

CONCERN:

Consider 2022-23 Tax Levy

DISCUSSION:

The major portion of funding for Kentucky public school districts is from the state level. The Kentucky Education Reform Act (KERA) included significant changes in the state funding program and established a new funding program for elementary and secondary education, the Fund to Support Education Excellence in Kentucky (SEEK).

Under SEEK; every local school district is required to make a uniform tax effort equivalent to 30 cents (KRS 160.470). Local boards may utilize a combination of property tax, utility tax, occupational tax, or an excise tax on income. The yield from the required local effort is deducted from the basic SEEK appropriation. Required local effort is designed to assure that the taxable wealth per pupil of the local district is rendered neutral as a funding factor in the SEEK base. Districts with relatively high taxable wealth per pupil pay a larger share of the base than those with lower taxable wealth per pupil. The 2022-23 Tentative Budget included the combination of property and 3% utility tax levy.

Local districts may supplement basic SEEK program funding, within reasonable limits, under a two-tiered process. The first level is called Tier 1. Funding in Tier 1 is at the discretion of the local school board. The maximum level of funding permitted in Tier 1 is 15% above the base, including local effort (KRS 157.440). In the event a local board levies a general tax in Tier 1, the state is to equalize the levy to assure the local district will receive a yield equal to 150% of the mean assessment per pupil for the state. For the 2022-24 biennium the state calculated the equalization level at \$1,016,000 assessed value. Taxes up to the Tier 1 level may be levied by a local board of education and are not subject to recall. Elizabethtown's Tentative Budget approved by the board in May 2022 included a projected tax rate sufficient for the maximum level of Tier 1.

The second level is called Tier 2. The maximum level of funding permitted in Tier 2 is 30% above the base SEEK plus Tier 1. Funding in Tier 2 is allowed if the district already has a tax rate at this level. However, any new (higher than the 1989/90 equivalent level) tax at this level must be approved by the voters in a referendum. No state equalization is available in Tier 2. Thus, for the most part, the local school board cannot approve an increase in their general fund tax in Tier 2. Elizabethtown's combined levy in 2020-21 included a small Tier 2 levy that was allowed because of provisions of KRS 160.470.

A local school board must be in receipt of the Kentucky Department of Revenue's certification of the value of property subject to taxation before approval of a tax levy. The certification was received August 2, 2022. The 2022-23 Tentative Budget was based on projected assessment of property subject to school tax in the amount of \$822,331,695. The value certified by the Kentucky Revenue Cabinet was \$871,543,073. Table A provides more detail on the 2022-23 certification compared to the three (3) prior years.

**Table A**  
**Assessment of Taxable Property Certified by Kentucky Revenue Cabinet**

Item	Actual 2019-20	Actual 2020-21	Actual 2021-22	Actual 2022-23
Real Property - New Property	\$6,248,964	\$8,237,980	9,203,029	2,720,322
Percentage Of Total Real Property	1.02%	1.28%	1%	.39
Real Property - Reassessment Less Homestead	\$6,569,031	\$25,050,705	13,089,000	25,820,600
Percentage Of Total Real Property	1.08%	3.89%	1.34%	3.66
Total Assessment - Real Property	\$610,213,435	\$643,368,340	655,685,640	706,308,840
Percentage Change Of Real Property	3.33%	7.70%	7.45%	9.78
Personal Property	\$37,391,975	\$38,661,424	40,329,498	50,125,136
Percentage Change	.53%	7.34%	7.86%	29.65
Public Service Real Property	\$819,429	\$953,209	1,036,867	1,246,618
Percentage Change	(6.71)%	7.6%	26.54%	30.78
Public Service Personal Property	\$26,106,967	\$43,672,339	32,299,068	35,492,988
Percentage Change	(30.75)%	10.62%	23.72%	(18.73)
Motor Vehicle	\$61,921,452	\$65,752,229	65,477,085	78,369,491
Percentage Change	11.46%	13.61%	5.74%	19.19
<b>Grand Total</b>	<b>\$736,453,258</b>	<b>\$792,407,541</b>	<b>794,828,158</b>	<b>871,543,073</b>
<b>Percentage Change</b>	<b>2.02%</b>	<b>8.3%</b>	<b>7.93%</b>	<b>9.99</b>
Less Motor Vehicles	\$674,531,806	\$726,658,312	728,351,073	793,173,582
Percentage Change	1.24%	7.85%	8.13%	9.15

As noted above the actual assessed value of property was higher than projected in the Tentative Budget. Because of the equalizing features of SEEK, this means that required local effort from the 30 cent levy and the local share of Tier 1 will be higher; which will decrease projected receipts from the state through SEEK. Projected 2022-23 general fund state SEEK revenue to Elizabethtown Schools in the May Tentative Budget, excluding Capital Outlay and the FSPK match, was \$10,699,114.

The May 2022 projection was based on \$4,100 SEEK base value per pupil with 2,232,933 ADA.

The Kentucky Revenue Cabinet submits the certified assessment for each local district to the Kentucky Department of Education (KDE). Upon receipt of the certified assessment KDE calculates permissible tax levies pursuant to two different statutes. The first permissible tax rate calculation is pursuant to KRS 160.470 (HB 44) and generates three possible tax levies.

First, KRS 160.470 provides that a local taxing authority may levy a tax rate that will produce the same revenue as received the prior year, exclusive of new property, without conducting a public hearing and not subject to recall. This is referred to as the **Compensating Rate**.

Second, KRS 160.470 provides that a local taxing authority may levy a tax rate that will produce 4% more revenue than was received the prior year, exclusive of new property. The taxing authority may levy a rate that will generate a 4% increase in revenue, exclusive of new property, that is not subject to recall. This is referred to as the **4% Increase Rate**.

The third rate allowed by KRS 160.470 is pursuant to subsection (1) of the statute. This rate is essentially based on the rate that could have been levied in 1978/79 to the 1978/79 assessment.

If the Subsection (1) rate is higher than the 4% rate, it may be levied under the public hearing requirements for the above 4% rate. However, the levy is subject to recall and the taxing authority levying such a rate is required to follow statutory requirements for public notice that a rate subject to recall has been levied. The notice must include instructions on how a recall may be obtained. This rate is referred to as the **Subsection (1) Rate**.

The final permissible tax rate is pursuant to KRS 157.440 (HB 940), the law that established the SEEK program. Application of KRS 157.440 generates the required equivalent tax levy for base SEEK and permissible equivalent tax rates for Tier 1 of SEEK and the school facility tax (FSPK). No public hearing is required to levy the tax rates allowed pursuant to KRS 157.440 and the levy is not subject to recall even if the rates are higher than the subsection (1) rate. This rate is referred to as the **SEEK Rate**.

Sometimes the district has the option to levy a small tax to offset lost revenue from exonerations of the prior year. The exoneration allowance also permits the district to recover from higher local effort because exonerations were included in the equivalent rate used to calculate prior year required local effort. Elizabethtown does have the option in 2022-23 for a .1 cents recovery rate. The 2022-23 rates calculated by KDE for Elizabethtown are displayed in Table B on page 4.

**Table B**  
**Permissible Tax Rates Certified by Kentucky Department of Education**

Item	SEEK	Compensating	Subsection (1)	4% Increase
Real Estate Rate	0.520	0.851	0.881	0.885
Real Estate Revenue	\$3,679,288	\$6,021,297	\$6,233,564	\$6,261,866
Personal Property (Tangible) Rate	0.520	0.851	0.881	0.885
Personal Property (Tangible) Revenue	\$445,214	\$728,610	\$754,296	\$757,720
Subtotal Revenue	\$4,124,503	\$6,749,907	\$6,987,859	\$7,019,586
Recover Exonerations Rate	0.001	0.001	0.001	0.001
Revenue	\$7,932	\$7,932	\$7,932	\$7,932
Motor Vehicle Rate	0.00538	0.00538	0.00538	0.00538
Motor Vehicle Revenue	\$421,628	\$421,628	\$421,628	\$421,628
<b>Total Revenue</b>	<b>\$4,554,062</b>	<b>\$7,179,467</b>	<b>\$7,417,419</b>	<b>\$7,449,146</b>

*Notes:*

*SEEK - No hearing required – no recall. KRS 157.440 (1)(a)*

*Compensating - No hearing required – no recall. KRS 160.470 (2)*

*Subsection (1) - Hearing required if this rate exceeds the Compensating Rate; subject to recall if exceeds 4 percent. KRS 160.470 (1)*

*4% Increase – No hearing required - no recall. KRS 160.470 (7)*

*Exoneration rate; KRS 134.590*

The highest permissible tax rate not subject to recall for Elizabethtown in 2022-23 is the **4% Increase Rate**. This rate can only be levied after a public hearing because it is more than the compensating rate. The **4% Increase Rate** for 2022-23 provides for maximum Tier 1 participation, retains the small Tier 2 tax levy and is **not subject to recall**.

**How does projected 2022-23 revenue from Real Property and Personal Property compare to actual 2021-22 revenue from the same sources?** Table C (see top of page 5) provides a comparison of 2023 actual revenue from Real Property, Personal Property & Motor Vehicles to 2022 projected revenue from the same sources. The district's historical collection rate trend for local revenue from real property is 99% and tangible property is 45%. Estimated 2020-21 Local Revenue (using the historical collection rate) from these sources is projected to increase by \$142,266 compared to 2022-23 actual revenue.

**Table C**  
**2021-22 Actual Revenue Compared to 2022-23 Projected Revenue**

4% Increase Tax Rate		Tax Rate			
		Actual	Calculation**		
Revenue Code	Description	FY2022	FY2023	\$ Change	% Change
1111-GF-1*	General	\$5,353,145	\$5,443,192	\$90,046	1.68
1113-GF-1*	PSC	\$316,341	\$339,433	\$23,092	7.3
1117-GF-1*	MV	\$386,625	\$416,990	\$30,365	7.85
Subtotal General Fund		\$6,056,111	\$6,199,615	\$143,504	2.36
1111-BF-320	General	\$819,912	\$818,674	(\$1,238)	(.15)
1113-BF-320	PSC	\$0	\$0	0	0
1117-BF-320	MV	\$0	\$0	0	0
Subtotal Building Fund		\$819,912	\$818,674	(\$1,238)	(.15)
Total Local Tax Revenue		\$6,876,023	\$7,018,289	\$142,266	2.06

\*\*Based on "4% Increase Tax Rate" and 99 % collection on Real Estate & 45 % Tangible

State law prescribes the methodology for the possible gross revenue in the public notice. However, no district ever collects 100% of possible revenue. In 2020-21 Elizabethtown collected about 99%. Utilizing the 3 year average collection rate of 99% reduces the projected net revenue. The Board may direct a higher projected level of collection be used in the 2022-23 Working Budget forecast.

KDE also calculates the minimum building tax levy necessary to receive state equalization on the building tax. The calculation for 2022-23 was 5.6 cents for each equivalent nickel of building tax (5.6 x 2 = 11.2 total). The Tentative Budget was based on an 11.2 cent building tax levy.

The 2021-22 tax levy was \$0.883(cents) per \$100 assessed value for Real Property and \$0.883(cents) for Personal Property. The **4% Increase Rate** for 22-23 is \$0.885 (cents) per \$100 assessed value of Real Property and \$0.885(cents) of Personal Property excluding the exoneration allowance.

Local tax revenue for Elizabethtown Schools in 22-23 from all sources is projected to be \$7,791,236 based on a \$0.886 (cents) tax rate on Real Property, \$0.886 (cents) on Personal Property, which includes .001 exoneration allowance, \$0.538 (cents) on motor vehicles, and projected .3% utility tax revenue. A summary of projected local revenue is found in Table D.

With this tax levy, projected 22-23 local tax revenue from all sources would increase \$128,439 over 21-22 actual tax revenue. The projected increase is due to real property tax.

**Table D**  
**Projected Local Tax Revenue with 11.2 Cent (10.0 ETR) Facility Tax**

Revenue Code	Description	21-22	22-23	\$ Change	% Change
1111-GF-1	General Property Tax	\$5,353,145	\$5,443,192	\$90,046	1.68%
1113-GF-1	Public Ser. Tax	\$316,341	\$339,433	23,092	7.30%
1115-GF-1	Delinquent Tax	\$34,042	\$40,000	\$5,958	17.50%
1117-GF-1	Motor Vehicle Tax	\$386,625	\$416,990	\$30,365	7.85%
1121-GF-1	Utilities Tax	\$789,784	\$770,000	(\$19,784)	-2.50%
<b>Subtotal Gen. Fund</b>		<b>\$6,879,938</b>	<b>\$7,009,615</b>	<b>\$129,677</b>	<b>1.88%</b>
1111-BF-320	General Property Tax	\$819,912	\$818,674	(\$1,238)	-0.15%
1113-BF-320	Public Ser. Tax	\$0	\$0	\$0	\$0
1115-BF-320	Delinquent Tax	\$0	\$0	\$0	\$0
1117-BF-320	Motor Vehicle Tax	\$0	\$0	\$0	\$0
<b>Subtotal Bldg. Fund</b>		<b>\$819,912</b>	<b>\$818,674</b>	<b>(\$1,238)</b>	<b>-0.15%</b>
<b>Total Local Tax Revenue</b>		<b>\$7,699,850</b>	<b>\$7,828,289</b>	<b>\$128,439</b>	<b>1.67%</b>

\*Actual Revenue

\*\*Projected Revenue – Assumes 98% Collection Rate

Equalization on the school facility (building fund) tax is expected to be \$723,164 for each equivalent nickel of building tax eligible for state equalization. State equalization is projected be \$1,446,328.

The Working Budget will be presented at a September meeting with changes in revenue based on the tax levy approved by the board and adjustments in expense based on salary schedule improvements and staff changes since approval of the Tentative Budget in May. Other expense adjustments may be recommended based on actual prior year expense or other information that was not available in May.

**What is the impact of the proposed tax rate on residents?** Table E (see page 6) illustrates the effect of the proposed tax rate for a resident owning property with a taxable value of \$100,000 last year and this year. The proposed tax rate (4% Increase) would result in \$3 increase property taxes per \$100,000 assessed value as compared to last year.

**Table E**  
**Projected Impact of 2022-23 Proposed Tax Rate**

	<i>21-22</i>	<i>22-23</i>	<i>\$ Change</i>	<i>% Change</i>
Property Value	\$100,000	\$100,000	\$0	0.00%
Tax Rate	0.883	0.886	.003	.34%
Property Tax (Increase/Decrease)	<b>\$883</b>	<b>\$886</b>	<b>\$3</b>	<b>.34%</b>

Aircraft and watercraft should be exempt from taxation because of the equalizing features of SEEK. With a higher overall assessment that would result from taxing aircraft and watercraft, the revenue received from equalization on the facility tax would be lower. In order to maximize state equalization revenue, this property should continue to be exempt from taxation.

The recommended tax rate **does not include** a rate subject to recall.

**SUMMARY:**

The Board may approve a tax levy per \$100 of assessed value for 2022-23 up to the following:

	<u>Real Estate</u>	<u>Personal Property</u>
General Purposes ( <i>excluding exonerations allowance</i> )	\$0..773cents)	\$0.773 (cents)
Exoneration Allowance	\$0.001 (cents)	\$0.001 (cents)
Building Fund	\$0.112(cents)	\$0.112 (cents)
Total Property Tax Levy	\$0.886 (cents)	\$0.886 (cents)

Motor Vehicle Tax of \$0.538 (cents)  
Three Percent (3%) Utility Tax

The Board should exempt aircraft and watercraft.