

1 AN ACT relating to cities.

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

3 ➔Section 1. KRS 24A.140 is amended to read as follows:

4 (1) When sessions of District Court are held in:

5 (a) The county courthouse or other county-owned facility;

6 (b) Urban-county facilities;

7 (c) State-owned, leased, or controlled facilities;

8 (d) Special district facilities; or

9 (e) Private facilities;

10 the sheriff shall be responsible for attending court, keeping order, and providing the  
11 same services to District Court as are provided to the Circuit Court.

12 (2) The sheriff shall be compensated for these services in the same manner and at the  
13 same rates as for similar services rendered to the Circuit Court.

14 (3) When sessions of District Court are held in city facilities the city police~~[or city~~  
15 ~~marshal, as appropriate,]~~ shall be responsible for attending court, keeping order, and  
16 providing the same services to District Court as are provided by the sheriff to  
17 Circuit Court. Compensation for these services shall be the same as allowed to the  
18 sheriff as provided in subsection (2) of this section.

19 (4) If the Administrative Office of the Courts determines that the provision of services  
20 by any law enforcement officer or agency named herein would place an undue  
21 burden on such officer or agency the Administrative Office of the Courts may  
22 arrange with any other law enforcement officer or agency in the Commonwealth to  
23 provide such services. Compensation shall be as provided in subsection (2) of this  
24 section.

25 ➔Section 2. KRS 29A.180 is amended to read as follows:

26 (1) The sheriff or~~[,]~~ city police, ~~[or city marshal,]~~ as appropriate, shall be responsible  
27 for meals, housing, and other incidental needs of grand jurors and petit jurors in

1 Circuit Court and in District Court when the jurors are kept overnight or otherwise  
2 sequestered when ordered to do so by the judge of the court for which the jurors  
3 were summoned. The expenses for these services shall be borne by the Finance and  
4 Administration Cabinet and the officer shall be reimbursed in accordance with  
5 administrative regulations issued by the Finance and Administration Cabinet,  
6 pursuant to KRS Chapter 13A.

7 (2) The sheriff ~~or~~ city police, ~~for city marshal,~~ as appropriate, shall be responsible  
8 for the transportation of jurors and other authorized persons to views of the scene or  
9 other locations authorized by the court pursuant to KRS 29A.310. In criminal cases  
10 the expenses for these services shall be borne by the Finance and Administration  
11 Cabinet, and the sheriff shall be reimbursed in accordance with administrative  
12 regulations issued by the Finance and Administration Cabinet, pursuant to KRS  
13 Chapter 13A. Excepting views conducted under the Eminent Domain Act of  
14 Kentucky, in civil cases these expenses shall be paid by the party requesting the  
15 viewing.

16 (3) The sheriff ~~or~~ city police, ~~for city marshal,~~ as appropriate, shall be responsible  
17 for providing any specialized security personnel, equipment, and services which the  
18 judge, with the consent of the Chief Justice, shall deem necessary for the conduct of  
19 a trial in which the judge believes that special security precautions are necessary or  
20 desirable. The expenses for these services shall be borne by the Finance and  
21 Administration Cabinet, and the officer shall be reimbursed in accordance with  
22 administrative regulations issued by the Finance and Administration Cabinet,  
23 pursuant to KRS Chapter 13A. In such cases, the judge may also request the Chief  
24 Justice to provide the services of the Department of Kentucky State Police to ensure  
25 proper security precautions relating to the case.

26 ➔Section 3. KRS 57.285 is amended to read as follows:

27 All printing for which any county~~, city~~ or other political subdivision of the

1 Commonwealth is chargeable, or which is paid for with funds appropriated wholly or in  
2 part by any such county~~[, city]~~ or political subdivision, must be printed within such  
3 county~~[, city]~~ or political subdivision, where practicable.

4 ➔Section 4. KRS 61.900 is amended to read as follows:

5 As used in KRS 61.902 to 61.930:

- 6 (1) "Commission" means a commission issued to an individual by the secretary of  
7 justice and public safety, entitling the individual to perform special law enforcement  
8 duties on public property;
- 9 (2) "Council" means the Kentucky Law Enforcement Council;
- 10 (3) "Cabinet" means the Justice and Public Safety Cabinet;
- 11 (4) "Public property" means property currently owned or used by any organizational  
12 unit or agency of state, county, city, metropolitan government, or a combination of  
13 these. The term shall include property currently owned or used by public airport  
14 authorities;
- 15 (5) "Secretary" means the secretary of the Justice and Public Safety Cabinet;
- 16 (6) "Special law enforcement officer":
- 17 (a) Means one whose duties include the protection of specific public property  
18 from intrusion, entry, larceny, vandalism, abuse, intermeddling, or trespass;
- 19 (b) Means one whose duties include the prevention, observation, or detection of,  
20 or apprehension for, any unlawful activity on specific public property;
- 21 (c) Means one whose special duties include the control of the operation, speed,  
22 and parking of motor vehicles, bicycles, and other vehicles, and the movement  
23 of pedestrian traffic on specific public property;
- 24 (d) Means one whose duties include the answering of any intrusion alarm on  
25 specific public property;
- 26 (e) Shall include the Capitol police, the Capital Plaza police, public school  
27 district security officers, public airport authority security officers, and the

1 officers of the other public security forces established for the purpose of  
2 protecting specific public property; and

3 (f) Shall not include members of a lawfully organized police unit or police force  
4 of state, county, city, or metropolitan government, or a combination of these,  
5 who are responsible for the detection of crime and the enforcement of the  
6 general criminal law enforcement of the state; it shall not include any of the  
7 following officials or officers:

- 8 1. Sheriffs, sworn deputy sheriffs, ~~{city marshals,}~~ constables, sworn  
9 deputy constables, and coroners;
- 10 2. Auxiliary and reserve police appointed under KRS 95.160 or 95.445, or  
11 citation and safety officers authorized by KRS 83A.087 and 83A.088;
- 12 3. State park rangers and officers of the Division of Law Enforcement  
13 within the Department of Fish and Wildlife Resources;
- 14 4. Officers of the Transportation Cabinet responsible for law enforcement;
- 15 5. Officers of the Department of Corrections responsible for law  
16 enforcement;
- 17 6. Fire marshals and deputy fire marshals;
- 18 7. Other officers not mentioned above who are employed directly by state  
19 government and are responsible for law enforcement;
- 20 8. Federal peace officers;
- 21 9. Those campus security officers who are commissioned under KRS  
22 164.950;
- 23 10. Private security guards, private security patrolmen, and investigators  
24 licensed pursuant to state statute; and
- 25 11. Railroad policemen covered by KRS 277.270 and 277.280; and

26 (7) "Sworn public peace officer" means one who derives plenary or special law  
27 enforcement powers from, and is a full-time employee of, the federal government,

1 the Commonwealth, or any political subdivision, agency, department, branch, or  
2 service of either, or of any municipality.

3 ➔Section 5. KRS 65.710 is amended to read as follows:

4 In order to enable cities and counties to fulfill their obligations regarding the public  
5 health, safety, and welfare, the General Assembly does hereby allow cities and counties to  
6 contract with private persons, partnerships, or corporations for providing ambulance  
7 service to the residents of such cities and counties subject to the following conditions:

8 (1) These contracts must be in writing and must be approved by the *legislative body of*  
9 *the* city ~~[council or board of aldermen]~~ if a city is party thereto, or by the fiscal court  
10 in case a county is party thereto.

11 (2) No contract shall be made with an ambulance service or other organization or  
12 person unless the contract shall stipulate that at least one (1) person on each  
13 ambulance run shall possess currently valid emergency medical technician  
14 certification.

15 (3) All contracts made with any ambulance service or other organization or person shall  
16 stipulate that all vehicles used for operation of the service comply with vehicle and  
17 equipment administrative regulations issued by the Cabinet for Health and Family  
18 Services.

19 (4) All contracts shall include the stipulation that at least two (2) trained persons, one  
20 (1) driver and one (1) attendant, shall be carried on each ambulance for each  
21 ambulance call which is covered by the contract.

22 (5) No contract shall be made for a period of time greater than one (1) year.

23 (6) The vehicle, equipment, training, and personnel requirements of subsections (2),  
24 (3), and (4) of this section shall also apply to the operation of an ambulance service  
25 by a city or a county or by a city and a county jointly.

26 (7) No provisions of this section shall be construed as to limit the power of any city or  
27 county to contract for or operate ambulance services under requirements which are

1 stricter than those of this section, or to require insurance, or bonding of contractors,  
2 provided these provisions are not in conflict with the requirements of this section.

3 ➔Section 6. KRS 65.805 is amended to read as follows:

4 As used in KRS 65.810 to 65.830, unless the context otherwise requires, the word  
5 "district" shall mean, and the provisions of KRS 65.810 to 65.830 shall apply to, any  
6 special district governed by the following statutes: KRS ~~{66.610 to 66.650, }~~74.010 to  
7 74.415, 108.010 to 108.070, 184.010 to 184.300, and 267.010 to 267.990.

8 ➔Section 7. KRS 67.750 is amended to read as follows:

9 As used in KRS 67.750 to 67.790, unless the context requires otherwise:

10 (1) "Business entity" means each separate corporation, limited liability company,  
11 business development corporation, partnership, limited partnership, sole  
12 proprietorship, association, joint stock company, receivership, trust, professional  
13 service organization, or other legal entity through which business is conducted;

14 (2) "Compensation" means wages, salaries, commissions, or any other form of  
15 remuneration paid or payable by an employer for services performed by an  
16 employee, which are required to be reported for federal income tax purposes and  
17 adjusted as follows:

18 (a) Include any amounts contributed by an employee to any retirement, profit  
19 sharing, or deferred compensation plan, which are deferred for federal income  
20 tax purposes under a salary reduction agreement or similar arrangement,  
21 including but not limited to salary reduction arrangements under Section  
22 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 457 of the Internal  
23 Revenue Code; and

24 (b) Include any amounts contributed by an employee to any welfare benefit, fringe  
25 benefit, or other benefit plan made by salary reduction or other payment  
26 method which permits employees to elect to reduce federal taxable  
27 compensation under the Internal Revenue Code, including but not limited to

1 Sections 125 and 132 of the Internal Revenue Code;

2 (3) "Fiscal year" means "fiscal year" as defined in Section 7701(a)(24) of the Internal  
3 Revenue Code;

4 (4) "Employee" means any person who renders services to another person or business  
5 entity for compensation, including an officer of a corporation and any officer,  
6 employee, or elected official of the United States, a state, or any political  
7 subdivision of a state, or any agency or instrumentality of any one (1) or more of the  
8 above. A person classified as an independent contractor under the Internal Revenue  
9 Code shall not be considered an employee;

10 (5) "Employer" means "employer" as defined in Section 3401(d) of the Internal  
11 Revenue Code;

12 (6) "Gross receipts" means all revenues or proceeds derived from the sale, lease, or  
13 rental of goods, services, or property by a business entity reduced by the following:

14 (a) Sales and excise taxes paid; and

15 (b) Returns and allowances;

16 (7) "Internal Revenue Code" means the Internal Revenue Code in effect on December  
17 31, 2008, as amended;

18 (8) "Net profit" means gross income as defined in Section 61 of the Internal Revenue  
19 Code minus all the deductions from gross income allowed by Chapter 1 of the  
20 Internal Revenue Code, and adjusted as follows:

21 (a) Include any amount claimed as a deduction for state tax or local tax which is  
22 computed, in whole or in part, by reference to gross or net income and which  
23 is paid or accrued to any state of the United States, local taxing authority in a  
24 state, the District of Columbia, the Commonwealth of Puerto Rico, any  
25 territory or possession of the United States, or any foreign country or political  
26 subdivision thereof;

27 (b) Include any amount claimed as a deduction that directly or indirectly is

- 1 allocable to income which is either exempt from taxation or otherwise not  
2 taxed;
- 3 (c) Include any amount claimed as a net operating loss carryback or carryforward  
4 allowed under Section 172 of the Internal Revenue Code;
- 5 (d) Include any amount of income and expenses passed through separately as  
6 required by the Internal Revenue Code to an owner of a business entity that is  
7 a pass-through entity for federal tax purposes; and
- 8 (e) Exclude any amount of income that is exempt from state taxation by the  
9 Kentucky Constitution or the Constitution and statutory laws of the United  
10 States;
- 11 (9) "Sales revenue" means receipts from the sale, lease, or rental of goods, services, or  
12 property;
- 13 (10) "Tax district" means a city, county, urban-county, charter county, consolidated local  
14 government, school district, special taxing district, or any other statutorily created  
15 entity with the authority to levy net profits, gross receipts, or occupational license  
16 taxes;
- 17 (11) "Taxable gross receipts," in case of a business entity having payroll or sales  
18 revenues both within and without a tax district, means gross receipts as defined in  
19 subsection (6) of this section, as apportioned under KRS 67.753;
- 20 (12) "Taxable gross receipts," in case of a business entity having payroll or sales revenue  
21 only in one (1) tax district, means gross receipts as defined in subsection (6) of this  
22 section;
- 23 (13) "Taxable net profit," in case of a business entity having payroll or sales revenue  
24 only in one (1) tax district, means net profit as defined in subsection (8) of this  
25 section;
- 26 (14) "Taxable net profit," in case of a business entity having payroll or sales revenue  
27 both within and without a tax district, means net profit as defined in subsection (8)



1 of this section, as apportioned under KRS 67.753; and  
 2 (15) "Taxable year" means the calendar year or fiscal year ending during the calendar  
 3 year, upon the basis of which net income or gross receipts is computed[; and  
 4 ~~(16) "City" means a city with a population equal to or greater than one thousand (1,000)~~  
 5 ~~based on the most recent federal decennial census and any city with a population of~~  
 6 ~~less than one thousand (1,000) based on the most recent federal decennial census~~  
 7 ~~that, prior to January 1, 2014, imposed a license fee at a percentage rate on salaries,~~  
 8 ~~wages, commission, or other compensation for work done or services performed~~  
 9 ~~within the city or on the net profits or gross receipts of businesses, professions, or~~  
 10 ~~occupations from activities conducted within the city].~~

11 ➔Section 8. KRS 67.850 is amended to read as follows:

12 (1) Charter county governments may exercise the constitutional and statutory rights,  
 13 powers, privileges, immunities, and responsibilities of counties and cities of the  
 14 home rule[highest] class within the county:

15 (a) In effect on the date the charter county government becomes effective;

16 (b) That may subsequently be authorized for or imposed upon counties and cities  
 17 of that class; and

18 (c) That may be authorized for or imposed upon charter counties.

19 (2) Rights, powers, privileges and immunities exercised by charter county governments  
 20 pursuant to subsection (1)(a) and (b) of this section shall continue to be authorized  
 21 for charter county governments notwithstanding repeal or amendment of the statutes  
 22 upon which they are based unless expressly repealed or amended for charter county  
 23 governments.

24 ➔Section 9. KRS 67.922 is amended to read as follows:

25 (1) A unified local government may exercise the constitutional and statutory rights,  
 26 powers, privileges, immunities, and responsibilities of counties and of cities of the  
 27 first class or home rule [highest] class within the unified local government:

- 1 (a) In effect on the date the unified local government becomes effective;
- 2 (b) Which may subsequently be authorized for or imposed upon counties and  
3 cities of that class; and
- 4 (c) Which may be authorized for or imposed upon unified local governments.
- 5 (2) **If a city of the first class exists within the county on the date that the unified local**  
6 **government becomes effective and that city is part of the unified local**  
7 **government, the unified local government may also exercise the constitutional**  
8 **and statutory rights, powers, privileges, immunities, and responsibilities of a city**  
9 **of the first class in addition to its authority to exercise the rights, powers,**  
10 **privileges, immunities, and responsibilities granted under subsection (1) of this**  
11 **section.**
- 12 (3) A unified local government shall be accorded the same sovereign immunity granted  
13 counties, their agencies, officers, and employees.
- 14 (4)~~(3)~~ All ordinances of a unified local government shall be enacted and enforced  
15 pursuant to KRS 83A.060 and 83A.065.
- 16 ➔Section 10. KRS 80.010 is amended to read as follows:
- 17 As used in this chapter, unless the context otherwise requires:
- 18 (1) "Housing" means a building or buildings containing rooms to be provided as living  
19 quarters, together with shops, stores, garages, laundries, doctors' and dentists'  
20 offices, and other facilities and appurtenances deemed reasonably necessary by the  
21 housing authority to the successful and economical operation of the project. It also  
22 means any work or undertaking of a housing authority or of the federal government  
23 to:
- 24 (a) Demolish, clear, or remove a building or buildings from any slum area,  
25 including the adaptation of such area to recreational, community, or other  
26 public purposes;
- 27 (b) Provide decent, safe, and sanitary living accommodations for persons who

- 1 lack the amount of income that is necessary, as determined by the authority  
2 undertaking the project, to enable them, without financial assistance, to obtain  
3 such accommodations; such work or undertaking may include buildings, land  
4 equipment, facilities, and other real or personal property for necessary,  
5 convenient, or desirable appurtenances, streets, sewers, water service, parks,  
6 site preparation, gardening, administrative, community, health, recreational,  
7 welfare, or other purposes;
- 8 (c) Accomplish a combination of the foregoing and any purposes and objectives  
9 permitted of public housing authorities authorized by the United States  
10 Housing Act of 1937, 42 U.S.C., sec. 1401, as amended from time to time.
- 11 (2) "Housing authority" or "authority" means any housing authority created pursuant to  
12 this chapter.
- 13 (3) "Public body" means any city, ~~village,~~ county, commission, district, authority, or  
14 other public body or political subdivision of the Commonwealth.
- 15 (4) "Federal government" includes the United States of America, the United States  
16 housing authority and its successor agencies, and any other agency or  
17 instrumentality of the United States of America.
- 18 (5) "Bonds" means any bonds, notes, interim certificates, debentures, or other  
19 obligations.
- 20 (6) "Clerk" means the clerk of the city or the clerk of the county, as the case may be, or  
21 the officer charged with the duties customarily imposed on such clerk.
- 22 (7) "Governing body" means, in the case of a city, the city council, the commission,  
23 board of commissioners, board of alderman,~~[the board of trustees]~~ or other  
24 legislative body of the city, and in the case of a county, the fiscal court.
- 25 (8) "Mayor" means the mayor of the city or the officer thereof charged with the duties  
26 customarily imposed on the mayor or executive head of the city.
- 27 (9) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or

1 trustees for any bondholders, or lessor demising to the authority property used in  
2 connection with a housing project, or any assignee or assignees of such lessor's  
3 interest or any part thereof, and the federal government when it is a party to any  
4 contract with the authority.

5 (10) "Persons of low income" means persons or families who lack the amount of income  
6 which is necessary, as determined by the housing authority undertaking the housing  
7 development, to enable them, without financial assistance, to live in decent, safe,  
8 and sanitary dwellings, without overcrowding.

9 (11) "Real property" includes all lands, including improvements and fixtures thereon,  
10 and property of any nature appurtenant thereto, or used in connection therewith, and  
11 every estate, interest and right, legal or equitable, therein, including terms for years  
12 and liens by way of judgment, mortgage, or otherwise and the indebtedness secured  
13 by such liens.

14 (12) "Slum" means any area where dwellings predominate which, by reason of  
15 dilapidation, overcrowding, lack of ventilation, light, or sanitary facilities, or any  
16 combination of these factors are detrimental to safety, health and morals.

17 (13) "Low income" and "moderate income" shall have those meanings as from time to  
18 time are promulgated by federal and state governmental agencies providing funding  
19 for the then applicable housing program.

20 ➔Section 11. KRS 81.005 is amended to read as follows:

21 (1) Cities shall be organized into two (2) classes based on the form of their respective  
22 government. The two (2) classes of cities shall be:

23 (a) First class, which shall include cities organized and operating under the  
24 mayor-alderman plan of government in accordance with KRS Chapter 83; and

25 (b) Home rule class, which shall include any city government organized and  
26 operating under the following forms~~[classes]~~ of government:

27 1. City manager plan of government in accordance with KRS 83A.150;

- 1           2. Mayor-council plan of government in accordance with KRS 83A.130; or
- 2           3. Commission plan of government in accordance with KRS 83A.140.
- 3 (2) Cities incorporated before January 1, 2015, shall be classified in accordance with
- 4 the classes set out in subsection (1) of this section on January 1, 2015.
- 5 (3) When a city is incorporated on or after January 1, 2015, that city's initial
- 6 classification shall be the form of government designated by the court upon
- 7 incorporation in accordance with KRS 81.060.
- 8 (4) A city shall be deemed to be reclassified to the class designated under subsection
- 9 (2) of this section upon the effective date of a change in the form of government
- 10 pursuant to KRS 83A.160.
- 11 (5) When a city changes class, it shall thereafter be governed by the laws relating to the
- 12 class to which it is assigned, but the change from one (1) class to another shall not
- 13 affect any ordinance previously enacted by the city, except that any ordinance in
- 14 conflict with the laws relating to cities of the class to which the city is assigned shall
- 15 be repealed to the extent the ordinance so conflicts.
- 16 (6) A city that is reclassified shall provide the Secretary of State written notice of the
- 17 reclassification, including the effective date of the reclassification no later than
- 18 thirty (30) days after the effective date of the reclassification pursuant to KRS
- 19 83A.160.
- 20 (7) In order to update the record of incorporation of cities in the Secretary of State's
- 21 office, every city operating as a public corporation and a unit of local government
- 22 shall file with the Secretary of State before January 1, 2015, a document listing the
- 23 name of the city, the year of its incorporation, form of government, and the
- 24 classification assigned the city by this section. If a city fails to comply with this
- 25 subsection, it shall be barred from receiving state moneys until such time as the city
- 26 complies.
- 27 ➔Section 12. KRS 82.082 is amended to read as follows:

1 (1) A city may exercise any power and perform any function within its boundaries,  
2 including the power of eminent domain in accordance with the provisions of the  
3 Eminent Domain Act of Kentucky, that is in furtherance of a public purpose of the  
4 city and not in conflict with a constitutional provision or statute.

5 (2) A power or function is in conflict with a statute if it is expressly prohibited by a  
6 statute or there is a comprehensive scheme of legislation on the same general  
7 subject embodied in the Kentucky Revised Statutes~~[ including, but not limited to,~~  
8 ~~the provisions of KRS Chapters 95 and 96].~~

9 ➔Section 13. KRS 92.281 is amended to read as follows:

10 (1) Cities of all classes are authorized to levy and collect any and all taxes provided for  
11 in Section 181 of the Constitution of the Commonwealth of Kentucky, and to use  
12 the revenue therefrom for such purposes as may be provided by the legislative body  
13 of the city.

14 (2) Nothing in this section shall be construed to repeal, amend, or affect in any way the  
15 provisions of KRS 243.070.

16 (3) This section shall not in any wise repeal, amend, affect, or apply to any existing  
17 statute exempting property from local taxation or fixing a special rate on proper  
18 classification or imposing a state tax which is declared to be in lieu of all local  
19 taxation, nor shall it be construed to authorize a city to require any company that  
20 pays both an ad valorem tax and a franchise tax to pay a license tax.

21 (4) This section shall also be subject to the provisions of KRS 91.200 in cities of the  
22 first class having a sinking fund and commissioners of a sinking fund.

23 (5) ~~{(a) License fees on businesses, trades, occupations, or professions may not be~~  
24 ~~imposed by a city with a population of less than one thousand (1,000) based~~  
25 ~~upon the most recent federal decennial census at a percentage rate on salaries,~~  
26 ~~wages, commissions, or other compensation earned by persons for work done~~  
27 ~~or services performed within that city nor the net profits of businesses,~~

1           ~~professions, or occupations from activities conducted in that city.~~

2           ~~(b) Notwithstanding paragraph (a) of this subsection, a city with a population of~~  
3           ~~less than one thousand (1,000) based upon the most recent federal decennial~~  
4           ~~census that, prior to January 1, 2014, imposed a license fee at a percentage~~  
5           ~~rate on salaries, wages, commissions, or other compensation for work done or~~  
6           ~~services performed within the city or on the net profits or gross receipts of~~  
7           ~~businesses, professions, and occupations from activities conducted within the~~  
8           ~~city may continue to impose that fee on a percentage rate.~~

9           ~~(6)~~ License fees or occupational taxes may not be imposed against or collected on  
10           income received by precinct workers for election training or work at election booths  
11           in state, county, and local primary, regular, or special elections.

12           ~~(6)~~~~(7)~~ License fees or occupational taxes may not be imposed against or collected on  
13           any profits, earnings, or distributions of an investment fund which would qualify  
14           under KRS 154.20-250 to 154.20-284 to the extent any profits, earnings, or  
15           distributions would not be taxable to an individual investor.

16           ~~(7)~~~~(8)~~ (a) It is the intent of the General Assembly to continue the exemption from  
17           local license fees and occupational taxes that existed on January 1, 2006, for  
18           providers of multichannel video programming services or communications  
19           services as defined in KRS 136.602 that were taxed under KRS 136.120 prior  
20           to January 1, 2006.

21           (b) To further this intent, license fees or occupational taxes may not be imposed  
22           against any company providing multichannel video programming services or  
23           communications services as defined in KRS 136.602. If only a portion of an  
24           entity's business is providing multichannel video programming services or  
25           communications services including products or services that are related to and  
26           provided in support of the multichannel video programming services or  
27           communications services, this exclusion applies only to that portion of the

1 business that provides multichannel video programming services or  
2 communications services including products or services that are related to and  
3 provided in support of the multichannel video programming services or  
4 communications services.

5 ➔Section 14. KRS 95.761 is amended to read as follows:

6 (1) Any city with a population equal to or greater than one thousand (1,000) but less  
7 than eight thousand (8,000) based upon the most recent federal decennial census  
8 which has now, or in which there may be hereafter established a regular police or  
9 fire department in the future, may by ordinance create a civil service commission,  
10 whose duties shall be to hold examinations as to the qualifications of applicants for  
11 employment within the police or fire departments. If a city elects to establish a civil  
12 service system for its police and fire employees under this section, then it may adopt  
13 either the provisions of this section, or KRS 95.762 ~~to~~, ~~95.763, 95.764, 95.765,~~  
14 ~~and~~ 95.766, or it may adopt the provisions of KRS 90.300 to 90.420. A city  
15 meeting the population criteria of this subsection may adopt the provisions of KRS  
16 90.300 to 90.420 for municipal employees who are not police or fire personnel.

17 (2) Any city meeting the criteria of subsection (6) of this section may provide a  
18 retirement system for any of its employees, including police and firefighters,  
19 pursuant to KRS 90.400 or 90.410. If a city creates a retirement system for its police  
20 and firefighters pursuant to KRS 90.400 or 90.410, it shall establish a board of  
21 trustees for that system. The provisions of KRS 90.400 and 90.410 notwithstanding,  
22 a majority of the board shall be members of the retirement system elected by the  
23 members of the retirement system, except that if there are fewer than six (6) active  
24 and retired members of the fund, the board of trustees shall be composed of the  
25 mayor, city treasurer or chief financial officer, and two (2) employees appointed by  
26 the mayor, one (1) from the city police department and one (1) from the city fire  
27 department, who shall serve for one (1) year and until their respective successors are



1 appointed and qualified. If all of the members of the pension fund are from one (1)  
2 department, no appointment shall be made from the other department. The board of  
3 trustees shall control and manage the retirement fund, for the exclusive purposes of  
4 providing benefits to members and their beneficiaries and defraying reasonable  
5 expenses of administering the plan. The board may contract with investment  
6 advisors or managers to perform investment services as deemed necessary and  
7 prudent by the board.

8 (3) A city meeting the criteria of subsection (6) of this section may adopt the provisions  
9 of KRS 79.080 or 78.510 to 78.852 for any of its employees, or either KRS 95.520  
10 to 95.620 or KRS 95.767 to 95.784 for its police and firefighters. After adoption of  
11 the provisions of any of the statutes listed in this section, the city may not revoke,  
12 rescind or repeal these adoptions for any employee covered thereby.

13 (4) (a) Any of the following offices, positions, and places of employment, in the  
14 police and fire departments, may be excluded from the classified service: The  
15 chief of police, assistant chief of police, chief of firefighters and assistant  
16 chief of firefighters.

17 (b) Any classified employee in either department who shall accept an appointment  
18 and qualify as chief of police, assistant chief of police, chief of firefighters, or  
19 assistant chief of firefighters, shall be deemed to have received a leave of  
20 absence from the classified service for, and during the incumbency of, any of  
21 said respective positions. Should any such chief or assistant chief, cease to  
22 serve as such, the same classification and rank which he had prior to said  
23 appointment shall be restored to him.

24 (5) After August 1, 1988, no city shall create a new pension fund pursuant to this  
25 section other than by adopting KRS 78.510 to 78.852, or by adopting a deferred  
26 compensation program pursuant to KRS 18A.270 or a defined contribution or  
27 money purchase plan qualified under Section 401(a) of the Internal Revenue Code

1 of 1954 as amended. Any city which adopted a pension system pursuant to this  
2 section on or prior to August 1, 1988, shall participate in the County Employees  
3 Retirement System effective August 1, 1988.

4 (6) As used in subsections (2) and (3) of this section, "city" means only those cities that  
5 were previously classified as cities of the fourth and fifth class under the  
6 classification system that was in effect before August 1, 1988.

7 (7) Notwithstanding subsection (1) of this section, no city shall adopt any~~[a]~~ civil  
8 service system for any of its employees ~~[under KRS 90.300 to 90.420 or under KRS~~  
9 ~~95.761, 95.762, 95.763, 95.764, 95.765, and 95.766 ]~~ during the months of  
10 November or December in any even-numbered year.

11 (8) Any city that creates a civil service commission pursuant to this section may repeal  
12 or amend the ordinance at the discretion of the city legislative body. The city  
13 legislative body shall not repeal any provisions of the ordinance governing the  
14 maintenance of a pension fund.

15 ➔Section 15. KRS 96.045 is amended to read as follows:

16 (1) No municipality, in which there is located an existing electric, water or gas public  
17 utility plant or facility shall construct or cause to be constructed any similar utility  
18 plant or any similar public utility facility duplicating such existing plant or facility  
19 or to obtain or acquire any similar public utility plant or facility other than by the  
20 purchase of the existing plant or facility or by the acquisition of such existing plant  
21 or facility by the exercise of the power of eminent domain.

22 (2) "Municipality" means any county, city, and~~[town, village and]~~ municipal  
23 corporation ~~[of any and every class ]~~ in the Commonwealth of Kentucky, and any  
24 board, commission or agency thereof.

25 (3) All laws and parts of laws in conflict herewith to the extent of such conflict are  
26 repealed.

27 ➔Section 16. KRS 96.060 is amended to read as follows:

- 1 (1) **A city shall have supervising control over the use of its streets, alleys, and other**  
2 **public grounds.** The legislative body of any city~~[ with a population equal to or~~  
3 ~~greater than eight thousand (8,000) but less than twenty thousand (20,000) based~~  
4 ~~upon the most recent federal decennial census]~~ may, by ordinance, grant the right of  
5 way in streets, alleys and public grounds of the city to any railway, street railway,  
6 gas, water, steam heating, telephone or electric light or power company, **or any**  
7 **other public utility on any conditions as the city legislative body deems proper.**  
8 **The privilege granted shall be** for a term not exceeding twenty (20) years. Before  
9 granting such privilege, the city shall, after advertising by publication pursuant to  
10 KRS Chapter 424, receive bids publicly, and award the privilege to the highest and  
11 best bidder, having the right to reject any and all bids.
- 12 (2) The city shall reserve the right to regulate and control the tracks, pipes and wires of  
13 such companies, and the public ways in which they are laid or constructed, and shall  
14 reserve the right to require any such company to conform to any changed grades of  
15 the streets and public grounds, to pay the cost of improving between its rails and for  
16 a reasonable distance on either side of its rails, to make culverts beneath them for  
17 the free flow of water, to change its rails, or mode of construction or operation, to  
18 suit public convenience, to raise or lower its pipes, or to take down its wires and lay  
19 them underground, as the public good requires.
- 20 (3) **The city shall regulate the speed of streetcars and signals and fare on those**  
21 **streetcars. The city may compel any railroad company to erect and maintain gates**  
22 **at street crossings, prevent railroads from obstructing public ways of the city, and**  
23 **fix penalties for the violation of these provisions.**
- 24 **(4)** The city shall not be liable for the cost or damage occasioned by such changes, or  
25 for any damage for delay in the operation of the business of any such company  
26 occasioned by any street improvement or repairs, or the constructing, bursting or  
27 repairing of any sewer or pipe in or across any street, alley or public ground, or for

1 injury by any mob or other violence.

2 ~~(5)~~~~(4)~~ All such grants shall expire and become voidable, at the option of the city,  
3 although a consideration has been paid, unless a bona fide organization has taken  
4 place and business has been commenced and prosecuted under the grant in good  
5 faith within one (1) year from the date of the grant. The legislative body may  
6 impose other conditions and terms in addition to and not inconsistent with those  
7 enumerated in this section. The provisions in this section as to advertisements and  
8 bids, and limitation of the grant to twenty (20) years, shall not apply to the grant of  
9 the right of way to a trunk railway.

10 **(6) Nothing in this section shall prevent any property owner whose property abuts on**  
11 **a street on which a railroad is granted a right-of-way from recovering from the**  
12 **railroad any damage done to his or her property by the occupation or use of the**  
13 **street by the railroad.**

14 ➔Section 17. KRS 96.120 is amended to read as follows:

15 **(1) Any city that owns and operates its own water or light plant** may acquire a  
16 franchise to furnish water and light to any other city, in the same manner that any  
17 private corporation or individual may acquire such a franchise.

18 **(2) Any city that owns and operates its own water or light plant may contract with**  
19 **any other city to furnish water and light to that other city. Those contracts may be**  
20 **entered into by the legislative bodies of the cities, and the legislative bodies are**  
21 **given full power to so contract in regard to the furnishing of water or light. Each**  
22 **contract shall be specific in its terms. Any city may pay to any other city a rental**  
23 **for water and light from year to year, or for a term of years.**

24 **(3) Any city may construct, lay, or maintain mains, pipes, lines, or other necessary**  
25 **apparatus to convey water or light from any city that owns and operates its own**  
26 **water or light plant, or may contract with the other city to do these things, and the**  
27 **other city shall have the same power. For this purpose, any city may acquire**

1 rights and rights-of-way in the same manner that private corporations or  
2 individuals may acquire rights and rights-of-way, and may do any other things in  
3 carrying into effect the provisions of this section that any individual or  
4 corporation may do.

5 ➔Section 18. KRS 96.189 is amended to read as follows:

6 (1) Any city ~~[with a population equal to or greater than eight thousand (8,000) based~~  
7 ~~upon the most recent federal decennial census]~~ may, pursuant to an ordinance so  
8 providing, acquire any streetcar system existing in the city, with all its appliances,  
9 or may establish and install a streetcar system, and may operate within and not more  
10 than ten (10) air miles beyond the corporate limits of the city, improve and extend a  
11 system so acquired or installed upon the terms and conditions as may be provided  
12 by ordinance and by the terms of the contract by which the system is acquired or  
13 installed. Any city ~~[meeting the population requirements of this section]~~ may  
14 acquire, establish, and install a street omnibus or taxicab system, and operate it  
15 upon the terms and conditions as are prescribed by ordinance.

16 (2) To provide for the financing of the streetcar system or street omnibus or taxicab  
17 line, the city may issue bonds at not less than par and accrued interest, to bear  
18 interest at a rate or rates or method of determining rates as the city determines,  
19 payable at least annually, and to mature at any time not exceeding twenty (20) years  
20 after their date, and may provide for a sinking fund to meet the bonds at their  
21 maturity. No bonds shall be issued except in compliance with the general law in  
22 reference to the amount of indebtedness that may be incurred by the city, nor until  
23 after a vote is taken as required by law to authorize the incurring of indebtedness.

24 ➔Section 19. KRS 96.200 is amended to read as follows:

25 Except as otherwise provided in KRS ~~[96.330 or]~~ 96.550 to 96.900, ~~[or,]~~ the legislative  
26 body of any city may, by ordinance, provide in what manner and for what purpose any  
27 profits, earnings or surplus funds arising from the operation of any public utility owned or

1 operated by the city may be used and expended. The ordinance may be amended or  
2 repealed from time to time. Until such an ordinance is enacted any surplus earnings shall  
3 be paid into the city treasury, to be expended for the general purposes of government in  
4 the city.

5 ➔Section 20. KRS 107.020 is amended to read as follows:

6 (1) The term "governing body," as used in this chapter, means and includes the  
7 legislative body of any city, whether the same be designated by applicable statutes  
8 as a general council, a common council, a city council, a board of commissioners,  
9 or otherwise. The term "governing body," as used in KRS 107.010 to 107.220 shall  
10 include the legislative body of any county unless the context requires otherwise. The  
11 terms "municipality" and "city" as used in KRS 107.010 to 107.220 shall include  
12 county within their meaning unless the context requires otherwise.

13 (2) The term "ordinance" means and includes any ordinance enacted in accordance with  
14 the general laws applicable to ordinances of the class of city in question, and the  
15 form of government thereof, and in accordance with the provisions of this chapter.

16 (3) The term "public way" means and includes streets, boulevards, avenues, roads,  
17 lanes, alleys, parkways, courts, terraces, and other courses of travel open to the  
18 general public by whatsoever name designated.

19 (4) The terms "improvement" and "project" mean and include:

20 (a) The construction of public ways or the substantial reconstruction or widening  
21 thereof;

22 (b) The construction, installation, or substantial reconstruction of sanitary, storm,  
23 or combined sewers and appurtenances;

24 (c) The construction, enlargement or substantial reconstruction of sewage  
25 treatment plants for rendering sewage less hazardous to public health, safety,  
26 and general welfare;

27 (d) The construction, installation, or substantial replacement of fire hydrants

1           ~~*and*[in cities with populations of less than twenty thousand (20,000) based~~  
2           ~~upon the most recent federal decennial census,]~~ necessary water mains and  
3           appurtenances *in any city*~~[ in a city in a county containing a city of the first~~  
4           ~~class or a city with a population equal to or greater than twenty thousand~~  
5           ~~(20,000) based upon the most recent federal decennial census];~~ or

6           (e) Any combination of the same. Bonds for improvements defined in paragraphs  
7           (b), (c) and (d) of this subsection may be caused to mature as to principal in  
8           term or serial maturities not to exceed thirty (30) years from date of issue.

9           (5) The term "costs" as applied to any project undertaken under this chapter includes  
10           the cost of labor, materials, and equipment necessary to complete the project in a  
11           satisfactory manner, cost of land acquired, and every expense connected with the  
12           project, including preliminary and other surveys, inspections of the work, engineers'  
13           fees and costs, attorneys' fees, preparation of plans and specifications, publication of  
14           ordinances and notices, interest which will accrue on the bonds until the due date of  
15           the first annual improvement assessment levied in connection therewith, a sum  
16           equal to any discount in the sale of the bonds (if discount bids are authorized and  
17           permitted by the governing body), a reasonable allowance for unforeseen  
18           contingencies, the printing of bonds, and other costs of financing which may  
19           include the payment of a fee to a fiscal agent for advice and assistance in the  
20           preparation and marketing of the bonds. As applied to wastewater collection  
21           projects undertaken by metropolitan sewer districts "costs" also include:

22           (a) The cost of inspections of work as construction progresses;

23           (b) Interest which will accrue on the bonds until the due date of the first annual  
24           improvement assessment if a lump sum is not paid;

25           (c) Capitalized interest on the bonds for a period not to exceed three (3) years;

26           (d) All or any portion of the debt service reserve requirement, if determination is  
27           made to finance same from bond proceeds;

- 1 (e) Payment of attorneys' fees, underwriting and fiscal agency fees, trustees' fees,  
2 rating service fees if approved by the fiscal court; and
- 3 (f) Other costs of issuance of bonds.
- 4 (6) The term "assessed value basis" means the plan for the levying of annual  
5 improvement benefit assessments on the basis of the assessed values of the  
6 benefited properties, as authorized by this chapter. As applied to wastewater  
7 collection projects undertaken by metropolitan sewer districts, "assessed value  
8 basis" means the plan for the levying of annual improvement benefit assessments  
9 upon benefited property for the benefits conferred by the construction of projects on  
10 the basis of the ad valorem assessed values (land only) of the benefited property,  
11 whether the owners pay such levies in full or on an annual basis to amortize bonds.  
12 Identical annual improvement benefit assessments upon classified zones of  
13 benefited property may also be included in this plan where determination is made by  
14 order of a metropolitan sewer district, as provided in KRS 107.030, that benefits  
15 conferred by construction of a project are substantially equal and that the assessed  
16 value (land only) of all benefited property or designated zones thereof shall  
17 therefore be deemed equal in respect of a given wastewater collection project.
- 18 (7) The term "front-foot basis" refers to the plan for financing improvements by  
19 apportioning the cost among benefited properties upon the basis of the number of  
20 linear feet thereof abutting upon the improvement project, as otherwise provided by  
21 law.
- 22 (8) The terms "property to be benefited," "properties to be benefited," "benefited  
23 property" and "benefited properties" all mean and refer to the property or properties  
24 defined in KRS 107.140. As applied to wastewater collection projects undertaken  
25 by metropolitan sewer districts, "benefited property" and "property to be benefited"  
26 mean the property (land only) proposed to be benefited by construction of a  
27 wastewater collection project instituted by a metropolitan sewer district and against



- 1           which lump-sum or annual improvement benefit assessments are to be levied.
- 2   (9) "Construction" means the following services and facilities provided by a  
3   metropolitan sewer district:
- 4       (a) Preliminary planning to determine the economic and engineering feasibility of  
5           construction of wastewater collection projects, and any engineering,  
6           architectural, legal, fiscal, and economic investigations and studies necessary.  
7           Also included are all necessary surveys, designs, plans, working drawings,  
8           specifications, procedures, and other required actions incident to the  
9           construction of wastewater collection projects;
- 10       (b) The building, acquisition, installation, erection, alteration, remodeling,  
11           improvement, expansion, or extension of wastewater collection projects and  
12           any other physical devices reasonably associated with such projects;
- 13       (c) The provision of sewer collection services and facilities to benefited property  
14           although not directly financed by the issuance of bonds; and
- 15       (d) Inspection and supervision incident to the acquisition, construction, and  
16           installation of wastewater collection projects.
- 17   (10) "Debt service reserve requirement" means with respect to any particular issue of  
18       bonds for a wastewater collection project of a metropolitan sewer district, the  
19       maximum annual requirements for payment of principal of and interest on such  
20       bond issue funded either in whole or in part by application of bond proceeds or  
21       accrued by the levying of improvement benefit assessments as provided in KRS  
22       Chapters 76 and 107.
- 23   (11) "Metropolitan sewer district" means a joint metropolitan sewer district which has  
24       been duly created under KRS 76.005 to 76.210.
- 25   (12) "Order" means a formal and binding enactment of the board of a metropolitan sewer  
26       district entered in connection with the financing by such district of a wastewater  
27       collection project.

1 (13) "Wastewater" means any water or liquid substance containing sewage, industrial  
2 waste, or other pollutants or contaminants.

3 (14) "Wastewater collection project" means treatment plants and all or part of any  
4 facilities and systems of a metropolitan sewer district used in the collection,  
5 holding, or transmission of wastewater from a benefited property to wastewater  
6 treatment plants or other similar facilities for final disposition. These terms shall  
7 include, without being limited to, sanitary sewage collection lines, intercepting  
8 sewers, outfall sewers, sewer laterals, power stations and pumping stations, and  
9 other equipment and their appurtenances necessary to enable the project to fulfill its  
10 function, including land acquisition, if required, whether such project facilities are  
11 provided by funds derived from issuance of bonds or otherwise provided by a  
12 district in any manner.

13 (15) "Classified zone" means any portion of any construction phase of a wastewater  
14 collection project designated by a metropolitan sewer district after a determination  
15 that all property located in such zone is benefited substantially equal by such  
16 construction.

17 ➔Section 21. KRS 107.030 is amended to read as follows:

18 If a municipality desires to authorize, construct, and finance an improvement pursuant to  
19 this chapter, its governing body shall initiate the proceedings by adopting an ordinance,  
20 herein called the "First Ordinance," in which announcement shall be made of the public  
21 way or ways (which need not be contiguous) proposed to be improved and the  
22 geographical limits of the proposed improvement in such manner as to identify the  
23 benefited properties or the identity of the property or properties to be benefited by the fire  
24 hydrant in a city~~{cities with a population of less than twenty thousand (20,000) based~~  
25 ~~upon the most recent federal decennial census}~~ or by the sewer installations (which may  
26 include a sewage treatment plant) which properties may be identified by naming the  
27 public way or ways upon which they abut, if any, or by geographical location, or both. In

1 either case the ordinance shall recite the nature and scope of the improvement, a  
2 preliminary estimate of the costs thereof, as submitted in writing by an engineer, or firm  
3 of engineers, holding a license from the Commonwealth of Kentucky, and the amount, if  
4 any, which the city proposes to appropriate from available city funds toward the estimated  
5 cost. Any metropolitan sewer district desiring to initiate a wastewater collection project  
6 pursuant to this chapter shall, by order of its board cause a written preliminary  
7 engineering and financing report to be prepared by one (1) or more engineers, or one (1)  
8 or more firms of engineers, licensed to do business in the Commonwealth of Kentucky, or  
9 alternatively, by district personnel, for submission to the district. The preliminary  
10 engineering and financing report shall designate a geographical area in which a  
11 wastewater collection project is recommended for construction. The report shall contain a  
12 reasonable description of the project facilities proposed to be constructed, a statement as  
13 to benefits to be conferred by the proposed project, the distribution of the benefits and an  
14 estimate of the cost of the proposed project. The board of the district shall receive the  
15 preliminary engineering and financing report at a regular meeting. The board shall study  
16 and evaluate it, and by duly entered order either approve, disapprove the report as  
17 submitted, or amend and approve the report. Following approval of the preliminary  
18 engineering and financing report by the board of the metropolitan sewer district, the board  
19 shall formally initiate proceedings for the construction and financing of the proposed  
20 wastewater collection project. This announcement shall identify all benefited properties  
21 by naming the public way upon which such benefited properties abut, if any, or by  
22 geographical location, or by other appropriate description. The first ordinance shall  
23 describe the nature, scope and preliminary cost estimate of the wastewater collection  
24 project being proposed. The ordinance shall determine that each parcel of land identified  
25 as benefited property shall be afforded benefits by the projects unless specifically  
26 excluded. A public hearing shall be held in respect of the proposed wastewater collection  
27 project. In all succeeding proceedings, the city shall be bound and limited by the

1 preliminary report of the engineer, or engineers, with regard to the nature, scope, and  
2 extent of the proposed improvement project (unless the first ordinance be amended, as  
3 hereinafter provided); but shall not be bound by, or limited to, the preliminary estimate of  
4 costs. The costs shall be determined upon the basis of construction bids publicly solicited  
5 as hereinafter provided, and shall be binding upon the city, and upon the owners of  
6 property to be benefited by the proposed improvement project, whether the same turn out  
7 to be equal to, below, or above such preliminary estimate. Architects, attorneys,  
8 consultants, engineers, and fiscal agents shall be employed after reasonable advertisement  
9 of the need for their services and with such competition as is permitted by law. In a first  
10 ordinance for a wastewater collection project, the board of a metropolitan sewer district  
11 shall make findings of fact regarding the degree and nature of the benefit which will  
12 accrue to benefited properties by the installation of the project. If the board determines as  
13 a fact that groups of or all of the benefited properties will be affected and benefited in  
14 substantially the same manner and to substantially the same degree, the board may  
15 classify such benefited properties into one (1) or more assessment zones based upon the  
16 similarity of benefits to be derived. In such case, the board may deem all benefited  
17 properties within a particular assessment zone to be equally benefited and therefore  
18 equally treated for purposes of levying improvement benefit assessments for amortization  
19 of bonds issued to provide funds to pay the costs of the project. It is the intent of KRS  
20 Chapters 76 and 107 to vest in the board of any metropolitan sewer district undertaking a  
21 project authority to make findings of fact in order to classify properties according to  
22 benefits conferred from the construction of projects. The board may, by appropriate order,  
23 determine that identified groups of benefited properties will be benefited in substantially  
24 the same manner by a project and these properties shall be treated equally for purposes of  
25 annual improvement benefit assessment of such benefited properties. The board may rely  
26 upon any pertinent data in making such findings of fact, including the size and diameter  
27 of sanitary sewer service connections to be made available. If the board of the district

1 determines that all properties situated within a particularly described geographic area will  
2 not receive substantially equal benefits from the project, the board shall determine in the  
3 first ordinance that such properties shall be annually assessed for benefits conferred based  
4 upon the relative assessed land valuation of each benefited property as it relates to the  
5 aggregated assessed land valuation of all benefited properties within such particularly  
6 described geographic area. Whichever basis of assessment is selected, it shall be used  
7 both initially, when land owners may pay improvement benefit assessments in a lump  
8 sum, and subsequently during each annual period in which project bonds are outstanding  
9 if a lump-sum payment is not paid. The first ordinance shall provide for a public hearing  
10 at a time and place specified therein (not less than one (1) week after publication) and  
11 shall give notice that at the hearing any owner of property to be benefited may appear and  
12 be heard as to:

- 13 (1) Whether the proposed project should be undertaken or abandoned;
- 14 (2) Whether the nature and scope of the project shall be altered;
- 15 (3) Whether the project shall be financed through the issuance of bonds according to  
16 the "assessed value basis," authorized by this chapter; or
- 17 (4) Whether the project shall be financed through assessments made and apportioned  
18 on a front-foot basis, as may otherwise be authorized by law. The first ordinance  
19 shall be published pursuant to KRS Chapter 424. The first ordinance may designate  
20 a person, who may be the mayor, a member of the governing body, or any city  
21 official, to preside at and conduct such public hearing. In the absence of a  
22 designation in the ordinance, the mayor or a person designated by the mayor shall  
23 preside. Notwithstanding the foregoing, the public hearing shall not be deemed  
24 irregular or improper if it is in fact presided over and conducted at the designated  
25 time and place by any elected city officer or member of the governing body.

26 ➔Section 22. KRS 107.140 is amended to read as follows:

- 27 (1) (a) In the case of improvements of public ways, the benefited property shall

1 consist of all real property abutting upon both sides of the improvement  
2 project, and the cost of improving intersections shall be included in the total  
3 costs to be assessed and apportioned, unless and to the extent the city shall  
4 appropriate, within constitutional limitations, from available funds, a definite  
5 and specified sum as a contribution thereto, or a portion of the aggregate cost,  
6 or the cost of specified portions of the improvement; provided, however, that  
7 if provisions shall be made for sidewalk improvements, as an integral part of  
8 the improvement of a "public way," as defined in subsection (3) of KRS  
9 107.020, upon only one side of the project, the costs of the sidewalk  
10 improvement shall be ascertained and assessed separately against the property  
11 abutting upon that side only, but the governing body may provide that such  
12 assessment shall include a fair share of the over-all costs as herein defined,  
13 other than the amounts of the actual construction contracts.

14 (b) In the case of improvements for draining sewage, storm water, or a  
15 combination thereof, the benefited properties shall consist of all properties  
16 which are thereby afforded a means of drainage, including not only the  
17 properties which may be contiguous to the improvements, but also adjacent  
18 properties within a reasonable distance therefrom as the governing body may  
19 in the proceedings set forth.

20 (c) In the case of an improvement project consisting in whole or in part of a  
21 sewage treatment plant, or enlargement or substantial reconstruction of an  
22 existing sewage treatment plant, the benefited properties shall be all those  
23 properties the sewage from which is treated in such plant, including properties  
24 already provided with sewer drainage facilities as well as those properties  
25 which the improvement project will provide with such drainage facilities, but  
26 the governing body may classify properties according to the extent of benefits  
27 to be afforded to them, and may establish one (1) rate of assessment

1 applicable to all properties participating in the benefits of the sewage  
2 treatment installations, and an additional rate of assessment applicable to  
3 properties for which the improvement project will also provide sewer drainage  
4 facilities. In relation to wastewater collection projects constructed by  
5 metropolitan sewer districts, benefited property shall consist of all property  
6 whether improved or unimproved to which the project affords a means of  
7 discharging wastewater.

8 (d) The governing body may, either in the proceedings initiating an improvement  
9 project, or in subsequent proceedings, recognize the necessity or desirability in  
10 the interest of the public health, safety and general welfare, that properties  
11 other than the properties originally benefited by an improvement under  
12 paragraphs (b) or (c) of this subsection, be permitted to connect to such sewer  
13 drainage and/or treatment facilities, and may make equitable provisions which  
14 may be adjustable from year to year as bonds are retired, whereby the owners  
15 of such later-connecting properties, may, by paying charges for the privilege  
16 of connecting, and/or by assuming a share of improvement assessments, or  
17 otherwise, be placed as nearly as practicable on a basis of financial equity with  
18 the owners of properties initially provided to be assessed.

19 (e) The governing body may, either in the proceedings initiating an improvement  
20 project, or in subsequent proceedings, recognize the necessity or desirability in  
21 the interest of the public health, safety and general welfare that residential  
22 properties within one thousand feet (1000'), measured along paved roads, of a  
23 fire hydrant in a city~~[cities with a population of less than twenty thousand~~  
24 ~~(20,000) based upon the most recent federal decennial census]~~ may be  
25 assessed on the same basis as property abutting upon a street where a fire  
26 hydrant is to be installed.

27 (2) (a) Benefited property owned by the city or county, or owned by the United States

1 government or any of its agencies, if such property is subject to assessment by  
2 Act of Congress, shall be assessed annually the same as private property, and  
3 the amount of the annual assessment shall be paid by the city, county, or  
4 United States government, as the case may be. The same right of action shall  
5 lie against the county as against a private owner.

6 (b) Benefited property owned by the state, except property the title to which is  
7 vested in the Commonwealth for the benefit of a district board of education  
8 pursuant to KRS 162.010, shall be assessed as follows: Before assessing the  
9 state, the governing body shall serve written notice on the secretary of the  
10 Finance and Administration Cabinet setting forth specific details including the  
11 estimated total amount of any improvement assessment proposed to be levied  
12 against any state property relative to any proposed improvement project. Said  
13 written notice shall be served prior to the next even-numbered-year regular  
14 session of the General Assembly so that the amount of any specific  
15 improvement assessment may be included in the biennial executive branch  
16 budget recommendation to be submitted to the General Assembly. Payment of  
17 any assessment shall be made only from funds specifically appropriated for  
18 that assessment. If an amount sufficient to pay the total amount of any  
19 assessment has been appropriated, then the total amount shall be paid; if an  
20 amount sufficient only to pay annual assessments has been appropriated, then  
21 only the amount of the annual assessment shall be paid. The amount of the  
22 assessment shall be certified by the city treasurer to the Finance and  
23 Administration Cabinet, which shall thereupon draw a warrant upon the State  
24 Treasurer, payable to the city treasurer, and the State Treasurer shall pay the  
25 same.

26 (c) In the case of property the title to which is vested in the Commonwealth for  
27 the benefit of a district board of education, the amount of the annual



1 assessment shall be paid by the city or other local governmental agency or  
2 authority which undertook the improvement project.

3 (3) No benefited property shall be exempt from assessment.

4 ➔Section 23. KRS 107.190 is amended to read as follows:

5 If the ordinances and proceedings authorized by this chapter shall encompass and include  
6 less than all of the undertakings authorized and contemplated by the definitions set forth  
7 in KRS 107.020, (i.e., a street improvement project with or without sidewalk, curb,  
8 gutter, and/or storm or surface water sewers or drains or sanitary sewers, or sewage  
9 treatment facilities or fire hydrant in a city~~{cities with a population of less than twenty~~  
10 ~~thousand (20,000) based upon the most recent federal decennial census}~~), the city shall  
11 not be precluded from ordaining and requiring the omitted matters and structures to be  
12 constructed at the expense of the benefited properties at any time in the future, in  
13 accordance with the provisions of this chapter, or in accordance with any other applicable  
14 laws. If the improvement project shall encompass all of the elements included in the  
15 definition of "improvement" or "project" as set forth in this chapter, the city shall not  
16 thereafter undertake any project for any part of the improvements as herein defined except  
17 (a) at the exclusive cost of the city, or (b) at the cost of the benefited properties from and  
18 after fifteen (15) years after completion and acceptance of the project, or (c) from the  
19 proceeds of revenue bonds payable from service charges.

20 ➔Section 24. KRS 154.1-010 is amended to read as follows:

21 As used in this chapter, unless the context indicates otherwise:

22 (1) "Agribusiness" or "agricultural business entity" means any person, partnership,  
23 limited partnership, corporation, limited liability company, or any other entity  
24 engaged in a business that processes raw agricultural products, including timber, or  
25 provides value-added functions with regard to raw agricultural products;

26 (2) "Approved business network" or "approved flexible industrial network" means a  
27 business network comprising three (3) or more business firms or industries which

- 1 have been identified as key industries and targeted by the state's strategic economic  
2 development plan for special consideration and assistance by the agencies of the  
3 Commonwealth;
- 4 (3) "Authority" means the Kentucky Economic Development Finance Authority,  
5 consisting of a committee as set forth in KRS 154.20-010;
- 6 (4) "Board" means the Kentucky Economic Development Partnership, an  
7 administrative body within the meaning of KRS 12.010, and the governing body of  
8 the Cabinet for Economic Development, as created and established in KRS 154.10-  
9 010;
- 10 (5) "Business network" or "flexible industrial network" means a formalized,  
11 collaborative mechanism organized by and operating among three (3) or more  
12 industrial entities, business enterprises, or private sector firms for the purposes of,  
13 but not limited to: pooling expertise; improving responses to changing technology  
14 or markets; lowering the risks to individual entities of accelerated modernization;  
15 encouraging new technology investments, new market development, and employee  
16 skills improvement; and developing a system of collective intelligence among  
17 participating entities;
- 18 (6) "Cabinet" means the Cabinet for Economic Development as established under KRS  
19 12.250, and governed by the Kentucky Economic Development Partnership;
- 20 (7) "Commonwealth" means the Commonwealth of Kentucky;
- 21 (8) "Cost of a project" means the cost of the acquisition, construction, reconstruction,  
22 conversion, or leasing of any industrial, commercial, health care, agricultural, or  
23 forestry enterprise, or any part thereof, to carry out the purposes and objectives of  
24 this chapter, including but not limited to acquisition of land or interest in land,  
25 buildings, structures, or other planned or existing planned improvements to land,  
26 including leasehold improvements, machinery, equipment, or furnishings; working  
27 capital; and administrative costs, including but not limited to engineering,

- 1 architectural, legal, and accounting fees which are necessary for the project;
- 2 (9) "Local and regional economic development interest" means any local business or  
3 economic development interest, including but not limited to chambers of  
4 commerce, business development associations, industrial development  
5 organizations, area development districts, and public economic development  
6 entities;
- 7 (10) "Industrial entity" means any corporation, limited liability company, partnership,  
8 limited partnership, person, or any other legal entity, domestic or foreign, which  
9 will itself or through its subsidiaries or affiliates, engage in an industrial  
10 improvement project in the Commonwealth;
- 11 (11) "Industrial improvement project" means and includes the acquisition, construction,  
12 or implementation of new manufacturing, processing, or assembling facilities,  
13 equipment, methods or processes, or improvements to or repair of existing  
14 manufacturing, processing, or assembling facilities, equipment, methods, or  
15 processes, including repair, restoration, or conversion of tobacco warehouses, as  
16 well as improvements to the real estate upon which the facilities are located, and  
17 includes any capital improvement to any existing facility, including any  
18 restructuring, retooling, rebuilding, reequipping, or any other form of upgrading  
19 such existing facility and equipment and any other improvements to such real estate,  
20 existing facility, or manufacturing, processing, or assembling equipment, method,  
21 or process;
- 22 (12) "Key industry" means an industry or business within an industrial sector which has  
23 been identified in and targeted by the state's economic development strategic plan as  
24 having major importance to the sustained economic growth of the Commonwealth  
25 and in which member firms sell goods or services into markets for which national or  
26 international competition exists, including but not limited to secondary forest  
27 products manufacturing, agribusiness, and high technology and biotechnology

- 1 manufacturing and services;
- 2 (13) "Military" and "defense" mean all military and defense installations, entities,  
3 activities, and personnel located, operating, or living in Kentucky;
- 4 (14) "Municipality" means a county, city, ~~village, township,~~ development organization,  
5 an institution of higher education, a community or junior college, a subdivision or  
6 instrumentality of any of the foregoing, or any entity created by two (2) or more  
7 municipalities pursuant to the Interlocal Cooperation Act, KRS 65.210 to 65.300;
- 8 (15) "Network broker" means a person who is trained to assist private sector firms to  
9 form business networks and make other similar efforts to provide for joint  
10 manufacturing, marketing, technology development, information dissemination, and  
11 other activities;
- 12 (16) "Non-appropriation-supported bond" means any long-term financial borrowing  
13 instrument for which regular debt service does not originate from an appropriation  
14 of the General Assembly;
- 15 (17) "Non-appropriation-supported note" means any short-term financial borrowing  
16 instrument for which loan payments do not originate from an appropriation of the  
17 General Assembly;
- 18 (18) "Person" means an individual, partnership, joint venture, military facility operated  
19 by a department or agency of the United States, profit or nonprofit corporation  
20 including a public or private college or university, limited liability company, or  
21 other entity or association of persons organized for agricultural, commercial, health  
22 care, or industrial purposes; or a public utility or local industrial development  
23 corporation;
- 24 (19) "Private sector" means any source other than the authority, a state or federal entity,  
25 or an agency thereof;
- 26 (20) (a) "Project" means an endeavor approved by the cabinet or authority and related  
27 to industrial, manufacturing, mining, mining reclamation for economic

1 development, commercial, health care, or agricultural enterprise.

2 (b) "Project" includes but is not limited to agribusiness, agricultural or forestry  
3 production, harvesting, storage, or processing facilities or equipment;  
4 equipment or facilities designed to produce energy from renewable resources;  
5 research parks; office facilities; engineering facilities; research and  
6 development laboratories; repair, restoration, or conversion of tobacco  
7 warehouses for an economic development or commercial use; warehousing  
8 facilities; parts distribution facilities; depots or storage facilities; port  
9 facilities; railroad facilities, including trackage, right-of-way, and  
10 appurtenances; airports and airport renovation; water and air pollution control  
11 equipment or waste disposal facilities; tourist facilities; theme or recreational  
12 parks; health care and health related facilities; farms, ranches, forests, and  
13 other agricultural or forestry commodity producers; agricultural harvesting,  
14 storage, transportation, or processing facilities or equipment; grain elevators;  
15 shipping heads and livestock pens; livestock; wharves and dock facilities;  
16 water, electricity, hydroelectric, coal, petroleum, or natural gas provision  
17 facilities; dams and irrigation facilities; sewage, liquid, and solid waste  
18 collection, disposal treatment, and drainage services and facilities. For  
19 purposes of this paragraph, "livestock" means cattle, sheep, swine, goats,  
20 horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine,  
21 porcine, caprine, equine, or camelid species.

22 (c) Except for airport-related facilities and tax increment financing projects  
23 approved under Subchapter 30 of this chapter, "project" does not include that  
24 portion of an endeavor devoted to the sale of goods at retail or that portion of  
25 an endeavor devoted to housing which does not consist of the manufacture of  
26 housing;

27 (21) "Reclamation development fund" means the fund administered by the Kentucky

1 Economic Development Finance Authority to foster economic development on  
2 surface mining land;

3 (22) "Reclamation development project" means only that reconditioning of land affected  
4 by surface mining, which will directly promote and benefit an economic  
5 undertaking which constitutes a project under subsection (20) of this section;

6 (23) "Reclamation development plan" means a plan submitted to the Energy and  
7 Environment Cabinet to show compliance with reclamation standards, and  
8 submitted to the Kentucky Economic Development Finance Authority to seek  
9 moneys from the reclamation development fund for a reclamation development  
10 project;

11 (24) "Secretary" means the chief executive officer and secretary of the Cabinet for  
12 Economic Development;

13 (25) "State" means the Commonwealth of Kentucky; and

14 (26) "Tax revenues" means any revenues received by the Commonwealth directly or  
15 indirectly as a result of the industrial improvement project, including state corporate  
16 income taxes, the limited liability entity tax imposed by KRS 141.0401, state  
17 income taxes paid by employees who work in the project, state property taxes, state  
18 corporation license taxes, or state sales and use taxes.

19 ➔Section 25. KRS 281.765 is amended to read as follows:

20 Any peace officer, including sheriffs and their deputies, constables and their deputies, city  
21 police officers ~~and marshals of cities or incorporated towns~~, county police or patrols,  
22 and special officers appointed by any agency of the Commonwealth of Kentucky for the  
23 enforcement of its laws relating to motor vehicles and boats or boating, now existing or  
24 hereafter enacted, shall be authorized and it is hereby made the duty of each of them to  
25 enforce the provisions of this chapter and to make arrests for any violation or violations  
26 thereof, and for violations of any other law relating to motor vehicles and boating,  
27 without warrant if the offense be committed in his presence, and with warrant or

1 summons if he does not observe the commission of the offense. When in pursuit of any  
2 offender for any offense committed within his jurisdiction, any such officer may follow  
3 and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without  
4 warrant, the accused may elect to be immediately taken before the nearest court having  
5 jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused  
6 elects not to be so taken, then it shall be the duty of the officer to require of the accused a  
7 bail-bond in a sum not less than one hundred dollars (\$100), conditioned that the accused  
8 binds himself to appear in the court of jurisdiction at the time fixed in the bond, not  
9 however in any case later than six (6) days from the day of arrest. In case the arrested  
10 person fails to appear on the day fixed, the bond shall be forfeited in the manner as is  
11 provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a  
12 cash bond. The officer making the arrest and taking the bond shall report the same to the  
13 court having jurisdiction within eighteen (18) hours after taking such bond.

14 ➔Section 26. KRS 146.280 is amended to read as follows:

15 (1) Within the boundaries of a designated stream area, as established and authorized by  
16 the Kentucky General Assembly, the office shall be authorized and empowered to  
17 acquire by purchase, exercise of the rights of eminent domain, grant, gift, devise, or  
18 otherwise, the fee simple title, an easement, or any acceptable lesser interest in any  
19 lands, and by lease or conveyance, contract for the right to use and occupy any  
20 lands. Where property within such boundaries is owned by the federal government,  
21 the office can enter into agreements with the landowning agency concerning use of  
22 the property consistent with the objectives of KRS 146.200 to 146.360. Nothing in  
23 KRS 146.200 to 146.360 shall be construed to deprive a landowner of the fee  
24 simple title to or lesser interest in his property without just compensation.

25 (2) The office may not exercise authority to acquire lands or interests in lands located  
26 within any incorporated city~~[, village,]~~ or county when such entities have in force a  
27 duly adopted, valid ordinance or plan for the management, zoning and protection of

1 such lands in accordance with the provisions of KRS 146.200 to 146.360.

2 ➔Section 27. KRS 177.230 is amended to read as follows:

3 The highway authorities of the state, counties, cities, **and** towns, ~~and villages,~~ acting  
4 alone or in cooperation, with each other or with any federal, state, or local agency or any  
5 other state having authority to participate in the construction and maintenance of  
6 highways, are hereby authorized to plan, designate, establish, regulate, vacate, alter,  
7 improve, maintain, and provide limited access facilities for public use wherever such  
8 authority or authorities are of the opinion that traffic conditions, present or future, will  
9 justify such special facilities: provided, that within cities ~~and villages,~~ such authority  
10 shall be subject to such municipal consent as may be provided by law. Said highway  
11 authorities of the state, counties, cities, ~~villages,~~ and towns, in addition to the specific  
12 powers granted in KRS 177.220 to 177.310, shall also have and may exercise, relative to  
13 limited access facilities, any and all additional authority now or hereafter vested in them  
14 relative to highways or streets within their respective jurisdictions. Said units may  
15 regulate, restrict, or prohibit the use of such limited access facilities by the various classes  
16 of vehicles or traffic in a manner consistent with KRS 177.220.

17 ➔Section 28. KRS 177.240 is amended to read as follows:

18 The highway authorities of the state, county, city, **and** town~~, and village~~ are authorized  
19 to so design any limited access facility and to so regulate, restrict, or prohibit access as to  
20 best serve the traffic for which such facility is intended, and its determination of such  
21 design shall be final. In this connection, such highway authorities are authorized to divide  
22 and separate any limited access facility into separate roadways by the construction of  
23 raised curbing, central dividing sections, or other physical separations, or by designating  
24 such separate roadways by signs, markers, stripes, and the proper lane for such traffic by  
25 appropriate signs, markers, stripes, and other devices. No person shall have any right of  
26 ingress or egress to, from, or across limited access facilities to or from abutting lands,  
27 except at such designated points at which access may be permitted, upon such terms and



1 conditions as may be specified from time to time.

2 →Section 29. KRS 177.270 is amended to read as follows:

3 The highway authority of the state, county, city, **and** town~~[, or village]~~ may designate and  
4 establish limited access highways as new and additional facilities or may designate and  
5 establish an existing street or highway as included within a limited access facility. The  
6 state or any of its subdivisions shall have authority to provide for the elimination of  
7 intersections at grade of limited access facilities with existing state and county roads, and  
8 city and town ~~[or village]~~ streets, by grade separation or service road, or by closing off  
9 such roads and streets at the right-of-way boundary line of such limited access facility;  
10 and after the establishment of any limited access facility, no highway or street which is  
11 not part of said facility shall intersect the same at grade. No city~~[,]~~ **or** town~~[, or village]~~  
12 street, county or state highway or other public way shall be opened into or connected with  
13 any such limited access facility without the consent and previous approval of the highway  
14 authority in the state, county, city, **or** town~~[, or village]~~ having jurisdiction over such  
15 limited access facility. Such consent and approval shall be given only if the public interest  
16 shall be served thereby.

17 →Section 30. KRS 177.280 is amended to read as follows:

18 The highway authorities of the state, city, county, **and** town~~[, or village]~~ are authorized to  
19 enter into agreements with each other, or with the federal government, respecting the  
20 financing, planning, establishment, improvement, maintenance, use, regulation, or  
21 vacation of limited access facilities or other public ways in their respective jurisdictions,  
22 to facilitate the purposes of KRS 177.220 to 177.310.

23 →Section 31. KRS 177.290 is amended to read as follows:

24 In connection with the development of any limited access facility the state, county, city,  
25 **and** town~~[, or village]~~ highway authorities are authorized to plan, designate, establish,  
26 use, regulate, alter, improve, maintain, and vacate local service roads and streets or to  
27 designate as local service roads and streets any existing road or street, and to exercise

1 jurisdiction over service roads in the same manner as is authorized over limited access  
2 facilities under the terms of KRS 177.220 to 177.310, if in their opinion such local  
3 service roads and streets are necessary or desirable. Such local service roads or streets  
4 shall be of appropriate design, and shall be separated from the limited access facility  
5 proper by means of all devices designated as necessary or desirable by the proper  
6 authority.

7 ➔Section 32. KRS 262.180 is amended to read as follows:

- 8 (1) The territory of a district shall include all lands lying within the boundaries of a  
9 district, including incorporated cities[,] and towns[, and villages].
- 10 (2) Petitions for including additional territory within an existing district may be filed  
11 with the commission, and the proceedings provided for by KRS 262.100 to 262.180  
12 in the case of petitions to organize a district shall be observed as far as may be  
13 practicable in the case of petitions for inclusion. The commission shall prescribe the  
14 form for such petitions, which shall be as nearly as may be in the form prescribed by  
15 KRS 262.100 for petitions to organize a district. The Secretary of State shall receive  
16 the application for inclusion of the area within the district and shall attach such  
17 application to the original file containing the papers by which such district was  
18 organized. Where the total number of landowners in the area proposed for inclusion  
19 is less than twenty-five (25), the petition may be filed when signed by a majority of  
20 the landowners of the area, and in that case, no referendum need be held. In a  
21 referendum upon a petition for inclusion of additional territory, all owners of land  
22 lying within the proposed additional area shall be eligible to vote.

23 ➔Section 33. KRS 267.130 is amended to read as follows:

- 24 (1) When the court refers to it any proceeding to establish or construct any  
25 improvement, the board shall employ a competent drainage engineer, who shall be  
26 the chief engineer for the work. The board may prescribe the number of assistant  
27 engineers to be selected by the chief engineer. The chief engineer shall have control

1 of the work until completed, or until his removal by the board, and may assign  
2 portions to each assistant. He may, with the consent of the board, consult any  
3 eminent engineer and obtain his opinion or advice concerning the drainage of the  
4 district. He may employ such assistants as are necessary to make a complete  
5 topographical survey of the district, and shall enter upon the ground and make a  
6 survey of the main drains and all the laterals.

7 (2) The line of each ditch, drain or levee shall be plainly and substantially marked on  
8 the ground. The course and distance of each ditch, and width of right-of-way, shall  
9 be carefully noted and sufficient notes made so that it may be accurately plotted and  
10 mapped. A line of levels shall be run for the entire work and sufficient data secured  
11 from which accurate profiles and plans may be made. Frequent bench marks shall  
12 be established along the line, on permanent objects, and their elevation recorded in  
13 the field books. Other levels may be run to determine the fall from one part of the  
14 district to another. If an old watercourse, ditch or channel is being altered it shall be  
15 accurately cross sectioned, so as to compute the amount of cubic yards saved by the  
16 use of the old channel. If a private ditch is utilized, the saving by reason of its use  
17 shall be carefully computed and reported, with the name of the owner. A drainage  
18 map of the district shall then be completed, showing the location of every  
19 improvement and the boundary, as closely as may be reasonably determined, of the  
20 lands owned by each individual landowner within the district. The location of any  
21 railroad or public highway and the boundary of any incorporated city~~town or~~  
22 ~~village~~ within the district shall be shown on the map. There shall be prepared to  
23 accompany the map a profile showing the surface of the ground, and the bottom or  
24 grade of the proposed improvement.

25 (3) The engineer shall make an estimate of the cost of the work, and plans and  
26 specifications therefor, and file the same, together with all maps and profiles, with  
27 the county clerk, to be made a part of the record of the proceedings. All such maps,

1 profiles, plans and specifications, together with the report of the engineer and all  
2 exhibits filed therewith, shall be made in duplicate, one to be marked original and  
3 the other duplicate. If lands in counties other than the one in which the proceeding  
4 is pending are affected, an additional copy of the maps and profiles shall be made  
5 and filed with the county clerk of the other counties. The original shall not be  
6 withdrawn from the custody of the clerk, but the duplicate may be withdrawn for  
7 use by the viewers, the board, or for use on the work by the engineer or contractor.  
8 This material shall be receipted for by the person withdrawing it, and returned  
9 promptly.

10 ➔Section 34. KRS 353.610 is amended to read as follows:

11 (1) Except as provided in KRS 353.500 to 353.720, no permits shall be issued for the  
12 drilling, deepening, or reopening of any shallow well for the production of oil,  
13 unless the proposed location of the well shall be at least three hundred thirty (330)  
14 feet from the nearest mineral boundary of the premises upon which the well is to be  
15 drilled, deepened or reopened; and, the proposed location must be at least six  
16 hundred sixty (660) feet from the nearest oil producing well. This subsection shall  
17 not be construed to regulate the distance between wells which do not produce oil  
18 from the same pool.

19 (2) Except as provided in KRS 353.500 to 353.720, no permit shall be issued for the  
20 drilling, deepening or reopening of any shallow well for the production of gas  
21 unless the proposed location of the well shall be at least five hundred (500) feet  
22 from the nearest mineral boundary of the premises upon which such well is to be  
23 drilled, deepened or reopened; and, the proposed location must be at least one  
24 thousand (1,000) feet from the nearest gas producing well. This subsection shall not  
25 be construed to regulate the distance between wells which do not produce gas from  
26 the same pool.

27 (3) This section shall not apply:

- 1 (a) To wells drilled, deepened, or reopened for the injection of water, gas or other  
2 fluids into an oil or gas producing formation.
- 3 (b) To any well drilled, deepened or reopened in a pool or portion thereof, which  
4 is included in a secondary recovery program commenced or proposed, if the  
5 location or proposed location of the well conforms to a geometric pattern  
6 already established on all premises which will be offset and affected by the  
7 well.
- 8 (c) To wells drilled or deepened as water supply wells and geological or structure  
9 test holes; or
- 10 (d) To premises within the limits of any incorporated city~~, town or village~~ which  
11 has enacted or enacts hereafter an ordinance regulating the location or spacing  
12 of wells for the production of oil and gas at distances of not less than the  
13 distances prescribed in this section.
- 14 (e) To wells for the production of oil to be drilled, deepened, or reopened and  
15 completed at a depth of less than two thousand (2,000) feet where there are no  
16 workable beds of coal at lesser depths and the formation from which the oil is  
17 expected to be extracted is not appreciably affected by factors, as determined  
18 by the commissioner, other than natural drainage. The location of wells for the  
19 production of oil coming within this exception shall be at least two hundred  
20 (200) feet from the nearest boundary of the premises upon which the well is to  
21 be drilled, deepened or reopened; and the proposed location must be at least  
22 four hundred (400) feet from the nearest oil producing well. This subsection  
23 shall not be construed to regulate the distance between wells which do not  
24 produce from the same pool.

25 ➔Section 35. KRS 95.010 is amended to read as follows:

- 26 (1) As used in KRS 95.160 to 95.290 and in KRS 95.830 to 95.845, unless the context  
27 requires otherwise:

- 1 (a) "Dismissal" means the discharge of an employee by the division or department  
2 head, civil service board, or other lawful authority;
- 3 (b) "Eligible list" means a list of names of persons who have been found qualified  
4 through suitable competitive examinations for positions or classes of  
5 positions;
- 6 (c) "Fire department" means the officers, firefighters, and clerical or maintenance  
7 employees, including the chief of the fire department;
- 8 (d) "Member" means any person in the police or fire department, other than the  
9 chief or assistant chief of the department;
- 10 (e) "Police department" means the officers, policemen, and clerical or  
11 maintenance employees, including the chief of police;
- 12 (f) "Police force" means the officers and policemen of the police department,  
13 other than the chief of police;
- 14 (g) "Policeman" means a member of the police department below the rank of  
15 officer, other than a clerical or maintenance employee;
- 16 (h) "Salary" means any compensation received for services; and
- 17 (i) "Suspension" means the separation of an employee from the service for a  
18 temporary or fixed period of time, by his appointing authority, as a  
19 disciplinary measure.

20 (2) As used in KRS 95.440 to 95.629~~[95.630]~~, the following words and terms shall  
21 have the following meaning, unless the context requires otherwise:

- 22 (a) "Dismissal" means the discharge of an employee by the division or department  
23 head, civil service board, or other lawful authority;
- 24 (b) "Eligible list" means a list of names of persons who have been found qualified  
25 through suitable competitive examinations for positions or classes of  
26 positions;
- 27 (c) "Fire department" means and includes all officers, firefighters, and clerical or

- 1 maintenance employees of the fire department;
- 2 (d) "Police department" means and includes all officers, policemen, and clerical  
3 or maintenance employees of the police department;
- 4 (e) "Member" means any and all officers, firefighters, policemen, clerical or  
5 maintenance employees in the police or fire department, except as used in  
6 subsections (1) and (3) of KRS 95.440, and KRS 95.450, 95.460, 95.470,  
7 95.550, 95.560, 95.565, 95.570 and 95.580; it shall not include the chief of  
8 police in an urban-county government;
- 9 (f) "Police force" means and includes all officers and policemen in the police  
10 department;
- 11 (g) "Policeman" means a member of the police department below the rank of  
12 officer, other than a clerical or maintenance employee;
- 13 (h) "Firefighter" means a member of the fire department below the rank of officer,  
14 other than a clerical or maintenance employee;
- 15 (i) "Salary" means any compensation received for services;
- 16 (j) "Suspension" means the separation of an employee from the service for a  
17 temporary or fixed period of time, by his appointing authority, as a  
18 disciplinary measure; and
- 19 (k) "Pension fund" shall mean the moneys derived from the members of the  
20 police and fire departments' salary or salaries and appropriations by the  
21 legislative body, or any other means derived from whatever source by gift or  
22 otherwise to be used for the retirement of members of the police and fire  
23 departments after the prescribed number of years of service, and for the  
24 benefit of disabled members of police and fire departments, and for the benefit  
25 of surviving spouses and dependent children or dependent fathers or mothers  
26 in the case of death of any member of the police or fire department within the  
27 scope of his employment.

1 (3) As used in KRS 95.761 to 95.784, the following words and terms shall have the  
2 following meaning:

3 (a) "Regular police department." For the purpose of KRS 95.761 to 95.784, a  
4 "regular police department" is defined as one having a fixed headquarters,  
5 where police equipment is maintained and where a policeman or policemen  
6 are in constant and uninterrupted attendance to receive and answer police  
7 calls, and execute regular police patrol duties;

8 (b) "Regular fire department." For the purpose of KRS 95.761 to 95.784, a  
9 "regular fire department" is defined as one having a fixed headquarters where  
10 firefighting apparatus and equipment are maintained, and where firefighters  
11 are in constant and uninterrupted attendance to receive and answer fire alarms;

12 (c) "Legislative body." Wherever in KRS 95.761 to 95.784 the term "body" or  
13 "legislative body" is employed, it shall be construed to mean the legislative  
14 branch of the city government or urban-county government;

15 (d) "Commission." The word "commission" shall mean the board of civil service  
16 commissioners, as established under the terms of KRS 95.761 to 95.784;

17 (e) "Trustees." The word "trustees" shall mean the board of pension fund trustees,  
18 as established under the terms of KRS 95.761 to 95.784; and

19 (f) "Pension fund." The term "pension fund" shall mean the moneys derived from  
20 the policeman or policemen and firefighter or firefighters salary or salaries,  
21 and appropriations by the legislative body, or any other sums derived from  
22 whatever source by gifts or otherwise to be used for the retirement of  
23 policeman or policemen and firefighter or firefighters after the prescribed  
24 number of years of service and for the benefit of disabled policeman or  
25 policemen and firefighter or firefighters, and for the benefit of surviving  
26 spouses and dependent children or dependent fathers or mothers in the case of  
27 death of a policeman or firefighter within the scope of his employment,



1           according to the terms of KRS 95.761 to 95.784.

2           ➔Section 36. Nothing in this Act, including the repeal of any statute, shall be  
3 interpreted to remove the authorization that a city has to act under the provisions of KRS  
4 82.082.

5           ➔Section 37. The following KRS sections are repealed:

6 79.010 Intercity or intercounty compacts for purchasing and merit systems authorized.

7 79.020 Expenses to be prorated -- Rules and regulations.

8 79.030 Intercity or intercounty commission -- Membership -- Compensation -- Votes --  
9 Powers.

10 79.040 Meetings of commission -- Records -- Reports.

11 79.050 Comptroller -- Appointment -- Powers and duties -- Term of employment.

12 79.060 Comptroller to have access to records -- Control of personnel -- Purchase of  
13 supplies -- Requisitions.

14 79.070 Legal departments, courts and boards of education not affected.

15 81A.480 Application of provisions of KRS 81A.050 to 81A.070 and KRS 81A.400 to  
16 81A.470.

17 82.088 Regulation of adult establishments.

18 95.505 Firefighters, hours off duty, in cities not required to comply with KRS 95.500.

19 95.630 Group life insurance for police and fire departments in cities of home rule class.

20 96.070 City may grant rights-of-way to utilities -- Conditions.

21 96.130 City owning own plant may contract to furnish service to another city.

22 96.140 City may install apparatus and obtain rights of way necessary to furnish or  
23 receive service.

24 96.330 Disposition of revenue from waterworks in city with population of 20,000 or  
25 more.

26 96.340 Punishment for damaging waterworks in city -- Connections with pipes or  
27 mains.