

CHAPTER 355 (HB 742)

AN ACT relating to the purchase of development rights for public parks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67A.160 is amended to read as follows:

The procedure for a referendum authorized by KRS 97.590 shall be as follows:

- (1) A public parks purchase and maintenance program proposal authorized by KRS 97.590 may be submitted to the voters of an urban-county by either a resolution of the legislative body or a petition meeting the requirements of this section. The resolution or petition shall set out the matters specified in KRS 97.590(1). The proposal shall be drafted in such a way that a vote in favor of adoption shall be a vote in favor of the effect or impact of the proposal.
- (2) Petitions shall be signed by registered voters of the urban-county government equal in number to at least ten percent (10%) of the total number of votes cast in the urban-county in the last regular mayoral election of the urban-county government.
- (3) If, not later than ninety (90) days preceding the day established for a regular election, the county clerk receives a resolution adopted by a three-fifth's (3/5) vote of the legislative body of the urban-county government requesting that the question be submitted to the voters or determines that a petition submitted in accordance with this section is sufficient, the legal department of the urban-county government shall prepare to place before the voters of the urban-county government at the next regular election the question, which shall appear on the ballot in the following form:

"() FOR RATIFICATION OF (summary of proposed program)

() AGAINST RATIFICATION OF (summary of proposed program)"

The county clerk shall cause to be published not fewer than three (3) times within thirty (30) days of the election, in a newspaper having a general circulation in the territory of the urban-county government, notice of the referendum, the exact language of the proposal, and a map prepared by the urban-county government showing the general location of the properties that may be purchased and the public parks that may be maintained under the program.

- (4) The provisions of general election law shall apply to a referendum conducted under this section. The certificate of the body authorized by law to canvass election returns shall be delivered to the mayor of the urban-county government and the certificate shall be entered upon the records of the urban-county government during the next regular meeting of the urban-county government legislative body. If a proposed program is approved, it shall become effective at the time specified in the proposal, but the effective date shall not be before the first day of January following the election.
- (5) ***After complying with the provisions of this section and Section 2 of this Act, a purchase of development rights program authorized by KRS 67A.843 and KRS 67A.845 may include a public parks and maintenance program proposal authorized by KRS 97.590. In the case of a combined proposal, the urban-county government shall place before the voters a single ballot proposal that combines the purchase of development rights proposal and the public parks purchase and maintenance proposal. In that event, the proposal shall specify which tax levy or portion thereof shall provide funding for the purchase of development rights***

program proposal and which shall provide funding for the purchase of parks and maintenance program.

Section 2. KRS 67A.847 is amended to read as follows:

The procedure for a referendum authorized by KRS 67A.843 shall be as follows:

- (1) A purchase of development rights program proposal authorized by KRS 67A.843 and 67A.845 may be submitted to the voters of an urban-county by either a resolution of the legislative body or a petition meeting the requirements of this section. The resolution or petition shall set out the matters specified in KRS 67A.843(1). The proposal shall be drafted in such a way that a vote in favor of adoption shall be a vote in favor of the proposal.
- (2) Petitions shall be signed by registered voters of the urban-county government equal in number to at least ten percent (10%) of the total number of votes cast in the urban-county in the last regular mayoral election of the urban-county government.
- (3) If, not later than ninety (90) days preceding the day established for a regular election, the county clerk receives a resolution adopted by a three-fifths (3/5) vote of the legislative body of the urban-county government requesting that the question be submitted to the voters or determines that a petition submitted in accordance with this section is sufficient, the legal department of the urban-county government shall prepare to place before the voters of the urban-county government at the next regular election the question, which shall appear on the ballot in the following form:

"() FOR RATIFICATION OF (summary of proposed program)

() AGAINST RATIFICATION OF (summary of proposed program)".

The county clerk shall cause to be published, not fewer than three (3) times within the thirty (30) day period immediately preceding the election in a newspaper having a general circulation in the territory of the urban-county government, notice of the referendum, the exact language of the proposal, and a map prepared by the urban-county government showing the general location of the properties from which development rights may be purchased under the program.

- (4) The provisions of general election law shall apply to a referendum conducted under this section. The certificate of the body authorized by law to canvass election returns shall be delivered to the mayor of the urban-county government and the certificate shall be entered upon the records of the urban-county government during the next regular meeting of the urban-county government legislative body. If a proposed program is approved, it shall become effective at the time specified in the proposal, but the effective date shall not be before the first day of January following the election.
- (5) ***After compliance with the provisions of this section and Section 1 of this Act, a purchase of development rights program authorized by KRS 67A.843 and KRS 67A.845 may be combined with a public parks purchase and maintenance program proposal authorized by KRS 97.590. In the case of a combined proposal, the urban-county government shall place before the voters a single ballot proposal that combines the purchase of development rights program proposal and the parks purchase and maintenance program proposal. In that event, the proposal shall specify which tax levy or portion thereof shall provide funding for***

the purchase of development rights program proposal and which will provide funding for the parks purchase and maintenance program proposal.

Section 3. KRS 97.590 is amended to read as follows:

- (1) For the purpose of purchasing and maintaining public parks within the jurisdictional limits, cities of any class, counties, charter counties, and urban-county governments may levy taxes not exceeding five cents (\$0.05) on each one hundred dollars (\$100) of all taxable property within the corporate limits, ***subject only to the aggregate limits on property taxes set forth in the Kentucky Constitution, but not subject to the recall provisions of KRS 132.017.*** No city, county, charter county, or urban-county government shall levy the tax until a public referendum has been conducted in accordance with the provisions of KRS 83A.120 in the case of a city, county, or charter county or in accordance with the provisions of KRS 67A.160 in the case of an urban-county government and has been adopted by the city's, county's, charter county's, or urban-county government's voters. The public referendum provisions in this section shall not apply to any city, county, charter county, or urban-county government that has in effect on July 15, 1998, a tax for park purposes in accordance with this section or KRS 97.550.
- (2) The funds derived from the levy shall be held by the treasurer of the city or the treasurer of the county in a separate and distinct fund designated the "Park Fund.~~;~~" ***The funds~~and~~*** shall be paid out by the treasurer only upon order issued by the park board signed by the secretary and countersigned by the president after the bill for the withdrawal has been approved by the board, ***unless a park board has not been appointed under KRS 97.550 to KRS 97.600, in which case the funds shall be appropriated by the city legislative body, the fiscal court, or the legislative body of the charter county government or urban-county government for purposes consistent with the levy.*** The treasurer shall not honor in any one (1) year orders for a greater sum than the amount apportioned and levied for that year for park and playground purposes.

Approved April 6, 2000