

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 ***registered voter, who resides***~~[five (5)]~~
22 ~~qualified voters, who reside~~ in the area where the tax levy will be imposed,
23 may ***file a petition with the county clerk***~~[commence petition proceedings]~~ to
24 protest the passage of the ordinance, order, resolution, or motion. ~~[by filing an~~
25 ~~affidavit with the county clerk. The affidavit shall state:~~
- 26 1. ~~The five (5) qualified voters constitute the members of the petition~~
27 ~~committee;~~

- 1 2.—~~The petition committee will be responsible for circulating the petition;~~
- 2 3.—~~The petition committee will file the petition in the proper form within~~
- 3 ~~the same forty five (45) day or fifty (50) day time period provided by~~
- 4 ~~paragraph (a) of this subsection;~~
- 5 4.—~~The names and addresses of the petition committee members;~~
- 6 5.—~~The address to which all notices to the committee are to be sent; and~~
- 7 6.—~~For petition committees filing petitions in response to a tax rate levied~~
- 8 ~~by a district board of education or other taxing district that is primarily~~
- 9 ~~located in a county containing an urban county government or a~~
- 10 ~~consolidated local government, whether or not the petition committee is~~
- 11 ~~willing to incur all of the expenses associated with electronic petition~~
- 12 ~~signatures. If the petition committee is not willing to incur all of the~~
- 13 ~~expenses, then electronic petition signatures shall not be allowed for the~~
- 14 ~~petition.~~
- 15 (c)—~~Upon receipt of the affidavit, the county clerk shall immediately:~~
- 16 1.—~~Notify the petition committee of all statutory requirements for the filing~~
- 17 ~~of a valid petition under this section;~~
- 18 2.—~~Notify the petition committee that the clerk will publish a notice~~
- 19 ~~identifying the tax levy being challenged and providing the names and~~
- 20 ~~addresses of the petition committee in a newspaper of general~~
- 21 ~~circulation within the county, if:~~
- 22 a.—~~There is a newspaper within the county in which to publish the notice;~~
- 23 ~~and~~
- 24 b.—~~The petition committee remits an amount equal to the cost of publishing~~
- 25 ~~the notice determined in accordance with the provisions of KRS 424.160~~
- 26 ~~at the time of the filing of the affidavit.~~
- 27 —~~If the petition committee elects to have the notice published, the clerk~~

1 shall publish the notice within five (5) days of receipt of the affidavit;
2 and

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

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

- 8 1. All papers of the petition shall be substantially uniform in size and style
9 and shall be assembled in one (1) instrument for filing;
- 10 2. ~~[For a district board of education or other taxing district that is primarily~~
11 ~~located in a county containing an urban county government or a~~
12 ~~consolidated local government,]~~Each sheet of the petition may contain
13 the names of voters from more than one (1) voting precinct~~[, and for a~~
14 ~~district board of education or other taxing district that is not primarily~~
15 ~~located in a county containing an urban county government or a~~
16 ~~consolidated local government, each sheet of the petition shall contain~~
17 ~~the names of voters from one (1) voting precinct];~~
- 18 3. Each nonelectronic petition signature shall be executed in ink or
19 indelible pencil;
- 20 4. Each electronic petition signature shall comply with the requirements of
21 the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
- 22 5. Each ~~[electronic and nonelectronic]~~petition signature shall be followed
23 by the printed name, street address, **and**~~[Social Security number or]~~
24 ~~birth month[, and the name and number of the designated voting~~
25 ~~precinct]~~ of the person signing; and
- 26 6. a. **i. Except for petitions filed in response to a tax rate levied by**
27 **a district board of education,** the petition shall be signed by

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

a number of registered and qualified voters residing in the affected jurisdiction equal to at least ten percent (10%) of the total number of votes cast in the last preceding presidential election.

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

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

i. The expenses associated with the electronic petition signatures have been incurred **by the registered voter who filed the petition;**

ii. ~~in accordance with paragraph (b)6. of this subsection,~~ The electronic petition signatures comply with the requirements of this subsection;~~;~~ and

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

c. The inclusion of an invalid ~~[electronic or nonelectronic]~~ petition signature on a page shall not invalidate the entire page of the

1 petition, but shall instead result in the invalid petition signature
2 being stricken and not counted.

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

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

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

22 ~~(e)](g)]~~ If the county clerk finds the petition to be sufficient, the clerk shall
23 certify to the **registered voter who filed the petition**~~[petition committee]~~ and
24 the local governmental entity or district board of education within the thirty
25 (30) day period provided for in paragraph ~~(d)](f)]~~ of this subsection that the
26 petition is properly presented and in compliance with the provisions of this
27 section, and that the ordinance, order, resolution, or motion levying the tax

1 will be placed before the voters for approval.

2 ~~(f)(h)~~ If the county clerk finds the petition to be insufficient, the clerk shall,
3 within the thirty (30) day period provided for in paragraph ~~(d)(f)~~ of this
4 subsection, notify, in writing, the registered voter who filed the
5 petition~~petition committee~~ and the local governmental entity or district
6 board of education of the specific deficiencies found. Notification shall be
7 sent by certified mail and shall be published at least one (1) time in a
8 newspaper of general circulation within the county containing the local
9 governmental entity or district board of education levying the tax. If there is
10 not a newspaper within the county in which to publish the notification, then
11 the notification shall be posted at the courthouse door.

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

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

27 (3) (a) If an election is necessary under the provisions of subsection (2) of this

1 section, the local governmental entity shall cause to be submitted to the voters
2 of the district at the next regular election, the question as to whether the
3 property tax rate shall be levied. The question shall be submitted to the county
4 clerk not later than the second Tuesday in August preceding the regular
5 election.

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

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

24 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
25 election held under paragraph (a) or (b) of this subsection, the property tax
26 rate which will produce four percent (4%) more revenues from real property,
27 exclusive of revenue from new property as defined in KRS 132.010, than the

1 amount of revenue produced by the compensating tax rate defined in KRS
2 132.010, shall be levied without further approval by the local governmental
3 entity or district board of education.

4 (e) Local, state, and federal tax dollars shall not be used to advocate, in partial
5 terms, for or against any public question that appears on the ballot in this
6 subsection. For purposes of this section, "local" means and includes any city,
7 county, urban-county government, consolidated local government, unified
8 local government, charter county, or special district.

9 (4) Notwithstanding any statutory provision to the contrary, if a local governmental
10 entity or district board of education has not established a final tax rate as of
11 September 15, due to the recall provisions of this section, KRS 68.245, 132.027, or
12 160.470, regular tax bills shall be prepared as required in KRS 133.220 for all
13 districts having a tax rate established by that date; and a second set of bills shall be
14 prepared and collected in the regular manner, according to the provisions of KRS
15 Chapter 132, upon establishment of final tax rates by the remaining districts.

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

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

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

21 (1) If the tax rate applicable to real property levied by a county fiscal court, district
22 board of education, or legislative body of a city, consolidated local government,
23 urban-county government, or other taxing district is reduced as a result of
24 reconsideration by the county fiscal court, district board of education, or legislative
25 body of a city, consolidated local government, urban-county government, or other
26 taxing district under the provisions of KRS 132.017(2)(~~h~~)(~~j~~), the tax rate
27 applicable to personal property levied under the provisions of KRS 68.248(1),

1 132.024(1), 132.029(1), and 160.473(1) shall be reduced by the respective county
2 fiscal court, district board of education, or legislative body of a city, consolidated
3 local government, urban-county government, or other taxing district 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.

7 (2) If the tax rate applicable to real property levied by a county fiscal court, district
8 board of education, or legislative body of a city, consolidated local government,
9 urban-county government, or other taxing district is reduced, under the provisions
10 of KRS 132.017(3), as a result of a majority of votes cast in an election being
11 opposed to such a rate, the tax rate applicable to personal property levied by the
12 respective county fiscal court, district board of education, or legislative body of a
13 city, consolidated local government, urban-county government, or other taxing
14 district shall be reduced, without further action by the levying body, to an amount
15 which will produce the same percentage increase in revenue from personal property
16 as the percentage increase in revenue from real property resulting from the reduced
17 tax rate applicable to real property.