GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2019 REGULAR SESSION

HOUSE BILL NO. 49

AS ENACTED

WEDNESDAY, MARCH 13, 2019

[Signature]
[March 25, 2019 4:10 pm]

R. Adler
AN ACT relating to the levy of property taxes.

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

Section 1. KRS 132.017 is amended to read as follows:

(1) As used in this section, "local governmental entity" includes a county fiscal court and legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or other taxing district.

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

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

(b) During the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection, any five (5) qualified voters who reside in the area where the tax levy will be imposed may commence petition proceedings to protest the passage of the ordinance, order, resolution, or motion by filing an affidavit with the county clerk. The affidavit shall state:

I. The five (5) qualified voters constitute the
members of the petition committee;

2. The petition committee [and that they] will be responsible for circulating the petition;

3. The petition committee will file the petition [and filing it] in the proper form within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection; [forty-five (45)-day from the passage of the ordinance, order, resolution, or motion.]

4. The affidavit shall state their names and addresses of the petition committee members; [and]

5. [specify—] The address to which all notices to the committee are to be sent; and [—]

6. For petition committees filing petitions 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 and consolidated local government, whether or not the petition committee is willing to incur all of the expenses associated with electronic petition signatures. If the petition committee is not willing to incur all of the expenses, then electronic petition signatures shall not be allowed for the petition.

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

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

2. [At the time of the filing of the affidavit,] Notify the petition committee that the clerk will publish a notice identifying the tax levy being challenged and providing the names and addresses of the petition committee in a newspaper of general circulation within the county, if
a. There is a newspaper within the county in which to publish the notice; and

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

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

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

(d) The petition shall be filed with the county clerk within the same forty-five (45) day or fifty (50) day time period provided by paragraph (a) of this subsection forty-five (45) days of the passage of the ordinance, order, resolution, or motion and meet the following requirements:

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

2. For a district board of education or other taxing district that is primarily located in a county containing an urban-county government or consolidated local government, each sheet of the petition may contain the names of voters from more than one (1) voting precinct, and for a district board of education or other taxing district that is not primarily located in a county containing an urban-county government or consolidated local government, each sheet of the petition shall contain the names of voters from one (1) voting precinct only, and shall include the name, number and designation of the precinct in which
the voters

-signing the petition live. The inclusion of an invalid signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid signature being stricken and not counted.

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

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

5. Each electronic and nonelectronic petition signature[—and] shall be followed by the printed name, street address, [and—]Social Security number or birthdate, and the name and number of the designated voting precinct of the person signing; and[—]

6. The petition shall be 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. Electronic petition signatures shall be included in determining whether the required number of petition signatures have been obtained when the expenses associated with the electronic petition signatures have been incurred in accordance with paragraph (b)6. of this subsection, the electronic petition signatures comply with the requirements of this subsection, and 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 consolidated local government. The inclusion of an invalid electronic or nonelectronic petition signature on a page shall not invalidate the entire page of the petition, but shall instead result in the invalid petition signature being stricken and not
counted.

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

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

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

(h) If the county clerk finds the petition to be insufficient, the clerk shall, within the thirty (30) day period provided for in paragraph (f) of this subsection, notify, in writing, the petition committee and the local governmental entity or district board of education of the specific deficiencies found. Notification shall be sent by certified mail and shall be published at least one (1) time in a newspaper of general circulation within the county containing the local governmental entity or district board of education levying the tax. If there is not a newspaper within the county in which to
publish the notification, then the notification\[no such newspaper,\] shall be
posted at the courthouse door.

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

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

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

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

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

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

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

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

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

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

(1) If the tax rate applicable to real property levied by a county fiscal court, district
board of education, or legislative body of a city, consolidated local government,
urban-county government, or other taxing district is reduced as a result of
reconsideration by the county fiscal court, district board of education, or legislative
body of a city, consolidated local government, urban-county government, or other
taxing district under the provisions of KRS 132.017(2)(j)(4i), the tax rate
applicable to personal property levied under the provisions of KRS 68.248(1),
132.024(1), 132.029(1), and 160.473(1) shall be reduced by the respective county
fiscal court, district board of education, or legislative body of a city, consolidated
local government, urban-county government, or other taxing district to an amount
which will produce the same percentage increase in revenue from personal property
as the percentage increase in revenue from real property resulting from the reduced
tax rate applicable to real property.

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

President of Senate

Attest:  MB Fields
Chief Clerk of House of Representatives

Approved
Governor

Date  25 March 2019