

**65.125 Enactment and administration of special ad valorem tax.**

- (1) For the purposes of this section, "local government" means a city or county government.
- (2) In order that a local government may provide funding for a specified project, program, or service, any local government may enact a special ad valorem tax for the purpose subject to the following:
  - (a) Any such tax shall be enacted by ordinance as provided in KRS 83A.060 for cities and KRS 67.076 to 67.078 for counties. The ordinance shall identify and generally describe the program, project, or service designated by the local government and provide for the levy of an annual tax sufficient to defray the cost;
  - (b) Upon first reading of the ordinance which will enact a special ad valorem tax, the chief executive authority shall direct that a copy of the ordinance be delivered to the county clerk;
  - (c) Upon receipt of the ordinance, the county clerk shall have prepared the question, which shall be "Are you in favor of the proposal entitled .....? Yes.... No...." The question shall be placed before the voters of the local government at the next regular election if the clerk receives the ordinance not later than the second Tuesday in August preceding the day of a general election. The county clerk shall cause to be published in accordance with KRS Chapter 424, at the same time as other voter information, the full text of the proposal. The county clerk shall cause to be posted in each polling place one (1) copy of the full text of the proposal;
  - (d) The provisions of the general election law shall apply to questions submitted to voters under this section. The certificate of the body authorized by law to canvass election returns shall be delivered to the chief executive authority of the local government proposing the special ad valorem tax. The certificate shall be entered upon the records of the local government at the next regular meeting of the legislative body;
  - (e) Upon passage of the question by a simple majority of those voting, the local government may proceed with the final adoption of the ordinance levying the special ad valorem tax at a rate not to exceed that approved by the voters.
- (3) Any special ad valorem tax imposed under the authority of this section shall be based upon the assessed valuation of all taxable property within the jurisdictional boundaries of the local government.
- (4) Any special ad valorem tax shall be collected in the same manner as are other ad valorem taxes. The revenues generated shall be in addition to other taxes and used solely for the specified project, program, or service as designated by the ordinance enacting the tax. The proceeds of the tax shall be accounted for in a separate fund and shall not be disbursed, expended, encumbered, or transferred for any use or purpose other than provided by the ordinance enacting the special ad valorem tax.
- (5) Any special ad valorem tax shall be in addition to the tax rate levied and exclusive of the recall provisions in KRS 68.245, 91.260, 92.280, 132.017, and 132.027.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 195, sec. 27, effective July 15, 1996. -- Repealed, reenacted, and amended as KRS 65.125, 1990 Ky. Acts ch. 92, sec. 1, effective July 13, 1990. -- Created 1988 Ky. Acts ch. 109, sec. 1, effective July 15, 1988.

**Formerly codified as** KRS 91A.430.