

AN ACT relating to fire protection and volunteer fire department districts in consolidated local governments.

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

➔Section 1. KRS 75.040 is amended to read as follows:

- (1) (a) Upon the creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010 to 75.031, the trustees of a district are authorized to establish and operate a fire department and emergency ambulance service as provided in subsection (6) of this section and to levy a tax upon the property in the district. Property that may be taxed includes property within cities in a fire protection district or a volunteer fire department district:
1. As provided by KRS 75.022; or
 2. Within the metes and bounds of a city that does not maintain a regular fire department as defined by KRS 95.010(3)(b).

The property taxed shall be subject to county tax, and the tax levied by the district shall not exceed ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance, and operation of the fire department or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.

- (b) ***1. A fire protection district or volunteer fire department district in a county containing a consolidated local government may, upon a majority vote of the property holders of the district, establish a property tax rate greater than ten cents (\$0.10) per one hundred dollars (\$100) of assessed valuation. This vote shall occur in accordance with KRS 75.031(2).***

2. The vote shall occur on the same date and at the same time as the election required by KRS 75.031(2). The notice required by KRS 75.031(2) shall include:
- a. A statement that voters will be asked to consider an ad valorem tax increase;
- b. The tax rate levied the preceding year and the revenue produced by that rate;
- c. The tax rate proposed for the current year and the revenue expected to be produced by that rate; and
- d. The language that will appear on the ballot asking the voters to approve the rate.
3. KRS 132.023 shall not apply to any rate proposed under this paragraph.
4. Any rate increase approved by the voters of the district shall apply to the year in which the rate was approved and thereafter, unless the ballot language establishes a later effective date or limits the term in which the levy will apply.

(c) A fire protection district or a volunteer fire department district that establishes and operates an emergency ambulance service and is the primary service provider in the district may levy a tax upon the property in the district not to exceed twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance, and operation of the fire department and emergency ambulance service or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.

(2) The establishment, maintenance, and operation of a fire protection district or

volunteer fire department district shall include, but not be limited to, the following activities:

- (a) Acquisition and maintenance of adequate fire protection facilities;
 - (b) Acquisition and maintenance of adequate firefighting equipment;
 - (c) Recruitment, training, and supervision of firefighters;
 - (d) Control and extinguishment of fires;
 - (e) Prevention of fires;
 - (f) Conducting fire safety activities;
 - (g) Payment of compensation to firefighters and providing the necessary support and supervisory personnel;
 - (h) Payment for reasonable benefits or a nominal fee to volunteer firefighters when benefits and fees do not constitute wages or salaries under KRS Chapter 337 and are not taxable as income to the volunteer firefighters under Kentucky or federal income tax laws; and
 - (i) The use of fire protection district equipment for activities which are for a public purpose and which do not materially diminish the value of the equipment.
- (3) The property valuation administrator of the county or counties involved, with the cooperation of the board of trustees, shall note on the tax rolls the taxpayers and valuation of the property subject to such assessment. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the Department of Revenue.
- (4) Such taxes shall be subject to the same delinquency date, discounts, penalties, and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county or counties involved and accounted for to the treasurer of the district. The sheriff shall be entitled to a fee of one percent (1%) of the amount collected by him.

- (5) Nothing contained in this subsection shall be construed to prevent the trustees of a fire protection district located in a city or county which provides emergency ambulance service from using funds derived from taxes for the purpose of providing supplemental emergency medical services so long as the mayor of the city or the county judge/executive of the county, as appropriate, certifies to the trustees in writing that supplemental emergency medical services are reasonably required in the public interest. For the purposes of this subsection, "supplemental emergency medical services" may include EMT, EMT-D, and paramedic services rendered at the scene of an emergent accident or illness until an emergency ambulance can arrive at the scene.
- (6) The trustees of those fire protection districts or volunteer fire department districts whose districts or portions thereof do not receive emergency ambulance services from an emergency ambulance service district or, whose districts are not being served by an emergency ambulance service operated or contracted by a city or county government, may develop, maintain, and operate or contract for an emergency ambulance service as part of any fire department created pursuant to this chapter. No taxes levied pursuant to subsection (1) of this section shall be used to develop, maintain, operate, or contract for an emergency ambulance service until the tax year following the year the trustees of the district authorize the establishment of the emergency ambulance service.