

## CHAPTER 346

## (HB 659)

AN ACT relating to the public good and making an appropriation therefor.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

***If a cooperative compact exists between a city of the first class and its county prior to the creation of a consolidated local government, upon the establishment of the consolidated local government:***

- (1) The mayor of the consolidated local government shall assume all appointment authority previously held by the county judge/executive and the mayor of the consolidating governments. Appointments made by the mayor should reflect the diversity of the population within the jurisdiction of the consolidated local government; and***
- (2) The mayor, in consultation with the legislative council, shall, when authorized by statute, determine which agencies, boards, and commissions created by statute shall require legislative council approval for the appointment of members to such agencies, boards, and commissions. The legislative council shall enact an ordinance setting out the role of the legislative council, if any, in the appointment process for each individual agency, board, and commission created by statute. Only one (1) agency, board, or commission shall be addressed per ordinance. Such ordinance shall require a vote of the majority of the entire membership of the legislative council for approval and shall be subject to mayoral veto and legislative override pursuant to KRS 67C.105(5)(i) and 67C.103(13)(a); and***
- (3) The appointment of members to all agencies, boards, and commissions created by ordinance shall be determined by the ordinance creating the agency, board, or commission.***

SECTION 2. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) Notwithstanding any provision to the contrary, any statute which confers any rights, powers, privileges, immunities, or responsibilities upon the county judge/executive in a county formerly containing a city of the first class and presently having a consolidated local government, is hereby deemed to confer such rights, powers, privileges, immunities, and responsibilities upon the mayor of the consolidated local government.***
- (2) Any statute which confers any rights, powers, privileges, immunities, or responsibilities upon a fiscal court in a county formerly containing a city of the first class and now having a consolidated local government, is hereby deemed to confer such rights, powers, privileges, immunities, and responsibilities upon the officer or officers in whom such functions are vested in the consolidated local government by KRS 67C.103(1) and 67C.105(1), respectively. This provision applies to the general statutes applicable to counties, as well as applying to statutes applicable only within a county formerly containing a city of the first class.***

SECTION 3. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) Unless otherwise provided by law, any elected officer of a consolidated local government in case of misconduct, incapacity, or willful neglect in the performance of the duties of his or her office may be removed from office by the legislative council, sitting as a court, under oath, upon charges preferred by the mayor or by any five (5) members of the legislative council, or, in case of charges against the mayor, upon charges preferred by not less than ten (10) members of the legislative council. No legislative council member preferring a charge shall sit as a member of the legislative council when it tries that charge.*
- (2) No elected officer shall be removed without having been given the right to a full public hearing.*
- (3) A decision to remove a mayor or legislative council member shall require a vote of two-thirds (2/3) of the total number of legislative council members sitting as a court.*
- (4) Any elected officer removed from office under the provisions of this section may appeal to the Circuit Court and from there to the Court of Appeals. The appeal to the Circuit Court shall be taken and tried in the same manner as civil cases are tried.*
- (5) No elected officer removed from office under this section shall be eligible to fill the office vacated before the expiration of the term to which the elected member was originally elected.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

*The territory of a consolidated local government may, as permitted by Section 172A of the Constitution of Kentucky, be divided into service districts. Each service district shall constitute a separate tax district within which the consolidated local government may, upon receipt of a petition signed by a majority of the registered voters in the district as of the last general election, levy and collect taxes in accordance with the kind, type, and character of the services provided by the consolidated local government in each of these service districts. A consolidated local government may abolish or alter service districts, but any expansion of the boundaries of a service district shall require a petition signed by a majority of the registered voters, as of the last election, in the new territory to be included in the service district. Notwithstanding the foregoing provision, a consolidated local government may not create or change the boundaries of a service district if that change would adversely affect the powers or functions of any city, existing taxing district, fire protection district, water district, or any other special taxing or service district of any kind which was in existence on the date the consolidated local government became effective unless such entity consents by resolution adopted by its governing body.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) In order to maintain the tax structure, tax rates, or level of services in the area of the consolidated local government formerly comprising the city of the first class, the legislative council of a consolidated local government may provide in the manner described in this chapter for taxes and services within the area comprising the former city of the first class which are different from the taxes and services which are applicable in the remainder of the county. These differences may include differences in tax rates upon the class of property which includes the surface of the land, differences in ad valorem tax rates upon personal property, and differences in tax rates upon insurance premiums.*

- (2) *Any difference in the ad valorem tax rate on the class of property which includes the surface of the land in the portion of the county formerly comprising the city of the first class and in the portion of the county other than that formerly comprising the city of the first class may be imposed directly by the consolidated local government council. Any change in these ad valorem tax rates shall comply with KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as provided by KRS 82.085.*
- (3) *If the consolidated local government council determines to provide for tax rates applicable to health insurance premiums and personal property which are different in the area formerly comprising the city of the first class than the rates applicable in the remainder of the county, it shall do so in the following manner. The consolidated local government council shall by ordinance create a tax district to be known as the "urban service tax district" bounded by the former boundaries of the former city of the first class. The ordinance shall designate the number of members of the board of this taxing district and the manner in which they shall be appointed. The ordinance shall provide that the board of the taxing district shall receive the income derived from the differential in tax rate applicable in the area formerly comprising the city of the first class with respect to personal property, health insurance premiums, or both, and shall contract with the consolidated local government to pay all sums collected to the consolidated local government, in return for the provision of services performed by the consolidated local government within the area formerly comprising the city of the first class which services are in addition to services performed by the consolidated local government in the remainder of the county.*
- (4) *After the initial formation of an urban service taxing district in a consolidated local government, the boundaries of the district may be modified in the following manner. The proposal to alter the boundaries of the urban service taxing district within a consolidated local government may be initiated by:*
- (a) *A resolution enacted by the consolidated local government describing the boundaries of the area to be added to or deleted from the taxing district and duly passed and signed by the mayor not less than one hundred twenty (120) days before the next regularly scheduled election day within the county; or*
- (b) *A petition signed by a number of qualified voters living within precincts within the area to be added to or deleted from the taxing district equal to ten percent (10%) of the votes cast within each precinct in the last general election for President of the United States and delivered to the clerk of the legislative council more than one hundred twenty (120) days next preceding the next regularly scheduled election day within the county.*

*The boundaries so described in either case shall not cross precinct lines. The question of whether the area bounded as described should be added to or deleted from, as the case may be, the urban services taxing district shall then be placed upon the ballot in the precincts in the area to be added or deleted at the next regular election and the question stated on the ballot shall be so phrased that a "Yes" vote shall be cast in favor of making the proposed change and a "No" vote shall be cast to oppose the proposed change. If a majority of those voting in those precincts support the change, then the change in the boundaries of the urban service district shall be implemented.*

Section 6. KRS 15A.305 is amended to read as follows:

- (1) The Department of Juvenile Justice shall, with available funds, develop and administer a statewide detention program and, as each regional facility is constructed and ready for occupancy, shall, within appropriation limitations, provide for:
  - (a) The operation of preadjudication detention facilities for children charged with public offenses; and
  - (b) The operation of postadjudication detention facilities for children adjudicated delinquent or found guilty of public offenses.

Funds appropriated for the purposes of this section shall only be used for facilities defined in KRS 15A.200.

- (2) In each region in which the Department of Juvenile Justice operates or contracts for the operation of a detention facility, the department shall, within appropriation limitations, develop and administer a program for alternatives to detention that shall provide for:
  - (a) The operation of or contracting for the operation of preadjudication alternatives to detention and follow-up programs for children who are before the court and who enter pretrial diversion or informal adjustment programs; and
  - (b) The operation of or contracting for the operation of postadjudication alternatives to detention and follow-up programs, including but not limited to community-based programs, mentoring, counseling, and other programs designed to limit the unnecessary use of secure detention and ensure public safety.
- (3) The department shall, except as provided in KRS 635.060, charge counties, ***consolidated local governments***, and urban-county governments a per diem not to exceed ninety-four dollars (\$94) for lodging juveniles in state-owned or contracted preadjudication facilities.
- (4) Detention rates charged by contracting detention facilities shall not exceed the rate in effect on July 1, 1997, subject to increases approved by the department.
- (5) The Department of Juvenile Justice shall issue and enforce administrative regulations to govern the following:
  - (a) Administration;
  - (b) Intake and classification;
  - (c) Programs and services;
  - (d) Recordkeeping;
  - (e) Rules and discipline;
  - (f) Transfers;
  - (g) Reimbursement rates and conditions; and
  - (h) Detention facility rate increases.
- (6) No juvenile detention facility or juvenile holding facility shall be taken over, purchased, or leased by the Commonwealth without prior approval of the fiscal court upon consultation with the jailer in the county where the facility is located. The county, upon consultation with the jailer, may enter into contracts with the Commonwealth for the holding, detention, and transportation of juveniles.

- (7) Administrative regulations promulgated under subsection (5) of this section shall specifically identify new requirements of the law which increase the cost of operating a juvenile facility not operated by the Department for Juvenile Justice. The administrative regulations shall identify the amount and source of funding for compliance with the new requirements.

Section 7. KRS 15.760 is amended to read as follows:

- (1) Each Commonwealth's attorney shall, during the calendar year 1977 and through June 30, 1978, be entitled to at least the number of assistant Commonwealth's attorney positions, stenographic, secretarial and clerical staff positions, investigative and other personnel positions, which he had or was entitled to at the number and salary level in effect on December 1, 1976.
- (2) The number of assistant Commonwealth's attorney positions, stenographic, secretarial and clerical staff positions, investigative and other personnel positions, shall be based on real need to be determined with the advice and consent of the Prosecutors Advisory Council.
- (3) All assistant Commonwealth's attorneys shall be licensed practicing attorneys. The full-time assistant Commonwealth's attorneys shall not be allowed to engage in the private practice of law.
- (4) All salaries paid to personnel appointed hereunder shall be paid from the State Treasury. The salaries shall be commensurate with the appointee's education, experience, training and responsibility, and be based upon the guidelines established by the Prosecutors Advisory Council, which guidelines shall be comparable with the classification and compensation plan for comparable positions maintained by the state Personnel Cabinet, pursuant to KRS 64.640.
- (5) The fiscal court, ***consolidated local government***, or urban-county government in the county or counties that comprise the judicial circuit shall be responsible for providing the office of the Commonwealth's attorney with an adequate grand jury room and witness rooms.
- (6)
  - (a) Each Commonwealth's attorney shall be authorized to employ individually or jointly with one or more other Commonwealth's attorneys at least one (1) victim advocate to counsel and assist crime victims as defined in KRS 421.500.
  - (b) An individual employed as a victim advocate shall be a person who by a combination of education, professional qualification, training, and experience is qualified to perform the duties of this position. The victim advocate shall be an individual at least eighteen (18) years of age, of good moral character, with at least two (2) years of experience working in the human services field or court system in a position requiring professional contact with children or adults, who has:
    1. Received a baccalaureate degree in social work, sociology, psychology, guidance and counseling, education, religion, criminal justice, or other human service field; or
    2. Received a high school diploma or equivalency certificate, and, in addition to the experience required in this subsection, has at least four (4) years' experience working in the human services field or court system.
  - (c) Each Commonwealth's attorney who employs an individual to serve as a victim advocate shall develop a written job description which describes the duties of the position and shall ensure the victim advocate completes training relating to the

appropriate intervention with crime victims, including victims of domestic violence. Each victim advocate shall perform those duties necessary to insure compliance with the crime victim's bill of rights contained in KRS 421.500 to 421.530. No victim advocate shall engage in political activities while in the course of performing his duties as victim advocate or the practice of law as defined in KRS 524.130. The creation and funding of any new personnel position shall be reviewed and approved by the Prosecutors Advisory Council.

Section 8. KRS 31.185 is amended to read as follows:

- (1) Any defending attorney operating under the provisions of this chapter is entitled to use the same state facilities for the evaluation of evidence as are available to the attorney representing the Commonwealth. If he considers their use impractical, the court concerned may authorize the use of private facilities to be paid for on court order by the county.
- (2) The **consolidated local government**, fiscal court of each county, or legislative body of an urban-county government shall annually appropriate twelve and a half cents (\$0.125) per capita of the population of the county, as determined by the Council of Local Governments' most recent population statistics, to a special account to be administered by the Finance and Administration Cabinet to pay court orders entered against counties pursuant to subsection (1) of this section. The funds in this account shall not lapse and shall remain in the special account.
- (3) The Finance and Administration Cabinet shall pay all court orders entered pursuant to subsection (1) of this section from the special account until the funds in the account are depleted. If in any given year the special account including any funds from prior years is depleted and court orders entered against counties pursuant to subsection (1) of this section for that year or any prior year remain unpaid, the Finance and Administration Cabinet shall pay those orders from the Treasury in the same manner in which judgments against the Commonwealth and its agencies are paid.
- (4) Only court orders entered after July 15, 1994, shall be payable from the special account administered by the Finance and Administration Cabinet or from the Treasury as provided in subsections (2) and (3) of this section.

Section 9. KRS 39B.020 is amended to read as follows:

- (1) The county judge/executive of each county, the mayor of each city, **consolidated local government**, or urban-county government, or the chief executive of other local government, within thirty (30) days of assuming office following their election, shall appoint a local emergency management director who meets all qualifications criteria pursuant to KRS Chapters 39A to 39F, and shall immediately notify the director of the Division of Emergency Management of the appointment.
- (2) **Except in a county containing a consolidated local government**, in lieu of appointing a separate local emergency management director for each jurisdiction, the county judge/executive of a county and mayors of cities or urban-county governments, or the chief executive of other local government located within the territorial boundaries of the same county may jointly appoint a single local emergency management director who meets all the qualifications criteria pursuant to KRS Chapters 39A to 39F. It is the policy of the Division of Emergency Management to encourage and support the joint appointment of a single local director in each territorial county of the Commonwealth. The duly appointed local emergency management director shall direct, control, and manage all the affairs of the local

emergency management agency and comprehensive emergency management program of the jurisdictions wherein appointed.

- (3) A local emergency management director appointed under the provisions of subsections (1) or (2) of this section shall serve at the pleasure of the appointing authority, but shall serve not longer than four (4) years without reappointment and, in addition to any local requirements, shall meet the qualification requirements listed in this subsection:
- (a) The local director shall be a high school graduate with an additional three (3) years of experience in business administration, government planning, industrial, or commercial planning, public safety, management of emergency services, or related community or governmental service. Management level experience may not be substituted for high school education. Education at an accredited college or university may be substituted for experience on a year-for-year basis.
  - (b) The local director shall be a resident of the Commonwealth of Kentucky and the county served.
  - (c) The local director shall hold no partisan elective office, nor file for, seek, or campaign for any partisan elective office while holding the position of local emergency management director.
  - (d) The local director shall be routinely available to respond to emergency scenes, command posts, or emergency operations centers to coordinate emergency response of all local public and private agencies and organizations; to perform necessary administrative, planning, and organizational duties; to complete and submit required reports, records, emergency operations plans, and documents; to attend required training; and attend meetings convened by the appointing authority or the area manager of the division.
    - 1. If the local director is also a full-time or part-time employee of the federal or state government, the local director shall have written authorization from the appropriate appointing authority to hold the position of local emergency management director and to fully comply with the provisions of paragraph (d) of this subsection. A copy of the written authorization shall be submitted to the division at the time of appointment.
    - 2. If the local director is also a full-time or part-time employee of a city, county, urban-county government or charter county government in another capacity, that government shall enact an official city or county order or ordinance specifying that the individual appointed as local emergency management director shall fully comply with the provisions of paragraph (d) of this subsection. The order or ordinance shall also specify that the individual, when performing the duties of local emergency management director, shall relinquish all authorities and responsibilities associated with any other governmental employment and shall indicate another person, by name or position, to assume those authorities and responsibilities until such time as the local director shall cease to function as local emergency management director. A copy of the enacted order or ordinance shall be submitted to the division at the time of appointment. The city, county, or urban-county government, or charter county government shall not seek reimbursement from the division for the local director's salary for any time spent in another capacity.

3. If the local director is also a full-time or part-time employee in the private sector, the local director shall have a letter from each employer stating that the local director shall, without penalty or exception, be permitted to fully comply with the provisions of paragraph (d) of this subsection. A copy of the letter from each employer shall be submitted to the division at the time of appointment.
  4. If the local director is self-employed, the local director shall certify at the time of appointment, by letter to the director of the division, that the local director's schedule shall permit full compliance with the provisions of paragraph (d) of this subsection.
- (4) A local director whose salary has been reimbursed by the division prior to January 1, 1994, shall not be subject to the provisions of subsection (3)(a) of this section, so long as remaining continuously in that position for the appointing jurisdiction.
  - (5) A local director whose salary is reimbursed in part or in full by the Division of Emergency Management pursuant to KRS 39C.010 and 39C.020, shall also meet any other requirements of KRS Chapters 39A to 39F and any requirements which may be imposed by the Federal Emergency Management Agency, or its successor.

Section 10. KRS 39C.050 is amended to read as follows:

Local emergency management agencies created pursuant to KRS 39B.010 shall be eligible to apply for benefits from the fund created pursuant to KRS 39C.010 and 39C.020 if they meet the following criteria:

- (1) The local emergency management agency shall have a qualified, duly-appointed local director who is capable of fully executing the duties of the position pursuant to KRS 39B.030. Unless the local director has already completed an introductory emergency management course or is determined by the director to be suitably qualified, during the first year of participation in the funding program, the local director, whether serving on a voluntary or paid basis, shall have successfully completed all correspondence courses specified by the division by administrative regulation. The local director shall also participate in an emergency management workshop when offered. Unless the local director has already completed an introductory emergency management course or is determined by the director to be suitably qualified, each local director shall also attend an introductory emergency management course when offered.
  - (a) In each following year, each local director shall attend an emergency management workshop, when offered.
  - (b) In subsequent years, a local director shall continue his or her education by annually completing advanced instruction offered by the division, including the training courses and the Emergency Management Development Program as required by administrative regulations promulgated by the division. The requirements of this section may be met by successfully completing related courses offered by federal agencies and other organizations, as approved by the division.
- (2) Each local emergency management agency employee, other than the local director, whose salary is reimbursed in part by this fund, shall attend one (1) emergency management workshop at least every other year, and shall complete other instruction offered by the division as required by administrative regulations promulgated by the division.



- (3) The local director appointed pursuant to KRS Chapters 39A to 39F, shall develop a local emergency operations plan and appropriate annexes. This plan shall be subject to concurrence review by the director of the division. In subsequent years, the plan and all annexes shall annually be reviewed, updated, approved, and officially adopted in accordance with the provisions of KRS Chapters 39A to 39F.
- (4) During the second and each subsequent year of participation in the program, the local director shall conduct an exercise to test the local emergency operations plan in accordance with exercise program requirements and guidelines of the Federal Emergency Management Agency or the division.
- (5) Each local emergency management agency created pursuant to KRS Chapters 39A to 39F shall provide for an organized and designated emergency operating center in the local jurisdiction from which all operations of the local disaster and emergency services organization shall be coordinated. This center shall provide resources for communications, information management, and other operational capabilities necessary to ensure the coordination of all disaster and emergency response in the local jurisdiction. The local emergency operations center shall be a direction and control component of the integrated emergency management system of the Commonwealth.
- (6) Each local emergency management agency shall develop, and submit annually to the division, a program paper detailing agency administrative data, current staff personnel listings, a specific work plan of program objectives scheduled for accomplishment during the next fiscal year, and a budget request. Forms and guidance materials for this report shall be provided by the division.
- (7) Each employee of a local emergency management agency created pursuant to this chapter with the exception of the local director and each deputy, if the deputy functions in a policymaking capacity, whose salary is reimbursed in part or in total with these funds, shall meet the standards of the Kentucky merit system, or the standards of the federal Office of Personnel Management or its successor or local equivalent, when recognized by the director.
- (8) In order for a local emergency management agency to participate in the funding program, one (1) of the following persons shall attend an annual emergency management workshop:
  - (a) The county judge/executive;
  - (b) The deputy county judge/executive;
  - (c) The mayor of an urban-county government, **or of a consolidated local government**, or **of** the largest city in the county, or the mayor of the city which is the county seat of the county, or the chief executive of other local government;
  - (d) The city manager;
  - (e) The local emergency management deputy director; or
  - (f) A member of the fiscal court,~~[-or]~~ urban-county council, **or consolidated local government** of the county.
- (9) The division shall determine by administrative regulation:
  - (a) Public officials and disaster and emergency services personnel who may be reimbursed for attendance at emergency management workshops or other activities; and

- (b) Reimbursements for attending courses and workshops, which shall be limited as follows:
  - 1. Reimbursement rates for meals and travel mileage shall not exceed those for state employees.
  - 2. Reimbursement shall be made for attending the workshop or course nearest to the participant's residence. A participant may attend a workshop at a greater distance but will be reimbursed for meals and mileage equal to that of attending the nearest workshop or course. In cases of extreme hardship, the nearest course or workshop requirement may be waived, in writing, by the director.
- (10) The division shall:
  - (a) Publicize all available state and federal emergency management agency training courses to mayors, county judges/executive, and local directors; and
  - (b) Assist local personnel listed in this section in gaining entrance to state and federal emergency management agency training courses.
- (11) If, at any time, the director of the division determines that a local emergency management agency or a local director does not comply with the eligibility requirements of this section, the director shall notify that local director, and the appointing authorities, in writing, of the intent to deny financial assistance to the local emergency management agency. The local director shall have ten (10) working days to come into compliance or otherwise provide information to the director to justify eligibility for funding. If the director continues to determine that the local emergency management agency or the local director does not meet eligibility requirements, the local emergency management agency shall be ineligible for funds and the director shall notify the local director and the appointing authorities, of the determination. A local director aggrieved by a decision of the director may appeal to the Franklin Circuit Court within twenty (20) days of the receipt of the director's decision. The court's review shall be from the record and shall not be de novo.

Section 11. KRS 39F.200 is amended to read as follows:

Each local emergency management director shall assume the duties of, or appoint with the concurrence of the fiscal court, city governing body, urban-county council, ***consolidated local government***, or governing body of other local government, a local search and rescue coordinator who shall be responsible for the coordination of all search and rescue resources and operations during all search and rescue missions within the city or county. The position of local search and rescue coordinator may be a volunteer position. The local search and rescue coordinator, if appointed by the local emergency management director, shall serve a similar term not to exceed four (4) years, but may be reappointed for a similar term upon the expiration of a previous term. The local search and rescue coordinator may be removed for cause at any time by the local director, with the concurrence of the fiscal court, city governing body, urban-county council or governing body of other local government. The local search and rescue coordinator shall successfully complete training in search management, search techniques, and incident command required by the division by administrative regulation.

Section 12. KRS 45A.345 is amended to read as follows:

As used in KRS 45A.343 to 45A.460, unless the context indicates otherwise:

- (1) "Aggregate amount" means the total dollar amount during a fiscal year of items of a like nature, function, and use the need for which can reasonably be determined at the beginning

of the fiscal year. Items the need for which could not reasonably be established in advance or which were unavailable because of a failure of delivery need not be included in the aggregate amount.

- (2) "Capital cost avoidance" means moneys expended by a local public agency to pay for an energy conservation measure identified as a permanent equipment replacement and whose cost has been discounted by any additional energy and operation savings generated from other energy conservation measures identified in the guaranteed energy savings contract, except that for school districts capital cost avoidance shall also mean moneys expended by the district from one or more of the following sources:
  - (a) General fund;
  - (b) Capital outlay allotment under KRS 157.420; and
  - (c) State and local funds from the Facilities Support Program of Kentucky under KRS 157.440.
- (3) "Chief executive officer" means the mayor, county judge/executive, superintendent of schools, or the principal administrative officer of a local public agency, or the person designated by the chief executive officer or legislative body of the local public agency to perform the procurement function.
- (4) "Construction" means the process of building, altering, repairing, or improving any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- (5) "Contract" means all types of local public agency agreements, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item. It includes awards and notices of award; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; and purchase orders. It also includes supplemental agreements with respect to any of the foregoing. It does not include labor contracts with employees of local public agencies.
- (6) "Document" means any physical embodiment of information or ideas, regardless of form or characteristic, including electronic versions thereof.
- (7) "Established catalogue price" means the price included in the most current catalogue, price list, schedule, or other form that:
  - (a) Is regularly maintained by the manufacturer or vendor of an item; and
  - (b) Is either published or otherwise available for inspection by customers; and
  - (c) States prices at which sales are currently or were last made to a significant number of buyers constituting the general buying public for that item.
- (8) "Evaluated bid price" means the dollar amount of a bid after bid price adjustments are made pursuant to objective measurable criteria, set forth in the invitation for bids, which affect the economy and effectiveness in the operation or use of the product, such as reliability, maintainability, useful life, residual value, and time of delivery, performance, or completion.
- (9) "Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting bids in accordance with the procedures set forth in KRS 45A.365.

- (10) "The legislative body or governing board" means a council, commission, or other legislative body of a city, ***consolidated local government***, or urban-county; a county fiscal court; board of education of a county or independent school district; board of directors of an area development district or special district; or board of any other local public agency.
- (11) "Local public agency" means a city, county, urban-county, ***consolidated local government***, school district, special district, or an agency formed by a combination of such agencies under KRS Chapter 79, or any department, board, commission, authority, office, or other sub-unit of a political subdivision which shall include the offices of the county clerk, county sheriff, county attorney, coroner, and jailer.
- (12) "May" means permissive. However, the words "no person may . . ." mean that no person is required, authorized, or permitted to do the act prescribed.
- (13) "Negotiation" means contracting by either the method set forth in KRS 45A.370, 45A.375, or 45A.380.
- (14) "Noncompetitive negotiation" means informal negotiation with one (1) or more vendor, contractor, or individual without advertisement or notice.
- (15) "Objective measurable criteria" means sufficient information in the invitation to bid as to weight and method of evaluation so that the evaluation may be determined with reasonable mathematical certainty. Criteria which are otherwise subjective, such as taste and appearance, may be established when appropriate.
- (16) "Person" means any business, individual, union, committee, club, or other organization or group of individuals.
- (17) "Procurement" means the purchasing, buying, renting, leasing, or otherwise obtaining any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any public procurement, including description of requirements, selection, and solicitation of sources, preparation and award of contract, and all phases of contract administration.
- (18) "Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with the procedures set forth in KRS 45A.370, 45A.375, 45A.380, or 45A.385.
- (19) "Responsible bidder or offeror" means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.
- (20) "Responsive bidder" means a person who has submitted a bid under KRS 45A.365 which conforms in all material respects to the invitation for bids, so that all bidders may stand on equal footing with respect to the method and timeliness of submission and as to the substance of any resulting contract.
- (21) "Services" means the rendering, by a contractor, of its time and effort rather than the furnishing of a specific end product other than reports which are merely incidental to the required performance of service. It does not include labor contracts with employees of local public agencies.
- (22) "Shall" means imperative.
- (23) "Specifications" means any description of a physical or functional characteristic of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service, or construction item for delivery.

- (24) "Supplemental agreement" means any contract modification which is accomplished by the mutual action of the parties.
- (25) "Supplies" means all property, including but not limited to leases on real property, printing, and insurance, except land or a permanent interest in land.
- (26) "Energy conservation measure" means a training program or facility alteration designed to reduce energy consumption or operating costs, and may include one (1) or more of the following:
- (a) Insulation of the building structure or systems within the building;
  - (b) Storm windows or doors, caulking or weatherstripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption;
  - (c) Automated or computerized energy control systems;
  - (d) Heating, ventilating, or air conditioning system modifications or replacements;
  - (e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;
  - (f) Energy recovery systems;
  - (g) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;
  - (h) Energy conservation measures that provide long-term operating cost reductions; or
  - (i) Any life safety measures that provide long-term operating cost reductions.
- (27) "Guaranteed energy savings contract" means a contract for the evaluation and recommendation of energy conservation measures and for implementation of one (1) or more of those measures. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the savings are guaranteed to the extent necessary to make payments for the cost of the design, installation, and maintenance of energy conservation measures.
- (28) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures and is determined to be qualified by the local public agency. The qualified provider shall be responsible for and shall provide the local public agency with the following information regarding guaranteed energy savings contracts:
- (a) Project design and specifications;
  - (b) Construction management;
  - (c) Construction;
  - (d) Commissioning;
  - (e) On-going services as required;
  - (f) Measurement and verification of savings for guaranteed energy savings contracts; and

(g) Annual reconciliation statements as provided in KRS 45A.352(8).

Section 13. KRS 61.080 is amended to read as follows:

- (1) No person shall, at the same time, be a state officer, a deputy state officer or a member of the General Assembly, and an officer of any county, city, **consolidated local government**, or other municipality, or an employee thereof.
- (2) The offices of justice of the peace, county judge/executive, surveyor, sheriff, deputy sheriff, coroner, constable, jailer and clerk or deputy clerk of a court, shall be incompatible, the one (1) with any of the others. The office of county judge/executive and county school superintendent are incompatible.
- (3) No person shall, at the same time, fill a county office and a municipal office. **Notwithstanding the fact that consolidated local governments have both municipal and county powers, persons who hold the office of mayor or legislative council member of a consolidated local government shall not thereby be deemed to hold both a county office and a municipal office. Officers of consolidated local governments shall not, at the same time, fill any other county or municipal office.**
- (4) No person shall, at the same time, fill two (2) municipal offices, either in the same or different municipalities.
- (5) The following offices shall be incompatible with any other public office:
  - (a) Member of the Public Service Commission of Kentucky;
  - (b) Member of the Workers' Compensation Board;
  - (c) Commissioner of the fiscal court in counties containing a city of the first class;
  - (d) County indexer;
  - (e) Member of the legislative body of cities of the first class;
  - (f) **Mayor and member of the legislative council of a consolidated local government;**
  - (g) Mayor and member of the legislative body in cities of the second class; and
  - ~~(h)~~ Mayor and member of council in cities of the fourth class.
- (6) No office in the Kentucky active militia shall be incompatible with any civil office in the Commonwealth, either state, county, district or city.

Section 14. KRS 61.210 is amended to read as follows:

- (1) No justice of the peace, while he is a member of the fiscal court, shall, directly or indirectly:
  - (a) Become interested in or receive benefits or emoluments from any contract let by the fiscal court of his county with relation to the building of roads or any internal improvements;
  - (b) Work or supervise work, for compensation, on any public road, bridge, culvert, fill, quarry pit or any other road work or internal improvement under any contract made with the fiscal court; or
  - (c) Furnish, for compensation, any material to the county to be used in the construction of any road or bridge or other internal improvement.
- (2) No county judge/executive,~~or~~ county attorney, **or mayor or council member of a consolidated local government** shall, directly or indirectly, receive any benefits or

emoluments from, furnish any material or other thing of value to be used in, or be interested in any contract let by the fiscal court **or consolidated local government** for, the construction of any roads, bridges or parts thereof, or any other public or internal improvement.

- (3) Any officer who violates any of the provisions of this section shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) or imprisoned in the county jail not less than ten (10) nor more than forty (40) days, or both, and shall forfeit his office.

Section 15. KRS 61.220 is amended to read as follows:

- (1) Any member of the fiscal court, **or any mayor or council member of a consolidated local government** who becomes interested, directly or indirectly, in any contract for work to be done or material to be furnished for the county or any district thereof, or who becomes interested in any claim against the county shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) for each offense.
- (2) If any county judge/executive, ~~or~~ justice **of the peace, or mayor or council member of a consolidated local government** is, by the same act, guilty of a violation of this section and KRS 61.210, he shall be punished as provided in KRS 61.210.

Section 16. KRS 62.055 is amended to read as follows:

- (1) Every county clerk, before entering on the duties of his office, shall execute bond to the Commonwealth, with corporate surety authorized and qualified to become surety on bonds in this state. Any county clerk holding office as of January 1, 1978, who has not executed bond as provided herein shall do so within thirty (30) days from February 9, 1978.
- (2) In counties containing **a consolidated local government** or a city of the first class, the amount of the county clerk's bond shall be at least five hundred thousand dollars (\$500,000). In counties containing a city of the second class **but not containing consolidated local governments** and **in** counties containing **an** urban-county form of government, the amount of county clerk's bond shall be at least four hundred thousand dollars (\$400,000). In counties containing a city of the third class but not a city of the first or second class, **a consolidated local government**, or an urban-county form of government, the amount of the county clerk's bond shall be at least one hundred thousand dollars (\$100,000). In counties containing a city of the fourth or fifth class, but not a city of the first, second, or third class, **a consolidated local government**, or an urban-county form of government, the amount of the county clerk's bond shall be at least seventy-five thousand dollars (\$75,000). In counties containing a city of the sixth class, but not a city of the first, second, third, fourth, or fifth class, **a consolidated local government**, or an urban-county form of government, the amount of the county clerk's bond shall be at least fifty thousand dollars (\$50,000).
- (3) The bond of the county clerk shall be examined and approved by the fiscal court, which shall record the approval in its minutes. The fiscal court shall record the bond in the county clerk's records and a copy of the bond shall be transmitted within one (1) month to the Revenue Cabinet, where it shall be recorded and preserved. Except in those counties where the fees of the county clerk are paid into the State Treasury, the premium on the county clerk's bond shall be paid by the county.
- (4) Where circumstances in a particular county indicate that the amount of the bond may not be sufficient, the Revenue Cabinet may request the fiscal court to increase the bond as provided in KRS 62.060. The fiscal court shall then require a bond of sufficient amount to safeguard the Commonwealth.

Section 17. KRS 63.220 is amended to read as follows:

- (1) A vacancy in the office of sheriff, coroner, surveyor, county clerk, county attorney, jailer, or constable, shall be filled by the county judge/executive, **or by the mayor in a consolidated local government.**
- (2) Appointments to fill vacancies under this section shall be until the successor is elected, as provided in Section 152 of the Constitution, and qualified.

Section 18. KRS 64.250 is amended to read as follows:

- (1) **Except for a county containing a consolidated local government,** in counties containing a population of over two hundred fifty thousand (250,000), each justice of the peace shall be exclusively compensated for the performance of the duties of his office by a salary to be determined by the fiscal court at a rate no less than nine thousand six hundred dollars (\$9,600) per annum but no greater than twelve thousand dollars (\$12,000) per annum, which shall be paid, in equal monthly installments, out of the county treasury.
- (2) The provisions of subsections (2), (3), and (4) of KRS 64.200 shall apply to justices of the peace in counties containing a population of over two hundred fifty thousand (250,000) **except in a county containing a consolidated local government,** the same as to constables, and the recorder shall perform the same duties and functions in regard to moneys collected by or for justices of the peace as they are required by KRS 64.200 to perform in regard to moneys collected by or for constables.

Section 19. KRS 64.345 is amended to read as follows:

- (1) The county clerk and sheriff of each county having a population of seventy thousand (70,000) or over shall receive an annual salary pursuant to the salary schedule in KRS 64.5275.
- (2) In counties containing a city of the first class, ~~and in counties having~~ an urban-county form of government, **or a consolidated local government,** the amount, if any, allowed for the necessary office expenses of each officer shall be approved by the fiscal court in counties containing a city of the first class, ~~and~~ by the legislative body in counties containing an urban-county form of government, **or by the legislative council in a consolidated local government.** This approval shall be signed by the county judge/executive in a county containing a city of the first class, ~~and by~~ the executive authority in a county having an urban-county form of government, **or the mayor in a consolidated local government.** Approval by the fiscal court ~~or~~ urban-county legislative body, **or legislative council of a consolidated local government** under this subsection shall not include oversight of expenditure of the funds. This oversight shall be retained by the Office of the Controller created pursuant to KRS 42.0201. In counties **having a consolidated local government or** containing a city of the first class, each sheriff's deputy who uses his own automobile in the performance of official duties shall be authorized an allotment for expenses incurred, up to a maximum of three hundred dollars (\$300) per month, to be paid out of the fees and commissions of the sheriff's office. In all other counties with a population of seventy thousand (70,000) or more, the amount, if any, allowed for the necessary office expenses of each officer shall be fixed by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year. A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Finance and Administration Cabinet.



- (3) Each officer shall, on the first day of each month, send to the Finance and Administration Cabinet a statement, subscribed and sworn to by him, showing the amount of money received or collected by or for him the preceding month as fees or compensation for official duties and shall, with these statements, send to the Finance and Administration Cabinet the amount so collected or received. The Finance and Administration Cabinet may extend the time for filing the statement and making the payment for a period not exceeding ten (10) days in any month.
- (4) The salary of each officer and his deputies and assistants and his office expenses shall be paid semimonthly by the State Treasurer upon the warrant of the Finance and Administration Cabinet made payable to the officer. If seventy-five percent (75%) of the amount paid into the State Treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his office for that month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the Finance and Administration Cabinet to any officer for salaries and expenses exceed seventy-five percent (75%) of the amount paid to the Finance and Administration Cabinet by the officer during his official term.
- (5) In counties containing a city of the first class, ~~and in counties having~~ an urban-county form of government, **or a consolidated local government**, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be approved at reasonable amounts upon motion of each officer by the fiscal court in counties containing a city of the first class, **by the legislative council in a consolidated local government**, and by the legislative body in counties containing an urban-county form of government. This approval shall be signed by the county judge/executive in a county containing a city of the first class, ~~and by~~ the executive authority in a county having an urban-county form of government, **or the mayor in a consolidated local government**. Approval by the fiscal court, ~~or~~ urban-county legislative body, **or legislative council of a consolidated local government** under this subsection shall not include oversight of expenditure of the funds. This oversight shall be retained by the Office of the Controller. In all other counties with a population of seventy thousand (70,000) or more, the number of deputies and assistants allowed to each officer and the compensation allowed to each deputy and assistant shall be fixed at reasonable amounts upon motion of each officer by the fiscal court by an order entered upon the fiscal court order book no later than January 15 of each year. A certified copy of the orders, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Finance and Administration Cabinet.

Section 20. KRS 64.350 is amended to read as follows:

- (1) In counties having a population of seventy thousand (70,000) or more, the salaries of the county clerks and sheriffs and of their deputies and all necessary office expenses, including the equipping, furnishing, maintaining, and operation of the offices, shall be paid out of the State Treasury in amounts not to exceed seventy-five percent (75%) of the fees collected by the officers respectively, and received into the treasury; and twenty-five percent (25%) of the fees collected by the officers respectively, and received into the State Treasury shall be paid in the manner provided by law for the payment of other claims against the state to the fiscal courts, ~~or~~ urban-county governments, **or consolidated local governments** of the respective counties. The amount of twenty-five percent (25%) of the fees collected by the jailers during each calendar year shall be paid to the fiscal courts ~~or~~ urban-county governments, **or consolidated local governments** of the respective counties by April 1 of each year succeeding the calendar year during which the fees were received by the Finance

and Administration Cabinet. The amount of twenty-five percent (25%) of the fees collected by the county clerks and sheriffs during each calendar year shall be paid to the fiscal courts,~~or~~ urban-county governments, **or consolidated local governments** of the respective counties quarterly no later than April 15, July 15, October 15, and January 15. Each payment shall be for the preceding three (3) months during which fees were received by the Finance and Administration Cabinet. Adjustments necessary to insure that exactly twenty-five percent (25%) of fees collected are returned to the fiscal courts,~~or~~ urban-county governments, **or consolidated local governments** shall be made in the January 15 payment. After payment of the salaries and expenses specified in this subsection, any remaining balance of the seventy-five percent (75%) of the fees collected by the officers respectively at the end of their official term shall be paid by the State Treasurer to the fiscal courts,~~or~~ urban-county **governments, or consolidated local governments**~~government~~ of the respective counties, subject to the provisions of subsection (2) of this section.

- (2) Notwithstanding the provisions of subsection (1) of this section, all sums received into the State Treasury and representing seventy-five percent (75%) of the fees collected by the sheriffs specified in subsection (1) of this section from any county **or consolidated local government** in which a metropolitan correctional services department has been established shall be expended from the State Treasury for the payment of the salaries and costs specified in subsection (1) of this section, and in Section 106 of the Constitution of Kentucky. After payment of the salaries and costs specified in this subsection, the remaining balance representing fees collected by sheriffs shall be paid by the State Treasury to the fiscal court **or to the consolidated local government** of the county in which a metropolitan correctional services department has been established by April 1 of each year succeeding the calendar year in which the fees were received by the Finance and Administration Cabinet.

Section 21. KRS 64.5275 is amended to read as follows:

- (1) The General Assembly of the Commonwealth of Kentucky hereby finds and determines that county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs in all counties are officers whose duties or jurisdictions are coextensive with that of the Commonwealth within the meaning of Section 246 of the Constitution of Kentucky.
- (2) Effective on the first Monday in January of 1999, the maximum salary of county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs shall be fixed by the Department for Local Government according to a salary schedule in accordance with Section 246 of the Kentucky Constitution. The salary schedule provides that these officials, as officers whose jurisdiction or duties are coextensive with the Commonwealth, shall be paid at a rate no greater than twelve thousand dollars (\$12,000) per annum as adjusted for any increase or decrease in the consumer price index and as described in subsection (4) of this section.
- (3) The salary schedule for county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs in all counties provides for nine (9) levels of salary based upon the population of the county in the year prior to the election of county officials as determined by the United States Department of Commerce, Bureau of the Census's annual estimates. To implement the salary schedule, the Department for Local Government shall, by November 1 of each year preceding the election of county officials, certify for each county the population group applicable to each county based on the most recent estimates of the United States Department of Commerce, Bureau of the Census. For the purposes of this section, the

salary schedule for county judges/executive, county clerks, jailers who operate a full service jail, and sheriffs shall remain as determined by the Department for Local Government pursuant to this section, regardless of changes in the population estimates or the actual census count that may occur during the term for which the official has been elected or appointed. The salary schedule provides four (4) steps for yearly increments within each population group. County officers named in this section shall be paid according to the first step within their population group for the first year or portion thereof they serve in office. Thereafter, each officer, on January 1 of each subsequent year, shall be advanced automatically to the next step in the salary schedule until the maximum salary figure for the population group is reached. Prior to assuming office on the first Monday in January, 1999, or thereafter, any person assuming any of the offices for which the salary is determined by this section must certify to the commissioner of the Department for Local Government the total number of years, not to exceed four (4) years, that the person has previously served in the office. The department shall place the officer in the proper step based upon a formula of one (1) incremental step per full calendar year of service:

## SALARY SCHEDULE

County Population by Group	Steps and Salary for Affected Officers			
	Step 1	Step 2	Step 3	Step 4
Group I 0-4,999	\$ 6,600	\$ 6,800	\$ 7,000	\$ 7,200
Group II 5,000-9,999	7,200	7,400	7,600	7,800
Group III 10,000-19,999	7,800	8,000	8,200	8,400
Group IV 20,000-29,999	8,100	8,400	8,700	9,000
Group V 30,000-44,999	8,700	9,000	9,300	9,600
Group VI 45,000-59,999	9,000	9,400	9,800	10,200
Group VII 60,000-89,999	9,600	10,000	10,400	10,800
Group VIII 90,000-499,999	9,900	10,400	10,900	11,400
Group IX 500,000 and up	10,500	11,000	11,500	12,000

- (4) Upon publication of the annual consumer price index by the United States Department of Commerce, the Department for Local Government shall fix the salary of the county judge/executive, county clerk, jailer who operates a full service jail, and sheriff at an annual rate of salary to which the county official is entitled pursuant to the increase in the

Consumer Price Index and the salary schedule contained in this section. This salary determination shall be retroactive to the preceding January 1.

- (5) Notwithstanding any provision contained in this section, no county official holding office on July 15, 1998, shall receive any reduction in salary or reduction in adjustment to salary otherwise allowable by the statutes in force on July 15, 1998.
- (6) In addition to the step increases based on service in office, each officer shall be paid an annual incentive of one hundred dollars (\$100) per calendar year for each forty (40) hour training unit successfully completed, based on continuing service in that office and, except as provided in this subsection, completion of at least forty (40) hours of approved training in each subsequent calendar year. If an officer fails, without good cause as determined by the commissioner of the Department for Local Government, to obtain the minimum amount of approved training in any year, the officer shall lose all training incentives previously accumulated. Each training unit shall be approved and certified by the Department for Local Government. No officer shall receive more than one (1) training unit per calendar year nor more than four (4) incentive payments per calendar year. Each officer shall be allowed to carry forward up to forty (40) hours of training credit into the following calendar year for the purpose of satisfying the minimum amount of training for that year. Each annual incentive payment shall be adjusted by the Department for Local Government on an annual basis for any increase or decrease in the consumer price index in the same manner as salaries are adjusted as described in subsection (4) of this section. The Department for Local Government shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish guidelines for the approval and certification of training units.
- (7) Except in counties that contain an urban-county form of government, justices of the peace who serve on fiscal courts and county commissioners shall also be eligible for the training incentive payments in accordance with subsection (6) of this section.
- (8) *The provisions of this section shall not apply to a county judge/executive in a county which has established a consolidated local government pursuant to KRS Chapter 67C.*

Section 22. KRS 65.003 is amended to read as follows:

- (1) The governing body of each city,~~and~~ county, **urban-county**,~~[including urban counties]~~ **consolidated local government**, and charter **county**~~[counties]~~, shall adopt, by ordinance, a code of ethics which shall apply to all elected officials of the city,~~or~~ county, **urban-county, consolidated local government, or charter county**, and to appointed officials and employees of the city,~~or~~ county, **urban-county, consolidated local government, or charter county** government as specified in the code of ethics. The elected officials of a city,~~or~~ county, **or consolidated local government** to which a code of ethics shall apply include the mayor, county judge/executive, members of the governing body, county clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do not include members of any school board. Candidates for the **local government**~~[city and county]~~ elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.
- (2) Any city,~~or~~ county, **or consolidated local government** may enter into an agreement with one (1) or more other cities,~~or~~ counties, **or consolidated local governments** in accordance with the provisions of the Interlocal Cooperation Act, KRS 65.210 to 65.300, for joint adoption of a code of ethics which shall apply to all elected officials of the cities,~~or~~ counties, **or consolidated local governments**, and to appointed officials and employees as specified by each of the cities,~~or~~ counties, **or consolidated local governments** which

enters into the agreement. Candidates for the city,~~and~~ county, *or consolidated local government* elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

- (3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or amended as provided by subsection (4) of this section, shall include, but not be limited to, provisions which set forth:
  - (a) Standards of conduct for elected and appointed officials and employees;
  - (b) Requirements for creation of financial disclosure statements, which shall be filed annually by all candidates for the city,~~and~~ county, *or consolidated local government* elective offices specified in subsection (1) of this section, elected officials of each city,~~and~~ county *or consolidated local government*, and other officials or employees of the city,~~or~~ county, *or consolidated local government*, as specified in the code of ethics, and which shall be filed with the person or group responsible for enforcement of the code of ethics;
  - (c) A policy on the employment of members of the families of officials or employees of the city,~~or~~ county, *or consolidated local government*, as specified in the code of ethics;
  - (d) The designation of a person or group who shall be responsible for enforcement of the code of ethics, including maintenance of financial disclosure statements, all of which shall be available for public inspection, receipt of complaints alleging possible violations of the code of ethics, issuance of opinions in response to inquiries relating to the code of ethics, investigation of possible violations of the code of ethics, and imposition of penalties provided in the code of ethics.
- (4) The code of ethics ordinance adopted by a city,~~or~~ county, *or consolidated local government* may be amended but shall not be repealed.
- (5)
  - (a) Within twenty-one (21) days of the adoption of the code of ethics required by this section, each city,~~and~~ county, *or consolidated local government* shall deliver a copy of the ordinance by which the code was adopted and proof of publication in accordance with KRS Chapter 424 to the Department for Local Government. The department shall maintain the ordinances as public records and shall maintain a list of city,~~and~~ county, *or consolidated local government*s which have adopted a code of ethics and a list of those which have not adopted a code of ethics.
  - (b) Within twenty-one (21) days of the amendment of a code of ethics required by this section, each city,~~or~~ county, *or consolidated local government* shall deliver a copy of the ordinance by which the code was amended and proof of publication in accordance with KRS Chapter 424 to the Department for Local Government, which shall maintain the amendment with the ordinance by which the code was adopted.
  - (c) For ordinances adopting or amending a code of ethics under this section, cities of the first class *and consolidated local governments* shall comply with the publication requirements of KRS 83A.060(9), notwithstanding the exception contained in that statute.
- (6) If a city,~~or~~ county, *or consolidated local government* fails to comply with the requirements of this section, the Department for Local Government shall notify all state agencies, including area development districts, which deliver services or payments of

money from the Commonwealth to the city,~~or~~ county, **or consolidated local** government. Those agencies shall suspend delivery of all services or payments to the city,~~or~~ county, **or consolidated local** government which fails to comply with the requirements of this section. The Department for Local Government shall immediately notify those same agencies when the city,~~or~~ county, **or consolidated local** government is in compliance with the requirements of this section, and those agencies shall reinstate the delivery of services or payments to the city,~~or~~ county, **or consolidated local** government.

Section 23. KRS 65.156 is amended to read as follows:

- (1) The governing board of any local government retirement system created pursuant to KRS 67A.320, 67A.340, 67A.360 to 67A.690, 79.080, 90.400, 90.410, 95.290, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.851 to 95.884, or KRS Chapter 96 shall submit the retirement system to an actuarial evaluation at least once every three (3) years, if the system provides a defined benefit. The evaluation shall be prepared by an actuary who is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the Employees' Retirement Income Security Act of 1975. The board shall send a copy of the most recent evaluation to the librarian of the Legislative Research Commission by September 1, 1982, and thereafter the board shall send a copy of each new evaluation within ten (10) days of receipt.
- (2) Actuaries performing evaluations pursuant to this section shall use the entry age normal cost funding method. Their reports shall include a definition of each actuarial term and an explanation of each actuarial assumption used. Assumptions shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience.
- (3) Any city or municipal agency with a retirement system created pursuant to KRS 79.080, 90.400, 90.410, 95.520 to 95.620, 95.621 to 95.629, 95.767 to 95.784, 95.851 to 95.884, or KRS Chapter 96 which is closed to new members pursuant to KRS 78.530, 95.520, 95.621, or 95.852 shall, if its local pension system provides a defined benefit, contribute annually to the pension system, for the benefit of the retirees of the system and the active participants who choose to remain in the system, and in cities of the second class for the benefit of members who have completed at least twenty (20) years' service and withdrawn from service pursuant to KRS 95.857, an amount equal to that which would be required pursuant to the funding standards of KRS 95.868, plus so much of the principal amount of any unfunded prior service liability as the actuary states is necessary to maintain cash flow adequate to pay retiree and beneficiary payments until financial obligations to all retirees and beneficiaries are fully satisfied.
- (4) All lawful expenses for general administration, performance bonds, medical, actuarial, accounting, auditing, legal, and investment services of a retirement system listed in subsection (1) of this section shall be paid from the pension fund. Actuaries performing evaluations pursuant to this section shall include estimates of the expenses in their recommendations for pension system funding, and local governments shall add payments for the expenses to their annual contributions to their respective retirement systems.
- (5) A city or city agency, **consolidated local government**, or urban-county government may, pursuant to KRS 67A.340, 79.080, 90.410, or KRS Chapter 96 as applicable, provide for the retirement security of its employees through the creation of a money purchase or defined contribution plan qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended. City employee deferred compensation plans created pursuant to KRS 18A.270, or

money purchase or defined contribution plans, qualified under Section 401(a) of the Internal Revenue Code of 1954 as amended, which by their nature cannot have an unfunded liability, shall not be subject to the actuarial evaluation requirements of this section, and shall not be subject to termination for purposes of employee entry into the County Employees Retirement System, as required by KRS 78.530, 79.080, 90.410, and 96.180.

- (6) No city or county, except an urban-county, or special district, nor any agency or instrumentality of a city or county or special district shall create or maintain for its officers or employees a defined benefit retirement system, which by its nature can have an unfunded liability. The provisions of this subsection shall not preclude employer contributions for city managers or other appointed local government executives who participate, pursuant to KRS 78.540, in a retirement system which operates in more than one (1) state, nor the continuation of a local government defined benefit retirement system which has been closed to new members but which must fulfill its obligations to current active members, retirees, and beneficiaries. Notwithstanding any provision to the contrary, the provisions of this subsection shall not apply to length of service awards programs established for the benefit of volunteer firefighters and volunteer life squad and volunteer rescue personnel.
- (7) Notwithstanding any provision to the contrary, any city or county may establish awards programs that recognize the length of service to the community by volunteer firefighters, volunteer life squads, and volunteer rescue personnel.

Section 24. KRS 65.158 is amended to read as follows:

Any city, **consolidated local government**, or urban-county government which makes deductions from the pay of its employees for any cause other than taxes shall, upon the written request of at least thirty percent (30%) of all employees within a department or division, deduct the amount from the pay of an employee as he may note on a signed payroll notification card or voucher for the purposes of employee benefits, insurance, community projects, or union dues. No deduction shall be made pursuant to this section from the pay of any employee who does not sign a payroll notification card or voucher. Upon these deductions, the city, **consolidated local government**, or urban-county government shall, within thirty (30) days, pay to the elected representative or designated recipient for the employees of the department or division the total amount of the deductions minus the actual cost to the city, **consolidated local government**, or urban-county government of processing the deductions.

Section 25. KRS 65.170 is amended to read as follows:

- (1) A district may be dissolved by a referendum as provided in this section.
- (2) Persons seeking dissolution of a district shall submit a petition to the county clerk signed by at least fifty percent (50%) of that class of citizens who may by law petition for the creation of the district.
- (3) The petition shall be in substantially the following form: "The undersigned (registered voters, qualified voters, freeholders or landowners as determined by subsection (2) of this section) living within (name of the district and containing a metes and bounds description of the district) hereby request that the question of the dissolution of the district be put to a referendum." The petition shall conspicuously state in layman's terms that any legal obligations of the district must be satisfied before the district can be dissolved and that the citizens of the district shall be responsible for the satisfaction of any such obligations. Signatures on the petition shall be dated, the last no later than ninety (90) days after the first.

- (4) If the county clerk determines that the petition is in proper order, he shall certify the petition to the fiscal court *or consolidated local government*. The fiscal court *or consolidated local government* shall direct that the question be placed before the voters at the next regular election if the petition is certified not later than the second Tuesday in August preceding the day of the regular election. The fiscal court *or consolidated local government* shall bear the costs of advertising and placing the question before the voters.
- (5) The county clerk shall advertise the question as provided in KRS Chapter 424 and shall prepare the following admonition to the voter: "The (name of district) may have existing legal obligations that must be satisfied before the district can be dissolved. The citizens of the district shall be responsible for the satisfaction of any such obligations." The question of the dissolution of the district shall be placed before the voters in substantially the following form: "The (name of the district and containing a metes and bounds description of the district) should be dissolved." The voter shall vote "yes" or "no."
- (6) Registered voters eligible to sign a petition for dissolution as provided by subsection (2) of this section shall be eligible to vote on the question of dissolution.
- (7) In referendums under this section, provision shall be made for those opposing the dissolution of the district to have equal representation with the proponents of the measure in the determination of eligibility of voters, and in the observance of canvassing and certifying of the returns.

Section 26. KRS 65.192 is amended to read as follows:

In counties containing a *consolidated local government or* city of the first class, the following method of creating a taxing district shall be an alternative to KRS 65.182 to 65.190:

- (1) Persons desiring to form a taxing district shall present a petition to the fiscal court clerk *or clerk of the legislative council of a consolidated local government* and to each member of the fiscal court *or consolidated local government council*, requesting that the question of establishing the special district be placed upon the ballot for the next general election. The petition shall be signed by at least one hundred (100) registered voters from each senatorial district, contained wholly or partially within the proposed taxing district. If one hundred (100) registered voters do not reside within a senatorial district and within the boundaries of the proposed taxing district, then the petition shall be signed by twenty-five percent (25%) of the registered voters within said senatorial district. At the time of its submission to fiscal court *the fiscal court or consolidated local government council* each petition shall be accompanied by a plan of service, showing such of the following as may be germane to the purposes for which the taxing district is being formed:
  - (a) The statutory authority under which the district is created and under which the taxing district will operate;
  - (b) The method of creating and appointing the governing body of such district if it is to be different from the general statutory authority under which it will operate;
  - (c) Demographic characteristics of the area including but not limited to population, density, projected growth, and assessed valuation;
  - (d) A description of the service area including, but not limited to, the population to be served, a metes and bounds description of the area of the proposed taxing district, the anticipated date of beginning service, the nature and extent of the proposed service,



the projected effect of providing service on the social and economic growth of the area, and projected growth in service demand or need;

- (e) A three (3) year projection of cost versus revenue and the method chosen for raising such revenues as authorized in this section;
  - (f) Justification for formation of the taxing district including but not limited to the location of nearby governmental and nongovernmental providers of like services; and
  - (g) Any additional information such as land use plans, existing land uses, drainage patterns, health problems, and other similar analyses which bear on the necessity and means of providing the proposed service.
- (2) The fiscal court clerk *or the clerk of the legislative council of a consolidated local government* shall notify all planning commissions, cities, and area development districts within whose jurisdiction the proposed service area is located and any state agencies required by law to be notified of the proposal for the creation of the taxing district.
- (3) The fiscal court clerk *or the clerk of the legislative council of a consolidated local government* shall review the petition, and if the fiscal court *or consolidated local government council* determines that the signatures are valid, the fiscal court *or consolidated local government council* shall schedule a hearing on the proposal for no earlier than thirty (30) nor later than sixty (60) days following receipt of the petition, charter, and plan of service, and shall, in accordance with the provisions of KRS Chapter 424, publish notice which includes the time and place of the public hearing, alerts the public that the issue discussed at the hearing will be placed upon the ballot and includes an accurate map of the area or a description in layman's terms reasonably identifying the area.
- (4) At the public hearing, the fiscal court *or the legislative council of a consolidated local government* shall take testimony of interested parties and solicit the recommendations of any planning commission, city, area development district, or state agency meeting the criteria of subsection (2) of this section.
- (5) Following the public hearing, the fiscal court *or the legislative council of a consolidated local government* shall adopt a resolution submitting to the qualified voters of the county *or the consolidated local government* the question as to whether a taxing district should be established for the area and a special ad valorem tax or an occupational license fee imposed for the maintenance and operation of the district. A certified copy of the order of the fiscal court *or the legislative council of a consolidated local government* shall be filed with the county clerk not later than the second Tuesday in August prior to the next regular election and thereupon the clerk shall cause the question to be placed upon the ballot.
- (6) The question shall be stated so that the service to be provided by the district, the type of governing body, and the method of financing as allowed by this section are clearly outlined.
- (7) If a majority of those voting on the question favor the establishment of a special district with authorization to impose an ad valorem tax then it shall be so established and shall constitute and be a taxing district within the meaning of Section 157 of the Constitution of Kentucky. If a majority of those voting on the question favor the establishment of a special district with an increase in the occupational license fee as authorized by this section, it shall be so established and shall operate as set forth in the question on the ballot.
- (8) If an ad valorem tax is approved, the county clerk shall add the levy to the tax bills of the county *or the consolidated local government*. For taxing purposes the effective date of the

tax levy shall be January 1 of the year following the election. If an occupational license fee increase is approved, the appropriate legislative bodies shall add the levy to the occupational license fee as of January 1 of the year following the election. The tax or fee shall be collected in the same manner as are other county *or consolidated local government* ad valorem taxes or occupational license fees and shall be turned over to the governing body of the district. The special ad valorem tax or fee shall be in addition to all other ad valorem taxes or occupational license fees.

- (9) Nothing in this section shall be construed to enlarge upon or to restrict the powers granted a taxing district under the taxing district's specific authorizing statutes.
- (10) A special district created pursuant to this section may be financed either by a special ad valorem tax imposed by the governing body of the district, as authorized by the voters in an election on the question, of an amount not to exceed ten cents (\$0.10) per one hundred dollars (\$100) of assessed value of the property subject to local taxation of the district; or by a levy of occupational license fees by the public body or bodies with jurisdiction over the area served by the special district, if the levy has been approved by the voters in an election on the question. The special district shall not levy both an ad valorem tax and an occupational license fee. The occupational license fee shall not exceed one percent (1%) of:
  - (a) Salaries, wages, commissions, and other compensation earned by persons for work done and services performed or rendered; and
  - (b) The net profits of businesses, trades, professions, or occupations from activities conducted in the district, except public service companies, banks, trust companies, combined banks and trust companies, combined trust, banking and title companies, any savings and loan association whether state or federally chartered, and in all other cases where a public body is prohibited by law from imposing a license fee.
- (11) The budget of any taxing district created pursuant to this section shall be approved by the fiscal court *or legislative council of a consolidated local government* if financed by an ad valorem tax, or by the fiscal court *or the legislative council of a consolidated local government* and the legislative body levying the fee, if funded by an occupational license fee increase. The board of the district shall submit its estimate of revenue and proposed budget to the appropriate approving body or bodies by May 1 of each year, and such body or bodies shall approve or amend the budget by June 1.

Section 27. KRS 65.245 is amended to read as follows:

- (1) It is the purpose of this section to clarify the ability of cities, counties, urban-counties, charter counties, *consolidated local governments*, and sheriffs upon approval of the fiscal court *or consolidated local government* to share their revenues by entering into interlocal agreements.
- (2) Any city, county, urban-county, *consolidated local government* or charter county may by ordinance enter into cooperative interlocal agreements for the sharing of revenues. A sheriff, upon approval of the fiscal court *or the consolidated local government*, may enter into a memorandum of agreement with local governments for the purposes of sharing of revenues. The distribution of the revenues shall be as agreed upon by the local governments or the sheriff and contained in the interlocal agreement.

Section 28. KRS 65.410 is amended to read as follows:

- (1) "Local legislative body" means the chief governing body of a city, county, ***consolidated local government***, or urban-county which has legislative powers whether it is the board of aldermen, the general council, the common council, ***the legislative council***, the city council, the board of commissioners, the fiscal court, or otherwise.
- (2) "Open space land" means any land in an area which is provided or preserved for park or recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or community development purposes.
- (3) "Public body" means any state agency or local legislative body.
- (4) A "scenic easement" is an interest in land transferred by the owner thereof to the public, either in perpetuity or for a term of years. A scenic easement may be created by sale, gift, lease, bequest, or otherwise. An instrument which creates a scenic easement shall contain a covenant whereby the owner of the land promises neither to undertake nor to permit the construction of any improvements upon the land, except as the instrument provides and except for public service facilities installed for the benefit of the land subject to such covenant or public service facilities installed pursuant to an authorization by the governing body of the city, county, urban-county, or the Public Service Commission. Any such reservation shall be consistent with the purposes of this chapter or with the findings of the county, city, or urban-county pursuant to KRS 65.466 and shall not permit any action which will materially impair the open-space character of the land.

Section 29. KRS 65.466 is amended to read as follows:

A scenic easement shall not be accepted by a city, county, or urban-county, ***consolidated local government***, unless the governing body, by resolution finds:

- (1) That the preservation of the character of the land is consistent with the plan of the city, county, ***consolidated local government***, or urban-county, where such plan exists; and
- (2) That the preservation of the character of the land is in the best interest of the state, county, city, ***consolidated local government***, or urban-county, is important to the public for the enjoyment of scenic beauty, and will serve the public interest in a manner recited in the resolution and consistent with the purposes of KRS 65.462 to 65.480.
- (3) The local legislative body may consider these factors:
  - (a) It is likely that at some time the public may acquire the land for a park or other public use;
  - (b) The land is unimproved and has scenic value to the public as viewed from a public highway or from public or private buildings;
  - (c) The retention of the land as open space will add to the amenities of living in adjoining or neighboring urbanized areas;
  - (d) The land lies in an area which in the public interest should remain rural in character and the retention of the land as open space will help preserve the rural character of the area;
  - (e) It is in the public interest that the land remain in its natural state, including the trees and other natural growth, as a means of preventing floods or soil erosion or because of its value as watershed;
  - (f) The land lies within an established scenic highway corridor;

- (g) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end; or
- (h) The land has historic significance or contains a building of either historic or architectural importance.

Section 30. KRS 65.490 is amended to read as follows:

As used in KRS 65.490 to 65.499, unless the context otherwise requires:

- (1) "Agency" means an urban renewal and community development agency of a taxing district located within a county containing ***a consolidated local government or*** a city of the first class, established under KRS Chapter 99; a development authority located within a county, containing ***a consolidated local government or*** a city of the first class established under KRS Chapter 99; a nonprofit corporation located within a county containing ***a consolidated local government or*** a city of the first class established under KRS Chapter 58; or a designated department, division, or office ***of a county containing a consolidated local government or*** of a city of the first class ~~or a county containing a city of the first class~~;
- (2) "Development area" means an area no less than one (1) square mile, nor more than six (6) square miles, designated in need of public improvements by a local or state government in a county containing ***a consolidated local government or*** a city of the first class, a project area as defined in KRS 99.615, or a public project as defined in KRS 58.010 in a county containing ***a consolidated local government or*** a city of the first class. "Development area" includes an existing economic development asset;
- (3) "Increment" means that amount of money received by any taxing district or the state that is determined by subtracting the amount of old revenues from the amount of new revenues in any year for which a taxing district or the state and an agency have agreed upon under the terms of a contract of release or a grant contract;
- (4) "Local government" means a county containing ***a consolidated local government or*** a city of the first class;
- (5) "New revenues" means the revenues received by any taxing district or the state from a development area in any year after the establishment of the development area;
- (6) "Old revenues" means the amount of revenues received by any taxing district or the state from a development area in the last year prior to the establishment of the development area;
- (7) "Project" means any urban renewal, redevelopment, or public project undertaken in accordance with the provisions of KRS 65.490 to 65.497, any project undertaken in accordance with KRS 99.610 to 99.680, or any project undertaken in accordance with the provisions of KRS Chapter 58;
- (8) "Release" or "contract of release" or "grant contract" means that agreement by which a taxing district or the state permits the payment to an agency of a portion of increments or an amount equal to a portion of increments received by it in return for the benefits accrued to the taxing district or the state by reason of a project undertaken by an agency in a development area; and
- (9) "Taxing district" means ***a consolidated local government***, a county containing a city of the first class, ~~or~~ a city of the first class that encompasses all or part of a development area, or the state, but does not mean a school district.

- (10) "Pilot program" means a tax increment financing program or a grant program created by an agency within ***a consolidated local government*** or a county containing a city of the first class which shall exist for a period of twenty (20) years after which time it shall continue only after reauthorization by the General Assembly.

Section 31. KRS 65.499 is amended to read as follows:

Any agency, other than a county, ***consolidated local government***, city, urban-county, or charter county government, that enters into a contract with any taxing district for the release of any increments that may arise during the period of a contract of release shall forthwith notify the official charged with the collecting of taxes for the property in the development area of the execution of a contract of release, and the official charged with the collection of taxes shall in each year a contract of release is in effect determine the amount of the increment that is the subject of the contract of release for division between the taxing district and the agency; and, upon the basis of the agreement made between the taxing district and the agency, the official shall divide and distribute the funds derived from the area between the taxing district and the agency. Any local government that has designated an agency as having oversight of a designated development area shall annually issue a release to the agency of those increments created from the taxes collected on properties within the development area. All increments released to an agency of a local government shall be used solely for the purposes of projects in the development area.

Section 32. KRS 65.540 is amended to read as follows:

- (1) The members of the authority shall be appointed as follows:
- (a) If the authority is established by a city, such members shall be appointed by the mayor of the city;
  - (b) If the authority is established by a county, such members shall be appointed by the county judge/executive with the approval of the fiscal court;
  - (c) If the authority is established as a joint city-county riverport authority, three (3) members shall be appointed by the mayor and three (3) members by the county judge/executive to the terms as provided in subsection (2) of this section, and in addition, the mayor may appoint himself or a member of the city legislative body as one (1) additional member of the authority and the county judge/executive may appoint himself or a member of the fiscal court as one (1) additional member of the authority for a term of two (2) years, provided that such persons may not serve on the authority after the expiration of their terms as an elected official;
  - (d) If a combination of cities and/or counties establishes a joint riverport authority, the mayors and/or county judges/executive involved shall jointly choose six (6) members to the terms as provided in subsection (2) of this section, and shall jointly choose successors and may upon agreement appoint a mayor or a member of a city legislative body and a county judge/executive or a member of a fiscal court as two (2) additional members of the authority for terms of two (2) years, provided that such persons may not serve on the authority after the expiration of their terms as an elected official.
- (2) Except as provided in subsection (1)(c) and (d) of this section, members of the authority shall serve for a term of four (4) years each, and until their successors are appointed and qualified, provided, however, that initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years and two (2)

members for four (4) years. Upon expiration of these staggered terms, successors shall be appointed for a term of four (4) years.

- (3) A riverport authority member may be replaced by the appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The appointing authority shall submit a written statement to the riverport authority setting forth the reasons for removal, and the statement shall be read at the next authority meeting, which shall be open to the general public. The member so removed shall have the right of appeal in the Circuit Court. Except as provided in subsection (1)(c) and (d) of this section no riverport authority member shall hold any official office with the appointing authority.
- (4) Notwithstanding subsection (2) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the terms of the members of the authority shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the county judge/executive with the approval of the fiscal court shall adjust the terms of the sitting members so that one-third (1/3) of the terms expire in one (1) year, one-third (1/3) expire in two (2) years, and one-third (1/3) expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, all members of the authority shall be appointed by the mayor of the consolidated local government for a term of three (3) years pursuant to the provisions of Section 1 of this Act. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the authority for the time remaining on their current terms of appointment.***

Section 33. KRS 65.570 is amended to read as follows:

- (1) Members of the authority shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred by them in the conduct of the affairs of the authority. The authority shall, upon the appointment of its members, organize and elect officers. The authority shall choose a chairman and vice chairman who shall serve for terms of one (1) year. The authority may fix a salary for the secretary-treasurer, and the secretary-treasurer shall execute an official bond to be set and approved by the authority, and the cost thereof shall be paid by the authority.
- (2) The authority may employ or retain necessary counsel, agents, employees or other persons to carry out its purposes, work and functions and may prescribe such rules and regulations as it deems necessary.
- (3) The secretary-treasurer shall keep the minutes of all meetings of the authority and shall also keep a set of books showing the receipts and expenditures of the authority. He shall preserve on file duplicate vouchers for all expenditures and shall present to the authority, upon request, complete reports of all financial transactions and the financial condition of the authority. Such books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the authority was created. He shall transmit at least once annually a detailed report of all acts and doings of the authority to the legislative body or bodies by whom the authority was created.
- (4) Notwithstanding subsection (1) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the secretary-treasurer or executive director, as the case may be, shall be appointed by and serve at the

pleasure of the county judge/executive with the approval of the fiscal court as provided in KRS 67.040; fiscal court shall fix the salary. *Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the secretary-treasurer or executive director, as the case may be, shall be appointed by and shall serve at the pleasure of the mayor.*

Section 34. KRS 65.680 is amended to read as follows:

As used in KRS 65.680 to 65.699:

- (1) "Assessment" means the job development assessment fee authorized by KRS 65.6851, which the governing body may elect to impose throughout the development area;
- (2) "City" means any city, ***consolidated local government***, or urban-county;
- (3) "Commencement date" means the date a development area is established, as provided in the ordinance creating the development area;
- (4) "County" means any county, ***consolidated local government***, or charter county;
- (5) "Debt charges" means the principal, including any mandatory sinking fund deposits, interest, and any redemption premium, payable on increment bonds as the payments come due and are payable and any charges related to the payment of the foregoing;
- (6) "Development area" means a contiguous geographic area, which may be within one (1) or more cities or counties, defined and created for economic development purposes by an ordinance of a city or county in which one (1) or more economic development projects are proposed to be located;
- (7) "Economic development project" means any property, asset, or improvement certified by the governing body, which certification is conclusive as:
  - (a) Being for a public purpose;
  - (b) Being for economic development purposes;
  - (c) Being in or related to a development area; and
  - (d) Having an estimated life or period of usefulness of one (1) year or more, including, but not limited to, real estate, buildings, personal property, equipment, furnishings, and site improvements and reconstruction, rehabilitation, renovation, installation, improvement, enlargement, and extension of property, assets, or improvements so certified as having an estimated life or period of usefulness of one (1) year or more;
- (8) "Economic development purposes" means the development of facilities for residential, commercial, industrial, public, recreational, or other uses, or for open space, or any combination thereof, which is determined by the governing body establishing the development area as contributing to economic development;
- (9) "Financing agreement" means an agreement made between cities, counties, or a combination thereof providing for the release of increments under the authority of KRS 65.680 to 65.699;
- (10) "Governing body" means the body possessing legislative authority in a city or county;
- (11) "Increment bonds" means bonds and notes issued for the purpose of paying the costs of one (1) or more economic development projects in a development area, the payment of which is

secured solely by a pledge of increments or by a pledge of increments and other sources of payment that are otherwise permitted by law to be pledged or used as a source of payment of the bonds or notes;

- (12) "Increments" means that amount of revenue due to be received by a city or county, determined by subtracting the amount of old revenues from the amount of new revenues, including assessments, if any, with respect to a development area;
- (13) "Issuer" means a city or county issuing increment bonds;
- (14) "New revenues" means the revenues received with respect to a development area in any year after the commencement date for the development area and may include all or a portion of the assessments as determined by the governing body;
- (15) "Old revenues" means the amount of revenues received with respect to a development area in the last year prior to the commencement date for the development area;
- (16) "Outstanding" means increment bonds that have been issued, delivered, and paid for, except any of the following:
  - (a) Increment bonds canceled upon surrender, exchange, or transfer, or upon payment or redemption;
  - (b) Increment bonds in replacement of which or in exchange for which other bonds have been issued; or
  - (c) Increment bonds for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the ordinance or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, or otherwise, have been deposited, and credited in a sinking fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of increment bonds to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected bond holders has been filed with the issuer or its agent;
- (17) "Revenue collector" means any official charged with collecting revenues in a development area;
- (18) "Revenues" means ad valorem revenues, occupational license fees, and assessments received by the city or county creating a development area and by each city and county that is a party to a financing agreement related to that development area;
- (19) "Special fund" means a special fund created in accordance with KRS 65.688 into which increments are to be deposited;
- (20) "Termination date" means the date on which the development area shall cease to exist, which date shall be no earlier than the date any increment bonds secured by increments from a development area are no longer outstanding; and
- (21) "Year" means January 1 to December 31 of the same calendar year.

Section 35. KRS 65.7701 is amended to read as follows:

As used in KRS 65.7703 to 65.7721, unless the context otherwise requires:

- (1) "Governmental agency" means any county, urban-county government, ***consolidated local government***, city, taxing district, special district, school district, or other political



subdivision of the Commonwealth or body corporate or politic or any instrumentality of the foregoing.

- (2) "Governing body" means the board, council, commission, fiscal court, or other body or group that is authorized by law to act on behalf of a governmental agency.
- (3) "Legislation" means an order, resolution, or ordinance of the governing body.
- (4) "Notes" means notes authorized by KRS 65.7703 to 65.7721 which may be secured by taxes or revenue or taxes and revenue.
- (5) "Revenue" means all funds received by a governmental agency which are not taxes, including, but not limited to, excises, transfers, service fees, assessments, and occupational license fees.
- (6) "State local debt officer" means the officer so designated in KRS 66.045.
- (7) "Taxes" means taxes properly levied upon real or personal property.

Section 36. KRS 65.940 is amended to read as follows:

As used in KRS 65.942 to 65.956, unless the context otherwise requires:

- (1) "Acquire" means to purchase, install, equip, or improve personal property or real property pursuant to KRS 65.942 to 65.956.
- (2) "City" means any municipal corporation of any class incorporated in the Commonwealth.
- (3) "Construct" means building reconstruction, replacement, extension, repairing, betterment, development, equipment, embellishment, or improvement.
- (4) "County" means a political subdivision of the Commonwealth created and established by the laws of the Commonwealth.
- (5) "Governmental agency" means any county, urban-county government, ***consolidated local government***, city, taxing district, special district, school district, or other political subdivision of the Commonwealth or body corporate or politic or any instrumentality of the foregoing.
- (6) "Governing body" means the board, council, commission, fiscal court, or other body or group that is authorized by law to acquire property for each respective governmental agency.
- (7) "Lease" means a lease, lease purchase, lease with option to purchase, installment sale agreement, or other similar agreement entered into pursuant to KRS 65.942 to 65.956.
- (8) "Lease price" means the total of amounts designated as payments of principal under a lease.
- (9) "Net interest cost" means the total of all interest to accrue and fall due through the last payment due date on a lease, plus any discount or minus any premium included in the lease price.
- (10) "Person" means any individual, corporation, organization, government or governmental subdivision, or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (11) "Personal property" means personal property, appliances, equipment or furnishings, or an interest therein, whether movable or fixed, deemed by the governing body of a

governmental agency to be necessary, useful, or appropriate to one (1) or more purposes of the governmental agency, but shall not include real property.

- (12) "Real property" means land, buildings, fixtures, and interests in real property, deemed by the governing body of the governmental agency to be necessary, useful, or appropriate to one (1) or more purposes of the governmental agency.
- (13) "Revenue" means all funds received by a governmental agency which are not taxes, including but not limited to excises, transfers, service fees, assessments, and occupational license fees.
- (14) "School district" means any county school district or independent school district organized and existing pursuant to the laws of the Commonwealth.
- (15) "Special district" means any agency, authority, or political subdivision of the Commonwealth which exercises less than statewide jurisdiction and which is organized for the purpose of performing governmental or other prescribed functions within limited boundaries. It includes all political subdivisions of the Commonwealth except a city, county, or school district.
- (16) "State local debt officer" means the officer so designated in KRS 66.045.
- (17) "Taxes" means taxes properly levied upon real or personal property.
- (18) "Taxing district" means any taxing district created under KRS 65.180 to 65.190.

Section 37. KRS 66.041 is amended to read as follows:

- (1) A city, urban-county, ***consolidated local government***, or charter county shall not incur net indebtedness to an amount exceeding the following maximum percentages on the value of taxable property within the city, urban-county, ***consolidated local government***, or charter county, as estimated by the last certified assessment previous to the incurring of the indebtedness:
  - (a) Cities, urban-counties, ***consolidated local governments***, and charter counties having a population of fifteen thousand (15,000) or more, ten percent (10%);
  - (b) Cities, urban-counties, and charter counties having a population of less than fifteen thousand (15,000) but not less than three thousand, five percent (5%); and
  - (c) Cities, urban-counties, and charter counties having a population of less than three thousand (3,000), three percent (3%).
- (2) A county, which is not an urban-county, ***consolidated local government***, or charter county, or a taxing district shall not incur net indebtedness for all purposes that exceeds an amount equal to two percent (2%) of the value of the taxable property within the county or district, as estimated by the last certified assessment previous to the incurring of the indebtedness.

Section 38. KRS 66.131 is amended to read as follows:

- (1) Bonds shall be signed on behalf of the issuer as follows:
  - (a) In the case of a city, urban-county, ***consolidated local government***, or charter county, by the chief executive officer and attested by the clerk of the governmental body, or by the other officers as are designated to sign by the legislation authorizing the bonds;

- (b) In the case of a county, by the judge/executive or other chief executive officer and attested by the fiscal court clerk, or by the officers of the county as are designated to sign by the legislation authorizing the bonds; or
  - (c) In the case of a taxing district, by the officer of the issuer designated by the legislation authorizing the bonds.
- (2) If an officer designated to sign bonds or interest coupons pursuant to subsection (1) of this section is for any reason unable or unavailable to sign, another officer of the issuer, designated by legislation passed by the issuer, may sign instead of that officer.
  - (3) All signatures required by this section may be facsimile signatures.
  - (4) If an officer who has signed, manually or by facsimile signature, any bonds of an issuer ceases to be the officer before the bonds so have been actually delivered, the bonds may nevertheless be issued and delivered as though the person who has signed the bonds had not ceased to be the officer. Any bonds may be signed as provided in this section, on behalf of the issuer, by an officer who is the proper officer of the issuer on the actual date of signing of the bonds, notwithstanding the fact that at the date of the bonds or on the date of delivery of the bonds that person was or is not the officer of the issuer.
  - (5) Bonds, other than fully-registered bonds, may, in the discretion of the issuer, have interest coupons attached or otherwise appertaining. The interest coupons shall be signed on behalf of the issuer by the manual or facsimile signature of at least one (1) of the officers described in subsection (1) of this section.

Section 39. KRS 67.077 is amended to read as follows:

- (1) No county ordinance shall be passed until it has been read on two (2) separate days, but ordinances may be read by title and a summary only. A proposed ordinance may be amended by the fiscal court after its first reading and prior to its adoption. All amendments shall be proposed in writing, and only by setting out in full each amended section.
- (2) No county ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published by summary. Publication shall include the time, date, and place at which the county ordinance will be considered, and a place within the county where a copy of the full text of the proposed ordinance is available for public inspection. Publication of amendments to a proposed ordinance shall be required, pursuant to KRS Chapter 424, prior to its adoption, and amendments shall be filed with the full text of the proposed ordinance that is available for public inspection. If consideration for passage is continued from the initial meeting to a subsequent date, no further publication shall be necessary if at each meeting the time, date and place of the next meeting are announced.
- (3) All county ordinances and amendments shall be published after passage and may be published in full or in summary form at the discretion of the fiscal court. If applicable, a sketch, drawing, or map, together with a narrative description written in layman's terms, may be used in lieu of metes and bounds descriptions. If published in summary form, publication shall contain notice of a place in the county where the full text of the ordinance or amendment is available for public inspection.
- (4) Traffic, building, housing, plumbing, electrical, safety, and other self-contained codes may be adopted by reference if a copy of the code is kept with the adopting ordinance and is made a part of the permanent records of the county.

- (5) The provisions of this section shall not be applicable in counties that have pursuant to KRS 67.830 adopted a charter county form of government or pursuant to KRS Chapter 67A adopted an urban-county form of government ***or pursuant to KRS Chapter 67C adopted a consolidated local government.***

Section 40. KRS 67.120 is amended to read as follows:

- (1) Except in counties containing a city of the first class ***or a consolidated local government,*** the county clerk, at his option, shall be clerk of the fiscal court. He shall attend its sessions and keep a full and complete record of all its proceedings, with a proper index. For his services as clerk of the fiscal court he shall receive an annual salary fixed at a reasonable amount by the fiscal court and paid in monthly installments out of the county treasury. The salary must be fixed not later than the first Monday in May in the year in which county clerks are elected. If the county clerk chooses not to be the clerk of the fiscal court, the fiscal court may select a clerk according to the provisions of subsection (2) of this section.
- (2) ***Except in a consolidated local government,*** the fiscal court of each county in this Commonwealth in which there is located a city of the first class shall have a clerk, and may have a deputy clerk and may employ a stenographer, all of whom shall attend its sessions and keep a full and correct record of all the proceedings of the court, together with a complete index, and who in addition shall perform such duties as may be required of them by the court. The fiscal court shall appoint a clerk who shall serve at the pleasure of the fiscal court. The clerk shall execute bond to be approved by the fiscal court. He shall receive an annual salary which shall be fixed by the court and paid in monthly installments out of the county levy. The court may appoint a deputy and a stenographer who shall qualify by taking the constitutional oath and who shall serve at the will of the court. The salary of the deputy clerk and the stenographer shall be fixed by the court and paid in monthly installments out of the county levy.
- (3) ***The legislative council of a consolidated local government shall have a clerk, and may have a deputy clerk and may employ a stenographer, all of whom shall attend its sessions and keep a full and correct record of all the proceedings of the council, together with a complete index, and who in addition shall perform such duties as may be required of them by the council. The legislative council shall appoint a clerk who shall serve at the pleasure of the council. The clerk shall execute bond to be approved by the council. He or she shall receive an annual salary which shall be fixed by the council. The council may appoint a deputy clerk and a stenographer, to assist in the official duties of the clerk, who shall qualify by taking the constitutional oath and who shall serve at the will of the council. The salaries of the deputy clerk and the stenographer shall be fixed by the council.***

Section 41. KRS 67.705 is amended to read as follows:

- (1) Each county shall have a chief executive officer known as the county judge/executive. Only a resident of the county shall be eligible for election as county judge/executive. He shall be nominated and elected by the qualified voters of the county in the manner provided by law for the election of county officers. In case the office of county judge/executive becomes vacant by reason of death, resignation, or removal, it shall be filled with a person appointed by the Governor, in accordance with Section 152 of the Constitution, for the unexpired term. The Governor shall appoint a person to fill a vacancy in the office of county judge/executive not later than thirty (30) days after the date on which the vacancy occurs. If a vacancy occurs in the office of county judge/executive, the remaining members of fiscal

court shall elect one (1) of their members to serve as temporary county judge/executive until the Governor fills the vacancy in the office, notwithstanding the provisions of KRS 61.080(2) to the contrary.

- (2) The county judge/executive shall receive an annual salary pursuant to the salary schedule in KRS 64.5275, except in counties that contain an urban-county form of government *or a consolidated local government*, where the county judge/executive shall receive the salary set by the legislative body.
- (3) *Except in counties containing a consolidated local government*, in no event shall the county judge/executive, justice of the peace, magistrate, or commissioners who serve on the fiscal court holding office on January 2, 1978, receive less than the total annual compensation received by that official during calendar year 1976.
- (4) *In a county containing a consolidated local government, the county judge/executive, and magistrates or commissioners may have those duties as determined by ordinance of the consolidated local government and shall receive a salary as set by the legislative council of the consolidated local government for those duties.*

Section 42. KRS 67.712 is amended to read as follows:

- (1) Whenever rights, powers, privileges, immunities and responsibilities are granted to the county judge/executive in general statutes, the same *shall be considered a grant in those counties in which a consolidated local government has been adopted pursuant to KRS Chapter 67C to the mayor of the consolidated local government*, and shall be considered a grant in those counties in which an urban-county government has been adopted pursuant to KRS Chapter 67A to the officer in whom such functions are vested under the applicable provision of the comprehensive plan of an urban-county government, if any, and otherwise to the chief executive officer of an urban-county government.
- (2) Whenever rights, powers, privileges, immunities and responsibilities are granted to the fiscal court in general statutes, the same shall *be considered a grant in those counties in which a consolidated local government has been adopted pursuant to KRS Chapter 67C to the officer or officers in whom such functions are vested pursuant to KRS 67C.103(1) and KRS 67C.105(1), respectively, of the consolidated local government*, and shall be considered a grant in those counties in which an urban-county government has been adopted pursuant to KRS Chapter 67A to the legislative body of the urban government.

Section 43. KRS 67.722 is amended to read as follows:

*Except in a consolidated local government*, the county judge/executive shall receive an annual expense allowance of three thousand six hundred dollars (\$3,600) for performing his duties and fulfilling his responsibilities in the administration of the local county road program. Payment shall be made quarterly in the amount of nine hundred dollars (\$900) per quarter, the first such payment to be made for the quarter ending March 31, 1978.

Section 44. KRS 67.825 is amended to read as follows:

In order to facilitate the operation of local government, to prevent duplication of services, and to promote efficient and economical management of the affairs of local government, the citizens of any county, except in a county containing *a consolidated local government*, a city of the first class, or an urban-county government, may vote to merge all units of city and county government into a charter county form of government or to consolidate any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county. The merger

or consolidation shall take place only after compliance with the procedures set forth in KRS 67.830.

Section 45. KRS 67.830 is amended to read as follows:

- (1) The fiscal court in any county, except in a county containing a ***consolidated local government***, a city of the first class, or an urban-county government, and a majority of all cities within the county may adopt an ordinance to study the question of merging the county government with all other units of local government within the county to form a charter county form of government, or consolidating any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county.
- (2) In lieu of the adoption of an ordinance pursuant to subsection (1) of this section, a petition may be filed with the county clerk requesting a referendum be held on the question of the adoption of a charter county form of government or the consolidation of any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county. The petition shall be signed by a number of registered voters equal to at least twenty percent (20%) of the number of county residents voting in the preceding regular election.
- (3) Within sixty (60) days of the adoption of an ordinance pursuant to subsection (1) of this section, or within sixty (60) days of a petition being filed with the county clerk pursuant to subsection (2) of this section, the fiscal court and the city legislative body of each city within the county shall jointly appoint a commission to study the question of the adoption of a charter county form of government or the consolidation of any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county. The fiscal court shall determine the size of the membership of the commission which shall be composed of not less than twenty (20) or more than forty (40) citizens. The actual appointment of individual members to the commission shall be governed by the following provisions:
  - (a) The county shall make a number of appointments equal to fifty-five percent (55%) of the membership of the commission.
  - (b) Each city located within the county shall join together with other cities of the same classification located within the county for the purpose of making appointments to the commission. Jointly the cities shall make a number of appointments equal to forty-five percent (45%) of the membership of the commission. Each class of city within the county shall have a minimum of one (1) representative on the commission.
  - (c) If there is only one (1) city of a particular classification within a county, the city shall make a number of appointments based upon the ratio of the percentage of the population residing within that city to the countywide population.
  - (d) The county judge/executive shall serve as a voting member of the commission and preside as its chairman.
- (4) The commission shall be funded by the fiscal court and each city within the county in proportion to its ratio of membership on the commission and shall be responsible for developing a comprehensive plan for the consolidation of services and functions of cities and the county, or the formation of a charter county government that shall include, but not be limited to, the following provisions:

- (a) A description of the form, structure, functions, powers, and name of the proposed charter county government;
  - (b) A description of the officers and their powers and duties of the proposed charter county government; and
  - (c) The procedures by which the original comprehensive plan may be amended.
- (5) The comprehensive plan shall be consistent with the provisions of the Constitution of Kentucky and shall be advertised at least ninety (90) days before a regular election at which the voters will be asked to approve or disapprove the adoption of the comprehensive plan. The question of whether the comprehensive plan shall be adopted shall be filed with the county clerk not later than the second Tuesday in August preceding the day of the next regular election.
- (6) The votes shall be counted, returns made and canvassed in accordance with the provisions of KRS Chapters 116 to 121 governing elections, and the results shall be certified by the county board of election commissioners to the county clerk. If a majority of those voting on the issue are in favor of adopting the comprehensive plan, the county board of election commissioners shall enter the fact of record and the charter county commission shall organize the charter county government or the county shall provide for the consolidation of services or functions as provided in the comprehensive plan.

Section 46. KRS 67B.010 is amended to read as follows:

The General Assembly of the Commonwealth of Kentucky determines as a legislative finding of fact that the needs of large urban areas in the field of detention, institutionalization, and rehabilitation of offenders and public wards are more specialized, acute, and distinct than the needs of smaller communities, and require programs peculiarly suited to the needs of large, urban areas, and that in order to protect, enhance, and maintain the public safety, health, and general welfare, it is necessary that ***consolidated local governments or*** fiscal courts of counties containing a city of the first class where the constitutional offices of sheriff and jailer have been consolidated, be empowered to create metropolitan correctional services departments which shall be divisions of ***the consolidated local or*** county government, and which will be vested with the duty, responsibility, and power to maintain and operate all of the correctional, detention, and rehabilitative facilities of such counties in a professional and competent manner.

Section 47. KRS 67B.020 is amended to read as follows:

As used in this chapter, the following words or terms shall have the respective meanings indicated, unless a different meaning is clearly indicated by the context:

- (1) "Department" means a metropolitan correctional services department created ***or maintained*** by ***a consolidated local government or*** the fiscal court of a county containing a city of the first class, where the constitutional offices of sheriff and jailer have been consolidated, pursuant to this chapter.
- (2) "Fiscal court" means the county judge/executive and justices of the peace of a county; or the county judge/executive and three (3) county commissioners elected pursuant to KRS 67.050 and 67.060, which exercises the legislative functions of a county as provided by the provisions of the Kentucky Revised Statutes.
- (3) "Correctional facility" means the county jail and all other detention and penal facilities of a county ***or consolidated local government***, whether for juvenile or adult offenders, and public wards, together with all rehabilitative facilities of ***such*** a county ***or consolidated***

**local government** for juvenile or adult offenders and for public wards, including facilities operated by private agencies under contract with the **consolidated local government or fiscal court**, as such facilities may be designated from time to time by the **consolidated local government or fiscal court**.

- (4) "Sheriff" means the sheriff of a county **or the sheriff in a county containing a consolidated local government** who has been duly elected by the qualified voters as provided in Section 99 of the Constitution of the Commonwealth of Kentucky.
- (5) "Jailer" means the jailer of a county **or the jailer in a county containing a consolidated local government** who has been duly elected by the qualified voters of a county as provided in Section 99 of the Constitution of the Commonwealth of Kentucky.
- (6) "Governmental agency" means any incorporated city, division of **a city, or consolidated local government**, including the United States of America, and its agencies and instrumentalities, situated within, or conducting public operations within, a county in which a metropolitan correctional services department has been duly established.
- (7) **"Consolidated local government" means a local government established pursuant to KRS Chapter 67C.**

Section 48. KRS 67B.030 is amended to read as follows:

- (1) A metropolitan correctional services department may be established **or maintained** by **ordinance of a consolidated local government or** by order of the fiscal court of any county containing a city of the first class, in which the constitutional offices of sheriff and jailer have been consolidated as provided in Section 105 of the Constitution of the Commonwealth of Kentucky. Said department shall, upon its creation **or maintenance**, constitute a de jure department and division of **the consolidated local or county government**, having and possessing all of the enumerated powers, responsibilities, and duties hereinafter specifically set forth.
- (2) Upon the creation **or maintenance** of a metropolitan correctional services department by the **consolidated local government or** fiscal court of a county containing a city of the first class, in which the constitutional offices of sheriff and jailer have been consolidated pursuant to Section 105 of the Constitution of the Commonwealth of Kentucky, all of the duties, responsibilities, and liabilities of the sheriff and jailer as set forth and contained in the Kentucky Revised Statutes, with reference to the operation and maintenance of the county jail and all county correctional facilities shall immediately be vested in the department and thereupon the sheriff and jailer shall have no further responsibility, duty and liability for the performance of said statutory duties on a personal basis; provided, however, that said sheriff shall be required to annually inspect all county correctional facilities and render reports as hereinafter provided.

Section 49. KRS 67B.040 is amended to read as follows:

The **mayor of a consolidated local government or a** fiscal court shall, at or subsequent to the creation **or maintenance** of a metropolitan correctional services department, appoint and employ an executive director **of the metropolitan correctional services department** who shall be well educated, trained, and experienced in the administration of correctional and rehabilitative public facilities, and who, together with assistant directors, to be appointed and employed by the **mayor or** fiscal court, shall have full and complete management of the department and all of its operations. The executive director of the department, together with all assistant directors shall be



directly appointed by, and shall serve at the pleasure of the *mayor or* fiscal court, and may be removed and replaced upon order of the *mayor or* fiscal court.

Section 50. KRS 67B.050 is amended to read as follows:

The department shall, subject to the approval and authorization of the *consolidated local government or* fiscal court, generally administer, operate, and maintain all county correctional facilities, including facilities operated by private agencies under contract with the *consolidated local government or* fiscal court, and formulate and implement necessary correctional and rehabilitative programs. In carrying out its duties, the department shall have and possess, subject to the approval and authorization of the *consolidated local government or* fiscal court, all powers necessary to effectuate its purposes, including, but not by way of limitation the following:

- (1) To prepare an annual budget with reference to the operations of the department for submission to the *consolidated local government or* fiscal court.
- (2) To authorize all expenditures of the department in conformity with the annual budget, as approved by the *consolidated local government or* fiscal court, all such expenditures to be submitted for *consolidated local government or* fiscal court approval as in the case of all other county *or consolidated local government* agencies and departments.
- (3) To prepare and submit not less than annually a report of all the activities, programs, and expenditures of the department to the *consolidated local government or* fiscal court.
- (4) To employ and dismiss employees as may be necessary for the proper management and operation of the department and of the correctional facilities which are governed by the department, subject to the department merit system.
- (5) To promulgate comprehensive rules, regulations, and bylaws for the regulation, administration, maintenance, and operation of the department, which rules, and regulations and bylaws shall be subject to approval by the *consolidated local government or* fiscal court.
- (6) To formulate and implement penal, correctional, and rehabilitative programs, including the power to enter into contracts with private agencies for the operation of correctional or detention facilities, all of such facilities and programs to be subject to approval by the *consolidated local government or* fiscal court.
- (7) To comply with all statutory requirements contained in the Kentucky Revised Statutes with reference to the operation, maintenance, and upkeep of all correctional facilities.
- (8) To provide for the humane care, treatment, and feeding of all inmates of all correctional facilities of the county.
- (9) To enter into contracts with private or governmental agencies regarding matters of correctional and rehabilitative import, including the operation, maintenance, and upkeep of correctional or detention facilities.
- (10) To apply for, and accept, grants in aid from any public or private agency.

Section 51. KRS 67B.060 is amended to read as follows:

Upon the creation *or maintenance* of a metropolitan correctional services department by a *consolidated local government or* county fiscal court, ~~the consolidated local government or~~ *the consolidated local government or* ~~said~~ fiscal court may create *or maintain* a departmental merit system, and for that purpose, establish, *maintain*, or designate an appropriate board, commission, or committee, whose duties it

shall be to classify and examine applicants seeking employment as officers or employees of the department, and in addition, to promulgate rules and regulations governing the classification, qualification, examination, appointment, promotion, demotion, suspension, and other disciplinary action within the department, with reference to all personnel of the department; and in addition thereto, to hold such hearings, public and executive, as may be reasonably required in the operation of a viable employment protection and career development merit system. All employees of the department below the rank of assistant director shall be covered by the merit system.

Section 52. KRS 67B.070 is amended to read as follows:

The sheriff of any county in which a department has been established *or maintained* shall, not less than annually, inspect all correctional facilities administered by the department, and shall make a written report to the *consolidated local government or* fiscal court and to the secretary of corrections regarding the general operation of all such correctional facilities, which report shall furnish in detail information regarding the number of prisoners, detainees and public wards who are inmates of each correctional facility; the offenses or causes for their incarceration; the length of stay with reference to same; and such further reports regarding rehabilitative programs instituted and being carried on by the department as may be required for a complete accounting and report.

Section 53. KRS 67C.101 is amended to read as follows:

- (1) The governmental and corporate functions vested in any city of the first class shall, upon approval by the voters of the county at a regular or special election, be consolidated with the governmental and corporate functions of the county containing the city. This single government replaces and supersedes the governments of the pre-existing city of the first class and its county.
- (2)
  - (a) A consolidated local government shall have all powers and privileges that cities of the first class and their counties are, or may hereafter be, authorized to exercise under the Constitution and the general laws of the Commonwealth of Kentucky, including but not limited to those powers granted to cities of the first class and their counties under their respective home rule powers.
  - (b) A consolidated local government shall continue to exercise these powers and privileges notwithstanding repeal or amendment of any of the laws upon which the powers and privileges are based unless expressly repealed or amended for consolidated local governments.
  - (c) In addition, a consolidated local government shall have other powers and privileges as the government may be authorized to exercise under the Constitution and general laws of the Commonwealth of Kentucky.
  - (d) *A consolidated local government is neither a city government nor a county government as those forms of government exist on the effective date of this Act, but it is a separate classification of government which possess the greater powers conferred upon, and is subject to the lesser restrictions applicable to, county government and cities of the first class under the Constitution and general laws of the Commonwealth of Kentucky.*
  - (e) *A consolidated local government shall be accorded the same sovereign immunity granted counties, their agencies, officers, and employees.*
- (3) A consolidated local government shall have power and authority to:

- (a) Levy and collect taxes upon all property taxable for state purposes within the territorial limits of the consolidated local government not exempt by law from taxation;
  - (b) License, tax, and regulate privileges, occupations, trades, and professions authorized by law, to be uniform throughout the jurisdiction;
  - (c) Make appropriations for the support of the consolidated local government and provide for the payment of all debts and expenses of the consolidated local government and the debts and expenses of the county and city of which it is the successor;
  - (d) Issue or cause to be issued bonds and other debt instruments that counties containing a city of the first class are authorized to issue or enter into all other financial transactions as may be permitted by law;
  - (e) Purchase, lease, construct, maintain, or otherwise acquire, hold, use, and operate any property, real or personal, for any public purpose, and sell, lease, or otherwise dispose of any property, real or personal, belonging to a consolidated local government;
  - (f) Exercise the power of eminent domain for any public purpose subject to the limitations and exceptions prescribed by the Constitution and the general laws of the Commonwealth of Kentucky;
  - (g) Accept federal or state funds and other sources of revenue that are applicable to counties and cities of the first class;
  - (h) Establish, erect, maintain, and operate facilities for the confinement, detention, and rehabilitation of persons convicted of the violation of the ordinances and laws of a consolidated local government or the Commonwealth of Kentucky;
  - (i) Pass and enforce by fines and penalties, if necessary, all ordinances, not inconsistent with law, as are expedient in maintaining the peace, good government, health, and welfare of the inhabitants of the county and prevent, abate, and remove nuisances;
  - (j) Collect and dispose of garbage, junk, and other refuse, and regulate the collection and disposal of garbage, junk, and other refuse by others;
  - (k) Provide for the redevelopment, renewal, or rehabilitation of blighted, deteriorated, or dilapidated areas;
  - (l) Enforce zoning regulations;
  - (m) Enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
  - (n) Adopt procedures for collective bargaining with its employees and for the certification of exclusive bargaining agents for groups of employees in accordance with the Constitution and general laws of the Commonwealth of Kentucky and its ordinances; and
  - (o) Exercise all other powers and authorities granted to counties and cities of the first class by the general laws of the Commonwealth of Kentucky.
- (4) The powers of the consolidated local government shall be construed broadly in favor of the consolidated local government. The specific mention, or failure to mention, of particular powers in this section shall not be construed as limiting in any way the general or specific powers of a consolidated local government.

- (5) A consolidated local government shall have power and jurisdiction throughout the total area embraced by the official jurisdictional boundaries of the county.
- (6) A consolidated local government shall be known as [~~Greater~~]...../.....**County Metro Government**, which shall be the **combination of the names**[~~name~~] of the largest city in existence on the date of the adoption of the consolidated **local government and the county**.

Section 54. KRS 67C.103 is amended to read as follows:

- (1) The legislative authority of a consolidated local government, except as otherwise specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local government council. The members of the council shall be nominated and elected by district. There shall be only one (1) council member elected from each council district.
- (2) There shall be twenty-six (26) council districts. The initial boundaries, population, and numerical designation of the council districts shall be as specified by KRS 67C.135. The population of the council districts shall be as nearly equal as is reasonably possible. For any newly consolidated local governments whose officials take office in 2003, upon taking office, the legislative council may take action to adjust the boundaries and population of the districts in order to equalize the population of the districts which may have changed as a result of recent census information. Any changes made to alter the boundaries of council districts shall be based on the population of the county as determined by the most recent United States Census or official census estimates as provided by the United States Bureau of the Census.
- (3) Following the official publication of each decennial census by the United States Bureau of the Census for the area embraced by a consolidated local government, the council shall adopt an ordinance, if necessary, to redistrict the council districts. A redistricting ordinance shall provide for the distribution of population among the council districts as nearly equal as is reasonably possible. Every council district shall be compact and contiguous and shall respect existing neighborhood, community, and city boundaries whenever possible.
- (4) The consolidated local government council members shall serve for a term of four (4) years beginning on the first Monday in January following their election except that the initial election of council members shall be in a manner as to provide for staggered terms for council members. At the initial election of the members of a consolidated local government council, those representing even-numbered districts shall be elected for a two (2) year term. Those representing odd-numbered districts shall be elected for a four (4) year term. Thereafter, all council members shall be elected for four (4) year terms.
- (5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in partisan elections. After the initial terms of office of the first elected council members, council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section.
- (6) No person shall be eligible to serve as a member of a consolidated local government council unless he or she is at least twenty-one (21) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within the district from which he or she was elected throughout the term of office.

- (7) The presiding officer of a consolidated local government council shall be a president who shall be chosen annually by a majority vote of the entire council from among its members at the first meeting of the council in January. The council president has the right to introduce any resolution or recommend any ordinance and shall be entitled to vote on all matters.
- (8) The consolidated local government council shall upon notice meet within seven (7) days after its members have taken office, and shall thereafter hold at least two (2) regular meetings per month. ***No newspaper notice shall be required for regular or special meetings of the consolidated local government council. However, notice of all meetings of the council and all meetings of committees of the council shall be held pursuant to KRS 61.805 to 61.850.***
- (9) A majority of the members of the consolidated local government council shall constitute a quorum, but a smaller number may adjourn from day to day. The consolidated local government council may enforce the attendance of members by rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the entire membership of the council may call a special meeting at any time. Meetings shall be held in such places in the county as are provided by ordinance, and the place of meetings shall not be changed except by an ordinance for which two-thirds (2/3) of the members of the consolidated local government council have voted.
- (10) The council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The council shall provide for the publication of all ordinances in a composite code of ordinances.
- (11) Council ordinances that prescribe penalties for their violation shall be enforced through the entire area of the consolidated local government unless:
  - (a) Otherwise provided by statute; or
  - (b) The legislative body of any city within the consolidated local government area has adopted an ordinance pertaining to the same subject matter that is the same as or more stringent than the standards set forth in the consolidated local government's ordinance.
- (12) In the case of a vacancy on the consolidated local government council by reason of death, resignation, or removal, ***the council by majority vote of the membership of the council shall elect a qualified resident of the council district not later than thirty (30) days after the date the vacancy occurs. Should the council fail to elect, by majority vote of the membership of the council, a qualified person to fill the vacancy within thirty (30) days, the mayor of the consolidated local government shall fill the vacancy by appointment of a qualified person for the unexpired term***~~[it shall be filled by appointment of the Governor, in accordance with Section 152 of the Constitution, for the unexpired term. Upon notification of the vacancy by the county clerk, the Governor shall appoint a person to fill a vacancy on the consolidated local government council not later than thirty (30) days after the date on which the vacancy occurs].~~
- (13) All legislative powers of a consolidated local government are vested in the consolidated local government council. The term "legislative power" is to be construed broadly and shall include the power to:
  - (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by a two-thirds (2/3) majority of the membership of the legislative council;
  - (b) Review the budgets of and appropriate money to the consolidated local government;

- (c) Adopt a budget ordinance;
  - (d) Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;
  - (e) Establish standing and temporary committees; and
  - (f) Make independent audits and investigations concerning the affairs of the consolidated local government.
- (14) The consolidated local government council shall be known as the legislative council of ~~Greater~~ ..... **County Metro Government**, which shall be *a combination of* ~~completed by~~ the *names* ~~name~~ of the largest city in existence in the county on the date of the *adoption of the consolidated local government and the county* ~~consolidation~~.

Section 55. KRS 67C.105 is amended to read as follows:

- (1) All executive and administrative power of the government shall be vested in the office of the mayor. The term "executive and administrative power" shall be construed broadly. The mayor shall be the chief executive of a consolidated local government formed under the provisions of KRS 67C.101 to 67C.137.
- (2) The mayor shall be nominated and elected in partisan elections for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth. The mayor shall assume office on the first Monday in January following his or her election. He or she shall serve until a successor qualifies and may serve for no more than three (3) consecutive terms after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.
- (3) The mayor shall be at least twenty-five (25) years old, a qualified voter, a member of his or her political party, and a resident of the territory encompassing the consolidated local government for a period of at least one (1) year prior to his or her election as mayor. The mayor shall continue to reside within the geographic boundary of the consolidated local government throughout his or her term of office.
- (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all the power and authority that the mayor of the city of the first class and the county judge/executive exercised under the Constitution and the general laws of the Commonwealth of Kentucky prior to the consolidation.
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:
  - (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;
  - (b) Submit an annual budget;
  - (c) Oversee the administration and implementation of the adopted budget ordinance;
  - (d) Enforce the ordinances of the consolidated local government;

- (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;
  - (f) Call special meetings of the consolidated local government council;
  - (g) Appoint and remove his or her own staff at his or her own pleasure;
  - (h) Execute written contracts or obligations of the consolidated local government; and
  - (i) Approve or veto ordinances and resolutions adopted by the consolidated local government council.
- (6) In case the office of mayor becomes vacant by reason of death, resignation, or removal, ***the members of the legislative council of the consolidated local government shall by a majority vote of the membership of the council elect a qualified person to fill the vacancy in the office of the mayor not later than thirty (30) days after the date on which the vacancy occurs for the unexpired term.*** ~~[it shall be filled by appointment of the Governor, in accordance with Section 152 of the Constitution, for the unexpired term. The Governor shall appoint a person to fill a vacancy in the office of mayor not later than thirty (30) days after the date on which the vacancy occurs. If a vacancy occurs in the office of mayor,]~~ The members of the legislative body of the consolidated local government ***may*** ~~[shall]~~ elect one (1) of their members to serve as temporary mayor until ***they are able to hold the election to fill the vacancy for the unexpired term. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs,*** the Governor ***shall fill*** ~~[fills]~~ the vacancy in the office ***by appointment of a qualified person for the unexpired term*** ~~[, notwithstanding the provisions of KRS 61.080(2) to the contrary].~~
- (7) The mayor of a consolidated local government shall be known as the mayor of ~~[Greater]~~ ...../..... ***County Metro Government***, which shall be ***a combination of*** ~~[completed by]~~ the ***names*** ~~[name]~~ of the largest city in existence in the county on the date of the ***adoption of the consolidated local government and the county*** ~~[consolidation]~~.

Section 56. KRS 67C.107 is amended to read as follows:

- (1) Upon public approval at a regular or special election of a consolidation of a city of the first class and its county, all regular employees of the city of the first class and the county shall become employees of the consolidated local government.
- (2) All rights, privileges, and protections attributed to all regular employees by a civil service or classified service system established by a city of the first class or a county containing a city of the first class shall continue in effect until changed by statute or ordinance when applicable.
- (3) A consolidated local government shall recognize and shall continue to bargain with any bargaining unit consisting of public employees recognized by either the previously existing city or county government.
- (4) All labor contracts ***under renegotiation or*** in existence in a city of the first class or a county containing a city of the first class on the effective date of a local government consolidation shall, ***if being renegotiated, continue to be renegotiated by the consolidated local government, and if in existence,*** continue in effect until the expiration of the terms of the contracts at which time new contracts shall be renegotiated between the consolidated local government and affected labor representatives.

- (5) *Upon the establishment of a consolidated local government, all rights, privileges, and protections of beneficiaries of a policemen's retirement fund and a firefighter's pension fund in a city of the first class shall continue in effect until all benefits due each beneficiary have been paid.*

Section 57. KRS 67C.109 is amended to read as follows:

~~[A consolidated local government shall be deemed a county and shall be deemed an incorporated city of the first class under the Constitution and the general laws of the Commonwealth of Kentucky.]~~ For the purpose of applying for or receiving any aid or grant-in-aid from the Commonwealth of Kentucky or the government of the United States, *a consolidated local government shall be deemed a county and shall be deemed an incorporated city of the first class under the Constitution and general laws of the Commonwealth of Kentucky.*

Section 58. KRS 67C.115 is amended to read as follows:

- (1) Upon the successful passage of the question to consolidate a city of the first class and its county, ~~all~~*the* ordinances~~[-, regulations,]~~ and ~~resolutions~~*orders* of the previously existing city of the first class and *all ordinances and resolutions of* the county shall *become effective ordinances and resolutions of*~~[initially govern]~~ the consolidated local government *until repealed, modified, or amended in accordance with the following order of precedence:*~~[along with any new ordinances, resolutions, or orders that may be enacted.]~~

(a) *If a city ordinance conflicts with a county ordinance, the county ordinance shall prevail and shall become effective countywide; and*

(b) *If a city ordinance addresses a subject matter not addressed by a county ordinance, the city ordinance shall become effective countywide; and*

(c) *If a county ordinance addresses a subject matter not addressed by a city ordinance, the county ordinance shall become effective countywide.*

*Notwithstanding paragraph (a) of this subsection and in the event a uniform land development code has not been jointly adopted by the city and county prior to the effective date of a consolidated local government, the historic preservation and landmarks ordinances, and the zoning regulations of the city adopted pursuant to KRS Chapter 100, shall prevail and become effective countywide.*

- (2) *Ordinances and resolutions of either the city of the first class or its county in existence on the effective date of a local government consolidation which conflict with other provisions of this chapter shall be void. Except as provided in KRS 67C.123(2), any ordinance, resolution, or order in effect in a city of the first class or its county on the date a consolidated local government takes effect shall expire five (5) years from that date unless amended or reenacted by the consolidated local government.*

- (3) *All ordinances of the city and county creating agencies and boards and interlocal agreements shall survive and be deemed reenacted by the council. All members may serve the balance of the terms to which they were appointed and until their successors are appointed and duly qualified according to law.*

- (4) *For purposes of this section, a conflict shall be deemed to exist between ordinances or resolutions, or the provisions of this Chapter 67C, where any rights, remedies, entitlements, or the enforcement thereof cannot reasonably be reconciled.*

~~[(2) Any ordinance, regulation, or order in effect in a city of the first class or its county on the date of the adoption of a consolidated local government shall expire five (5) years from the~~



~~date the new government takes effect unless amended or reenacted by the new consolidated local government.]~~

(5)~~(3)~~ The county attorney shall serve as the legal advisor and representative to the consolidated local government ***and except for those duties pertaining to fiscal court set forth in KRS 69.210, the county attorney shall retain and exercise all other duties, powers, and rights delegated to that office by law.***

~~(4) The county attorney shall review all ordinances, resolutions, and orders in effect in the city of the first class and the county in order to identify conflicting language between the varying ordinances, resolutions, and orders. The county attorney shall present a listing of the conflicts between the ordinances, resolutions, and orders to the legislative body of the consolidated local government at its first meeting.]~~

(6) ***Wherever the words "county judge" or "county judge/executive" appear in any resolution or ordinance in existence in a city of the first class or in a county containing a city of the first class as of the effective date of the establishment of a consolidated local government, they shall be deemed to mean the mayor of the consolidated local government.***

Section 59. KRS 67C.121 is amended to read as follows:

- (1) All offices provided for in Section 99 ***and 144*** of the Constitution of Kentucky shall remain in existence upon the consolidation of a city of the first class with its county. However, all existing powers and duties of these offices shall be assigned to the consolidated local government. ~~[To the extent permitted by the Constitution of Kentucky, the office of county judge/executive, justices of the peace, and county commissioners may be statutorily limited in a consolidated local government.]~~
- (2) Nothing in KRS 67C.101 to 67C.137 shall alter or affect the election or term of any county court clerk, county attorney, sheriff, jailer, coroner, surveyor, or assessor. Nor shall any provision of KRS 67C.101 to 67C.137 be construed to alter or affect the powers, duties, or responsibilities of these officers as prescribed by the Constitution and laws of the Commonwealth of Kentucky. Any funding responsibilities or oversight of any constitutional officers or their employees previously exercised by the county, which shall include the approval of the annual budget of the sheriff's and the county clerk's offices, shall be transferred to the consolidated local government.

Section 60. KRS 67C.123 is amended to read as follows:

- (1) The tax structure, tax rates, and level of services in effect in the city of the first class and its county upon the adoption of a consolidated local government shall remain in effect after the adoption of the consolidated local government and shall remain the same until changed by the newly elected consolidated local government council.
- (2) ***Notwithstanding the provisions of KRS 67C.115(2), all contracts, bonds, franchises and other obligations of the city of the first class and of the county in existence on the effective date of a consolidated local government shall continue in force and effect as obligations of the consolidated local government and the consolidated local government shall succeed to all rights and entitlements thereunder. All conflicts in the provisions of the contracts, bonds, franchises, or other obligations shall be resolved in a manner that does not impair the rights of any parties thereto.***

Section 61. KRS 68.130 is amended to read as follows:

***A consolidated local government or*** the fiscal court of each county containing a city of the first class may appoint an auditor and an assistant auditor, to hold office at the pleasure of the ***consolidated local government or*** fiscal court. The auditor and assistant auditor shall each receive an annual salary to be fixed by the ***consolidated local government or*** fiscal court and paid ~~in monthly installments~~ out of the ***consolidated local government or*** county levy. They shall each execute bond with an incorporated surety company authorized and qualified to become surety on bonds in this state, or with at least two (2) solvent and responsible individuals as surety, the bonds and sureties to be approved by the ***consolidated local government or*** fiscal court.

Section 62. KRS 68.140 is amended to read as follows:

The auditor and assistant auditor shall make regular audits of all accounts and records of the ***consolidated local government or*** fiscal court and of all other agencies whose revenue is provided in whole or in part from taxes levied or funds appropriated by the ***consolidated local government or*** fiscal court, and shall cause correct accounts and records to be kept of all receipts and disbursements of county funds, make periodical reports as required by the ***consolidated local government or*** fiscal court, and perform any other related duties imposed upon them by the ***consolidated local government or*** fiscal court.

Section 63. KRS 68.160 is amended to read as follows:

***Upon the establishment of a consolidated local government in a county which contained a city of the first class, the mayor may, every four (4) years, appoint a purchasing agent for a term of four (4) years.*** The fiscal court of each county containing a city of the first class shall, every four (4) years, beginning in 1928, appoint a purchasing agent for a term of four (4) years, the term of the first purchasing agent to begin May 1, 1928.

Section 64. KRS 69.130 is amended to read as follows:

In any county containing a ***consolidated local government or*** city of the first class, the ***consolidated local government or*** fiscal court shall provide an automobile for the use of the Commonwealth's attorney to assist him ***or her*** in his ***or her*** official duties, to be paid for out of the ~~county~~ levy ***of the consolidated local government or county.*** The necessary expenses incurred in running, keeping and repairing the automobile for official work shall be paid out of the ~~county~~ levy ***of the consolidated local government or county*** upon requisition for such expenses by the Commonwealth's attorney.

Section 65. KRS 69.210 is amended to read as follows:

- (1) The county attorney shall attend the fiscal court ***or consolidated local government*** and conduct all business ~~in that court~~ touching the rights or interests of the county ***or consolidated local government,*** and when so directed by the fiscal court ***or consolidated local government,*** he ***or she*** shall institute, defend and conduct all civil actions in which the county ***or consolidated local government*** is interested before any of the courts of the Commonwealth.
- (2) The county attorney shall attend to the prosecution in the juvenile session of the District Court of all proceedings held pursuant to petitions filed under KRS Chapter 610 and over which the juvenile session of the District Court has jurisdiction pursuant to KRS Chapter 610.
- (3) The county attorney shall give legal advice to the fiscal court ***or consolidated local government*** and the several county ***or consolidated local government*** officers in all matters

concerning any county *or consolidated local government* business within their jurisdiction. He *or she* shall oppose all unjust or illegally presented claims.

- (4) A county attorney serving in a county, *consolidated local government*, or urban-county which is part of a judicial circuit described by KRS 69.010(2), in addition to the duties in subsections (1) and (2) of this section, shall have the following duties:
  - (a) He *or she* shall attend all civil cases and proceedings in his *or her* county in which the Commonwealth is interested; and
  - (b) He *or she* shall advise the collector of money due the Commonwealth in the county *or consolidated local government* in regard to motions against delinquent collecting officers for failing to return executions, and shall prosecute the motions. In no case shall the county attorney take a fee or act as counsel in any case in opposition to the interest of the county *or consolidated local government*.

Section 66. KRS 69.320 is amended to read as follows:

In counties containing a *consolidated local government or* city of the first class, the stenographer for the county attorney shall have the same power of administering an oath as a notary public.

Section 67. KRS 70.030 is amended to read as follows:

- (1) The sheriff may appoint his *or her* own deputies and may revoke the appointment at his *or her* pleasure except where that revocation is prohibited by the provisions of KRS 70.260 to 70.273. In a county containing a *consolidated local government or* city of the first class with a deputy sheriff merit board, the term of office of a deputy shall continue from sheriff to sheriff unless a deputy is removed according to the provisions of KRS 70.260 to 70.273. Before any deputy executes the duties of his *or her* office, he *or she* shall take the oath required to be taken by the sheriff.
- (2) The sheriff may appoint nonsworn clerical, technical, professional, and support personnel to assist him *or her* in the performance of the duties of his *or her* office. All nonsworn personnel shall serve at the pleasure of the sheriff.
- (3) No sheriff whose county has adopted a deputy sheriff merit board under KRS 70.260 shall appoint a deputy who is a member of the immediate family of the sheriff. The term "member of the immediate family" has the meaning given in KRS 70.260.
- (4) A sheriff's office may, upon the written request of the sheriff, participate in the Kentucky Law Enforcement Foundation Fund Program authorized by KRS 15.410 to 15.510 without the county establishing a deputy sheriff merit board. This subsection shall not prohibit the sheriff from requesting the *consolidated local government or the* fiscal court to establish a deputy sheriff merit board.

Section 68. KRS 70.260 is amended to read as follows:

- (1) The primary legislative body of each county may enact an ordinance creating a deputy sheriff merit board, which shall be charged with the duty of holding hearings, public and executive, in disciplinary matters concerning deputy sheriffs. For the purpose of KRS 70.260 to 70.273, the primary legislative body of each county that does not have an urban-county, *consolidated local government*, or charter county government shall be the fiscal court.
- (2) The reasonable and necessary expenses of the board, including the funds necessary to retain an attorney to advise the board on legal matters, shall be paid out of the fees and

commissions collected by the sheriff. If the fees and commissions are not sufficient to pay the expenses of the board and the other expenses authorized by statute to be paid from these fees and commissions, the sheriff may negotiate with the primary legislative body to determine a method of paying all or part of the expenses of the board.

- (3) The board shall consist of five (5) members, two (2) members appointed by the county judge/executive or the chief executive officer of an urban-county government *or the chief executive officer of a consolidated local government pursuant to the provisions of Section 1 of this Act* with approval by the primary legislative body, two (2) members appointed by the county sheriff, and one (1) member elected by the deputy sheriffs of the county. Each board appointee shall be at least thirty (30) years of age and a resident of the county. No person shall serve on the board who is a deputy sheriff or who holds any elected public office. No person shall be appointed to the board who is a member of the immediate family of the sheriff of the county served by the board. The members of the board shall not receive a salary but shall receive reimbursement for necessary expenses.
- (4) All appointments shall be for two (2) years, and any vacancies shall be filled by the sheriff or county judge/executive, or the chief executive officer of an urban-county government *or consolidated local government* responsible for the appointment of the departing board member.
- (5) The board shall elect a chairman from its membership and keep an accurate record of its proceedings.
- (6) The board shall meet when a disciplinary matter concerning a deputy sheriff is brought to its attention or at other times at the discretion of the board, upon notification of its members.
- (7) Three (3) members shall constitute a quorum in all matters which may come before the board.
- (8) For the purpose of this section, "member of the immediate family" means a person's father, mother, brother, sister, spouse, son, daughter, aunt, uncle, son-in-law, or daughter-in-law.
- (9) An ordinance, adopted under subsection (1) of this section by a county *or consolidated local government*, may exclude deputy sheriffs who serve in policy-making or confidential positions from coverage by the merit system. If the ordinance makes this exclusion, a deputy sheriff who is covered by the merit system and who accepts an appointment in a policy-making or confidential position shall be deemed to have received a leave of absence from the merit system during the incumbency of that position. If he ceases to serve in a policy-making or confidential position but continues to serve as a deputy, he shall be restored to coverage at the same classification and rank that he held prior to his policy-making position under the merit system. A deputy who is not covered by the merit system at the time he is appointed to a policy-making or confidential position shall be deemed not to be part of the merit system and shall not be included in the merit system when he ceases to serve in that position.

Section 69. KRS 70.262 is amended to read as follows:

- (1) In any county containing a *consolidated local government* or city of the first class that has adopted a merit system under KRS 70.260 to 70.273, deputies subject to the merit system may organize, form, join, or participate in organizations in order to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection, and to bargain collectively through a representative of their own free choice. Deputies shall also have the right to refrain from any or all of these activities but shall be

subject to the lawful provisions of any collective bargaining agreement entered into under this section. Strikes by deputies of any collective bargaining unit shall be prohibited at any time.

- (2) In any county containing a **consolidated local government** or city of the first class that has adopted a merit system under KRS 70.260 to 70.273, the sheriff shall contract with a representative of the deputies described in subsection (1) of this section employed by the sheriff where the representative has established representation of a majority of the deputies, with respect to wages, hours, and terms and conditions of employment, including execution of a written contract incorporating any agreement reached between the sheriff and the representative. The sheriff shall not be required to bargain over matters of inherent managerial policy.

Section 70. KRS 70.320 is amended to read as follows:

- (1) The appointment of deputy constables shall be authorized only in counties containing a first or second-class city **or a consolidated local government**. In ~~such~~ counties **containing a city of the first or second class or a consolidated local government**, each constable may appoint one (1) or more deputies with the consent of the county judge/executive **or the mayor, in a consolidated local government, as the case may be**. The constable and his **or her** surety are liable on his **or her** bond for all the acts and omissions of his **or her** deputies.
- (2) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county judge/executive **or the mayor in a consolidated local government, as the case may be**, entered after filing of a written direction by the constable.
- (3) Each deputy constable in counties containing a **consolidated local government** or city of the first class shall be compensated for his **or her** services by salary fixed by the **consolidated local government** or fiscal court, and paid out of the ~~county~~ levy **of the consolidated local government or county**.

Section 71. KRS 70.542 is amended to read as follows:

- (1) Except in counties containing a **consolidated local government** or city of the first class, or counties containing an urban-county government, the fiscal court of any county in which there is an established county police force pursuant to KRS 70.540, may provide for the establishment or abolishment of an auxiliary county police force to perform duties within the county upon such terms and conditions as the fiscal court deems necessary and proper. The fiscal court shall prescribe the number of members comprising such auxiliary county police force, and prescribe rules and regulations that shall govern the powers and duties of the members of such auxiliary county police force, unless otherwise provided in subsection (2) of this section.
- (2) A member of an auxiliary county police force shall:
- (a) Be appointed by the county judge/executive and serve at his **or her** pleasure;
  - (b) Be answerable and under the direction of the county judge/executive, except when the county judge/executive delegates such authority to the chief officer of the county police force;
  - (c) Not receive any compensation or benefits for his **or her** time or service, except that the fiscal court may provide for the payment of any reasonable and necessary expenses incurred by a member of the auxiliary county police force in the conduct of his **or her** official duties; and

- (d) Be appointed regardless of race, color, creed or position.
- (3) Before any person is appointed as a member of an auxiliary county police force, he *or she* shall give bond to the county judge/executive in an amount as prescribed by the fiscal court. The fiscal court may authorize the premium therefor to be paid out of the general funds of the county.

Section 72. KRS 71.110 is amended to read as follows:

The offices of sheriff and jailer in counties containing a ***consolidated local government***, a city of the first class, or an urban-county government shall be consolidated, but the office of sheriff shall be retained; and the sheriff hereafter in such counties shall perform the duties of jailer.

Section 73. KRS 72.435 is amended to read as follows:

In the event it is necessary for the coroner to order a body to be transported or exhumed, payment ~~therefor~~ shall be made by the fiscal court, ***consolidated local government***, or urban-county government, whichever is appropriate, upon certification by the coroner that the services were rendered.

Section 74. KRS 72.450 is amended to read as follows:

- (1) A coroner who has possession of a dead body or a part thereof shall make a bona fide attempt to notify the spouse, if any, or next of kin of the decedent's death. In the event the coroner is unable to locate the spouse, if any, or next of kin, he *or she* may cause the body to be buried at the expense of the fiscal court, ***consolidated local government***, or urban-county government, whichever is appropriate.
- (2) In the event the body is buried at public expense, the coroner shall take possession of all money or other property found on or belonging to the decedent and shall deliver same to the fiscal court, ***consolidated local government***, or urban-county government, whichever is appropriate. Any money or other property found on the body of the decedent or belonging to him *or her* shall be delivered by the coroner to the fiscal court, ***consolidated local government***, or urban-county government, whichever is appropriate, to help defray burial expenses. Any excess funds shall escheat to such governmental agency one (1) year thereafter.
- (3) In lieu of having an unclaimed body buried at public expense, the coroner may deliver such body or part thereof to a state medical school in accordance with the provisions of KRS 311.300 to 311.350.

Section 75. KRS 72.455 is amended to read as follows:

The fiscal court, ***consolidated local government***, or urban-county government, whichever is appropriate, shall pay the expense of conducting a search for a body where such search has been ordered by the coroner.

Section 76. KRS 75.031 is amended to read as follows:

- (1) (a) Upon creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge/executive *or mayor in a consolidated local government pursuant to the provisions of Section 1 of this Act*. Two (2) members of the board of trustees shall be elected by the members of the firefighters of the district and shall be members of the

district. No more than one (1) of the two (2) firefighter trustees may be an employee of the fire protection district or volunteer fire department district. Two (2) members of the board of trustees shall be property owners who own real or personal property which is subject to the fire protection tax pursuant to KRS 75.040, who personally reside in the district, and who are not active firefighters and shall be elected by the property owners of the district. Property owners voting to select representatives to the board of trustees shall have attained the age of eighteen (18). The county judge/executive of the county in which the greater part of the district is located shall, with the approval of the fiscal court, appoint three (3) members of the board of trustees. In counties containing a city of the first class, trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that county. ***In counties governed by a consolidated local government, trustees appointed by the mayor to serve in volunteer fire prevention districts shall reside within the boundaries of the consolidated local government.*** At the first election held after the district is formed, one (1) firefighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years, and one (1) nonfirefighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms, the successor to each shall have the same qualifications as his or her predecessor and shall be elected for a term of four (4) years. The original appointed members of the board of trustees shall be appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms, the successors to each shall be appointed for a term of three (3) years. ***Upon the establishment of a consolidated local government, incumbent members shall continue to serve until the expiration of their current term of office.*** In the event of a vacancy in the term of an appointed or elected trustee, the county judge/executive shall appoint with the approval of the fiscal court a trustee for the remainder of the term, ***except in a county containing a consolidated local government. In a county containing a consolidated local government, the mayor pursuant to the provisions of Section 1 of this Act shall appoint a trustee for the remainder of the term.***

- (b) An appointed trustee may be removed from office as provided by KRS 65.007.
- (c) No person shall be an elected trustee who, at the time of his ***or her*** election, is not a citizen of Kentucky and has not attained the age of twenty-one (21).
- (d) Unless otherwise provided by law, an elected firefighter trustee may be removed from office ***by the mayor of a consolidated local government, or in a county not containing a consolidated local government,*** by the county judge/executive of the county in which the greater part of the district is located. ***An elected firefighter trustee may be removed*** after a hearing with notice as required by KRS Chapter 424, for inefficiency, neglect of duty, malfeasance or conflict of interest. The hearing shall be initiated and chaired by the county judge/executive ***of a county or the mayor of a consolidated local government,*** who shall prepare a written statement setting forth the reasons for removal. The trustee to be removed shall be notified of his ***or her*** proposed removal and the reasons for the proposed removal by registered mail sent to his ***or her*** last known address at least ten (10) days prior to the hearing. The person proposed to be removed may employ counsel to represent him ***or her***. A record of the hearing shall be made by the county judge/executive ***or mayor respectively.***

- (e) The removal of an elected firefighter trustee of a fire protection district shall be subject to the approval of the fiscal court of the county in which the greater part of the district is located ***in those counties not containing a consolidated local government or the legislative council in a county containing a consolidated local government.***
  - (f) An elected firefighter trustee removed pursuant to paragraphs (c) and (d) of this subsection may appeal, within ten (10) days of the rendering of the decision of the fiscal court ***or legislative council, respectively,*** to the Circuit Court of the county in which the greater part of the district is located. The scope of the appeal shall be limited to whether the county judge/executive, ***mayor, legislative council,*** or the fiscal court ***respectively,*** abused their discretion in removing the trustee.
- (2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in the district. The date, time, and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. In lieu of the published notice for the election of the firefighter trustees, written notice containing the information required to be advertised may be sent by first-class mail to each member of the firefighters of the fire protection district or volunteer fire department district, addressed to the firefighter at his ***or her*** residence, at least thirty (30) days prior to the election date. The nominations for candidates for trustees both representing the firefighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive ***or mayor*** shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire department district is being operated, after June 16, 1966, all departments organized prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.
- (3) The trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in an amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located ***or the mayor in a consolidated local government,*** conditioned upon the faithful discharge of the duties of his ***or her*** office, and the faithful accounting for all funds which may come into his or her possession as treasurer. The premiums on the bonds shall be paid out of the funds of the district.

Section 77. KRS 76.030 is amended to read as follows:

- (1) ***Except in counties containing a consolidated local government,*** the business, activities, and affairs of such district shall be managed, controlled and conducted by a board composed of seven (7) members, four (4) of whom shall be appointed by the mayor of such city subject to the approval of the city legislative body, and three (3) of whom shall be appointed by the county judge/executive of such county subject to the approval of the fiscal court, and which seven (7) members thus appointed shall constitute the board of such district. Not more than four (4) members of a seven (7) member board nor more than five (5) members of an eight (8) member board shall be affiliated with the same political party. After March 19, 1977, members shall be so selected and appointed so that no more than one (1) member resides in any one (1) state senatorial district. In a county containing a city of the first class,



the county judge/executive, with approval of the fiscal court, shall appoint one (1) additional member to the board of such district who may be a resident of any state senatorial district in the county.

- (2) Each such member shall be at least twenty-five (25) years of age; each appointed by the mayor shall be a resident of such city and wherein he shall have actually resided continuously for at least three (3) years next prior to appointment; each appointed by the county judge/executive shall be a resident of such county and wherein he shall have actually resided continuously for at least three (3) years next prior to appointment. No officer or employee of such city or county, whether holding a paid or unpaid position, shall be eligible for appointment as a member of such board.
- (3) The term of each of such members shall be four (4) years, ending on July first. A member is eligible to succeed himself and shall continue in office until his successor has been appointed and qualified. Vacancies in the membership shall be filled for the unexpired portion of the term by the mayor or the county judge/executive as the case may be, subject to the same approval.
- (4) Any member of the board appointed by the mayor may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten (10) days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office. Any member of the board appointed by the county judge/executive may be removed by the county judge/executive, for cause, after hearing by the county judge/executive, and after at least ten (10) days' notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the county judge/executive shall be final and removal results in vacancy in such office.
- (5) The members of the board shall be paid seventy-five dollars (\$75) for each meeting of the board attended by such member, and fifty dollars (\$50) for attendance at any meeting of a committee which has been authorized or duly appointed by the board. But in no instance shall any member of said board be paid for more than one (1) meeting per day, nor more than eighteen hundred dollars (\$1800) during any fiscal year of the board, nor for more than twenty-four (24) board meetings and twenty-eight (28) committee meetings held during any fiscal year of said board.
- (6) Notwithstanding subsection (3) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the terms of the members of the board shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor shall adjust the terms of the sitting members appointed by the mayor so that the terms of two (2) members expire in one (1) year, the term of one (1) member expires in two (2) years, and the term of one (1) member expires in three (3) years; the county judge/executive with the approval of the fiscal court shall adjust the terms of the sitting members appointed by the county judge/executive so that the term of one (1) member expires in one (1) year, the term of one (1) member expires in two (2) years and the term of one (1) member expires in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years.
- (7) *Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact*

***pursuant to KRS 79.310 to 79.330, all members of the board shall be appointed by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining on their current term of appointment.***

Section 78. KRS 76.060 is amended to read as follows:

- (1) The board shall, in July of each year, elect from its members a chairman and a vice chairman, who shall be of different political party affiliation. It shall employ a secretary-treasurer and a chief engineer, neither of whom is a member of the board. The secretary-treasurer and the chief engineer may be removed by the board for cause, after hearing by it and after at least ten (10) days' notice in writing has been given to the secretary-treasurer or chief engineer, as the case may be, which notice shall embrace the charges preferred against him *or her*. At the hearing he *or she* may be represented by counsel. The finding of the board is final. The secretary-treasurer and the chief engineer shall each devote his *or her* entire time and attention exclusively to the services of the board. The board may employ, and remove at pleasure, professional and technical advisers, experts, and other employees, skilled or unskilled, as it deems requisite for the performance of its duties.
- (2) The board shall require the secretary-treasurer and the chief engineer each to execute a bond and may exact from such of its other officers and employees bonds as it deems expedient. All bonds shall be payable to the district in the sums as the board may fix, with approved corporate surety, and premiums therefor shall be paid by the district. The bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property, or other thing of value of the district, which may come to their hands, respectively. The board shall fix the salaries and compensation of the officers and employees it engages, which salaries and compensation, however, shall be in line with that paid by the city and county for similar services.
- (3) Notwithstanding other provisions of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the executive director, secretary-treasurer and chief engineer shall be appointed by and serve at the joint pleasure of the mayor, and the county judge/executive with the approval of the fiscal court pursuant to KRS 67.040. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the executive director, secretary-treasurer, and chief engineer shall be appointed by and serve at the pleasure of the mayor.***

Section 79. KRS 77.065 is amended to read as follows:

- (1) The members of the fiscal court of a county shall be, and they are hereby designated as, and empowered to act as, ex officio the air pollution control board of the air pollution control district in such county.
- (2) All county officers, their assistants, clerks, deputies and employees, and all other county employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of the air pollution control district in the county in which they are employed. Except as otherwise provided in this chapter, they shall perform respectively the same various duties for the air pollution control district as for the county without additional compensation, in order to carry out the provisions of this chapter.

- (3) The provisions of ***subsections (1) and (2) of*** this section shall not be applicable to any county containing a city of the first or second class ***or a consolidated local government***.
- (4) Notwithstanding any provision of this chapter to the contrary, whenever a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the county shall provide all staff support, including a secretary-treasurer and an air pollution control officer, to the air pollution control board through county officers, assistants, clerks, deputies and employees. In such case, the staff of the air pollution control board, including the secretary-treasurer and the air pollution control officer, shall be deemed county employees and shall be subject to the control of fiscal court. At the time the compact takes effect, the employees of the air pollution control district shall be transferred to the service of the county government; provided that all such employees who are in the classified service at such time shall be continued in the classified service administered by county government. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the employees of an air pollution control district shall be deemed to be employees of the consolidated local government and the provisions of this subsection shall be applied to the consolidated local government.***

Section 80. KRS 77.070 is amended to read as follows:

- (1) In a county containing a city of the first or second class, the air pollution control board of the air pollution control district shall consist of seven (7) members, three (3) of whom shall be appointed by the county judge/executive, subject to the approval of the fiscal court, and four (4) of whom shall be appointed by the mayor of the city of the first or second class within such county. The mayoral appointments shall be subject to the approval of the legislative body of the city.
- (2) The mayor shall appoint, subject to the approval of the legislative body of the city, one (1) member for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, and one (1) member for a term of four (4) years, and the county judge/executive, subject to the approval of the fiscal court, shall appoint one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, and one (1) member for a term of four (4) years, and upon the expiration of each of said terms respectively, and thereafter, the term of each of such members shall be four (4) years, and until their successors are appointed and qualified.
- (3) All air pollution control board members appointed pursuant to this section must be freeholders within the district; those appointed by the county judge/executive must be residents of such county, and those appointed by ~~a~~~~the~~ mayor must be residents of ***their respective***~~[such]~~ ***city or consolidated local government***.
- (4) Not more than four (4) of the seven (7) board members appointed pursuant to this section shall be of the same political party affiliation, nor shall an officer or employee of such city, ***consolidated local government***, or county, whether holding a paid or unpaid position, be eligible for appointment to the board.
- (5) A member of the air pollution control board is eligible to succeed himself ***or herself***. A vacancy in the membership shall be filled by an appointee of the mayor or of the county judge/executive as the case may be, for the unexpired portion of the term. An appointee to a vacancy shall have the same qualifications as any regularly appointed member.

- (6) Any member of the board appointed by a mayor may be removed, for cause, after a hearing, by the legislative body of such city *or consolidated local government*, and after ten (10) days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the legislative body shall be final and removal results in vacancy in such office.
- (7) Any member of the board appointed by a county judge/executive may be removed, for cause, after a hearing, by the fiscal court of such county, and after ten (10) days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the fiscal court shall be final and removal results in vacancy in such office.
- (8) As used in this section "mayor" means the chief executive of the city *or consolidated local government* whether the official designation of his office is mayor, city manager, or otherwise.
- (9) Notwithstanding subsections (1) and (2) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the air pollution control board shall consist of seven (7) members, four (4) of whom shall be appointed by the county judge/executive with the approval of the fiscal court and three (3) of whom shall be appointed by the mayor, with the approval of the legislative body, of the first-class city within such county. The terms of such members shall be three (3) years, and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor, and county judge/executive with the approval of the fiscal court, shall adjust the terms of the sitting members so that the term of one (1) of each of their appointments expires in one (1) year, the term of one (1) of each of their appointments expires in two (2) years and the term of one (1) of each of their appointments expires in three (3) years. The term of the then remaining member who was previously appointed by the mayor shall terminate immediately and the county judge/executive with approval of the fiscal court shall appoint a member for a one (1) year term. Upon the expiration of these staggered terms, successors shall be appointed for a term of three (3) years. *Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, all members of the board shall be appointed by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining of their current term of appointment.*

Section 81. KRS 77.115 is amended to read as follows:

- (1) The air pollution control board is hereby declared to be the governing body of an air pollution control district, and shall manage and control all the affairs and property of such district, and shall exercise all the powers of such district not otherwise delegated by this chapter. In a county where a city-county compact under KRS 79.310 to 79.330 is in effect *or in a county where a consolidated local government has been established*, the air pollution control board shall assume all of the duties and responsibilities of the hearing board appointed under KRS 77.105, and the hearing board shall be abolished.
- (2) Notwithstanding any provision of this chapter to the contrary, in a county where a city-county compact under KRS 79.310 to 79.330 is in effect *or in a county where a consolidated local government has been established*, the air pollution control board shall

have regulatory authority for the district, and the city, ***consolidated local government***, or county, as appropriate, shall exercise funding and administrative control of the district.

- (3) If an air pollution control board finds the need for and requires the implementation of a vehicle exhaust testing program, the program shall prohibit emissions of, regulate, or control only mobile sources of air pollutants regulated under the state program established in accordance with KRS 224.20-710 to 224.20-765.
- (4) In a county where the air pollution control board makes a finding of a need for and requires the implementation of a vehicle exhaust testing program, the board shall exempt from the program vehicles registered to military personnel on active duty whose duty station is outside of the county.

Section 82. KRS 77.127 is amended to read as follows:

- (1) In a county containing a ***consolidated local government or a*** city of the first or second class, there is established within the air pollution control district a special trust fund to be known as the "air quality trust fund" to be used for conducting and funding air quality research and development projects, special nonrecurring air quality projects, and air quality education programs approved by the air pollution control board to assist in implementing the policies and purposes of this chapter.
- (2) All money collected for the fund shall be deposited by the district into an interest-bearing capital project account maintained by the fiscal court ***or consolidated local government*** of the county in which the district is located. Money shall be distributed from the account by the finance director of the county ***or consolidated local government*** based upon written authorization from the air pollution control board. Money unexpended at the close of a fiscal year shall not lapse but shall be carried forward for future use.
- (3) The fund shall not be used to support or finance the routine day-to-day activities and responsibilities of the district.
- (4) The air pollution control board shall, by regulation, set policies and establish procedures for the receipt and disbursement of any money collected under this section and for the full disclosure of the source and use of the money.
- (5) The air pollution control board shall control and manage the fund. It shall publish in writing at its June meeting each year an accounting of the income and disbursements of the fund.
- (6) Four (4) members of the air pollution control board shall constitute a quorum for conducting business relating to the air quality trust fund. When votes are taken on matters relating to the fund, each member shall have one (1) vote, and the affirmative vote of at least a majority of the votes cast shall be necessary for the adoption of any motion, measure, or resolution.
- (7) Members of the air pollution control board shall not solicit, but may accept, money by grant, gift, donation, bequest, civil or criminal penalty, or other conveyance to be credited to the air quality trust fund, but they may not accept penalties collected under KRS 77.990 for the air quality trust fund.

Section 83. KRS 77.135 is amended to read as follows:

- (1) It shall be the duty of the secretary-treasurer of an air pollution control board of a ***consolidated local government and a*** county containing a city of the first or second class, during or before the month of May of each year to prepare and certify to the ***consolidated***

**local government or** fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which, in the judgment of the air pollution control board, will be needed for the various departments of the district, together with a statement showing the estimated balances, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as nearly as may be possible, what additional funds or assets (other than appropriations) will be or will become available for expenditure during ~~that~~<sup>the</sup> year. The board shall also furnish to **the consolidated local government or the** fiscal court and **the city** legislative body any other information or data available to it which **the consolidated local government, the** fiscal court, or **the city** legislative body may request.

- (2) Prior to the first day of each fiscal year, every air pollution control board shall prepare, for its own use and guidance, a financial budget setting forth the total amounts of funds available from all sources for expenditures during the said fiscal year, and also setting forth in detail the estimated expenditures of the board and the district during said fiscal year.
- (3) A contingent fund for unanticipated expenditures may be established in order to provide for such contingent and unanticipated needs as may arise during the district's said fiscal year.

Section 84. KRS 77.140 is amended to read as follows:

The air pollution control board of a **consolidated local government or a** county containing a city of the first or second class shall install and maintain a modern and efficient system of accounting and keep financial records. The board, however, may select and use the finance department of **the consolidated local government or** city to do its financial accounting and make its disbursements in ~~a~~<sup>a</sup> manner as may be agreed upon by and between the board and the director of finance of **the consolidated local government or** city, which work shall be done by ~~the~~<sup>the</sup> finance department without compensation from the board. The Auditor of Public Accounts of the Commonwealth of Kentucky, the comptroller and inspector of **the consolidated local government or the** city, and the county auditor of such county, respectively, shall have access to the books and records of the board, and upon the direction of the legislative body of **the consolidated local government or the** city ~~the~~<sup>the</sup> comptroller and inspector, or upon the direction of the fiscal court of ~~the~~<sup>the</sup> county, the county auditor, shall make an audit of the board's accounts and report back thereon.

Section 85. KRS 77.275 is amended to read as follows:

If any local ordinance has provided regulations similar to those in KRS 77.150 to 77.175 or to any order, regulation, or rule prescribed by the air pollution control board, and has provided for the granting of variances, and pursuant to ~~the~~<sup>the</sup> local ordinance a variance has been granted prior to the adoption of a resolution by the fiscal court and the passage of an ordinance by the legislative body of a city of the first or second class, pursuant to KRS 77.010 to 77.060, **or the passage of an ordinance by the consolidated local government, the** variance shall be continued as a variance of the hearing board for the time specified therein or one (1) year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in KRS 77.245 to 77.275.

Section 86. KRS 80.450 is amended to read as follows:

- (1) The members shall constitute the housing authority. A majority of the members shall constitute a quorum for the purpose of conducting business and exercising powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the

members present, unless in any case the bylaws of the authority require a larger number. An authority shall select from among its members a chairman and a vice chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and other employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the chief law officer of the city or a county for which it is created, or may employ its own counsel and legal staff. An authority may delegate to one (1) or more of its agents or employees such powers or duties as it deems proper.

- (2) Notwithstanding subsection (1) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the secretary, who shall be the executive director, shall be appointed by and serve at the pleasure of the county judge/executive with the approval of the fiscal court pursuant to KRS 67.040. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the secretary, who shall be the executive director, shall be appointed by and shall serve at the pleasure of the mayor.***

Section 87. KRS 80.480 is amended to read as follows:

- (1) For inefficiency or neglect of duty or misconduct in office, a member may be removed by the authority appointing him, but a member shall be removed only after he *or she* has been given a copy of the charges against him *or her* at least ten (10) days prior to the hearing~~thereon~~ and has had an opportunity to be heard in person or by counsel. In the event of the removal of any member, a record of the proceedings, together with the charges and findings~~thereon~~, shall be filed as required for the certificate of appointment of ~~the~~~~such~~ member.
- (2) Notwithstanding subsection (1) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the terms of the members of the authority shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the county judge/executive with the approval of the fiscal court shall adjust the terms of the sitting members so that two (2) shall expire in one (1) year, two (2) shall expire in two (2) years and one (1) shall expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, all members of the authority shall be appointed by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the authority for the time remaining of their current term of appointment.***

Section 88. KRS 81.028 is amended to read as follows:

- (1) Any city located in a county containing a ***consolidated local government or a*** city of the first class which is reclassified as a city of the second class after March 16, 2000, shall be exempt from the provisions of KRS 90.300 to 90.400, KRS 95.430 to 95.500, and KRS 95.851 to 95.991 relating to the organization and structure of civil service systems, police departments, fire departments, and pension systems in cities of the second class.
- (2) In lieu of the requirements of these statutes, any city reclassified as a city of the second class shall ensure that police and fire protection services are provided for the citizens of the

city in the same manner and at least at the same level of service as was being provided prior to the reclassification.

- (3) Nothing in this section shall prevent a city from restructuring or creating a new civil service system, police department, or fire department after a reclassification to a city of the second class. Any city that restructures or creates a new civil service system, police department, or fire department may adopt any of the provisions of KRS 90.300 to 90.400, KRS 95.430 to 95.500, and KRS 95.851 to 95.991 relating to the organization and structure of civil service systems, police departments, fire departments, and pension systems in cities of the second class.
- (4) If fire protection service is being provided by a fire protection district in any city that is reclassified as a city of the second class, the reclassification shall in no way affect the operations of the fire protection district and the services it provides. If at any time after a city is reclassified as a city of the second class, the fire protection district ceases to exist or fails to adequately provide for the fire protection needs of the city, the city shall have the right to create its own fire department or secure some other means for the provision of adequate fire protection services.

Section 89. KRS 81.380 is amended to read as follows:

- (1) Any city, located in a county containing a city of the first class **or a consolidated local government**, which is located within an area which is adversely affected by a public project that ~~was~~~~has been~~ initiated by a city of the first class, or by action of a joint agency of a city of the first class and ~~its~~~~the~~ county, after June 30, 1998, or upon the expiration of the initial twelve (12) year term provided in KRS 79.310(2) of a cooperative compact which is in effect in the county pursuant to KRS 79.310 to 79.330, may by ordinance relocate the corporate boundaries of the city to an unincorporated area of the county. The ordinance shall set out by metes and bounds that unincorporated area of the county where the city will be relocated. The area designated for relocation shall not exceed the acreage within the then existing boundaries of the relocating city.
- (2) All financial assets and legal obligations of the city shall not be altered or interrupted by a relocation.
- (3) A city of the first class **or a consolidated local government** shall relinquish all priority rights or any rights pursuant to the terms of a cooperative compact for annexation to that unincorporated area which is designated for the relocation of a city as provided for in subsection (1) of this section. Any priority rights or any rights pursuant to the terms of a cooperative compact for annexation which are relinquished for the relocation of a city shall then be attached in the name of the city of the first class **or the consolidated local government** to that area which has been abandoned by the relocating city pursuant to subsection (5) of this section. The relocating city shall forward a copy of the ordinance adopted pursuant to subsection (1) of this section to the mayor of the **consolidated local government or the mayor of the** city of the first class and the county judge/executive of the county.
- (4) The right of a city to relocate is in no way meant to amend any provision of the statutes which govern the formation and operation of a cooperative compact created pursuant to KRS 79.310 to 79.330.
- (5) Upon the relocation of a city, the city clerk shall forward to the Secretary of State within one (1) year from the date of the relocation, a document listing the name of the city, the date



of the relocation, the present classification of the city, and a certified copy of the ordinance adopted pursuant to subsection (1) of this section. If a city fails to comply with this subsection, it shall be barred from receiving state moneys until the city complies.

- (6) Until ninety percent (90%) of the residential properties located within the relocating city's boundaries are acquired for the public project, the boundaries of the city shall include both the old city site and the area designated for the location of the new site of the city.
- (7) After ninety percent (90%) of the residential properties have been acquired as set forth in subsection (6) of this section, the boundaries of the city shall no longer include the area where the city existed before relocation.
- (8) A city that has been relocated according to the provisions of this section may change the name of the city by the adoption of an ordinance by the city legislative body. Any person objecting to renaming the relocated city under this section may present a petition objecting to the renaming of the city by submitting the petition to the county clerk of the county in which the city is located. The petition shall be in the following form: "The registered voters living within (provide the name of the existing relocated city) hereby object to the question of the renaming of the city." If the petition is signed and dated by at least twenty-five percent (25%) of the registered voters residing in the relocated city, an election shall be held on the question of renaming the city. The county clerk shall examine the petition and verify the validity of the signatures. If a petition containing at least twenty-five percent (25%) of the registered voters residing in the relocated city is submitted to the county clerk, and certified by the county clerk as sufficient, by the second Tuesday in August, the question of renaming the relocated city shall be placed on the ballot for the next general election. The ballot shall contain at least two (2) but no more than four (4) names as potential new names for the relocated city.
- (9) Upon the act of renaming a city, the city clerk shall forward to the Secretary of State, within one (1) year from the date of the renaming, a document listing the new name of the city, the date of the renaming, the present classification of the city, and a certified copy of the ordinance adopted in accordance with KRS 83A.060. If a city fails to comply with the provisions of this subsection, it shall be barred from receiving state moneys until the city complies.

Section 90. KRS 81.050 is amended to read as follows:

- (1) ***Except as provided in KRS 67C.111(2)***, proceedings to incorporate a city shall be commenced by a petition being filed with the circuit clerk of the county in which the area to be incorporated is located. The petition shall contain:
  - (a) The signatures and addresses of:
    1. A number of registered voters equal to two-thirds (2/3) of the voters of the proposed territory, or
    2. A number of real property owners, the sum total of whose assessed value of real property is equal to at least two-thirds (2/3) of the assessed value of the real property in the proposed territory;
  - (b) A statement of the boundaries proposed and the number of residents;
  - (c) An accurate map of the proposed territory;

- (d) A detailed statement of the reasons for incorporation including the services sought from the proposed city;
  - (e) A description of the existing facilities and services within the proposed territory; and
  - (f) A statement of the form of government under which the city will operate if incorporated.
- (2) The petition shall be docketed for hearing not less than twenty (20) days from the date of filing the petition. Notice of the filing of the petition and of its object shall be given by publication pursuant to KRS Chapter 424.

Section 91. KRS 81A.410 is amended to read as follows:

- (1) ***Except as provided in KRS 67C.111(3)***, a city legislative body may extend the city's boundaries to include any area:
  - (a) Which is adjacent or contiguous to the city's boundaries at the time the annexation proceeding is begun; and
  - (b) Which by reason of population density, commercial, industrial, institutional or governmental use of land, or subdivision of land, is urban in character or suitable for development for urban purposes without unreasonable delay.
- (2) No part of the area to be annexed shall be included within the boundary of another incorporated city.
- (3) If a city is considering the annexation of two (2) or more areas which are all adjacent to the city boundary but are not adjacent to one another, it may undertake simultaneous proceedings under the authority of KRS 81A.420 for the annexation of such areas.

Section 92. KRS 82.025 is amended to read as follows:

- (1) There shall be created a Kentucky Urban Affairs Council that shall consist of the mayors of all ***consolidated local governments***, cities of the first and second classes, and urban-county governments, and the designated chief executives of charter county governments that prior to the merger of city and county governments contained a city of the second class. The ***council members annually shall select from among themselves a chairman***~~mayor of Louisville shall serve as the first chairman and subsequent chairmen shall be elected annually by the council members~~. The council shall study all matters pertaining to urban problems, including but not limited to human resources, environmental conditions, property values, law and order, and race relations. The council shall meet at least four (4) times per year to formulate a plan to improve urban conditions for presentation to the Governor annually and the General Assembly.
- (2) The council shall be attached to the Department for Local Government for administrative purposes. The department shall be the administrative agent for the council providing staff and other services, as needed, by the council. The department shall provide adequate funding for staff services and the reasonable and necessary expenses of the council and its members for the effective performance of the council's work.

Section 93. KRS 82.085 is amended to read as follows:

- (1) The legislative body of each ***consolidated local government, and of any*** city of the first, second, third, fourth, fifth, and sixth class, may provide by ordinance, for reasonable differences in the rate of ad valorem taxation within different areas of the same taxing district on that class of property which includes the surface of the land. Those differences

shall relate directly to differences between nonrevenue-producing governmental services and benefits giving the land urban character which are available in one or several areas of a taxing district in contrast to other areas of the same taxing district in which those services and benefits are not available.

- (2) These nonrevenue-producing governmental services and benefits shall include, but not be limited to, police protection, fire protection, streets, street lighting, sidewalks, water service, and sewer facilities.
- (3) This section shall be effective notwithstanding any other statute relating to the uniformity of ad valorem tax assessment.

Section 94. KRS 82.095 is amended to read as follows:

- (1) Any city of the fourth class located in a county containing a city of the first class ***or consolidated local government***, or any city of the third class, located in a county containing a city of the first class ***or consolidated local government***, which provides police, fire or garbage collection services for the residents of the city may levy a supplemental tax which shall be in addition to ad valorem property taxes.
- (2) Such supplemental tax shall be in an amount not to exceed the reasonable cost of police, fire and garbage collection services actually provided by the city. The rate of such tax shall be established by an ordinance which shall have readings at no less than two (2) different meetings of the city legislative body before passage.
- (3) The rate of such supplemental tax may be apportioned in a reasonable manner, other than an ad valorem approach, so that the recipient of police, fire or garbage collection services pays an amount based on the cost of services actually received.
- (4) Any ordinance levying a supplemental tax pursuant to subsection (2) of this section may be recalled as provided in subsections (2) and (3) of KRS 160.485, provided that the petition for recall shall be effective upon the signature of a number of registered and qualified voters as described therein equal to five percent (5%) instead of the percentage provided therein.

Section 95. KRS 82.400 is amended to read as follows:

- (1) If any person desires to offer for dedication by recorded plat any public way or easement within the ***jurisdictional***~~[city]~~ ***limits of the city or a consolidated local government***, he ***or she*** shall file with the~~[city]~~ legislative body ***of the city or a consolidated local government***, a map or plat of the territory bounded, intersected, or immediately adjacent to the proposed public way or easement, showing the proposed name, nature, and dimensions of the public way or easement offered for dedication. If the~~[city]~~ legislative body ***of the city or a consolidated local government*** decides the proposed dedication would be beneficial to the public interest and suitable for the immediate or future acceptance of the city ***or consolidated local government***, it shall approve the map or plat, and the mayor shall subscribe a certificate of approval on the map and acknowledge the execution thereof before any public officer authorized to take acknowledgments of deeds. The map or plat may then be recorded in the office of the county clerk.
- (2) Except as provided for by ordinance in a ***consolidated local government***, ***in a*** city of the first class or in a county containing a city of the first class, subdivision regulations which have been adopted as provided in KRS Chapter 100, and where streets or public ways as dedicated on the final subdivision plat have been constructed, inspected, and approved in accordance with the subdivision regulations, then the procedure for filing the map or plat

with the ~~city~~ legislative body ***of the consolidated local government, city, or county, as the case may be***, as required in subsection (1) of this section shall be waived, and the dedicated street or public way shall automatically be deemed beneficial to the public interest and shall be, by operation of law, automatically accepted for maintenance by the ***consolidated local government, city, or county, respectively***, forty-five (45) days after inspection and final approval, and shall be a public way for all purposes, KRS Chapter 83A, regarding a city's, ***county's, or consolidated local government's*** adoption of ordinances notwithstanding.

- (3) When any property has been opened to the unrestricted use of the general public for five (5) consecutive years, it shall be conclusively presumed to have been dedicated to the city ***or consolidated local government*** as a public way or easement, subject to acceptance by the city ***or consolidated local government***. The city ***or consolidated local government*** may, at any time after the expiration of five (5) years from the time the property is opened to the public, pass an ordinance declaring it so dedicated, and accepting the dedication, whereupon it shall be a public way or easement of the city ***or consolidated local government*** for all purposes. The lack of an actual dedication to the city ***or consolidated local government***, or of a record title on the part of the city ***or consolidated local government***, shall be no defense against the collection of any tax that may be levied against property abutting thereon for the payment of the cost of any improvement constructed thereon by order of the city ***or consolidated local government***. Nothing herein shall be construed to require the expiration of five (5) years to raise a presumption of dedication in any case where, under any rule of law in force in this state, a dedication would be presumed in less than five (5) years. Provided, however, that property of a railroad company shall not be presumed to be dedicated as a public way or easement under this section or any other rule of law in force in this state unless the company consents to said dedication in writing.
- (4) Any person who shall lodge for record in the county clerk's office, and any county clerk or deputy who shall receive for record or permit to be lodged for record, any plat, map, deed, or other instrument contrary to the provisions of this section, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

Section 96. KRS 82.650 is amended to read as follows:

As used in KRS 82.660 and 82.670, unless the context otherwise requires:

- (1) "Major structural change" means structural alterations and structural repairs made within any twelve (12) month period costing in excess of fifty percent (50%) of the physical value of the structure, as determined by comparison of the extent/value of the alterations involved and the replacement value of the structure at the time the plans for the alteration are approved, using the Building Officials Conference of America (BOCA) chart for construction cost; and
- (2) "Ordinary repairs" means nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance or decoration, and shall include, but not be limited to, the replacement or installation of nonstructural components of the building, such as roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement that does not alter the structural integrity, alter the occupancy or use of the building, or affect by rearrangement, exitways and means of egress.
- (3) "***City***" means a city of any class or a consolidated local government but does not mean an urban-county government.

Section 97. KRS 82.700 is amended to read as follows:

As used in KRS 82.700 to 82.725:

- (1) "Local government" means ***a consolidated local government, or*** a city of the first or second class;
- (2) "Hearing board" means a body established by ordinance and empowered to conduct hearings pursuant to KRS 82.710 and composed of one (1) or more persons appointed by the mayor of the local government. "Hearing board" also means any hearing officers appointed by the board. Any action of a hearing officer shall be deemed to be the action of the board; and
- (3) "Nuisance code" means an ordinance or ordinances enacted by a local government pursuant to KRS 381.770 and KRS 82.705.

Section 98. KRS 91.375 is amended to read as follows:

All omitted property that should have been assessed for ad valorem taxes by cities of the first class ***or consolidated local governments*** is subject to a penalty of ten percent (10%) of the amount of the taxes, and interest at one percent (1%) per month from the date when the taxes would have been delinquent had the property been listed as required by law.

Section 99. KRS 91.560 is amended to read as follows:

- (1) The fee simple of all lands, in a city of the first class ***or in a consolidated local government,*** and the full term and renewal of every leasehold carrying with it the value of the improvements thereon, shall be subject, from and after the assessment date each year, to a lien for the city taxes to be assessed thereon for the succeeding year. The lien shall be superior to homestead right and to all encumbrances, whether made before or after that date, except state taxes, and shall take precedence of dower, curtesy, remainders, reversions and other future estates.
- (2) From the beginning of any action to collect taxes against real property, a lien for each tax bill assessed against the same owner or set of joint owners shall also arise upon every tract of land or improvement still owned by him or them, with a view to the sale of less than all the tracts for the entire tax bill, subject to such marshaling of burdens as against third parties as the rules of equity require. The court may allow a purchaser or encumbrancer to release any tract from the tax lien thereon, by paying its share of the tax, interest and costs.
- (3) The tax lien on real property provided for by this section shall attach though, through error in the proceedings, the tax bill is unenforceable, in which case the lien reaching back to the date named shall support the claim of the city ***or consolidated local government*** for any taxes imposed afterward for the year in question under any curative act of the General Assembly.
- (4) The city ***or a consolidated local government*** shall have a lien on personal property as provided in the case of real property for its taxes.

Section 100. KRS 91.610 is amended to read as follows:

The city ***or a consolidated local government*** shall deduct, from the amount of its obligation to any person, the amount of the taxes, interest and penalties that such person owes or is liable for to the city ***or consolidated local government,*** and shall surrender to that person the canceled tax bills therefor, which shall be a discharge of the obligation of the city ***or consolidated local government*** to that person to the amount so deducted.

Section 101. KRS 91.620 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, the shares of stock of every incorporated bank, trust company, and guaranty or security company located in a city of the first class **or consolidated local government** shall be assessed for ~~city~~ taxes by the city **or consolidated local government** assessor, to the extent and in the proportion its business is done in the city **or consolidated local government**.
- (2) No assessment for city **or consolidated local government** taxes shall be made upon the shares of stock of any incorporated bank, trust company, or guaranty or security company that pays an ad valorem tax on its real estate and a license tax in lieu of an ad valorem tax on its personal estate.

Section 102. KRS 91A.350 is amended to read as follows:

- (1) The local governing bodies of counties containing cities of the first class and the local governing bodies of the cities of the first class located therein may, by joint or separate action, establish tourist and convention commissions for the purpose of promoting convention and tourist activity. ***The local governing body of a consolidated local government may establish or maintain tourist and convention commissions for the purpose of promoting convention and tourist activity.***
- (2) ***Except in a county containing a consolidated local government,*** the local governing bodies of counties containing cities of the second through sixth classes and the local governing bodies of the cities of the second through sixth classes located therein may, by joint or separate action, establish tourist and convention commissions for the purpose of promoting and developing convention and tourist activities and facilities.
- (3) The local governing bodies of two (2) or more counties may jointly establish tourist and convention commissions for the purpose of promoting convention and tourist activities and facilities.
- (4) ***The local governing bodies of two (2) or more counties, which may include a consolidated local government, may jointly establish tourist and convention commissions for the purpose of promoting convention and tourist activities and facilities.***
- ~~(5)~~~~(4)~~ Tourist and convention commissions may continue to fund recreational activities or projects not related to tourism or conventions that were funded by the commission prior to July 13, 1990, at a level no greater than that provided by the commission in the 1990 fiscal year.
- ~~(6)~~~~(5)~~ For the purpose of promoting recreational, convention, and tourist activity in cities and counties served by joint playground and recreation boards established under KRS 97.035; to provide the boards with the same authority to issue revenue bonds granted to cities by KRS 58.010 to 58.150 and KRS 103.200 to 103.285; and to authorize the boards to build and issue bonds for facilities located on leasehold and permithold land.

Section 103. KRS 91A.370 is amended to read as follows:

- (1) ***Except in a county containing a consolidated local government,*** the commission established pursuant to subsection (1) of KRS 91A.350 shall be composed of nine (9) members to be appointed by the mayor of the largest city in the county, the county judge/executive and the Governor of the Commonwealth.
- (2) ***Except in a county containing a consolidated local government,*** the mayor of the largest city in the county shall appoint three (3) commissioners in the following manner:

- (a) One (1) commissioner from a list submitted by the local city hotel and motel association.
  - (b) One (1) commissioner from a list submitted by the chamber of commerce of the largest city in the county.
  - (c) One (1) commissioner from a list submitted by the local restaurant association or associations.
- (3) ***Except in a county containing a consolidated local government***, the county judge/executive shall, with the approval of the fiscal court, appoint three (3) commissioners in the following manner:
- (a) One (1) commissioner from a list submitted by the local county hotel and motel association, provided that if only one (1) local hotel and motel association exists which covers both the city and county, then the local hotel and motel association shall submit a list to the county judge/executive.
  - (b) One (1) commissioner from a list submitted by the board of directors of ***the largest incorporated thoroughbred horse racing concern in the county***~~[Churchill Downs, Inc.]~~, which list shall contain only directors, officers or employees of ***that corporation***~~[Churchill Downs, Inc.]~~.
  - (c) One (1) commissioner who is a resident of the county and who has an active interest in the convention and tourist industry.
- (4) ***Except in a county containing a consolidated local government***, the Governor shall appoint three (3) commissioners in the following manner:
- (a) One (1) commissioner from a list submitted by the State Fair Board.
  - (b) One (1) commissioner from a list submitted by the ***local countywide air board***~~[Louisville and Jefferson County Air Board]~~.
  - (c) One (1) commissioner shall be appointed, ***in those counties not containing a consolidated local government***, who is a resident of the county. ***In those counties containing a consolidated local government, one (1) commissioner shall be appointed who is a resident of the area comprising the consolidated local government.***
- (5) Vacancies shall be filled in the manner that original appointments are made.
- (6) When a list as provided in parts (2) and (3) of this section contains less than three (3) names or when a selection from such list is not made, the appointing authority shall request in writing the submission of a new list of names.
- (7) ***Except in a county containing a consolidated local government***, the commissioners shall be appointed for a term of three (3) years, provided that in making the initial appointments, the mayor, county judge/executive and Governor of the Commonwealth shall each appoint one (1) commissioner for a term of one (1) year, one (1) commissioner for a term of two (2) years, and one (1) commissioner for a term of three (3) years.
- (8) ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the commission shall have nine (9) members. Six (6) members of the commission shall be appointed by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3)***

*years. The Governor of the Commonwealth shall appoint three (3) members of the commission for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining of their current term of appointment.*

- (9) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purposes of KRS 91A.350 to 91A.390. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers and printers.
- ~~(10)~~~~(9)~~ The books of the commission shall be audited by an independent auditor who shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the mayor *of a city or a consolidated local government*, the county judge/executive *in counties not containing a consolidated local government*, and the Governor of the Commonwealth.
- ~~(11)~~~~(10)~~ Commission members appointed by the Governor shall serve at the pleasure of the Governor. Commission members appointed by the mayor *of a city or a consolidated local government* or the county judge/executive may be removed as provided by KRS 65.007.

Section 104. KRS 91A.390 is amended to read as follows:

- (1) The commission shall annually submit to the local governing body or bodies which established it a request for funds for the operation of the commission. The local governing body or bodies shall include the commission in the annual budget and shall provide funds for the operation of the commission by imposing a transient room tax, not to exceed three percent (3%) of the rent for every occupancy of a suite, room, or rooms, charged by all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses. In addition to the three percent (3%), the local governing body may impose a special transient room tax not to exceed one percent (1%) for the sole purpose of meeting the operating expenses of a convention center. A transient room tax imposed by an urban-county government shall not exceed four percent (4%) of the rent for every occupancy of a suite, room, or rooms, charged by all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses. Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of thirty (30) days or more. The local governing body or bodies that have established a commission by joint or separate action shall enact an ordinance for the enforcement of the tax measure enacted pursuant to this section and the collection of the proceeds of this tax measure on a monthly basis.
- (2) All moneys collected pursuant to this section and KRS 91A.400 shall be maintained in an account separate and unique from all other funds and revenues collected, and shall be considered tax revenue for the purposes of KRS 68.100 and KRS 92.330.



- (3) A portion of the money collected from the imposition of this tax, as determined by the, tax levying body, upon the advice and consent of the tourist and convention commission, may be used to finance the cost of acquisition, construction, operation, and maintenance of facilities useful in the attraction and promotion of tourist and convention business. The balance of the money collected from the imposition of this tax shall be used for the purposes set forth in KRS 91A.350. Proceeds of the tax shall not be used as a subsidy in any form to any hotel, motel, or restaurant. Money not expended by the commission during any fiscal year shall be used to make up a part of the commission's budget for its next fiscal year.
- (4) An urban-county government may impose an additional tax, not to exceed one percent (1%) of the room rents included in this subsection. This additional tax shall be collected and administered in the same manner as the regular tax with the exception that this additional tax shall be used for the purpose of funding the purchase of development rights program provided for under KRS 67A.845.
- (5) Local governing bodies which have formed multicounty tourist and convention commissions as provided by KRS 91A.350(3) may impose an additional tax, not to exceed one percent (1%) of the room rents. This additional tax, if approved by each governing body, shall be collected and administered in the same manner as the regular tax, with the exception that this additional tax shall be used for the purpose of funding regional efforts relating to the promotion of tourist and convention business and convention centers. In no event shall any revenues collected as provided for under KRS 91A.350(3) be utilized for the construction, renovation, maintenance, or additions to any convention center that is located outside the boundaries of the Commonwealth of Kentucky.
- (6) The commission, with the approval of the tax levying body, may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be repaid out of the revenue anticipated from the transient room tax during the year the money is borrowed. The commission may pledge its securities for the repayment of any sum borrowed.
- (7) The fiscal court or legislative body of a **consolidated local government or** city establishing a commission pursuant to KRS 91A.350(1) or (2) and, in its own name, a commission established pursuant to of KRS 91A.350(1) is authorized and empowered to issue revenue bonds pursuant to KRS Chapter 58 for public projects. Bonds issued for the purposes of KRS 91A.350 to 91A.390, may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications, and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county, **consolidated local government**, or city. All bonds sold under the authority of this section shall be subject to competitive bidding as provided by law, and shall bear interest at a rate not to exceed that established for bonds issued for public projects under KRS Chapter 58.
- (8) A commission established pursuant to KRS 91A.350(3) is authorized and empowered to issue revenue bonds in its own name, payable solely from its income and revenue, pursuant to KRS Chapter 58 for revenue bonds for public projects. Bonds issued for the purposes of KRS 91A.350 to 91A.390, may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications,

and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county. All bonds sold pursuant to this section shall be subject to competitive bidding as provided by law, and shall not bear interest at rates exceeding those for bonds issued for public projects under KRS Chapter 58.

Section 105. KRS 91A.392 is amended to read as follows:

- (1) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390 and the one percent (1%) transient room tax authorized by KRS 153.440, ***a consolidated local government, or*** the fiscal court in a county containing a city of the first or second class, except those counties that are included in a multicounty tourist and convention commission under KRS 91A.350, may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, or rooms charged by all persons, companies, corporations, or other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or similar accommodations businesses.
- (2) All money collected from the tax authorized by this section shall be applied toward the retirement of bonds issued pursuant to KRS 91A.390(7) to finance in part the expansion or construction or operation of a governmental or nonprofit convention center or fine arts center useful to the promotion of tourism located in the central business district of the ***consolidated local government or the*** city of the first or second class located in the county.
- (3) After the retirement of the bonds provided for in this section, the additional transient room tax levied pursuant to this section shall be void, and the ***consolidated local government or*** fiscal court shall take action to repeal the ordinance which levied the tax.

Section 106. KRS 96.030 is amended to read as follows:

No exclusive privilege shall be acquired through the sale of a franchise under KRS 96.010 by a ***consolidated local government or a*** city of the first class. The sale of a franchise to one (1) person by ***a consolidated local government or*** a city of the first class shall not prevent a subsequent sale of a similar franchise to another person.

Section 107. KRS 96.040 is amended to read as follows:

- (1) If a city of the first class ***or a consolidated local government*** desires to own or operate a utility being operated under a franchise, and the city ***or consolidated local government*** takes the necessary steps within two (2) years before the expiration of the franchise, and offers to purchase, at a fair valuation, the plant of the company which is then rendering the service, the city ***or consolidated local government*** shall be under no obligation to sell, renew or continue the franchise.
- (2) The fair valuation of the plant shall be determined by three (3) persons; one (1) to be selected by the city ***or consolidated local government***, one (1) to be selected by the owners of the plant, and the third to be selected by these two (2). The plant shall be valued as a going concern, but no allowance shall be made for future growth.

Section 108. KRS 96.230 is amended to read as follows:

Whenever any city of the first class ***or consolidated local government*** owns, through its commissioners of the sinking fund ***or revenue commission, respectively***, all the shares of capital stock in any corporation engaged in supplying water to ~~the city and~~ its inhabitants, the city ***or***

**consolidated local government** shall control, manage and operate the plant of the corporation, its franchise, and all its other property, in the manner provided in KRS 96.240 to 96.310. The provisions of KRS 96.230 to 96.310 shall not affect the status of the stock as part of the assets of the sinking fund *or revenue commission, respectively*.

Section 109. KRS 96.240 is amended to read as follows:

The mayor *of a consolidated local government which is formed upon the consolidation of a city of the first class with its county, and which receives upon the consolidation from the city of the first class the shares of capital stock in any corporation engaged in supplying water to the area comprising the consolidated local government*, shall appoint, subject to the *provisions of Section 1 of this Act, six (6)*~~[approval of the city legislative body, four (4)]~~ persons no more than *three (3)*~~[two (2)]~~ of whom shall be members of the same political party, who with the mayor as an ex officio member shall constitute a body corporate known as the "board of waterworks"~~]; and if the board of waterworks operates mains and lines and serves in excess of fifty thousand (50,000) customers outside the corporate limits of a city of the first class but in the county in which the city is located, the county judge/executive shall appoint two (2) persons, who shall be of different political parties, to serve on and be members of the board of waterworks].~~ Each appointee shall be at least thirty (30) years of age and shall be a resident of the *county containing a consolidated local government*~~[city, if appointed by the mayor, or of the county, if appointed by the county judge/executive,]~~ and be the owner in his *or her* own right of real estate situated in the *consolidated local government*~~[city if appointed by the mayor, or in the county if appointed by the county judge/executive]~~. At least one (1) such appointee shall be qualified, as specified in KRS 96.250, to serve as president of the board. No officer or employee of the *consolidated local government*~~[city]~~, whether holding a paid or unpaid office, shall be eligible for appointment to the board. Of the persons first appointed *two (2)*~~[one (1)]~~ shall be appointed~~[for a term of one (1) year, one (1)]~~ for a term of two (2) years, *two (2)*~~[one (1)]~~ for a term of three (3) years, and *two (2)*~~[one (1)]~~ for a term of four (4) years and such terms shall expire on the date of the annual meeting of the board of waterworks. Their successors shall be appointed in the same manner, but for terms of four (4) years each.~~[At such time as the board of waterworks serves on a retail basis in excess of fifty thousand (50,000) customers outside the corporate limits of a city of the first class, the president of the board shall notify the county judge/executive who shall immediately appoint two (2) members as hereinabove provided, one (1) for a term of two (2) years and one (1) for a term of four (4) years; and their successors shall be appointed by the county judge/executive for terms of five (5) years each.]~~ Appointees shall be eligible to succeed themselves. All vacancies shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his *or her* successor has been appointed and qualified. The oath of office of each member shall be filed with the board of *the revenue commission of the consolidated local government*~~[sinking fund commissioners]~~.

Section 110. KRS 96.260 is amended to read as follows:

The board of waterworks shall be vested with all the authority and privileges, exercise all the franchises, and have possession, control and management of all the property, of the corporation of which the *consolidated local government or* city owns all the stock. It may make contracts and sue and be sued, but only in the name of the corporation.

Section 111. KRS 96.270 is amended to read as follows:

The *consolidated local government*~~[city]~~ shall have, through its board of waterworks, the use free of charge of all the water necessary for its fire department, police department, public buildings *principally occupied by its employees*~~[and school board, and for sprinkling its public highways]~~,

parks, ~~and~~ parkways, ***its property principally used for public purposes, all of its agencies, and any waterfront parks located within the boundaries of the consolidated local government.*** It shall in turn exempt from taxation for ***consolidated local government***~~city~~ purposes all the property of which it has the control through its board of waterworks. Nothing in this section shall affect the right and duty of the board of waterworks to fix and collect reasonable rates for the use of water furnished to any other person, whether by assessment or meter measurement.

Section 112. KRS 96.280 is amended to read as follows:

The~~city~~ legislative body ***of the consolidated local government*** may, by ordinance, fix reasonable conditions upon which the board of waterworks may cut into the public ways of the ***consolidated local government***~~city~~.

Section 113. KRS 96.290 is amended to read as follows:

All the existing obligations of the waterworks corporation and all the obligations created by the board of waterworks in the management and operation of the properties and in the performance of its duties, shall be discharged out of the property and rents, earnings and incomes of the waterworks. The ***consolidated local government***~~city~~ shall not be liable as a municipal corporation for such obligations.

Section 114. KRS 96.310 is amended to read as follows:

The board of waterworks may establish and enforce reasonable rules and regulations for its own government. The board shall make a quarterly financial statement, showing its liabilities, receipts and expenditures, and deliver a copy to the ***consolidated local government***~~city~~ legislative body ***for introduction and inclusion into***~~to be spread upon~~ the minutes of the legislative body. The books and accounts of the board shall at all times be open to inspection by the mayor and the commissioners of the sinking fund ***or revenue commission, respectively***, through their agents.

Section 115. KRS 96.550 is amended to read as follows:

As used in KRS 96.550 to 96.900, unless the context requires otherwise:

- (1) "Acquire" shall mean and include construct, acquire by purchase, by lease, devise, gift, or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof and acquisition by any other mode.
- (2) "Board" shall mean a board of public utilities established pursuant to KRS 96.740.
- (3) "Bonds" shall mean either general obligation bonds or revenue bonds.
- (4) "Constitution" shall mean the Constitution of Kentucky.
- (5) "Electric plant" shall mean and include any plant, works, systems, facilities and properties (including poles, wires, stations, transformers, and any and all equipment and machinery), together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission or distribution of energy.
- (6) "Energy" shall mean and include any and all electric energy no matter where or how generated, produced, transmitted or conveyed.
- (7) "Electric service" shall mean the furnishing of electric power and energy for any purpose for which electric power and energy can be used.
- (8) "General obligation bonds" shall mean direct or general obligations of any municipality, issued within the limits and subject to the provisions of Sections 157 and 158 of the Constitution.

- (9) "Governing body" shall mean the board, council, commission, fiscal court, or other general governing body of the municipality.
- (10) "Governmental agency" includes the United States, the President, the federal works agency, the federal lending agency, Tennessee Valley Authority, or any other similar agency, instrumentality or corporation of the United States, or of Kentucky or any political subdivision thereof, created by or pursuant to any Act of Congress or by state legislation.
- (11) "Improve" shall mean and include construct, reconstruct, improve, extend, enlarge, alter, better and repair.
- (12) "Improvement" shall mean any improvement, extension, betterment or addition to any electric plant.
- (13) "Law" shall mean any statute of this state.
- (14) "Mayor" shall mean the mayor of any class city unless there be a city manager, then it shall mean city manager, or the county judge/executive of any county. **"Mayor" shall also mean the mayor of a consolidated local government.**
- (15) "Municipality" shall mean any county, city, **consolidated local government,**~~[town or village]~~ or municipal corporation of any and every class in the Commonwealth of Kentucky.
- (16) "Revenue bonds" shall mean obligations payable solely from the revenues derived from the operation of an electric plant and such bonds shall not constitute an indebtedness of any municipality within the meaning of the provisions or limitations of the Constitution.
- (17) "Net revenues" shall mean revenues remaining after payments of (a) all payments provided for herein to be made to the state, county, school or other taxing district; (b) the payments of salaries, and premiums on bonds of officers and employees of the board; and (c) all other ordinary and necessary operating expenses of the board in the operation of the electric plant including reserves for depreciation.

Section 116. KRS 96A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following words or terms shall mean as follows:

- (1) "City" means any incorporated city in the Commonwealth;
- (2) "County" means any county in the Commonwealth wherein there is located an incorporated city and for the purpose of this chapter shall also mean a county which has adopted an urban-county government **or consolidated local government;**
- (3) "State" means the Commonwealth;
- (4) "Transit authority" or "authority" means a transit authority created pursuant to this chapter;
- (5) "Board" means the board of a transit authority;
- (6) "Public body" means any city or county of the Commonwealth;
- (7) "Governing body" means, as to a county, the fiscal court thereof; **as to a consolidated local government, the legislative council thereof;** and as to a city, the legislative body thereof, howsoever the same may be denominated according to law;
- (8) "Proceedings" means, in the case of a county, a resolution of its fiscal court; and in the case of a city **or consolidated local government,** an ordinance adopted and made effective according to law by its governing body;

- (9) "Joint proceedings" relates only to the establishment of a transit authority by two (2) or more public bodies acting in concert or by agreement, and means the proceedings, taken collectively, by the governing bodies of the public bodies, participating in the creation and establishment of a transit authority;
- (10) "Appointing authority" means, as to a county, the county judge/executive thereof; and as to any city *or consolidated local government*, the elected chief *executive* officer~~[- thereof]~~, whether designated as its mayor or~~[- the chairman of its board of trustees or]~~ otherwise;
- (11) "Area" or "transit area" means the geographical area which may be encompassed from time to time within the lawful boundaries of such cities and counties as may be involved in the creation and establishment of an authority; and of any cities or counties within any single unified metropolitan area which may subsequently become participants as provided in this chapter;
- (12) "Mass transit," or "mass transportation," means the transportation of persons and their baggage within or without a transit area, but shall not include the for-hire operation of a taxicab, or industrial bus as defined by KRS Chapter 281;
- (13) "Human service transportation delivery" means the same as defined in KRS 281.014;
- (14) "Delivery area" means the same as defined in KRS 281.014; and
- (15) "Broker" means the same as defined in KRS 281.014.

Section 117. KRS 96A.040 is amended to read as follows:

- (1) The business, activities and affairs of a transit authority shall be managed, controlled and conducted by a board consisting of members appointed as follows:
  - (a) If the authority is established by one (1) city alone, or by a county alone, the members shall be eight (8) in number and shall be appointed by the appointing authority of such city or county;
  - (b) If the authority is established by joint proceedings of two (2) public bodies, the membership shall be eight (8) in number, four (4) of whom shall be appointed by the appointing authority of each of such public bodies;
  - (c) If an authority is created and established by joint proceedings of more than two (2) public bodies, the membership shall be eight (8) in number, plus one (1) additional member for each participating public body in excess of two (2), and the members thereof shall be appointed by the appointing authorities of the participating public bodies in such manner as may be set forth in the joint proceedings; and
  - (d) If an authority is created and established, and subsequently one (1) or more other public bodies are permitted to join therein, the membership of the board may be enlarged, with the concurrence and approval of the governing bodies of the public bodies theretofore participating, by not more than one (1) additional member for each additional public body so permitted to join the authority.
- (2) No officer or employee of any public body represented in the creation, establishment, or enlargement of an authority shall be eligible for appointment to the board.
- (3) After the effective date of the creation of an authority as provided in this chapter, the appointing authority or the appointing authorities, as the case may be, shall, in such manner as may be specified in the proceedings or joint proceedings, appoint at least two (2) members for terms of one (1) year, at least two (2) members for terms of two (2) years, at

least two (2) members for terms of three (3) years, and the remaining number for terms of four (4) years; such terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment. Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of four (4) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment.

- (4) Any member of the board may be removed by his or her appointing authority for inefficiency, neglect of duty, malfeasance, conflict of interest, or want of mental or physical capacity to serve. Any appointing authority exercising the power to remove a member of the board shall submit to the board a written statement setting forth the reasons for removal. Notice shall be given to the member named in such statement; a hearing, if requested, shall be conducted within thirty (30) days before the members of the board who are not the subject of such removal proceedings; a record of the hearing shall be made by the secretary-treasurer of the board; and the member named in such removal notice may appeal any adverse decision, within ten (10) days after the rendering thereof, to the Circuit Court of any county which is served in whole or in part by the facilities of the transit authority, such appeal to be perfected by filing with the clerk of such court a copy of the removal proceedings certified by the secretary-treasurer of the board. The court, upon application of the member removed, may in its discretion order that the original record of the proceedings be filed with the clerk as the basis for such appeal. There shall be a right of appeal to the Court of Appeals.
- (5) Members of the board shall be allowed reasonable expenses necessarily incurred by them in the conduct of the affairs of the authority. Compensation may be paid to members of the board if so provided in the proceedings or joint proceedings, subject to such limitations as may be set forth therein.
- (6) Notwithstanding subsection (3) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor, and county judge/executive with the approval of the fiscal court, shall adjust the terms of the sitting members so that the terms of two (2) of each of their appointments expire in one (1) year, the term of one (1) of each of their appointments expire in two (2) years and the term of one (1) of each of their appointments expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, all members of the board shall be appointed by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining of their current term of appointment.***

Section 118. KRS 96A.070 is amended to read as follows:

- (1) The board shall, within sixty (60) days after the appointment of its entire initial membership, and thereafter in July of each year, elect from its members a chairman and a vice chairman. It may, in its discretion, employ an executive director and a secretary-treasurer, neither of whom shall be a member of the board; provided, however, if the

creation and establishment of the authority is shown by the provisions of the proceedings or joint proceedings to have been undertaken only on a stand-by basis, the board may defer the employment of an executive director and may, on an interim basis, designate a secretary-treasurer from its own membership.

- (2) The board may, in its discretion, employ necessary legal counsel and other agents and employees to carry out its work and functions, and may from time to time prescribe and alter such rules and regulations as it may deem necessary.
- (3) The executive director, if and when employed in the discretion of the board, shall be experienced and knowledgeable in the field of transportation; and if and when employed, such executive director shall be the chief executive officer of the authority, having such powers and duties as the board may prescribe. Such executive director may recommend the establishment or alteration of rules and regulations, and of rates and charges for use of the services and facilities of the mass transportation system of the authority; but action in such respects, and in the issuance of revenue bonds or mortgage bonds of the authority, and in requesting the issuance of general obligation bonds by other public bodies for the benefit of the authority, and in authorizing leases of the properties of the authority for financing purposes, shall be taken by the board, or by the executive committee of the board if properly thereunto authorized.
- (4) The secretary-treasurer shall keep the minutes of all meetings of the board, and shall also keep a set of books showing the receipts and expenditures of the board. He *or she* shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. Such books and vouchers shall at all times be subject to examination by the governing body of any public body by which the authority was created or enlarged. He *or she* shall transmit at least once annually a detailed report of all acts and doings of the board to the public body or bodies by whom the board was created. He *or she* shall cause all moneys of the authority coming into his *or her* hands to be deposited in one (1) or more financial institutions, as designated from time to time by the board.
- (5) The board shall require its secretary-treasurer, and its executive director, if and when such executive director shall be employed, each to execute bond in favor of the authority, in such respective penal sums as the board may fix, in favor of the authority, and conditioned upon faithful performance of the duties of such offices and full accounting to the authority. Each such bond shall be with corporate surety, provided by a corporate surety company qualified to transact business in Kentucky and approved, in each instance, by the board. The board may in like manner require similar bonds, with corporate surety, to be given by other officers, agents and employees in such manner and in such penal sums, as it may specify from time to time. Premiums payable to sureties upon such bonds shall be paid by the authority and may be chargeable as an operating expense of the authority.
- (6) The board shall fix the salaries, wages or other compensation of the officers, agents and employees whom it may engage from time to time; in each case within such limitations, if any, as may be prescribed in the proceedings or joint proceedings set forth in the establishment of the authority, or as such proceedings may be amended; but such salaries, wages or other compensation shall constitute obligation of the authority only, and shall be payable from the authority's revenues and any other available resources, and shall not constitute obligations of any city or county participating in the creation and establishment, or subsequent enlargement, of the authority.



- (7) The board may, by resolution duly adopted and spread at large upon its public records, establish an executive committee, composed of such members of the board as may be specified in such resolution, and may authorize such executive committee to exercise in intervals between board meetings any powers of the board except those powers which are expressly required by this chapter or by other controlling provisions of law to be exercised by the board.
- (8) The board may create such other committees of its members as it may deem necessary or proper; but the same shall be advisory in nature and shall report to the board or to the executive committee, and shall not be authorized to take any independent action except in such advisory capacity.
- (9) Notwithstanding other provisions of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the executive director and a secretary-treasurer or any individual, corporation or partnership, either by contract or employment, who serves as executive director or secretary-treasurer in the management of the affairs of the board, shall be appointed by and serve at the joint pleasure of the mayor, and the county judge/executive with the approval of fiscal court pursuant to KRS 67.040. ***Upon the establishment of a consolidated local government in a county in which a city of the first class and a county containing the city have had in effect a cooperative compact under KRS 79.310 to 79.330, an executive director or secretary-treasurer shall be appointed by and shall serve at the pleasure of the mayor.***

Section 119. KRS 97.035 is amended to read as follows:

- (1) If two (2) or more political subdivisions determine to jointly establish, maintain and conduct a park and recreation system or systems, which may include but shall not be limited to the establishment, maintenance, and conduct of zoos and museums, the legislative bodies of such counties, cities or other districts involved may by ordinance, order, or resolution approve a plan for the establishment of such joint project and for the creation of a joint board representative of the subdivisions involved, and possessed with all the powers and duties of KRS 97.010 to 97.050. This subsection authorizes the creation of a joint board by any two (2) or more cities or any city and county for purposes of establishment, maintenance, and conduct of zoos and the creation of another joint board for purposes of establishment, maintenance, and conduct of museums.
- (2) ***Except in a county containing a consolidated local government,*** such board shall consist of not less than five (5) members. The plan shall provide for distribution of membership and all participating governmental units shall have representation thereon. The members of the board shall be appointed by the county judge/executive, mayor of the city or governing body of the district, as the case may be, for terms of four (4) years to serve at the pleasure of the appointing authority. Vacancies shall be filled for unexpired terms by appointment of the authority appointing the member whose office is vacant. The terms of office of such members shall be staggered as provided by order or resolution of the political subdivisions concerned. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.
- (3) The board shall be a body corporate for all purposes, and shall elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute a bond conditioned on the faithful performance of his ***or her*** duties sufficient in amount to cover funds coming into his ***or her*** hands. The premium on such bond shall be paid from board funds.

- (4) Any park, playground, or recreation system operated jointly by two (2) or more political subdivisions as provided in KRS 97.010 (2), on June 19, 1958, shall be governed by this section.
- (5) Notwithstanding subsections (1), (2) and (3) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, such city and county shall by joint action create a joint city/county department to maintain and conduct a park and recreational system or systems. In such event, the board shall be dissolved as a corporate entity and all assets and liabilities of the board shall be transferred to the joint department. An advisory board may be established by joint agreement of such city and county. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the joint department shall become a department of the consolidated local government and all assets and liabilities of the joint department shall be transferred to the consolidated local government. An advisory board may be established or maintained by a consolidated local government. Members of the advisory board shall be appointed pursuant to the provisions of Section 1 of this Act and shall serve at the pleasure of the mayor of the consolidated local government.***

Section 120. KRS 98.300 is amended to read as follows:

In each county containing a city of the first class, the fiscal court of ~~the~~<sup>the</sup> county may, by resolution, establish a department of welfare to be governed by the provisions of KRS 98.300 to 98.390. ***A consolidated local government may by resolution or ordinance establish or maintain a department of welfare to be governed by the provisions of KRS 98.300 to 98.390.*** Such department shall function from a date specified in such resolution ***or ordinance***. The department shall consist of a director of welfare and such assistants and other employees as are necessary for the efficient performance of the welfare services of the county.

Section 121. KRS 98.310 is amended to read as follows:

The director shall be appointed by the fiscal court ***except in those counties containing a consolidated local government, in which case the director shall be appointed by the mayor.*** The director shall be trained and experienced in public welfare administration. Subject to rules and regulations approved by the fiscal court ***or the consolidated local government, respectively,*** the director shall have full charge of the department, with power to employ and dismiss employees subject to the limitations of KRS 98.370. The director shall prepare for submission to and approval of the fiscal court ***or the consolidated local government, respectively,*** an annual budget, authorize expenditures in conformity with the budget and prepare an annual report of the activities and expenditures of the department for submission to the fiscal court ***or the consolidated local government, respectively.*** Before entering upon the discharge of his ***or her*** duties, the director shall give a bond approved by the fiscal court ***or the consolidated local government, respectively,*** and the fiscal court ***or the consolidated local government, respectively,*** may, in its discretion, require bonds for other employees within the department.

Section 122. KRS 98.350 is amended to read as follows:

The fiscal court, ***except in a county containing a consolidated local government, in which case it shall be the mayor pursuant to the provisions of Section 1 of this Act,*** shall appoint a bipartisan county welfare advisory board of not less than five (5) nor more than nine (9) residents of the county. The members shall be appointed in such a manner that the term of at least one (1) member shall expire annually. Any vacancy shall be filled for the unexpired term in the same

manner as the original appointment. Members of the county welfare advisory board shall serve without compensation. The county welfare advisory board shall suggest rules and regulations to the county director of welfare with respect to the organization of the county department of welfare, and shall advise the director and the fiscal court *or consolidated local government, respectively, as* ~~[with respect]~~ to budget estimates, policies and other problems of welfare activities.

Section 123. KRS 99.595 is amended to read as follows:

- (1) "Administering agency" means the agency delegated responsibility by the legislative body to implement the provisions of KRS 99.595 to 99.605 and 132.452.
- (2) "Commercial facility" means any structure the primary purpose and use of which is the operation of a commercial business enterprise and which is twenty-five (25) years old or older.
- (3) "Existing residential building" means a residential building which has been in existence for at least twenty-five (25) years and use of which is to provide independent living facilities for one (1) or more persons.
- (4) "Legislative body" means the board of aldermen in a city of the first class operating under KRS Chapter 83, the city council in a city operating pursuant to KRS 83A.130, the city commission in a city operating pursuant to KRS 83A.140, the board of commissioners in a city operating pursuant to KRS 83A.150, the fiscal court in a county, *the legislative council in a consolidated local government operating pursuant to KRS Chapter 67C*, and the legislative body in an urban-county government operating pursuant to KRS Chapter 67A.
- (5) "Local government" means a county, municipal, *consolidated local government*, or urban-county government.
- (6) "Rehabilitation" means the process of returning an existing structure to a state of utility through repair or alteration which makes possible an efficient contemporary use.
- (7) "Repair" means the reconstruction or renewal of any part of an existing structure for the purpose of maintenance.
- (8) "Restoration" means the process of accurately recovering the form and details of a structure and its setting as it appeared at a particular period of time by removal of later work or by the replacement of missing earlier work.
- (9) "Stabilization" means the process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists.
- (10) "Assessment or reassessment moratorium" means the act of deferring the value of the improvements from the taxable assessment of qualifying units of real property for a maximum period of five (5) years.

Section 124. KRS 99.615 is amended to read as follows:

The following words or terms shall have the following meanings wherever used in KRS 99.610 to 99.680 unless a different meaning is clearly indicated by the context:

- (1) "Act" means KRS 99.610 to 99.680 which may be called the "Local Development Authority Act";

- (2) "Technical advisory council" means that committee appointed under the terms of KRS 99.655;
- (3) "Price advisory council" means that committee appointed under the terms of KRS 99.680;
- (4) "Agency" means a development authority established by this statute in and for cities of the first and second class, ***a consolidated local government***, and each county governed under the statutes permitting the establishment of urban-county governments;
- (5) "Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by an agency pursuant to the provisions and purposes of KRS 99.610 to 99.680;
- (6) "Project area" means any area or specific property designated by an agency or any area or specific property actually acquired or formally proposed for acquisition by an agency, for historical or open space preservation purposes or for the development permitted by KRS 99.610 to 99.680;
- (7) "City" means any city of the first or second class, ***a consolidated local government***, or ***a*** county governed under the urban-county government statute, in which an agency has been established;
- (8) "Development" means the acquisition, planning, designing, clearance, renovation or rehabilitation of existing improvements, development and disposal, or any combination thereof, of a project area, including the preparation of such project area for the development of residential, commercial, industrial, public, recreational, open space or other uses, including the preservation of existing residential, commercial, industrial, public, recreational, open spaces or other uses valued locally for their economic or historical importance as may be appropriate or necessary, in the opinion of the board of commissioners of an agency;
- (9) "Subdevelopment" means the actual construction, renovation or rehabilitation of improvements to real property including the installation of or improvement to existing utilities, curbs, gutters, sidewalks, storm sewers and other necessary works and improvements, consistent with the established development plan for each specific project area in order to market, through private enterprise, said improvements to individuals, commercial business and industry;
- (10) "Development plan" means the plan for the development as defined, of all or any part of a project area;
- (11) "Mayor" means the mayor of a first or second class city, ***of a consolidated local government***, or of an urban-county government as established by law;
- (12) "Governing board" means a board of aldermen or commissioners, ***a legislative council in a consolidated local government***, or a common or urban-county council of a city as herein defined, as the case may be;
- (13) "Project" means any undertaking within a project area and any such undertaking which may be included in, and financed by, a single or separate financing agreement or bond issue;
- (14) "Persons and families of lower income" means persons and families who lack the amount of income which is necessary (as determined by standards established by the agency) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding;

- (15) "Residential housing project" means a specific work or improvement undertaken primarily to provide or to rehabilitate dwelling accommodations for persons and families of lower income, including the acquisition, construction and rehabilitation of land, buildings and improvements and such other facilities as may be incidental or appurtenant thereto.

Section 125. KRS 99.620 is amended to read as follows:

There is hereby authorized, created and established in cities of the first and second class, **consolidated local governments**, and counties governed under the urban-county government statutes, upon adoption of a resolution so declaring by a majority of the governing board of said cities, **consolidated local governments**, or counties, an agency to be known by the name of the city, **the consolidated local government**, or in the case of an urban-county government, the largest city in such county and the name of the county itself, separated by the word "and," and the words "Development Authority." Said agency shall exist for each such city, **consolidated local government**, or county with the powers, duties, and functions hereinafter provided.

Section 126. KRS 99.660 is amended to read as follows:

A city, **consolidated local government**, or urban-county shall have the power to aid an agency in any manner provided for aid by public bodies to urban renewal and community development agencies by KRS 99.410.

Section 127. KRS 99.700 is amended to read as follows:

(1) It is hereby found:

- (a) That there exists in many cities and in counties containing a city of the first class **or consolidated local government** in this Commonwealth blighted and deteriorated properties in neighborhoods which cause the deterioration of those and contiguous neighborhoods and constitute a serious and growing menace which is injurious to the public health, safety, morals and general welfare of the residents of the Commonwealth, and are beyond remedy and control solely by regulatory process in the exercise of the police power;
- (b) That the existence of blighted and deteriorated properties within neighborhoods, and the growth and spread of blight and deterioration or the threatened deterioration of other neighborhoods and properties:
1. Contribute substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;
  2. Necessitate expensive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;
  3. Constitute an economic and social liability;
  4. Substantially impair or arrest the sound growth of the community;
  5. Retard the provision of decent, safe, and sanitary housing accommodations;
  6. Depreciate assessable values;
  7. Cause an abnormal exodus of families from these neighborhoods; and

8. Are detrimental to the health, the well-being and the dignity of many residents of these neighborhoods;
- (c) That this menace cannot be effectively dealt with by private enterprise without the aids provided herein;
- (d) That the benefits which would result from eliminating the blighted properties that cause the blight and deterioration of neighborhoods will accrue to the inhabitants of the neighborhoods in which these conditions exist and to the inhabitants of this Commonwealth generally.
- (2) It is hereby declared:
- (a) That it is the policy of this Commonwealth to protect and promote the health, safety, and welfare of the people of the Commonwealth by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods;
- (b) That the elimination of such blight and deterioration and the preparation of the properties for sale or lease, for development or redevelopment, constitute a public use and purpose for which public money may be expended and private property acquired and are governmental functions in the interest of the health, safety, and welfare of the people of the Commonwealth;
- (c) That the necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

Section 128. KRS 99.705 is amended to read as follows:

Unless the context otherwise requires:

- (1) "Blighted" or "deteriorated" property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood:
- (a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the city, or in counties containing a city of the first class ***or consolidated local government***, with the ~~county~~ housing, building, plumbing, fire or related codes;
- (b) Which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
- (c) Which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the city or county containing a city of the first class ***or consolidated local government***, has been designated by the department responsible for enforcement of the code as unfit for human habitation;
- (d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
- (e) From which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
- (f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;
- (g) Which has been tax delinquent for a period of at least three (3) years; or

- (h) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.
- (2) "Redevelopment" means the planning or replanning, design or redesign, acquisition, clearance, development and disposal or any combination of these, of a property in the preparation of such property for residential and related uses, as may be appropriate or necessary.
- (3) "Residential and related use" shall mean residential property for sale or rental and related uses; including, but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.
- (4) "Vacant property review commission" means a commission established by ordinance to review vacant properties to make a written determination of blight and deterioration.

Section 129. KRS 99.710 is amended to read as follows:

- (1) If the legislative body of **a consolidated local government**, a city, or **a** county containing a city of the first class finds and declares that there exists in the **consolidated local government**, city, or county containing a city of the first class blighted or deteriorated properties and that there is need in the city or county ~~[containing a city of the first class]~~ for the exercise of powers, functions and duties conferred by KRS 99.705 to 99.730, the legislative body may adopt the provisions of KRS 99.705 to 99.730 by ordinance.
- (2) The ordinance adopting the provisions of KRS 99.705 to 99.730 shall also establish a vacant property review commission which shall certify properties as blighted or deteriorated to the legislative body. The ordinance shall specify the duties of, the number of members that will serve on, the requirements of membership, and the makeup of the commission. Members shall be appointed by the mayor and approved by the legislative body. No officer or employee of the **consolidated local government**, city, or county containing a city of the first class whose duties include enforcement of ~~[city or county]~~ housing, building, plumbing, fire or related codes shall be appointed to the commission.

Section 130. KRS 99.720 is amended to read as follows:

- (1) The legislative body shall not institute eminent domain proceedings pursuant to KRS 99.705 to 99.730 unless the commission has certified that the property is blighted or deteriorated. A property which has been referred to the commission by a city agency, or **by** an agency in a county containing a city of the first class **or consolidated local government**, as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the commission has determined:
- (a) That the owner of the property or designated agent has been sent an order by the appropriate city, **consolidated local government**, or county agency to eliminate the conditions which are in violation of local codes or law;
  - (b) That the property is vacant;
  - (c) That the property is blighted and deteriorated;
  - (d) That the commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice; and

- (e) That, in counties containing a city of the first class, ***consolidated local governments***, and cities that are within a planning unit established pursuant to KRS Chapter 100, the planning commission has determined that the reuse of the property for residential and related use is in keeping with the comprehensive plan.
- (2) The findings required by subsection (1) of this section shall be in writing and included in the report to the legislative body.
- (3) The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the city, ***consolidated local government***, or county under KRS 99.705 to 99.730. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or his agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.
- (4) An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

Section 131. KRS 99.730 is amended to read as follows:

No officer or employee of the city or county containing a city of the first class ***or consolidated local government***, or of the vacant property review commission, who in the course of his ***or her*** duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated. If any such officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, he ***or she*** shall immediately disclose, in writing, such interest to the commission and to the legislative body and such disclosure shall be entered in the minutes of the commission and of the legislative body. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any officer or employee for any property or interest therein acquired by the city, ***consolidated local government***, or county containing a city of the first class from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the legislative body.

Section 132. KRS 99A.010 is amended to read as follows:

As used in this chapter unless the context otherwise requires:

- (1) "Corporation" means the Kentucky Housing Corporation;
- (2) "Executive director" means the executive director of the Kentucky Housing Corporation;
- (3) "Insurer" means any company qualified to write mortgage guaranty insurance in accordance with Subtitle 23 of KRS Chapter 304;
- (4) "Local government" means a county, city, ***consolidated local government***, or urban-county;



- (5) "Mortgage" shall mean a first mortgage on real estate, in fee simple, or on a leasehold under a lease for not less than ninety-nine (99) years which is renewable, or under a lease having a period of not less than fifty (50) years to run from the date the mortgage was executed;
- (6) "Mortgage guaranty fund" means the fund created pursuant to KRS 99A.080;
- (7) "Mortgagee" means the original lender under a mortgage and his successors and assigns;
- (8) "Mortgagor" means the original borrower under a mortgage and his successors and assigns;
- (9) "Rehabilitation" means the process of returning a structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to historical, architectural, and cultural values;
- (10) "Rehabilitation loan" means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit, made for the purpose of financing:
  - (a) The rehabilitation of an existing residential building;
  - (b) The rehabilitation of such a structure and the refinancing of the outstanding indebtedness on such structure and the real property on which the structure is located; or
  - (c) The rehabilitation of such a structure and the purchase of the structure and the real property on which it is located; and
- (11) "Residential building" means a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided except when classified as an institution under the Kentucky Building Code.

Section 133. KRS 100.111 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Administrative official" means any department, employee, or advisory, elected or appointed body which is authorized to administer any provision of the zoning regulation, subdivision regulations, and if delegated, any provision of any housing or building regulation or any other land use control regulation;
- (2) "Agricultural use" means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public, and shall also include, regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156;
- (3) "Board" means the board of adjustment unless the context indicates otherwise;
- (4) "Citizen member" means any member of the planning commission or board of adjustment who is not an elected or appointed official or employee of the city,~~[-or]~~ county, ***or consolidated local government***;
- (5) "Commission" means planning commission;

- (6) "Conditional use" means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation;
- (7) "Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the board of adjustment, consisting of two (2) parts:
  - (a) A statement of the factual determination by the board of adjustment which justifies the issuance of the permit; and
  - (b) A statement of the specific conditions which must be met in order for the use to be permitted;
- (8) "Development plan" means written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant;
- (9) "Fiscal court" means the chief body of the county with legislative power, whether it is the fiscal court, county commissioners, or otherwise;
- (10) "Housing or building regulation" means the Kentucky Building Code, the Kentucky Plumbing Code and any other building or structural code promulgated by the Commonwealth or by its political subdivisions;
- (11) "Legislative body" means the chief body of the city *or consolidated local government* with legislative power, whether it is the board of aldermen, the general council, the common council, the city council, the board of commissioners, or otherwise; at times it also implies the county's fiscal court;
- (12) "Mayor" means the chief elected official of the city *or consolidated local government* whether the official designation of his office is mayor or otherwise;
- (13) "Nonconforming use or structure" means an activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located;
- (14) "Planning operations" means the formulating of plans for the physical development and social and economic well-being of a planning unit, and the formulating of proposals for means of implementing the plans;
- (15) "Planning unit" means any city,~~or~~ county, *or consolidated local government*, or any combination of cities, counties, or parts of counties, *or parts of consolidated local governments* engaged in planning operations;
- (16) "Plat" means the map of a subdivision;
- (17) "Political subdivision" means any city,~~or~~ county, *or consolidated local government*;
- (18) "Several" means two (2) or more;

- (19) "Public facility" means any use of land whether publicly or privately owned for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries;
- (20) "Street" means any vehicular way;
- (21) "Structure" means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including buildings and signs;
- (22) "Subdivision" means the division of a parcel of land into three (3) or more lots or parcels except in a county containing a city of the first, second or third class or in an urban-county government *or consolidated local government* where a subdivision means the division of a parcel of land into two (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section;
- (23) "Unit" means planning unit; and
- (24) "Variance" means a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Section 134. KRS 100.121 is amended to read as follows:

- (1) At any time, the legislative bodies of cities and the fiscal court of the county containing the cities may enter into an agreement to form a joint planning unit by combining planning operations in order that they may carry out a joint city-county planning program. Combinations may include any combination of cities with their county or parts thereof; provided, however, that no self-excluded city in such county may form an independent planning unit.
- (2) When a planning unit includes a county and a city of the first class *or consolidated local government created pursuant to KRS Chapter 67C*, then all other cities within the county shall also be parts of the unit.

Section 135. KRS 100.127 is amended to read as follows:

- (1) All agreements for joint or regional planning units shall be in writing, and shall describe the boundaries of the area involved, and shall contain all details which are necessary for the establishment and administration of the planning unit in regard to planning commission organization, preparation of plans, and aids to plan implementation. The agreement shall be adopted as an ordinance by the legislative bodies which are parties to the agreement in accordance with the procedures for the adoption of an ordinance pursuant to KRS Chapters 67, 67A, **67C**, 83, and 83A, and filed in the office of the county clerk of all counties which are parties to the agreement or which contain a city which is a party to the agreement. The county clerk may charge a fee of two and one-half dollars (\$2.50) for the filing of the agreement. Combination under this subsection shall be permitted notwithstanding the fact

that the governmental units are also involved in area planning under KRS 147.610 to 147.705. Combined planning operations shall be jointly financed, and the agreement shall state the method of proration of financial support.

- (2) Agreements for planning units shall be in existence as long as at least two (2) of the original signators are operating under the combination despite the fact that other signators have withdrawn from the unit. In addition, any enlargement of a unit may be accomplished under the existing agreement by filing a copy of the agreement in the office of the county clerk of all member counties along with a statement as to when it was admitted to the unit. The clerk may charge a fee of two and one-half dollars (\$2.50) for the filing.
- (3) If the planning unit, or any part thereof, has adopted regulations for historical districts under KRS 100.201 and 100.203, the planning agreement may provide for the creation of a three (3) or five (5) member board to advise the zoning administrator regarding issuance of permits in such districts, the board being guided by the standards and restrictions of the community's comprehensive plan and by the historical district regulations adopted by the planning unit.
- (4) ***Notwithstanding any other provisions of this section, when a planning unit includes a county with a consolidated local government created pursuant to KRS Chapter 67C, a planning agreement is not required.***

Section 136. KRS 100.137 is amended to read as follows:

- (1) ***Except in a consolidated local government,*** counties with a population of 300,000 or more inhabitants shall be a planning unit and shall have a planning commission which commission shall be composed of three (3) members, who are nonresidents of the largest city of the county, appointed by the county judge/executive of such county; three (3) members who are residents of the largest city of the county appointed by the mayor of that city; and the mayor of the largest city, or his designee; the county judge/executive, or his designee; the director of works of the largest city in the county, and the county road engineer. The county judge/executive and the mayor together shall ensure that three (3) of the six (6) appointees are citizens who have no direct financial interest in the land development and construction industry. If the commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. All ten (10) members of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records under KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings under KRS 100.157.
- (2) ***A county with a consolidated local government created pursuant to KRS Chapter 67C shall be a planning unit and shall have a planning commission which shall include eight (8) members who are residents of the planning unit, approved by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act. The membership of the planning commission shall also include the mayor of the consolidated local government, or his or her designee, and the director of public works of the consolidated local government or the county engineer as determined by the mayor. The***

*mayor shall ensure that four (4) of the eight (8) appointees are citizens who have no direct financial interest in the land development and construction industry. If the commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. All ten (10) members of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records pursuant to KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings pursuant to KRS 100.157.*

- (3) In counties containing a city of the first class *or a consolidated local government*, all legislation implementing or amending the plan or amended plan which affects cities of the first through fourth classes shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court *or, in the case of a consolidated local government, by the consolidated local government.*
- ~~(4)~~~~(3)~~ In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining provisions of this chapter.

Section 137. KRS 100.141 is amended to read as follows:

*Except in counties containing a consolidated local government*, the mayor of each city entitled to one or more members and the county judge/executive of each county shall appoint the members of the planning commission with the approval of their respective legislative bodies.

Section 138. KRS 100.157 is amended to read as follows:

- (1) Any member of a planning commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the planning commission shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the planning commission, which shall be open to the general public. The member so removed shall have the right of appeal in the Circuit Court.
- (2) Notwithstanding subsection (1) of this section, and KRS 100.143, when a city of the first class and a county containing such city have in effect a compact pursuant to KRS 79.310 to 79.330, the terms of the appointed members on the commission shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor, and county judge/executive with the approval of the fiscal court, shall adjust the terms of the sitting members so that the terms of one (1) of each of their appointments expire in one (1) year, the term of one (1) of each of their appointments expire in two (2) years and the term of one (1) of each of their appointments expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years.
- (3) *Notwithstanding subsections (1) and (2) of this section, and KRS 100.143, upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant*

***to KRS 79.310 to 79.330, the terms of the appointed citizen members of the planning commission shall be for three (3) years and until their successors are appointed and qualified, and the term of office of members appointed shall be staggered. Members appointed to the planning commission prior to consolidation of a city of the first class and the county containing the city pursuant to KRS Chapter 67C shall continue to serve as members of the planning commission for the consolidated local government, and shall serve the remainder of the terms for which the members were appointed and until their successors are appointed and qualified pursuant to KRS 100.137(2).***

Section 139. KRS 100.201 is amended to read as follows:

- (1) Except as provided in subsection ~~(3)~~~~(2)~~ of KRS 100.137, when the planning commission and legislative bodies have adopted the statement of goals and objectives, and the planning commission has additionally adopted at least the land use element for the planning unit, the various legislative bodies and fiscal courts of the cities and counties, which are members of the unit, may enact interim zoning or other kinds of growth management regulations which shall have force and effect within their respective jurisdictions for a period not to exceed twelve (12) months, during which time the planning commission shall complete the remaining elements of the comprehensive plan as prescribed by KRS 100.187. Interim regulations shall become void upon the enactment of permanent regulations as provided in subsection (2) of this section, or after twelve (12) consecutive months from the date such interim regulations are enacted, whichever occurs first.
- (2) When all required elements of the comprehensive plan have been adopted in accordance with the provisions of this chapter, then the legislative bodies and fiscal courts within the planning unit may enact permanent land use regulations, including zoning and other kinds of growth management regulations to promote public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, land use and zoning regulations may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood, or other dangers. Land use and zoning regulations may also be employed to protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land, and other natural resources; to regulate the use of sludge from water and waste water treatment facilities in projects to improve soil quality; and to protect other specific areas of the planning unit which need special protection by the planning unit.
- (3) Land use and zoning regulations may include the designation of specifically defined areas to be known as urban residential zones, in which:
  - (a) The majority of the structures were in use prior to November 22, 1926; and
  - (b)
    1. The entire area embodies the distinctive characteristics of a type, period, or method of construction; or
    2. The entire area represents a significant and distinguishable entity whose components may lack individual distinction.

The usage of structures within an urban residential zone may be regulated on a structure-by-structure basis, permitting a mixture of uses in the zone, including single-family and multi-

family residential, retail, and service establishments, which stabilizes and protects the urban residential character of the area. The regulation of the usage of any structure shall be guided by the architecture, size, or traditional use of the building.

Section 140. KRS 100.202 is amended to read as follows:

- (1) Subject to KRS **100.137(3)**~~[100.137(2)]~~, nothing in this chapter shall preclude the legislative bodies and fiscal courts of cities and counties comprising a planning unit from enacting a land use regulation which places all property within their respective jurisdictions in a single zone and addressing all land use proposals therein as conditional use permits.
- (2) The text of any land use regulation enacted pursuant to this section need not comply with the provisions of KRS 100.203, and may provide that the planning commission shall assume all powers and duties of a board of adjustment as provided in KRS 100.217 to 100.263. Any appeal from an action of the planning commission in granting or denying a variance or conditional use permit shall be taken pursuant to KRS 100.347(2).

Section 141. KRS 100.205 is amended to read as follows:

Except as provided in KRS **100.137(3)**~~[100.137(2)]~~, nothing contained in this chapter shall be construed or implied as requiring the legislative bodies of cities and counties comprising the same joint planning unit to adopt identical zoning regulations. Nor shall the adoption or amendment of a zoning regulation by the legislative body of any city or county contained within a joint planning unit be made contingent on the adoption or amendment of such zoning regulation by the legislative body of any other city or county within the planning unit.

Section 142. KRS 100.208 is amended to read as follows:

- (1) Any city, county, **consolidated local government**, or urban-county government which is part of a planning unit may provide, by ordinance, for:
  - (a) The voluntary transfer of the development rights permitted on one (1) parcel of land to another parcel of land;
  - (b) Restricting or prohibiting further development of the parcel from which development rights are transferred; and
  - (c) Increasing the density or intensity of development of the parcel to which such rights are transferred.
- (2) The ordinance shall designate and show on the zoning map areas from which development rights may be transferred and areas to which such rights may be transferred and used for development. These zones may be designated as separate use districts or as overlaying other zoning districts.
- (3) Any city within a county that adopts an ordinance providing for the transfer of development rights, may also adopt a transfer of development rights ordinance and the county and city by adoption of mutual provisions may provide for the transfer of development rights on land located in one to land located in another.
- (4) "Transferable development rights" means an interest in real property that constitutes the right to develop and use property under the zoning ordinance which is made severable from the parcel to which the interest is appurtenant and transferable to another parcel of land for development and use in accordance with the zoning ordinance. Transferable development rights may be transferred by deed from the owner of the parcel from which the development rights are derived and upon the transfer shall vest in the grantee and be freely alienable. The

zoning ordinance may provide for the method of transfer of these rights and may provide for the granting of easements and reasonable regulations to effect and control transfers and assure compliance with the provisions of the ordinance.

Section 143. KRS 100.209 is amended to read as follows:

- (1) When a city which has adopted zoning or other land use regulations pursuant to this chapter proposes to annex unincorporated or accept the transfer of incorporated territory, it may amend its comprehensive plan and official zoning map to incorporate and establish zoning or other land use regulations for the property proposed for annexation or transfer prior to adoption of the ordinance of annexation or transfer. If the city elects to follow this procedure, the planning commission shall hold a public hearing, after the adoption of the ordinance stating the city's intention to annex or transfer property and prior to final action upon the ordinance of annexation or transfer, for the purpose of adopting the comprehensive plan amendment and making its recommendations as to the zoning or other land use regulations which will be effective for the property upon its annexation or transfer. Notice setting forth the time, date, location, and purpose of the public hearing shall be published as required by KRS Chapter 424 and shall be given to the owners of all properties within the area proposed for annexation or transfer and to adjoining property owners in accordance with KRS 100.212(2). The city legislative body shall take final action upon the planning commission's recommendations prior to adoption of the ordinance of annexation or transfer and shall include in the ordinance of annexation or transfer a map showing the zoning or other land use regulations which will be effective for the annexed or transferred property. If the city elects not to follow the procedure provided for in this section prior to the adoption of the ordinance of annexation or transfer, the newly annexed or transferred territory shall remain subject to the same land use restrictions, if any, as applied to it prior to annexation or transfer until those restrictions are changed by zoning map amendments or other regulations in accordance with this chapter.
- (2) When a city is created or when a city of the fifth or sixth class is reclassified to a city of the fourth class or higher in a county containing a city of the first class *or a consolidated local government*, and the intent is to regulate land use within the confines of the city, the process for adopting or amending the comprehensive plan and adopting zoning or other land use regulations shall be as provided for in this chapter. Until such actions have been taken, the properties within the city shall remain subject to the land use restrictions, if any, as applied prior to the creation or reclassification of the city.

Section 144. KRS 100.211 is amended to read as follows:

- (1) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one (1) public hearing after notice as required by this chapter and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved. The findings of fact and recommendation shall include a summary of the evidence and testimony presented by the proponents and opponents of the proposed amendment. A tie vote shall be subject to further consideration by the planning commission for a period not to exceed thirty (30) days, at the end of which if the tie has not been broken, the application shall be forwarded to the fiscal court or legislative body without a recommendation of approval or disapproval. It



shall take a majority of the entire legislative body or fiscal court to override the recommendation of the planning commission and it shall take a majority of the entire legislative body or fiscal court to adopt a zoning map amendment whenever the planning commission forwards the application to the fiscal court or legislative body without a recommendation of approval or disapproval due to a tie vote. Unless a majority of the entire legislative body or fiscal court votes to override the planning commission's recommendation, such recommendation shall become final and effective and if a recommendation of approval was made by the planning commission, the ordinance of the fiscal court or legislative body adopting the zoning map amendment shall be deemed to have passed by operation of law.

- (2) A proposal to amend the text of any zoning regulation which must be voted upon by the legislative body or fiscal court may originate with the planning commission of the unit or with any fiscal court or legislative body which is a member of the unit. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall hold at least one (1) public hearing after notice as required by KRS Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation. In the case of a proposed amendment originating with a legislative body or fiscal court, the planning commission shall make its recommendation within sixty (60) days of the date of its receipt of the proposed amendment. It shall take an affirmative vote of a majority of the fiscal court or legislative body to adopt the proposed amendment.
- (3) Procedures prescribed in KRS 100.207 applicable to the publication of notice also shall apply to any proposed amendment to a zoning regulation text or map; provided that:
  - (a) Any published notice shall include the street address of the property in question, or if one is not available or practicable due to the number of addresses involved, a geographic description sufficient to locate and identify the property, and the names of two (2) streets on either side of the property which intersect the street on which the property is located; and
  - (b) When the property in question is located at the intersection of two (2) streets, the notice shall designate the intersection by name of both streets rather than name the two (2) streets on either side of the property.
- (4) When a property owner proposes to amend the zoning map of any planning unit other than a planning unit containing a city of the first class *or a consolidated local government*, the provisions of KRS 100.212 shall apply in addition to the requirements and procedures prescribed in subsection (3) of this section.
- (5) When a property owner proposes to amend the zoning map of any planning unit comprising any portion of a county containing a city of the first class *or a consolidated local government*, the provisions of KRS 100.214 shall apply in addition to the requirements and procedures prescribed in subsection (3) of this section.
- (6) In addition to the public notice requirements prescribed in subsection (3) of this section, when the planning commission, fiscal court, or legislative body of any planning unit originates a proposal to amend the zoning map of that unit, notice of the public hearing before the planning commission, fiscal court, or legislative body shall be given at least thirty (30) days in advance of the hearing by first class mail to an owner of every parcel of property the classification of which is proposed to be changed. Records by the property

valuation administrator may be relied upon to determine the identity and address of said owner.

- (7) The fiscal court or legislative body shall take final action upon a proposed zoning map amendment within ninety (90) days of the date upon which the planning commission takes its final action upon such proposal.

Section 145. KRS 100.212 is amended to read as follows:

When in any planning unit except for a planning unit containing a city of the first class *or a consolidated local government*, a hearing is scheduled on a proposal by a property owner to amend any zoning map, the following notice shall be given in addition to any other notice required by statute, local regulation, or ordinance:

- (1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed for fourteen (14) consecutive days immediately prior to the hearing. Posting shall be as follows:
  - (a) The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place, and date of hearing shall be in letters at least one (1) inch in height; and
  - (b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission; and
- (2) Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed to an owner of every parcel of property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of the owner. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (3) If the property the classification of which is proposed to be changed adjoins property in a different planning unit, or property which is not part of any planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
  - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or
  - (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

Section 146. KRS 100.214 is amended to read as follows:

When in any planning unit containing any portion of a county containing a city of the first class *or a consolidated local government* a hearing is scheduled on a proposal by a property owner to amend any zoning map the following notice shall be given in addition to any other notice required by statute by local regulation or ordinance to be given:

- (1) Notice of the hearing shall be posted conspicuously on the property the classification of which is proposed to be changed thirty (30) days immediately prior to the hearing. Posting shall be as follows:
  - (a) The sign shall state "zoning change" and the proposed classification change in letters three (3) inches in height. The time, place and date of hearing shall be in letters at least one (1) inch in height; and
  - (b) The sign shall be constructed of durable material and shall state the telephone number of the appropriate zoning commission;
- (2) Notice of the hearing shall be given at least thirty (30) days in advance of the hearing by first class mail, with certification by the commission secretary or other officer of the planning commission that the notice was mailed, to the mayor and city clerk of any city of the fifth or sixth class so affected, to an owner of every parcel of property adjoining at any point the property the classification of which is proposed to be changed, to an owner of every parcel of property directly across the street from said property, and to an owner of every parcel of property which adjoins at any point the adjoining property or the property directly across the street from said property; provided, however, that no first-class mail notice, required by this subsection, shall be required to be given to any property owner whose property is more than five hundred (500) feet from the property which is proposed to be changed. It shall be the duty of the person or persons proposing the map amendment to furnish to the planning commission the names and addresses of the owners of all property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address;
- (3) If the hearing has been scheduled for a time during normal working hours, and if, within fifteen (15) days of the scheduled date of the hearing the planning commission shall receive a petition from two hundred (200) property owners living within the planning unit requesting that the hearing be rescheduled for a time after normal working hours, then the planning commission shall reschedule the hearing for a time after normal working hours on a date no earlier than the date of the original hearing. The planning commission shall then publish notice of the new hearing time and date according to the provisions of KRS 100.211, except that notice shall occur at least seven (7) days prior to the public hearing. The sign required by subsection (1) of this section shall be changed to reflect the new hearing time and date at least seven (7) days prior to the public hearing. The persons who receive mail notice according to the provisions of subsection (2) of this section shall again be notified in the same manner of the new hearing time and date at least seven (7) days prior to the hearing. The hearing time shall not be changed more than once by the procedures of this section except in the event of intervening emergency which requires the cancellation of a hearing; and

- (4) Notice by mail shall include a list of the names and addresses of each person so notified, and a description of the procedure by which those notified can petition for a change in the hearing time.

Section 147. KRS 100.217 is amended to read as follows:

- (1) Before any zoning regulation may have legal effect within the planning unit, a board or boards of adjustment shall be appointed for the planning unit as stated in the agreement under which the unit operates. The agreement may provide for additional boards of adjustment with jurisdiction of a particular city or area within the planning unit. Provided, that the jurisdiction of the boards of adjustment so established shall be clearly defined as to territorial limits, that all territory within the planning unit is within the jurisdiction of some board of adjustment so established and that no territory is subject to the jurisdiction of more than one (1) board of adjustment, except as provided in KRS 100.203(5). ***In a county containing a consolidated local government where a planning agreement is not required, there shall be one (1) board of adjustment which shall be established by ordinance of the consolidated local government. Until such time as the consolidated local government establishes and appoints a board of adjustment pursuant to this subsection, the existing board of adjustment for the county shall serve as the board of adjustment for the entire planning unit.***
- (2) A board of adjustment shall consist of either three (3), five (5), or seven (7) members, all of whom must be citizen members, and not more than two (2) of whom may be citizen members of the planning commission.
- (3) The mayor shall be the appointing authority for cities, and the county judge/executive shall be the appointing authority for counties, subject to the approval of their respective legislative bodies. ***The mayor shall be the appointing authority for a consolidated local government pursuant to the provisions of Section 1 of this Act.***
- (4) The term of office for the board of adjustment shall be four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively.
- (5) Vacancies on the board of adjustment shall be filled within sixty (60) days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
- (6) All members of boards of adjustment shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, county judge/executive, notary public, clerk of a court, or justice of the peace within the district or county in which he resides.
- (7) Reimbursement for expenses or compensation or both may be authorized for members on a board of adjustment.
- (8) Any member of a board of adjustment may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the board of adjustment shall submit a written statement to the commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the board of adjustment, which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the Circuit Court of the county in which he resides.

- (9) Notwithstanding subsection (4) of this section, when a city of the first class and a county containing such city have in effect a compact pursuant to KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, if the board is not reorganized pursuant to subsection (1) of this section, the mayor, and county judge/executive with approval of the fiscal court, shall adjust the terms of the sitting members to provide that the terms of one-third (1/3) plus one (1) of the members expire in one (1) year, the terms of one-third (1/3) of the members in two (2) years and the terms of one-third (1/3) of the members expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years. ***Notwithstanding subsection (4) of this section, upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon expiration of the terms of incumbent members, their successors shall be appointed to three (3) year terms which are staggered.***
- (10) Each board of adjustment annually shall elect a chairman, vice chairman, and secretary and any other officers it deems necessary, and any officer shall be eligible for reelection at the expiration of his term.

Section 148. KRS 100.237 is amended to read as follows:

The board shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named in the zoning regulations which may be suitable only in specific locations in the zone only if certain conditions are met:

- (1) The board may approve, modify, or deny any application for a conditional use permit. If it approves such permit it may attach necessary conditions such as time limitations, requirements that one (1) or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. The board shall have power to revoke conditional use permits, or variances for noncompliance with the condition thereof. Furthermore, the board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.
- (2) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of building, housing, and other regulations.
- (3) In any case where a conditional use permit has not been exercised within the time limit set by the board, or within one (1) year, if no specific time limit has been set, such conditional use permit shall not revert to its original designation unless there has been a public hearing. "Exercised," as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement have been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment under contract, in development, are completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit.

- (4) The administrative official shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions listed on the conditional use permit, the administrative official shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of adjustment. The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one (1) week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the administrative official are true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board of adjustment may authorize the administrative official to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
- (5) Once the board of adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file. Thereafter said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
- (6) When an application is made for a conditional use permit for land located within or abutting any residential zoning district, written notice shall be given at least fourteen (14) days in advance of the public hearing on the application to the applicant, administrative official, the mayor and city clerk of any city of the fifth or sixth class so affected, within any county containing a city of the first class *or a consolidated local government*, an owner of every parcel of property adjoining the property to which the application applies and such other persons as the local zoning ordinance, regulations, or board of adjustment bylaws shall direct. Written notice shall be by first class mail with certification by the board's secretary or other officer that the notice was mailed. It shall be the duty of the applicant to furnish to the board the name and address of an owner of each parcel of property as described in this subsection. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two (2) or more co-owners of an adjoining property who are listed in the property valuation administrator's records as having the same address.
- (7) When any property within the required notification area for a public hearing upon a conditional use permit application is located within an adjoining city, county, or planning unit, notice of the hearing shall be given at least fourteen (14) days in advance of the hearing, by first-class mail to certain public officials, as follows:
  - (a) If the adjoining property is part of a planning unit, notice shall be given to that unit's planning commission; or

- (b) If the adjoining property is not part of a planning unit, notice shall be given to the mayor of the city in which the property is located or, if the property is in an unincorporated area, notice shall be given to the judge/executive of the county in which the property is located.

Section 149. KRS 100.253 is amended to read as follows:

- (1) The lawful use of a building or premises, existing at the time of the adoption of any zoning regulations affecting it may be continued, although such use does not conform to the provisions of such regulations, except as otherwise provided herein.
- (2) The board of adjustment shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation which makes its use nonconforming was adopted, nor shall the board permit a change from one nonconforming use to another unless the new nonconforming use is in the same or a more restrictive classification, provided, however, the board of adjustment may grant approval, effective to maintain nonconforming-use status, for enlargements or extensions, made or to be made, of the facilities of a nonconforming use, where the use consists of the presenting of a major public attraction or attractions, such as a sports event or events, which has been presented at the same site over such period of years and has such attributes and public acceptance as to have attained international prestige and to have achieved the status of a public tradition, contributing substantially to the economy of the community and state, of which prestige and status the site is an essential element, and where the enlargement or extension was or is designed to maintain the prestige and status by meeting the increasing demands of participants and patrons.
- (3) Any use which has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of ten (10) years, and which has not been the subject of any adverse order or other adverse action by the administrative official during said period, shall be deemed a nonconforming use. Thereafter, such use shall be governed by the provisions of subsection (2) of this section.
- (4) The provisions of subsection (3) of this section shall not apply to counties containing a city of the first class, a city of the second class, **a consolidated local government**, or **an** urban-county government.

Section 150. KRS 100.277 is amended to read as follows:

- (1) All subdivision of land shall receive commission approval.
- (2) No person or his agent shall subdivide any land, before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.
- (3) No person owning land composing a subdivision, or his agent, shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any instrument of transfer or other document used in the process of selling or transferring

same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have. Provided, however, any person, or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the planning commission.

- (4) Any street or other public ground which has been dedicated shall be accepted for maintenance by the legislative body after it has received final plat approval by the planning commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.
- (5) Any instrument of transfer, sale or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission. This subsection shall not apply to instruments of transactions affecting property in counties containing cities of the first class, *in consolidated local governments created pursuant to KRS Chapter 67C*, or in urban-counties created pursuant to KRS Chapter 67A.

Section 151. KRS 100.324 is amended to read as follows:

- (1) All other provisions of this chapter to the contrary notwithstanding, public utilities operating under the jurisdiction of the Public Service Commission, except as specified in KRS 100.987 and subsection (5) of this section, or the Department of Vehicle Regulation or Federal Power Commission, any municipally-owned electric system, and common carriers by rail shall not be required to receive the approval of the planning unit for the location or relocation of any of their service facilities. Service facilities include all facilities of such utilities and common carriers by rail other than office space, garage space, and warehouse space and include office space, garage space, and warehouse space when such space is incidental to a service facility. The Public Service Commission and the Department of Vehicle Regulation shall give notice to the planning commission of any planning unit of any hearing which affects locations or relocations of service facilities within that planning unit's jurisdiction.
- (2) The nonservice facilities excluded in subsection (1) of this section must be in accordance with the zoning regulations.
- (3) Upon the request of the planning commission, the public utilities referred to in this section shall provide the planning commission of the planning unit affected with information concerning service facilities which have been located on and relocated on private property.
- (4) Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the



reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its report, whichever occurs first.

- (5) Every utility which proposes to construct an antenna tower for cellular telecommunications services or personal communications services within a county containing a city of the first class *or a consolidated local government* shall submit the proposal to the planning commission of the affected planning unit. The planning commission shall review the proposal in light of its agreement with the comprehensive plan and locally-adopted zoning regulations and shall, within sixty (60) days from the date the proposal is submitted, make its final decision and advise the utility in writing whether the proposed construction is in accordance with the comprehensive plan and locally-adopted zoning regulations. If the planning commission fails to issue a final decision within sixty (60) days, it is presumed to have approved the proposal, and may not later appeal a decision of the Public Service Commission under KRS 278.650(3). If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally-adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its final decision on the utility proposal, whichever occurs first.

Section 152. KRS 100.331 is amended to read as follows:

***Except in counties containing a consolidated local government,*** fiscal courts are granted all the legislative powers granted to all cities for purposes of adopting regulations and legislation proposed under this chapter.

Section 153. KRS 100.347 is amended to read as follows:

- (1) Any person or entity claiming to be injured or aggrieved by any final action of the board of adjustment shall appeal from the action to the Circuit Court of the county in which the property, which is the subject of the action of the board of adjustment, lies. Such appeal shall be taken within thirty (30) days after the final action of the board. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The board of adjustment shall be a party in any such appeal filed in the Circuit Court.
- (2) Any person or entity claiming to be injured or aggrieved by any final action of the planning commission shall appeal from the final action to the Circuit Court of the county in which the property, which is the subject of the commission's action, lies. Such appeal shall be taken within thirty (30) days after such action. Such action shall not include the commission's recommendations made to other governmental bodies. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. Provided, however, any appeal of a planning commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this subsection. In such case, the thirty (30) day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The planning commission shall be a party in any such appeal filed in the Circuit Court.

- (3) Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county, **consolidated local government**, or urban-county government, relating to a map amendment shall appeal from the action to the Circuit Court of the county in which the property, which is the subject of the map amendment, lies. Such appeal shall be taken within thirty (30) days after the final action of the legislative body. All final actions which have not been appealed within thirty (30) days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the Circuit Court.
- (4) The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.
- (5) For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

Section 154. KRS 100.401 is amended to read as follows:

It is the intent of KRS 100.401 to 100.419 to strengthen the enforcement of binding elements which have been approved as part of a land use development plan in a county containing a city of the first class **or consolidated local government**. This is intended to be done by extending to a planning commission in counties containing a city of the first class **or consolidated local government** the authority to issue remedial orders and impose civil fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with approved land use plans as they apply to binding element agreements. KRS 100.401 to 100.419 is intended and shall be construed to provide an additional or supplemental means of obtaining compliance with local zoning ordinances and nothing contained in KRS 100.401 to 100.419 shall prohibit the enforcement of local zoning ordinances by any other means authorized by law.

Section 155. KRS 100.403 is amended to read as follows:

As used in KRS 100.401 to 100.419, unless the context otherwise requires:

- (1) "Land use enforcement officer" in a county containing a city of the first class **or consolidated local government** means ~~an~~<sup>a</sup> ~~zoning enforcement~~ officer ~~authorized~~<sup>employed</sup> by a planning commission **to enforce binding elements**.
- (2) "Land use ordinance" in a county containing a city of the first class **or consolidated local government** means an official action of a local government body which is a regulation of a general and permanent nature relating to the use and development of land within the jurisdictional boundary of the planning commission. It is enforceable as a local law and shall include any provision of a code of ordinances adopted by a local government which embodies all or part of an ordinance.
- (3) "Local government" means a county containing a city of the first class **or consolidated local government** and all cities of the first through fourth classes within ~~the~~<sup>that</sup> county.
- (4) "Binding element" in a county containing a city of the first class **or consolidated local government** means a binding requirement, provision, restriction, or condition imposed by a planning commission or its designee, or a promise or agreement made by an applicant in writing in connection with the approval of a land use development plan or subdivision plan.

Section 156. KRS 100.405 is amended to read as follows:

- (1) The planning commission in counties containing a city of the first class *or a consolidated local government* may issue remedial orders and impose civil fines as a method of enforcing a binding element when a violation of that binding element has been classified as a civil offense in accordance with this section.
- (2) Subject to the limitations set forth in subsections (1) and (3) of this section, if a local government elects to enforce a binding element as a civil offense, it shall do so by ordinance, which shall provide:
  - (a) That a violation of the binding element is a civil offense; and
  - (b) A maximum civil fine that may be imposed for each violation of a binding element.
- (3) No local government shall classify the violation of a binding element as a civil offense if the violation would also constitute an offense under any provision of the Kentucky Revised Statutes, including specifically, and without limitation, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

Section 157. KRS 100.985 is amended to read as follows:

In addition to the definitions set forth in KRS 100.111, the following definitions shall apply to KRS 100.985 to 100.987:

- (1) "Cellular antenna tower" means a tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services;
- (2) "Cellular telecommunications service" means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations;
- (3) "Co-location" means locating two (2) or more transmission antennas or related equipment on the same cellular antenna tower;
- (4) "Personal communication service" has the meaning as defined in 47 U.S.C. sec. 332(c);
- (5) "Uniform application" means an application for a certificate of convenience and necessity issued under KRS 278.020 submitted by a utility to the Public Service Commission to construct an antenna tower for cellular telecommunications services of personal communications service in a jurisdiction, that has adopted planning and zoning regulations in accordance with this chapter, except for any county that contains a city of the first class *or a consolidated local government*; and
- (6) "Utility" has the meaning as defined in KRS 278.010(3).

Section 158. KRS 100.987 is amended to read as follows:

- (1) A planning unit as defined in KRS 100.111 and legislative body or fiscal court that has adopted planning and zoning regulations, except for a county that contains a city of the first class *or a consolidated local government* as provided under KRS 278.650, may plan for and regulate the siting of cellular antenna towers in accordance with locally adopted planning or zoning regulations in this chapter by officially registering with the Public Service Commission. The registration shall be in the form of an official resolution adopted by the local planning commission. Nothing in this section shall require a planning unit and legislative body or fiscal court to plan for and regulate the siting of cellular antenna towers.
- (2) Every utility or a company that is engaged in the business of providing the required infrastructure to a utility that proposes to construct an antenna tower for cellular

telecommunications services or personal communications services within the jurisdiction of a planning unit that has adopted planning and zoning regulations in accordance with this chapter, except for a county that contains a city of the first class *or a consolidated local government* as provided under KRS 278.650, and that has officially registered with the Public Service Commission shall:

- (a) Submit a copy of the utility's completed uniform application to the planning commission of the affected planning unit to construct an antenna tower for cellular or personal telecommunications services within five (5) days of applying to the Public Service Commission for a certificate of necessity and convenience as required by KRS 278.020(1). The uniform application shall include a grid map that shows the location of all existing cellular antenna towers and that indicates the general position of proposed construction sites for new cellular antenna towers within an area that includes:
    1. All of the planning unit's jurisdiction; and
    2. A one-half (1/2) mile area outside of the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for cellular antenna towers;
  - (b) Include in any contract with an owner of property upon which a cellular antenna tower is to be constructed, a provision that specifies, in the case of abandonment, a method that the utility will follow in dismantling and removing a cellular antenna tower including a timetable for removal; and
  - (c) Comply with any local ordinances concerning land use, subject to the limitations imposed by 47 U.S.C. sec. 332(c), KRS 278.030, 278.040, and 278.280.
- (3) Commencing from the time that a utility files a uniform application with the Public Service Commission, all information contained in the uniform application and any updates, except for information that specifically identifies the proposed location of the cellular antenna tower then being reviewed by the applying utility, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The Public Service Commission and the local planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction. Any person violating this subsection shall be guilty of official misconduct in the second degree as provided under KRS 522.030.
- (4) After receiving the uniform application to construct a cellular antenna tower, the planning commission shall:
- (a) Review the uniform application in light of its agreement with the comprehensive plan and locally adopted zoning regulations;
  - (b) Make its final decision to approve or disapprove the uniform application; and
  - (c) Advise the utility and the Public Service Commission in writing of its final decision within sixty (60) days commencing from the date that the uniform application is received by the planning commission or within a date certain specified in a written agreement between the local planning commission and the utility. If the planning commission fails to issue a final decision within sixty (60) days and if there is no written agreement between the local planning commission and the utility to a specific

date for the planning commission to issue a decision, it is presumed that the local planning commission has approved the utility's uniform application.

- (5) (a) If the planning commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the locally adopted zoning regulations. No permit for construction of a cellular or personal communications services antenna tower, including any certificate of convenience and necessity required to be issued by the Kentucky Public Service Commission, shall be issued until the planning commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first. If a planning commission rejects the uniform application to construct an antenna tower, the Public Service Commission may override the decision of the planning commission and issue a certificate of convenience and necessity for construction of the cellular or personal communications services antenna tower, if it determines that there is no acceptable alternate site and that the public convenience and necessity requires the proposed construction.
- (b) Any party, other than the applying utility, that is aggrieved by the final action of a planning commission under this section, may intervene in the action to the Public Service Commission, but this appeal shall not automatically postpone action by the Public Service Commission.
- (6) The planning commission may require the utility to make a reasonable attempt to co-locate additional transmitting or related equipment on any new or existing towers, if there is available space on the tower and the co-location does not interfere with the structural integrity of the tower and does not require the owner of the tower to make substantial alterations to the tower. A planning commission may provide the location of existing cellular antenna towers on which the commission deems the applying utility can successfully co-locate its transmitting and related equipment. If the local planning commission requires the utility to attempt co-location, the utility shall provide the local planning unit with a statement indicating that the utility has:
- (a) Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities, and that identifies the location of the tower which the applying utility will co-locate its transmission and related facilities on; or
- (b) Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the utility's facilities and that:
1. Identifies the location of the towers which the applying utility attempted to co-locate on; and
  2. Lists the reasons why the co-location was unsuccessful in each instance.
- (7) The local planning commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.
- (8) In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the antenna tower and if no other agreement exists that prescribes an

alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a cellular antenna tower shall do so in a manner that does not impose additional costs or operating restrictions on the primary user.

Section 159. KRS 108.060 is amended to read as follows:

A civil service system for employees of the district may be established by the council in accordance with the plan outlined for cities of the first class *or a consolidated local government* under KRS 90.110 to 90.230.

Section 160. KRS 132.012 is amended to read as follows:

As used in this section and in KRS 91.285, unless the context otherwise requires:

- (1) "Abandoned urban property" means any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly developed urban area which has been vacant or unimproved for a period of at least one (1) year and which:
  - (a) Because it is dilapidated, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, it is unfit for its intended use; or
  - (b) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; or
  - (c) Has been tax delinquent for a period of at least three (3) years.
- (2) For purposes of local taxation in cities of the first class *or consolidated local governments*, there shall be a classification of real property known as abandoned urban property. The legislative body of a city of the first class *or consolidated local government* may levy a rate of taxation on abandoned urban property higher than the prevailing rate of taxation on other real property in the city *or consolidated local government*. The limitation upon tax rates established by KRS 132.027 shall not apply to the rate of taxation on abandoned urban property.

Section 161. KRS 132.015 is amended to read as follows:

The property valuation administrator shall maintain lists of all real property additions and real property deletions to the property tax rolls for the county, *consolidated local government*, or urban-county, and each city, school district, and special district in the county, *consolidated local government*, or urban-county, and shall certify such lists to the Revenue Cabinet, the city clerk of each city in the county which elects to use the annual county assessment as provided for in KRS 132.285, the treasurer or chief officer of each special district in the county, and the chief administrative officer of the urban-county *and the consolidated local government* at the time he files his recapitulation of property assessed on the tax roll with the Revenue Cabinet.

Section 162. KRS 132.017 is amended to read as follows:

- (1) (a) That portion of a tax rate levied by an ordinance, order, resolution, or motion of a county fiscal court, district board of education or legislative body of a city, urban-county government, *consolidated local government*, or other taxing district subject to recall as provided for in KRS 68.245, 132.023, 132.027 and 160.470, shall go into effect forty-five (45) days after its passage. If during the forty-five (45) days next following the passage of the order, resolution, or motion, a petition signed by a number of registered and qualified voters equal to ten percent (10%) of the voters voting in the last presidential election is presented to the county clerk or his authorized deputy protesting against passage of the ordinance, order, resolution, or

motion, the ordinance, order, resolution, or motion shall be suspended from going into effect until after the election referred to in subsection (2) of this section. When the petition is presented to the county clerk or his authorized deputy, the officer shall immediately notify the presiding officer of the appropriate fiscal court, district board of education,~~[-or]~~ legislative body of a city, **consolidated local government**,~~[-or]~~ urban-county government, or other taxing district, as the case may be. Each sheet of the petition shall contain the names, residence addresses, and Social Security numbers or dates of birth of voters in but one (1) voting precinct, and each sheet shall state the name, number, or designation of the precinct and, where applicable, the name, designation, or number of the district or ward wherein the precinct is situated. The county clerk shall make the conclusive determination of whether the petition contains enough signatures of qualified voters to suspend the effect of the order or resolution.

- (b) The county fiscal court, district board of education, or legislative body of a city, urban-county government, **consolidated local government**, or other taxing district may cause the cancellation of the election by reconsidering the ordinance, order, resolution, or motion and amending the ordinance, order, resolution, or motion to levy a tax rate which will produce no more revenue from real property, exclusive of revenue from new property as defined in KRS 132.010, than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 from real property. The action by the county fiscal court, district board of education, legislative body of a city, urban-county government, **consolidated local government**, or other taxing district shall be valid only if taken within fifteen (15) days following the date of the presentation of the petition.
- (2) (a) If an election is necessary under the provisions of subsection (1) of this section, the county fiscal court,~~[-or]~~ legislative body of a city, urban-county government, **consolidated local government**, or other taxing district shall cause to be submitted to the voters of the county, district, **consolidated local government**, or urban-county at the next regular election, the question as to whether the property tax rate shall be levied. The question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall not go into effect. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect.
  - (b) If an election is necessary for a school district under the provisions of subsection (1) of this section, the district board of education may cause to be submitted to the voters of the district in a called common school election not less than twenty (20) days nor more than thirty (30) days from the date the signatures on the petition are validated by the county clerk, or at the next regular election, at the option of the district board of education, the question as to whether the property tax rate shall be levied. If the election is held in conjunction with a regular election, the question shall be submitted to the county clerk not later than the second Tuesday in August preceding the regular election. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the order, resolution, or motion shall not go into effect, and the property tax rate which will produce four percent (4%) more revenues from real property, exclusive of revenue from new property as defined in KRS 132.010, than the amount of revenue

produced by the compensating tax rate defined in KRS 132.010, shall be levied without further approval by the county fiscal court, district board of education, or legislative body of a city, **consolidated local government**, urban-county government, or other taxing district, as the case may be. If a majority of the votes cast upon the question favor its passage, the order, resolution, or motion shall go into effect. The cost of a called common school election shall be borne by the school district causing the election to be held.

- (3) Notwithstanding any statutory provision to the contrary, if a city, county, school district, or other taxing district has not established a final tax rate as of September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all districts having a tax rate established by that date; and a second set of bills shall be prepared and collected in the regular manner, according to the provisions of KRS Chapter 132, upon establishment of final tax rates by the remaining districts.
- (4) If a second billing is necessary, the collection period shall be extended to conform with the second billing date.
- (5) All costs associated with the second billing shall be paid by the taxing district or districts requiring the second billing.

Section 163. KRS 132.018 is amended to read as follows:

- (1) If the tax rate applicable to real property levied by a county fiscal court, district board of education, or legislative body of a city, **consolidated local government**, urban-county government, or other taxing district is reduced as a result of reconsideration by the county fiscal court, district board of education, or legislative body of a city, **consolidated local government**, urban-county government, or other taxing district under the provisions of KRS 132.017(1)(b), the tax rate applicable to personal property levied under the provisions of KRS 68.248(1), 132.024(1), 132.029(1), and 160.473(1) shall be reduced by the respective county fiscal court, district board of education, or legislative body of a city, **consolidated local government**, urban-county government, or other taxing district to an amount which will produce the same percentage increase in revenue from personal property as the percentage increase in revenue from real property resulting from the reduced tax rate applicable to real property.
- (2) If the tax rate applicable to real property levied by a county fiscal court, district board of education, or legislative body of a city, **consolidated local government**, urban-county government, or other taxing district is reduced, under the provisions of KRS 132.017(2)(b), as a result of a majority of votes cast in an election being opposed to such a rate, the tax rate applicable to personal property levied by the respective county fiscal court, district board of education, or legislative body of a city, **consolidated local government**, urban-county government, or other taxing district shall be reduced, without further action by the levying body, to an amount which will produce the same percentage increase in revenue from personal property as the percentage increase in revenue from real property resulting from the reduced tax rate applicable to real property.

Section 164. KRS 132.023 is amended to read as follows:

- (1) No taxing district, other than the state, counties, school districts, cities, **consolidated local governments**, and urban-county governments, shall levy a tax rate which exceeds the



compensating tax rate defined in KRS 132.010, until the taxing district has complied with the provisions of subsection (2) of this section.

- (2) (a) A taxing district, other than the state, counties, school districts, cities, ***consolidated local governments***, and urban-county governments, proposing to levy a tax rate which exceeds the compensating tax rate defined in KRS 132.010, shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the principal office of the taxing district, or, in the event the taxing district has no office, or the office is not suitable for a hearing, the hearing shall be held in a suitable facility as near as possible to the geographic center of the district.
- (b) The taxing district shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following:
1. The tax rate levied in the preceding year, and the revenue produced by that rate;
  2. The tax rate proposed for the current year and the revenue expected to be produced by that rate;
  3. The compensating tax rate and the revenue expected from it;
  4. The revenue expected from new property and personal property;
  5. The general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated;
  6. A time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published;
  7. The purpose of the hearing; and
  8. A statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.
- (c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first-class mail to each person owning real property in the taxing district, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.
- (d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The taxing district may set reasonable time limits for testimony.
- (3) (a) That portion of a tax rate levied by an action of a tax district, other than the state, counties, school districts, cities, ***consolidated local governments***, and urban-county governments which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 shall be subject to a recall vote or reconsideration by the taxing district, as provided for in KRS 132.017, and shall be advertised as provided for in paragraph (b) of this subsection.
- (b) The taxing district, other than the state, counties, school districts, cities, ***consolidated local governments***, and urban-county governments shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new

property as defined in KRS 132.010, more than four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following:

1. The fact that the taxing district has adopted a rate;
2. The fact that the part of the rate which will produce revenue from real property, exclusive of new property as defined in KRS 132.010, in excess of four percent (4%) over the amount of revenue produced by the compensating tax rate defined in KRS 132.010 is subject to recall; and
3. The name, address, and telephone number of the county clerk of the county in which the taxing district is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Section 165. KRS 132.275 is amended to read as follows:

Each gas, water, electric light and telephone company operating in a county containing a city of the first class *or consolidated local government* shall furnish to the property valuation administrator a list showing the names and addresses of all persons, firms, or corporations receiving service from such utilities, and thereafter on every Monday, said utility companies shall furnish to said property valuation administrator a report containing the names of all persons, firms, or corporations who have, during the week immediately preceding, ordered gas, water, electric light or telephone service to be installed, removed or discontinued, with the addresses at which the services were ordered to be installed, removed or discontinued. Such information shall be treated as confidential and shall be used by said property valuation administrator only for the purpose of making accurate records; Provided, however, That said property valuation administrator shall permit the city assessor of said city of the first class *or consolidated local government* and any other taxing bodies of the various governments to examine said records for official purposes only, and said units of government shall treat said information as confidential.

Section 166. KRS 132.400 is amended to read as follows:

Before entering upon the duties of office, the property valuation administrator shall execute a bond conditioned upon the faithful performance of the duties of the office with a surety to be approved by the Revenue Cabinet. In counties containing a city of the first class *or consolidated local government*, the bond shall be in the sum of one hundred thousand dollars (\$100,000); in counties containing a city of the second class, fifty thousand dollars (\$50,000); in all other counties, twenty thousand dollars (\$20,000).

Section 167. KRS 132.590 is amended to read as follows:

- (1) The compensation of the property valuation administrator shall be based on the schedule contained in subsection (2) of this section as modified by subsection (3) of this section. The compensation of the property valuation administrator shall be calculated by the Revenue Cabinet annually. Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.
- (2) The salary schedule for property valuation administrators provides for nine (9) levels of salary based upon the population of the county in the prior year as determined by the United States Department of Commerce, Bureau of the Census annual estimates. To implement the

salary schedule, the cabinet shall, by November 1 of each year, certify for each county the population group applicable to each county based on the most recent estimates of the United States Department of Commerce, Bureau of the Census. The salary schedule provides four (4) steps for yearly increments within each population group. Property valuation administrators shall be paid according to the first step within their population group for the first year or portion thereof they serve in office. Thereafter, each property valuation administrator, on January 1 of each subsequent year, shall be advanced automatically to the next step in the salary schedule until the maximum salary figure for the population group is reached. If the county population as certified by the cabinet increases to a new group level, the property valuation administrator's salary shall be computed from the new group level at the beginning of the next year. A change in group level shall have no effect on the annual change in step. Prior to assuming office, any person who has previously served as a property valuation administrator must certify to the Revenue Cabinet the total number of years, not to exceed four (4) years, that the person has previously served in the office. The cabinet shall place the person in the proper step based upon a formula of one (1) incremental step per full calendar year of service:

## SALARY SCHEDULE

County Population by Group	Steps and Salary for Property Valuation Administrators			
	Step 1	Step 2	Step 3	Step 4
Group I 0-4,999	\$45,387	\$46,762	\$48,137	\$49,513
Group II 5,000-9,999	49,513	50,888	52,263	53,639
Group III 10,000-19,999	53,639	55,014	56,389	57,765
Group IV 20,000-29,999	55,702	57,765	59,828	61,891
Group V 30,000-44,999	59,828	61,891	63,954	66,017
Group VI 45,000-59,999	61,891	64,641	67,392	70,143
Group VII 60,000-89,999	66,017	68,768	71,518	74,269
Group VIII 90,000-499,999	68,080	71,518	74,957	78,395
Group IX 500,000 and up	72,206	75,644	79,083	82,521

- (3) (a) For calendar year 2000, the salary schedule in subsection (2) of this section shall be increased by the amount of increase in the annual consumer price index as published

by the United States Department of Commerce for the year ended December 31, 1999. This salary adjustment shall take effect on July 14, 2000, and shall not be retroactive to the preceding January 1.

- (b) For each calendar year beginning after December 31, 2000, upon publication of the annual consumer price index by the United States Department of Commerce, the annual rate of salary for the property valuation administrator shall be determined by applying the increase in the consumer price index to the salary in effect for the previous year. This salary determination shall be retroactive to the preceding January 1.
- (c) In addition to the step increases based on service in office, each property valuation administrator shall be paid an increase of six hundred eighty-seven dollars and sixty-seven cents (\$687.67) for each forty (40) hour training unit successfully completed. This amount shall be increased by the consumer price index adjustments prescribed in paragraphs (a) and (b) of this subsection. Each training unit shall be approved and certified by the Kentucky Revenue Cabinet. Each unit shall be available to property valuation administrators in each office based on continuing service in that office.
- (4) Notwithstanding any provision contained in this section, no property valuation administrator holding office on July 14, 2000, shall receive any reduction in salary or reduction in adjustment to salary otherwise allowable by the statutes in force on July 14, 2000.
- (5) Deputy property valuation administrators and other authorized personnel may be advanced one (1) step in grade upon completion of twelve (12) months' continuous service. The Revenue Cabinet may make grade classification changes corresponding to any approved for cabinet employees in comparable positions, so long as the changes do not violate the integrity of the classification system. Subject to availability of funds, the cabinet may extend cost-of-living increases approved for cabinet employees to deputy property valuation administrators and other authorized personnel, by advancement in grade.
- (6) Beginning with the 1990-1992 biennium, the Revenue Cabinet shall prepare a biennial budget request for the staffing of property valuation administrators' offices. An equitable allocation of employee positions to each property valuation administrator's office in the state shall be made on the basis of comparative assessment work units. Assessment work units shall be determined from the most current objective information available from the United States Bureau of the Census and other similar sources of unbiased information. Beginning with the 1996-1998 biennium, assessment work units shall be based on parcel count per employee. The total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the amount fixed by the Revenue Cabinet. However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for two (2) full-time deputies.
- (7) Beginning with the 1990-1992 biennium each property valuation administrator shall submit by June 1 of each year for the following fiscal year to the Revenue Cabinet a budget request for his office which shall be based upon the number of employee positions allocated to his office under subsection (6) of this section and upon the county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of

the office. The Revenue Cabinet shall return to each property valuation administrator, no later than July 1, an approved budget for the fiscal year.

- (8) Each property valuation administrator may appoint any persons approved by the Revenue Cabinet to assist him in the discharge of his duties. Each deputy shall be more than twenty-one (21) years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the Revenue Cabinet and shall be subject to the approval of the Revenue Cabinet. The Personnel Cabinet shall provide advice and technical assistance to the Revenue Cabinet in the revision and updating of the personnel classification system, which shall be equitable in all respects to the personnel classification systems maintained for other state employees. Any deputy property valuation administrator employed or promoted to a higher position may be examined by the Revenue Cabinet in accordance with standards of the Personnel Cabinet, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the Revenue Cabinet prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.
- (9) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280, an amount determined as follows:

Assessment Subject to

County Tax of:

At Least	But Less Than	Amount
----	\$100,000,000	\$0.005 for each \$100 of the first \$50,000,000 and \$0.002 for each \$100 over \$50,000,000.
\$100,000,000	150,000,000	\$0.004 for each \$100 of the first \$100,000,000 and \$0.002 for each \$100 over \$100,000,000.
150,000,000	300,000,000	\$0.004 for each \$100 of the first \$150,000,000 and \$0.003 for each \$100 over \$150,000,000.
300,000,000	----	\$0.004 for each \$100.

- (10) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (9) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to

County Tax of:

At Least	But Less Than	Limit
----	\$700,000,000	\$25,000
\$700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	-----	175,000

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

- (11) Annually, after appropriation by the county of funds required of it by subsection (9) of this section, and no later than August 1, the property valuation administrator shall file a claim with the county for that amount of the appropriation specified in his approved budget for compensation of deputies and assistants, including employer's shares of FICA and state retirement, for the fiscal year. The amount so requested shall be paid by the county into the State Treasury by September 1, or paid to the property valuation administrator and be submitted to the State Treasury by September 1. These funds shall be expended by the Revenue Cabinet only for compensation of approved deputies and assistants and the employer's share of FICA and state retirement in the appropriating county. Any funds paid into the State Treasury in accordance with this provision but unexpended by the close of the fiscal year for which they were appropriated shall be returned to the county from which they were received.
- (12) After submission to the State Treasury or to the property valuation administrator of the county funds budgeted for personnel compensation under subsection (11) of this section, the fiscal court shall pay the remainder of the county appropriation to the office of the property valuation administrator on a quarterly basis. Four (4) equal payments shall be made on or before September 1, December 1, March 1, and June 1 respectively. Any unexpended county funds at the close of each fiscal year shall be retained by the property valuation administrator, except as provided in KRS 132.601(2). During county election years the property valuation administrator shall not expend in excess of forty percent (40%) of the allowances available to his office from county funds during the first five (5) months of the fiscal year in which the general election is held.
- (13) The provisions of this section shall apply to urban-county governments *and consolidated local governments*. In an urban-county government *and a consolidated local government*, all the rights and obligations conferred on fiscal courts *or consolidated local governments* by the provisions of this section shall be exercised by the urban-county government *or consolidated local government*.
- (14) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A *or when a consolidated local government is established through merger of existing city and county governments as provided by KRS Chapter 67C*, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285, and the annual amount to be appropriated to the property valuation administrator's office

shall be the combined amount that is required of the county under this section and that required of the city under KRS 132.285, except that the total shall not exceed one hundred thousand dollars (\$100,000) for any urban-county government *or consolidated local government* with an assessment subject to countywide tax of less than three billion dollars (\$3,000,000,000), one hundred twenty-five thousand dollars (\$125,000) for an urban-county government *or consolidated local government* with an assessment subject to countywide tax between three billion dollars (\$3,000,000,000) and five billion dollars (\$5,000,000,000), and two hundred thousand dollars (\$200,000) for an urban-county government *or consolidated local government* with an assessment subject to countywide tax in excess of five billion dollars (\$5,000,000,000). For purposes of this subsection, the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.

- (15) Notwithstanding the provisions of subsection (9) of this section, the amount appropriated and paid by each county fiscal court to the office of the property valuation administrator for 1996 and subsequent years shall be equal to the amount paid to the office of the property valuation administrator for 1995, or the amount required by the provisions of subsections (9) and (10) of this section, whichever is greater.

Section 168. KRS 132.635 is amended to read as follows:

The provisions of KRS 132.590 and 132.630 shall apply to urban-county governments *and consolidated local governments*. In an urban-county government *and in a consolidated local government*, all the rights and obligations conferred on fiscal courts by the provisions of KRS 132.590 and 132.630, shall be exercised by the urban-county government *or consolidated local government, as the case may be*.

Section 169. KRS 133.240 is amended to read as follows:

- (1) The county clerk shall be allowed thirty cents (\$0.30) for calculating the state, county and school tax and preparing a tax bill for each individual taxpayer for the sheriff or collector under the provisions of KRS 133.220, and one dollar (\$1) for each tax bill made in case of an omitted assessment.
- (2) The county clerk shall present his account to the fiscal court, verified by his affidavit, together with his receipt from the sheriff for the tax bills and his receipt from the Revenue Cabinet for the recapitulation sheets. If found correct, the court shall allow the account, and order one-half (1/2) of it paid out of the ~~county~~ levy and the other one-half (1/2) out of the State Treasury. The county clerk shall certify the allowance to the Finance and Administration Cabinet, which shall draw a warrant on the State Treasurer in favor of the county clerk for the state's one-half (1/2).
- (3) The above county allowance shall likewise be paid to the county clerk for calculation of the state, county, city, *consolidated local government*, urban-county government, *and* school and special district tax for each individual motor vehicle taxpayer, based upon certification from the Revenue Cabinet of the number of accounts as of January 1 each year.

Section 170. KRS 134.140 is amended to read as follows:

- (1) The sheriff, by virtue of his office, shall be collector of all state, county, *consolidated local government*, and district taxes, unless the payment thereof is, by law, especially directed to be made to some other officer. Where provision is not otherwise made for the collection of taxes, the assessment or proportion thereof allocable to a local taxing district shall be certified to the clerk of the court of the county *or the clerk of the consolidated local*

**government** which constitutes or in which such taxing district is located, for collection as provided by law.

- (2) The sheriff shall not receive or receipt for any taxes until the tax bills have been delivered to him by the county clerk, as provided in KRS 133.220 and 133.230.
- (3)
  - (a) The sheriff, except in urban-county governments, may, and at the direction of the fiscal court **or a consolidated local government** shall, invest any tax revenues held in his possession from the time of collection until the time of distribution to the proper taxing authorities pursuant to KRS 134.300, 134.320 and 160.510. Investments by the sheriff shall be restricted to those permitted by KRS 66.480.
  - (b) At the time of his monthly distribution of taxes to the district board of education, the sheriff shall pay to the board of education that part of his investment earnings for the month which is attributable to the investment of school taxes, but this subsection shall not be construed to prohibit the sheriff from obtaining his expenses not to exceed the rate of four percent (4%) of the earned monthly investment income for the administration of this investment fund.
  - (c) In those counties where the sheriff pays his fees and commissions to the county and the salaries and expenses of his office are paid by the county, the sheriff shall pay to the county treasurer the investment earnings, other than those paid to the board of education in compliance with subsection (3)(b) of this section, at the time of his monthly distribution of taxes to the county.
  - (d) In those counties where the office of sheriff is funded in whole or in part by fees and commissions, the sheriff may use investment earnings, other than those which must be paid to the board of education in compliance with subsection (3)(b) of this section, to pay lawful expenses of his office, and the remainder shall be paid to the fiscal court **or a consolidated local government** at the time of the sheriff's annual settlement for county, **consolidated local government**, and district taxes and excess fees.

Section 171. KRS 134.380 is amended to read as follows:

- (1) The secretary may act in the name of and in behalf of the state and in the name of and in behalf of any and all counties, **consolidated local government**, school, and other taxing districts in the state to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. If the cabinet assumes the duties of collecting the delinquent taxes assessed under the authority of KRS Chapter 132, it shall have all the powers, rights, duties, and authority conferred generally upon the cabinet by the Kentucky Revised Statutes, including, but not limited to, Chapters 131, 134, and 135.
- (2) Field agents, accountants, and attorneys of the cabinet shall prosecute all actions and proceedings under the direction of the secretary. Field agents, accountants, attorneys, and all other employees of the cabinet engaged in the prosecution of the actions shall not be hired by personal service contract. The secretary shall prosecute diligently, or cause to be prosecuted by field agents, accountants, and attorneys employed by him, the collection of all delinquent taxes due the state.
- (3) Nothing contained in this chapter shall prevent the secretary of revenue from assessing any property in accordance with the provisions of KRS 136.020, 136.030, or 136.050, or KRS 136.120 to 136.180.



- (4) The cabinet may require the use of any reports, forms, or databases necessary to administer the law in connection with the collection of delinquent taxes. The cabinet shall require an index to be kept of all certificates of delinquency.

Section 172. KRS 134.590 is amended to read as follows:

- (1) When it appears to the appropriate agency of state government that money has been paid into the State Treasury for ad valorem taxes when no taxes were in fact due or for taxes of any kind paid under a statute held unconstitutional, the agency of state government which administers the tax shall refund the money, or cause it to be refunded, to the person who paid the tax. No refund or credit shall be authorized to a person who has made payment of the tax due on any tract of land unless the entire tax due the state on the land has been paid.
- (2) No refund shall be made unless an application for refund is made within two (2) years from the time payment was made. No refund for ad valorem taxes, except those held unconstitutional, shall be made unless the taxpayer has properly followed the administrative remedy procedures established through the protest provisions of KRS 131.110, the appeal provisions of KRS 133.120, the correction provisions of KRS 133.110 and 133.130, or other administrative remedy procedures.
- (3) When it has been determined that city, urban-county, county, school district, **consolidated local government**, or special district ad valorem taxes have been paid to a city, urban-county, county, school district, **consolidated local government**, or special district when no taxes were due or the amount paid was in excess of the amount finally determined to be due, the taxes shall be refunded to the person who paid the tax.
- (4) Refunds of ad valorem taxes shall be authorized by the mayor or chief finance officer of any city, **consolidated local government**, or urban-county government for the city, **consolidated local government**, or urban-county government or for any special district for which the city, **consolidated local government**, or urban-county government is the levying authority, by the county judge/executive of any county for the county or special district for which the fiscal court is the levying authority, or by the chairman or finance officer of any district board of education.
- (5) Upon proper authorization, the sheriff or collector shall refund the taxes from current tax collections held by the sheriff or collector. If there are no such funds, refunds shall be made by the finance officer of the district. The sheriff or collector shall receive credit for any refunds made by the sheriff or collector on the next collection report to the district.
- (6) No refund shall be made unless an application is made within two (2) years from the date payment was made. If the amount of taxes due is in litigation, the application for refund shall be made within two (2) years from the date the amount due is finally determined. No refund for ad valorem taxes, except those held unconstitutional, shall be made unless the taxpayer has properly followed the administrative remedy procedures established through the protest provisions of KRS 131.110, the appeal provisions of KRS 133.120, the correction provisions of KRS 133.110 and 133.130, or other administrative remedy procedures.
- (7) Notwithstanding other statutory provisions, for property subject to a tax rate that is set each year based on the certified assessment, any loss of ad valorem tax revenue suffered by a taxing district due to the issuance of refunds may be recovered by making an adjustment in the tax rate for the following tax year.

Section 173. KRS 153.440 is amended to read as follows:

In addition to the three percent (3%) transient room tax authorized by KRS 91A.390, fiscal courts in counties containing cities of the first class *or consolidated local governments* may levy an additional transient room tax not to exceed one percent (1%) of the rent for every occupancy of a suite, room or rooms, charged by all persons, companies, corporations or other like or similar persons, groups or organizations doing business as motor courts, motels, hotels, inns or like or similar accommodations' businesses. All moneys collected from the tax authorized by this section shall be turned over to the Kentucky Center for the Arts Corporation, and shall be used to defray operating costs of the Kentucky Center for the Arts.

Section 174. KRS 153.460 is amended to read as follows:

- (1) As used in this section:
  - (a) "Multipurpose arena" means a facility whose principal use includes, but is not limited to, the exhibition of collegiate basketball competition;
  - (b) "Restaurant" means any facility operated for profit which has minimum seating capacity of fifty (50) people at tables and which receives at least fifty percent (50%) of its gross annual income from the sale of food.
- (2) Fiscal courts in counties containing cities of the first class *or consolidated local governments* may levy:
  - (a) A ten percent (10%) surcharge on all tickets sold by a multipurpose arena located in the county and constructed after April 9, 1980; and
  - (b) A one-fourth of one percent (0.25%) tax on gross receipts from the sale of food and beverages of all restaurants located in the county.
- (3) All moneys collected from the surcharge on tickets and the restaurant tax shall be placed in a fund to be used to defray operating expenses of any such multipurpose arena.

Section 175. KRS 161.710 is amended to read as follows:

- (1) The local retirement systems merged with the state retirement system under the provisions of Acts 1938 (1st Ex. Sess.), Ch. 1, 49, shall be discontinued. The payment of all benefits to members on the retired roll at the time of discontinuance shall become the obligation of the school district in which the local system was operated prior to its discontinuance. The method of determining and paying refundable deposits due members of the local system shall be as provided in Acts 1938 (1st Ex. Sess.), Ch. 1, 49.
- (2) Payments to annuitants in cities of the first class *or in areas formerly constituting a city of the first class which have been consolidated with their county* shall not exceed the amount being received by them at the time the local retirement system is discontinued. The sum that remains after the death of all annuitants shall be used by the local board of education for general school purposes.
- (3) The local board of education shall continue to invest the funds transferred to it for the benefit of the existing annuitants as long as such annuitants live. Such investment shall be governed by Acts 1934, Ch. 65, Art. IX, except that the local board of education is substituted for the board of trustees of the local retirement system. The local board of education shall keep all funds transferred to it by the local retirement system and all income from the investment of such funds in a separate fund to be known as the annuity fund. The local board of education may pay from the fund any reasonable expenses necessary for the fund's administration and general management. The local board of education shall safeguard

the fund by requiring such additional surety bond of the treasurer as it deems necessary, by providing for an annual audit by a reputable auditing firm, by spreading on the minutes of the board of education at least annually a report of investments, assets, and liabilities, and the names, addresses, and annuities of annuitants, and by making such an appropriation to the fund from local school revenues as will guarantee the full and complete discharge of all obligations to annuitants.

Section 176. KRS 162.300 is amended to read as follows:

County boards of education and boards of education of independent districts not embracing a city of any class may obtain buildings for school purposes by proceeding under the provisions of KRS 162.120 to 162.290. When applied to such boards of education, KRS 162.120 to 162.290 shall be so read that the term:

- (1) "City" means "county", ***including a county containing a consolidated local government***, or "urban-county," as the case may be;
- (2) "City clerk" means "county clerk" or the appropriate record keeping officer in an urban-county government ***or a consolidated local government***;
- (3) "Governing body of the city" means "fiscal court" or the governing body of an urban-county government ***or a consolidated local government***, as the case may be;
- (4) "Mayor" means "county judge/executive," ~~or~~ "chief executive officer of the urban-county government," ***or "mayor of a consolidated local government,"*** as the case may be;
- (5) "Ordinance" means either "ordinance" or "resolution."

Section 177. KRS 172.200 is amended to read as follows:

- (1) Upon the adoption of this optional plan, in counties other than those containing a city of the first class ***or consolidated local government***, the Circuit Judge shall appoint one (1) member of the county's bar, and the members of the county's bar shall, by majority vote, elect another of their number, which two (2) attorneys shall, with the county attorney of the county, constitute and be designated as "Trustees, .... County Law Library." In counties containing a city of the first class ***or consolidated local government***, the Chief Circuit Judge shall appoint one (1) member of the county's bar; the members of the county's bar shall, by majority vote, elect another of their number; the fiscal court ***or consolidated local government pursuant to the provisions of Section 1 of this Act*** shall appoint one (1) member, and one (1) member shall be appointed by the Commonwealth's attorney, which four (4) attorneys shall, with the county attorney of the county, constitute and be designated as "Trustees, ..... County Law Library" ***or in a county containing a consolidated local government, "Trustees, ...../.....County Law Library," which shall be a combination of the names of the largest city in existence on the date of the approval of the consolidated local government and the county.***~~[""]~~
- (2) The trustees shall serve for a term of two (2) years or until their successors are elected or qualified.
- (3) The trustees shall be in charge of the county law library, and they shall make purchases of the various state and federal case reports, textbooks, legal encyclopedia, and all other books usually incident to or customarily found in law libraries, or necessary to the protection of the rights of litigants, and they shall cause same to be properly arranged in the county law library, directing the ex officio librarian in the exercise of his duties.

- (4) The trustees shall exercise their absolute discretion in the purchase of books, pamphlets, periodicals, and other materials, and in the appointment and compensation of personnel to assist the ex officio librarian in the handling of materials and in the maintenance of the library, but the trustees shall not contract for any such purchases and appointments so as to create an indebtedness greater than the anticipated revenue for the following eighteen (18) months, the anticipated revenue being based upon the preceding eighteen (18) months' revenue, and any indebtedness of the county law library fund shall not be considered in any way an indebtedness of the county, but shall be an indebtedness of the county law library fund only, and all creditors must look only to the county law library fund for satisfaction of their indebtedness.
- (5) The trustees shall designate one (1) of their number as treasurer and he shall be accountable for the receipt, deposit, and disbursement of all sums received for the operation of the county law library. He shall be bonded by a corporate bond, the cost of which shall be paid out of the receipts of the library fund. He shall deposit all sums received by him as treasurer in a regular banking depository, and he shall pay for all purchases made by the trustees by check or draft, keeping a true and accurate account of all sums received and expended by him. He shall annually file a written report with the Circuit Judge of the county showing all sums received by him, together with the court from which they were received, and an itemized statement of all expenditures made by him. The treasurer shall turn all funds over to his successor, together with a full inventory of the county law library, and together with a full and complete itemized statement of all outstanding accounts.

Section 178. KRS 173.105 is amended to read as follows:

- (1) The fiscal court of any county containing a population of over two hundred thousand (200,000) and a city of the first class, may contract with the board of trustees of the free public library of any such city for the purpose of granting to the residents and schools of such county the same privileges afforded by such library to residents and schools in the city.
- (2) Notwithstanding any provisions of Kentucky Revised Statutes to the contrary, when the fiscal court of any county containing a population of over two hundred thousand (200,000) and a city of the first class have in effect a compact under KRS 79.310 to 79.330, the city and county shall by joint action create a joint city/county department for the purpose of providing a free public library. In such event, the board of trustees shall be dissolved as a corporate entity and all assets and liabilities of the board of trustees shall be transferred to the joint department. An advisory board may be established by joint agreement of such city and county. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the joint department shall become a department of the consolidated local government and all assets and liabilities of the joint department shall be transferred to the consolidated local government. An advisory board may be established or maintained by a consolidated local government. Members of the advisory board shall be appointed pursuant to the provisions of Section 1 of this Act and shall serve at the pleasure of the mayor of the consolidated local government.***
- (3) If the fiscal court enters into a contract pursuant to subsection (1) of this section, then the county judge/executive shall have the authority to appoint one-half (1/2) of the positions on the board of trustees of the free public library. Appointments shall be made for four (4) year terms. Each appointee must be at the time of his ***or her*** appointment a taxpayer and qualified voter in the county.

- (4) The county judge/executive shall make the appointments authorized by subsection (3) of this section in the following manner. On March 31 of 1978 and March 31 of 1980, he *or she* shall appoint persons to fill two (2) of the vacancies which occur. On March 31 of 1979 and March 31 of 1981, he *or she* shall appoint a person to fill one (1) vacancy which occurs. He *or she* shall continue to make the appointments to these positions when a vacancy occurs or a term expires, subject to subsection (5) of this section.
- (5) If the contract between the fiscal court and a free public library terminates or ceases to be in effect, the county judge/executive shall no longer have the authority to appoint persons as trustees to the board of the free public library and the mayor may terminate the appointment of trustees appointed by the county judge/executive and appoint persons to fill their unexpired terms.
- (6) The fiscal court may annually appropriate money out of the county treasury to the maintenance and support of the library.
- (7) Money so appropriated by the fiscal court may be expended by the board of trustees of the free public library in the establishment of branch stations in the county outside the city of the first class, under regulations of the board of trustees.

Section 179. KRS 173.106 is amended to read as follows:

In a county where the county and a city of the first class have in effect a compact under KRS 79.310 to 79.330 and have created a joint city/county library department, the county clerk, when he *or she* receives an application for vehicle registration pursuant to KRS 186.030, shall present the person making the application an opportunity to make a voluntary contribution for the support of the free public library. If the applicant chooses to donate to the library, he or she shall include the donation in the fee. The clerk shall pay the donations to the library department in the same fashion as taxes are paid pursuant to KRS 134.815 and shall be entitled to the same commission as that payable on county taxes pursuant to KRS 134.805. *Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, and have created a joint city/county library department, the county clerk shall continue the procedure by which persons may make voluntary contributions for the support of the free public library. The donations shall be transferred to the consolidated local government for the maintenance of the library department in the same manner as moneys are transferred pursuant to KRS 134.815 and the county clerk shall be entitled to the same commission as that payable on taxes pursuant to KRS 134.805.*

Section 180. KRS 173.107 is amended to read as follows:

Any library established or maintained pursuant to the provisions of KRS 173.310 to 173.410 shall not, upon becoming a city of the first class, *or a consolidated local government*, or a county containing a city of the first class, have its tax levy or appropriation decreased except by the procedure in KRS 173.790.

Section 181. KRS 173.860 is amended to read as follows:

There is hereby created the urban libraries fund for distribution to free public libraries in counties containing cities of the first or second class, urban-county governments, *consolidated local governments*, or any county in which there are no incorporated areas pursuant to the provisions of KRS 173.870. The fund shall consist of such sums as are appropriated by the General Assembly, and any grants, gifts, legacies, devises or other funds or property from any available source,

public or private. The receipt, control and expenditure of funds shall be subject to the general provisions of KRS Chapters 41 to 47, governing financial administration of state agencies.

Section 182. KRS 177.9771 is amended to read as follows:

- (1) The "extended weight coal or coal by-products haul road system" shall consist of all state-maintained toll roads or state-maintained roads which were previously toll roads and the public highways over which quantities of coal or coal by-products in excess of fifty thousand (50,000) tons were transported by motor vehicles during the period from January 1, 1985, through December 31, 1985, and shall be updated annually thereafter.
- (2) The secretary of the Transportation Cabinet shall by official order on or before November 1, of each year, certify such public highways or portions thereof, as fulfill the criteria in subsection (1) of this section, as the extended weight coal or coal by-products haul road system.
- (3) The total tons of coal or coal by-products transported by motor vehicles over any public highway shall be determined from the official coal or coal by-products road system transportation report required pursuant to KRS 177.977.
- (4) Any vehicle, when registered with a declared gross weight of eighty thousand (80,000) pounds and when transporting coal or coal by-products over public highways which are part of the extended weight coal or coal by-products haul road system or portions thereof, may be operated at the weights as set forth below in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state or county maintained systems by paying the corresponding decal fee as set forth below:
  - (a) A single unit truck having one (1) steering axle and two (2) axles in tandem shall be limited to a maximum gross weight of ninety thousand (90,000) pounds with a tolerance of five percent (5%), and pay a decal fee of one hundred sixty dollars (\$160) annually;
  - (b) A single unit truck having one (1) steering axle and three (3) axles in tridem arrangement shall be limited to a maximum gross weight of one hundred thousand (100,000) pounds with a tolerance of five percent (5%), and pay a decal fee of two hundred sixty dollars (\$260) annually;
  - (c) Tractor-semitrailer combinations with five (5) or more axles shall be limited to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a tolerance of five percent (5%), and pay a decal fee of three hundred sixty dollars (\$360) annually;
  - (d) Any motor carrier involved in the transportation of coal or coal by-products which meets gross axle weights of twenty thousand (20,000) pounds per axle and twelve thousand (12,000) pounds for the steering axle may register in excess of eighty thousand (80,000) pounds by payment of eight hundred forty dollars (\$840) plus an additional decal fee of ten dollars (\$10) per one thousand (1,000) pounds of registered weight above eighty thousand (80,000) pounds;
  - (e) For purposes of this section, KRS 177.979, and 189.230, and for purposes of the extended weight coal or coal by-products haul system, the dimensional requirements of motor vehicles shall conform to all appropriate federal laws and regulations;
  - (f) The payment of the decal fee shall be in addition to any state registration fee, user fee or other decal fee, including the registration fee as specified in KRS 186.050(3);

- (g) Motor vehicles used in the transportation of coal or coal by-products under cooperative agreements pursuant to KRS 177.979 shall be exempt from the payment of the decal fee as set forth in this section and the registration fee as set forth in KRS 186.050(3) as long as the truck is driven over cooperative roads only while full. The Transportation Cabinet shall issue identifying license plates for those motor vehicles under cooperative agreements;
  - (h) All fees under this section shall be scheduled for payment and prorated pursuant to the provisions of KRS 186.051; and
  - (i) All revenues generated pursuant to this section shall be credited to a special account within the road fund called the "energy recovery road fund."
- (5) Sixty percent (60%) of all energy recovery road funds shall be used by the Department of Highways for construction, maintenance, and repair of the state-maintained portion of the extended weight coal or coal by-products haul road system.
  - (6) Forty percent (40%) of all energy recovery road funds shall be distributed to the fiscal court of those counties in which coal or coal by-products are transported for the sole purpose of construction, maintenance and repair of the county-maintained portion of the extended weight coal or coal by-products haul system. The distribution of funds to the counties shall be proportioned based on the miles of county roads on the extended weight coal or coal by-products haul system in each county compared to the total mileage of county roads in the total extended weight coal or coal by-products haul road system and the tons of coal or coal by-products transported over county roads on the extended weight coal or coal by-products haul system in each county compared to the total tons of coal or coal by-products transported over county roads in the total extended weight coal or coal by-products haul road system.
  - (7) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes and the secretary of transportation shall not act in any manner which shall jeopardize federal highway funds or funds to be received by the Commonwealth. This section shall not be construed to authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222. This section shall not be construed to prohibit the Department of Highways from providing for the public safety and convenience of the traveling public on the highway.
  - (8) As soon as practical after the report is prepared and published pursuant to KRS 177.977 for any calendar year after 1985, the secretary shall add to or delete from the extended weight coal or coal by-products haul road system public highways or portions thereof based upon the criteria set out in this section. Deletion of a public road or portion of it from the extended weight coal or coal by-products haul road system shall not affect the eligibility of the roads for highway funds or programs applicable to the extended weight coal or coal by-products haul road system.
  - (9) A fiscal court,~~or~~ a governing body of a city of the first through fourth class, **consolidated local government**, or urban-county government may by resolution, make recommendation to the secretary of the Transportation Cabinet that certain roads or road segments in the county or corporate city limits pose inherent and definite hazards, special conditions, or greatly impact the economy of the county or city and that the secretary shall meet with said fiscal court or local governing body and take into consideration their concerns before adding to or deleting from the extended weight coal or coal by-products haul system.

- (10) The secretary of the Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A necessary to administer the provisions of this section, KRS 177.9772, 177.979, and 189.230.

Section 183. KRS 178.020 is amended to read as follows:

Every county road, bridge and landing, and every city street and alley heretofore lawfully established and opened and not lawfully discontinued or vacated shall continue as such, until properly discontinued. Every road, street and alley, used and occupied as a public road, street or alley, shall be presumed to be a public road, street or alley, as the case may be. Nothing in this section shall be interpreted as interfering with the right of the fiscal court of a county containing a city of the first class *or a consolidated local government* from detaching a road or a portion thereof from the county through road system.

Section 184. KRS 178.040 is amended to read as follows:

- (1) In order to change the width of a county road, the fiscal court *or a consolidated local government* shall make a special order for a different width. The order shall be recorded in the office of the county clerk. In order to change the width of the right-of-way of a portion of a county through road system the fiscal court of a county containing a city of the first class *or a consolidated local government* may make a special order for a different width. The order shall be recorded in the office of the county road engineer.
- (2) All county roads hereafter established shall occupy a right-of-way not less than thirty (30) feet wide, but the fiscal court *or a consolidated local government* may order it to be a greater width. All roads added to the county through road system in a county containing a city of the first class *or a consolidated local government* in accordance with KRS 178.333 shall occupy a right-of-way width as ordered by the fiscal court *or the consolidated local government*.
- (3) In acquiring a right-of-way for a county through road within any city, the fiscal court or the county court of a county containing a city of the first class *or the consolidated local government* may exercise any powers granted them by statute for the acquisition of property.

Section 185. KRS 178.117 is amended to read as follows:

- (1) Any person or corporation, public or private, or any group of such persons or corporations or both residing in or owning property adjacent to any publicly dedicated road in unincorporated territory in a county containing a city of the first class *or consolidated local government* desiring to make any improvements to the publicly dedicated road shall submit to the fiscal court *or the consolidated local government* for approval plans and specifications for its improvements at their own expense. Any such request for private improvement shall include all the information required by KRS 184.020 to accompany a request for the creation of a public road district pursuant to that section.
- (2) The sponsors of the private improvement of the publicly dedicated road shall present their request, together with the attached maps and estimates of cost, to the fiscal court *or the consolidated local government*, who shall turn over to the county engineer for his consideration the maps and estimates of cost. In considering whether to permit the requested improvement, the fiscal court, *or the consolidated local government*, and the county engineer shall follow the same procedures provided for in KRS 184.040 and the same appellate rights provided for in these sections are available to the petitioners. When the county engineer receives from the fiscal court *or the consolidated local government* an



application for approval of plans or specifications for the private improvement of publicly dedicated roads by some individual or corporation, or a combination thereof, the county engineer shall be authorized and empowered to examine, inspect and investigate, as seems to be advisable, the sufficiency of the improvements which the application seeks to serve the purposes intended, and to establish and make reasonable charges for such services on the basis of a schedule adjusted according to the services required to make such investigation or on any other reasonable method.

- (3) When it appears to the county engineer that the completion of the improvement by or on behalf of any such individual or corporation requires inspection and supervision in order to assure the protection of the public safety and the proper subsequent completion of such work for the purposes intended, the county engineer shall include such findings in his recommendation to the fiscal court *or the consolidated local government* approving, modifying, or disapproving the particular plans and projects, and shall charge such person or corporation for such inspection and supervision on the basis of the actual cost of inspection plus a reasonable additional cost of supervision.

Section 186. KRS 178.330 is amended to read as follows:

- (1) It is hereby declared that in counties containing a city of the first class *or a consolidated local government* a system of county through roads over which traffic can be routed or which can serve as major connecting links to state highways is a necessary and integral part of a unified system of highways, roads and streets needed for the movement of traffic in such a metropolitan area and that the construction, reconstruction, widening, relocation, repair, maintenance and improvement of such a system of county through roads is a proper and legitimate public function as an alternative to other authorizations or requirements.
- (2) The fiscal court of a county containing a city of the first class *or the consolidated local government*, acting upon the basis of an engineering and traffic investigation by the county road engineer, may designate for purposes of construction, reconstruction, widening, relocation, repair, maintenance and improvement from among the public roads within the county certain roads proposed to constitute the "county through road system." County through roads may include (a) main traveled roads, (b) roads in unincorporated areas necessary for the circulation of traffic within the county, (c) streets and roads through, within, or adjacent to cities of any class necessary for the circulation of traffic within the county, or (d) major roads connecting two (2) primary roads maintained by the state. County through roads shall not include roads on the state highway system.
- (3) As soon as the proposed county through roads are designated as provided in subsection (2) of this section, the fiscal court *or a consolidated local government* shall cause such county through roads to be marked on a map to be deposited with the county road engineer and to be open to public inspection. Upon the filing of the map, the clerk of the fiscal court *or the clerk of a consolidated local government* shall, in conformance with KRS 424.130(1)(b), have published in a newspaper of bona fide general circulation within the county (a) a notice of the proposed adoption of a county through road system, (b) a description of roads or portions thereof proposed to be included, (c) notice of the date upon which the fiscal court *or a consolidated local government* will consider the adoption of the county through road system, and (d) notice that the map of the proposed county through road system is open to inspection in the office of the county road engineer.
- (4) At any time before the adoption of the county through road system, any freeholder of the county may file a petition with the county road engineer asking for any change in the

designated county through roads, setting forth the reason for the proposed change. Such petition shall be accompanied by a plat showing such proposed change. Any such petition shall be considered by the fiscal court *or the consolidated local government* at its meeting held on the date advertised in accordance with subsection (3) of this section. The fiscal court *or the consolidated local government* may accept or reject any such suggested changes in the proposed county through road system. The fiscal court *or the consolidated local government* may continue the consideration to a later meeting which must be advertised as provided in subsection (3) of this section. The roads which the fiscal court *or the consolidated local government* so designated by official resolution shall be conclusively established as the county through road system.

- (5) Classifications or designations of a county through road system established by this section shall not affect or change classifications or designations made by other sections of the Kentucky Revised Statutes such as "county roads," "main county roads," "rural and secondary roads," "turnpikes," "city streets" or similar terms; except that when there is an irreconcilable conflict arising from the actual application of this section in a given instance and a designation or classification made in other sections of the Kentucky Revised Statutes, this section shall prevail. Nothing in KRS 178.020 to 178.040, 178.117, 178.330 to 178.337, 179.070 and 179.330 shall preclude the expenditure on the county through road system, including portions within cities, of state funds allocated for public highways under the provisions of KRS 179.410 and 179.415, or 177.320 to 177.369, or any other section of the Kentucky Revised Statutes in accordance with the provisions of KRS 177.330, 177.340, or 179.440.
- (6) The provisions of KRS 178.050 to 178.100 shall not apply to a county through road system established *or maintained* under KRS 178.330 to 178.337.

Section 187. KRS 178.333 is amended to read as follows:

- (1) The fiscal court of a county containing a city of the first class *or a consolidated local government* may, at any time, add other roads, or portions of roads, to the county through road system adopted in accordance with KRS 178.330. The fiscal court *or a consolidated local government* shall cause the proposed addition to be marked on a map to be deposited with the county road engineer and to be open to public inspection. The same procedure set forth in KRS 178.330 for the establishment *or maintenance* of the county through road system shall be followed in the case of roads or portions of roads added thereto. Notice of the proposed addition to the system shall conform to KRS 424.130(1)(b).
- (2) The fiscal court of a county containing a city of the first class *or a consolidated local government* may establish *or maintain* a new road in compliance with the provisions of KRS 178.115 to 178.125, or relocate a road in accordance with KRS 178.115, and at the same time add it to the county through road system, following the same procedure as is now set forth in KRS 178.330 and subsection (1) of this section, including notice in accordance with KRS 424.130(1)(b).
- (3) The decisions of the fiscal court *or the consolidated local government* made in accordance with this section shall be final.

Section 188. KRS 178.337 is amended to read as follows:

- (1) After an engineering and traffic investigation and the receipt of recommendations by the county road engineer, a county through road or a portion thereof established *or maintained* as provided in KRS 178.330 may be detached from the county through road system. The

fiscal court *or the consolidated local government* shall cause the proposed deletion to be marked on a map to be deposited with county road engineer and to be open to public inspection. The same procedure set forth in KRS 178.330 for the establishment *or maintenance* of a county through road system shall be followed in the case of roads or portions of roads detached therefrom. Notice of the proposed deletion from the system shall conform to KRS 424.130(1)(b). The fiscal court *or the consolidated local government* may in its discretion detach or retain the road as a part of the county through road system. The decisions of the fiscal court *or the consolidated local government* made in accordance with this section shall be final. Whenever any county through road has been added or detached from the county through road system in accordance with KRS 178.330 to 178.337, the county road engineer shall accordingly amend the map of the county through road system, which map shall at all times be available for public inspection in the office of the county road engineer. Nothing herein shall be construed as automatically deleting from the county through road system any portion of the system in territory which becomes incorporated as a city or which becomes annexed to a city.

- (2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city *or consolidated local government*, any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of such city *or a consolidated local government*. Provided, however, that roads within a city of the first through sixth classes in a county containing a city of the first class *or a consolidated local government* may be made a part of the county through road system, in accordance with KRS 178.330 or 178.333, or both, with the agreement of the legislative body of said city.
- (3) Nothing in this chapter shall prevent any fiscal court *or a consolidated local government* from acquiring land by gift for public purposes.

Section 189. KRS 178.350 is amended to read as follows:

The provisions of KRS 178.350 to 178.385 shall apply only in counties containing a city of the first class *or a consolidated local government*.

Section 190. KRS 178.405 is amended to read as follows:

When any private road, street, or highway established prior to February 12, 1969 in an unincorporated area in a county containing a city of the first class *or a consolidated local government, which area is not within the jurisdictional boundaries of a city of the second through sixth classes of cities*, has been used by the general public openly, continuously, and notoriously for a period of at least fifteen (15) years, it shall be implied that such road, street, or highway may be dedicated to public use; Provided, that fifty-five percent (55%) of all property owners abutting the private road, street or highway sign a petition stating that they are willing to dedicate the road, street, or highway to public use.

Section 191. KRS 179.070 is amended to read as follows:

- (1) The county engineer shall:
  - (a) Have general charge of all county roads and bridges within the county;
  - (b) See that county roads and bridges are improved and maintained as provided by law;
  - (c) Supervise the construction and maintenance of county roads and bridges and other work of like nature undertaken by the fiscal court *or a consolidated local government*;

- (d) Make reports as the county, **consolidated local government**, or fiscal court directs;
- (e) Advise and direct employees of contractors how best to repair, maintain, and improve county roads and bridges;
- (f) Examine the various formations and deposits of gravel and stone in the county to ascertain the materials most available and best suited for the improvement of roads therein, and, when requested by the Department of Highways, submit samples of materials and deposits and make a written report concerning the materials;
- (g) Establish or cause to be established necessary grades and recommend means of drainage, repair, and improvement;
- (h) Together with the fiscal court **or consolidated local government**, consider and either reject or approve plans, specifications, and estimates submitted for the erection or repair of bridges and the construction or maintenance of county roads;
- (i) Inspect, or cause to be inspected, each county road or bridge during its construction or improvement, and certify to the fiscal court **or the consolidated local government** the progress of the work and whether or not the work is being done according to the contract, plans, and specifications prepared therefor. If the work is not being done in accordance with the contract, plans, and specifications, **the county engineer**~~he~~ may stop any further work thereunder until the fiscal court **or consolidated local government** has inspected and passed upon it;
- (j) Remove trees or other obstacles from the right-of-way of any publicly dedicated road when the tree or other obstacles become a hazard to traffic;
- (k) Make recommendation to municipal authorities in a county containing a city of the first or second class, **the mayor in a consolidated local government**, or the county judge/executive of a county containing a city of the first or second class for the establishment of speed limits in accordance with the powers granted to municipal authorities, **consolidated local governments**, and the county judge/executive by KRS 189.390(5)(a), and make recommendations to the county judge/executive **or consolidated local government** for the establishment of parking restrictions by the county judge/executive **or consolidated local government** in accordance with KRS 189.390(5)(c); and
- (l) Make engineering and traffic investigations and make recommendations based thereupon to the fiscal court of counties containing a city of the first or second class **or consolidated local government** for the adoption of traffic regulations for any publicly dedicated road in unincorporated portions of the county or for any road made a portion of a county through road system, established in accordance with KRS 178.330 or 178.333, or both, in any manner reasonably calculated to promote the safety and convenience of the traveling public and to protect and preserve the roads and streets. The fiscal court **or consolidated local government** may adopt regulations which may include, but not be limited to, the establishment on roads designated in the first sentence of this subsection, of traffic lanes, the installation or removal of electric signals and other signs and markers, the removal of traffic bumps, the limitation or prohibition of parking, and the regulation or prohibition of a size or weight deemed likely to impede traffic or injure the streets; provided, however, that if such regulation of size and weight of vehicles conflicts with state regulations, the latter shall prevail. Nothing herein shall be construed to prevent the fiscal court **or consolidated local**

**government** from contracting with city authorities for the joint installation of signs, markers, and electric signals and for their maintenance.

- (2) In counties containing a city of the first class **or consolidated local government**, or when authorized by ordinance of the fiscal court of a county containing a city of the second class, having the services of a county engineer, every person, subdivider, builder, contractor, or developer of any construction project shall submit to the county engineer for his written approval a site development plan providing for the proper drainage of surface water from the development or construction site so as to prevent flooding of property in the area. If the proposed site plan does not adequately provide for such drainage, the county engineer shall order such changes as necessary before approving the site plan.

Section 192. KRS 179.330 is amended to read as follows:

- (1) Every county road shall be known by the name by which it was designated on the map or plat or record in the office of the county clerk of the county in which it is located or by the order of the court establishing the road, or by the deed conveying the right-of-way for the road to the county.
- (2) When the name of any road has been designated as provided in subsection (1) of this section, the name of the road can only be changed by an order of the county judge/executive **or the mayor of a consolidated local government**. Such order may be issued on a petition and proceeding in which fifty percent (50%) or more of the property owners abutting upon the road have joined in the petition or have been summoned for a hearing upon the petition by the county judge/executive **or the mayor of a consolidated local government** at a day and time designated for the hearing or in counties containing a city of the first class **or consolidated local government** upon the recommendation of the county engineer and of the planning and zoning commission. On similar proceeding an order may be issued designating a name for any unnamed road in the county.
- (3) The fiscal court **or a consolidated local government** may cause signs bearing the name of each road as fixed by the county judge/executive **or the mayor of a consolidated local government**, to be placed on the roads, or it may, by a resolution duly recorded, authorize any person or organization to erect signs, approved as to form by the fiscal court **or a consolidated local government**, bearing the name designated to the road by the county judge/executive **or the mayor of a consolidated local government**.
- (4) No person or organization shall remove or damage any sign erected as hereinabove provided for, or erect or place, or cause to be erected or placed, upon a road any sign or signs, indicating, marking, or designating a road by any other name than as hereinabove provided for.
- (5) Nothing in this section shall prohibit the Department of Highways from designating roads built under the supervision of the Department of Highways, either by name or number.

Section 193. KRS 179.470 is amended to read as follows:

- (1) In counties containing a city of the third class, and not a city of the first class **or a consolidated local government**, any street or road located outside of the corporate limits of an incorporated city which is a street or road of a subdivision established by a recorded plat that dedicates the street or road to public use, shall be maintained by the fiscal court of the county in the same manner that roads established under KRS 178.115 are maintained, if the street or road is at least one thousand (1,000) feet in length and at least fifty percent (50%) of the lots abutting the street or road contain houses which are occupied, and the street or

road has been or shall be so constructed as to meet the approval of the county road engineer or, if there is no county road engineer, the approval of the fiscal court, such approval being based upon the established standards for county road construction within the county.

- (2) Notwithstanding the provisions of KRS 178.010(2), in counties containing a city of the first class **or a consolidated local government**, any street or road located in the ~~unincorporated~~ area of the county **not within a city of the second, third, or fourth class or within the area formerly comprising a city of the first** ~~or in a city of the fifth or sixth~~ class, which is a street or road of a subdivision that dedicated the street or road to public use, may be maintained by the fiscal court of the county **or consolidated local government as the case may be**, in the same manner as provided in subsection (1) and subject to the same conditions. In addition, street lights and other improvements already established may be maintained by the fiscal court **or consolidated local government**. The county **or consolidated local government** shall be reimbursed for the cost of such maintenance by the abutting property owner whose proportionate share of the cost of maintenance shall be added to the owner's county tax bill and collected in the same manner as **other** ~~county~~ taxes.
- (3) Notwithstanding the provisions of KRS 178.010(2), in counties containing a population between eighty thousand (80,000) and one hundred fifteen thousand (115,000) and a city of the second class or in counties containing a city of the fourth, fifth or sixth class and not a city of the first, second or third class, any street or road in an unincorporated area or a city of the sixth class of the county, which is at least two hundred (200) feet in length and dedicated to public use, may be maintained by the fiscal court of the county in the same manner as provided in subsection (1) of this section. In addition, street lights, garbage collection, water and sewer services may be provided by the fiscal court. The county shall be reimbursed for the cost of such maintenance and services by the abutting property owner whose proportionate share of the cost of maintenance and services shall be added to the owner's county tax bill and collected in the same manner as county taxes. Further, upon the petition of fifty percent (50%) or more of the abutting property owners of the street or road the fiscal court may by proper resolution provide for the improvements.
- (4) No street or road shall be accepted by **a** fiscal court **or consolidated local government** under the provisions of subsections (2) or (3) of this section for county maintenance unless twenty-five percent (25%) of the abutting property owners petition the fiscal court **or consolidated local government** for county maintenance. The fiscal court **or consolidated local government** within thirty (30) days thereafter shall hold a public hearing on the petition. If fifty percent (50%) of the abutting property owners agree in writing to accept county maintenance, the fiscal court of the county **or the consolidated local government** may maintain the road or street in the same manner as provided in subsection (2) or (3) of this section as applicable and subject to the same conditions.

Section 194. KRS 181.850 is amended to read as follows:

- (1) **Except in a county containing a consolidated local government**, any city of the first class may, by ordinance, create a bridge commission consisting of the mayor and four (4) persons appointed by the mayor with the approval of the board of aldermen. **In a county containing a consolidated local government, a consolidated local government may, by ordinance, create or maintain a bridge commission consisting of the mayor and four (4) persons appointed by the mayor pursuant to the provisions of Section 1 of this Act.** Each appointee shall be at least twenty-five (25) years of age. The original appointees shall serve for terms

expiring on January 1, in the fourth year following their appointments, and until their respective designated successors shall be duly appointed and qualified. Their successors shall be appointed for one (1), two (2), three (3) and four (4) years, respectively. Thereafter the appointments shall be for four-year terms. A member of the bridge commission shall be eligible for reappointment. Not more than two (2) appointees shall be members of the same political party. Vacancies shall be filled for unexpired terms in the same manner as the original appointments. Each appointed member of the bridge commission, before entering upon his duties, shall take an oath to administer the duties of his office faithfully and impartially, and a record of each oath shall be filed in the office of the director of finance of the city *or consolidated local government*. No officer or employee of the city *or consolidated local government*, whether he *or she* receives compensation or not, shall be appointed to the bridge commission.

- (2) The bridge commission shall constitute a public instrumentality under the name of (insert name of city *or consolidated local government*) bridge commission and the exercise of the powers conferred by KRS 181.850 to 181.869 shall be deemed and held to be the performance of essential ~~governmental~~~~[municipal]~~ functions. The commission shall elect a chairman and a vice chairman from its appointed members, and a secretary-treasurer who need not be a member of the commission. The chairman, vice chairman and secretary-treasurer shall serve as such officers at the pleasure of the commission. Three (3) members of the commission shall constitute a quorum and the affirmative vote of three (3) members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.
- (3) The members of the commission except the mayor shall receive such compensation as may be fixed in the ordinance creating the commission but the maximum compensation of the chairman in any year shall not exceed two thousand five hundred dollars (\$2,500) and of each other member shall not exceed five hundred dollars (\$500). The commission shall fix or change the compensation of the secretary-treasurer in its discretion.

Section 195. KRS 181.851 is amended to read as follows:

As used in KRS 181.850 to 181.869, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

- (1) The word "city" shall mean any city of the first class *or consolidated local government* for which a bridge commission shall be appointed under the provisions of KRS 181.850;
- (2) The word "commission" shall mean any bridge commission created under the provisions of KRS 181.850, or, if any such commission shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by KRS 181.850 to 181.869 to the commission shall be given by law;
- (3) The word "bridge" shall include the substructure and superstructure, overpasses, underpasses, entrance plazas, tollhouses, administration, storage, and other buildings and facilities, all equipment therefor, and such approaches and approach highways as may be determined by the commission to be necessary to facilitate the flow of traffic or to connect such bridge with the highway systems or other traffic facilities in the vicinity of such bridge, together with all property, rights, easements, and interests which may be acquired by the commission for the construction or operation of such bridge;

- (4) The word "cost" as applied to a bridge shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the commission for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and, if deemed advisable by the commission, for a period not exceeding one (1) year after completion of construction, cost of traffic estimates and of engineering, financial and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such bridge, administrative expenses, and such other expenses as may be necessary or incident to the construction of the bridge, the financing of such construction, and the placing of the bridge in operation. Any obligation or expense incurred by the city in connection with any of the foregoing items of cost may be regarded as a part of such cost and reimbursed to the city out of the proceeds of revenue bonds issued under the provisions of KRS 181.850 to 181.869.

Section 196. KRS 181.853 is amended to read as follows:

- (1) The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of KRS 181.850 to 181.869, within or without the Commonwealth, such lands, structures, property, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, as it may deem necessary or convenient for the construction or operation of any bridge, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the city for the use and benefit of the commission.
- (2) Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways, or parkways or parts thereof or rights therein, of any person, co-partnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any bridge or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted in the name of the commission, and the compensation to be paid shall be ascertained and paid, in the manner provided by the constitution and laws of the Commonwealth then applicable which relate to condemnation or to the exercise of the power of eminent domain by cities~~[of the first class]~~. Title to any property acquired by the commission shall be taken in the name of the city for the use and benefit of the commission. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the city or commission except as may be paid from the funds provided under the authority of KRS 181.850 to 181.869.



- (3) If the owner, lessee or occupier of any property to be condemned shall refuse to remove his *or her* personal property therefrom or give up possession thereof, the commission may proceed to obtain possession in any manner now or hereafter provided by law.
- (4) With respect to any railroad property or right of way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed bridge nor any part thereof, including abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or rights of way, plans and specifications of the proposed bridge showing compliance with the above-mentioned above or below grade requirements and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty (30) days to approve the plans and specifications so submitted, the matter shall be submitted to the department of works of the city whose decision, arrived at after due consideration and with an opportunity to the railroad to be heard, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the department of works of said city as the case may be. A copy of the plans and specifications approved by the railroad or the department of works of said city shall be filed as an exhibit with the petition for condemnation.
- (5) The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the commission to be necessary for the construction or operation of any bridge.

Section 197. KRS 183.132 is amended to read as follows:

- (1) Any urban-county government, city, or county, or city and county acting jointly, or any combination of two (2) or more cities, counties, or both, may establish a nonpartisan air board composed of six (6) members. Any city other than the first class and county jointly or an urban-county government established pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten (10) members. Any existing six (6) member board, including a board established in an urban-county government, may be expanded to ten (10) members by action of the government entity or entities that established the six (6) member board.
- (2) Any city of the first class, jointly with the county containing the city *or a consolidated local government* may establish *or maintain* a nonpartisan air board. Membership of the board shall be appointed in accordance with subsection (6) *or (10)* of this section.
- (3) The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the duties prescribed by statute. The board shall constitute a legislative body for the purposes of KRS 183.630 to 183.740.
- (4) The members of an air board composed of six (6) members shall be appointed as follows:

- (a) If the air board is established by a city, the members shall be appointed by the mayor of the city;
  - (b) If the air board is established by a county, the members shall be appointed by the county judge/executive except that in the event that an airport is located outside the boundary of the county establishing the airport board, the county judge/executive shall appoint an additional member to the air board from the jurisdiction where the airport is physically located. The additional member shall serve a four (4) year term in accordance with the provisions of subsection (7) of this section and receive full voting privileges on matters brought before the airport board;
  - (c) If the air board is established as a joint city-county air board, the members shall be appointed jointly by the mayor of the city and the county judge/executive;
  - (d) If a combination of cities, counties, or both, establishes a joint air board, the mayors and county judges/executive involved shall jointly choose six (6) members and shall jointly choose successors;
  - (e) If the air board is established by an urban-county government, the mayor of the urban-county government or an officer of the urban-county government designated by the mayor shall serve as one (1) member of the board. The remaining five (5) members shall be appointed by the mayor. One (1) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.
- (5) The members of an air board composed of ten (10) members in a city other than a city of the first class and county jointly other than an urban-county government established pursuant to KRS Chapter 67A shall be appointed as follows:
- (a) Five (5) members shall be appointed by the mayor of the city, without approval of the legislative body;
  - (b) Five (5) members shall be appointed by the county judge/executive without approval of the other members of the fiscal court.
- (6) The members of an air board established jointly by a city of the first class and the county containing the first class city shall be composed of the mayor of the city of the first class and the county judge/executive of the county, and other members appointed as follows:
- (a) Three (3) members shall be appointed by the mayor of the city of the first class;
  - (b) Three (3) members shall be appointed by the county judge/executive of the county, with the approval of the fiscal court; and
  - (c) Two (2) members, who shall be residents of the county containing a city of the first class or of counties contiguous thereto, shall be appointed by the Governor of the Commonwealth.
  - (d) If there is an incorporated alliance of incorporated neighborhood associations and fifth or sixth class cities, which represents citizens living within a five (5) mile radius of airport operations, the Governor shall appoint one (1) member of the executive board of an alliance as an additional member to the air board. If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of all the incorporated alliances.
- (7) The members of an air board composed of ten (10) members established by an urban-county government shall be composed of the mayor of the urban-county government or an officer

of the urban-county government designated by the mayor. The remaining nine (9) members shall be appointed by the mayor. Two (2) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.

- (8) Members of the board composed of six (6) members shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years. Upon expiration of the staggered terms, successors shall be appointed for a term of four (4) years.
- (9) Members of the board composed of ten (10) members in a city other than a city of the first class and county jointly shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments made by the mayor and the county judge/executive shall be made so that one (1) member is appointed for two (2) years, two (2) members are appointed for three (3) years, and two (2) members are appointed for four (4) years. If an existing six (6) member board is being increased to a ten (10) member board, initial appointments of the four (4) new members shall be made so that the mayor and the county judge/executive, or the mayor if the board is established by an urban-county government, each appoint one (1) member for two (2) years and one (1) member for four (4) years. Upon expiration of the initial terms, successors shall be appointed for a term of four (4) years. In the case of a board established by an urban-county government, the term of the mayor for the urban-county government, or the officer of the urban-county government designated by the mayor, shall be coextensive with the term of the mayor.
- (10) Members of the board composed of eleven (11) members and established *or maintained* jointly by a city of the first class and the county containing a city of the first class shall serve for a term of three (3) years each and until their successors are appointed and qualified. The terms of the mayor and the county judge/executive shall be coextensive with their terms of office. The mayor and the county judge/executive shall each make their initial appointments *to a board established jointly by a city of the first class and the county containing a city of the first class* so that one (1) member is appointed for one (1) year, one (1) member is appointed for two (2) years, and one (1) member is appointed for three (3) years. The Governor shall make the initial appointments so that one (1) member is appointed for two (2) years and one (1) member is appointed for three (3) years. Upon the expiration of the initial terms, successors shall be appointed for a term of four (4) years. *Upon the establishment of a consolidated local government in a county containing a former city of the first class, seven (7) members of the board shall be appointed by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining of their current term of appointment. The Governor shall appoint members pursuant to subsection 6(c) and (d) of this section. The mayor shall serve on the board for a term which shall be coextensive with his or her term of office. Incumbent members shall be eligible for reappointment upon the expiration of their terms. In a consolidated local government that takes effect on January 6, 2003, the terms of all board members shall continue to be for three (3) years. The members of the air board on January 6, 2003, shall continue to serve as members for the time remaining on their terms and shall be eligible for reappointment upon the expiration of their terms. The one (1) appointment, which occurs upon the transition of a county containing a city of the first class to a consolidated local government shall be made by the mayor pursuant to the*

*provisions of Section 1 of this Act within sixty (60) days after the establishment of the consolidated local government. As the terms of the appointments made while the air board was governed by a city of the first class and a county containing the city of the first class expire, the mayor and the Governor shall respectively make their new appointments.*

- (11) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. The board, except for a board composed of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class **or a consolidated local government**, shall choose a chairman and vice chairman who shall serve for terms of one (1) year. Where the board is composed of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, the mayor of the city of the first class and the county judge/executive shall jointly appoint the chairman from among the membership of the board. **In a consolidated local government, the mayor shall appoint the chairman from among the membership of the board.** The board shall also choose a secretary-treasurer who may or may not be a member of the board. The board may fix a salary for the secretary-treasurer and the secretary-treasurer shall execute an official bond to be set and approved by the board, and the cost of the bond shall be paid by the board.
- (12) The board may employ necessary counsel, agents, and employees to carry out its work and functions and prescribe rules and regulations as it deems necessary.
- (13) The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. The secretary-treasurer shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. The books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the board was created. The secretary-treasurer shall transmit at least once annually a detailed report of all acts and doings of the board to the legislative body or bodies by whom the board was created.
- (14) In the event that a joint air board is created by cities, counties, or both, and thereafter a city or county desires to withdraw from participation, then the remaining participants may jointly choose a successor member or members of the board. A local government wanting to withdraw from participation in the board shall not be entitled to return of any moneys or property advanced to the board.
- (15) A quorum for the transacting of the business of a six (6) member board shall consist of four (4) members, a ten (10) member board shall consist of six (6) members, and an eleven (11) member board shall consist of six (6) members. Meetings of the board may be called by the chairman or by four (4) members. In case of tie voting by the board, the issue shall be deemed to have failed passage.
- (16) A board member may be replaced by the appointing authority upon a showing to the authority of misconduct as a board member or upon conviction of a felony. A board member shall not hold any official office with the appointing authority, except for the mayor of a city of the first class and the county judge/executive on a board made up of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, or the mayor of an urban-county government **or a consolidated local government**, or an officer of the urban-county government designated by the mayor on a board established by an urban-county government.

Section 198. KRS 198A.067 is amended to read as follows:

Before the corporation provides financing for construction of multifamily housing of twelve (12) units or more, an ordinance must be enacted by the fiscal court, city, ***consolidated local government***, or urban-county government in whose territorial limits the construction is to occur.

Section 199. KRS 198B.290 is amended to read as follows:

In counties with cities of the first class ***or a consolidated local government*** and cities within those counties, a permit to rebuild a commercial business on property contiguous to a river, and a permit to rebuild single-family dwellings on properties contiguous to a river, shall be issued if the construction plans meet the requirements of any local floodplain ordinance.

Section 200. KRS 210.040 is amended to read as follows:

The Cabinet for Health Services shall:

- (1) Exercise all functions of the state in relation to the administration and operation of the state institutions for the care and treatment of persons with mental illness;
- (2) Establish or acquire, in accordance with the provisions of KRS 56.440 to 56.550, other or additional facilities for psychiatric care and treatment of persons who are or may become state charges;
- (3) Cooperate with other state agencies for the development of a statewide mental health program looking toward the prevention of mental illness and the post-institutional care of persons released from public or private mental hospitals;
- (4) Provide for the custody, maintenance, care, and medical and psychiatric treatment of the patients of the institutions operated by the cabinet;
- (5) Provide psychiatric consultation for the state penal and correctional institutions, and for the state institutions operated for children or for persons with mental retardation;
- (6) Administer and supervise programs for the noninstitutional care of persons with mental illness;
- (7) Administer and supervise programs for the care of persons with chronic mental illness, including but not limited to provision of the following:
  - (a) Identification of persons with chronic mental illness residing in the area to be served;
  - (b) Assistance to persons with chronic mental illness in gaining access to essential mental health services, medical and rehabilitation services, employment, housing and other support services designed to enable persons with chronic mental illness to function outside inpatient institutions to the maximum extent of their capabilities;
  - (c) Establishment of community-based transitional living facilities with twenty-four (24) hour supervision and community-based cooperative facilities with part-time supervision; provided that, no more than either one (1) transitional facility or one (1) cooperative facility may be established in a county containing a city of the first class ***or consolidated local government*** with any funds available to the cabinet;
  - (d) Assurance of the availability of a case manager for each person with chronic mental illness to determine what services are needed and to be responsible for their provision; and

- (e) Coordination of the provision of mental health and related support services with the provision of other support services to persons with chronic mental illness;
- (8) Supervise private mental hospitals receiving patients committed by order of a court.

Section 201. KRS 211.1751 is amended to read as follows:

As used in KRS 211.1751 to 211.1755:

- (1) "Agency" means a local health department established pursuant to the provisions of KRS Chapter 212, excluding a health department in a county containing a city of the first class, *a consolidated local government*, an urban-county health department, or an independent district health department.
- (2) "Classification plan" means the system of classes and job descriptions, and the process for the installation and maintenance of the classification plan.
- (3) "Compensation plan" means a series of salary ranges to which classes of positions are assigned so that classifications evaluated as approximately equal may be assigned to the same salary range.
- (4) "Council" means the Local Health Department Employment Personnel Council created in KRS 211.1752.
- (5) "Department" means the Department for Public Health within the Cabinet for Health Services.

Section 202. KRS 211.370 is amended to read as follows:

The commissioner of the Department for Public Health shall, upon written request from a local board of health, authorize the local board of health to serve as its agent to issue permits for on-site sewage disposal systems within that area of local board jurisdiction. As agent, the authorized local board of health shall act for the cabinet in issuing permits and granting variances for on-site sewage disposal systems. Actions by the local board of health shall comply with the regulations established by the cabinet relating to on-site sewage disposal systems. The local board of health shall include in the written request a procedure for administering this section. The local board of health may adopt regulations relating to the proper operation and maintenance of on-site sewage disposal systems. In counties containing a city of the first class *or a consolidated local government* and in urban-counties, the local board of health may adopt regulations relating to the proper construction, installation, and alteration of on-site sewage disposal systems which are more stringent than the regulations adopted by the cabinet.

Section 203. KRS 212.350 is amended to read as follows:

- (1) In each county of the Commonwealth of Kentucky in which there is located a city of the first class *or a consolidated local government*, there is hereby created a board of health which board shall be a body politic and corporate, and shall be known as the "... (name of city of the first class) and .... (name of county) *or* ..... (*name of the consolidated local government*) County Board of Health" hereinafter called the "board," which board shall have jurisdiction throughout such county, including all municipalities in said county with respect to and in accordance with the provisions of KRS 212.350 to 212.620. Wherever the words "city" and "mayor" are used in KRS 212.350 to 212.620 they shall mean such city of the first class *or consolidated local government*, and the mayor thereof. Said board may, in its corporate name, sue and be sued, contract and be contracted with and acquire real, personal and mixed property by deed, purchase, gift, devise, lease, condemnation or

otherwise, and dispose of same; and may make appropriate rules and regulations and do all things reasonable or necessary effectively to carry out the work and properly to perform the duties intended or required by KRS 212.350 to 212.620. When and after the board herein created is organized as herein provided, and except as otherwise provided by law, said board shall succeed to and be vested with all of the functions, obligations, powers and duties now being exercised by the county board of health~~[of such county]~~, any department of public health~~[of such city]~~, and by any board of tuberculosis hospital in such county; and thereupon ~~the~~~~[said county]~~ board of health and ~~the~~~~[said]~~ department of health and ~~the~~~~[said]~~ board of tuberculosis hospital shall cease to exist, and all laws and amendments of said laws, relating to and governing the aforesaid county board of health, department of public health, and board of tuberculosis hospital, in conflict with the provisions of KRS 212.350 to 212.620, shall, to the extent of such conflict, stand and be repealed.

- (2) Notwithstanding KRS 212.350 to 212.625, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the county and such city of the first class shall agree that the county shall provide all staff support, including a director of health, to the board of health through county officers, assistants, clerks, deputies and employees. In such case, all officers, employees and staff of the board of health and the department of health shall be deemed county employees and shall be subject to the control of fiscal court. At the time the compact takes effect the officers, employees and staff of the board of health and the department of health shall be transferred to the service of county government; provided that all such employees who at such time are in the classified service shall be continued in a classified service administered by county government. All functions, obligations, powers and duties now vested in the board of health shall continue to be vested in the board unless changed by ordinance of the fiscal court of such county. ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the requirements of this subsection pertaining to county government shall be assumed by the consolidated local government.***

Section 204. KRS 212.360 is amended to read as follows:

- (1) All property, real, personal and mixed, belonging to such county or city and now being used exclusively and directly by and for the county board of health of such county and the department of public health of such city, in the performance of duties connected with the maintenance of the public health, including, but without being limited thereto, city or county hospitals, public health clinics, all the equipment in such institutions, and all other property of every character or description now used in public health work in and by said city and county organizations, and all property, real, personal and mixed, belonging to any board of tuberculosis hospital in such county, is hereby transferred to said board created under KRS 212.350, and said city, county and board of tuberculosis hospital shall take all necessary and proper steps to effect the legal transfer of title and possession of all such property to said board. All deeds to such property shall be recorded in the county where the property is located. Said board shall assume all existing liabilities of said board of tuberculosis hospital and shall liquidate such liabilities in the same manner and on the same terms as would have been done by said board of tuberculosis hospital.
- (2) In the event that it is deemed desirable or advisable by the city, county, and board that any other division of the city or county or any other governmental agency, including any institution, should be taken over and placed under the control and management and

supervision of the board, then and in that event, such division, agency, or institution may be taken over under such terms and conditions as to its management, operation and maintenance as the said city, by ordinance, the said county and the board, by respective resolutions and agreements, may authorize and direct.

- (3) ***Upon the establishment of a consolidated local government in a county having a board of health previously formed by the city and county, all property, real, personal, and mixed, belonging to the board of health shall remain the property of the board of health as renamed under KRS 212.350.***

Section 205. KRS 212.380 is amended to read as follows:

- (1) ***Except in a county containing a consolidated local government,*** said board shall be composed of ten (10) members, two (2) of whom shall be the mayor of such city, and the county judge/executive of such county, as members ex officio, and four (4) of whom shall be appointed by the mayor of such city and four (4) of whom shall be appointed by the county judge/executive of such county with the approval of the fiscal court. Each appointive member shall be not less than thirty (30) years of age, intelligent, discreet, and shall have been a continuous resident of such county for at least two (2) years prior to the date of his or her appointment. At least one (1) and not more than three (3) of said appointive members shall be physicians, one (1) of said appointive members shall be a dentist, and at least one (1) of said appointive members shall be a registered nurse. All appointive members shall be eligible for reappointment.
- (2) At the expiration of each of the terms of office of said eight (8) appointive members, the successor to each member shall be appointed by said county judge/executive and said mayor for a term of office of four (4) years and until his successor is appointed and qualified.
- (3) The two (2) appointments which increase the appointed members from six (6) to eight (8) shall both occur on July 1, 1974, one (1) of which shall be for a term expiring on June 30, 1978, the other of which shall be for a term expiring on June 30, 1975. Each subsequent appointment to the board shall be for a term of four (4) years.
- (4) Notwithstanding subsection (2) of this section, when a city of the first class and a county containing such city have in effect a compact under KRS 79.310 to 79.330, the terms of the members on the board shall be for three (3) years and until their successors are appointed and qualified. Upon the effective date of the compact, the mayor, and county judge/executive with the approval of the fiscal court, shall adjust the terms of the sitting members so that the terms of two (2) each of their appointments expire in one (1) year, the term of one (1) each of their appointments expire in two (2) years and the term of one (1) each of their appointments expire in three (3) years. Upon expiration of these staggered terms, successors shall be appointed for a term of three (3) years.
- (5) ***Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the board shall be composed of ten (10) members, the mayor and nine (9) members who shall be appointed to the board of health by the mayor of the consolidated local government pursuant to the provisions of Section 1 of this Act for a term of three (3) years. Incumbent board members, upon the establishment of the consolidated local government, shall continue to serve as members of the board for the time remaining of their current term of appointment and until their successor is appointed and qualified. The mayor shall serve on the board for a term which shall be coextensive with his or her term of office.***



Section 206. KRS 212.390 is amended to read as follows:

- (1) Any vacancy on the board occurring by reason of death, resignation, disqualification, removal, or otherwise, of any appointive member shall be filled *in the same manner as the original appointment*~~[by appointment by the mayor and county judge/executive]~~ for the balance of the term of the member whose place is so vacated. The *appointing authority* ~~is [mayor and county judge/executive are]~~ hereby given the exclusive power and authority to determine and declare when a vacancy exists.
- (2) *Except in a county containing a consolidated local government*, if said county judge/executive and said mayor fail within said thirty-day period to make an appointment to fill any one (1) or more of the five (5) original positions of membership on said board, then and in that event the appointment to fill any such original position shall be made by the majority vote of a board to be composed of the county judge/executive of such county, the mayor of such city, and the president of the board of tuberculosis hospital in such county and city. Thereafter, in the event said county judge/executive and said mayor fail to make an appointment to fill any vacancy on said board within thirty (30) days after such vacancy, for any reason, occurs, the board itself shall have the power and is hereby authorized to make the appointment to fill such vacancy. *In a county containing a consolidated local government, the mayor shall fill a vacancy to the board no later than thirty (30) days after the occurrence of the vacancy. In the event the mayor fails to make the appointment within the thirty (30) days, the appointment shall be made by the remaining members of the board.*
- (3) If the board has advance knowledge that a vacancy on the board will for any reason occur, the board shall, in advance of the occurrence of such vacancy (thirty (30) days in advance if possible) report in writing to the *appointing authority*~~[mayor and county judge/executive]~~ the facts pertaining to such approaching vacancy. In any case where the board does not have advance knowledge of a pending vacancy, said board upon the occurrence of such vacancy shall forthwith in writing report such vacancy to the *appointing authority*~~[mayor and county judge/executive]~~. After said vacancy or vacancies have been so reported the procedure for filling such vacancy or vacancies shall be the same as the general procedure hereinabove set forth.
- (4) Resignation by a member of the board shall be in writing addressed and submitted to the *appointing authority*~~[mayor and county judge/executive]~~ and a copy thereof furnished to the chairman of the board.

Section 207. KRS 212.432 is amended to read as follows:

Notwithstanding the provisions of KRS 61.510 to 61.705 (Chapter 110, 1956 Acts of the General Assembly of Kentucky and amendments thereto) and KRS 78.510 to 78.852, on July 1, 1962, all regular full-time present and future public health employees of any joint city-county health department *or board of health* located in a county containing a city of the first class *or a consolidated local government* shall be included within the provisions of the state retirement system.

Section 208. KRS 212.600 is amended to read as follows:

All municipalities in any county of this Commonwealth in which county there is located a city of the first class *or a consolidated local government* are hereby made subject to the provisions of KRS 212.350 to 212.620, and it shall be the duty of the board created in KRS 212.350 to make and enforce all reasonable regulations controlling or affecting the health of citizens and residents

of said county, including all municipalities therein, in conformity with the provisions of KRS 212.350 to 212.620 and the laws of the Commonwealth of Kentucky, the rules and regulations of the Cabinet for Health Services of Kentucky, and the ordinances of said municipalities now or hereafter in effect and not in conflict with the provisions of KRS 212.350 to 212.620. Such regulations shall, as nearly as may be practicable, be uniform throughout the county, both within and without the said municipalities; provided, however, that nothing contained in this section shall be construed to prevent the board from making specific health regulations applying only to such section or sections of said county as may be deemed to require special treatment. The board shall have power and authority to examine into all nuisances, sources of filth, and causes or probable causes of sickness, which may in its opinion be injurious to the health of the residents of such county or of any section or sections thereof.

Section 209. KRS 212.750 is amended to read as follows:

- (1) It is the intent of this section and KRS 212.755, inter alia, to create a public health taxing district via operation of law in every county of the Commonwealth that has not heretofore created same except in counties containing cities of the first class *or consolidated local government*.
- (2) In all counties where a county or city-county health department has been established except in counties containing a city of the first class *or a consolidated local government*, and a public health taxing district has not been established pursuant to the provisions of KRS 212.720 to 212.740, a public health taxing district is hereby declared to be created upon June 13, 1968. The members of the county, or city-county board of health shall, by virtue of their office, constitute and be the governing body of the public health taxing district and shall perform the duties attendant thereto in addition to their duties as members of the county, or city-county board of health. The officers of the county or city-county board of health shall be the officers of the public health taxing district.
- (3) Nothing in this section and KRS 212.755 shall in any way abridge the rights of two (2) or more counties from establishing a district health department.

Section 210. KRS 212.990 is amended to read as follows:

- (1) Any owner or occupant who fails to comply with an order made under the provisions of subsection (1) of KRS 212.210 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) and each day's continuance of the nuisance, source of filth or cause of sickness, after the owner or occupant has been notified to remove it, shall be a separate offense.
- (2) Any person who violates KRS 212.715 or any rule or regulation adopted by any *consolidated local government*, city, county, or city-county board of health, except as otherwise provided by subsection (3) of this section for counties containing cities of the first class *or consolidated local government*, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each day the violation continues.
- (3) The violation of any health regulation promulgated by the city-county board of health or of any order made by the board under KRS 212.350 to 212.620, directing the abatement of a nuisance, source of filth or cause or probable cause of sickness, is hereby declared to be a misdemeanor, and any person, firm or corporation, or member of a firm or officer or director of a corporation, upon conviction thereof shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100) for each such offense. If any offense is continued for more than one (1) day, each day upon which such offense occurs or is

continued shall be considered and constitute a separate offense and a separate fine may be imposed therefor.

- (4) Any physician who fails to comply with the provisions of KRS 212.343, upon conviction thereof shall be fined not more than five hundred dollars (\$500).
- (5) Failure to procure the informed consent of those required to give their consent pursuant to KRS 212.345, prior to performing a nontherapeutic sterilization shall be punishable by imprisonment in the county jail not to exceed one year or a fine not to exceed one thousand dollars (\$1,000), or both.
- (6) Any physician violating KRS 212.347 shall be imprisoned in the county jail not to exceed one (1) year or shall pay a fine not to exceed one thousand dollars (\$1,000), or both.

Section 211. KRS 226.060 is amended to read as follows:

The chief of police of a city of the first class or the chief of police of a county containing a city of the first class, ***or the chief of police of a consolidated local government***, and persons acting by his orders may examine the books of any pawnbroker or his clerk, if they deem it necessary when in search of stolen property. Any person who has in his possession a pawnbroker's ticket issued by a pawnbroker in a city of the first class or in a county containing a city of the first class ***or a consolidated local government*** shall, when accompanied by a policeman or by an order from the chief or captain of police, be permitted to examine property purporting to be pawned by that ticket. No property shall be removed from the possession of any pawnbroker without the process of law required by the existing laws of the state, or the laws and ordinances of the ***local government***~~[city or county]~~ regulating pawnbrokers.

Section 212. KRS 230.377 is amended to read as follows:

- (1) Other provisions of the Kentucky Revised Statutes notwithstanding, a track may apply to the commission for simulcasting and intertrack wagering dates. Applications shall be submitted in accordance with KRS 230.300. The commission shall not approve the establishment or relocation of a receiving track within a radius of seventy-five (75) miles of a race track duly licensed as of July 15, 1992, without the prior written consent of the licensed track within whose seventy-five (75) mile radius the new receiving track would be located.
- (2) On or before November 1 of each year, the commission shall meet and award intertrack wagering dates to all tracks for the entire succeeding calendar year. In a geographic area containing more than one (1) track within a fifty (50) mile radius of another track, intertrack wagering shall be limited to simulcasting and wagering on racing of the same breed of horse as the receiving track was licensed to race on or before July 15, 1998.
- (3) The commission shall approve no more than nine (9) tracks for participation in horse racing, intertrack wagering, and simulcasting. Any approval by the commission of a change in location of these tracks shall be subject to the local-approval process contained in KRS 230.380.
- (4) A track may by administrative regulation be required to simulcast its races to one (1) or more receiving tracks approved for simulcasting and intertrack wagering, as a prerequisite for the issuance of a license pursuant to KRS 230.300, provided that:
  - (a) Each track shall be permitted to exempt one (1) day of racing from simulcasting to both receiving tracks and simulcast facilities, at its discretion;

- (b) Tracks in a county containing a city of the first class *or a consolidated local government* and tracks in an urban-county government shall not be required to simulcast to each other or to any other facility in those counties. This provision shall not be construed as requiring tracks within the same county to simulcast to each other; and
  - (c) In the absence of a contract between a host track and a receiving track, the commission shall be split as provided for in KRS 230.378(3).
- (5) A track may receive simulcasts and conduct interstate wagering thereon subject to the following limitations which shall be in addition to the limitations set forth in KRS 230.3771:
- (a) A track licensed to conduct thoroughbred racing may receive simulcasts and conduct interstate wagering on all thoroughbred horse races designated as graded stakes races by the Graded Stakes Committee of the Thoroughbred Owners and Breeders Association, Inc., without further consents or approvals.
  - (b) A track licensed to conduct harness racing may receive simulcasts and conduct interstate wagering on all harness horse races (both final and elimination) having a final purse in excess of seventy-five thousand dollars (\$75,000) without further consents or approvals.
  - (c) A track which applies to the commission to receive an interstate race of a different breed than the breed for which it is licensed by the commission shall receive any simulcast of an interstate race through the intertrack wagering system upon approval by the commission.
  - (d) A track may receive simulcasts of special event races conducted in other states or foreign countries which are determined by the commission to be of sufficient national or international significance or interest to warrant interstate wagering and if the simulcast of these races has been approved by the Kentucky Thoroughbred Owners and Breeders Association, Inc., the Kentucky Division of the Horseman's Benevolent and Protective Association, for thoroughbred races, and the Kentucky Harness Horsemen's Association for harness racing, and any track conducting live horse races of the same breed at the same time as the simulcast race.
  - (e) A track may also receive simulcasts and conduct interstate wagering on thoroughbred horse races other than those described in paragraphs (a) and (d) of this section if the simulcast of these races has been approved by the Kentucky Thoroughbred Owners and Breeders Association, Inc., and the Kentucky Horsemen's Benevolent and Protective Association, for thoroughbred races, and the Kentucky Harness Horsemen's Association, or its successor, for harness racing.
  - (f) The consent required by paragraph (e) of this subsection or by subsections (1)(g) and (2)(g) of KRS 230.3771 shall not be withheld:
    - 1. For any reason not specifically related to financial harm to live horse racing; or
    - 2. As a condition to the granting of any contractual or other concession not specifically related to the effects of interstate simulcasting on live horse racing in this Commonwealth, taken as a whole.

- (g) A host track located in this state may receive simulcasting of not more than two (2) full cards of racing from another state, if both tracks race horses of the same breed and if:
    - 1. The race date was previously granted by the Kentucky Racing Commission to conduct live racing at the track located in this state;
    - 2. Live racing was canceled due to weather conditions; and
    - 3. The consent required by subsection (5)(d) of this section is obtained.
  - (h) The in-state track receiving the simulcast specified in paragraph (g) of this subsection shall offer that simulcast to all participating tracks and simulcast facilities in the intertrack wagering system.
  - (i) All interstate simulcasting shall be conducted in accordance with applicable federal laws.
- (6) The commission may promulgate necessary and reasonable administrative regulations for the purpose of administering the conduct of intertrack or interstate wagering and regulating the conditions under which wagering shall be held and conducted. Administrative regulations shall provide for the prevention of practices detrimental to the public interest and to impose penalties for violations. All administrative regulations shall be in conformity with the provisions of KRS Chapter 13A, KRS 138.510, and this chapter.
- (7) Subsections (2) and (3) of this section shall apply only to intertrack wagering dates awarded for calendar year 1993 and thereafter, and any unresolved intertrack wagering dates for calendar year 1992 shall be awarded pursuant to applicable provisions of law in effect immediately prior to March 30, 1992.

Section 213. KRS 238.555 is amended to read as follows:

- (1) No person shall operate a charitable gaming facility unless the person is licensed under the provisions of this chapter. The department shall charge a license fee not to exceed two thousand five hundred dollars (\$2,500). Specific license fees to be charged shall be prescribed in a graduated scale promulgated by administrative regulation and based on the number of sessions which the facility holds per week or other applicable factors or combination of factors. Charitable gaming may be conducted in a charitable gaming facility only by a licensed charitable organization in accordance with the provisions of this chapter.
- (2) In the application process, an applicant for a charitable gaming facility license shall submit the following information:
  - (a) The address of the facility;
  - (b) A description of the facility to include square footage of the gaming area, capacity levels, and available parking;
  - (c) The names, addresses, dates of birth, and Social Security numbers of all individuals employed by or contracted with the applicant to manage the facility or provide other authorized services;
  - (d) The name, address, date of birth, and Social Security number of any individual who has a ten percent (10%) or greater financial interest in the facility;
  - (e) A copy of the lease agreement used by the applicant; and
  - (f) Any other information the department deems appropriate.

- (3) No owner, officer, employee, or contractee of a licensed charitable gaming facility or an affiliate, or any member of the immediate family of any officer, employee, or contractee of a licensed charitable gaming facility or an affiliate shall, concerning a lessee:
- (a) Manage or otherwise be involved in the conduct of charitable gaming;
  - (b) Provide bookkeeping or other accounting services related to the conduct of charitable gaming;
  - (c) Handle any moneys generated in the conduct of charitable gaming;
  - (d) Advise a licensed charitable organization on the expenditure of net receipts;
  - (e) Provide transportation services in any manner to patrons of a charitable gaming activity;
  - (f) Provide advertisement or marketing services in any manner to a licensed charitable organization;
  - (g) Provide, coordinate, or solicit the services of personnel or volunteers in any manner;
  - (h) Influence or require a licensed charitable organization to use a certain distributor or any particular gaming supplies; or
  - (i) Donate or give any prize to be awarded in the conduct of charitable gaming.
- (4) A licensed charitable gaming facility shall execute a lease agreement with each licensed charitable organization that desires to conduct charitable gaming at the facility. The licensed charitable gaming facility shall agree in the lease to provide gaming space, utilities, insurance for the premises, parking, tables and chairs, and other nongaming equipment necessary for the conduct of charitable gaming, adequate storage space, security, and janitorial services. The costs of the goods and services provided shall be itemized in the lease. A licensed charitable organization may elect to provide for itself any of the goods and services that a charitable gaming facility is required to provide under this subsection, provided these arrangements are clearly noted in the lease agreement, and provided the total compensation to be paid the charitable gaming facility is reduced commensurate with the cost of the goods and services as itemized in the lease. The amount of rent, goods, and services charged shall be reasonable and shall be based on prevailing market values in the general locality for the goods and services to be provided. Rent shall not be based in whole or in part, on a percentage of gross receipts or net proceeds derived from the conduct of charitable gaming or by reference to the number of people in attendance. The department by administrative regulation may establish standards for the determination of prevailing market values. A copy of each signed lease agreement shall be filed with the department. The provisions of this subsection shall apply to any lease agreement for a facility where charitable gaming is to be conducted, whether or not it is with a licensed charitable gaming facility.
- (5) The number of bingo sessions conducted at a charitable gaming facility shall be limited to the following:
- (a) No more than eighteen (18) sessions per week if the charitable gaming facility is located in a city of the first class, in a city of the second class, in an urban-county, ***in a consolidated local government***, or charter county government, or in a county containing a city of the first class or second class;

- (b) No more than eight (8) sessions per week if the charitable gaming facility is located in a city of the third class, fourth class, fifth class, or sixth class, or in a county that does not contain a city of the first class or second class.
- (6) A licensed charitable gaming facility shall report at least quarterly to the department and shall provide any information concerning its operation that the department may require.
- (7) A charity fundraising event at which special limited charitable games are played may be conducted at a licensed charitable gaming facility, but no licensed charitable gaming facility shall be permitted to hold more than one (1) such event per week or more than seven (7) per year.
- (8) A licensed charitable gaming facility shall conspicuously display a sign bearing the name and the license number of the charitable organization that is conducting charitable gaming activities in the facility.
- (9) The license to operate the charitable gaming facility shall be prominently displayed on or in the premises where charitable gaming activity is being conducted, in a conspicuous location that is readily accessible to gaming patrons as well as employees of the department, law enforcement officials, and other interested officials.

Section 214. KRS 241.075 is amended to read as follows:

- (1) The State Alcoholic Beverage Control Board shall, for the purpose of regulating the location of retail package liquor and retail drink licenses in cities of the first class ***or consolidated local governments***, divide such cities ***or consolidated local governments*** into "downtown business areas" and "combination business and residential areas."
- (2) No retail package liquor or retail drink license shall be granted or issued to any licensee who proposes to sell retail package liquor or liquor by the drink at a location within seven hundred (700) feet of the location of any similar establishment in any combination business and residential area, nor shall such license be granted or issued to any licensee who proposes to operate at a location in a combination business and residential area within seven hundred (700) feet of a similar establishment located in a downtown business area. This section shall not affect location of such establishments in downtown business areas of such cities ***or consolidated local governments***.
- (3) The distance between location of similar establishments as prescribed by this section shall be measured by following the shortest route of ordinary pedestrian travel along public thoroughfares from the nearest point of any present location of any such similar place of business to the nearest point of any proposed location of any such place of business. The measurement shall be taken from the entrance of the existing licensed premises to the entrance of any proposed location.
- (4) The location of all establishments licensed to sell at retail distilled spirits by the package or by the drink, or both, on June 17, 1954 shall not be affected by the terms of this section and this section shall not apply to existing licensed locations or to the renewal of licenses therefor, or to transfers thereof. The distance limitation prescribed by this section shall not affect any existing licensed location, nor the right of the owner thereof to renew or transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of this section, except that the location of any presently existing license or renewal thereof in case of destruction of property or loss of lease through failure of the landlord to renew such lease may be transferred to a location

which is not closer than half the distance between the existing licensed premises and the nearest similar licensed premises.

Section 215. KRS 241.160 is amended to read as follows:

The legislative body of any city of the first, second, third or fourth class **or a consolidated local government** in which traffic in alcoholic beverages is not forbidden by KRS Chapter 242 shall by ordinance create the office of city alcoholic beverage control administrator, or shall assign the duties of this office to a presently established city office.

Section 216. KRS 241.170 is amended to read as follows:

- (1) The city administrator in each city of the first class **or the administrator in a consolidated local government**, and such investigators and clerks as are deemed necessary for the proper conduct of his office, shall be appointed by the mayor. The city administrator in each city of the first class **or the administrator in a county containing a consolidated local government**, and his investigators, shall have full police powers of peace officers, and their jurisdiction shall be coextensive with **boundaries of the**~~such~~ **city of the first class or the boundaries of the county in a county containing a consolidated local government**. They may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant. **If any city of the second, third, or fourth class in a county containing a consolidated local government appoints its own administrator under KRS 241.160, the administrator of a consolidated local government in that county shall have jurisdiction over only that portion of the county which lies outside the corporate limits of such a city, unless the department determines that the city does not have an adequate police force of its own or pursuant to KRS 70.540, 70.150, 70.160, and 70.170.**
- (2) The city administrator in each city of the second, third or fourth class shall be appointed by the city manager if there is one. If there is no city manager, the city administrator shall be appointed by the mayor.
- (3) No person shall be ~~an~~~~a city~~ administrator, an investigator, or an employee of the city **or a consolidated local government** under the supervision of the ~~city~~ administrator, who would be disqualified to be a member of the board under KRS 241.100.

Section 217. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the administrator of the distilled spirits unit, the fees for which shall be:

- (1) Distiller's license, per annum ..... \$2,500.00
- (2) Rectifier's license, per annum ..... \$2,500.00
- (3) Blender's license, per annum ..... \$2,500.00
- (4) Vintner's license, per annum ..... \$1,000.00
- (5) Small winery license, per annum ..... \$100.00
  - (a) Small winery off-premises retail license, per annum ..... \$25.00
- (6) Wholesaler's license, per annum ..... \$2,000.00
- (7) Retail package license, per annum:



- (a) In counties containing cities of the first class *or a consolidated local government*  
\$800.00
- (b) In counties containing cities of the second class ..... \$700.00
- (c) In counties containing cities of the third class ..... \$600.00
- (d) In counties containing cities of the fourth class ..... \$500.00
- (e) In all other counties ..... \$400.00
- (8) Retail drink license, motel drink license, restaurant drink license, or supplemental bar license, per annum:
- (a) In counties containing cities of the first class *or a consolidated local government*  
\$1,000.00
- (b) In counties containing cities of the second class ..... \$700.00
- (c) In counties containing cities of the third class ..... \$600.00
- (d) In counties containing cities of the fourth class ..... \$500.00
- (e) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.
- (9) Transporter's license, per annum ..... \$100.00
- (10) Dining car license, per annum ..... \$100.00
- (11) Special nonbeverage alcohol vendor's license, per annum ..... \$50.00
- (12) Special industrial alcohol license, per annum ..... \$50.00
- (13) Special nonindustrial alcohol license, per annum ..... \$50.00
- (14) Special agent's or solicitor's license, per annum ..... \$25.00
- (15) Special storage or warehouse license and bottling house storage license,  
per annum ..... \$500.00
- (16) Special temporary liquor license, per event ..... \$100.00
- (17) Special private club license, per annum ..... \$300.00
- The fee for each special private club license shall be the fee set out in this subsection; however, there shall be no charge for each special private club license issued in excess of six (6) that is issued to the same licensee at the same premises.
- (18) Special Sunday retail drink license, per annum ..... \$500.00
- (19) Nonresident, special agent or solicitor's license, per annum ..... \$100.00
- (20) Transport permit, nonresident license, per annum ..... \$100.00
- (21) Through transporter's license, per annum ..... \$100.00
- (22) Freight forwarder's license, per annum ..... \$100.00
- (23) Restaurant wine license, per annum ..... \$500.00
- (24) Farm winery license, per annum ..... \$100.00

(a) Farm winery, off-premises retail outlet license, per annum .....	\$25.00
(25) Special temporary wine license, per event .....	\$50.00
(26) Caterer's license, per annum .....	\$800.00
(27) Souvenir retail liquor license, per annum .....	\$500.00
(28) Special temporary distilled spirits and wine auction license, per event .....	\$100.00
(29) Airport drink license, per annum .....	\$1,000.00
(30) Convention center or convention hotel complex license, per annum .....	\$5,000.00
(31) Extended hours supplemental license, per annum .....	\$2,000.00
(32) Horse race track license, per annum .....	\$2,000.00
(33) Automobile race track license, per annum .....	\$2,000.00
(34) Air or rail system license, per annum .....	\$2,000.00
(35) Riverboat license, per annum .....	\$1,000.00
(36) Bottling house license, per annum .....	\$1,000.00
(37) Hotel in-room license, per annum .....	\$200.00
(38) Bonded warehouse license, per annum .....	\$1,000.00
(39) Air transporter liquor license, per annum .....	\$500.00
(40) Sampling license, per annum.....	\$100.00
(41) Replacement or duplicate license .....	\$25.00
(42) Other special licenses the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine and provides for by administrative regulation. In fixing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.	

A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each new application under this section, except for subsections (5), (9), (11), (12), (13), (14), (16), (19), (20), (21), (22), (24), (25), (28), and (41). The application fee shall be applied to the licensing fee if the license is issued; otherwise it shall be retained by the department.

Section 218. KRS 243.050 is amended to read as follows:

- (1) The department may issue a railroad system license to a railroad company upon the payment of the required fee. This license tax shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of alcoholic beverages.
- (2) The department may issue a commercial airlines system license to a commercial airlines system or charter flight system upon the payment of the required fee. This license fee shall be in lieu of all license and excise taxes which would otherwise be due by the holder in connection with the retailing of alcoholic beverages and the license may be renewed annually. The license shall authorize the licensee to sell distilled spirits and wine by the

drink and by miniature bottle, and malt beverages, upon regularly-scheduled or charter flights of the licensee, in and out of the State of Kentucky. The license shall authorize the licensee to store alcoholic beverages for retail sale at a location or locations, if operating from more than one airport in Kentucky, as designated on the license application.

- (3) The department may issue a transporter's license to a commercial airline system, a charter flight system, or a commercial cargo system, upon the payment of the required fee. This license may be renewed annually. The license shall authorize the licensee to transport distilled spirits and wine and malt beverages, into and out of the State of Kentucky, upon regularly-scheduled or charter flights of the licensee. The license shall authorize, for the purpose of transportation, the storage of alcoholic beverages at a location or locations, if operating from more than one airport in Kentucky, as designated on the license application. This license shall authorize an airline to transport if both the consignor and consignee in each case are authorized by the laws of the states of their residence to sell, purchase, ship, or receive the alcoholic beverages.
- (4) The department may issue a convention center or convention hotel complex license for the retail sale of distilled spirits, wine, and malt beverages for consumption on the premises to a convention center or hotel having seating capacity of one thousand (1,000) or more persons. The license shall cover all alcoholic beverage sales on the premises, except that a separate hotel in-room service license shall be required, where applicable. An extended supplement license under subsection (5) of this section may also be issued where applicable. The convention center or convention hotel complex license shall be a nonquota license and shall not be transferable to other premises. The provisions of this subsection shall not apply to convention center licenses or the renewal thereof, other than those in a city of the first class or a county containing a city of the first class *or a consolidated local government*, if the original license was issued prior to July 15, 1998.
- (5) Where it is determined by the department to be in the best interest of promoting tourism, conventions, and the economic development of Kentucky or any part thereof, the department may issue a supplemental license for the retail sale of alcoholic beverages by the drink at convention centers, at horse race tracks licensed to conduct a race meeting under KRS Chapter 230, at commercial airports through which more than five hundred thousand (500,000) passengers arrive or depart annually, and at automobile race tracks having a seating capacity of at least thirty thousand (30,000) people. Upon application by the holder of a retail alcoholic beverage license at a convention center, convention hotel complex, horse race track, automobile race track, meeting the requirements of this subsection, or commercial airport as provided above, the department may establish the days when the supplemental license will be valid at the specific location, including Sundays after 1 p.m. The supplemental license fee shall be established, and shall be in addition to all other licenses and fees due by the holder in connection with the retailing of alcoholic beverages. The department may, by administrative regulation or special conditions of the supplemental permit, establish such restrictions on the use of the license as will insure that it will be primarily for the benefit of the convention business, the horse racing industry, passengers at large commercial airports, and the automobile racing industry.

Section 219. KRS 243.060 is amended to read as follows:

- (1) The fiscal court of each county *or a consolidated local government* in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of trafficking in alcoholic beverages. These licenses may be issued by the

county *or consolidated local government* administrator. The license fees shall not exceed the following:

- (a) Retail package licenses, per annum:
    - 1. In counties containing cities of the first class *or a consolidated local government* ..... \$1,200.00
    - 2. In counties containing cities of the second class ..... \$1,000.00
    - 3. In counties containing cities of the third class ..... \$800.00
    - 4. In counties containing cities of the fourth class ..... \$600.00
    - 5. In all other counties ..... \$400.00
  - (b) Retail drink license, motel drink license, restaurant drink license, or supplemental bar license, per annum:
    - 1. In counties containing cities of the first class *or a consolidated local government* ..... \$1,600.00
    - 2. In counties containing cities of the second class ..... \$1,000.00
    - 3. In counties containing cities of the third class ..... \$800.00
    - 4. In counties containing cities of the fourth class ..... \$600.00
  - (c) Special temporary liquor license, per event:
    - 1. In counties containing cities of the first class *or a consolidated local government* ..... \$266.66
    - 2. In counties containing cities of the second class ..... \$166.66
    - 3. In counties containing cities of the third class ..... \$133.34
    - 4. In counties containing cities of the fourth class ..... \$100.00
  - (d) Restaurant wine license, per annum:
    - 1. New applicants ..... \$600.00
    - 2. Applicants for renewal ..... \$400.00
  - (e) Special temporary wine license, per event ..... \$50.00
  - (f) Special private club license, per annum ..... \$300.00
  - (g) Special Sunday retail drink license, per annum ..... \$300.00
  - (h) Retail malt beverage license, per annum:
    - 1. New applicants ..... \$400.00
    - 2. Applicants for renewal ..... \$150.00
  - (i) Special temporary malt beverage license, per event ..... \$25.00
- (2) Any amount paid to any city within the county as a license fee for the same privilege for the same year may be credited against the county license fee.
- (3) If any part of this section is held invalid, all of this section and of KRS 243.600 shall also be considered invalid.

Section 220. KRS 243.070 is amended to read as follows:

The ~~city~~ legislative body of any city **or a consolidated local government** in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only those licenses set out in this section shall be issued, and the fee for each shall not exceed the specified amount:

- (1) Distilled spirit licenses as set forth in KRS 243.030:
  - (a) Distiller's license, per annum ..... \$500.00
  - (b) Rectifier's license, per annum ..... \$3,000.00
  - (c) Blender's license, per annum ..... \$3,000.00
  - (d) Wholesaler's distilled spirits and wine license, per annum ..... \$3,000.00
  - (e) Distilled spirits and wine retail package license, per annum:
    1. In counties containing cities of the first class **or a consolidated local government** ..... \$1,200.00
    2. In counties containing cities of the second class ..... \$1,000.00
    3. In counties containing cities of the third class ..... \$800.00
    4. In counties containing cities of the fourth class ..... \$600.00
    5. In all other counties ..... \$400.00
- (2) Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum:
  - (a) In counties containing cities of the first class **or a consolidated local government** \$1,600.00
  - (b) In counties containing cities of the second class ..... \$1,000.00
  - (c) In counties containing cities of the third class ..... \$800.00
  - (d) In counties containing cities of the fourth class ..... \$600.00
- (3) Distilled spirits and wine special temporary liquor license, per event:
  - (a) In counties containing cities of the first class **or a consolidated local government** \$266.66
  - (b) In counties containing cities of the second class ..... \$166.66
  - (c) In counties containing cities of the third class ..... \$133.33
  - (d) In counties containing cities of the fourth class ..... \$100.00
- (4) Special temporary wine license, per event ..... \$50.00
- (5) Distilled spirits and wine special temporary auction license, per event ..... \$200.00
- (6) Special private club license, per annum ..... \$300.00
- (7) Distilled spirits and wine special Sunday retail drink license, per annum ..... \$300.00

- (8) Extended hours supplemental license, per annum ..... \$2,000.00
- (9) Nonresident special agent or solicitor's license, per annum ..... \$40.00
- (10) Restaurant wine license, per annum:
  - (a) New applicants ..... \$600.00
  - (b) Applicants for renewal ..... \$400.00
- (11) Caterer's license, per annum ..... \$800.00
- (12) Riverboat license, per annum ..... \$1,200.00
- (13) Horse race track license, per annum ..... \$2,000.00
- (14) Convention center or convention hotel complex  
license, per annum ..... \$2,000.00
- (15) Bottling house distilled spirits license or wine  
storage license, per annum ..... \$1,000.00
- (16) Automobile race track license, per annum ..... \$2,000.00
- (17) Souvenir retail liquor license, per annum ..... \$1,000.00
- (18) Malt beverage licenses as follows:
  - (a) Brewer's license, per annum ..... \$500.00
  - (b) Microbrewery license, per annum ..... \$500.00
  - (c) Malt beverage distributor's license, per annum ..... \$400.00
  - (d) Retail malt beverage license, per annum ..... \$200.00
  - (e) Special temporary retail malt beverage license, per event ..... \$25.00
  - (f) Malt beverage brew-on-premises license, per annum ..... \$100.00

Section 221. KRS 277.050 is amended to read as follows:

Any corporation organized under the laws of this or any other state for the purpose of constructing, maintaining or operating union railway stations for passengers or freight may, except in cities of the first class *or in a consolidated local government*, acquire by condemnation, in the manner prescribed by the Eminent Domain Act of Kentucky, such lands and material in this state as it deems to be reasonably necessary for the purpose of constructing, maintaining and operating such union railway stations and the usual or proper tracks, platforms, sheds, approaches and other appurtenances thereto.

Section 222. KRS 278.650 is amended to read as follows:

- (1) If a utility proposes construction of an antenna tower for cellular telecommunications services or personal communications services which is to be located within a county containing a city of the first class *or a consolidated local government*, then the utility shall submit the proposal to the planning commission of the affected planning unit prior to making application to the commission for a certificate of public convenience and necessity as required by KRS 278.020(1). The commission shall not grant a certificate of convenience and necessity in this situation until a final action on the proposal has been taken by the

planning commission of the affected planning unit, or until the sixty (60) day time period set forth in KRS 100.324(5) has expired, whichever comes first.

- (2) If a planning commission rejects a proposal to construct an antenna tower, the commission may override the decision of the planning commission and issue a certificate of convenience and necessity for construction of the cellular or personal communications services antenna tower, if it determines that there is no acceptable alternate site, and that the public convenience and necessity requires the proposed construction.
- (3) Any party aggrieved by the final action of the Public Service Commission under subsections (1) and (2) of this section shall appeal from the action to the Franklin Circuit Court. The appeal shall be filed within thirty (30) days after the final action by the Public Service Commission. All final actions of the Public Service Commission which have not been appealed within thirty (30) days shall not be subject to judicial review.
- (4) If a utility proposes construction of an antenna tower for cellular telecommunications services or personal communications services which is to be located outside the area of a county containing a city of the first class *or a consolidated local government*, then the commission may also take into account in its deliberations the character of the general area concerned, and the likely effects of the installation on nearby land uses and values.

Section 223. KRS 278.665 is amended to read as follows:

- (1) The commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the minimum content of a uniform application, provided under KRS 100.985(5), for a certificate of convenience and necessity to construct cellular antenna towers, and the procedures to carry out the commission's responsibilities under KRS 100.987.
- (2) The commission, in establishing the public notice requirements of a uniform application as provided for in subsection (1) of this section, shall distinguish between areas of low and high population densities. At a minimum, when the site of the proposed cellular antenna tower is outside of an incorporated city or within a rural service area in an urban-county, the commission shall require that every person who owns property contiguous to the property where the proposed cellular antenna tower will be located receives notice by certified mail, return receipt requested, of the proposed construction, given the commission docket number under which the application will be processed, and informed of the opportunity to intervene in the application. The provisions of this subsection shall not apply to unincorporated areas within a county containing a city of the first class *or a consolidated local government*.

Section 224. KRS 279.310 is amended to read as follows:

As used in KRS 279.320 to 279.600, unless the context requires otherwise:

- (1) "Cooperative" means any corporation organized under KRS 279.320 to 279.600 or which becomes subject to those sections in the manner provided therein.
- (2) "Person" means any natural person, firm, association, corporation, business trust or partnership.
- (3) As used in this chapter, the term "telephone service" shall include in its meaning communications services of all kinds allowed to any other telephone utility, authorized by regulatory agency and with some unregulated, that being the transmission of voice, data, sounds, signals, pictures, writing, or signs of all kinds, by use of wire, radio, light, electromagnetic impulse, broadband (wideband) spectrum, or any other transmission mode and

facility used in rendition of such services; but shall not include in their meaning message telegram service, or radio broadcasting services or facilities within the meaning of Section 153(O) of the Federal Communications Act of 1934, as amended.

- (4) "Acquire" means to construct, purchase, obtain by lease, devise, gift or by eminent domain, or to obtain by any other lawful means.
- (5) "Board" means the board of trustees of a corporation formed under KRS 279.320 to 279.600.
- (6) "Federal agency" means and includes the United States, the President of the United States, and all federal authorities, instrumentalities and agencies in the ordinary sense.
- (7) "Improve" means to construct, reconstruct, extend, enlarge, alter, better or repair.
- (8) "Member" means and includes each person signing the articles of incorporation of a corporation formed under KRS 279.320 to 279.600, each person later admitted to membership according to law or according to the articles of incorporation or bylaws of the corporation, and each common stockholder in a corporation, having capital stock, organized under KRS 279.320 to 279.600.
- (9) "Obligations" means and includes negotiable bonds, notes, debentures, interim certificates or receipts and all other evidences of indebtedness either issued or the payment thereof assumed by a corporation organized under KRS 279.320 to 279.600.
- (10) "System" means and includes any plant, works, facilities and properties, and all parts thereof and appurtenances thereto, used or useful in the operation and maintenance of telephone communication service.
- (11) "Rural area" shall be deemed to mean any area of this state not included within the boundaries of any incorporated or unincorporated city *or of a consolidated local government*, ~~[village or borough]~~ having a population in excess of fifteen hundred (1,500) inhabitants.
- (12) "Telephone company" means any natural person, firm, association, corporation or partnership owning, leasing or operating any line, facility or system used in the furnishing of telephone service within this state.

Section 225. KRS 304.8-060 is amended to read as follows:

- (1) The custodian of insurance securities shall be appointed by the Governor, in accordance with laws governing other executive appointments. He shall receive a monthly salary to be fixed by the Governor in accordance with the provisions of KRS 64.640, but to be paid out of custodial expense funds provided by insurers pursuant to KRS 304.8-190.
- (2) The custodian shall receive in his official capacity, all deposits made with him pursuant to this code.
- (3) The custodian shall be available at all reasonable times in the branch office of the Department of Insurance, maintained in a city of the first class *or a consolidated local government*.

Section 226. KRS 304.8-090 is amended to read as follows:

- (1) The commissioner shall designate at least one (1) but not more than five (5) banks or trust companies in each county of this state containing a city of the first class *or a consolidated local government* and such other banks as proposed by the insurer and approved by the



commissioner whose vaults shall be used as depositories for assets of insurers deposited under this code.

- (2) Each insurer depositing assets shall, at its own expense, rent space therefor in the vaults of the banks or trust companies so designated.

Section 227. KRS 345.010 is amended to read as follows:

When used in this chapter:

- (1) "Public employer" means a city of the first class *or a consolidated local government*, or any city that petitions the secretary of the Labor Cabinet to be included by this chapter;
- (2) "Firefighter" means an employee of the public employer engaged in serving the public by providing fire protection, including those covered by KRS Chapter 95;
- (3) "Labor organization" means any chartered labor organization of any kind in which firefighters participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours of employment, or conditions of employment;
- (4) "Exclusive representative" means the labor organization which has been designated by the State Labor Relations Board as the representative of the majority of firefighters in appropriate units or has been so recognized by the public employer;
- (5) "Board" means the State Labor Relations Board;
- (6) "Person" includes one (1) or more individuals, labor organizations, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers;
- (7) "Secretary" means the secretary of the Labor Cabinet of the Commonwealth of Kentucky.

Section 228. KRS 381.440 is amended to read as follows:

Whenever the owner of a lot in a city of the first class *or a consolidated local government* proposes to excavate upon the lot to a depth greater than ten feet below the top of the curbstone of the sidewalk adjoining the lot, shall, at his own expense, protect any wall on adjoining land near the excavation from injury from such excavation, if the necessary license is afforded him to enter upon the adjoining land for that purpose, but not otherwise.

Section 229. KRS 393.100 is amended to read as follows:

Any property paid into any court of this state for distribution and the increments thereof, shall be presumed abandoned if not claimed within five (5) years after the date of payment into court or as soon after the five (5) year period, as all claims filed in connection with it, have been disallowed or settled by the court. Provided, however, that any property paid into any court of this state for distribution and the increments thereof, which may be presumed abandoned as provided in this chapter and which shall have been recovered or procured upon the relationship or through the instrumentality of any municipality *or a consolidated local government* of this state, shall revert to the general fund of such municipality *or a consolidated local government* and at any time after the five (5) year period has expired, after the date of the payment into the court, the municipality *or a consolidated local government* may by petition filed against the custodian of such funds, in the court in which said property is located, request the payment thereof to said municipality *or a consolidated local government* and the judge of said court shall order the custodian thereof, to pay the entire sum to said municipality *or a consolidated local government*. Provided, further that before entering judgment, ordering said sum so paid, the court shall require that notice be published at least once in a newspaper of general bona fide circulation in the county, stating the

intention of the court to award such sum to the municipality *or a consolidated local government* and final judgment shall not be entered, until fifteen (15) days shall have elapsed from the date of such publication. At any time prior to the final judgment, the court may consider any bona fide claims made by claimants to said property or any part thereof. However, thereafter, any and all claimants shall be forever barred therefrom.

Section 230. KRS 416.560 is amended to read as follows:

- (1) Notwithstanding any other provision of the law, a department, instrumentality or agency of *a consolidated local government*, city, county, or urban-county government, other than a waterworks corporation the capital stock of which is wholly owned by a city of the first class *or a consolidated local government*, having a right of eminent domain under other statutes shall exercise such right only by requesting the governing body of the *consolidated local government*, city, county, or urban-county to institute condemnation proceedings on its behalf. If the governing body of the *consolidated local government*, city, county, or urban-county agrees, it shall institute such proceedings under KRS 416.570, and all costs involved in the condemnation shall be borne by the department, instrumentality, or agency requesting the condemnation.
- (2) If any department, instrumentality or agency of a *consolidated local government*, city, county, or urban-county government, other than a waterworks corporation the capital stock of which is wholly owned by a city of the first class *or a consolidated local government*, operates in more than one (1) governmental unit, it shall request the governing body of the *consolidated local government*, city, county, or urban-county government wherein the largest part of the individual tract of the property sought to be condemned lies, to institute condemnation proceedings on its behalf.
- (3) A department, instrumentality, or agency of the Commonwealth of Kentucky, other than the Transportation Cabinet and local boards of education, having a right of eminent domain under other statutes shall exercise such right only by requesting the Finance and Administration Cabinet to institute condemnation proceedings on its behalf. If the Finance and Administration Cabinet agrees, it shall institute such proceedings under KRS 416.570, and all costs involved in the condemnation shall be borne by the department, instrumentality, or agency requesting the condemnation.
- (4) Prior to the filing of the petition to condemn, the condemnor or its employees or agents shall have the right to enter upon any land or improvement which it has the power to condemn, in order to make studies, surveys, tests, sounding, and appraisals, provided that the owner of the land or the party in whose name the property is assessed has been notified ten (10) days prior to entry on the property. Any actual damages sustained by the owner of a property interest in the property entered upon by the condemnor shall be paid by the condemnor and shall be assessed by the court or the court may refer the matter to commissioners to ascertain and assess the damages sustained by the condemnee, which award shall be subject to appeal.

Section 231. KRS 424.130 is amended to read as follows:

- (1) Except as otherwise provided in KRS 424.110 to 424.370 and notwithstanding any provision of existing law providing for different times or periods of publication, the times and periods of publications of advertisements required by law to be made in a newspaper shall be as follows:

- (a) When an advertisement is of a completed act, such as an ordinance, resolution, regulation, order, rule, report, statement, or certificate and the purpose of the publication is not to inform the public or the members of any class of persons that they may or shall do an act or exercise a right within a designated period or upon or by a designated date, the advertisement shall be published one (1) time only and within thirty (30) days after completion of the act. However, a failure to comply with this paragraph shall not subject a person to any of the penalties provided by KRS 424.990 unless such failure continues for a period of ten (10) days after notice to comply has been given him by registered letter.
  - (b) When an advertisement is for the purpose of informing the public or the members of any class of persons that on or before a certain day they may or shall file a petition or exceptions or a remonstrance or protest or objection, or resist the granting of an application or petition, or present or file a claim, or submit a bid, the advertisement shall be published at least once, but may be published two (2) or more times, provided that one (1) publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence of the act or event.
  - (c) Excepting counties with a city of the first class *or a consolidated local government*, when an advertisement is for the purpose of informing the public and the advertisement is of a sale of property or is a notice of delinquent taxes, the advertisement shall be published once a week for three (3) successive weeks. For counties containing a city of the first class *or a consolidated local government*, when an advertisement is for the purpose of informing the public and the advertisement is a notice of delinquent taxes, or notice of the sale of tax claims, the advertisement shall be published once, preceded by a one-half (1/2) page notice of advertisement the preceding week. The provisions of this paragraph shall not be construed to require the advertisement of notice of delinquent state taxes which are collected by the state.
  - (d) Any advertisement not coming within the scope of paragraph (a), (b) or (c) of this subsection, such as one for the purpose of informing the public or the members of any class of persons of the holding of an election, or of a public hearing, or of an examination, or of an opportunity for inspection, or of the due date of a tax or special assessment, shall be published at least once but may be published two (2) or more times, provided that one (1) publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence of the act or event, or in the case of an inspection period, the inspection period commences.
  - (e) If the particular statute requiring that an advertisement be published provides that the day upon or by which, or the period within which, an act may or shall be done or a right exercised, or an event may or shall take place, is to be determined by computing time for the day of publication of an advertisement, the advertisement shall be published at least once, promptly, in accordance with the statute, and the computation of time shall be from the day of initial publication.
- (2) This section is not intended to supersede or affect any statute providing for notice of the fact that an adversary action in court has been commenced.

Section 232. KRS 424.220 is amended to read as follows:

- (1) Excepting officers of a city of the first class *or a consolidated local government*, a county containing such a city *or consolidated local government*, a public agency of such a city, *consolidated local government*, or county, or a joint agency of such a city, *consolidated*

*local government*, and county, or of a school district of such a city, *consolidated local government*, or county, and excepting officers of a city of the second class or an urban-county government, every public officer of any school district, city, *consolidated local government*, county, or subdivision, or district less than a county, whose duty it is to collect, receive, have the custody, control, or disbursement of public funds, and every officer of any board or commission of a city, *consolidated local government*, county or district whose duty it is to collect, receive, have the custody, control, or disbursement of funds collected from the public in the form of rates, charges, or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held, or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. Pursuant to subsections (2) and (3) of KRS 91A.040, each city of the sixth class shall prepare an itemized, sworn statement of the funds collected, received, held, or disbursed by the city which complies with the provisions of this section.

- (2) The statement shall show:
  - (a) The total amount of funds collected and received during the fiscal year from each individual source; and
  - (b) The total amount of funds disbursed during the fiscal year to each individual payee and the purpose for which the funds were expended.
- (3) Only the totals of amounts paid to each individual as salary or commission and public utility bills shall be shown. The amount of salaries paid to all nonelected county employees shall be shown as lump-sum expenditures by category, including, but not limited to, road department, jails, solid waste, public safety, and administrative personnel.
- (4) The amount of salaries paid to all teachers shall be shown as a lump-sum instructional expenditure for the school district and not by amount paid to individual teachers. The amount of salaries paid to all other employees of the board shall be shown as lump-sum expenditures by category, including, but not limited to, administrative, maintenance, transportation, and food service. The local board of education and the fiscal court shall have accessible a factual list of individual salaries for public scrutiny and the local board and the fiscal court shall furnish by mail a factual list of individual salaries of its employees to a newspaper qualified under KRS 424.120 to publish advertisements for the district, which newspaper may then publish as a news item the individual salaries of school or county employees.
- (5) The officer shall procure and include in or attach to the financial statement, as a part thereof, a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement.
- (6) The officer shall, except in a city electing to publish its audit in lieu of the financial statement in accordance with KRS 91A.040(6), within sixty (60) days after the close of the fiscal year cause the financial statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county, or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county clerk of the county and with the Auditor of Public Accounts. Promptly after the publication is made, the officer shall also file one (1) copy of the financial statement with the Kentucky Department for Local Government.

- (7) In lieu of the publication requirements of subsection (6) of this section, the appropriate officer of any municipally-owned electric, gas, or water system may elect to satisfy the requirements of subsection (6) of this section by:
- (a) Preparation of a certified audit by a certified public accountant, performed in accordance with generally accepted principles of accounting, for the fiscal year;
  - (b) Publishing in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county, or district as the case may be, the statement of revenue and expenditures from such audit, together with the statement that the audit report is available for inspection at the offices of the utility; and
  - (c) Making such audit available for inspection on request of anyone during normal working hours of the utility.
- (8) In lieu of the publication requirements of subsection (6) of this section, the appropriate officer of a county may elect to satisfy the requirements of subsection (6) of this section by publishing an audit, prepared in accordance with KRS 43.070 or 64.810, in the same manner that city audits are published in accordance with KRS 91A.040(7).

Section 233. KRS 424.240 is amended to read as follows:

Immediately following the adoption of an annual budget by any county or city other than one of the first class *or a consolidated local government*, the ~~county or city~~ clerk shall cause a summary of the budget or the text of the budget ordinance to be advertised for the county, *consolidated local government* or city by publication in a newspaper.

Section 234. KRS 439.315 is amended to read as follows:

- (1) A person placed by a releasing authority on probation, parole, or other form of release subject to supervision by the Department of Corrections and all persons supervised pursuant to KRS 439.560 shall pay a fee to offset the costs of supervising the probation, parole, or other supervised release.
- (2) The fees shall be as follows:
  - (a) For a felony, not less than ten dollars (\$10) per month while on active supervision nor more than two thousand five hundred dollars (\$2,500) per year.
  - (b) For a misdemeanor, not less than ten dollars (\$10) per month while on active supervision nor more than five hundred dollars (\$500) per year, except as provided in subsection (13) of this section.
- (3) The releasing authority shall order the fee paid in a lump sum or installments. If the fee is to be paid in a lump sum, the person shall not be released from custody until the fee is paid in full.
- (4) Upon the failure of a person to pay an installment on a fee set forth in a release agreement, the releasing authority shall hold a hearing to determine why the installment has not been paid. Failure without good cause to pay an installment pursuant to a release agreement shall be grounds for the revocation of probation, parole, conditional release, or other form of release upon which the person has been released as provided in KRS 533.050.
- (5) The releasing authority shall hold a hearing to determine the ability of the defendant to make the payments; and in making this determination, the releasing authority shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution. In counties containing a city of the first class or an

urban-county form of government, the releasing authority may waive the payment of the fee in whole or in part for defendants placed under the supervision of the adult misdemeanor probation and work release program, if it finds that any of the factors in subsection (6) of this section exist.

- (6) The releasing authority shall not waive any fee unless the commissioner of the Department of Corrections or his designee petitions the releasing authority in written form for the waiver. The Department of Corrections shall not petition unless:
  - (a) The offender is a student in a school, college, university, or course of vocational or technical training designed to fit the student for gainful employment. Certification of student status shall be supplied to the releasing authority by the educational institution in which the offender is enrolled. In such case, the fee may be postponed until completion of education but shall be paid thereafter.
  - (b) The offender has an employment disability, as determined by a physical, psychological, or psychiatric examination acceptable to, or ordered by, the releasing authority.
- (7) At any time during the pendency of the judgment or order rendered according to the terms of this section, a defendant may petition the releasing authority to modify or vacate its previous judgment or order on the grounds of change of circumstances with regard to the defendant's ability to pay the fee. The releasing authority shall advise the defendant of this right at the time of the rendering of the judgment or order placing the defendant on probation, parole, or other supervised release.
- (8) All sums paid by the defendant pursuant to this section shall be paid into the general fund, except as provided in subsection (13) of this section.
- (9) When granting a release of any defendant by way of probation, parole, or otherwise, the releasing authority shall make the payment of this fee a condition of release, unless the fee has been waived, reduced, or delayed as provided in this section. Nonpayment shall be grounds for revocation of the release as provided in KRS 533.050.
- (10) The releasing authority, if the Department of Corrections petitions the releasing authority to modify the fee, shall consider the petition and may waive the payment of the fee in whole or in part, delay payment of the fee, increase the fee, or deny the petition.
- (11) All fees fixed under the provisions of this section shall be collected by the circuit clerk of the county where the defendant is supervised, except as provided in subsection (13) of this section.
- (12) The Department of Corrections and the Division of Probation and Parole shall, for each person released under its supervision, keep an account of all payments made and report delinquencies to the releasing authority.
- (13) In a city, county, ***consolidated local government***, charter county, or an urban-county government, persons placed by a releasing authority on probation, parole, or other release subject to supervision by the adult misdemeanor probation and work release program of the county, city, ***consolidated local government***, charter county, or urban-county government shall pay a fee to offset the costs of supervising the probation, parole, or other supervised release. The fees shall be assessed by the releasing authority in accordance with the provisions of this section. The fee for a misdemeanor defendant placed under the supervision of an adult misdemeanor probation and work release program of a county, city,

**consolidated local government**, charter county, or an urban-county government shall be not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per year. All sums paid by the defendant under this subsection shall be paid into the general fund of the county, city, **consolidated local government**, charter county, or urban-county government in lieu of the payment specified in subsection (8) of this section. All fees fixed under this subsection shall be collected by the circuit clerk of the county or urban-county involved. The adult misdemeanor probation and work release program of the county, **consolidated local government**, city, charter county, or urban-county government shall, for each person released under its supervision, keep an account of all payments made, maintain copies of all receipts issued by the circuit clerk, and report delinquencies to the court.

SECTION 235. A NEW SECTION OF KRS CHAPTER 77 IS CREATED TO READ AS FOLLOWS:

- (1) *If by December 1 following the approval of a consolidated local government, the county containing the adopted consolidated local government has been notified by federal authorities of the attainment of the county of the air quality standards established by the Federal Environmental Protection Agency for ozone, carbon monoxide, and nitrogen dioxide, the air pollution control district board in that county shall upon the effective date of this Act begin the necessary actions to eliminate any vehicle emissions testing program operated in the county by November 1, 2003. The air pollution control district board shall not enter into or renew any contracts with any vendors for the operation of a vehicle emissions testing program which would extend beyond this date.*
- (2) *If a consolidated local government should be notified at a date beyond November 1, 2003, of the county's nonattainment of the air quality standards established by the Federal Environmental Protection Agency for ozone, carbon monoxide, and nitrogen dioxide, notwithstanding the provisions of KRS 77.115, 224.20-130 or 224.20-760 to the contrary, the consolidated local government shall determine the need for the reestablishment, administration, operation, and the role, if any, of an air pollution control district if a vehicle emissions testing program is recreated by the consolidated local government in accordance with KRS 224.20-710 to 224.20-765. Nothing in KRS Chapters 77 and 224 shall preclude a consolidated local government from utilizing other methods and procedures for reaching attainment of the air quality standards established by the Federal Environmental Protection Agency for ozone, carbon monoxide, and nitrogen dioxide.*

SECTION 236. A NEW SECTION OF KRS CHAPTER 2 IS CREATED TO READ AS FOLLOWS:

***The Kentucky Center for African American Heritage in Louisville is designated as the official center for the celebration of Kentucky's African American heritage.***

Section 237. 2002 Ky. Acts ch. 247, sec. 1, is amended to read as follows:

- (1) No state, city, county, urban-county, charter county, or consolidated local government law enforcement agency shall set a residence requirement, except requiring residence within the Commonwealth for any of its employees who do not possess peace officer powers.
- (2) No state, city, county, urban-county, charter county, or consolidated local government law enforcement agency shall require that an employee, whether that employee is a peace officer or not, be a registered voter.
- (3) The provisions of subsection (1) shall not preclude an employer or agency specified in subsection (1) from having a requirement for response to a specified location within a

specified time limit for an employee or volunteer who is off-duty but who is on-call to respond for work.

- (4) ***The residence requirements of subsection (1) of this section requiring residency within the Commonwealth shall not apply to an employee of a law enforcement agency employed by that agency on the effective date of this Act until that employee's employment relationship with the law enforcement agency is terminated.***

Section 238. KRS 238.535 is amended to read as follows:

- (1) Any charitable organization conducting charitable gaming in the Commonwealth of Kentucky shall be licensed by the department. A charitable organization qualifying under subsection (8) of this section but not exceeding the limitations provided in this subsection shall be exempt from the licensure requirements when conducting the following charitable gaming activities:
- (a) Bingo in which the gross receipts do not exceed a total of twenty-five thousand dollars (\$25,000) per year;
  - (b) A raffle or raffles for which the gross receipts do not exceed twenty-five thousand dollars (\$25,000) per year; and
  - (c) A charity fundraising event or events that do not involve special limited charitable games and the gross gaming receipts for which do not exceed twenty-five thousand dollars (\$25,000) per year.

However, at no time shall a charitable organization's total limitations under this subsection exceed twenty-five thousand dollars (\$25,000).

- (2) Any charitable organization exempt from the process of applying for a license under subsection (1) of this section, shall notify the department in writing, on a simple form issued by the department, of its intent to engage in exempt charitable gaming and the address at which the gaming is to occur. Any charitable organization exempt from the process of applying for a license under subsection (1) of this section, shall comply with all other provisions of this chapter relating to the conduct of charitable gaming, except:
- (a) Payment of the fee imposed under the provisions of KRS 238.570; and
  - (b) The quarterly reporting requirements imposed under the provisions of KRS 238.550(5), unless the exempt charitable organization obtains a retroactive license pursuant to subsection (5) of this section.

Before the last day of each year, a charitable organization exempt from licensure under the provisions of subsection (1) of this section shall file with the department a financial report detailing the type of gaming activity in which it engaged during that year, the total gross receipts derived from gaming, the amount of charitable gaming expenses paid, the amount of net receipts derived, and the disposition of those net receipts. This report shall be filed on a form issued by the department. Upon receipt of the yearly financial report, the department shall notify the charitable organization submitting it that its exemption is renewed for the next year. If the department determines that information appearing on the financial report renders the charitable organization ineligible to possess an exemption, the department shall revoke the exemption. The organization may request an appeal of this revocation pursuant to KRS 238.565. If an exemption is revoked because an organization has exceeded the limit imposed in subsection (1) of this section, the organization shall apply for a retroactive license in accordance with subsection (3) of this section.



- (3) If an organization exceeds the limit imposed by any subsection of this section it shall:
- (a) Report the amount to the department; and
  - (b) Apply for a retroactive charitable gaming license.
- (4) Upon receipt of a report and application for a retroactive charitable gaming license, the department shall investigate to determine if the organization is otherwise qualified to hold the license.
- (5) If the department determines that the applicant is qualified, it shall issue a charitable gaming license retroactive to the date on which the exemption limit was exceeded. The retroactive charitable gaming license shall be issued in the same manner as regular charitable gaming licenses.
- (6) If the department determines that the applicant is not qualified it shall deny the license and take enforcement action, if appropriate.
- (7) Once a retroactive or regular gaming license is issued to an organization, that organization shall not be eligible for exempt status in the future and shall maintain a charitable gaming license if it intends to continue charitable gaming activities, unless the charitable organization has not exceeded the exemption limitations of subsection (1) of this section for a period of two (2) years prior to its exemption request.
- (8) In order to qualify for licensure, a charitable organization shall:
- (a)
    1. Possess a tax exempt status under 26 U.S.C. secs. 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19), or be covered under a group ruling issued by the Internal Revenue Service under authority of those sections; or
    2. Be organized within the Commonwealth of Kentucky as a common school as defined in KRS 158.030, as an institution of higher education as defined in KRS 164A.305, or as a state college or university as provided for in KRS 164.290;
  - (b) Have been established and continuously operating within the Commonwealth of Kentucky for charitable purposes, other than the conduct of charitable gaming, for a period of three (3) years prior to application for licensure. ***For purposes of this paragraph, an applicant shall demonstrate establishment and continuous operation in Kentucky by its conduct of charitable activities from an office physically located within Kentucky both during the three (3) years immediately preceding its application for licensure and at all times during which it possesses a charitable gaming license. However, a charitable organization that operates for charitable purposes in more than ten (10) states and whose principal place of business is physically located in a state other than Kentucky may satisfy the requirements of this paragraph if it can document that it has:***
    1. ***Been actively engaged in charitable activities and has made reasonable progress, as defined in paragraph (c) of this subsection, in the conduct of charitable activities or the expenditure of funds within Kentucky for a period of three (3) years prior to application for licensure; and***
    2. ***Operated for charitable purposes from an office or place of business in the Kentucky county where it proposes to conduct charitable gaming for at least one (1) year prior to application for licensure, in accordance with paragraph (d) of this subsection;***

- (c) Have been actively engaged in charitable activities during the three (3) years immediately prior to application for licensure and be able to demonstrate, to the satisfaction of the department, reasonable progress in accomplishing its charitable purposes during this period. As used in this paragraph, "reasonable progress in accomplishing its charitable purposes" means the regular and uninterrupted conduct of activities within the Commonwealth or the expenditure of funds within the Commonwealth to accomplish relief of poverty, advancement of education, protection of health, relief from disease, relief from suffering or distress, protection of the environment, conservation of wildlife, advancement of civic, governmental, or municipal purposes, or advancement of those purposes delineated in KRS 238.505(3). In order to demonstrate reasonable progress in accomplishing its charitable purposes when applying to renew an existing license, a licensed charitable organization shall additionally provide to the department a detailed accounting regarding its expenditure of charitable gaming net receipts for the purposes described in this paragraph; and
  - (d) Have maintained an office or place of business, other than for the conduct of charitable gaming, for one (1) year in the county in which charitable gaming is to be conducted. The office or place of business shall be a separate and distinct address and location from that of any other licensee of the department; except that up to three (3) licensed charitable organizations may have the same address if they legitimately share office space. For the conduct of a raffle, the county in which charitable gaming is to be conducted shall be the county in which the raffle drawing is to be conducted. However, a charitable organization that has established and maintained an office or place of business in the county for a period of at least one (1) year may hold a raffle drawing in a Kentucky county other than that in which the organization's office or place of business is located if the organization notifies the department in writing of the organization's intent to change the drawing's location at least thirty (30) days before the drawing takes place. This written notification may be transmitted in any commercially reasonable means, authorized by the department, including facsimile and electronic mail. The notification shall set out the place and the county in which the drawing will take place. Approval by the department shall be received prior to the conduct of the raffle drawing at the new location. Any charitable organization that was registered with the county clerk to conduct charitable gaming in a county on or before March 31, 1992, shall satisfy this requirement if it maintained a place of business or operation, other than for the conduct of charitable gaming, for one (1) year prior to application in a Kentucky county adjoining the county in which they were registered. Any licensed charitable organization that qualifies to conduct charitable gaming in an adjoining county under this paragraph, shall be permitted to conduct in its county of residence a charity fund raising event.
- (9) In applying for a license, the information to be submitted shall include, but not be limited to, the following:
- (a) The name and address of the charitable organization;
  - (b) The date of the charitable organization's establishment in the Commonwealth of Kentucky and the date of establishment in the county in which charitable gaming is to be conducted;

- (c) A statement of the charitable purpose or purposes for which the organization was organized. If the charitable organization is incorporated, a copy of the articles of incorporation shall satisfy this requirement;
  - (d) A statement explaining the organizational structure and management of the organization. For incorporated entities, a copy of the organizations bylaws shall satisfy this requirement;
  - (e) A detailed accounting of the charitable activities in which the charitable organization has been engaged for the three (3) years preceding application for licensure;
  - (f) The names, addresses, dates of birth, and Social Security numbers of all officers of the organization;
  - (g) The names, addresses, dates of birth, and Social Security numbers of all employees and members of the charitable organization who will be involved in the management and supervision of charitable gaming. No fewer than two (2) employees or members of the charitable organization who are involved in the management and supervision of charitable gaming, along with the chief executive officer or the director of the applicant organization, shall be designated as chairpersons;
  - (h) The address of the location at which charitable gaming will be conducted and the name and address of the owner of the property, if it is owned by a person other than the charitable organization;
  - (i) A copy of the letter or other legal document issued by the Internal Revenue Service to grant tax-exempt status;
  - (j) A statement signed by the presiding or other responsible officer of the charitable organization attesting that the information submitted in the application is true and correct and that the organization agrees to comply with all applicable laws and administrative regulations regarding charitable gaming;
  - (k) An agreement that the charitable organization's records may be released by the federal Internal Revenue Service to the department; and
  - (l) Any other information the department deems appropriate.
- (10) An organization or a group of individuals that does not meet the licensing requirements of subsection (8) of this section may hold a raffle if the gross receipts do not exceed one hundred fifty dollars (\$150) and all proceeds from the raffle are distributed to a charitable organization. The organization or group of individuals may hold up to three (3) raffles each year, and shall be exempt from complying with the notification, application, and reporting requirements of subsections (2) and (9) of this section.
- (11) The department may issue a license for a specified period of time, based on the type of charitable gaming involved and the desired duration of the activity.
- (12) The department shall charge a fee for each license issued and renewed, not to exceed three hundred dollars (\$300). Specific fees to be charged shall be prescribed in a graduated scale promulgated by administrative regulations and based on type of license, type of charitable gaming, actual or projected gross receipts, or other applicable factors, or combination of factors.
- (13) (a) A licensed charitable organization may place its charitable gaming license in escrow if:

1. The licensee notifies the department in writing that it desires to place its license in escrow; and
  2. The license is in good standing and the department has not initiated disciplinary action against the licensee.
- (b) During the escrow period, the licensee shall not engage in charitable gaming, and the escrow period shall not be included in calculating the licensee's retention rate under KRS 238.536.
- (c) A charitable organization may apply for reinstatement of its active license and the license shall be reinstated provided:
1. The charitable organization continues to qualify for licensure;
  2. The charitable organization has not engaged in charitable gaming during the escrow period; and
  3. The charitable organization pays a reinstatement fee established by the department.

Section 239. Notwithstanding KRS 164.020, Eastern Kentucky University is authorized to expend Bond Funds in the amount of \$422,000 out of its 2000-2002 Capital Renewal and Maintenance Pool allocation for new construction of water lines to provide water service for the Corbin Campus.

Section 240. In case of a conflict between Section 235 of this Act and Section 1 of House Bill 618 of this 2002 Regular Session of the General Assembly, it is the intention of the General Assembly that the provisions of Section 235 of this Act shall prevail.

**Approved April 23, 2002**