



Capitol Update

A publication of the Home Builders Association of Northern Kentucky

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www.homebuildernky.com

The 2009 Kentucky General Assembly came to a close without approving several key economic development initiatives included in HB 229. **The Democratic House majority refused to hear any other bills when it reconvened for the final day on March 26, which effectively doomed passage of the \$5,000 new homes purchase state tax credit included in the 187 page bill,** sponsored by Rep. Tommy Thompson (D-Owensboro), a former past president of the National Association of Home Builders. Rep. Alicia Webb-Edgington (R-Ft. Wright) was a co-sponsor.

Governor Beshear has indicated that he would consider a special session, possibly in June, to address specific bills that he wanted acted on, including HB 229. HBA members need to keep urging our Northern Kentucky Legislative Caucus members to keep this home buyer tax credit on their radar, especially if a special session is called. **Democrats in the Northern Kentucky Caucus should be urged to apply pressure on the House Democratic Caucus members to gain their support for the measure.**

Listed below are the industry-specific bills that the HBA was tracking in the 2009 Kentucky General Assembly and the results.

Make plans to attend the HBA's Northern KY Legislative Caucus Forum on Wed., April 22, noon, at the Events Center. For reservations call (859) 331-9500 or e-mail karenl@hbanky.com.

BILLS TRACKED

SB 49 and 72 (Thayer, Shickel)—Storm Water Fees

Would have permitted any Fiscal Court within a special district (SD#1) to review and approve increases to any ad valorem taxes or fees levied. **Died in the Rules Committee. HBA Position---Monitor**

HB 26 (Pullin/Brinkman)—Small Business Tax Credit

Would have provided a \$5,000 tax credit to businesses with 50 or less employees that creates one or more positions and invests at least \$5,000 in equipment or technology, with a maximum credit of

\$25,000 per year. [Many of the provisions in this bill were included in HB 229, which passed the Senate and died in the House on March 26.](#) **HBA Position---Support**

HB 51 (Farmer, Floyd)—Service Taxes

Would have expanded KRS Chapter 139 to include taxes on rental and commercial real estate leases beginning Jan. 1, 2010. [Died in the Appropriations & Revenue Committee.](#) **HBA Position---Oppose**

HB 106 (Thompson)—Mortgage Loans

Would have established requirements for mortgage loan companies and brokers to bring the state into compliance with the federal S.A.F.E. Mortgage Licensing Act of 2008. The bill addressed net worth requirements, business address, record retention and disciplinary procedures. [Passed by the House and Senate and sent to the Governor for signature into law.](#) **HBA Position---Support**

HB 115 (Meeks)—Historic Preservation

Required specific legal requirements on a property owner when prehistoric human remains are found on land during the development process. [Died in the Judiciary Committee.](#) **HBA Position---Oppose**

HB 126 (Rollins/Santoro)—Electrician Education

Establishes a credit for completing an associate's degree or diploma program in electrical technology as a replacement for one year of work experience now required for licensing. [Passed the House and Senate and signed into law by the Governor on March 11.](#) **HBA Position---Support**

HB 172 (McKee/Osborne)—Agricultural Districts

Would have required agricultural land to be used for such purposes for at least a year before qualifying as a recognized agricultural district. Districts of less than 10 acres would have been required to be reviewed annually to ensure conservation compliance and requires such districts to be included in Comprehensive Plans. [Passed the House and died in the Senate Agriculture Committee.](#) **HBA Position---Monitor**

HB 178 (Adkins, Steele) ---Energy Star Tax Credits

Rescinded 2008 legislation because it was approved after final hour of session. Provided for identical legislation providing an \$800 tax credit to builders for sale of Energy Star homes. Also, allowed up to a \$500 credit for home energy upgrades including insulation, windows and doors on a primary residence. Provided a \$1,000 credit for energy saving upgrades to commercial properties. [Passed the House and died in the Senate Natural Resources Committee.](#) **HBA Position---Support**

HB 184 (Palumbo)—Real Estate Appraisers

Would have made it unlawful for a person to influence an appraisal performed by a person licensed or certified by the Real Estate Appraisers Board. Did not provide definition of what it means to “influence an appraisal. [Died in the Licensing & Occupations Committee.](#) **HBA Position---Oppose**

HB 229 (Thompson/Webb-Edgington)---Economic Development

Provided a series of tax cuts for small businesses that invested in equipment, hired new employees and provided training assistance. Also, Section 53 of the 187 page bill provided a \$5,000 tax credit to purchasers of new homes who were not first-time buyers. A cap of \$25 million (up to 5000 homes) was placed on the credit. [Passed the Senate and sent to House for confirmation on variety of amendments where it died on March 26.](#) **HBA Position---Support**

HB 250 (Santoro) ---Development Fees

Provided specific requirements for establishment of planning commission fees, that are based on cost of service and provides an avenue for relief for aggrieved persons. [Died in the Local Government Committee.](#) **HBA Position---Support**

HB 254 (Moore) ---Income Tax Credit for Builders

Would have allowed builders to take an income tax credit equal to the state ad valorem property tax paid when a house is built and not sold for a year after it is completed. [Died in the Appropriations and Revenue Committee.](#) **HBA Position---Support**

HB 316 (Butler)—Handicapped Parking

Would have required parking lots with over 1,000 spaces to maintain at least one extra van-only handicapped parking space for each 1,000 spaces. [Passed the House and died in the Senate Licensing & Occupations Committee.](#) **HBA Position---Monitor**

HB 355 (Ford/Rand) ---Real Estate Complaints

Established procedures for Real Estate Commission to issue opinions from licensees regarding business practices of other licensees. [Died in the Licensing and Occupations Committee.](#) **HBA Position---Monitor**

HB 392 (Overly) ---Employee Classification

Similar legislation was proposed in 2008 and defeated. Would have made it more difficult for establishment of independent contractor status, in lieu of employee status. Bill would have required additional record keeping and provide fines of up to \$5,000 for misclassification. [Passed the House and died in the Senate Licensing & Occupations Committee.](#) **HBA Position---Oppose**

HB 401 (Ford/Rand) ---Criminal Checks for Real Estate Broker Applicants

Would have required criminal background checks on all real estate broker applicants. [Passed the House and Senate and signed into law by the Governor on March 20.](#) **HBA Position---Monitor**

HB 405 (Simpson) ---Landlord/Tenant Ordinances

Would have allowed local governments to adopt landlord/tenant policies that protect public safety. [Died in the Local Government Committee.](#) **HBA Position---Monitor**

HB 447 (Webb) ---Subdivision Streets

Existence of a driveway, easement, or other access road in a parcel of land being divided for an agricultural use would not have been defined as a new street. [Died in the Rules Committee.](#) **HBA Position---Monitor**

HB 455 (Nelson/Firkins/Horlander)—Job Site Injuries

Would have amended Workers Compensation laws to allow employees to sue employer for injuries. [Died in the Labor & Industry Committee.](#) **HBA Position---Oppose**

HB 470 (Simpson/Keene) ---Sanitation Districts

Would have required sanitation districts to be regulated by the Kentucky Public Service Commission, which would have effectively overridden any local decisions on policy or rates. [Died in the Local Government Committee.](#) **HBA Position---Oppose**

HB 514 (Brinkman/Crimm)---Condominiums

Would have created new KRS, Chapter 381 for adoption of Uniform Condominium Act which stipulates procedures for operation of an HOA. [Died in the Local Government Committee.](#) **HBA Position---Support**

Northern Kentucky Legislative Committee Appointments

Senate

Walter Blevins, District #27 (Fleming)-Education, State & Local Govt., Transportation; email--walter.blevins@lrc.ky.gov

Ernie Harris, District #26(Carroll)-Agriculture, Appropriations & Revenue, State & Local Govt., Transportation (Chair); email -ernie.harris@lrc.ky.gov

John Schickel, District #11 (Boone, Gallatin, Kenton)-Banking & Insurance, Judiciary, Licensing & Occupations, Natural Resources, State & Local Govt. (Vice Chair), Transportation; email—john.schickel@lrc.ky.gov

Katie Stine-President Pro Tem of the Senate, District #24 (Campbell, Pendleton)-Committee on Committees, Economic Development, Enrollment, Health & Welfare, Judiciary (Vice Chair), Natural Resources, Rules; email—katie.stine@lrc.ky.gov

Damon Thayer, District #17 (Grant, Kenton)-Agriculture, Licensing & Occupations, State & Local Govt. (Chair), Transportation; email—damon.thayer@lrc.ky.gov

Jack Westwood (Kenton)-Appropriations & Revenue, Economic Development, Education, Health & Welfare, Judiciary, Veterans & Military Affairs (Vice Chair); email—jack.westwood@lrc.ky.gov

House

Royce Adams, District #61 (Gallatin, Grant, Owen)-Agriculture (Vice Chair), Appropriations & Revenue, Tourism; email—royce.adams@lrc.ky.gov

Mike Denham, District #70 (Bracken, Fleming, Mason)-Agriculture (Vice Chair), Appropriations & Revenue, Banking & Insurance (Vice Chair), Economic Development, Local Govt. (Vice Chair); email--mike.denham@lrc.ky.gov

Joe Fischer, District #68 (Campbell)-Banking & Insurance, Elections (Vice Chair), Judiciary (Vice Chair); email—joe.fischer@lrc.ky.gov

Dennis Keene, District #67 (Campbell)-Banking & Insurance, Economic Development (Vice Chair), Licensing & Occupations (Chair), Local Govt.; email—dennis.keene@lrc.ky.gov

Tom Kerr, District #64 (Kenton)-Economic Development, Judiciary, Labor & Industry, Tourism; email—tom.kerr@lrc.ky.gov

Adam Koenig, District #69 (Boone, Campbell, Kenton)-Banking & Insurance, Economic Development, Labor & Industry, Licensing & Occupations, Local Govt. (Vice Chair); email—adam.koenig@lrc.ky.gov

Tom McKee, District #78 (Campbell, Pendleton, Robertson)-Agriculture (Chair), Local Govt., Tourism; email—tom.mckee@lrc.ky.gov

Sal Santoro, NK Caucus Chairman, District #60 (Boone)-Licensing & Occupations, seniors, Expanded Gaming, State Govt., Transportation; email—sal.santoro@lrc.ky.gov

Arnold Simpson, District #65 (Kenton)-Appropriations & Revenue (Vice Chair), Banking & Insurance, Licensing & Occupations, Local Govt., Rules, Expanded Gaming, Transportation; email—arnold.simpson@lrc.ky.gov

Alecia Webb-Edgington, District #63 (Kenton)-Education (Vice Chair), seniors, State Govt.,
Transportation; email—alecia.webb-edgington@lrc.ky.gov

Addia Wuchner, District #66 (Boone)-Economic Development, Education, Health & Welfare, Tourism &
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