

1 AN ACT relating to property tax rates.

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) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a  
9 tax rate levied by an ordinance, order, resolution, or motion of a local  
10 governmental entity or district board of education subject to recall as  
11 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go  
12 into effect forty-five (45) days after its passage.
- 13 2. When a tax rate is levied by a district board of education or other taxing  
14 district that is primarily located in a county containing an urban-county  
15 government or a consolidated local government, the portion of a tax rate  
16 levied by an ordinance, order, resolution, or motion of a district board of  
17 education or other taxing district subject to recall as provided for in KRS  
18 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)  
19 days after its passage.
- 20 (b) During the same forty-five (45) day or fifty (50) day time period provided by  
21 paragraph (a) of this subsection, any ***three (3)***~~five (5)~~ qualified voters, who  
22 reside in the area where the tax levy will be imposed, may commence petition  
23 proceedings to protest the passage of the ordinance, order, resolution, or  
24 motion by filing an affidavit with the county clerk. The affidavit shall state:
- 25 1. The ***three (3)***~~five (5)~~ qualified voters constitute the members of the  
26 petition committee;
- 27 2. The petition committee will be responsible for circulating the petition;

- 1           3.    The petition committee will file the petition in the proper form within
- 2                    the same forty-five (45) day or fifty (50) day time period provided by
- 3                    paragraph (a) of this subsection;
- 4           4.    The names and addresses of the petition committee members;
- 5           5.    The address to which all notices to the committee are to be sent; and
- 6           6.    For petition committees filing petitions in response to a tax rate levied
- 7                    by a district board of education or other taxing district that is primarily
- 8                    located in a county containing an urban-county government or a
- 9                    consolidated local government, whether or not the petition committee is
- 10                  willing to incur all of the expenses associated with electronic petition
- 11                  signatures. If the petition committee is not willing to incur all of the
- 12                  expenses, then electronic petition signatures shall not be allowed for the
- 13                  petition.

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

- 15           1.    Notify the petition committee of all statutory requirements for the filing
- 16                    of a valid petition under this section;
- 17           2.    Notify the petition committee that the clerk will publish a notice
- 18                    identifying the tax levy being challenged and providing the names and
- 19                    addresses of the petition committee in a newspaper of general
- 20                    circulation within the county, if:
- 21                    a.    There is a newspaper within the county in which to publish the
- 22                          notice; and
- 23                    b.    The petition committee remits an amount equal to the cost of
- 24                          publishing the notice determined in accordance with the provisions
- 25                          of KRS 424.160 at the time of the filing of the affidavit.

26                    If the petition committee elects to have the notice published, the clerk

27                    shall publish the notice within five (5) days of receipt of the affidavit;

1 and

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

4 (d) The petition shall ~~be filed with the county clerk within the same forty-five~~  
5 ~~(45) day or fifty (50) day time period provided by paragraph (a) of this~~  
6 ~~subsection and~~ meet the following requirements:

7 1. All papers of the petition shall be substantially uniform in size and style  
8 and shall be assembled in one (1) instrument for filing;

9 2. ~~For a district board of education or other taxing district that is primarily~~  
10 ~~located in a county containing an urban county government or a~~  
11 ~~consolidated local government, Each sheet of the petition may contain~~  
12 ~~the names of voters from more than one (1) voting precinct, and for a~~  
13 ~~district board of education or other taxing district that is not primarily~~  
14 ~~located in a county containing an urban county government or a~~  
15 ~~consolidated local government, each sheet of the petition shall contain~~  
16 ~~the names of voters from one (1) voting precinct];~~

17 3. Each nonelectronic petition signature shall be executed in ink or  
18 indelible pencil;

19 4. Each electronic petition signature shall comply with the requirements of  
20 the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;

21 5. Each ~~electronic and nonelectronic~~ petition signature shall be followed  
22 by the printed name, street address, ~~Social Security number or~~ birth  
23 month, and ***birth year*** ~~the name and number of the designated voting~~  
24 ~~precinct] of the person signing; and~~

25 6. a. ***Except for petitions filed in response to a tax rate levied by***  
26 ***a district board of education,*** the petition shall be signed by  
27 a number of registered and qualified voters residing in the

1 affected jurisdiction equal to at least ten percent (10%) of the  
 2 total number of votes cast in the last preceding presidential  
 3 election.

4 **ii.** **For petitions filed in response to a tax rate levied by a**  
 5 **district board of education, the petition shall be signed by at**  
 6 **least five thousand (5,000) registered and qualified voters**  
 7 **residing in the affected jurisdiction or signed by a number**  
 8 **of registered and qualified voters residing in the affected**  
 9 **jurisdiction equal to at least ten percent (10%) of the total**  
 10 **number of votes cast in the last preceding presidential**  
 11 **election, whichever is less.**

12 b. Electronic petition signatures shall be included in determining  
 13 whether the required number of petition signatures has been  
 14 obtained when:

15 **i.** The expenses associated with the electronic petition  
 16 signatures have been incurred in accordance with paragraph  
 17 (b)6. of this subsection;

18 **ii.** ~~[-]~~The electronic petition signatures comply with the  
 19 requirements of this subsection;~~[-]~~ and

20 **iii.** The petition was filed in response to a tax rate levied by a  
 21 district board of education or other taxing district that is  
 22 primarily located in a county containing an urban-county  
 23 government or a consolidated local government.

24 **c.** The inclusion of an invalid~~[- electronic or nonelectronic]~~ petition  
 25 signature on a page shall not invalidate the entire page of the  
 26 petition, but shall instead result in the invalid petition signature  
 27 being stricken and not counted.

1           ~~[e. Notwithstanding subdivision a. of this subparagraph if a petition is~~  
2           ~~filed in response to a tax rate levied by a district board of~~  
3           ~~education, the petition shall be signed by at least five thousand~~  
4           ~~(5,000) registered and qualified voters residing in the affected~~  
5           ~~jurisdiction, or signed by a number of registered and qualified~~  
6           ~~voters residing in the affected jurisdiction equal to at least ten~~  
7           ~~percent (10%) of the total number of votes cast in the last~~  
8           ~~preceding presidential election, whichever is less.]~~

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

14           (f) The county clerk shall immediately notify the presiding officer of the  
15           appropriate local governmental entity or district board of education that the  
16           petition has been received and shall, within thirty (30) days of the receipt of  
17           the petition, make a determination of whether the petition contains enough  
18           signatures of qualified voters to place the ordinance, order, resolution, or  
19           motion before the voters.

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

26           (h) If the county clerk finds the petition to be insufficient, the clerk shall, within  
27           the thirty (30) day period provided for in paragraph (f) of this subsection,

1 notify, in writing, the petition committee and the local governmental entity or  
2 district board of education of the specific deficiencies found. Notification  
3 shall be sent by certified mail and shall be published at least one (1) time in a  
4 newspaper of general circulation within the county containing the local  
5 governmental entity or district board of education levying the tax. If there is  
6 not a newspaper within the county in which to publish the notification, then  
7 the notification shall be posted at the courthouse door.

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

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

23 (3) (a) If an election is necessary under the provisions of subsection (2) of this  
24 section, the local governmental entity shall cause to be submitted to the voters  
25 of the district at the next regular election, the question as to whether the  
26 property tax rate shall be levied. The question shall be submitted to the county  
27 clerk not later than the second Tuesday in August preceding the regular

1 election.

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

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

20 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an  
21 election held under paragraph (a) or (b) of this subsection, the property tax  
22 rate which will produce four percent (4%) more revenues from real property,  
23 exclusive of revenue from new property as defined in KRS 132.010, than the  
24 amount of revenue produced by the compensating tax rate defined in KRS  
25 132.010, shall be levied without further approval by the local governmental  
26 entity or district board of education.

27 (e) Local, state, and federal tax dollars shall not be used to advocate, in partial

1 terms, for or against any public question that appears on the ballot in this  
2 subsection. For purposes of this section, "local" means and includes any city,  
3 county, urban-county government, consolidated local government, unified  
4 local government, charter county, or special district.

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

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

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