

1 AN ACT relating to public notice.

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

3 ➔Section 1. KRS 64.810 is amended to read as follows:

- 4 (1) (a) Any fiscal court, county clerk, or sheriff may employ a certified public  
5 accountant to audit the books, accounts, and papers of the county or his office  
6 in lieu of the audit conducted by the State Auditor of Public Accounts  
7 required by KRS 43.070, if the Auditor of Public Accounts declines to  
8 perform the audit or has failed to respond to written notice of intent to employ  
9 a certified public accountant within thirty (30) days of receipt of the notice.
- 10 (b) In the case of a documented emergency requiring an immediate audit which  
11 the Auditor of Public Accounts cannot complete within the requested  
12 deadline, the Auditor of Public Accounts shall authorize the fiscal court, the  
13 county clerk, or sheriff to engage a certified public accountant to complete the  
14 emergency audit. A certified public accountant may be engaged to conduct an  
15 emergency audit only after guaranteeing in writing to the Auditor of Public  
16 Accounts that the audit and audit report will be finished within the deadline  
17 originally requested of the Auditor of Public Accounts. The fiscal court shall  
18 bear the full cost of any county audit conducted pursuant to this paragraph.  
19 The county clerk or the sheriff shall bear the full cost of any audit of his office  
20 conducted pursuant to this paragraph, from funds received or collected by  
21 him, and the cost of the audit shall be construed as an expense of his office.  
22 Audits conducted pursuant to this paragraph shall be subject to the provisions  
23 of subsections (4) and (5) of this section.
- 24 (2) A fiscal court which has elected to employ a certified public accountant pursuant to  
25 subsection (1)(a) of this section shall notify the State Auditor in writing by July 31  
26 following the fiscal year to be audited of the name of the certified public accountant  
27 it has employed. The fiscal court shall bear the full cost of any audit conducted

1       pursuant to this section. An elected official who has elected to employ a certified  
2       public accountant pursuant to subsection (1)(a) of this section shall:

3       (a) Notify the fiscal court and the State Auditor in writing by January 30  
4       following the calendar year to be audited of the name of the certified public  
5       accountant employed by said official to audit the books, accounts, and papers  
6       of his office; and

7       (b) Bear the cost of the audit from funds received or collected by him, and the  
8       cost of the audit shall be construed as an expense of his office.

9       (3) Any contract with a certified public accountant entered into pursuant to subsection  
10       (1)(a) of this section shall specify the following:

11       (a) The audit of a county official shall be completed by August 1 following the  
12       calendar year being audited, and the audit of a county budget shall be  
13       completed by February 1 following the fiscal year being audited;

14       (b) The certified public accountant shall forward a copy of the fee officer audit  
15       report and management letters to the county official, fiscal court of the county,  
16       and the Auditor of Public Accounts upon completion of the audit, and no later  
17       than August 1 following the calendar year being audited;

18       (c) The certified public accountant shall forward a copy of the county budget  
19       audit report and management letters to the fiscal court of the county and the  
20       Auditor of Public Accounts upon completion of the audit and no later than  
21       February 1 following the fiscal year being audited; and

22       (d) The Auditor of Public Accounts shall have the right to review the certified  
23       public accountant's work papers before and after the release of the audit.

24       (4) After preliminary review of the certified public accountant's work papers, should  
25       discrepancies be found, the Auditor of Public Accounts shall notify the fiscal court  
26       or fee official of the discrepancies. Should the certified public accountant not  
27       correct such discrepancies prior to the release of the audit, the Auditor's office may

1       conduct its own audit to verify the findings of the certified public accountant's  
2       report. If such audit is conducted, the expenses to said county or county official, as  
3       directed by KRS 43.070(4) shall be construed as an allowable expense of office. If  
4       the audit conducted by the Auditor of Public Accounts discloses discrepancies in  
5       the audit by the certified public accountant, the findings of the Auditor of Public  
6       Accounts shall be deemed official for purposes of collection of money owed the  
7       county pursuant to KRS 64.820.

8       (5) No later than February 1 following the fiscal year being audited, or August 1  
9       following the calendar year being audited, the fiscal court or county official shall  
10      submit the accountant's written report to the Governor, the General Assembly, the  
11      Attorney General, the State Librarian, and county attorney of his county. In addition  
12      the fiscal court or the official shall publish~~[send]~~ the report~~[to the newspaper~~  
13      ~~having the largest paid circulation in the county,]~~ and the letter of transmittal  
14      accompanying the report on its Web site~~[shall be published in said newspaper]~~ in  
15      accordance with the provisions of KRS Chapter 424.

16      (6) This section shall not be construed as eliminating the requirement that the books,  
17      accounts, and papers of the above-named officials be audited yearly.

18      ➔Section 2. KRS 65.530 is amended to read as follows:

19      (1) The purposes of the authority shall be to establish, maintain, operate, and expand  
20      necessary and proper riverport and river navigation facilities, and to acquire and  
21      develop property, or rights therein within the economic environs, the home county,  
22      or any county adjacent thereto, of the riverport or proposed riverport to attract  
23      directly or indirectly river-oriented industry. It shall have the duty and such powers  
24      as may be necessary or desirable to promote and develop navigation, river  
25      transportation, riverports, and riverport facilities, and to attract industrial or  
26      commercial operations to the property held as industrial parks.

27      (2) The authority shall establish and fix reasonable rates, charges, and fees for the use

1 of the riverport facilities, which shall be published on its Web site or that of the  
2 governing body of~~in a newspaper of general circulation in~~ the county in which the  
3 riverport is located. In fixing rates, charges, or fees the authority may take into  
4 consideration, among other factors, the total capital investment of the authority, the  
5 revenue needed properly to maintain such facilities, the revenue needed properly to  
6 expand the riverport and its facilities, the portion of the facilities utilized by the  
7 licensee or contracting party and its customers, and the volume and type of business  
8 conducted. Any party aggrieved by the rates, charges, or fees may appeal from the  
9 action of the authority to the Circuit Court of the county within which the authority  
10 operates, within ninety (90) days from the date that the authority finally publishes  
11 the rates, charges, or fees and gives notice of same to the contracting party or  
12 licensee. The Circuit Court may hear evidence and determine whether or not the  
13 rates, charges, or fees are, or are not, reasonable in amount. Appeal from the  
14 judgment of the Circuit Court may be prosecuted as any other civil appeal.

15 (3) The authority shall also have power, from time to time, to fix rates, charges, or fees  
16 by contract, or by publishing general rates, charges, or fees for commercial vendors,  
17 concessionaires, or other persons for the use or occupancy of riverport facilities  
18 under the terms and conditions it deems to be in the best interest of maintaining,  
19 operating, or expanding necessary riverport facilities, and the public use thereof.

20 (4) The authority may acquire by contract, lease, purchase, option, gift, condemnation,  
21 or otherwise any real or personal property, or rights therein, necessary or suitable  
22 for establishing, developing, operating, or expanding riverports, riverport facilities,  
23 water navigation facilities, including spoilage areas for the disposal of materials  
24 dredged from river bottoms in an effort to improve the navigability of rivers, reserve  
25 storage areas and reserves of bulk materials utilized by the authority or any person  
26 acting as the authority's agent or licensee, and industrial parks or sites within the  
27 economic environs of the riverport or proposed riverport. The authority may erect,

1 equip, operate, and maintain on the property buildings and equipment necessary and  
2 proper for riverport and water navigation facilities. The authority may dispose of  
3 any real or personal property, or rights therein, which in the opinion of the authority  
4 is not needed for use as riverport or water navigation facilities, or use as industrial  
5 parks or sites. The authority may lease, sell, convey, or assign its interest in land  
6 owned, optioned, or otherwise held by it to any person for the purpose of  
7 constructing and/or operating any industrial or commercial facility or for the  
8 purpose of acting as the authority's agent or licensee in effectively carrying out any  
9 of its powers and duties.

10 (5) With the consent of the legislative body of the governmental unit in which the  
11 property to be condemned is located, the authority may by resolution, reciting that  
12 the property cannot be acquired by purchase or agreement and is needed for  
13 riverport, water navigation, or industrial purposes in accordance with the powers set  
14 forth in subsection (4) of this section, direct the condemnation of any property. The  
15 procedure for condemnation shall conform to the procedure set out in the Eminent  
16 Domain Act of Kentucky.

17 (6) The authority may apply for, receive authorization for, establish, and operate a  
18 foreign trade zone, as permitted by 19 U.S.C. sec. 81, provided approval is obtained  
19 from the Cabinet for Economic Development.

20 (7) The authority shall comply with the provisions of KRS 65A.010 to 65A.090.

21 ➔Section 3. KRS 65.686 is amended to read as follows:

22 (1) Any city or county may establish or modify a development area by:

23 (a) Holding a public hearing by its governing body or its designee at which  
24 interested parties are afforded a reasonable opportunity to express their views  
25 on the proposed creation or modification of a development area and its  
26 boundaries. Notice of the hearing shall:

27 1. Include a declaration that the purpose of the hearing is to afford

- 1 interested parties an opportunity to express their views regarding the  
2 proposed development area;
- 3 2. Include a general description of the boundaries of the proposed  
4 development area;
- 5 3. State the time and place of the hearing; and
- 6 4. Be published on the city's or county's Web site ~~[in a local newspaper of~~  
7 ~~general circulation]~~ at least seven (7) days but no more than twenty-one  
8 (21) days prior to the scheduled hearing date; and

9 (b) Adopting an ordinance which shall:

- 10 1. Describe the boundaries of the proposed development area with  
11 sufficiency to allow ordinary and reasonable certainty of the territory  
12 included. However, no proposed development area shall include  
13 property located in any other development area;
- 14 2. Create the development area on a date certain, which shall be referred to  
15 as the commencement date;
- 16 3. Assign a name to the proposed development area for identification  
17 purposes;
- 18 4. Contain findings that the designation of the proposed development area  
19 will result in the increase in the value of property located in the  
20 development area or result in increased employment within or around  
21 the development area, or both;
- 22 5. Approve the grant contract, if any, relating to a development area;
- 23 6. Establish, if applicable, a special fund for that development area;
- 24 7. Contain any other findings, limitations, rules, or procedures regarding  
25 the proposed development area and its establishment or maintenance as  
26 deemed necessary by the governing body; and
- 27 8. Permit, if applicable, the levying of an assessment; and

- 1 (c) Providing the official charged with collecting revenues in the development  
2 area, if the official is not an employee of the city or county designating the  
3 development area, with a description of the development area and any other  
4 information available which is needed to determine increments or new  
5 revenues.
- 6 (2) (a) For any development area for which increments do not include revenues from  
7 the Commonwealth, increments generated in a development area shall be  
8 submitted by the official charged with collecting revenues in the development  
9 area, to the city or county establishing the special fund for that development  
10 area, deposited to that special fund and used to pay the costs of projects or to  
11 pay debt charges on increment bonds, except that increments payable to any  
12 city or county other than the city or county establishing the development area  
13 shall be submitted to that city or county as if no development area existed  
14 unless that city or county is a party to a grant contract that provides that some  
15 or all of the increments are to be submitted to a special fund.
- 16 (b) For any development area for which increments include revenues from the  
17 Commonwealth, increments paid by the city, county, or Commonwealth to the  
18 agency for which the development area is created shall be used to pay the  
19 costs of projects or to pay debt charges on increment bonds.
- 20 (3) The existence of a development area shall terminate on the termination date.
- 21 ➔Section 4. KRS 65A.050 is amended to read as follows:
- 22 (1) (a) As used in this subsection, "entity seeking dissolution" shall mean:
- 23 1. The DLG;
- 24 2. If the special purpose governmental entity was established by one (1)  
25 county, or by one (1) city, the governing body of the county or city that  
26 established the special purpose governmental entity;
- 27 3. If the special purpose governmental entity was established by multiple

1 counties and cities, the governing bodies of all establishing entities; or

2 4. If the special purpose governmental entity was established other than by  
3 an establishing entity, the governing body or bodies of the county or  
4 counties in which the special purpose governmental entity provides or  
5 provided services, or operates or operated.

6 (b) Any special purpose governmental entity that meets at least one (1) of the  
7 following criteria may be administratively dissolved:

8 1. The special purpose governmental entity has taken no action for two (2)  
9 or more consecutive years;

10 2. Following a written inquiry from the entity seeking dissolution, the chair  
11 of the special purpose governmental entity either:

12 a. Notifies the entity seeking dissolution in writing that the special  
13 purpose governmental entity has not had a governing board, or has  
14 not had a sufficient number of governing board members to  
15 constitute a quorum for two (2) or more consecutive years; or

16 b. Fails to respond to the inquiry within thirty (30) days;

17 3. The special purpose governmental entity fails to register with the DLG  
18 as required by KRS 65A.090;

19 4. The special purpose governmental entity fails to file the information  
20 required by KRS 65A.020 for two (2) or more consecutive years; or

21 5. The governing body of the special purpose governmental entity provides  
22 documentation to the DLG or the governing body or bodies of the  
23 establishing entity that it has unanimously adopted a resolution declaring  
24 the special purpose governmental entity inactive.

25 (c) To begin the process of administrative dissolution, the entity seeking  
26 dissolution shall provide notification of the proposed administrative  
27 dissolution as provided in this paragraph:



- 1           1.    The entity seeking dissolution shall:
- 2               a.    Post a notice of proposed administrative dissolution on the registry
- 3                        established by KRS 65A.020;
- 4               b.    For administrative dissolutions under subparagraphs 3., 4., and 5.
- 5                        of paragraph (b) of this subsection, publish, in accordance with the
- 6                        provisions of KRS Chapter 424, a notice of proposed
- 7                        administrative dissolution, with the cost of the publication billed to
- 8                        the special purpose governmental entity for which administrative
- 9                        dissolution is sought;
- 10              c.    Mail a copy of the notice to the registered contact for the special
- 11                        purpose governmental entity, if any; and
- 12              d.    Mail a copy of the notice as follows:
- 13                        i.    If the dissolution is sought by the DLG, to the governing
- 14                                body of the establishing entity or county, and to all entities at
- 15                                the state level having oversight of or responsibility for the
- 16                                special purpose governmental entity; and
- 17                        ii.   If the dissolution is sought by an establishing entity or
- 18                                county, to the DLG and any other establishing entities or
- 19                                counties, and to all entities at the state level having oversight
- 20                                of or responsibility for the special purpose governmental
- 21                                entity; and
- 22           2.    The notice shall include:
- 23               a.    The name of the entity seeking dissolution, and contact
- 24                        information for the entity;
- 25               b.    The name of the special purpose governmental entity for which
- 26                        dissolution is sought;
- 27               c.    The statutes under which the special purpose governmental entity

- 1                                    was organized and operating;
- 2                                    d.    A description of the services provided and the territory of the
- 3    special purpose governmental entity;
- 4                                    e.    If there is a plan of dissolution as required by paragraph (e) of this
- 5    subsection, identification of the place where the plan of dissolution
- 6    may be reviewed;
- 7                                    f.    A statement that any objections to the administrative dissolution
- 8    shall be filed in writing with the entity seeking to dissolve the
- 9    special purpose governmental entity within thirty (30) days after
- 10    the publication date, and the address and process for submitting
- 11    such objections; and
- 12                                    g.    A statement that if no written objections are received within thirty
- 13    (30) days of publication of the notice, the special purpose
- 14    governmental entity shall be administratively dissolved.
- 15                                    (d) 1.    Any resident living in or owning property in the area served by the
- 16    special purpose governmental entity for which dissolution is sought,
- 17    who is not a member of the governing body of the special purpose
- 18    governmental entity or an immediate family member of a member of the
- 19    governing body of the special purpose governmental entity, may file a
- 20    written objection to the dissolution with the entity seeking dissolution.
- 21    The written objection shall state the specific reasons why the special
- 22    purpose governmental entity shall not be dissolved, and shall be filed
- 23    within thirty (30) days after the posting of the notice on the registry as
- 24    required by paragraph (c) of this subsection.
- 25                                    2.    a.    Upon the passage of thirty (30) days with no objections filed, and
- 26    satisfaction of all outstanding obligations of the special purpose
- 27    governmental entity, the special purpose governmental entity shall

1 be deemed dissolved and, if a dissolution plan was required, the  
2 entity seeking dissolution shall proceed to implement the  
3 dissolution plan.

4 b. Notification of dissolution shall be provided by the entity seeking  
5 dissolution to all other entities listed under paragraph (a) of this  
6 subsection. The DLG shall maintain a list of all dissolved special  
7 purpose governmental entities and the date of dissolution on the  
8 registry established by KRS 65A.020.

9 3. If written objections are received within thirty (30) days of the  
10 publication on the registry required by paragraph (c) of this subsection,  
11 the dissolution process shall be aborted, and the process established by  
12 subsection (2) of this section shall be utilized if it is determined that  
13 dissolution should still be sought, notwithstanding any other dissolution  
14 process that may exist in the Kentucky Revised Statutes for the type of  
15 special purpose governmental entity for which dissolution is sought.

16 (e) If the special purpose governmental entity for which administrative  
17 dissolution is sought:

- 18 1. Is providing services;
- 19 2. Has outstanding liabilities; or
- 20 3. Has assets;

21 the entity seeking dissolution shall, as part of the dissolution process, develop  
22 a dissolution plan that includes, as relevant, provisions addressing the  
23 continuation of services, the satisfaction of all liabilities, and the distribution  
24 of assets of the special purpose governmental entity.

25 (2) Any special purpose governmental entity not meeting the requirements for  
26 dissolution under subsection (1) of this section, and for which no specific  
27 dissolution provisions apply in the Kentucky Revised Statutes, may be dissolved as

1 provided in this subsection:

2 (a) The dissolution of a special purpose governmental entity may be initiated  
3 upon:

4 1. The affirmative vote of two-thirds (2/3) of the governing body of the  
5 special purpose governmental entity and the adoption of an ordinance by  
6 the affirmative vote of two-thirds (2/3) of the governing body of each  
7 establishing entity;

8 2. The adoption of an ordinance by an affirmative vote of two-thirds (2/3)  
9 of the governing body of each establishing entity; or

10 3. If there is no establishing entity, by the adoption of an ordinance by an  
11 affirmative vote of two-thirds (2/3) of the governing body of each  
12 county in which the special purpose governmental entity provides  
13 services or operates;

14 (b) Upon initiation of a dissolution after an affirmative vote as provided in  
15 paragraph (a) of this subsection, the special purpose governmental entity for  
16 which dissolution is sought shall not assume any new obligations or duties,  
17 contract for any new debt, or levy any additional fees or taxes unless the new  
18 obligations, duties, debt, fees, or taxes are included in the dissolution plan  
19 required by paragraph (c) of this subsection. Any contract or agreement or  
20 plan for new obligations, duties, debt, fees, or taxes entered into or devised in  
21 violation of this paragraph shall be void;

22 (c) After voting to commence dissolution of a special purpose governmental  
23 entity, the governing body or bodies initiating the dissolution shall:

24 1. Develop a dissolution plan which, if adopted by an establishing entity  
25 shall be by ordinance, which shall include but not be limited to:

26 a. A description of how the necessary governmental services  
27 provided by the special purpose governmental entity will be

- 1 provided upon dissolution of the entity or a statement that the  
2 services are no longer needed;
- 3 b. A plan for the satisfaction of any outstanding obligations of the  
4 special purpose governmental entity, including the continuation of  
5 any tax levies or fee payments necessary to meet the outstanding  
6 obligations;
- 7 c. Assurances from any organization or entity that will be assuming  
8 responsibility for services provided by the special purpose  
9 governmental entity, or that will assume the obligations of the  
10 special purpose governmental entity, that the organization or entity  
11 will, in fact, provide the services or assume the obligations;
- 12 d. A plan for the orderly transfer of all assets of the special purpose  
13 governmental entity in a manner that will continue to benefit those  
14 to whom services were provided by the special purpose  
15 governmental entity;
- 16 e. A date upon which final dissolution of the special purpose  
17 governmental entity shall occur; and
- 18 f. Any other information the governing body wishes to include.

19 The dissolution plan shall be available for public review at least thirty  
20 (30) days prior to the public hearing required by subparagraph 2. of this  
21 paragraph;

- 22 2. Hold a public hearing in each county and city that is participating in the  
23 dissolution to present the proposed dissolution plan and receive  
24 feedback from the public. The time and location of the hearing, as well  
25 as the location where a copy of the dissolution plan may be reviewed by  
26 the public prior to the hearing, shall be advertised as provided in KRS  
27 424.130, and shall be posted on the registry established by KRS

- 1                   65A.020. The hearing shall be held not less than fifteen (15) days, nor  
2                   more than thirty (30) days, after the publication of the notice~~[-in the~~  
3                   ~~newspaper]~~;
- 4                   3. Send a copy of the notice required by subparagraph 2. of this paragraph  
5                   to the DLG and to any state entity with oversight authority of the special  
6                   purpose governmental entity;
- 7                   4. If the dissolution plan is amended after the public hearing, make the  
8                   amended dissolution plan available for public inspection for at least  
9                   fifteen (15) days prior to the final vote of the governing body under  
10                  subparagraph 6. of this paragraph;
- 11                 5. If the special purpose governmental entity is a utility as defined in KRS  
12                   278.010(3), obtain approval from the Public Service Commission  
13                   pursuant to KRS 278.020(6); and
- 14                 6. Within sixty (60) days after the date of the public hearing, finally  
15                   approve or disapprove the dissolution of the special purpose  
16                   governmental entity and the dissolution plan. Approval shall require:
- 17                   a. If initiated by the governing board of the special purpose  
18                   governmental entity, the affirmative vote of two-thirds (2/3) of the  
19                   members of the governing body of the special purpose  
20                   governmental entity and the adoption of an ordinance by two-  
21                   thirds (2/3) of the members of the governing body of each  
22                   establishing entity;
- 23                   b. The adoption of an ordinance by two-thirds (2/3) of the members  
24                   of the governing body of each establishing entity; or
- 25                   c. If there is no establishing entity, by the adoption of an ordinance  
26                   by two-thirds (2/3) of the members of the governing body of each  
27                   county in which the special purpose governmental entity provided

1 services or operated;

2 (d) The governing body or bodies shall notify the DLG of the outcome of the vote  
3 or votes taken pursuant to subparagraph 6. of paragraph (c) of this subsection;  
4 and

5 (e) Notwithstanding any other provision of this section, the dissolution of a  
6 special purpose governmental entity shall not be final until all obligations of  
7 the special purpose governmental entity have been satisfied or have been  
8 assumed by another entity.

9 ➔Section 5. KRS 67.090 is amended to read as follows:

10 (1) The fiscal court of each county shall hold its sessions at the county seat or at other  
11 county government centers within the county as authorized by the fiscal court. On  
12 the seventh day prior to any meeting of the fiscal court at a site other than the  
13 county seat, the clerk of the fiscal court shall, for one (1) day, publish notice of the  
14 meeting on the fiscal court's Web site~~[in a newspaper]~~ as provided by KRS Chapter  
15 424.

16 (2) The fiscal court shall hold a regular term each month, which shall continue until the  
17 business of the court is completed. The county judge/executive may, by an order of  
18 record, fix the dates for the commencement of the regular terms.

19 (3) The county judge/executive may call a special term of the fiscal court for the  
20 transaction of any business of which that court has jurisdiction. If a special term is  
21 necessary and the county judge/executive is unable, or refuses to act, a majority of  
22 the members of the fiscal court may call the special term.

23 ➔Section 6. KRS 67.855 is amended to read as follows:

24 (1) Charter county governments may enact and enforce within their territorial limits the  
25 tax, licensing, police, sanitary, and other ordinances not in conflict with the  
26 Constitution and general statutes of this state now or hereafter enacted, required for  
27 the health, education, safety, welfare, and convenience of the inhabitants of the

1 county and for the effective administration of the charter county government. A  
2 charter county government shall not enact any ordinance that imposes any tax or  
3 license, franchise or other fee, or requires a license, franchise, or other permission,  
4 for or with respect to the construction or maintenance of any utility equipment,  
5 facility, or apparatus along, over, under, or across the streets, alleys, or public  
6 grounds of, or the operation of any utility business within, any portion of the area of  
7 the government outside of the larger of the area within the corporate boundaries of  
8 the participating city or cities at the time of creation of the charter county  
9 government, or that part of the area of the charter county government within which  
10 the government provides at least the level of services provided by any participating  
11 city that existed prior to the creation of the charter county government.

12 (2) Charter county government ordinances shall be deemed to conflict with general  
13 statutes of this state only:

14 (a) When the ordinance authorizes that which is expressly prohibited by a general  
15 statute; or

16 (b) When there is a comprehensive scheme of legislation on the same subject  
17 embodied in a general statute.

18 (3) No ordinance or resolution shall be considered by the charter county government  
19 legislative body until it has been read at two (2) separate meetings. A second  
20 reading may be suspended by a two-thirds (2/3) vote of the membership of the  
21 legislative body. Requirements for reading ordinances or resolutions may be  
22 satisfied by public reading of the title and summary.

23 (4) All ordinances and resolutions shall be effective upon passage, unless timely vetoed  
24 by the chief executive officer of the charter county government pursuant to the  
25 provisions of the comprehensive plan of the charter county government. Any  
26 ordinance or resolution imposing fines, forfeitures, imprisonment, taxes, or fees,  
27 other than a bond ordinance or resolution, shall be published *on the charter county*



1        government's Web site in full [~~in a newspaper qualified under KRS 424.120~~]. The  
2        publication requirements for all other ordinances or resolutions, including bond  
3        ordinances or resolutions, shall be satisfied by publication in full or by publication  
4        of the title and summary.

5        (5) The provisions of any local, statewide, or nationally recognized standard code and  
6        codifications of entire bodies of local legislation may be adopted by ordinance that  
7        identifies the subject matter by title, source, and date and incorporates the adopted  
8        provisions by reference without setting them out in full, if a copy accompanies the  
9        adopting ordinance and is made a part of the permanent records of the charter  
10       county government.

11       ➔Section 7. KRS 67A.070 is amended to read as follows:

12       (1) Urban-county governments may enact and enforce within their territorial limits such  
13       tax, licensing, police, sanitary and other ordinances not in conflict with the  
14       Constitution and general statutes of this state now or hereafter enacted, as they shall  
15       deem requisite for the health, education, safety, welfare and convenience of the  
16       inhabitants of the county and for the effective administration of the urban-county  
17       government.

18       (2) Urban-county government ordinances shall be deemed to conflict with general  
19       statutes of this state only:

20       (a) When the ordinance authorizes that which is expressly prohibited by a general  
21       statute; or

22       (b) When there is a comprehensive scheme of legislation on the same subject  
23       embodied in a general statute.

24       (3) No ordinance or resolution shall be considered by the urban-county government  
25       legislative body until it has been read at two (2) separate meetings; provided,  
26       however, that the requirement for a second reading may be suspended by a two-  
27       thirds (2/3) vote of the membership of the legislative body. Requirements for

1 reading ordinances or resolutions may be satisfied by public reading of the title and  
2 of a certified synopsis of the contents prepared by an attorney licensed to practice  
3 law in the Commonwealth of Kentucky.

4 (4) All ordinances and resolutions shall be effective upon passage, unless timely vetoed  
5 by the chief executive officer of the urban-county government pursuant to the  
6 provisions of the comprehensive plan of the urban-county government. All  
7 ordinances of the urban-county government shall be published in full or by  
8 publication of the title and a certified synopsis prepared by an attorney licensed to  
9 practice law in the Commonwealth of Kentucky. A certified synopsis shall include a  
10 brief narrative setting out the main points of the ordinance in a way reasonably  
11 calculated to inform the public in a clear and understandable manner of the meaning  
12 of the ordinance and shall contain the full text of any section that imposes taxes or  
13 fees. The publication shall occur on the urban-county government's Web site~~in~~  
14 ~~the daily newspaper which has the largest bona fide circulation in the county and is~~  
15 ~~published in the publication area.~~

16 (5) The provisions of any local, statewide or nationally recognized standard code and  
17 codifications of entire bodies of local legislation may be adopted by ordinance  
18 which identifies the subject matter by title, source and date and incorporates the  
19 adopted provisions by reference without setting them out in full, provided a copy  
20 accompanies the adopting ordinance and is made a part of the permanent records of  
21 the urban-county government.

22 ➔Section 8. KRS 67A.160 is amended to read as follows:

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

24 (1) A public parks purchase and maintenance program proposal authorized by KRS  
25 97.590 may be submitted to the voters of an urban-county by either a resolution of  
26 the legislative body or a petition meeting the requirements of this section. The  
27 resolution or petition shall set out the matters specified in KRS 97.590(1). The

1 proposal shall be drafted in such a way that a vote in favor of adoption shall be a  
2 vote in favor of the effect or impact of the proposal.

3 (2) Petitions shall be signed by registered voters of the urban-county government equal  
4 in number to at least ten percent (10%) of the total number of votes cast in the  
5 urban-county in the last regular mayoral election of the urban-county government.

6 (3) If, not later than ninety (90) days preceding the day established for a regular  
7 election, the county clerk receives a resolution adopted by a three-fifths (3/5) vote  
8 of the legislative body of the urban-county government requesting that the question  
9 be submitted to the voters or determines that a petition submitted in accordance  
10 with this section is sufficient, the legal department of the urban-county government  
11 shall prepare to place before the voters of the urban-county government at the next  
12 regular election the question, which shall appear on the ballot in the following form:

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

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

15 The county clerk shall cause to be published on the urban-county government's  
16 Web site at least~~[not fewer than three (3) times within]~~ thirty (30) days prior to~~[of]~~  
17 the election,~~[ in a newspaper having a general circulation in the territory of the~~  
18 ~~urban-county government,]~~ notice of the referendum, the exact language of the  
19 proposal, and a map prepared by the urban-county government showing the general  
20 location of the properties that may be purchased and the public parks that may be  
21 maintained under the program.

22 (4) The provisions of general election law shall apply to a referendum conducted under  
23 this section. The certificate of the body authorized by law to canvass election  
24 returns shall be delivered to the mayor of the urban-county government and the  
25 certificate shall be entered upon the records of the urban-county government during  
26 the next regular meeting of the urban-county government legislative body. If a  
27 proposed program is approved, it shall become effective at the time specified in the

1       proposal, but the effective date shall not be before the first day of January following  
2       the election.

3       (5) After complying with the provisions of this section and KRS 67A.847, a purchase  
4       of development rights program authorized by KRS 67A.843 and 67A.845 may  
5       include a public parks and maintenance program proposal authorized by KRS  
6       97.590. In the case of a combined proposal, the urban-county government shall  
7       place before the voters a single ballot proposal that combines the purchase of  
8       development rights proposal and the public parks purchase and maintenance  
9       proposal. In that event, the proposal shall specify which tax levy or portion thereof  
10      shall provide funding for the purchase of development rights program proposal and  
11      which shall provide funding for the purchase of parks and maintenance program.

12      ➔Section 9. KRS 67A.847 is amended to read as follows:

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

14      (1) A purchase of development rights program proposal authorized by KRS 67A.843  
15      and 67A.845 may be submitted to the voters of an urban-county by either a  
16      resolution of the legislative body or a petition meeting the requirements of this  
17      section. The resolution or petition shall set out the matters specified in KRS  
18      67A.843(1). The proposal shall be drafted in such a way that a vote in favor of  
19      adoption shall be a vote in favor of the proposal.

20      (2) Petitions shall be signed by registered voters of the urban-county government equal  
21      in number to at least ten percent (10%) of the total number of votes cast in the  
22      urban-county in the last regular mayoral election of the urban-county government.

23      (3) If, not later than ninety (90) days preceding the day established for a regular  
24      election, the county clerk receives a resolution adopted by a three-fifths (3/5) vote  
25      of the legislative body of the urban-county government requesting that the question  
26      be submitted to the voters or determines that a petition submitted in accordance  
27      with this section is sufficient, the legal department of the urban-county government

1 shall prepare to place before the voters of the urban-county government at the next  
2 regular election the question, which shall appear on the ballot in the following form:

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

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

5 The county clerk shall cause to be published on the urban-county government's  
6 Web site at least~~[, not fewer than three (3) times within the]~~ thirty (30) days prior  
7 to~~[day period immediately preceding]~~ the election~~[ in a newspaper having a general~~  
8 ~~circulation in the territory of the urban-county government]~~, notice of the  
9 referendum, the exact language of the proposal, and a map prepared by the urban-  
10 county government showing the general location of the properties from which  
11 development rights may be purchased under the program.

12 (4) The provisions of general election law shall apply to a referendum conducted under  
13 this section. The certificate of the body authorized by law to canvass election  
14 returns shall be delivered to the mayor of the urban-county government and the  
15 certificate shall be entered upon the records of the urban-county government during  
16 the next regular meeting of the urban-county government legislative body. If a  
17 proposed program is approved, it shall become effective at the time specified in the  
18 proposal, but the effective date shall not be before the first day of January following  
19 the election.

20 (5) After compliance with the provisions of this section and KRS 67A.160, a purchase  
21 of development rights program authorized by KRS 67A.843 and 67A.845 may be  
22 combined with a public parks purchase and maintenance program proposal  
23 authorized by KRS 97.590. In the case of a combined proposal, the urban-county  
24 government shall place before the voters a single ballot proposal that combines the  
25 purchase of development rights program proposal and the parks purchase and  
26 maintenance program proposal. In that event, the proposal shall specify which tax  
27 levy or portion thereof shall provide funding for the purchase of development rights

1 program proposal and which will provide funding for the parks purchase and  
2 maintenance program proposal.

3 ➔Section 10. KRS 68.245 is amended to read as follows:

- 4 (1) The property valuation administrator shall submit an official estimate of real and  
5 personal property and new property assessment as defined in KRS 132.010, to the  
6 county judge/executive by April 1 of each year.
- 7 (2) No county fiscal court shall levy a tax rate, excluding any special tax rate which  
8 may be levied at the request of a county community improvement district pursuant  
9 to KRS 107.350 and 107.360, following a favorable vote upon such tax by the  
10 voters of that county, which exceeds the compensating tax rate defined in KRS  
11 132.010, until the taxing district has complied with the provisions of subsection (5)  
12 of this section.
- 13 (3) The state local finance officer shall certify to each county judge/executive, by June  
14 30 of each year, the following:
- 15 (a) The compensating tax rate, as defined in KRS 132.010, and the amount of  
16 revenue expected to be produced by it;
- 17 (b) The tax rate which will produce no more revenue from real property,  
18 exclusive of revenue from new property, than four percent (4%) over the  
19 amount of revenue produced by the compensating tax rate defined in KRS  
20 132.010 and the amount of revenue expected to be produced by it.
- 21 (4) Real and personal property assessment and new property determined in accordance  
22 with KRS 132.010 shall be certified to the state local finance officer by the  
23 Department of Revenue upon completion of action on property assessment data.
- 24 (5) (a) A county fiscal court, proposing to levy a tax rate, excluding any special tax  
25 rate which may be levied at the request of a county community improvement  
26 district pursuant to KRS 107.350 and 107.360, following a favorable vote  
27 upon the tax by the voters of that county, which exceeds the compensating tax

1 rate defined in KRS 132.010, shall hold a public hearing to hear comments  
2 from the public regarding the proposed tax rate. The hearing shall be held in  
3 the principal office of the taxing district, or, in the event the taxing district has  
4 no office, or the office is not suitable for a hearing, the hearing shall be held in  
5 a suitable facility as near as possible to the geographic center of the district.

6 (b) County fiscal courts of counties containing a city of the first class proposing to  
7 levy a tax rate, excluding any special tax rate which may be levied at the  
8 request of a county community improvement district pursuant to KRS 107.350  
9 and 107.360, following a favorable vote upon the tax by the voters of that  
10 county, which exceeds the compensating tax rate defined in KRS 132.010,  
11 shall hold three (3) public hearings to hear comments from the public  
12 regarding the proposed tax rate. The hearings shall be held in three (3)  
13 separate locations; each location shall be determined by dividing the county  
14 into three (3) approximately equal geographic areas, and identifying a suitable  
15 facility as near as possible to the geographic center of each area.

16 (c) The county fiscal court shall advertise the hearing by causing to be published  
17 on its Web site for at least ~~twice in~~ two (2) consecutive weeks ~~in the~~  
18 ~~newspaper of largest circulation in the county, a display type advertisement of~~  
19 ~~not less than twelve (12) column inches,~~ the following:

- 20 1. The tax rate levied in the preceding year, and the revenue produced by  
21 that rate;
- 22 2. The tax rate proposed for the current year and the revenue expected to be  
23 produced by that rate;
- 24 3. The compensating tax rate and the revenue expected from it;
- 25 4. The revenue expected from new property and personal property;
- 26 5. The general areas to which revenue in excess of the revenue produced in  
27 the preceding year is to be allocated;

- 1           6. A time and place for the public hearings which shall be held not less  
2           than seven (7) days nor more than ten (10) days, after the publication on  
3           the Web site~~[day that the second advertisement is published];~~
- 4           7. The purpose of the hearing; and
- 5           8. A statement to the effect that the General Assembly has required  
6           publication of the advertisement and the information contained therein.
- 7           (d) ~~[In lieu of the two (2) published notices, ]~~A single notice containing the  
8           required information may be sent by first-class mail to each person owning  
9           real property, addressed to the property owner at his residence or principal  
10          place of business as shown on the current year property tax roll.
- 11          (e) The hearing shall be open to the public. All persons desiring to be heard shall  
12          be given an opportunity to present oral testimony. The county fiscal court may  
13          set reasonable time limits for testimony.
- 14          (6) (a) That portion of a tax rate, excluding any special tax rate which may be levied  
15          at the request of a county community improvement district pursuant to KRS  
16          107.350 and 107.360, following a favorable vote upon a tax by the voters of  
17          that county, levied by an action of a county fiscal court which will produce  
18          revenue from real property, exclusive of revenue from new property, more  
19          than four percent (4%) over the amount of revenue produced by the  
20          compensating tax rate defined in KRS 132.010 shall be subject to a recall vote  
21          or reconsideration by the taxing district, as provided for in KRS 132.017, and  
22          shall be advertised as provided for in paragraph (b) of this subsection.
- 23          (b) The county fiscal court shall, within seven (7) days following adoption of an  
24          ordinance to levy a tax rate, excluding any special tax rate which may be  
25          levied at the request of a county community improvement district pursuant to  
26          KRS 107.350 and 107.360, following a favorable vote upon a tax by the  
27          voters of that county, which will produce revenue from real property,



1 exclusive of revenue from new property as defined in KRS 132.010, more  
2 than four percent (4%) over the amount of revenue produced by the  
3 compensating tax rate defined in KRS 132.010, cause to be published on its  
4 Web site~~[, in the newspaper of largest circulation in the county, a display type~~  
5 ~~advertisement of not less than twelve (12) column inches]~~ the following:

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

14 ➔Section 11. KRS 74.361 is amended to read as follows:

- 15 (1) The General Assembly of the Commonwealth of Kentucky determines as a  
16 legislative finding of fact that reduction of the number of operating water districts in  
17 the Commonwealth will be in the public interest, in that mergers of such districts  
18 will tend to eliminate wasteful duplication of costs and efforts, result in a sounder  
19 and more businesslike degree of management, and ultimately result in greater  
20 economies, less cost, and a higher degree of service to the general public; and that  
21 the public policy favors the merger of water districts wherever feasible.
- 22 (2) The Public Service Commission of Kentucky is authorized and empowered to  
23 initiate, carry out, and complete such investigations, inquiries, and studies as may  
24 be reasonably necessary to determine the advisability as to the merger of water  
25 districts. Prior to ordering a hearing with reference to the merger of any water  
26 district into one (1) or more additional water districts, the Public Service  
27 Commission shall cause to be prepared in writing a feasibility report and study

1 regarding the proposed merger, containing such studies, investigations, facts,  
2 historical data, and projections as in the circumstances may be required in order to  
3 enable the commission to formulate a proper decision regarding such merger.

4 (3) Based upon the written report and study required to be made incident to any water  
5 district merger, the Public Service Commission may propose by order that a merger  
6 of water districts be accomplished, and, upon the issuance of such order, shall give  
7 actual notice to all water districts proposed to be merged. Said order shall provide  
8 for a formal public hearing to be held before the Public Service Commission on the  
9 subject of such proposed merger. Actual notice of such merger hearing shall also be  
10 furnished to the county judges/executive of each county containing a water district  
11 proposed to be merged, and each water commissioner of a water district proposed to  
12 be merged, and notice of such public hearing shall be afforded to the public served  
13 by the respective water districts sought to be merged, by ~~newspaper~~ notice in  
14 accordance with the provisions of KRS Chapter 424.

15 (4) A formal hearing before the Public Service Commission shall be held with  
16 reference to such merger proposal, and, upon such occasion, all water districts  
17 which are sought to be merged into a single entity shall be afforded the right to  
18 appear, to present evidence, to examine all exhibits and testimony, to cross-examine  
19 all witnesses, and to submit such memoranda, written evidence, and briefs as may  
20 be desired. Such public hearing may be adjourned from time to time by the Public  
21 Service Commission, and notice of such adjournments may, but need not, be  
22 afforded as with reference to the initial public hearing. At the conclusion of such  
23 proceedings, the Public Service Commission shall enter its order, either merging the  
24 water districts which are the subject of the merger proceedings into a single water  
25 district, or abandoning the merger proposal.

26 (5) Outstanding obligations of any water district merged in accordance with the  
27 provisions of this section which are secured by the right to levy an assessment as

1 provided by KRS 74.130 to 74.230, inclusive, or secured by a pledge of the income  
2 and revenues of the systems operated by any such merged water district, shall  
3 continue to be retired from such moneys and funds as shall be collected from the  
4 users of facilities operated by such merged water districts in the original water  
5 district area in accordance with the terms and provisions of the enabling laws and  
6 the authorizing resolutions or indentures under which the outstanding obligations  
7 were issued, until all such obligations have been retired.

8 (6) In any order ordering the merger of water districts, the Public Service Commission  
9 shall make such additional orders as may be required in connection with the  
10 schedule of rates, rentals and charges for services rendered to be levied by the water  
11 district which remains in existence following such merger, having due regard to  
12 contractual commitments made and entered into by the constituent merged water  
13 districts in connection with the issuance of obligations by such districts.

14 (7) Upon the effective date of any merger of water districts, the water commissioners of  
15 the merged water districts shall continue to serve as water commissioners of the  
16 resulting district, regardless of their normal term expiration, until one (1) year after  
17 approval of the merger by the Public Service Commission. Thereafter, the board  
18 shall be composed as set forth in KRS 74.363. The appropriate county  
19 judge/executive or county judges/executive shall appoint and reappoint water  
20 commissioners to manage the business and affairs of the resultant water district, in  
21 the manner provided by KRS 74.363.

22 (8) Any order of merger entered by the Public Service Commission in accordance with  
23 this section shall be subject to all of the provisions of KRS Chapter 278, with  
24 reference to petitions for rehearing, and appeal.

25 (9) Using the authority of this section the Public Service Commission can also cause  
26 mergers of water associations into water associations or mergers of water  
27 associations into water districts.

1 (10) Nothing contained herein shall be construed to prohibit or limit in any respect the  
2 acquisition by water utilities subject to the jurisdiction of the commission or by  
3 municipally owned water utilities of the assets of water districts or water  
4 associations or the merger of water districts or water associations and water utilities  
5 subject to the jurisdiction of the commission or municipally owned water utilities.

6 ➔Section 12. KRS 76.278 is amended to read as follows:

7 (1) In order to establish a comprehensive sewage and sewage treatment system, or  
8 storm water and surface drainage system, or both, within the sanitation tax district,  
9 the sanitation tax district through its board may levy an ad valorem tax upon the real  
10 property in the district, not exceeding limits designated by the Constitution of the  
11 Commonwealth. Provided, however, that notice stating the amount of the proposed  
12 tax and the area to be affected be published on the district's Web site~~in a~~  
13 ~~newspaper of bona fide circulation~~ as provided in KRS 424.130. Provided, further,  
14 that no resolution of the board imposing an ad valorem tax shall go into effect until  
15 the expiration of thirty (30) days after the first publication of the notice. If during  
16 the thirty (30) days next following the first notice of said resolution, a petition  
17 signed by a number of constitutionally qualified voters equal to fifteen percent  
18 (15%) of the votes cast within the area affected at the last preceding general  
19 election, stating the residence of each signer, and verified as to signatures and  
20 residence by the affidavits of one (1) or more persons is presented to the county  
21 judge/executive protesting against passage of such resolution or if the fiscal court  
22 passes a resolution suspending the tax, the resolution shall be suspended from going  
23 into effect. The county judge/executive shall notify the board of the sanitation tax  
24 district of the receipt of the petition or of the suspension of the resolution or both. If  
25 the resolution is not repealed by the board, the board shall submit to the voters of  
26 the area to be taxed, at the next regularly-scheduled November election, the  
27 question as to whether the tax shall be levied. The question as it will appear on the

1 ballot shall be filed with the county clerk not later than the second Tuesday in  
2 August preceding the regular election. The question shall be so framed that the  
3 voter may by his vote answer "for" or "against." If a majority of the votes cast upon  
4 the question oppose its passage, the resolution shall not go into effect. If a majority  
5 of the votes cast upon the question favor its passage, the resolution shall go into  
6 effect as of January 1 of the year succeeding the year in which the election is held.

7 (2) When such tax levy has been fully approved, the property valuation administrator,  
8 with the cooperation of the board shall note on the tax rolls the taxpayers and  
9 valuation of the property subject to such tax. The county clerk shall compute the tax  
10 on the regular state and county tax bills in such manner as may be directed by  
11 regulation of the Department of Revenue.

12 (3) Such ad valorem taxes shall be collected by the sheriff in accordance with the  
13 general law and accounted for to the board. The sheriff shall be entitled to a fee of  
14 one percent (1%) of the amount collected.

15 ➔Section 13. KRS 77.265 is amended to read as follows:

16 (1) The hearing board may revoke or modify by written order, after a public hearing  
17 held upon not less than ten (10) days' notice, any order permitting a variance.

18 (2) The hearing board shall serve, by personal service or by certified mail, return receipt  
19 requested, notice of the time and place of a hearing to revoke or modify any order  
20 permitting a variance not less than ten (10) days prior to such hearing upon the air  
21 pollution control officer, upon all persons who will be subjected to greater  
22 restrictions if such order is revoked or modified as proposed and upon all other  
23 persons interested or likely to be affected who have filed with the hearing board or  
24 air pollution control officer a written request for such notification.

25 (3) If either the identity or address of any person entitled to such notice is unknown, the  
26 hearing board shall serve such person by publication of notice on its Web site  
27 or~~once in a newspaper of general circulation published within the district if such~~

1 ~~newspaper is published therein, otherwise]~~ by posting at a public place at the county  
2 seat within the district.

3 ➔Section 14. KRS 91.756 is amended to read as follows:

- 4 (1) An ordinance establishing a management district shall include but not be limited to  
5 the following provisions:
- 6 (a) An accurate description of the boundaries of the management district  
7 designated either by map or perimeter description;
  - 8 (b) A description of the economic improvements that may be undertaken within  
9 the management district by its board of directors, including but not limited to:
    - 10 1. The planning, administration, and management of development or  
11 improvement activities;
    - 12 2. Landscaping, maintenance, and cleaning of public ways and spaces;
    - 13 3. The promotion of commercial activity or public events;
    - 14 4. The conduct of activities in support of business recruitment and  
15 development;
    - 16 5. The provision of security for public areas;
    - 17 6. The construction and maintenance of capital improvements to public  
18 ways and spaces; and
    - 19 7. Any other economic improvement activity that specially benefits  
20 property;
  - 21 (c) A requirement that the legislative body approve the annual budget and receive  
22 a copy of the annual economic improvement plan for the district;
  - 23 (d) The method of assessment of the properties that may include any fair basis  
24 authorized by KRS 91A.200 to 91A.290;
  - 25 (e) The method for collection of the assessment;
  - 26 (f) A method by which the annual increase in assessments caused by inflation,  
27 new growth, and other factors shall be limited;

- 1 (g) The organizational structure of the board of directors for the management  
2 district and its powers and duties; and
- 3 (h) Any other provisions deemed necessary by the legislative body to implement  
4 the provisions of KRS 91.750 to 91.762.
- 5 (2) After the first reading of the ordinance to establish the management district, but  
6 prior to its second reading and passage, a public hearing on the question of the  
7 establishment of the management district shall be held by the legislative body.
- 8 (3) A summary of the proposed plan for the management district shall be published ***on***  
9 ***the legislative body's Web site***~~[in a newspaper]~~ in accordance with KRS Chapter  
10 424~~[no less than twice,]~~ at least seven (7) but not earlier than twenty-one (21) days  
11 before the date of the public hearing. Notice shall also specify the date, time, and  
12 place of the hearing. In addition, a copy of the proposed ordinance and the notice of  
13 the hearing shall be mailed, by first class mail, to all property owners within the  
14 proposed management district.
- 15 (4) After the public hearing, the legislative body may give second reading to the  
16 ordinance that shall become effective if passed and approved pursuant to KRS  
17 83.500.
- 18 (5) After the establishment of a management district, the legislative body shall not  
19 decrease the level of publicly funded services in the management district existing  
20 prior to the creation of the district or transfer the burden of providing the services,  
21 unless the services at the same time are decreased throughout the city, consolidated  
22 local government, or urban-county.
- 23 ➔Section 15. KRS 91A.040 is amended to read as follows:
- 24 (1) Except as provided in subsections (2) and (3) of this section, each city shall, after  
25 the close of each fiscal year, cause each fund of the city to be audited by the Auditor  
26 of Public Accounts or a certified public accountant. The audits shall be completed  
27 by February 1 immediately following the fiscal year being audited. Within ten (10)

1 days of the completion of the audit and its presentation to the city legislative body  
2 in accordance with subsection (4)(e) of this section, each city shall forward an  
3 electronic copy or three (3) paper copies of the audit report to the Department for  
4 Local Government for information purposes. The Department for Local  
5 Government shall make available upon request either an electronic or paper copy of  
6 the audit report to the Legislative Research Commission to be used for the purposes  
7 of KRS 6.955 to 6.975 or to the Auditor of Public Accounts.

8 (2) A city with a population of less than one thousand (1,000) based upon the most  
9 recent federal decennial census shall, after the close of each odd-numbered fiscal  
10 year, cause each fund of the city to be audited by the Auditor of Public Accounts or  
11 a certified public accountant. The audits shall be completed by February 1  
12 immediately following the fiscal year to be audited. Within ten (10) days of the  
13 completion of the audit and its presentation to the city legislative body in  
14 accordance with subsection (4)(e) of this section, the city shall forward an electronic  
15 copy or three (3) paper copies of the audit report to the Department for Local  
16 Government for information purposes. The Department for Local Government shall  
17 make available on request either an electronic or paper copy of the audit report to  
18 the Legislative Research Commission to be used for the purposes of KRS 6.955 to  
19 6.975 or to the Auditor of Public Accounts. After the close of each even-numbered  
20 fiscal year, each city subject to the provisions of this subsection shall prepare a  
21 financial statement in accordance with KRS 424.220 and immediately forward one  
22 (1) electronic or paper copy to the Department for Local Government, which shall  
23 make available on request either an electronic or paper copy of the financial  
24 statement to the Legislative Research Commission or to the Auditor of Public  
25 Accounts.

26 (3) Any city, which for any fiscal year receives and expends, from all sources and for  
27 all purposes, less than seventy-five thousand dollars (\$75,000), and which has no



1 long-term debt, whether general obligation or revenue debt, shall not be required to  
2 audit each fund of the city for that particular fiscal year. Each city exempted in  
3 accordance with this subsection shall annually prepare a financial statement in  
4 accordance with KRS 424.220 and immediately forward one (1) electronic or paper  
5 copy to the Department for Local Government for information purposes. The  
6 Department for Local Government shall make available upon request either an  
7 electronic or paper copy of the financial statement to the Legislative Research  
8 Commission to be used for the purposes of KRS 6.955 to 6.975 or to the Auditor of  
9 Public Accounts.

10 (4) Each city required by this section to conduct an annual or biannual audit shall enter  
11 into a written contract with the selected auditor. The contract shall set forth all  
12 terms and conditions of the agreement which shall include but not be limited to  
13 requirements that:

14 (a) The auditor be employed to examine the basic financial statements, which  
15 shall include the government-wide and fund financial statements;

16 (b) The auditor shall include in the annual city audit report an examination of  
17 local government economic assistance funds granted to the city under KRS  
18 42.450 to 42.495. The auditor shall include a certification with the annual  
19 audit report that the funds were expended for the purpose intended;

20 (c) All audit information be prepared in accordance with generally accepted  
21 governmental auditing standards which include tests of the accounting records  
22 and auditing procedures considered necessary in the circumstances. Where the  
23 audit is to cover the use of state or federal funds, appropriate state or federal  
24 guidelines shall be utilized;

25 (d) The auditor shall prepare a typewritten or printed report embodying:

26 1. The basic financial statements and accompanying supplemental and  
27 required supplemental information;

- 1           2.    The auditor's opinion on the basic financial statements or reasons why  
2                    an opinion cannot be expressed; and
- 3           3.    Findings required to be reported as a result of the audit;
- 4           (e)   The completed audit and all accompanying documentation shall be presented  
5                    to the city legislative body at a regular or special meeting; and
- 6           (f)   Any contract with a certified public accountant for an audit shall require the  
7                    accountant to forward a copy of the audit report and management letters to the  
8                    Auditor of Public Accounts upon request of the city or the Auditor of Public  
9                    Accounts, and the Auditor of Public Accounts shall have the right to review  
10                  the certified public accountant's work papers upon request.
- 11       (5)   A copy of an audit report which meets the requirements of this section shall be  
12                  considered satisfactory and final in meeting any official request to a city for  
13                  financial data, except for statutory or judicial requirements, or requirements of the  
14                  Legislative Research Commission necessary to carry out the purposes of KRS 6.955  
15                  to 6.975.
- 16       (6)   Each city shall, within thirty (30) days after the presentation of an audit to the city  
17                  legislative body, publish an advertisement in accordance with KRS Chapter 424  
18                  containing:
- 19           (a)   The auditor's opinion letter;
- 20           (b)   The "Budgetary Comparison Schedules-Major Funds," which shall include the  
21                  general fund and all major funds;
- 22           (c)   A statement that a copy of the complete audit report, including financial  
23                  statements and supplemental information, is on file at city hall and is available  
24                  for public inspection during normal business hours;
- 25           (d)   A statement that any citizen may obtain from city hall a copy of the complete  
26                  audit report, including financial statements and supplemental information, for  
27                  his personal use;

1 (e) A statement which notifies citizens requesting a personal copy of the city  
2 audit report that they will be charged for duplication costs at a rate that shall  
3 not exceed twenty-five cents (\$0.25) per page; and

4 (f) A statement that copies of the financial statement prepared in accordance with  
5 KRS 424.220, when a financial statement is required by KRS 424.220, are  
6 available to the public at no cost at the business address of the officer  
7 responsible for preparation of the statement.

8 ~~(7) [Any city may utilize the alternative publication methods authorized by KRS  
9 424.190(2) to comply with the provisions of this section.]~~

10 ~~(8)~~ Any person who violates any provision of this section shall be fined not less than  
11 fifty dollars (\$50) nor more than five hundred dollars (\$500). In addition, any  
12 officer who fails to comply with any of the provisions of this section shall, for each  
13 failure, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than  
14 five hundred dollars (\$500), in the discretion of the court, which may be recovered  
15 only once in a civil action brought by any resident of the city. The costs of all  
16 proceedings, including a reasonable fee for the attorney of the resident bringing the  
17 action, shall be assessed against the unsuccessful party.

18 ~~(8)~~~~(9)~~ Within a reasonable time after the completion of a special audit or  
19 examination conducted pursuant to KRS 43.050, the Auditor shall bill the city for  
20 the actual expense of the audit or examination conducted. The actual expense shall  
21 include the hours of work performed on the audit or examination as well as  
22 reasonable associated costs, including but not limited to travel costs. The bill  
23 submitted to the city shall include a statement of the hourly rate, total hours, and  
24 total costs for the entire audit or examination.

25 ➔Section 16. KRS 91A.565 is amended to read as follows:

26 (1) An ordinance establishing a management district shall include, but not be limited to,  
27 the following provisions:

- 1 (a) An accurate description of the boundaries of the management district  
2 designated either by map or perimeter description;
- 3 (b) A description of the economic improvements that may be undertaken within  
4 the management district by its board, including but not limited to:
- 5 1. The planning, administration, and management of development or  
6 improvement activities;
  - 7 2. Landscaping, maintenance, and cleaning of public ways and spaces;
  - 8 3. The promotion of commercial activity or public events;
  - 9 4. The conduct of activities in support of business recruitment and  
10 development;
  - 11 5. The provision of security for public areas;
  - 12 6. The construction and maintenance of capital improvements to public  
13 ways and spaces; and
  - 14 7. Any other economic improvement activity that specially benefits  
15 property;
- 16 (c) A requirement that the legislative body approve the annual budget and annual  
17 economic improvement plan for the district and establish a procedure and  
18 schedule for such approval;
- 19 (d) The method of assessment of the properties that may include any fair basis  
20 authorized by KRS 91A.200 to 91A.290;
- 21 (e) The method for collection of the assessment;
- 22 (f) The number of years, not exceeding five (5) years, that the assessments shall  
23 be levied;
- 24 (g) A method by which the annual increase in assessments caused by inflation,  
25 new growth, and other factors shall be limited;
- 26 (h) The makeup of the board for the management district and its powers and  
27 duties; and

1 (i) Any other provisions deemed necessary by the legislative body to implement  
2 the provisions of KRS 91A.550 to 91A.580.

3 (2) After the first reading of the ordinance to establish the management district, but  
4 prior to its second reading and passage, a public hearing on the question of the  
5 establishment of the management district shall be held by the legislative body.

6 (3) A summary of the proposed plan for the management district shall be published **on**  
7 **the legislative body's Web site**~~[in a newspaper]~~ in accordance with KRS Chapter  
8 424~~[no less than twice,]~~ at least seven (7) but not earlier than twenty-one (21) days  
9 before the date of the public hearing. Notice shall also specify the date, time, and  
10 place of the hearing. In addition, a copy of the proposed ordinance and the notice of  
11 the hearing shall be mailed, by first class mail, to all property owners within the  
12 proposed management district.

13 (4) After the public hearing, the legislative body may give second reading to the  
14 ordinance that shall become effective if passed and approved pursuant to KRS  
15 83A.060.

16 (5) After the establishment of a management district, the legislative body shall not  
17 decrease the level of publicly funded services in the management district existing  
18 prior to the creation of the district or transfer the burden of providing the services,  
19 unless the services at the same time are decreased throughout the city.

20 ➔Section 17. KRS 94.835 is amended to read as follows:

21 The parking authority may rent or lease to any individual, firm or corporation any portion  
22 of the premises established as an off-street parking facility for service concessions,  
23 commercial uses or otherwise, after first advertising for bids therefor by publication **on**  
24 **the city's Web site for**~~[not less than once a week for]~~ two (2) consecutive weeks~~[in a~~  
25 ~~newspaper of general circulation in the city making two (2) publications in all].~~

26 ➔Section 18. KRS 96.5395 is amended to read as follows:

27 (1) Any city-owned or city-controlled electric generating entity shall hold a public

1 meeting in any county where acquisition of real estate or any interest in real estate is  
 2 being considered for construction of a wind-based electric generating facility. A  
 3 request for a public meeting may be made by any city or county governmental entity  
 4 with jurisdiction. The meeting shall be held not more than thirty (30) days from the  
 5 date of the request.

6 (2) The purpose of the meeting is to fully inform the public, landowners, and other  
 7 interested parties of the full extent of the project being considered, including the  
 8 project time line. One (1) or more representatives of the city-owned or city-  
 9 controlled electric generating entity with full knowledge of all aspects of the project  
 10 shall be present and shall answer questions from the public.

11 (3) Notice of the time, subject, and location of the meeting shall be posted~~[in both a~~  
 12 ~~local newspaper, if any, and a newspaper of general circulation in the county.~~  
 13 ~~Notice shall also be placed]~~ on the Web site of the city-owned or city-controlled  
 14 electric generating entity.

15 (4) A person that, on or before April 10, 2014, has started acquiring interests in real  
 16 estate for a project as described in subsection (1) of this section shall hold a meeting  
 17 that complies with this section within thirty (30) days of April 10, 2014.

18 ➔Section 19. KRS 96A.340 is amended to read as follows:

19 (1) The resolution or ordinance of each public body determining that a proposition for  
 20 the establishment of a mass transportation program be submitted to the electorate of  
 21 such public body or to the electorate of the transit area of such transit authority, as  
 22 the case may be, shall in each case be published **on each public body's Web site**~~[in~~  
 23 ~~the newspaper having the largest bona fide circulation in the area affected and KRS~~  
 24 ~~424.120 notwithstanding,]~~ in the following manner:

25 (a) The advertisement shall contain a notification that there is to be a referendum,  
 26 the subject of which is to be the proposed sales tax;~~[~~

27 (b) The advertisement shall contain the amount of the proposed sales tax and the

1 subject(s) thereof;[.]

2 (c) The advertisement shall include the manner in which the tax shall be levied;[.]

3 (d) The advertisement shall include the manner in which and purposes for which  
4 revenues resulting from the tax levy shall be spent;[.]

5 (e) The advertisement[ ~~shall be no less than one quarter (1/4) page in size, and~~

6 ~~(f)] shall be published[ ~~at least once weekly]~~ for the nine (9) weeks immediately  
7 prior to the date of the referendum; and[.]~~

8 ~~(f)(g) — And daily for the week immediately prior to the date of the publication  
9 in those papers with daily publication.~~

10 ~~(h)]~~ The advertisement shall begin with the word "Tax."

11 Thereafter such public body or public bodies shall cause the proposition to be  
12 prepared for submission to the electorate of either such public bodies or such transit  
13 area of the transit authority, as the case may be, at an election to be called and held  
14 for such purpose. Such election may be held upon any date stipulated by the public  
15 body or public bodies and shall be held pursuant to notice as prescribed in KRS  
16 424.130. Said election may, but need not, be held in conjunction with a regularly  
17 scheduled November election or a primary election as otherwise provided by law.  
18 The proposal to be submitted to the electorate of such public body or public bodies,  
19 or transit area of such transit authority, as the case may be, shall be so framed that  
20 any voter who wishes to vote in favor of the mass transportation program and the  
21 financing source therefor may signify his approval by voting "yes," and any voter  
22 who wishes to vote against the mass transportation program and the funding  
23 therefor may do so by voting "no."

24 (2) In the event any such mass transportation program proposal is submitted to the  
25 electorate of any individual public body, such proposition and the source of funding  
26 therefor shall be approved if a majority of those voting on the proposal within the  
27 public body shall vote "yes."

1 (3) In the event any such mass transportation program proposal is submitted to the  
2 electorate of any transit area of any such transit authority by simultaneous  
3 submission by all public bodies who are at the time of such submission members of  
4 such transit authority, such proposition and the source of funding therefor shall be  
5 approved if a majority of those voting on the proposal within the transit area of such  
6 transit authority shall vote "yes."

7 (4) Any additional voted levies of ad valorem taxes approved by electorates pursuant to  
8 KRS 96A.310 to 96A.370, shall in the case of individual public bodies, be added to  
9 and constitute legal tax levies of such individual public bodies within the meaning  
10 of the Constitution of Kentucky, and shall, in the case of votes taken in transit areas  
11 of transit authorities, constitute legal tax levies of each and every individual public  
12 body which is a member of any such transit authority within the meaning of the  
13 Constitution of Kentucky.

14 ➔Section 20. KRS 103.210 is amended to read as follows:

15 (1) In order to promote the economic development of the Commonwealth, to relieve  
16 conditions of unemployment, to encourage the increase of industry in this state, and  
17 to aid in the retention of existing industry through improved energy efficiency in  
18 manufacturing facilities, or through conversion of energy facilities to more readily  
19 available fuels, any city or county may borrow money and issue negotiable bonds  
20 for the purpose of defraying the cost of acquiring any industrial building or  
21 pollution control facility, either by purchase or construction, but only after an  
22 ordinance or resolution has been adopted by the legislative body of the city or the  
23 fiscal court of the county, or by the Kentucky Economic Development Finance  
24 Authority, if requested by the legislative body of the city or the fiscal court of the  
25 county, as the case may be, specifying the proposed undertaking, the maximum  
26 amount of bonds to be outstanding at any one (1) time, and the maximum rate of  
27 interest the bonds are to bear. This section shall not be deemed to require, however,



1 that such ordinance or resolution be adopted prior to interim financing of the  
2 project, if such interim financing was undertaken by the proposed lessee corporation  
3 upon the basis of discussions between the corporation and responsible officials of  
4 the issuer which were later formally ratified by the appropriate governing body of  
5 the issuer.

6 (2) The ordinance or resolution shall further provide that the industrial building or the  
7 pollution control facility is to be acquired pursuant to the provisions of KRS  
8 103.200 to 103.285. Each such bond-authorizing ordinance or resolution shall be  
9 effective only after publication on the legislative body's Web site~~, in a newspaper~~  
10 ~~authorized to publish official advertisements for the issuer,~~ of the title to said  
11 ordinance or resolution, together with a statement signed by the clerk of the issuer  
12 setting forth the maximum amount of bonds to be outstanding at any one (1) time,  
13 the name of the lessee corporation, and the fact that the bonds are to be retired from  
14 the proceeds of either the lease payments as set forth in KRS 103.200 to 103.285,  
15 inclusive, or the loan payments or sale payments in the event the industrial building  
16 financing transaction is carried out pursuant to a loan agreement, sale agreement, or  
17 other tax incentive agreement. No publication of the complete ordinance or  
18 resolution shall be required, but said ordinance or resolution shall be entered upon  
19 the records of the issuer and shall be available for public inspection.

20 (3) Any industrial buildings financed by bonds pursuant to KRS 103.200 to 103.285  
21 and leased in connection with the bond financing from a tax-exempt governmental  
22 unit, or tax-exempt statutory authority, shall require the prior approval by the  
23 Kentucky Economic Development Finance Authority of the reduced ad valorem tax  
24 for industrial buildings under KRS 132.020, the standards for which the Kentucky  
25 Economic Development Finance Authority shall establish through its operating  
26 procedures or by the promulgation of administrative regulations in accordance with  
27 KRS Chapter 13A. The authority shall consider, along with other indicators, when

1 establishing standards, the number of jobs to be created, the amount of capital to be  
2 invested, and the wages and benefits to be paid.

3 (4) The Kentucky Economic Development Finance Authority, any air board established  
4 pursuant to KRS 183.132, and any riverport authority established as provided in  
5 KRS 65.510 to 65.650, inclusive, shall have and possess all power and authority  
6 granted to cities and counties by the provisions of KRS 103.200 to 103.285,  
7 excluding condemnation powers under KRS 103.245, for the financing of industrial  
8 buildings. For such purposes, the terms "city," "county," and "issuer" as used in  
9 KRS 103.200 to 103.285, inclusive, shall also mean and refer to the Kentucky  
10 Economic Development Finance Authority, any air board established pursuant to  
11 KRS 183.132, and any riverport authority established as provided in KRS 65.510 to  
12 65.650. The power and authority granted to the Kentucky Economic Development  
13 Finance Authority, any air board, and any riverport authority shall be and constitute  
14 an additional and alternative grant of power and authority to such governmental  
15 agencies, and shall not be construed as being in derogation of any other powers  
16 vested in each of such governmental agencies.

17 ➔Section 21. KRS 107.360 is amended to read as follows:

18 (1) Prior to or concurrently with the adoption by the board of a resolution requesting the  
19 fiscal court to levy an ad valorem tax, the board shall have determined the nature  
20 and approximate cost of the project or projects to be financed through the issuance  
21 of bonds (whether revenue or general obligation bonds) to be retired through the  
22 levy of the tax. In determining the nature of a project the board may include more  
23 than one (1) improvement item in a single project. The resolution designating the  
24 project or projects and the estimated and approximate cost of each, shall be  
25 forwarded to the fiscal court, which shall thereafter, on behalf of the district, cause  
26 said resolution to be published on its Web site~~[in the newspaper of bona fide~~  
27 ~~circulation]~~ as provided in KRS 424.130. Thereafter the fiscal court shall cause to

1 be prepared a question for submission to the voters of the district at the next  
2 regularly scheduled November election as to whether or not the project, or any one  
3 (1) or more projects if there be more than one (1), shall be disapproved. The  
4 question shall be filed with the county clerk not later than the second Tuesday in  
5 August preceding the regular election. The question shall be so framed that any  
6 voter who wishes to vote for the project, or for any project designated as a single  
7 project if there be more than one (1) project, may signify his approval by voting  
8 "yes," and any voter who wishes to vote against any project so designated may do so  
9 by voting "no" on the question of that project. If a majority of those voting on the  
10 question of any project shall approve the particular project, that project shall be  
11 adopted, and the board shall proceed to initiate issuance of the authorized bonds as  
12 provided in KRS 107.310 to 107.500. The county clerk shall cause such question to  
13 be prepared for presentation to the voters, and the election results shall be canvassed  
14 and certified by the county board of election commissioners.

15 (2) If the project is approved as herein provided, the tax necessary to finance the  
16 approved project shall be computed by the board and transmitted to the fiscal court,  
17 which shall levy the tax as provided in KRS 107.350. Nothing in KRS 107.310 to  
18 107.500 shall be deemed to require the fiscal court to levy a tax in any year unless  
19 general obligation bonds have been issued as provided in KRS 107.460, and then  
20 only to the extent of requirements for amortization of such bonds.

21 ➔Section 22. KRS 157.160 is amended to read as follows:

22 The chief state school officer, subject to the approval of the Kentucky Board of  
23 Education, shall promulgate an administrative regulation for the disposal of textbooks  
24 and programs that will no longer be used for instruction. Each superintendent may make  
25 obsolete books and materials available to the residents of his district, **and**~~[. He]~~ may  
26 publicize **on the district's Web site**~~[in the newspaper]~~ the availability of the books and  
27 materials and the procedure for obtaining them in accordance with this section. Any funds

1 accruing from the sale of the books and materials shall be paid into the local district's  
2 account.

3 ➔Section 23. KRS 158.6453 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Accelerated learning" means an organized way of helping students meet  
6 individual academic goals by providing direct instruction to eliminate student  
7 performance deficiencies or enable students to move more quickly through  
8 course requirements and pursue higher level skill development;

9 (b) "Constructed-response items" or "performance-based items" means individual  
10 test items that require the student to create an answer rather than select a  
11 response and may include fill-in-the-blank, short-answer, extended-answer,  
12 open-response, and writing-on-demand formats;

13 (c) "Criterion-referenced test" means a test that is aligned with defined academic  
14 content standards and measures an individual student's level of performance  
15 against the standards;

16 (d) "End-of-course examination" means the same as defined in KRS 158.860;

17 (e) "Formative assessment" means a process used by teachers and students during  
18 instruction to adjust ongoing teaching and learning to improve students'  
19 achievement of intended instructional outcomes. Formative assessments may  
20 include the use of commercial assessments, classroom observations, teacher-  
21 designed classroom tests and assessments, and other processes and  
22 assignments to gain information about individual student learning;

23 (f) "Interim assessments" means assessments that are given periodically  
24 throughout the year to provide diagnostic information and to show individual  
25 student performance against content standards;

26 (g) "Summative assessment" means an assessment given at the end of the school  
27 year, semester, or other period of time to evaluate students' performance

1 against content standards within a unit of instruction or a course; and

2 (h) "Writing" means a purposeful act of thinking and expression that uses  
3 language to explore ideas and communicate meaning to others. Writing is a  
4 complex, multifaceted act of communication.

5 (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
6 Kentucky Department of Education shall implement a process for reviewing  
7 Kentucky's academic standards and the alignment of corresponding  
8 assessments for possible revision or replacement to ensure alignment with  
9 postsecondary readiness standards necessary for global competitiveness and  
10 with state career and technical education standards.

11 (b) The revisions to the content standards shall:

- 12 1. Focus on critical knowledge, skills, and capacities needed for success in  
13 the global economy;
- 14 2. Result in fewer but more in-depth standards to facilitate mastery  
15 learning;
- 16 3. Communicate expectations more clearly and concisely to teachers,  
17 parents, students, and citizens;
- 18 4. Be based on evidence-based research;
- 19 5. Consider international benchmarks; and
- 20 6. Ensure that the standards are aligned from elementary to high school to  
21 postsecondary education so that students can be successful at each  
22 education level.

23 (c) 1. The department shall establish four (4) standards and assessments  
24 review and development committees, with each committee composed of  
25 a minimum of six (6) Kentucky public school teachers and a minimum  
26 of two (2) representatives from Kentucky institutions of higher  
27 education, including at least one (1) representative from a public

- 1 institution of higher education. Each committee member shall teach in  
2 the subject area that his or her committee is assigned to review and have  
3 no prior or current affiliation with a curriculum or assessment resources  
4 vendor.
- 5 2. One (1) of the four (4) committees shall be assigned to focus on the  
6 review of language arts and writing academic standards and  
7 assessments, one (1) on the review of mathematics academic standards  
8 and assessments, one (1) on the review of science academic standards  
9 and assessments, and one (1) on the review of social studies academic  
10 standards and assessments.
- 11 (d) 1. The department shall establish twelve (12) advisory panels to advise and  
12 assist each of the four (4) standards and assessments review and  
13 development committees.
- 14 2. Three (3) advisory panels shall be assigned to each standards and  
15 assessments review and development committee. One (1) panel shall  
16 review the standards and assessments for kindergarten through grade  
17 five (5), one (1) shall review the standards and assessments for grades  
18 six (6) through eight (8), and one (1) shall review the standards and  
19 assessments for grades nine (9) through twelve (12).
- 20 3. Each advisory panel shall be composed of at least one (1) representative  
21 from a Kentucky institution of higher education and a minimum of six  
22 (6) Kentucky public school teachers who teach in the grade level and  
23 subject reviewed by the advisory panel to which they are assigned and  
24 have no prior or current affiliation with a curriculum or assessment  
25 resources vendor.
- 26 (e) The commissioner of education and the president of the Council on  
27 Postsecondary Education shall also provide consultants for the standards and

1 assessments review and development committees and the advisory panels who  
2 are business and industry professionals actively engaged in career fields that  
3 depend on the various content areas.

- 4 (f) 1. The standards and assessments process review committee is hereby  
5 established and shall be composed of ten (10) members, including:  
6 a. Three (3) members appointed by the Governor;  
7 b. Three (3) members of the Senate appointed by the President of the  
8 Senate;  
9 c. Three (3) members of the House of Representatives appointed by  
10 the Speaker of the House of Representatives; and  
11 d. The commissioner of education.
- 12 2. The review of the committee shall be limited to the procedural aspects  
13 of the review process undertaken prior to its consideration.
- 14 (g) 1. The review process implemented under this subsection shall be an open,  
15 transparent process that allows all Kentuckians an opportunity to  
16 participate. The department shall ensure the public's assistance in  
17 reviewing and suggesting changes to the standards and alignment  
18 adjustments to corresponding state assessments by establishing a Web  
19 site dedicated to collecting comments by the public and educators. An  
20 independent third party, which has no prior or current affiliation with a  
21 curriculum or assessment resources vendor, shall be selected by the  
22 department to collect and transmit the comments to the department for  
23 dissemination to the appropriate advisory panel for review and  
24 consideration.
- 25 2. Each advisory panel shall review the standards and assessments for its  
26 assigned subject matter and grade level and the suggestions made by the  
27 public and educators. After completing its review, each advisory panel

- 1 shall make recommendations for changes to the standards and alignment  
2 adjustments for assessments to the appropriate standards and  
3 assessments review and development committee.
- 4 3. Each standards and assessments review and development committee  
5 shall review the findings and make recommendations to revise or replace  
6 existing standards and to adjust alignment of assessments to the  
7 standards and assessments process review committee.
- 8 4. The recommendations shall be published on the Web site established in  
9 this subsection for the purpose of gathering additional feedback from the  
10 public. The commissioner, on behalf of the standards and assessments  
11 process review committee, shall subsequently present the  
12 recommendations and the public feedback to the Interim Joint  
13 Committee on Education.
- 14 5. The commissioner shall subsequently provide a report to the standards  
15 and assessments process review committee summarizing the process  
16 conducted under this subsection and the resulting recommendations. The  
17 report shall include but not be limited to the timeline of the review  
18 process, public feedback, and responses from the Interim Joint  
19 Committee on Education.
- 20 6. After receiving the commissioner's report, the standards and assessments  
21 process review committee shall either concur that stakeholders have had  
22 adequate opportunity to provide input on standards and the  
23 corresponding alignment of state assessments or find the input process  
24 deficient. If the process is found deficient, the recommendations may be  
25 returned to the appropriate standards and assessments review and  
26 development committee for review as described in subparagraph 3. of  
27 this paragraph. If the process is found sufficient, the recommendations



1                   shall be forwarded without amendment to the Kentucky Board of  
2                   Education.

3           (h) The Kentucky Board of Education shall promulgate administrative regulations  
4           in accordance with KRS Chapter 13A as may be needed for the administration  
5           of the review process, including staggering the timing and sequence of the  
6           review process by subject area and remuneration of the review and  
7           development committees and advisory panels described in paragraphs (c) and  
8           (d) of this subsection.

9           (i) 1. The Kentucky Board of Education shall consider for approval the  
10           revisions to academic standards for a content area and the alignment of  
11           the corresponding state assessment once recommendations are received  
12           from the standards and assessments process review committee. Existing  
13           state academic standards shall remain in place until the board approves  
14           new standards.

15           2. Any revision to, or replacement of, the academic standards and  
16           assessments as a result of the review process conducted under this  
17           subsection shall be implemented in Kentucky public schools no later  
18           than the second academic year following the review process. Existing  
19           academic standards shall be used until new standards are implemented.

20           3. The Department of Education shall disseminate the academic content  
21           standards to the schools and teacher preparation programs.

22           (j) The Department of Education shall provide or facilitate statewide training  
23           sessions for existing teachers and administrators on how to:

- 24           1. Integrate the revised content standards into classroom instruction;
- 25           2. Better integrate performance assessment of students within their  
26           instructional practices; and
- 27           3. Help all students use higher-order thinking and communication skills.

- 1 (k) The Education Professional Standards Board in cooperation with the  
2 Kentucky Board of Education and the Council on Postsecondary Education  
3 shall coordinate information and training sessions for faculty and staff in all of  
4 the teacher preparation programs in the use of the revised academic content  
5 standards. The Education Professional Standards Board shall ensure that each  
6 teacher preparation program includes use of the academic standards in the pre-  
7 service education programs and that all teacher interns will have experience  
8 planning classroom instruction based on the revised standards.
- 9 (l) The Council on Postsecondary Education in cooperation with the Kentucky  
10 Department of Education and the postsecondary education institutions in the  
11 state shall coordinate information sessions regarding the academic content  
12 standards for faculty who teach in the various content areas.
- 13 (3) (a) The Kentucky Board of Education shall be responsible for creating and  
14 implementing a balanced statewide assessment program that measures the  
15 students', schools', and districts' achievement of the goals set forth in KRS  
16 158.645 and 158.6451, to ensure compliance with the federal Every Student  
17 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure  
18 school accountability.
- 19 (b) The board shall revise the annual statewide assessment program as needed in  
20 accordance with revised academic standards and corresponding assessment  
21 alignment adjustments approved by the board under subsection (2) of this  
22 section.
- 23 (c) The statewide assessments shall not include any academic standards not  
24 approved by the board under subsection (2) of this section.
- 25 (d) The board shall seek the advice of the Office of Education Accountability; the  
26 School Curriculum, Assessment, and Accountability Council; the Education  
27 Assessment and Accountability Review Subcommittee, and the National

1            Technical Advisory Panel on Assessment and Accountability in the  
2            development of the assessment program. The statewide assessment program  
3            shall not include measurement of a student's ability to become a self-sufficient  
4            individual or to become a responsible member of a family, work group, or  
5            community.

6        (4) (a) The academic components of the statewide assessment program shall be  
7            composed of annual student summative tests, which may include a  
8            combination of multiple competency-based assessment and performance  
9            measures approved by the Kentucky Board of Education.

10        (b) The annual student summative tests shall:

- 11            1. Measure individual student achievement in language, reading, English,  
12            mathematics, science, and social studies at designated grades;
- 13            2. Provide teachers and parents a valid and reliable comprehensive analysis  
14            of skills mastered by individual students;
- 15            3. Provide diagnostic information that identifies strengths and academic  
16            deficiencies of individual students in the content areas;
- 17            4. Provide information to teachers that can enable them to improve  
18            instruction for current and future students;
- 19            5. Provide longitudinal profiles for students; and
- 20            6. Ensure school and district accountability for student achievement of the  
21            goals set forth in KRS 158.645 and 158.6451, except the statewide  
22            assessment program shall not include measurement of a student's ability  
23            to become a self-sufficient individual or to become a responsible  
24            member of a family, work group, or community.

25        (5) The state student assessments shall include the following components:

26            (a) Elementary and middle grades requirements are:

- 27            1. A criterion-referenced test each in mathematics and reading in grades

- 1 three (3) through eight (8) that is valid and reliable for an individual  
2 student and that measures the depth and breadth of Kentucky's academic  
3 content standards;
- 4 2. A criterion-referenced test each in science and social studies that is valid  
5 and reliable for an individual student as necessary to measure the depth  
6 and breadth of Kentucky's academic content standards to be  
7 administered one (1) time within the elementary and middle grades,  
8 respectively;
- 9 3. An on-demand assessment of student writing to be administered one (1)  
10 time within the elementary grades and one (1) time within the middle  
11 grades; and
- 12 4. An editing and mechanics test relating to writing, using multiple choice  
13 and constructed response items, to be administered one (1) time within  
14 the elementary and the middle grades, respectively;
- 15 (b) High school requirements are:
- 16 1. A criterion-referenced test in mathematics, reading, and science that is  
17 valid and reliable for an individual student and that measures the depth  
18 and breadth of Kentucky's academic content standards to be  
19 administered one (1) time within the high school grades;
- 20 2. A criterion-referenced test in social studies that is valid and reliable for  
21 an individual student as necessary to measure the depth and breadth of  
22 Kentucky's academic content standards to be administered one (1) time  
23 within the high school grades;
- 24 3. An on-demand assessment of student writing to be administered one (1)  
25 time within the high school grades;
- 26 4. An editing and mechanics test relating to writing, using multiple choice  
27 and constructed response items, to be administered one (1) time within

- 1                   the high school grades; and
- 2           5. A college admissions examination to assess English, reading,
- 3                   mathematics, and science in the spring of grade ten (10) and the spring
- 4                   of grade eleven (11);
- 5           (c) The Kentucky Board of Education shall add any other component necessary to
- 6                   comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or
- 7                   its successor, as determined by the United States Department of Education;
- 8           (d) The criterion-referenced components required in this subsection shall be
- 9                   composed of constructed response items and multiple choice items;
- 10          (e) The Kentucky Board of Education may incorporate end-of-course
- 11                   examinations into the assessment program to be used in lieu of requirements
- 12                   for criterion-referenced tests required under paragraph (b) of this subsection;
- 13                   and
- 14          (f) The results of the assessment program developed under this subsection shall
- 15                   be used by schools and districts to determine appropriate instructional
- 16                   modifications for all students in order for students to make continuous
- 17                   progress, including that needed by advanced learners.
- 18          (6) Each school district shall administer the statewide student assessment during the
- 19                   last fourteen (14) days of school in the district's instructional calendar. The
- 20                   Kentucky Board of Education may change the testing window to allow for
- 21                   innovative assessment systems or other online test administration and shall
- 22                   promulgate administrative regulations that minimize the number of days of testing
- 23                   and outline the procedures to be used during the testing process to ensure test
- 24                   security, including procedures for testing makeup days, and to comply with federal
- 25                   assessment requirements.
- 26          (7) A student enrolled in a district-operated or district-contracted alternative program
- 27                   shall participate in the appropriate assessments required by this section.

- 1 (8) A local school district may select and use commercial interim or formative  
2 assessments or develop and use its own formative assessments to provide data on  
3 how well its students are growing toward mastery of Kentucky academic standards,  
4 so long as the district's local school board develops a policy minimizing the  
5 reduction in instructional time related to the administration of the interim  
6 assessments. Nothing in this section precludes teachers from using ongoing teacher-  
7 developed formative processes.
- 8 (9) Each school that enrolls primary students shall use diagnostic assessments and  
9 prompts that measure readiness in reading and mathematics for its primary students  
10 as determined by the school to be developmentally appropriate. The schools may  
11 use commercial products, use products and procedures developed by the district, or  
12 develop their own diagnostic procedures. The results shall be used to inform the  
13 teachers and parents or guardians of each student's skill level.
- 14 (10) The state board shall ensure that a technically sound longitudinal comparison of the  
15 assessment results for the same students shall be made available.
- 16 (11) The following provisions shall apply to the college admissions examinations  
17 described in subsection (5)(b)5. of this section:
- 18 (a) The cost of both college admissions examinations administered to students in  
19 high school shall be paid for by the Kentucky Department of Education. The  
20 costs of additional college admissions examinations shall be the responsibility  
21 of the student;
- 22 (b) If funds are available, the Kentucky Department of Education shall provide a  
23 college admissions examination preparation program to all public high school  
24 juniors. The department may contract for necessary services; and
- 25 (c) Accommodations provided to a student with a disability taking the college  
26 admissions assessments under this subsection shall consist of:
- 27 1. Accommodations provided in a manner allowed by the college

1 admissions assessment provider when results in test scores are  
2 reportable to a postsecondary institution for admissions and placement  
3 purposes, except as provided in subparagraph 2. of this paragraph; or

4 2. Accommodations provided in a manner allowed by a student's  
5 individualized education program as defined in KRS 158.281 for a  
6 student whose disability precludes valid assessment of his or her  
7 academic abilities using the accommodations provided under  
8 subparagraph 1. of this paragraph when the student's scores are not  
9 reportable to a postsecondary institution for admissions and placement  
10 purposes.

11 (12) Kentucky teachers shall have a significant role in the design of the assessments,  
12 except for the college admissions exams described in subsection (5)(b)5. of this  
13 section. The assessments shall be designed to:

14 (a) Measure grade appropriate core academic content, basic skills, and higher-  
15 order thinking skills and their application;

16 (b) Provide valid and reliable scores for schools. If scores are reported for  
17 students individually, they shall be valid and reliable;

18 (c) Minimize the time spent by teachers and students on assessment; and

19 (d) Assess Kentucky academic standards only.

20 (13) The results from assessment under subsections (3) and (5) of this section shall be  
21 reported to the school districts and schools no later than seventy-five (75) days  
22 following the last day the assessment can be administered. Assessment reports  
23 provided to the school districts and schools shall include an electronic copy of an  
24 operational subset of test items from each assessment administered to their students  
25 and the results for each of those test items by student and by school.

26 (14) The Department of Education shall gather information to establish the validity of  
27 the assessment and accountability program. It shall develop a biennial plan for

1 validation studies that shall include but not be limited to the consistency of student  
2 results across multiple measures, the congruence of school scores with documented  
3 improvements in instructional practice and the school learning environment, and the  
4 potential for all scores to yield fair, consistent, and accurate student performance  
5 level and school accountability decisions. Validation activities shall take place in a  
6 timely manner and shall include a review of the accuracy of scores assigned to  
7 students and schools, as well as of the testing materials. The plan shall be submitted  
8 to the Commission by July 1 of the first year of each biennium. A summary of the  
9 findings shall be submitted to the Legislative Research Commission by September 1  
10 of the second year of the biennium.

11 (15) The Department of Education and the state board shall offer optional assistance to  
12 local school districts and schools in developing and using continuous assessment  
13 strategies needed to assure student progress. The continuous assessment shall  
14 provide diagnostic information to improve instruction to meet the needs of  
15 individual students.

16 (16) The Administration Code for Kentucky's Assessment Program shall include  
17 prohibitions of inappropriate test preparation activities by school district employees  
18 charged with test administration and oversight, including but not limited to the issue  
19 of teachers being required to do test practice in lieu of regular classroom instruction  
20 and test practice outside the normal work day. The code shall include disciplinary  
21 sanctions that may be taken toward a school or individuals.

22 (17) The Kentucky Board of Education, after the Department of Education has received  
23 advice from the Office of Education Accountability; the School Curriculum,  
24 Assessment, and Accountability Council; and the National Technical Advisory  
25 Panel on Assessment and Accountability, shall promulgate an administrative  
26 regulation under KRS Chapter 13A to establish the components of a reporting  
27 structure for assessments administered under this section. The reporting structure



1 shall include the following components:

2 (a) A school report card that clearly communicates with parents and the public  
3 about school performance. The school report card shall be sent to the parents  
4 of the students of the districts, and information on electronic access to a  
5 summary of the results for the district shall be published ***on the district's Web***  
6 ***site***~~[in the newspaper with the largest circulation in the county].~~ It shall  
7 include but not be limited to the following components reported by race,  
8 gender, and disability when appropriate:

- 9 1. Student academic achievement, including the results from each of the  
10 assessments administered under this section;
- 11 2. For Advanced Placement, Cambridge Advanced International, and  
12 International Baccalaureate, the courses offered, the number of students  
13 enrolled, completing, and taking the examination for each course, and  
14 the percentage of examinees receiving a score of three (3) or better on  
15 AP examinations, a score of "e" or better on Cambridge Advanced  
16 International examinations, or a score of five (5) or better on IB  
17 examinations. The data shall be disaggregated by gender, race, students  
18 with disabilities, and economic status;
- 19 3. Nonacademic achievement, including the school's attendance, retention,  
20 graduation rates, and student transition to postsecondary;
- 21 4. School learning environment, including measures of parental  
22 involvement; and
- 23 5. Any other school performance data required by the Every Student  
24 Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;

25 (b) An individual student report to parents for each student in grades three (3)  
26 through eight (8) summarizing the student's skills in reading, science, social  
27 studies, and mathematics. The school's staff shall develop a plan for

1 accelerated learning for any student with identified deficiencies or strengths;  
2 and

3 (c) A student's highest scores on the college admissions assessments administered  
4 under subsection (5)(b)5. of this section.

5 (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the  
6 Kentucky Department of Education shall implement a comprehensive process  
7 for reviewing and revising the academic standards in visual and performing  
8 arts and practical living skills and career studies for all levels and in foreign  
9 language for middle and high schools. The department shall develop review  
10 committees for the standards for each of the content areas that include  
11 representation from certified specialist public school teachers and  
12 postsecondary teachers in those subject areas.

13 (b) The department shall provide to all schools guidelines for programs that  
14 incorporate the adopted academic standards in visual and performing arts and  
15 practical living and career studies. The department shall provide to middle and  
16 high schools guidelines for including a foreign language program. The  
17 guidelines shall address program length and time, courses offered, staffing,  
18 resources, and facilities.

19 (c) The Kentucky Department of Education, in consultation with certified public  
20 school teachers of visual and performing arts, may develop program standards  
21 for the visual and performing arts.

22 (19) The Kentucky Department of Education shall provide to all schools guidelines for  
23 including an effective writing program within the curriculum. Each school-based  
24 decision making council or, if there is no school council, a committee appointed by  
25 the principal, shall adopt policies that determine the writing program for its school  
26 and submit it to the Department of Education for review and comment. The writing  
27 program shall incorporate a variety of language resources, technological tools, and

1 multiple opportunities for students to develop complex communication skills for a  
2 variety of purposes.

3 (20) (a) The Kentucky Department of Education, in consultation with the review  
4 committees described in subsection (18) of this section, shall develop a school  
5 profile report to be used by all schools to document how they will address the  
6 adopted academic standards in their implementation of the programs as  
7 described in subsection (18) of this section, which may include student  
8 opportunities and experiences in extracurricular activities.

9 (b) By October 1 of each year, each school principal shall complete the school  
10 profile report, which shall be signed by the members of the school council, or  
11 the principal if no school council exists, and the superintendent. The report  
12 shall be electronically transmitted to the Kentucky Department of Education,  
13 and the original shall be maintained on file at the local board office and made  
14 available to the public upon request. The department shall include a link to  
15 each school's profile report on its Web site.

16 (c) If a school staff member, student, or a student's parent has concerns regarding  
17 deficiencies in a school's implementation of the programs described in  
18 subsection (18) of this section, he or she may submit a written inquiry to the  
19 school council.

20 ➔Section 24. KRS 160.210 is amended to read as follows:

21 (1) (a) In independent school districts, the members of the school board shall be  
22 elected from the district at large. In county school districts, members shall be  
23 elected from divisions.

24 (b) If no candidate files a petition of nomination for a county board of education  
25 opening pursuant to KRS 118.315, the chief state school officer shall fill the  
26 new term of office for all openings that have no candidate filings under KRS  
27 118.315 by appointing a member to the local board who meets the residency

1 requirement and the qualifications for office provided in KRS 160.180. The  
2 local board of education may make nominations and any person may nominate  
3 himself or another for the office.

4 (c) Unless a number of candidates equal to or greater than the number of  
5 positions to be filled file petitions for nomination for an independent board of  
6 education opening pursuant to KRS 118.315, the chief state school officer  
7 shall fill the new term of office for all openings that have no candidate filings  
8 under KRS 118.315 by appointing a member to the local board who meets the  
9 residency requirement and the qualifications for office provided in KRS  
10 160.180. The local board of education may make nominations and any person  
11 may nominate himself or another for the office.

12 (2) The board of education of each county school district shall, not later than July 1,  
13 1940, divide its district into five (5) divisions containing integral voting precincts  
14 and as equal in population insofar as is practicable. In first dividing the county  
15 district into divisions the board shall, if more than one (1) of its members reside in  
16 one (1) division, determine by lot which member from that division shall represent  
17 that division, and which members shall represent the divisions in which no member  
18 resides. The members so determined to represent divisions in which no member  
19 resides shall be considered the members from those divisions until their terms  
20 expire, and thereafter the members from those divisions shall be nominated and  
21 elected as provided in KRS 160.200 and 160.220 to 160.250.

22 (3) Any changes made in division boundary lines shall be to make divisions as equal in  
23 population and containing integral voting precincts insofar as is practical. No  
24 change may be made in division boundary lines less than five (5) years after the last  
25 change in any division lines, except in case of merger of districts, a change in  
26 territory due to annexation, or to allow compliance with KRS 117.055(2).

27 (4) (a) Notwithstanding the provisions of subsection (3) of this section, if one

1           hundred (100) residents of a county school district division petition the  
2           Kentucky Board of Education stating that the school district divisions are not  
3           divided as nearly equal in population as can reasonably be expected, the chief  
4           state school officer shall cause an investigation to determine the validity of the  
5           petition, the investigation to be completed within thirty (30) days after receipt  
6           of the petition.

7           (b) If the investigation reveals the school district to be unequally divided  
8           according to population, the Kentucky Board of Education, upon the  
9           recommendation of the chief state school officer, shall order the local board of  
10          education to make changes in school district divisions as are necessary to  
11          equalize population within the five (5) school divisions.

12          (c) If any board fails to comply with the order of the Kentucky Board of  
13          Education within thirty (30) days or prior to August 1 in any year in which any  
14          members of the board are to be elected, members shall be elected from the  
15          district at large until the order of the Kentucky Board of Education has been  
16          complied with.

17          (d) No change shall be made in the boundary of any division under the provisions  
18          of this subsection after August 1 in the year in which a member of the school  
19          board is to be elected from any division.

20          (5) Notwithstanding the provisions of subsection (2) of this section, in counties  
21          containing a city of the first class wherein a merger pursuant to KRS 160.041 shall  
22          have been accomplished, there shall be seven (7) divisions as equal in population as  
23          is practicable, with members elected from divisions. To be eligible to be elected  
24          from a division, a candidate must reside in that division. The divisions, based upon  
25          1970 United States Census Bureau Reports on total population by census tracts for  
26          Jefferson County, Kentucky shall be as follows: Division One shall include census  
27          tracts 1-28; Division Two shall include census tracts 29-35, 47-53, 57-74, 80-84,

1 93, 129, 130; Division Three shall include census tracts 75-79, 85-88, 98-106,  
2 107.01, 108; Division Four shall include census tracts 121.01, 123-128; Division  
3 Five shall include census tracts 36-46, 56, 90, 120, 121.02, 122; Division Six shall  
4 include census tracts 54, 55, 91, 92, 94, 95, 110.02, 113, 114, 117.01, 117.02, 118,  
5 119; Division Seven shall include census tracts 89, 96, 97, 107.02, 109, 110.01,  
6 111, 112, 115, 116, 117.03, 131, 132. The terms of the members to be elected, KRS  
7 160.044 notwithstanding, shall be four (4) years and the election for the initial four  
8 (4) year terms shall be as follows: The election of the members from Divisions  
9 Two, Four and Seven shall be held at the next regular November election following  
10 the effective date of the merger pursuant to KRS 160.041, and the election of the  
11 members from Divisions One, Three, Five and Six shall be held at the regular  
12 November election two (2) years thereafter.

13 (6) In counties containing cities of the first class, responsibility for the establishment or  
14 the changing of school board division boundaries shall be with the local board of  
15 education, subject to the review and approval of the county board of elections.  
16 Where division and census tract boundaries do not coincide with existing election  
17 precinct boundaries, school board divisions shall be redrawn to comply with  
18 precinct boundaries. In no instance shall precinct boundaries be redrawn nor shall a  
19 precinct be divided to accommodate the drawing of school board division lines.  
20 Precinct boundaries nearest existing school board division boundaries shall become  
21 the new division boundary. All changes under this statute shall be completed on or  
22 before January 1, 1979, and on or before January 1 in any succeeding year in which  
23 a member of the school board is to be elected from any division. A record of all  
24 changes in division lines shall be kept in the offices of the county board of  
25 education and the county board of elections. The board of education shall publish  
26 all changes pursuant to KRS Chapter 424. A copy of the Web site page~~[newspaper]~~  
27 in which the notice is published shall be filed with the chief state school officer

1 within ten (10) days following its publication.

2 ➔Section 25. KRS 160.463 is amended to read as follows:

3 The school board of each public school system in any county having ***three hundred***  
 4 ***thousand (300,000)*** or more inhabitants shall direct its superintendent to publish~~[,]~~ in  
 5 full, annually, ***on the system's Web site***~~in the newspaper of the largest general circulation~~  
 6 ~~in the county,~~ the annual financial statements of the school system audited by certified  
 7 public accountants or an accountant approved by the State Department of Education.  
 8 Each system's financial statements shall be prepared and presented on a basis consistent  
 9 with that of the other systems.

10 ➔Section 26. KRS 160.470 is amended to read as follows:

- 11 (1) (a) Notwithstanding any statutory provisions to the contrary, no district board of  
 12 education shall levy a general tax rate which will produce more revenue,  
 13 exclusive of revenue from net assessment growth as defined in KRS 132.010,  
 14 than would be produced by application of the general tax rate that could have  
 15 been levied in the preceding year to the preceding year's assessment, except as  
 16 provided in subsections (9) and (10) of this section and KRS 157.440.
- 17 (b) If an election is held as provided for in KRS 132.017 and the question should  
 18 fail, such failure shall not reduce the "...general tax rate that could have been  
 19 levied in the preceding year..." referred to in subsection (1)(a) of this section,  
 20 for purposes of computing the general tax rate for succeeding years.

21 In the event of a merger of school districts, the limitations contained in this section  
 22 shall be based upon the combined revenue of the merging districts, as computed  
 23 under the provisions of this section.

- 24 (2) No district board of education shall levy a general tax rate within the limits imposed  
 25 in subsection (1) of this section which respectively exceeds the compensating tax  
 26 rate defined in KRS 132.010, except as provided in subsections (9) and (10) of this  
 27 section, KRS 157.440, and KRS 157.621, until the district board of education has

1 complied with the provisions of subsection (7) of this section.

2 (3) Upon receipt of property assessments from the Department of Revenue, the  
3 commissioner of education shall certify the following to each district board of  
4 education:

5 (a) The general tax rate that a district board of education could levy under the  
6 provisions of subsection (1) of this section, and the amount of revenue  
7 expected to be produced;

8 (b) The compensating tax rate as defined in KRS 132.010 for a district's general  
9 tax rate the amount of revenue expected to be produced;

10 (c) The general tax rate which will produce, respectively, no more revenue from  
11 real property, exclusive of revenue from new property, than four percent (4%)  
12 over the amount of revenue produced by the compensating tax rate defined in  
13 KRS 132.010, and the amount of revenue expected to be produced.

14 (4) Upon completion of action on property assessment data, the Department of Revenue  
15 shall submit certified property assessment data as required in KRS 133.125 to the  
16 chief state school officer.

17 (5) Within thirty (30) days after the district board of education has received its  
18 assessment data, the rates levied shall be forwarded to the Kentucky Board of  
19 Education for its approval or disapproval. The failure of the district board of  
20 education to furnish the rates within the time prescribed shall not invalidate any  
21 levy made thereafter.

22 (6) (a) Each district board of education shall, on or before January 31 of each  
23 calendar year, formally and publicly examine detailed line item estimated  
24 revenues and proposed expenditures for the subsequent fiscal year. On or  
25 before May 30 of each calendar year, each district board of education shall  
26 adopt a tentative working budget which shall include a minimum reserve of  
27 two percent (2%) of the total budget.



- 1 (b) Each district board of education shall submit to the Kentucky Board of  
2 Education no later than September 30, a close estimate or working budget  
3 which shall conform to the administrative regulations prescribed by the  
4 Kentucky Board of Education.
- 5 (7) (a) Except as provided in subsections (9) and (10) of this section and KRS  
6 157.440, a district board of education proposing to levy a general tax rate  
7 within the limits of subsection (1) of this section which exceed the  
8 compensating tax rate defined in KRS 132.010 shall hold a public hearing to  
9 hear comments from the public regarding the proposed tax rate. The hearing  
10 shall be held in the principal office of the taxing district or, in the event the  
11 taxing district has no office, or the office is not suitable for such a hearing, the  
12 hearing shall be held in a suitable facility as near as possible to the geographic  
13 center of the district.
- 14 (b) The district board of education shall advertise the hearing by causing the  
15 following to be published ~~[at least twice]~~ for two (2) consecutive weeks, ***on its***  
16 ***Web site*** ~~[in the newspaper of largest circulation in the county, a display type~~  
17 ~~advertisement of not less than twelve (12) column inches]:~~
- 18 1. The general tax rate levied in the preceding year, and the revenue  
19 produced by that rate;
  - 20 2. The general tax rate for the current year, and the revenue expected to be  
21 produced by that rate;
  - 22 3. The compensating general tax rate, and the revenue expected from it;
  - 23 4. The revenue expected from new property and personal property;
  - 24 5. The general areas to which revenue in excess of the revenue produced in  
25 the preceding year is to be allocated;
  - 26 6. A time and place for the public hearing which shall be held not less than  
27 seven (7) days nor more than ten (10) days after the day that the second

1 advertisement is published;

2 7. The purpose of the hearing; and

3 8. A statement to the effect that the General Assembly has required  
4 publication of the advertisement and the information contained herein.

5 (c) In lieu of the Web site publication~~[two (2) published notices]~~, a ~~[single~~  
6 ~~]notice~~ containing the required information may be sent by first-class mail to  
7 each person owning real property, addressed to the property owner at his  
8 residence or principal place of business as shown on the current year property  
9 tax roll.

10 (d) The hearing shall be open to the public. All persons desiring to be heard shall  
11 be given an opportunity to present oral testimony. The district board of  
12 education may set reasonable time limits for testimony.

13 (8) (a) That portion of a general tax rate, except as provided in subsections (9) and  
14 (10) of this section, KRS 157.440, and KRS 157.621, levied by an action of a  
15 district board of education which will produce, respectively, revenue from real  
16 property, exclusive of revenue from new property, more than four percent  
17 (4%) over the amount of revenue produced by the compensating tax rate  
18 defined in KRS 132.010, shall be subject to a recall vote or reconsideration by  
19 the district board of education as provided for in KRS 132.017, and shall be  
20 advertised as provided for in paragraph (b) of this subsection.

21 (b) The district board of education shall, within seven (7) days following adoption  
22 of an ordinance, order, resolution, or motion to levy a general tax rate, except  
23 as provided in subsections (9) and (10) of this section and KRS 157.440,  
24 which will produce revenue from real property, exclusive of revenue from  
25 new property as defined in KRS 132.010, more than four percent (4%) over  
26 the amount of revenue produced by the compensating tax rate defined in KRS  
27 132.010, cause the following to be published on the district's Web site~~[, in the~~

1           ~~newspaper of largest circulation in the county, a display type advertisement of~~  
2           ~~not less than twelve (12) column inches]:~~

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

12   (9)   (a)   Notwithstanding any statutory provisions to the contrary, effective for school  
13          years beginning after June 30, 1990, the board of education of each school  
14          district shall levy a minimum equivalent tax rate of thirty cents (\$0.30) for  
15          general school purposes. Equivalent tax rate is defined as the rate which  
16          results when the income collected during the prior year from all taxes levied  
17          by the district for school purposes is divided by the total assessed value of  
18          property plus the assessment for motor vehicles certified by the Department of  
19          Revenue. School districts collecting school taxes authorized by KRS 160.593  
20          to 160.597, 160.601 to 160.633, or 160.635 to 160.648 for less than twelve  
21          (12) months during a school year shall have included in income collected  
22          under this section the pro rata tax collection for twelve (12) months.

23          (b)   If a board fails to comply with paragraph (a) of this subsection, its members  
24          shall be subject to removal from office for willful neglect of duty pursuant to  
25          KRS 156.132.

26   (10)   A district board of education may levy a general tax rate that will produce revenue  
27          from real property, exclusive of revenue from new property, that is four percent

1 (4%) over the amount of the revenue produced by the compensating tax rate as  
2 defined in KRS 132.010.

3 ➔Section 27. KRS 160.603 is amended to read as follows:

4 No school district board of education shall levy any of the school taxes authorized by  
5 KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648, except the levy  
6 required by KRS 160.614(3) and (6), until after compliance with the following:

7 (1) The school district board of education desiring to levy any one (1) of these taxes  
8 shall give notice of any proposed levy of one (1) of the school taxes.  
9 Notwithstanding any statutory provisions to the contrary, notice shall be given by  
10 causing to be published on the board's Web site~~[, at least one (1) time in a~~  
11 ~~newspaper of general circulation published in the county or by posting at the~~  
12 ~~courthouse door if there be no such newspaper,]~~ the fact that such levy is being  
13 proposed. The notice~~[advertisement]~~ shall state that the district board of education  
14 will meet at a place and on a day fixed in the advertisement, not earlier than one (1)  
15 week and not later than two (2) weeks from the publication date of the notice on  
16 the Web site~~[advertisement]~~, for the purpose of hearing comments and complaints  
17 regarding the proposed increase and explaining the reasons for such proposal.

18 (2) The school district board of education shall conduct a public hearing at the place  
19 and on the date advertised for the purpose of hearing comments and complaints  
20 regarding the proposed levy and explaining the reasons for such proposal.

21 (3) In the event that a combined taxing district desires to levy any one (1) of these  
22 taxes, the boards of education shall make a joint advertisement and hold a joint  
23 hearing in the manner prescribed heretofore for an individual school district.

24 ➔Section 28. KRS 160.614 is amended to read as follows:

25 (1) A utility gross receipts license tax initially levied by a school district board of  
26 education on or after July 13, 1990, shall be levied on the gross receipts derived  
27 from the furnishing of cable service in addition to the gross receipts derived from

1 the furnishing of the utility services defined in KRS 160.6131.

2 (2) A utility gross receipts license tax initially levied by a school district board of  
3 education prior to July 13, 1990, shall be levied on the gross receipts derived from  
4 the furnishing of cable service, in addition to the gross receipts derived from the  
5 furnishing of the utility services defined in KRS 160.6131, if the school district  
6 board of education repeats the notice and hearing requirements of KRS 160.603, but  
7 only as to the levy of the tax on the gross receipts derived from the furnishing of  
8 cable service.

9 (3) A utility gross receipts license tax initially levied by a school district board of  
10 education on or after July 1, 2005, shall include the gross receipts derived from the  
11 furnishing of direct satellite broadcast and wireless cable service in addition to the  
12 gross receipts derived from the furnishing of utility services defined in KRS  
13 160.6131 and cable service.

14 (4) Any school district that has cable service included in the base of a utility gross  
15 receipts tax levied prior to July 1, 2005, shall, as of July 1, 2005, include gross  
16 receipts derived from the furnishing of direct satellite broadcast and wireless cable  
17 service in the base of its utility gross receipts tax at the same rate as applied to cable  
18 service, unless the school district board of education chooses to opt out of this  
19 requirement by following the procedures set forth in subsection (5) of this section.

20 (5) Any school district board of education may elect to opt out of the base expansion  
21 required by subsection (4) of this section. However, any district electing to opt out  
22 of the provisions of subsection (4) of this section shall also remove from the base of  
23 its utility gross receipts tax all gross receipts from the furnishing of cable service.  
24 To opt out of the provisions of subsection (4) of this section, a school district board  
25 of education shall, before May 1, 2005:

26 (a) Determine the amount of revenue that will be lost from removing gross  
27 receipts of cable service from the base of the utility gross receipts tax, and

1           how that revenue will be replaced; and

2           (b) Provide written notice of the intent to opt out of the base expansion required  
3           by subsection (4) of this section to the Department of Revenue, the  
4           Department of Education, all cable service providers operating in the district,  
5           and the public.

6           1. Notice to the public shall be accomplished through the publication on  
7           the board's Web site~~[at least one (1) time in a newspaper of general~~  
8           ~~circulation in the county]~~, or by a posting at the courthouse door if there  
9           is no such Web site~~[newspaper]~~, of the fact that the district board has  
10          elected to opt out of the base expansion required by subsection (4) of  
11          this section. The notice shall include the following information:

12          a. The amount of revenue that will be lost from removing gross  
13          receipts of cable service from the base of the utility gross receipts  
14          tax and how that revenue will be replaced; and

15          b. The date, time, and location of a meeting of the board, not earlier  
16          than one (1) week or later than two (2) weeks from the date of the  
17          publication on the Web site or posting on the courthouse  
18          door~~[notice]~~, for the purpose of hearing comments regarding the  
19          proposed action of the board, and explaining the reasons for the  
20          proposed action.

21          2. The board of education shall conduct a public hearing at the place and  
22          on the date and time provided in the notice for the purpose of hearing  
23          comments regarding the proposed action of the board, and explaining  
24          the reasons for the proposed action.

25          (6) A utility gross receipts license tax initially levied by a school district board of  
26          education on or after July 1, 2009, shall include the gross receipts derived from the  
27          furnishing of multichannel video programming service in addition to the gross

1 receipts derived from the furnishing of utility services.

2 (7) Any school district board of education that has cable service and direct satellite  
3 broadcast and wireless cable service included in the base of a utility gross receipts  
4 tax levied prior to July 1, 2009, shall, as of July 1, 2009, include gross receipts  
5 derived from the furnishing of Internet protocol television service provided through  
6 wireline facilities without regard to delivery technology, in the base of its utility  
7 gross receipts tax at the same rate as applied to cable service and direct satellite  
8 broadcast and wireless cable service.

9 ➔Section 29. KRS 178.330 is amended to read as follows:

10 (1) It is hereby declared that in counties containing a city of the first class or a  
11 consolidated local government a system of county through roads over which traffic  
12 can be routed or which can serve as major connecting links to state highways is a  
13 necessary and integral part of a unified system of highways, roads, and streets  
14 needed for the movement of traffic in such a metropolitan area and that the  
15 construction, reconstruction, widening, relocation, repair, maintenance, and  
16 improvement of such a system of county through roads is a proper and legitimate  
17 public function as an alternative to other authorizations or requirements.

18 (2) The fiscal court of a county containing a city of the first class or the consolidated  
19 local government, acting upon the basis of an engineering and traffic investigation  
20 by the county road engineer, may designate for purposes of construction,  
21 reconstruction, widening, relocation, repair, maintenance, and improvement from  
22 among the public roads within the county certain roads proposed to constitute the  
23 "county through road system." County through roads may include:

24 (a) Main traveled roads;

25 (b) Roads in unincorporated areas necessary for the circulation of traffic within  
26 the county;

27 (c) Streets and roads through, within, or adjacent to cities of any class necessary

1 for the circulation of traffic within the county; or

2 (d) Major roads connecting two (2) primary roads maintained by the state.

3 County through roads shall not include roads on the state highway system.

4 (3) As soon as the proposed county through roads are designated as provided in  
5 subsection (2) of this section, the fiscal court or a consolidated local government  
6 shall cause such county through roads to be marked on a map to be deposited with  
7 the county road engineer and to be open to public inspection. Upon the filing of the  
8 map, the clerk of the fiscal court or the clerk of a consolidated local government  
9 shall, in conformance with KRS 424.130(1)(b), have published~~[in a newspaper of~~  
10 ~~bona fide general circulation within the county]~~:

11 (a) A notice of the proposed adoption of a county through road system;

12 (b) A description of roads or portions thereof proposed to be included;

13 (c) Notice of the date upon which the fiscal court or a consolidated local  
14 government will consider the adoption of the county through road system; and

15 (d) Notice that the map of the proposed county through road system is open to  
16 inspection in the office of the county road engineer.

17 (4) At any time before the adoption of the county through road system, any freeholder  
18 of the county may file a petition with the county road engineer asking for any  
19 change in the designated county through roads, setting forth the reason for the  
20 proposed change. Such petition shall be accompanied by a plat showing such  
21 proposed change. Any such petition shall be considered by the fiscal court or the  
22 consolidated local government at its meeting held on the date advertised in  
23 accordance with subsection (3) of this section. The fiscal court or the consolidated  
24 local government may accept or reject any such suggested changes in the proposed  
25 county through road system. The fiscal court or the consolidated local government  
26 may continue the consideration to a later meeting which must be advertised as  
27 provided in subsection (3) of this section. The roads which the fiscal court or the



1 consolidated local government so designated by official resolution shall be  
2 conclusively established as the county through road system.

3 (5) Classifications or designations of a county through road system established by this  
4 section shall not affect or change classifications or designations made by other  
5 sections of the Kentucky Revised Statutes such as "county roads," "main county  
6 roads," "rural and secondary roads," "turnpikes," "city streets," or similar terms;  
7 except that when there is an irreconcilable conflict arising from the actual  
8 application of this section in a given instance and a designation or classification  
9 made in other sections of the Kentucky Revised Statutes, this section shall prevail.  
10 Nothing in KRS 178.020 to 178.040, 178.117, 178.330 to 178.337, 179.070, and  
11 179.330 shall preclude the expenditure on the county through road system,  
12 including portions within cities, of state funds allocated for public highways under  
13 the provisions of KRS 179.410 and 179.415, or 177.320 to 177.369, or any other  
14 section of the Kentucky Revised Statutes in accordance with the provisions of KRS  
15 177.330, 177.340, or 179.440.

16 (6) The provisions of KRS 178.050 to 178.100 shall not apply to a county through road  
17 system established or maintained under KRS 178.330 to 178.337.

18 ➔Section 30. KRS 324A.163 is amended to read as follows:

19 (1) The board shall administer the appraisal management company recovery fund solely  
20 to provide restitution to each Kentucky licensed or certified real property appraiser  
21 who has suffered pecuniary loss:

22 (a) As a result of an appraisal management company ceasing to be registered with  
23 the board, either voluntarily or involuntarily;

24 (b) If an appraiser has received a final judgment from a court of competent  
25 jurisdiction within the Commonwealth; and

26 (c) If no viable alternative for full restitution is available, as determined by the  
27 board.

- 1 (2) Each fund distribution for restitution shall be made payable to the appropriate  
2 appraiser as determined by the board. The amount to be paid to the appraiser shall  
3 equal the actual amount of appraisal fees that are proven to be owed to the appraiser  
4 by the relevant appraisal management company and any reasonable and appropriate  
5 court costs associated with determining the final judgment in favor of the appraiser.  
6 If the amount of restitution to be paid to any one (1) or more appraisers at any one  
7 (1) time exceeds the balance in the fund, the board shall:
- 8 (a) Distribute as much of the restitution amount as possible, which shall be  
9 deemed to satisfy in full any claim the relevant appraisers have on payments  
10 from the recovery fund; and
- 11 (b) In the case of distributions to more than one (1) appraiser, provide for a pro  
12 rata distribution of the available fund balance, which shall be deemed to  
13 satisfy in full any claim the relevant appraisers have on payments from the  
14 recovery fund.
- 15 (3) Whenever restitution is paid by the fund, the fund shall be subrogated to the amount  
16 of the restitution.
- 17 (4) The board shall promulgate administrative regulations in accordance with KRS  
18 Chapter 13A to:
- 19 (a) Ensure that the balance of the fund established in KRS 324A.155 shall not fall  
20 below three hundred thousand dollars (\$300,000); and
- 21 (b) Impose the fees assessed upon appraisal management companies under KRS  
22 324A.155 whenever the balance of the fund is less than three hundred  
23 thousand dollars (\$300,000). The board shall cease imposing the fees when  
24 the balance of the fund is three hundred thousand dollars (\$300,000).
- 25 (5) Within one hundred twenty (120) days after the end of each fiscal year, the board  
26 shall make public, in accordance with KRS 424.180 ~~and 424.190~~, a statement of  
27 income and expenses of the appraisal management company recovery fund, the

1 details of which are in accordance with generally accepted accounting principles.

2 ➔Section 31. KRS 393.110 is amended to read as follows:

3 The department shall promulgate administrative regulations prescribing the reports which  
4 shall be filed with the department by persons holding property presumed abandoned,  
5 including the date for filing reports, the contents of the reports, the coverage period of the  
6 reports, identifying information concerning the property and presumptive owner if  
7 known, the manner in which property shall be transferred from the person holding it to  
8 the department, requirements for providing notice to a person who may be the owner of  
9 property presumed abandoned, legal actions that may be taken to claim property  
10 presumed abandoned, and any other necessary and relevant information needed by the  
11 department to carry out the responsibilities concerning unclaimed property prescribed in  
12 this chapter. The department shall, notwithstanding KRS 424.180 ~~and 424.190~~, provide  
13 on an annual basis notice or published advertisement of property transferred to it. Any  
14 procedures prescribed by the department in accordance with this section shall employ the  
15 most cost-effective methods available for the submission of reports to the department and  
16 the notice or advertisement of property transferred to the department.

17 ➔Section 32. KRS 424.130 is amended to read as follows:

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

22 (a) When an advertisement is of a completed act, such as an ordinance,  
23 resolution, regulation, order, rule, report, statement, or certificate and the  
24 purpose of the publication is not to inform the public or the members of any  
25 class of persons that they may or shall do an act or exercise a right within a  
26 designated period or upon or by a designated date, the advertisement shall be  
27 published;

1           **1. In the newspaper** one (1) time only and within thirty (30) days after  
2           completion of the act; **or**

3           **2. On a Web site, for thirty (30) days after completion of the act.**

4           However, a failure to comply with this paragraph shall not subject a person to  
5           any of the penalties provided by KRS 424.990 unless such failure continues  
6           for a period of ten (10) days after notice to comply has been given him by  
7           registered letter.

8           (b) When an advertisement is for the purpose of informing the public or the  
9           members of any class of persons that on or before a certain day they may or  
10          shall file a petition or exceptions or a remonstrance or protest or objection, or  
11          resist the granting of an application or petition, or present or file a claim, or  
12          submit a bid, the advertisement shall be published:

13          **1. In the newspaper** at least once, but may be published two (2) or more  
14          times, provided that one (1) publication occurs not less than seven (7)  
15          days nor more than twenty-one (21) days before the occurrence of the act  
16          or event; **or**

17          **2. On a Web site, not less than seven (7) days nor more than twenty-one**  
18          **(21) days before the occurrence of the act or event.**

19          (c) When an advertisement is for the purpose of informing the public and the  
20          advertisement is a notice of delinquent taxes, or notice of the sale of tax  
21          claims, the advertisement shall be published:

22          **1. In a newspaper,** either:

23                 **a.**[1-] Once a week for three (3) consecutive weeks; or

24                 **b.**[2-] One (1) time, preceded by a one-half (1/2) page notice of  
25                 advertisement the preceding week. The one-half (1/2) page  
26                 advertisement shall include notice that a list of uncollectible  
27                 delinquent taxes is also available for public inspection in

1 accordance with KRS 424.330 during normal business hours at the  
 2 business address of the city or county;~~or~~~~and~~

3 2. On an identified Internet Web site. The advertisement shall include the  
 4 business address of the city or county and the Uniform Resource Locator  
 5 (URL) for the Internet Web site where the document can be viewed. The  
 6 Internet Web site shall be affiliated with the city or county and contain  
 7 other information about the city or county government. The delinquent  
 8 tax list shall be posted on the Internet Web site for a minimum of thirty  
 9 (30) days and shall be updated weekly.

10 The provisions of this paragraph shall not be construed to require the  
 11 advertisement of notice of delinquent state taxes which are collected by the  
 12 state.

13 (d) Any advertisement not coming within the scope of paragraph (a), (b), or (c) of  
 14 this subsection, such as one for the purpose of informing the public or the  
 15 members of any class of persons of the holding of an election, or of a public  
 16 hearing, or of an examination, or of an opportunity for inspection, or of the  
 17 due date of a tax or special assessment, shall be published:

18 1. In a newspaper, at least once but may be published two (2) or more  
 19 times, provided that one (1) publication occurs not less than seven (7)  
 20 days nor more than twenty-one (21) days before the occurrence of the act  
 21 or event, or in the case of an inspection period, the inspection period  
 22 commences; or

23 2. On a Web site, not less than seven (7) days nor more than twenty-one  
 24 (21) days before the occurrence of the act or event, or in the case of an  
 25 inspection period, the inspection period commences.

26 (e) If the particular statute requiring that an advertisement be published provides  
 27 that the day upon or by which, or the period within which, an act may or shall

1           be done or a right exercised, or an event may or shall take place, is to be  
2           determined by computing time for the day of publication of an advertisement,  
3           the advertisement shall be published at least once in a newspaper or on a  
4           Web site, promptly, in accordance with the statute, and the computation of  
5           time shall be from the day of initial publication.

6       (2) This section is not intended to supersede or affect any statute providing for notice of  
7           the fact that an adversary action in court has been commenced.

8           ➔Section 33. KRS 424.150 is amended to read as follows:

9       When any statute providing for newspaper or Web site publication of an advertisement  
10       does not designate the person responsible for causing the publication to be made, the  
11       responsible person shall be:

12       (1) Where the advertisement is of the filing of a petition or application, the person by  
13           whom the same is filed;

14       (2) Where the advertisement is of an activity or action of:

15           (a) An individual public officer, the officer himself;

16           (b) A city, the city clerk if there be one; if not, the mayor;

17           (c) A county, the county clerk;

18           (d) A district, or a board, commission or agency of a city, county or district, the  
19           chief administrative or executive officer or agent thereof;

20           (e) A court, the clerk thereof;

21           (f) A state department or agency, the head thereof.

22           ➔Section 34. KRS 424.170 is amended to read as follows:

23       (1) The affidavit of the publisher or proprietor of a newspaper, stating that an  
24           advertisement has been published in his newspaper and the times it was published,  
25           attached to a copy of the advertisement, constitutes prima facie evidence that the  
26           publication was made as stated in the affidavit.

27       (2) The affidavit of the person responsible for publishing as described in KRS 424.150,

1 stating that an advertisement has been delivered by first class mail to each residence  
2 within the publication area, attached to a copy of the advertisement, constitutes  
3 prima facie evidence that the publication was made as stated in the affidavit and that  
4 the expenditure for the cost of postage, all supplies, and reproduction of the  
5 advertisement did not exceed the cost of newspaper publication of the  
6 advertisement.

7 **(3) The affidavit of the Web site administrator or the Web site administrator's agent,**  
8 **stating that an advertisement has been published on the Web site that he or she**  
9 **manages and the date and time it was published, attached to a copy of the Web**  
10 **site advertisement, constitutes prima facie evidence that the publication was made**  
11 **as stated in the affidavit.**

12 ➔Section 35. KRS 424.215 is amended to read as follows:

13 Notwithstanding KRS 65.070, 83A.060, 91A.040, ~~160.463,~~ 424.180, ~~424.190,~~  
14 ~~424.220,~~ 424.230, 424.250, 424.260, 424.270, 424.330, any public agency required to  
15 advertise or publish notices or documents in a newspaper shall be charged the lowest rate  
16 generally charged for advertising by the newspaper.

17 ➔Section 36. KRS 424.220 is amended to read as follows:

18 (1) Excepting officers of a city of the first class or a consolidated local government, a  
19 county containing such a city or consolidated local government, a public agency of  
20 such a city, consolidated local government, or county, or a joint agency of such a  
21 city, consolidated local government, and county, or of a school district of such a  
22 city, consolidated local government, or county, and excepting officers of a city with  
23 a population equal to or greater than twenty thousand (20,000) based upon the most  
24 recent federal decennial census or an urban-county government, every public officer  
25 of any school district, city, consolidated local government, county, or subdivision,  
26 or district less than a county, whose duty it is to collect, receive, have the custody,  
27 control, or disbursement of public funds, and every officer of any board or

1 commission of a city, consolidated local government, county, or district whose duty  
2 it is to collect, receive, have the custody, control, or disbursement of funds collected  
3 from the public in the form of rates, charges, or assessments for services or benefits,  
4 shall at the expiration of each fiscal year prepare an itemized, sworn statement of  
5 the funds collected, received, held, or disbursed by him during the fiscal year just  
6 closed, unless he has complied with KRS 424.230. Pursuant to subsections (2) and  
7 (3) of KRS 91A.040, each city with a population of less than one thousand (1,000)  
8 based upon the most recent federal decennial census shall prepare an itemized,  
9 sworn statement of the funds collected, received, held, or disbursed by the city  
10 which complies with the provisions of this section.

11 (2) The statement shall show:

12 (a) The total amount of funds collected and received during the fiscal year from  
13 each individual source; and

14 (b) The total amount of funds disbursed during the fiscal year to each individual  
15 payee. The list shall include only aggregate amounts to vendors exceeding one  
16 thousand dollars (\$1,000).

17 (3) Only the totals of amounts paid to each individual as salary or commission and  
18 public utility bills shall be shown. The amount of salaries paid to all nonelected  
19 county employees shall be shown as lump-sum expenditures by category, including  
20 but not limited to road department, jails, solid waste, public safety, and  
21 administrative personnel.

22 (4) The amount of salaries paid to all teachers shall be shown as a lump-sum  
23 instructional expenditure for the school district and not by amount paid to  
24 individual teachers. The amount of salaries paid to all other employees of the board  
25 shall be shown as lump-sum expenditures by category, including but not limited to  
26 administrative, maintenance, transportation, and food service. The local board of  
27 education and the fiscal court shall have accessible a factual list of individual



1 salaries for public scrutiny and the local board and the fiscal court shall:

2 (a) Furnish by mail a factual list of individual salaries of its employees to a  
3 newspaper qualified under KRS 424.120 to publish advertisements for the  
4 district, which newspaper may then publish as a news item the individual  
5 salaries of school or county employees; and

6 (b) Publish the information on its Web site.

7 (5) The officer shall procure and include in or attach to the financial statement, as a part  
8 thereof, a certificate from the cashier or other proper officer of the banks in which  
9 the funds are or have been deposited during the past year, showing the balance, if  
10 any, of funds to the credit of the officer making the statement.

11 (6) (a) The officer shall, except in a city publishing its audit in accordance with KRS  
12 91A.040(6), within sixty (60) days after the close of the fiscal year cause the  
13 financial statement to be published on the government Web site or in full in a  
14 newspaper qualified under KRS 424.120 to publish advertisements for the  
15 city, county, or district, as the case may be. Promptly after the publication is  
16 made, the officer shall file a written or printed copy of the advertisement or  
17 Web page, with proof of publication, in the office of the county clerk of the  
18 county and with the Auditor of Public Accounts.

19 (b) The appropriate officer of a city that has not conducted an annual audit under  
20 the provisions of KRS 91A.040(2) or (3) may publish a legal display  
21 advertisement meeting the requirements of subsection (7)(b) of this section  
22 which shall satisfy the publication requirements set out in paragraph (a) of this  
23 subsection.

24 (7) In lieu of the publication requirements of subsection (6) of this section, the  
25 appropriate officer of a city, including the appropriate officer of any municipally  
26 owned electric, gas, or water system, shall elect to satisfy the requirements of  
27 subsection (6) of this section by:

- 1 (a) Publishing an audit report in accordance with KRS 91A.040(6); and
- 2 (b) Publishing a legal display advertisement of not less than six (6) column inches
- 3 in a newspaper qualified under KRS 424.120 that the statement required by
- 4 subsection (1) of this section has been prepared and that copies have been
- 5 provided to each local newspaper of general circulation, each news service,
- 6 and each local radio and television station which has on file with the city a
- 7 written request to be provided a statement. The advertisement shall be
- 8 published within ninety (90) days after the close of the fiscal year.
- 9 (8) The appropriate officer of a county shall satisfy the requirements of subsection (6)
- 10 of this section by publishing the county's audit, prepared in accordance with KRS
- 11 43.070 or 64.810, in the same manner that city audits are published in accordance
- 12 with KRS 91A.040(6).

13 ➔Section 37. KRS 424.240 is amended to read as follows:

14 Immediately following the adoption of an annual budget by any county or city other than

15 one of the first class or a consolidated local government, the clerk shall cause a summary

16 of the budget or the text of the budget ordinance to be advertised for the county,

17 consolidated local government, or city by publication on its Web site or in a newspaper.

18 ➔Section 38. KRS 424.250 is amended to read as follows:

19 At the same time that copies of the budget of a school district are filed with the clerk of

20 the tax levying authority for the district, as provided in KRS 160.470, the board of

21 education of the district shall cause the budget to be advertised for the district by

22 publishing a copy of the budget on its Web site or in a newspaper.

23 ➔Section 39. KRS 424.260 is amended to read as follows:

- 24 (1) Except where a statute specifically fixes a larger sum as the minimum for a
- 25 requirement of advertisement for bids, no city, county, or district, or board or
- 26 commission of a city or county, or sheriff or county clerk, may make a contract,
- 27 lease, or other agreement for materials, supplies except perishable meat, fish, and

1 vegetables, equipment, or for contractual services other than professional, involving  
2 an expenditure of more than twenty thousand dollars (\$20,000) without first making  
3 newspaper or Web site advertisement for bids. This subsection shall not apply to the  
4 transfer of property between governmental agencies as authorized in KRS  
5 82.083(4)(a).

6 (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on  
7 expenditures of less than twenty thousand dollars (\$20,000), the fiscal court  
8 requirement shall prevail.

9 (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district  
10 to acquire supplies and equipment outside of the bidding procedure if those  
11 supplies and equipment meet the specifications of the contracts awarded by  
12 the Office of Material and Procurement Services in the Office of the  
13 Controller within the Finance and Administration Cabinet or a federal, local,  
14 or cooperative agency and are available for purchase elsewhere at a lower  
15 price. A board of education may purchase those supplies and equipment  
16 without advertising for bids if, prior to making the purchases, the board of  
17 education obtains certification from the district's finance or purchasing officer  
18 that the items to be purchased meet the standards and specifications fixed by  
19 state price contract, federal (GSA) price contract, or the bid of another school  
20 district whose bid specifications allow other districts to utilize their bids, and  
21 that the sales price is lower than that established by the various price contract  
22 agreements or available through the bid of another school district whose bid  
23 specifications would allow the district to utilize their bid.

24 (b) The procedures set forth in paragraph (a) of this subsection shall not be  
25 available to the district for any specific item once the bidding procedure has  
26 been initiated by an invitation to bid and a publication of specifications for  
27 that specific item has been published. In the event that all bids are rejected, the

1 district may again avail itself of the provisions of paragraph (a) of this  
2 subsection.

3 (4) This requirement shall not apply in an emergency if the chief executive officer of  
4 the city, county, or district has duly certified that an emergency exists, and has filed  
5 a copy of the certificate with the chief financial officer of the city, county, or  
6 district, or if the sheriff or the county clerk has certified that an emergency exists,  
7 and has filed a copy of the certificate with the clerk of the court where his necessary  
8 office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the  
9 superintendent of the board of education has duly certified that an emergency exists,  
10 and has filed a copy of the certificate with the chief state school officer.

11 (5) The provisions of subsection (1) of this section shall not apply for the purchase of  
12 wholesale electric power for resale to the ultimate customers of a municipal utility  
13 organized under KRS 96.550 to 96.900.

14 ➔Section 40. KRS 424.270 is amended to read as follows:

15 No general regulation of uniform application throughout the publication area promulgated  
16 by any officer, board or commission of a city, county, or district, which is intended to  
17 impose liabilities or restrictions upon the public shall be valid unless and until it, or a  
18 notice of such promulgation, together with a statement where the original regulation may  
19 be examined by the public, has been advertised by newspaper or Web site publication.

20 ➔Section 41. KRS 424.280 is amended to read as follows:

21 Every officer whose duty it is to collect any ad valorem tax for the state or for any  
22 political subdivision of the state shall cause notice of the due date of the tax to be  
23 advertised by newspaper or Web site publication, and shall not be given a quietus for the  
24 taxes collected unless he submits proof of such publication. Publication of the ordinance  
25 passed by a city adopting the rate of the ad valorem tax levy shall be deemed to satisfy the  
26 requirements of this section if the due date of the tax is published as a component of the  
27 ordinance levying the tax.

1           ➔Section 42. KRS 424.330 is amended to read as follows:  
2       Cities may publish a list of uncollected delinquent taxes levied under Section 181 of the  
3       Kentucky Constitution, showing the name of and the amount due from each delinquent  
4       taxpayer, to be advertised by newspaper or Web site publication. A fee equal to the  
5       prorated cost of publication per taxpayer per publication may be added to the amount of  
6       each tax claim published as newspaper publication costs.

7           ➔Section 43. The following KRS section is repealed:  
8       424.190 Alternatives to newspaper publication abolished -- Exception -- Information  
9       required to be sent to Department for Local Government.