enacted this Act; specify how the enactment of this Act affects existing powers of appointment; provide that KRS Chapter 390 may be known as the Kentucky Uniform Powers of Appointment Act; amend KRS 381.225 to provide that a new perpetuities period may be started when a power of appointment is exercised, if the person exercising the power so provides; amend KRS 381.226 to exclude any interest in property created by the exercise of a special power of appointment granted by an instrument that was irrevocable on September 25, 1985, from being construed as requiring the interests to vest within the period specified in KRS 381.224, 381.225, and 381.226; repeal KRS 386.095, 394.060, and 394.070.

**Current Status:** 2/5/2018 - (H) posted in committee House Judiciary  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB287.htm>  
**KYR Position:** MONITOR

**HB288 PROPERTY AND TRUSTS (HARRIS, C) AN ACT relating to property and trusts.**

Create a new section of Chapter 386 and provide definitions related to the creation of a community property trust; provide the requirements for the creation of a community property trust by spouses; provide what spouses may agree on and provide in writing related to community property trusts; enumerate what happens to a community property trust upon the death of a spouse; amend KRS

141.010 to provide federal tax guidelines related to community property trusts; amend KRS 386.175 to provide that a second trust may be created from an original trust whose terms have been modified pursuant to KRS 386.175; create a new section of KRS Chapter 396 to provide that certain creditor's claims are barred six months after the appointment of a personal representative after the decedent's death; amend KRS 396.011 to conform.

**Current Status:** 2/5/2018 - (H) posted in committee House Judiciary  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB288.htm>  
**KYR Position:** MONITOR

**HB296 HVAC LICENSURE** (BECHLER, L) AN ACT relating to the licensure of heating, ventilation, and air conditioning professionals.

Amend KRS 198B.656 to delete reference to apprentice HVAC mechanic; amend KRS 198B.658 to delete the requirement for the department to issue an apprentice HVAC certificate; amend KRS 198B.674 to remove the reference to apprentice HVAC mechanics; amend KRS 198B.676 to eliminate examination fees for apprentice HVAC mechanics; amend KRS 198B.702 to delete reference to apprentice HVAC mechanics.

**Current Status:** 2/5/2018 - (H) Referred to Committee House Licensing, Occupations, and Administrative Regulations  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/HB296.htm>  
**KYR Position:** MONITOR

**SB2 CONSTITUTIONAL AMENDMENT** (ALVARADO, R) AN ACT proposing an amendment to section 54 of the Constitution of Kentucky.

Propose amendment to Section 54 of the Constitution of Kentucky to allow the General Assembly the power to limit damages for injuries resulting in death or for injuries to persons or property, and to provide a uniform statute of limitations; provide for submission to the voters.

**Current Status:** 2/8/2018 - (S) SECOND READING, to Rules  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB2.htm>  
**KYR Position:** MONITOR

**SB4 CONSTITUTIONAL AMENDMENT** (MCDANIEL, C) AN ACT proposing to amend Section 95 of the Constitution of Kentucky relating to the election of state officers.

Propose to amend Section 95 of the Constitution of Kentucky to hold the election of the Governor, Lieutenant Governor, Treasurer, Auditor of Public Accounts, Attorney General, Secretary of State and Commissioner of Agriculture, Labor and Statistics in even-numbered years, every four years, beginning in 2024; provide transitional calendar; submit to the voters for ratification or rejection. Provide ballot language.

**Current Status:** 1/18/2018 - (H) Referred to Committee House Elections, Constitutional Amendments, and Intergovernmental Affairs  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB4.htm>  
**KYR Position:** MONITOR

**SB40 CONSTITUTIONAL AMENDMENT (KERR, A) AN ACT** proposing an amendment to Section 170 of the Constitution of Kentucky relating to property exempt from taxation.

Propose an amendment to Section 170 of the Constitution of Kentucky increasing the homestead exemption from the current inflation-adjusted amount of \$37,600 to the full assessed value of the property for owners with a permanent and total one hundred percent service-connected disability rating by the United States Department of Veterans Affairs; make the exemption transferrable upon the veteran's death to the surviving spouse; add the continued biennial inflation indexing of the homestead exemption amount; make various typographical changes of a non substantive nature; state ballot question; submit to voters.

**Current Status:** 1/3/2018 - (S) Referred to Committee Senate State and Local Government  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB40.htm>  
**KYR Position:** MONITOR

**SB78 ELECTRICIANS (WESTERFIELD, W) AN ACT** relating to electricians.

Amend KRS 227A.060 to require the Department of Housing, Buildings and Construction to administer its electrician licensing examination; allow an applicant to sit for the electrician licensing examination if the applicant has four years of experience or two years of experience plus an acceptable training course in electrical work; create a nonrenewable two-year provisional electrician license; require an applicant for a provisional license to have at least six years of verifiable experience since age 16; establish how a provisional license holder may become a licensed electrician; allow a former provisional license holder to apply for regular licensure as an electrician.

**Current Status:** 1/30/2018 - (H) Referred to Committee House Licensing, Occupations, and Administrative Regulations  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB78.htm>  
**KYR Position:** MONITOR

**SB85 NOTARIES PUBLIC (WESTERFIELD, W) AN ACT** relating to notaries public.

Create a new section of KRS Chapter 423 to provide that the Secretary of State shall issue a new certificate reflecting a notary's change of name upon receipt of an application and proper documentation.

**Current Status:** 2/1/2018 - (H) Referred to Committee House State Government  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB85.htm>  
**KYR Position:** MONITOR

**SB99 EMPLOYMENT PROTECTIONS (MCGARVEY, M) AN ACT** relating to employment protections.

Amend KRS 337.420 to require an employer with one or more employees to be subject to the wage discrimination requirements; amend KRS 337.423 to require no wage discrimination for what has been paid to current or past employees and prohibit an employer from discriminating against an employee for discussing wages.

**Current Status:** 1/23/2018 - (S) Referred to Committee Senate Economic Development, Tourism, and Labor  
**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB99.htm>  
**KYR Position:** MONITOR

**SB118 MEDICAL CANNABIS (WEST, S) AN ACT relating medical cannabis.**

Create new sections of KRS Chapter 218A to define terms; restrict medical cannabis to certain patients with qualifying debilitating conditions; establish requirements for cultivation, production, processing, distribution, and sale in compassion centers; establish requirements for patients, visiting patients, and caregivers; establish professional protections for practitioners; establish certain protections for cardholders; establish responsibilities for cardholders; allow restrictions on possession, possession while operating a motor vehicle, and smoking; specify that use of medical cannabis by a qualifying patient is to be treated the same as use of prescribed pharmaceutical medications; establish additional protections for medical use; specify that nothing in the bill requires government programs or private insurers to reimburse for the costs of use or prohibits an employer from disciplining an employee for workplace impairment; establish a medical purpose defense for some uses of medical cannabis; establish the Department for Medical Cannabis Administration to enforce the program's provisions; establish requirement that local law enforcement be hired or contracted with for local inspections, investigations, and administrative duties; establish a process for the department to increase the list of debilitating medical conditions; require testing and quality regulation of the production, cultivation, processing, and sale of medical cannabis; establish requirements for licenses, facilities security, transportation, training, packaging, labeling, and health and safety; establish rules on advertising, additives, pesticides, and requiring random sample testing and safe processing; require licensure and issuance of cards for all medical cannabis businesses; establish certain licensure and application fees; require the department to issue registry cards to patients submitting the required information; establish procedures for denying an application; establish technical requirements for cards and for cardholders; establish a provisional licensure process; establish cardholder fees and notification requirements; require 60% of the boards of medical cannabis businesses to be composed of individuals with 3 years of continuous Kentucky residence; establish 3 tiers of medical cannabis business regulation by gross receipts; establish requirements for applying producers, cultivators, distributors, and processors; establish requirements for cultivator businesses, including addressing expansion of crops to meet market needs; establish protections and responsibilities for compassion centers, cultivators, and safety compliance facilities; establish procedures for the department to suspend or revoke registration and licensure; establish rules for local sales, including a requirement that a local legislative body take action to approve medical cannabis businesses; establish a process for local ordinances and ballot initiatives; establish requirements for medical cannabis business agents; prohibit location of a medical cannabis business within a certain distance from a school; establish a requirement that compassion centers obtain usable medical cannabis from only certain licensed entities; establish recordkeeping requirements; protect certain records and information from disclosure via the Kentucky Open Records Act; require establishment of a verification system for use by law enforcement personnel and medical cannabis business agents; establish a 19-member oversight committee to advise the department; require an annual report to be sent to the Legislative Research Commission; establish authority for the department to promulgate administrative regulations; establish a method by which any citizen may commence an action in the Franklin Circuit Court to compel the department to perform its duties; establish an alternative method to create a valid registry identification card if the department fails to act; clarify that the department's duties are administrative in nature; establish a medical cannabis trust fund to receive



fees, fines, and registration costs and administer and operate the medical cannabis program; require 5% of trust fund moneys to be returned to the compassion centers for the use of certain indigent persons; amend KRS 218A.1421 to allow and exempt conduct allowed by the medical cannabis program; amend KRS 218A.1422 to allow and exempt conduct allowed by the medical cannabis program; amend KRS 218A.1423 to allow and exempt conduct allowed by the medical cannabis program; amend KRS 12.020 and 12.242 to reflect the creation of the Department for Medical Cannabis Administration.

**Current Status:** 2/2/2018 - (S) Referred to Committee Senate Veterans, Military Affairs, and Public Protection

**State Bill Page:** <http://www.lrc.ky.gov/record/18RS/SB118.htm>

**KYR Position:** MONITOR