

**96A.340 Publication of resolution or ordinance -- Framing of proposal -- Majority required -- Status of voted levies.**

- (1) The resolution or ordinance of each public body determining that a proposition for the establishment of a mass transportation program be submitted to the electorate of such public body or to the electorate of the transit area of such transit authority, as the case may be, shall in each case be published in the newspaper having the largest bona fide circulation in the area affected and KRS 424.120 notwithstanding, in the following manner:
  - (a) The advertisement shall contain a notification that there is to be a referendum, the subject of which is to be the proposed sales tax.
  - (b) The advertisement shall contain the amount of the proposed sales tax and the subject(s) thereof.
  - (c) The advertisement shall include the manner in which the tax shall be levied.
  - (d) The advertisement shall include the manner in which and purposes for which revenues resulting from the tax levy shall be spent.
  - (e) The advertisement shall be no less than one-quarter (1/4) page in size, and
  - (f) Shall be published at least once weekly for the nine (9) weeks immediately prior to the date of the referendum,
  - (g) And daily for the week immediately prior to the date of the publication in those papers with daily publication.
  - (h) The advertisement shall begin with the word "Tax."

Thereafter such public body or public bodies shall cause the proposition to be prepared for submission to the electorate of either such public bodies or such transit area of the transit authority, as the case may be, at an election to be called and held for such purpose. Such election may be held upon any date stipulated by the public body or public bodies and shall be held pursuant to notice as prescribed in KRS 424.130. Said election may, but need not, be held in conjunction with a regularly scheduled November election or a primary election as otherwise provided by law. The proposal to be submitted to the electorate of such public body or public bodies, or transit area of such transit authority, as the case may be, shall be so framed that any voter who wishes to vote in favor of the mass transportation program and the financing source therefor may signify his approval by voting "yes," and any voter who wishes to vote against the mass transportation program and the funding therefor may do so by voting "no."

- (2) In the event any such mass transportation program proposal is submitted to the electorate of any individual public body, such proposition and the source of funding therefor shall be approved if a majority of those voting on the proposal within the public body shall vote "yes."
- (3) In the event any such mass transportation program proposal is submitted to the electorate of any transit area of any such transit authority by simultaneous submission by all public bodies who are at the time of such submission members of such transit authority, such proposition and the source of funding therefor shall be approved if a majority of those voting on the proposal within the transit area of such

transit authority shall vote "yes."

- (4) Any additional voted levies of ad valorem taxes approved by electorates pursuant to KRS 96A.310 to 96A.370, shall in the case of individual public bodies, be added to and constitute legal tax levies of such individual public bodies within the meaning of the Constitution of Kentucky, and shall, in the case of votes taken in transit areas of transit authorities, constitute legal tax levies of each and every individual public body which is a member of any such transit authority within the meaning of the Constitution of Kentucky.

**History:** Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 37, sec. 1. -- Amended 1976 Ky. Acts ch. 350, sec. 3. -- Created 1974 Ky. Acts ch. 169, sec. 4.