

1 AN ACT relating to the levy of property taxes.

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  
5 and legislative body of a city, urban-county government, consolidated local  
6 government, charter county government, ***unified local government***, or other taxing  
7 district.
- 8 (2) (a) ~~The~~~~That~~ portion of a tax rate levied by an ordinance, order, resolution, or  
9 motion of a local governmental entity or district board of education subject to  
10 recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go  
11 into effect ***fifty (50)***~~forty five (45)~~ days after its passage.
- 12 (b) During ***the fifty (50) days***~~the forty five (45) days next~~ following the passage  
13 of the ordinance, order, resolution, or motion, any five (5) qualified voters,  
14 who reside in the area where the tax levy will be imposed, may commence  
15 petition proceedings to protest the passage of the ordinance, order, resolution,  
16 or motion by filing ***an affidavit*** with the county clerk, ***The affidavit shall***  
17 ***state:***
- 18 ***1. The five (5) qualified voters***~~[an affidavit stating that they]~~ constitute the  
19 ***members of the*** petition committee;
- 20 ***2. The petition committee*** ~~[and that they]~~ will be responsible for  
21 circulating the petition;
- 22 ***3. The petition committee will file the petition*** ~~[and filing it]~~ in the proper  
23 form within ***the fifty (50)***~~forty five (45)~~ days from the passage of the  
24 ordinance, order, resolution, or motion;~~[-]~~
- 25 ***4.*** ~~The~~~~affidavit shall state their~~ names and addresses ***of the petition***  
26 ***committee members;***~~[- and]~~
- 27 ***5.*** ~~[specify]~~ The address to which all notices to the committee are to be

1 sent; and

2 6. Whether or not the petition committee is willing to incur all of the  
 3 expenses associated with electronic petition signatures. If the petition  
 4 committee is not willing to incur all of the expenses, then electronic  
 5 petition signatures shall not be allowed for the petition.

6 (c) Upon receipt of the affidavit, the county clerk shall immediately:

7 1. ~~[At the time of filing of the affidavit, ]~~Notify the petition committee of  
 8 all statutory requirements for the filing of a valid petition under this  
 9 section;

10 2. ~~[At the time of the filing of the affidavit, ]~~Notify the petition committee  
 11 that the clerk will publish a notice identifying the tax levy being  
 12 challenged and providing the names and addresses of the petition  
 13 committee in a newspaper of general circulation within the county, if:

14 a. There is a newspaper within the county in which to publish the  
 15 notice; and

16 b. ~~[such publication exists, if ]~~The petition committee remits an  
 17 amount equal to the cost of publishing the notice determined in  
 18 accordance with the provisions of KRS 424.160 at the time of the  
 19 filing of the affidavit.

20 If the petition committee elects to have the notice published, the clerk  
 21 shall publish the notice within five (5) days of receipt of the affidavit;  
 22 and

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

25 ~~(d)(e)~~ The petition shall be filed with the county clerk within fifty (50)~~forty-~~  
 26 ~~five (45)]~~ days of the passage of the ordinance, order, resolution, or motion  
 27 and meet the following requirements: [-]

- 1           **1.** All papers of the petition shall be **substantially** uniform in size and style  
2           and shall be assembled in one (1) instrument for filing;~~[-]~~
- 3           **2.** Each sheet of the petition ~~may~~~~[-]~~~~shall~~ contain the names of voters from  
4           **more than** one (1) voting precinct;~~[- only, and shall include the name,~~  
5           ~~number and designation of the precinct in which the voters signing the~~  
6           ~~petition live. The inclusion of an invalid signature on a page shall not~~  
7           ~~invalidate the entire page of the petition, but shall instead result in the~~  
8           ~~invalid signature being stricken and not counted.]~~
- 9           **3.** Each **nonelectronic petition** signature shall be executed in ink or  
10          indelible pencil;
- 11          **4.** **Each electronic petition signature shall comply with the requirements**  
12          **of the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;**
- 13          **5.** **Each electronic and nonelectronic petition signature**~~[-and]~~ shall be  
14          followed by the printed name, street address, ~~and~~ Social Security  
15          number or birthdate, **and the name and number of the designated**  
16          **voting precinct** of the person signing; ~~and~~~~[-]~~
- 17          **6.** The petition shall be signed by a number of registered and qualified  
18          voters residing in the affected jurisdiction equal to at least ten percent  
19          (10%) of the total number of votes cast in the last preceding presidential  
20          election. **When the expenses associated with electronic petition**  
21          **signatures have been incurred in accordance with paragraph (b)6. of**  
22          **this subsection and the electronic petition signatures comply with the**  
23          **requirements of this subsection, the electronic petition signatures shall**  
24          **be included in determining whether the required number of petition**  
25          **signatures have been obtained. The inclusion of an invalid electronic**  
26          **or nonelectronic petition signature on a page shall not invalidate the**  
27          **entire page of the petition, but shall instead result in the invalid**

1                                    **petition signature being stricken and not counted.**

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

7            ~~(f)~~~~(e)~~      The county clerk shall immediately notify the presiding officer of the  
8                                    appropriate local governmental entity or district board of education that the  
9                                    petition has been received and shall, within thirty (30) days of the receipt of  
10                                    the petition, make a determination of whether the petition contains enough  
11                                    signatures of qualified voters to place the ordinance, order, resolution, or  
12                                    motion before the voters.

13            ~~(g)~~~~(f)~~      If the county clerk finds the petition to be sufficient, the clerk shall  
14                                    certify to the petition committee and the local governmental entity or district  
15                                    board of education within the thirty (30) day period provided for in paragraph  
16                                    ~~(f)~~~~(e)~~ of this subsection that the petition is properly presented and in  
17                                    compliance with the provisions of this section, and that the ordinance, order,  
18                                    resolution, or motion levying the tax will be placed before the voters for  
19                                    approval.

20            ~~(h)~~~~(g)~~      If the county clerk finds the petition to be insufficient, the clerk shall,  
21                                    within the thirty (30) day period provided for in paragraph ~~(f)~~~~(e)~~ of this  
22                                    subsection, notify, in writing, the petition committee and the local  
23                                    governmental entity or district board of education of the specific deficiencies  
24                                    found. Notification shall be sent by certified mail and shall be published at  
25                                    least one (1) time in a newspaper of general circulation within the county  
26                                    containing the local governmental entity or district board of education levying  
27                                    the tax. ~~[or,]~~ If there is **not a newspaper within the county in which to**

1            *publish the notification, then the notification*~~[no such newspaper,]~~ shall be  
2            posted at the courthouse door.

3            (i)~~(h)~~ A final determination of the sufficiency of a petition shall be subject to  
4            final review by the Circuit Court of the county in which the local  
5            governmental entity or district board of education is located, and shall be  
6            limited to the validity of the county clerk's determination. Any petition  
7            challenging the county clerk's final determination shall be filed within ten (10)  
8            days of the issuance of the clerk's final determination.

9            (j)~~(i)~~ The local governmental entity or district board of education may cause  
10           the cancellation of the election by reconsidering~~[the ordinance, order,~~  
11           ~~resolution, or motion]~~ and amending the ordinance, order, resolution, or  
12           motion to levy a tax rate which will produce no more revenue from real  
13           property, exclusive of revenue from new property as defined in KRS 132.010,  
14           than four percent (4%) over the amount of revenue produced by the  
15           compensating tax rate defined in KRS 132.010 from real property. The action  
16           by the local governmental entity or district board of education shall be valid  
17           only if taken within fifteen (15) days following the date the clerk finds the  
18           petition to be sufficient.

19        (3) (a) If an election is necessary under the provisions of subsection (2) of this  
20           section, the *local governmental entity*~~[county fiscal court, legislative body of~~  
21           ~~a city, urban county government, consolidated local government, or other~~  
22           ~~taxing district]~~ shall cause to be submitted to the voters of the *district*~~[county,~~  
23           ~~district, consolidated local government, or urban county]~~ at the next regular  
24           election, the question as to whether the property tax rate shall be levied. The  
25           question shall be submitted to the county clerk not later than the second  
26           Tuesday in August preceding the regular election.

27           (b) If an election is necessary for a school district under the provisions of

1 subsection (2) of this section, the district board of education may cause to be  
2 submitted to the voters of the district in a called common school election not  
3 less than thirty-five (35) days nor more than forty-five (45) days from the date  
4 the signatures on the petition are validated by the county clerk, or at the next  
5 regular election, at the option of the district board of education, the question  
6 as to whether the property tax rate shall be levied. If the election is held in  
7 conjunction with a regular election, the question shall be submitted to the  
8 county clerk not later than the second Tuesday in August preceding the regular  
9 election. The cost of a called common school election shall be borne by the  
10 school district holding the election. Any called common school election shall  
11 comply with the provisions of KRS 118.025.

12 (c) In an election held under paragraph (a) or (b) of this subsection, the question  
13 shall be so framed that the voter may by his or her vote answer "for" or  
14 "against." If a majority of the votes cast upon the question oppose its passage,  
15 the ordinance, order, resolution, or motion shall not go into effect. If a  
16 majority of the votes cast upon the question favor its passage, the ordinance,  
17 order, resolution, or motion shall become effective.

18 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an  
19 election held under paragraph (a) or (b) of this subsection, the property tax  
20 rate which will produce four percent (4%) more revenues from real property,  
21 exclusive of revenue from new property as defined in KRS 132.010, than the  
22 amount of revenue produced by the compensating tax rate defined in KRS  
23 132.010, shall be levied without further approval by the local governmental  
24 entity or district board of education.

25 (4) Notwithstanding any statutory provision to the contrary, if a local governmental  
26 entity or district board of education has not established a final tax rate as of  
27 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or

1 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all  
2 districts having a tax rate established by that date; and a second set of bills shall be  
3 prepared and collected in the regular manner, according to the provisions of KRS  
4 Chapter 132, upon establishment of final tax rates by the remaining districts.

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

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

9 ➔Section 2. KRS 132.018 is amended to read as follows:

10 (1) If the tax rate applicable to real property levied by a county fiscal court, district  
11 board of education, or legislative body of a city, consolidated local government,  
12 urban-county government, or other taxing district is reduced as a result of  
13 reconsideration by the county fiscal court, district board of education, or legislative  
14 body of a city, consolidated local government, urban-county government, or other  
15 taxing district under the provisions of KRS 132.017(2)(~~j~~)(~~i~~), the tax rate  
16 applicable to personal property levied under the provisions of KRS 68.248(1),  
17 132.024(1), 132.029(1), and 160.473(1) shall be reduced by the respective county  
18 fiscal court, district board of education, or legislative body of a city, consolidated  
19 local government, urban-county government, or other taxing district to an amount  
20 which will produce the same percentage increase in revenue from personal property  
21 as the percentage increase in revenue from real property resulting from the reduced  
22 tax rate applicable to real property.

23 (2) If the tax rate applicable to real property levied by a county fiscal court, district  
24 board of education, or legislative body of a city, consolidated local government,  
25 urban-county government, or other taxing district is reduced, under the provisions  
26 of KRS 132.017(3), as a result of a majority of votes cast in an election being  
27 opposed to such a rate, the tax rate applicable to personal property levied by the

1        respective county fiscal court, district board of education, or legislative body of a  
2        city, consolidated local government, urban-county government, or other taxing  
3        district shall be reduced, without further action by the levying body, to an amount  
4        which will produce the same percentage increase in revenue from personal property  
5        as the percentage increase in revenue from real property resulting from the reduced  
6        tax rate applicable to real property.