

1 AN ACT relating to children's early learning services taxing districts.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act, unless the context requires otherwise:*

6 *(1) "Board" means the board of directors of a children's early learning services*
7 *taxing district;*

8 *(2) "Child" or "children" means an unemancipated minor or minors under eighteen*
9 *(18) years of age;*

10 *(3) "District" means a children's early learning services taxing district; and*

11 *(4) "Early learning" means early childhood education that focuses on development*
12 *themes such as social, emotional, physical, intellectual, and academic.*

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
14 READ AS FOLLOWS:

15 *For the purpose of enabling cities or counties, or parts thereof, to provide services that*
16 *support children's early learning, the General Assembly does hereby allow all the*
17 *territory coterminous with the boundaries of a city or county, or coterminous with the*
18 *boundaries of two (2) or more cities or counties contiguous to each other, to be*
19 *organized into a children's early learning services taxing district for the purpose of*
20 *financing and administering early learning services to children.*

21 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
22 READ AS FOLLOWS:

23 *(1) A children's early learning services taxing district may be created by the fiscal*
24 *court as provided in KRS 65.182 or, if in a consolidated local government or city*
25 *of the first class, as provided in KRS 65.192. If the citizens of a city seek to create*
26 *a district, the boundaries of which shall be coterminous with those of the city, or*
27 *which lie wholly within the boundaries of that city, those citizens shall petition*

1 the city legislative body and the city legislative body shall exercise all rights,
2 powers, and duties of the fiscal court as set forth in KRS 65.182 or 65.192 in
3 determining whether to create the district.

4 (2) The special ad valorem tax that may be imposed for the maintenance and
5 operation of the district shall not exceed ten cents (\$0.10) on each one hundred
6 dollars (\$100) of the assessed valuation of all property in the district.

7 (3) Upon the creation of a district by a fiscal court or city legislative body as provided
8 in KRS 65.182 or 65.192, the district shall be so established and shall constitute
9 and be a taxing district within the meaning of Section 157 of the Constitution of
10 Kentucky.

11 (4) (a) If a district consists solely of a single city, the special ad valorem tax
12 authorized by Sections 1 to 6 of this Act shall be collected in the same
13 manner as are the other city ad valorem taxes and turned over to the board
14 of the district.

15 (b) A district that does not consist solely of a single city shall collect the special
16 ad valorem tax authorized by Sections 1 to 6 of this Act in the following
17 manner:

18 1. The property valuation administrator of the county shall note on the
19 tax rolls the taxpayers and valuation of the property subject to the
20 assessment;

21 2. The county clerk shall compute the tax on the regular state and county
22 tax bills;

23 3. The special ad valorem tax shall be in addition to all other ad valorem
24 taxes; and

25 4. The sheriff shall collect the tax, turn it over to the board of the district,
26 and be entitled to a fee of four percent (4%) of the amount of the tax
27 collected by the sheriff for that district.

1 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) The affairs of a district shall be controlled and managed by a board of directors
4 appointed by the county judge/executive with the approval of the fiscal courts and
5 by city legislative bodies in the following manner:

6 (a) If the district consists of one (1) city, seven (7) members shall be appointed
7 to the board by the city legislative body;

8 (b) If the district consists of two (2) cities, the legislative body of the city
9 containing the largest population in the district shall appoint four (4)
10 members and the remaining city shall appoint three (3) directors;

11 (c) If the district consists of more than two (2) cities, the legislative body of the
12 city having the greatest portion of the population of the district shall appoint
13 four (4) directors and the legislative body of each of the remaining cities
14 comprising the district shall jointly appoint three (3) directors;

15 (d) If the district consists of one (1) county, seven (7) members shall be
16 appointed to the board by the county judge/executive of the county;

17 (e) If the district consists of two (2) counties, the county judge/executive of the
18 county having the greater portion of the population of the district shall
19 appoint four (4) directors and the county judge/executive of the other
20 county shall appoint three (3) directors; or

21 (f) If the district consists of more than two (2) counties, the county
22 judge/executive of the county having the greatest portion of the population
23 of the district shall appoint four (4) directors and the county
24 judges/executive of the remaining counties comprising the district shall
25 jointly appoint three (3) directors.

26 (2) Each board member shall reside within the district.

27 (3) The board shall be appointed within thirty (30) days after the establishment of the

1 district. Directors shall be appointed for terms of two (2) years each, except that
2 initially the appointing authority shall appoint a minority of the board members
3 for one (1) year terms. Subsequent terms shall all be for two (2) years. Any
4 vacancies shall be filled by the appointing authority for the unexpired term.

5 (4) Each board member, before entering upon his or her official duties, shall take
6 and subscribe to a written oath that he or she will honestly, faithfully, and
7 impartially perform the duties of the office and that he or she will not be
8 interested in any contract let for the purpose of effectuating any of the provisions
9 of Sections 1 to 6 of this Act. The oath shall be filed with the records of the
10 district.

11 (5) The members of the board shall not receive compensation for their services but
12 shall be reimbursed for their actual expenses necessarily incurred in the
13 performance of their duties upon sworn written statements accompanied by
14 receipts for any expense submitted to and approved by the board.

15 (6) A majority of the membership of the board shall constitute a quorum.

16 (7) The board may employ or retain a licensed attorney to advise them on all matters
17 pertaining to their duties, and the attorney shall attend all meetings of the board,
18 except executive sessions when the board does not require the attorney's
19 presence. The board may appropriate out of the funds of the district a salary or
20 commission for an attorney employed or retained under this subsection.

21 (8) A member of the board of directors may be removed from office as provided by
22 KRS 65.007.

23 (9) The board of each district shall comply with the provisions of KRS 65A.010 to
24 65A.090.

25 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
26 READ AS FOLLOWS:

27 The board of directors shall provide early learning services to the children of the

- 1 district and shall have the authority to:
- 2 (1) Adopt rules and regulations necessary to effectively and efficiently provide
- 3 children's early learning services within the district;
- 4 (2) Employ staff to provide children's early learning services within the district;
- 5 (3) Compensate employees of the district at a rate determined by the board;
- 6 (4) Apply for and receive available funds from the state and federal government for
- 7 the purpose of providing children's early learning services within the district;
- 8 (5) Acquire by bequest, gift, grant, or purchase such real or personal property
- 9 necessary to provide children's early learning services;
- 10 (6) Contract with private persons, partnerships, or corporations for providing early
- 11 learning services to children of the district as long as these services conform to all
- 12 requirements of Sections 1 to 6 of this Act; and
- 13 (7) Perform any other duties as may be necessary to the benefit of children's early
- 14 learning as contemplated by Sections 1 to 6 of this Act.

15 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO

16 READ AS FOLLOWS:

- 17 (1) Single city or county districts may be dissolved in the following manner:
- 18 (a) Upon the filing of a certified petition of a number of registered voters equal
- 19 to or greater than forty percent (40%) of the average of the voters living in
- 20 the taxing district and voting in the last four (4) general elections or upon
- 21 the determination of the fiscal court or city legislative body that the
- 22 abolishment of the district is in the best interest of the inhabitants of the
- 23 county or city, the fiscal court or city legislative body, as appropriate, shall
- 24 adopt a resolution submitting to the qualified voters of the county or city the
- 25 question of whether the district should be dissolved and the imposition of
- 26 the special ad valorem tax discontinued. A certified copy of the resolution of
- 27 the fiscal court or city legislative body, as appropriate, shall be filed with the

1 county clerk not later than the second Tuesday in August prior to the next
2 regular election, and the clerk shall cause the question to be placed before
3 the voters;

4 (b) The question shall be in substantially the following form: "Are you in favor
5 of dissolving the children's early learning services taxing district for (insert
6 name of city or county) and discontinuing the special ad valorem tax that is
7 imposed for the maintenance and operation of the district?";

8 (c) If a majority of those voting on the question favor dissolving the district and
9 discontinuing the imposition of the special ad valorem tax, the county clerk
10 or the collector of city taxes shall remove the levy of the special ad valorem
11 tax from the tax bills of the property owners of the district and the district
12 shall be dissolved by order of the fiscal court or the city legislative body. If
13 less than a majority of those voting on the question favor dissolving the
14 district, the district shall be continued, and a future vote shall not be taken
15 on the question of dissolving the district before the next regular election
16 four (4) years later; and

17 (d) A resolution for the dissolution of the district shall not be considered to
18 have any legal effect if contractual obligations assumed prior to the time of
19 the passage of the resolution by the board have not been met.

20 (2) Multicounty or multicity districts may be dissolved when each member county or
21 city follows the procedures set out in subsection (1) of this section.

22 (3) Any member city or county of a district may withdraw its membership after
23 following the procedures established in subsection (1)(a), (b), and (c) of this
24 section, after which the district shall continue to function with its boundaries
25 consisting of the remaining county or city or unincorporated area members. A
26 city or county or unincorporated area shall not withdraw from any district unless
27 it satisfies its part of all contractual obligations assumed by the district prior to

- 1 *the passage of its resolution to the satisfaction of the board.*
- 2 *(4) (a) The board of the district shall, in the resolution for dissolution, account for*
- 3 *the distribution of any remaining moneys and assets that remain after*
- 4 *contractual obligations assumed prior to the time of the passage of the*
- 5 *resolution by the board have been met.*
- 6 *(b) The board, in determining the distribution, shall consult with and receive*
- 7 *the approval of the legislative bodies of any member cities or counties*
- 8 *participating at the time of dissolution. Any assets and moneys shall be*
- 9 *transferred to the remaining member cities or counties.*