

1 AN ACT relating to a district board of education's levy of an equivalent tax rate.

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

3 ➔Section 1. KRS 132.017 is amended to read as follows:

4 (1) As used in this section, "local governmental entity" includes a county fiscal court and  
5 legislative body of a city, urban-county government, consolidated local government,  
6 charter county government, or other taxing district.

7 (2) (a) That portion of a tax rate levied by an ordinance, order, resolution, or motion  
8 of a local governmental entity or district board of education subject to recall as  
9 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go into  
10 effect forty-five (45) days after its passage.

11 (b) During the forty-five (45) days next following the passage of the ordinance,  
12 order, resolution, or motion, any five (5) qualified voters who reside in the  
13 area where the tax levy will be imposed may commence petition proceedings to  
14 protest the passage of the ordinance, order, resolution, or motion by filing with  
15 the county clerk an affidavit stating that they constitute the petition committee  
16 and that they will be responsible for circulating the petition and filing it in the  
17 proper form within forty-five (45) days from the passage of the ordinance,  
18 order, resolution, or motion. The affidavit shall state their names and addresses  
19 and specify the address to which all notices to the committee are to be sent.

20 Upon receipt of the affidavit, the county clerk shall:

- 21 1. At the time of filing of the affidavit, notify the petition committee of all  
22 statutory requirements for the filing of a valid petition under this section;
- 23 2. At the time of the filing of the affidavit, notify the petition committee that  
24 the clerk will publish a notice identifying the tax levy being challenged  
25 and providing the names and addresses of the petition committee in a  
26 newspaper of general circulation within the county, if such publication  
27 exists, if the petition committee remits an amount equal to the cost of

1 publishing the notice determined in accordance with the provisions of  
2 KRS 424.160 at the time of the filing of the affidavit. If the petition  
3 committee elects to have the notice published, the clerk shall publish the  
4 notice within five (5) days of receipt of the affidavit; and

5 3. Deliver a copy of the affidavit to the appropriate local governmental  
6 entity or district board of education.

7 (c) The petition shall be filed with the county clerk within forty-five (45) days of  
8 the passage of the ordinance, order, resolution, or motion. All papers of the  
9 petition shall be uniform in size and style and shall be assembled in one (1)  
10 instrument for filing. Each sheet of the petition shall contain the names of  
11 voters from one (1) voting precinct only, and shall include the name, number  
12 and designation of the precinct in which the voters signing the petition live.  
13 The inclusion of an invalid signature on a page shall not invalidate the entire  
14 page of the petition, but shall instead result in the invalid signature being  
15 stricken and not counted. Each signature shall be executed in ink or indelible  
16 pencil and shall be followed by the printed name, street address, and Social  
17 Security number or birthdate of the person signing. The petition shall be signed  
18 by a number of registered and qualified voters residing in the affected  
19 jurisdiction equal to at least ten percent (10%) of the total number of votes  
20 cast in the last preceding presidential election.

21 (d) Upon the filing of the petition with the county clerk, the ordinance, order,  
22 resolution, or motion shall be suspended from going into effect until after the  
23 election referred to in subsection (3) of this section is held, or until the petition  
24 is finally determined to be insufficient and no further action may be taken  
25 pursuant to paragraph (h) of this subsection.

26 (e) The county clerk shall immediately notify the presiding officer of the  
27 appropriate local governmental entity or district board of education that the

1 petition has been received and shall, within thirty (30) days of the receipt of the  
2 petition, make a determination of whether the petition contains enough  
3 signatures of qualified voters to place the ordinance, order, resolution, or  
4 motion before the voters.

5 (f) If the county clerk finds the petition to be sufficient, the clerk shall certify to  
6 the petition committee and the local governmental entity or district board of  
7 education within the thirty (30) day period provided for in paragraph (e) of this  
8 subsection that the petition is properly presented and in compliance with the  
9 provisions of this section, and that the ordinance, order, resolution, or motion  
10 levying the tax will be placed before the voters for approval.

11 (g) If the county clerk finds the petition to be insufficient, the clerk shall, within  
12 the thirty (30) day period provided for in paragraph (e) of this subsection,  
13 notify, in writing, the petition committee and the local governmental entity or  
14 district board of education of the specific deficiencies found. Notification shall  
15 be sent by certified mail and shall be published at least one (1) time in a  
16 newspaper of general circulation within the county containing the local  
17 governmental entity or district board of education levying the tax or, if there is  
18 no such newspaper, shall be posted at the courthouse door.

19 (h) A final determination of the sufficiency of a petition shall be subject to final  
20 review by the Circuit Court of the county in which the local governmental  
21 entity or district board of education is located, and shall be limited to the  
22 validity of the county clerk's determination. Any petition challenging the  
23 county clerk's final determination shall be filed within ten (10) days of the  
24 issuance of the clerk's final determination.

25 (i) The local governmental entity or district board of education may cause the  
26 cancellation of the election by reconsidering the ordinance, order, resolution,  
27 or motion and amending the ordinance, order, resolution, or motion to levy a

1 tax rate which will produce no more revenue from real property, exclusive of  
2 revenue from new property as defined in KRS 132.010, than four percent (4%)  
3 over the amount of revenue produced by the compensating tax rate defined in  
4 KRS 132.010 from real property. The action by the local governmental entity  
5 or district board of education shall be valid only if taken within fifteen (15)  
6 days following the date the clerk finds the petition to be sufficient.

7 (3) (a) If an election is necessary under the provisions of subsection (2) of this  
8 section, the county fiscal court, legislative body of a city, urban-county  
9 government, consolidated local government, or other taxing district shall cause  
10 to be submitted to the voters of the county, district, consolidated local  
11 government, or urban-county at the next regular election, the question as to  
12 whether the property tax rate shall be levied. The question shall be submitted  
13 to the county clerk not later than the second Tuesday in August preceding the  
14 regular election.

15 (b) If an election is necessary for a school district under the provisions of  
16 subsection (2) of this section, the district board of education may cause to be  
17 submitted to the voters of the district in a called common school election not  
18 less than thirty-five (35) days nor more than forty-five (45) days from the date  
19 the signatures on the petition are validated by the county clerk, or at the next  
20 regular election, at the option of the district board of education, the question  
21 as to whether the property tax rate shall be levied. If the election is held in  
22 conjunction with a regular election, the question shall be submitted to the  
23 county clerk not later than the second Tuesday in August preceding the regular  
24 election. The cost of a called common school election shall be borne by the  
25 school district holding the election. Any called common school election shall  
26 comply with the provisions of KRS 118.025.

27 (c) In an election held under paragraph (a) or (b) of this subsection, the question

1 shall be so framed that the voter may by his or her vote answer "for" or  
2 "against." If a majority of the votes cast upon the question oppose its passage,  
3 the ordinance, order, resolution, or motion shall not go into effect. If a  
4 majority of the votes cast upon the question favor its passage, the ordinance,  
5 order, resolution, or motion shall become effective.

6 (d) **1. Except as provided in subparagraph 2. of this paragraph,** if the  
7 ordinance, order, resolution, or motion fails to pass pursuant to an  
8 election held under paragraph (a) or (b) of this subsection, the property  
9 tax rate which will produce four percent (4%) more revenues from real  
10 property, exclusive of revenue from new property as defined in KRS  
11 132.010, than the amount of revenue produced by the compensating tax  
12 rate defined in KRS 132.010, shall be levied without further approval by  
13 the local governmental entity or district board of education.

14 **2. If the ordinance, order, resolution, or motion to levy a tax rate that:**

15 **a. Was subject to recall at the time it was levied;**

16 **b. Included at least a five cents (\$0.05) equivalent rate for the**  
17 **purpose of debt service for school construction or major**  
18 **renovation of existing school facilities;**

19 **c. Was levied by a district board of education; and**

20 **d. Was levied after the effective date of this Act;**

21 **fails to pass pursuant to an election held under paragraph (a) or (b) of**  
22 **this subsection, the property tax rate which will produce no more**  
23 **revenue than the amount of revenue produced by the compensating**  
24 **tax rate defined in KRS 132.010 shall be levied and the district board**  
25 **of education shall wait three (3) years from the date of the election**  
26 **before levying another equivalent tax rate of at least five cents (\$0.05).**

27 (4) Notwithstanding any statutory provision to the contrary, if a local

1 governmental entity or district board of education has not established a  
 2 final tax rate as of September 15, due to the recall provisions of this  
 3 section, KRS 68.245, 132.027, or 160.470, regular tax bills shall be  
 4 prepared as required in KRS 133.220 for all districts having a tax rate  
 5 established by that date; and a second set of bills shall be prepared and  
 6 collected in the regular manner, according to the provisions of KRS  
 7 Chapter 132, upon establishment of final tax rates by the remaining  
 8 districts.

9 (5) If a second billing is necessary, the collection period shall be extended to conform  
 10 with the second billing date.

11 (6) All costs associated with the second billing shall be paid by the taxing district or  
 12 districts requiring the second billing.

13 ➔Section 2. KRS 160.470 is amended to read as follows:

14 (1) (a) Notwithstanding any statutory provisions to the contrary, no district board of  
 15 education shall levy a general tax rate which will produce more revenue,  
 16 exclusive of revenue from net assessment growth as defined in KRS 132.010,  
 17 than would be produced by application of the general tax rate that could have  
 18 been levied in the preceding year to the preceding year's assessment, except as  
 19 provided in subsections (9) and (10) of this section and KRS 157.440.

20 (b) If an election is held as provided for in KRS 132.017 and the question should  
 21 fail, such failure shall not reduce the "...general tax rate that could have been  
 22 levied in the preceding year..." referred to in subsection (1)(a) of this section,  
 23 for purposes of computing the general tax rate for succeeding years.

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

27 (2) No district board of education shall levy a general tax rate within the limits imposed

1 in subsection (1) of this section which respectively exceeds the compensating tax  
2 rate defined in KRS 132.010, except as provided in subsections (9) and (10) of this  
3 section, KRS 157.440, and KRS 157.621, until the district board of education has  
4 complied with the provisions of subsection (7) of this section.

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

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

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

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

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

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

25 (6) (a) Each district board of education shall, on or before January 31 of each  
26 calendar year, formally and publicly examine detailed line item estimated  
27 revenues and proposed expenditures for the subsequent fiscal year. On or

1 before May 30 of each calendar year, each district board of education shall  
2 adopt a tentative working budget which shall include a minimum reserve of  
3 two percent (2%) of the total budget.

4 (b) Each district board of education shall submit to the Kentucky Board of  
5 Education no later than September 30, a close estimate or working budget  
6 which shall conform to the administrative regulations prescribed by the  
7 Kentucky Board of Education.

8 (7) (a) Except as provided in subsections (9) and (10) of this section and KRS  
9 157.440, a district board of education proposing to levy a general tax rate  
10 within the limits of subsection (1) of this section which exceed the  
11 compensating tax rate defined in KRS 132.010 shall hold a public hearing to  
12 hear comments from the public regarding the proposed tax rate. The hearing  
13 shall be held in the principal office of the taxing district or, in the event the  
14 taxing district has no office, or the office is not suitable for such a hearing, the  
15 hearing shall be held in a suitable facility as near as possible to the geographic  
16 center of the district.

17 (b) The district board of education shall advertise the hearing by causing the  
18 following to be published at least twice for two (2) consecutive weeks, in the  
19 newspaper of largest circulation in the county, a display type advertisement of  
20 not less than twelve (12) column inches:

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



1 the preceding year is to be allocated;

2 6. A time and place for the public hearing which shall be held not less than  
3 seven (7) days nor more than ten (10) days after the day that the second  
4 advertisement is published;

5 7. The purpose of the hearing; and

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

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

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

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

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

1 amount of revenue produced by the compensating tax rate defined in KRS  
2 132.010, cause the following to be published, in the newspaper of largest  
3 circulation in the county, a display type advertisement of not less than twelve  
4 (12) column inches:

- 5 1. The fact that the district board of education has adopted such a rate;
- 6 2. The fact that the part of the rate which will produce revenue from real  
7 property, exclusive of new property as defined in KRS 132.010, in  
8 excess of four percent (4%) over the amount of revenue produced by the  
9 compensating tax rate defined in KRS 132.010 is subject to recall; and
- 10 3. The name, address, and telephone number of the county clerk of the  
11 county or urban-county in which the school district is located, 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 (9) (a) Notwithstanding any statutory provisions to the contrary, effective for school  
15 years beginning after June 30, 1990, the board of education of each school  
16 district shall levy a minimum equivalent tax rate of thirty cents (\$0.30) for  
17 general school purposes. Equivalent tax rate is defined as the rate which results  
18 when the income collected during the prior year from all taxes levied by the  
19 district for school purposes is divided by the total assessed value of property  
20 plus the assessment for motor vehicles certified by the Department of Revenue.  
21 School districts collecting school taxes authorized by KRS 160.593 to  
22 160.597, 160.601 to 160.633, or 160.635 to 160.648 for less than twelve (12)  
23 months during a school year shall have included in income collected under this  
24 section the pro rata tax collection for twelve (12) months.

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

- 1 (10) Except as provided by subsection (3)(d)2. of Section 1 of this Act, a district board  
2 of education may levy a general tax rate that will produce revenue from real  
3 property, exclusive of revenue from new property, that is four percent (4%) over the  
4 amount of the revenue produced by the compensating tax rate as defined in KRS  
5 132.010.