

1 AN ACT relating to occupational license fees levied by a board of education.

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

3 ➔Section 1. KRS 160.603 is amended to read as follows:

4 **(1) A local~~[No school district]~~ board of education shall *comply with subsections (2) to***  
5 ***(5) of this section prior to:***

6 **(a) *Levying~~[levy]~~ any of the school taxes authorized by KRS 160.593 to 160.597,***  
7 ***160.601 to 160.633, and 160.635 to 160.648, except the levy required by KRS***  
8 ***160.614(3) and (6); ~~or~~***

9 **(b) *Increasing the school tax rate as authorized by subsection (2) of Section 2***  
10 ***of this Act.***

11 **(2) *To propose a levy or increase of a tax under subsection (1) of this section, a***  
12 ***favorable vote of the local board of education is required prior to taking any***  
13 ***other action to levy or increase the tax. Prior to the vote, the date, time, and place***  
14 ***of the meeting in which the vote is expected to occur shall be published for at***  
15 ***least two (2) consecutive weeks on the home page of the local board of***  
16 ***education's website.***~~[until after compliance with the following:]~~

17 **(3)~~[(1)]~~ The *local~~[school district]~~ board of education desiring to levy any one (1) of***  
18 ***the~~[these]~~ taxes *referenced in subsection (1)(a) of this section, or to increase the****  
19 ***school tax rate as described in subsection (1)(b) of this section,*** shall give notice of  
20 any proposed levy ***or increase***~~[of one (1) of the school taxes]~~. Notwithstanding any  
21 statutory provisions to the contrary, notice shall be given by causing to be published  
22 ***for at least two (2) consecutive weeks, on the home page of the school district's***  
23 ***website and***~~[at least one (1) time]~~ in a newspaper of general circulation published  
24 in the county or by posting at the courthouse door if there be no such newspaper,  
25 the fact that ***the~~[such]~~ levy *or increase**** is being proposed. The advertisement shall  
26 state:

27 **(a) *An explanation of the school tax and who it is imposed upon;***

1 (b) The current school tax rate levied and revenue generated from the levy in  
 2 the preceding year;

3 (c) The proposed school tax rate levy and the expected revenue to be generated  
 4 from the levy;

5 (d) The need for the levy and expected use of the funds generated from the levy;

6 (e) The date, time, and place for the public hearing, which shall be held~~that the~~  
 7 ~~district board of education will meet at a place and on a day fixed in the~~  
 8 ~~advertisement,~~ not earlier than one (1) week and not later than two (2) weeks  
 9 from the date of the advertisement;

10 (f) A statement that~~[, for]~~ the purposes~~[purpose]~~ of the public hearing are:

11 1. To listen to comments and concerns~~[complaints]~~ regarding the proposed  
 12 school tax levy or school tax rate increase; and

13 2. For the local board of education to provide information and explain  
 14 the reasoning~~[explaining the reasons]~~ for the~~[such]~~ proposal; and

15 (g) A statement to the effect that the General Assembly has required publication  
 16 of the advertisement and the information contained in it.

17 ~~(4)(2)~~ The local~~[school district]~~ board of education shall conduct a public hearing at  
 18 the place and on the date advertised for the purposes stated in subsection (3) of this  
 19 section~~[purpose of hearing comments and complaints regarding the proposed levy~~  
 20 ~~and explaining the reasons for such proposal]~~.

21 ~~(5)(3)~~ In the event that a combined taxing district desires to levy any one (1) of  
 22 the~~[these]~~ taxes referenced in subsection (1)(a) of this section, the boards of  
 23 education shall make a joint advertisement and hold a joint hearing in the manner  
 24 prescribed in this section~~[heretofore]~~ for an individual school district.

25 ➔Section 2. KRS 160.607 is amended to read as follows:

26 (1) The school tax authorized by KRS 160.482 to 160.488 and 160.605 shall be at a  
 27 single uniform rate not to exceed one-half of one percent (0.5%) and shall continue

1 from year to year until changed as prescribed in KRS 160.635 and 160.484.

2 (2) After complying with Section 1 of this Act and receiving a favorable vote by the  
3 fiscal court as required by Section 3 of this Act, any county having three hundred  
4 thousand (300,000) or more inhabitants is authorized to increase the school tax rate  
5 to exceed the maximum rate set in subsection (1) of this section by one-quarter of  
6 one percent (0.25%).

7 ➔Section 3. KRS 160.484 is amended to read as follows:

8 (1) Except as provided in subsections (2) to [(2), (3), and] (4) of this section, the fiscal  
9 court has discretion to impose or not impose the license fees authorized by KRS  
10 160.482 to 160.488 at a percentage rate, not to exceed one-half of one percent  
11 (0.5%), determined by the fiscal court. A fiscal court shall not proceed under this  
12 subsection without first giving all boards of education in the county thirty (30) days  
13 notice of its intention.

14 (2) If one (1) or more boards of education of school districts within the county which  
15 contain at least ninety percent (90%) of county's inhabitants, in the same calendar  
16 year certify to the fiscal court requests for a license fee at an identical percentage  
17 rate, not to exceed one-half of one percent (0.5%), then the fiscal court shall impose  
18 such license fees at the requested rate.

19 (3) Any license fees imposed under subsection~~subsections~~ (1) or (2) of this section  
20 shall remain in full effect from year to year until all boards of education within the  
21 county have certified to the fiscal court requests for a reduction in the percentage  
22 rate~~thereof~~~~therefore~~ imposed. Thereafter, the fiscal court shall reduce the rate to the  
23 highest rate certified as yet necessary by any board of education in the county. The  
24 fiscal court may require each board of education to make no more than one (1)  
25 certificate annually.

26 (4) Except as provided in subsection (5) of this section, in any calendar year in which  
27 one (1) or more boards of education of school districts containing at least ninety

percent (90%) of the county's inhabitants make a certification pursuant to subsection (2) of this section for a rate which is at a higher percentage than any currently imposed, the fiscal court shall impose the license fee at the higher rate and any rate imposed pursuant to ~~subsection~~~~[subsections]~~ (1), (2), or (3) of this section shall be rescinded upon the date the new rate takes effect.

**(5) In any calendar year in which a board of education proposes to increase the school tax rate as authorized by subsection (2) of Section 2 of this Act, the fiscal court shall vote on the proposed rate increase. If the proposed rate increase receives a favorable vote, the fiscal court shall impose the higher rate and any rate imposed pursuant to subsection (1), (2), or (3) of this section shall be rescinded upon the date the new rate takes effect. If the proposed rate increase does not receive a favorable vote, the higher rate shall not go into effect and any rate imposed pursuant to subsection (1), (2), or (3) of this section shall remain in full effect.**

➔Section 4. KRS 160.485 is amended to read as follows:

- (1) The imposition of license fees authorized by KRS 160.482 to 160.488~~[hereby]~~ shall be by order or resolution of the fiscal court. There shall be no more than one (1) order or resolution passed in any one (1) calendar year. In the case of license fees required to be imposed pursuant to~~[subsection (2) of]~~ KRS 160.484~~(2)~~, the fiscal court shall make the order or resolution within ten (10) days following receipt of the first request which~~[makes subsection (2) of]~~ KRS 160.484~~(2)~~ effective.
- (2) (a) The order or resolution of the fiscal court imposing license fees pursuant to~~[subsections (1), (2), or (4) of]~~ KRS 160.484~~(1), (2), (4), or (5)~~ shall go into effect forty-five (45) days after its passage.
- (b) During the forty-five (45) days next following the passage of the order or resolution, any five (5) qualified voters who reside in the county may commence petition proceedings to protest the passage of the order or

1 resolution by filing with the county clerk an affidavit stating that they  
2 constitute the petition committee and that they will be responsible for  
3 circulating the petition and filing it in the proper form within forty-five (45)  
4 days from the passage of the order or resolution. The affidavit shall state their  
5 names and addresses and specify the address to which all notices to the  
6 committee are to be sent. Upon receipt of the affidavit, the county clerk shall:

- 7 1. At the time of filing of the affidavit, notify the petition committee of all  
8 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 such publication exists, if the petition committee remits an amount equal  
15 to the cost of publishing the notice determined in accordance with the  
16 provisions of KRS 424.160 at the time of the filing of the affidavit. If  
17 the petition committee elects to have the notice published, the clerk shall  
18 publish the notice within five (5) days of receipt of the affidavit; and
- 19 3. Deliver a copy of the affidavit to the fiscal court and the impacted  
20 school districts.

- 21 (c) The petition shall be filed with the county clerk within forty-five (45) days of  
22 the passage of the order or resolution. All papers of the petition shall be  
23 uniform in size and style and shall be assembled in one (1) instrument for  
24 filing. Each sheet of the petition shall contain the names of voters from one  
25 (1) voting precinct only, and shall include the name, number and designation  
26 of the precinct in which the voters signing the petition live. The inclusion of  
27 an invalid signature on a page shall not invalidate the entire page of the

1 petition, but shall instead result in the invalid signature being stricken and not  
2 counted. Each signature shall be executed in ink or indelible pencil and shall  
3 be followed by the printed name, street address, and Social Security number  
4 or birthdate of the person signing. The petition shall be signed by a number of  
5 registered and qualified voters residing in the affected jurisdiction equal to at  
6 least ten percent (10%) of the total number of votes cast in the last preceding  
7 presidential election.

8 (d) Upon the filing of the petition with the county clerk, the order or resolution  
9 shall be suspended until after the election referred to in subsection (3) of this  
10 section is held, or until the petition is finally determined to be insufficient and  
11 no further action may be taken pursuant to paragraph (h) of this subsection.

12 (e) The clerk shall immediately notify the fiscal court and the impacted school  
13 districts that the petition has been received and shall, within thirty (30) days of  
14 the receipt of the petition, make a determination of whether the petition  
15 contains enough signatures of qualified voters to place the order or resolution  
16 before the voters.

17 (f) If the county clerk finds the petition to be sufficient, the clerk shall certify to  
18 the petition committee, the fiscal court, and the impacted school boards within  
19 the thirty (30) day period provided for in paragraph (e) of this subsection that  
20 the petition is properly presented and in compliance with the provisions of this  
21 section, and that the order or resolution levying the tax will be placed before  
22 the voters for approval.

23 (g) If the county clerk finds the petition to be insufficient, the clerk shall, within  
24 the thirty (30) day period provided for in paragraph (e) of this subsection,  
25 notify, in writing, the petition committee, the fiscal court and the impacted  
26 school districts of the specific deficiencies found. Notification shall be sent by  
27 certified mail and shall be published at least one (1) time in a newspaper of

1           general circulation within the county or, if there is no such newspaper, shall  
2           be posted at the courthouse door.

3       (h) A final determination of the sufficiency of a petition shall be subject to final  
4           review by the Circuit Court of the county and shall be limited to the validity  
5           of the county clerk's determination. Any petition challenging the county  
6           clerk's final determination shall be filed within ten (10) days of the issuance of  
7           the clerk's final determination.

8       (3) Upon validation of the petition, the fiscal court shall submit to the voters of the  
9           county at the next regular election or called common school district election, which  
10          shall be held not less than thirty-five (35) days nor more than forty-five (45) days  
11          from the date the signatures on the petition are validated by the county clerk, the  
12          question as to whether the license fees for common school purposes shall be levied.  
13          Any called common school election shall comply with the provisions of KRS  
14          118.025. If the election is held in conjunction with a regular election, the question  
15          shall be submitted to the county clerk not later than the second Tuesday in August  
16          preceding the regular election. The question shall be so framed that the voter may  
17          by his vote answer, "for" or "against." If a majority of the votes cast upon the  
18          question oppose its passage, the order or resolution shall not go into effect. If a  
19          majority of the votes cast upon the question favor its passage, the order or  
20          resolution shall go into effect.

21       (4) License fees imposed pursuant to KRS 160.482 to 160.488 shall become effective  
22          on the date specified in the order or resolution, but no later than the first day of the  
23          calendar year first beginning after the day the order or resolution is made.