

132.023 Limits for special purpose governmental entities -- Procedure for exceeding limits.

- (1) No special purpose governmental entity shall levy a tax rate which exceeds the compensating tax rate until the taxing district has complied with the provisions of KRS 65A.110 and subsection (2) of this section.
- (2)
 - (a) A special purpose governmental entity proposing to levy a tax rate which exceeds the compensating tax rate shall submit the proposed rate as required by KRS 65A.110 and shall hold a public hearing to hear comments from the public regarding the proposed tax rate. The hearing shall be held in the same location where the governing body of the city or county where the largest number of citizens served by the special purpose governmental entity reside meets, and shall be held immediately before a regularly scheduled meeting of that governing body.
 - (b) The special purpose governmental entity shall advertise the hearing by causing to be published at least twice in two (2) consecutive weeks, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches, the following:
 1. The tax rate levied in the preceding year, and the revenue produced by that rate;
 2. The tax rate proposed for the current year and the revenue expected to be produced by that rate;
 3. The compensating tax rate and the revenue expected from it;
 4. The revenue expected from new property and personal property;
 5. The general areas to which revenue in excess of the revenue produced in the preceding year is to be allocated;
 6. A time and place for the public hearing which shall be held not less than seven (7) days, nor more than ten (10) days, after the day that the second advertisement is published;
 7. The purpose of the hearing; and
 8. A statement to the effect that the General Assembly has required publication of the advertisement and the information contained therein.
 - (c) In lieu of the two (2) published notices, a single notice containing the required information may be sent by first-class mail to each person owning real property in the special purpose governmental entity, addressed to the property owner at his residence or principal place of business as shown on the current year property tax roll.
 - (d) The hearing shall be open to the public. All persons desiring to be heard shall be given an opportunity to present oral testimony. The special purpose governmental entity may set reasonable time limits for testimony.
- (3)
 - (a) That portion of a tax rate levied by an action of a special purpose governmental entity which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount

of revenue produced by the compensating tax rate shall be subject to a recall vote or reconsideration by the special purpose governmental entity, as provided for in KRS 132.017, and shall be advertised as provided in paragraph (b) of this subsection.

- (b) The special purpose governmental entity shall, within seven (7) days following adoption of an ordinance, order, resolution, or motion to levy a tax rate which will produce revenue from real property, exclusive of revenue from new property, more than four percent (4%) over the amount of revenue produced by the compensating tax rate, cause to be published, in the newspaper of largest circulation in the county, a display type advertisement of not less than twelve (12) column inches the following:
1. The fact that the taxing district has adopted a rate;
 2. The fact that the part of the rate which will produce revenue from real property, exclusive of new property, in excess of four percent (4%) over the amount of revenue produced by the compensating tax rate is subject to recall; and
 3. The name, address, and telephone number of the county clerk of the county in which the special purpose governmental entity is located, with a notation to the effect that that official can provide the necessary information about the petition required to initiate recall of the tax rate.

Effective: January 1, 2021

History: Amended 2020 Ky. Acts ch. 90, sec. 2, effective January 1, 2021. -- Amended 2013 Ky. Acts ch. 40, sec. 87, effective March 21, 2013. -- Amended 2002 Ky. Acts ch. 346, sec. 164, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 343, sec. 5, effective July 13, 1990; and ch. 476, Pt. V, sec. 311, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 319, sec. 8, effective July 15, 1980. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 25, sec. 4, effective February 13, 1979. -- Amended 1972 Ky. Acts ch. 285, sec. 2. -- Amended 1966 Ky. Acts ch. 62, sec. 1. -- Created 1965 (1st Extra. Sess.) Ky. Acts ch. 2, sec. 13.

Legislative Research Commission Note (3/21/2013). Two manifest clerical or technical errors have been corrected in this statute. When the statute was amended in 2013 Ky. Acts ch. 40, sec. 87, the phrase "as defined in KRS 132.010," including the comma, was deleted twice in subsection (3)(b). Under the authority of KRS 7.136, the Reviser of Statutes has restored both of the deleted commas.

Legislative Research Commission Note (7/13/90). The Act amending this section prevails over the repeal and reenactment in House Bill 940, Acts Ch. 476, pursuant to Section 653(1) of Acts Ch. 476.