

1 AN ACT relating to local government.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) If a city is wholly contained within two (2) counties and that city intends to annex*  
6 *territory in an additional county, then it may proceed if:*

7 *(a) The territory proposed to be annexed:*

8 *1. Is adjacent or contiguous to the city's boundaries at the time the*  
9 *annexation proceeding is begun;*

10 *2. Which by reason of population density, commercial, industrial,*  
11 *institutional, or governmental use of land, or subdivision of land, is*  
12 *urban in character or suitable for development for urban purposes*  
13 *without unreasonable delay;*

14 *3. Is not within the boundary of another incorporated city; and*

15 *4. Contains infrastructure owned by the city or any agency, political*  
16 *subdivision, department, or instrumentality of the city, including*  
17 *governing bodies of municipal utilities operating under KRS Chapter*  
18 *96; however, the territory to be annexed shall not include any territory*  
19 *that does not contain infrastructure as set out in this subparagraph;*  
20 *and*

21 *(b) Each of the owners of record of the territory proposed to be annexed gives*  
22 *prior consent in writing to the annexation and the annexation is proceeding*  
23 *under the provisions of KRS 81A.412.*

24 *(2) (a) At least thirty (30) days prior to the adoption of the annexation ordinance*  
25 *under KRS 81A.412, the city shall provide notice of the proposed*  
26 *annexation to the fiscal court of the county containing the territory to be*  
27 *annexed. The failure of the city to notify the fiscal court of the annexation*

1           *as set out in this subsection shall serve to void the ordinance annexing the*  
 2           *territory contained in that county.*

3           **(b) The notice set out in paragraph (a) of this subsection shall:**

4           **1. Contain, at a minimum:**

5           **a. A description of the territory to be annexed;**

6           **b. The date in which the annexation shall take effect, that date**  
 7           **being the passage of the ordinance annexing the territory; and**

8           **c. A certification by the mayor of the city proposing the annexation**  
 9           **that the city shall comply with the applicable requirements of**  
 10           **this chapter; and**

11           **2. Be delivered to the fiscal court of the county containing the territory to**  
 12           **be annexed by certified mail.**

13           ➔Section 2. KRS 81A.410 is amended to read as follows:

14           (1) Except as provided in KRS 67C.111(3), a city legislative body may extend the city's  
 15           boundaries to include any area:

16           (a) Which is adjacent or contiguous to the city's boundaries at the time the  
 17           annexation proceeding is begun; and

18           (b) Which by reason of population density, commercial, industrial, institutional,  
 19           or governmental use of land, or subdivision of land, is urban in character or  
 20           suitable for development for urban purposes without unreasonable delay.

21           (2) No part of the area to be annexed shall be included within the boundary of another  
 22           incorporated city.

23           (3) If a city is considering the annexation of two (2) or more areas which are all  
 24           adjacent to the city boundary but are not adjacent to one another, it may undertake  
 25           simultaneous proceedings under the authority of KRS 81A.420 for the annexation  
 26           of such areas.

27           **(4) If a city is wholly contained within two (2) counties and that city intends to annex**

1        **territory in an additional county, then the provisions of Section 1 of this Act shall**  
2        **apply.**

3        ➔Section 3. KRS 68.197 is amended to read as follows:

- 4        (1) The fiscal court of each county having a population of thirty thousand (30,000) or  
5        more may by ordinance impose license fees on franchises, provide for licensing any  
6        business, trade, occupation, or profession, and the using, holding, or exhibiting of  
7        any animal, article, or other thing.
- 8        (2) License fees on business, trade, occupation, or profession for revenue purposes,  
9        except those of the common schools, may be imposed at a percentage rate not to  
10        exceed one percent (1%) of:
- 11        (a) Salaries, wages, commissions, and other compensation earned by persons  
12        within the county for work done and services performed or rendered in the  
13        county;
- 14        (b) The net profits of self-employed individuals, partnerships, professional  
15        associations, or joint ventures resulting from trades, professions, occupations,  
16        businesses, or activities conducted in the county; and
- 17        (c) The net profits of corporations resulting from trades, professions, occupations,  
18        businesses, or activities conducted in the county.
- 19        (3) In order to reduce administrative costs and minimize paperwork for employers,  
20        employees, and businesses, the fiscal court may provide:
- 21        (a) For an annual fixed amount license fee which a person may elect to pay in lieu  
22        of reporting and paying the percentage rate as provided in this subsection on  
23        salaries, wages, commissions, and other compensation earned within the  
24        county for work done and services performed or rendered in the county; and
- 25        (b) For an annual fixed amount license fee which an individual, partnership,  
26        professional association, joint venture, or corporation may elect to pay in lieu  
27        of reporting and paying the percentage rate as provided in this subsection on

1 net profits of businesses, trades, professions, or occupations from activities  
2 conducted in the county.

3 (4) (a) Licenses imposed for regulatory purposes are not subject to limitations as to  
4 form and amount.

5 (b) No public service company that pays an ad valorem tax is required to pay a  
6 license tax.

7 (c) 1. It is the intent of the General Assembly to continue the exemption from  
8 local license fees and occupational taxes that existed on January 1, 2006,  
9 for providers of multichannel video programming services or  
10 communications services as defined in KRS 136.602 that were taxed  
11 under KRS 136.120 prior to the effective date of this section.

12 2. To further this intent, no company providing multichannel video  
13 programming services or communications services as defined in KRS  
14 136.602 shall be required to pay a license tax. If only a portion of an  
15 entity's business is providing multichannel video programming services  
16 including products or services that are related to and provided in support  
17 of the multichannel video programming services or communications  
18 services, this exclusion applies only to that portion of the business that  
19 provides multichannel video programming services or communications  
20 services, including products or services that are related to and provided  
21 in support of the multichannel video programming services or  
22 communications services.

23 (d) No license tax shall be imposed upon or collected from any insurance  
24 company except as provided in KRS 91A.080, bank, trust company, combined  
25 bank and trust company, combined trust, banking, and title business in this  
26 state, or any savings and loan association whether state or federally chartered,  
27 or in other cases where the county is prohibited by law from imposing a

1 license fee.

2 (5) No license fee shall be imposed or collected on income received by members of the  
3 Kentucky National Guard for active duty training, unit training assemblies, and  
4 annual field training, or on income received by precinct workers for election  
5 training or work at election booths in state, county, and local primary, regular, or  
6 special elections, or upon any profits, earnings, or distributions of an investment  
7 fund which would qualify under KRS 154.20-250 to 154.20-284 to the extent any  
8 profits, earnings, or distributions would not be taxable to an individual investor.

9 (6) Persons who pay a county license fee pursuant to this section and who also pay a  
10 license fee to a city contained in the county may, upon agreement between the  
11 county and the city, credit their city license fee against their county license fee. As  
12 used in this subsection, "city contained in the county" shall include a city that is in  
13 more than one (1) county.

14 (7) The provisions of subsection (6) of this section notwithstanding, effective with  
15 license fees imposed under the provisions of subsection (1) of this section on or  
16 after July 15, 1986, persons who pay a county license fee and a license fee to a city  
17 contained in the county shall be allowed to credit their city license fee against their  
18 county license fee. As used in this subsection, "city contained in the county" shall  
19 include a city that is in more than one (1) county.

20 (8) *If a city annexes territory pursuant to Section 1 of this Act on or after the*  
21 *effective date of this Act, and both the city and the county in which the territory*  
22 *annexed is contained levy a license fee at the time of annexation, then the county*  
23 *shall at least receive the same dollar amount of revenue that was generated in the*  
24 *preceding tax year by the county license fee. After the tax year in which the*  
25 *annexation occurs, if the revenues generated by both the city and county license*  
26 *fees for that territory decrease below the amount of revenue generated in that*  
27 *preceding tax year by the county license fee, then the revenue received by the*

1        county shall be reduced proportionately. Any increase in the license fee rate by  
 2        the city or the county after the date of the annexation shall be subject to the  
 3        crediting provisions contained in subsections (6) and (7) of this  
 4        section. [~~Notwithstanding any statute to the contrary, the provisions of subsection~~  
 5        ~~(7) of this section shall apply as follows from March 14, 2012, through July 15,~~  
 6        ~~2014:~~

7        ~~(a) Any set off or credit of city license fees against county license fees that exists~~  
 8                ~~between a city and county as of March 15, 2012, shall remain in effect as it is~~  
 9                ~~on March 15, 2012; and~~

10        ~~(b) The provisions of subsection (7) of this section shall not apply to a city and~~  
 11                ~~county unless both the city and the county have both levied and are collecting~~  
 12                ~~license fees on March 15, 2012.]~~

13        (9) A county that enacted an occupational license fee under the authority of KRS  
 14        67.083 shall not be required to reduce its occupational tax rate when it is  
 15        determined that the population of the county exceeds thirty thousand (30,000).

16        (10) Notwithstanding any statute to the contrary:

17                (a) In those counties where a license fee has been authorized by a public question  
 18                approved by the voters, there shall be no credit of a city license fee against a  
 19                county license fee except by agreement between the county and the city in  
 20                accordance with subsection (6) of this section;

21                (b) Notwithstanding any provision of the KRS to the contrary, no taxpayer shall  
 22                be refunded or credited for any overpayment of a license tax paid to any  
 23                county to the extent the overpayment is attributable to or derives from this  
 24                section as it existed at any time subsequent to July 15, 1986, and the taxpayer  
 25                seeks a credit for a license tax paid to a city located within such county, if  
 26                such refund claim or amended tax return claim was filed or perfected after  
 27                November 18, 2004, except by agreement between the city and county in

1 accordance with subsection (6) of this section;

2 (c) In those counties where a license fee has been authorized by a public question  
3 approved by the voters, the percentage rate of the license fee in effect on  
4 January 1, 2005, and any maximum salary limit upon which the license fee is  
5 calculated shall remain unchanged for subsequent fiscal years. A percentage  
6 rate higher than the percentage rate in effect on January 1, 2005, or any change  
7 in the maximum salary limit upon which a license fee is calculated shall be  
8 prohibited unless approved by the voters at a public referendum. The  
9 percentage rate of a license fee in such counties shall at no time exceed one  
10 percent (1%). Any question to be placed before the voters as a result of this  
11 paragraph shall be placed on the ballot at a regular election or nominating  
12 primary.

13 (d) This subsection shall have retroactive application; and

14 (e) If any provision of this subsection or the application thereof to any person or  
15 circumstance is held invalid, the invalidity shall not affect other provisions or  
16 application of this section that can be given effect without the invalid  
17 provision or application, and to this end the provisions of this subsection are  
18 severable.

19 (11) Pursuant to this section, no fiscal court shall regulate any aspect of the manner in  
20 which any duly ordained, commissioned, or denominationally licensed minister of  
21 religion may perform his or her duties and activities as a minister of religion. Duly  
22 ordained, commissioned, or denominationally licensed ministers of religion shall be  
23 subject to the same license fees imposed on others in the county on salaries, wages,  
24 commissions, and other compensation earned for work done and services performed  
25 or rendered.