

1 AN ACT relating to local property tax rate levies.

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:

5 **(a)** ~~[ ]~~"Local governmental entity" includes a county fiscal court and legislative  
6 body of a city, urban-county government, consolidated local government,  
7 charter county government, unified local government, or other taxing district;

8 **and**

9 **(b)** ***"Next regular election" means the regular election that occurs immediately***  
10 ***after all statutory requirements for levying a property tax rate have been***  
11 ***met, regardless of whether the election occurs in the same or a subsequent***  
12 ***calendar year as the levy of the property tax rate.***

13 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a  
14 tax rate levied by an ordinance, order, resolution, or motion of a local  
15 governmental entity or district board of education subject to recall as  
16 provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go  
17 into effect forty-five (45) days after its passage.

18 2. When a tax rate is levied by a district board of education or other taxing  
19 district that is primarily located in a county containing an urban-county  
20 government or a consolidated local government, the portion of a tax rate  
21 levied by an ordinance, order, resolution, or motion of a district board of  
22 education or other taxing district subject to recall as provided for in KRS  
23 68.245, 132.023, 132.027, and 160.470, shall go into effect fifty (50)  
24 days after its passage.

25 (b) During the same forty-five (45) day or fifty (50) day time period provided by  
26 paragraph (a) of this subsection, any five (5) qualified voters, who reside in  
27 the area where the tax levy will be imposed, may commence petition

1 proceedings to protest the passage of the ordinance, order, resolution, or  
2 motion by filing an affidavit with the county clerk. The affidavit shall state:

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

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

- 20 1. Notify the petition committee of all statutory requirements for the filing  
21 of a valid petition under this section;
- 22 2. Notify the petition committee that the clerk will publish a notice  
23 identifying the tax levy being challenged and providing the names and  
24 addresses of the petition committee in a newspaper of general  
25 circulation within the county, if:
  - 26 a. There is a newspaper within the county in which to publish the  
27 notice; and

1           b. The petition committee remits an amount equal to the cost of  
2           publishing the notice determined in accordance with the provisions  
3           of KRS 424.160 at the time of the filing of the affidavit.

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

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

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

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

14          2. For a district board of education or other taxing district that is primarily  
15          located in a county containing an urban-county government or a  
16          consolidated local government, each sheet of the petition may contain  
17          the names of voters from more than one (1) voting precinct, and for a  
18          district board of education or other taxing district that is not primarily  
19          located in a county containing an urban-county government or a  
20          consolidated local government, each sheet of the petition shall contain  
21          the names of voters from one (1) voting precinct;

22          3. Each nonelectronic petition signature shall be executed in ink or  
23          indelible pencil;

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

26          5. Each electronic and nonelectronic petition signature shall be followed  
27          by the printed name, street address, Social Security number or birth

1 month, and the name and number of the designated voting precinct of  
2 the person signing; and

3 6. a. The petition shall be signed by a number of registered and  
4 qualified voters residing in the affected jurisdiction equal to at  
5 least ten percent (10%) of the total number of votes cast in the last  
6 preceding presidential election.

7 b. Electronic petition signatures shall be included in determining  
8 whether the required number of petition signatures has been  
9 obtained when the expenses associated with the electronic petition  
10 signatures have been incurred in accordance with paragraph (b)6.  
11 of this subsection, the electronic petition signatures comply with  
12 the requirements of this subsection, and the petition was filed in  
13 response to a tax rate levied by a district board of education or  
14 other taxing district that is primarily located in a county containing  
15 an urban-county government or a consolidated local government.  
16 The inclusion of an invalid electronic or nonelectronic petition  
17 signature on a page shall not invalidate the entire page of the  
18 petition, but shall instead result in the invalid petition signature  
19 being stricken and not counted.

20 c. Notwithstanding subdivision a. of this subparagraph if a petition is  
21 filed in response to a tax rate levied by a district board of  
22 education, the petition shall be signed by at least five thousand  
23 (5,000) registered and qualified voters residing in the affected  
24 jurisdiction, or signed by a number of registered and qualified  
25 voters residing in the affected jurisdiction equal to at least ten  
26 percent (10%) of the total number of votes cast in the last  
27 preceding presidential election, whichever is less.

- 1 (e) Upon the filing of the petition with the county clerk, the ordinance, order,  
2 resolution, or motion shall be suspended from going into effect until after the  
3 election referred to in subsection (3) of this section is held, or until the  
4 petition is finally determined to be insufficient and no further action may be  
5 taken pursuant to paragraph (i) of this subsection.
- 6 (f) The county clerk shall immediately notify the presiding officer of the  
7 appropriate local governmental entity or district board of education that the  
8 petition has been received and shall, within thirty (30) days of the receipt of  
9 the petition, make a determination of whether the petition contains enough  
10 signatures of qualified voters to place the ordinance, order, resolution, or  
11 motion before the voters.
- 12 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to  
13 the petition committee and the local governmental entity or district board of  
14 education within the thirty (30) day period provided for in paragraph (f) of  
15 this subsection that the petition is properly presented and in compliance with  
16 the provisions of this section, and that the ordinance, order, resolution, or  
17 motion levying the tax will be placed before the voters for approval.
- 18 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within  
19 the thirty (30) day period provided for in paragraph (f) of this subsection,  
20 notify, in writing, the petition committee and the local governmental entity or  
21 district board of education of the specific deficiencies found. Notification  
22 shall be sent by certified mail and shall be published at least one (1) time in a  
23 newspaper of general circulation within the county containing the local  
24 governmental entity or district board of education levying the tax. If there is  
25 not a newspaper within the county in which to publish the notification, then  
26 the notification shall be posted at the courthouse door.
- 27 (i) A final determination of the sufficiency of a petition shall be subject to final

1 review by the Circuit Court of the county in which the local governmental  
 2 entity or district board of education is located, and shall be limited to the  
 3 validity of the county clerk's determination. Any petition challenging the  
 4 county clerk's final determination shall be filed within ten (10) days of the  
 5 issuance of the clerk's final determination.

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

15 (3) (a) If an election is necessary under the provisions of subsection (2) of this  
 16 section:

17 1. ~~1.~~ ~~1.~~ The local governmental entity shall cause to be submitted to the  
 18 voters of the district at the next regular election, the question as to  
 19 whether the property tax rate shall be levied; or. ~~The question shall be~~  
 20 ~~submitted to the county clerk not later than the second Tuesday in~~  
 21 ~~August preceding the regular election.~~

22 2. ~~2.~~ ~~2.~~ ~~If an election is necessary for a school district under the provisions~~  
 23 ~~of subsection (2) of this section,~~ The district board of education  
 24 shall ~~may~~ cause to be submitted to the voters of the district in a called  
 25 common school election not less than thirty-five (35) days nor more  
 26 than forty-five (45) days from the date the signatures on the petition are  
 27 validated by the county clerk, or at the next regular election, at the

1 option of the district board of education, the question as to whether the  
2 property tax rate shall be levied. ~~If the election is held in conjunction~~  
3 ~~with a regular election, the question shall be submitted to the county~~  
4 ~~clerk not later than the second Tuesday in August preceding the regular~~  
5 ~~election.~~ The cost of a called common school election shall be borne by  
6 the school district holding the election. Any called common school  
7 election shall comply with the provisions of KRS 118.025.

8 **(b) If an election under paragraph (a) of this subsection is held in conjunction**  
9 **with a regular election, the question as to whether the property tax rate**  
10 **shall be levied shall be submitted to the county clerk no later than the**  
11 **second Tuesday in August preceding the regular election.**

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

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

26 (e) Local, state, and federal tax dollars shall not be used to advocate, in partial  
27 terms, for or against any public question that appears on the ballot in this

1 subsection. For purposes of this section, "local" means and includes any city,  
2 county, urban-county government, consolidated local government, unified  
3 local government, charter county, or special district.

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

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

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