

CHAPTER 465 (HB 287)

AN ACT relating to economic development and declaring an emergency.

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

Section 1. KRS 154.33-510 is amended to read as follows:

As used in KRS 154.33-501 to 154.33-585, unless the context otherwise requires:

- (1) "Area" or "region" means the geographical area represented by the East Kentucky Corporation, including that part of Kentucky contained within the Appalachian region as defined by the federal Appalachian Regional Development Act of 1965, as amended, except that the counties of Clark, ~~Estill,~~ Garrard, Lincoln, **and** Madison ~~and Powell~~ shall not be included as part of the "area" or "region," as defined herein, for the purposes of KRS 154.33-501 to 154.33-585;
- (2) "Board" means the board of directors of the corporation;
- (3) "Bonds" or "notes" means revenue bonds, commercial paper revenue bonds, refunding revenue bonds, variable rate revenue bonds, notes or other obligations issued by the corporation under the authority of KRS 154.33-501 to 154.33-585;
- (4) "Committee" means the executive committee of the board of directors of the corporation, possessing all powers, duties, and responsibilities as provided in KRS 154.33-540, and as may be otherwise provided by the board;
- (5) "Commonwealth" means the Commonwealth of Kentucky;
- (6) "Corporation" means the East Kentucky Corporation;
- (7) "Executive director" means the chief administrator of the corporation having responsibility for its day-to-day operations, and possessing all duties, responsibilities, and authorities as specified by the board or executive committee;
- (8) "Fund" means the East Kentucky economic development fund as provided by KRS 154.33550;
- (9) "Local governing body" means the fiscal court of any county within the area or the legislative body of any city represented on the board of the corporation; and
- (10) "Project" means any economic or job development activity or program or facility or undertaking located within the area which is planned, developed, implemented, operated, financed, or otherwise assisted by the corporation pursuant to KRS 154.33-501 to 154.33585.

Section 2. KRS 154.85-010 is amended to read as follows:

As used in KRS 154.85-001 to 154.85-085, unless the context otherwise requires:

- (1) "Area" or "region" means the geographical area represented by the West Kentucky Corporation, including all the following counties: Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Larue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McLean, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Simpson, **Spencer, Taylor,** Todd, Trigg, Union, Warren, Washington, Webster;

- (2) "Board" means the board of directors of the corporation;
- (3) "Bonds" or "notes" means revenue bonds, commercial paper revenue bonds, refunding revenue bonds, variable rate revenue bonds, bond anticipation notes, or other obligations issued by the corporation under the authority of KRS 154.85-035 and 154.85-045;
- (4) "Committee" means the executive committee of the board of directors of the corporation, possessing all powers, duties, and responsibilities as provided in KRS 154.85-035 and 154.85-040, and as may be otherwise provided by the board;
- (5) "Commonwealth" means the Commonwealth of Kentucky;
- (6) "Corporation" means the West Kentucky Corporation;
- (7) "Executive officer" or "president" means the chief administrator of the corporation having responsibility for its day-to-day operations, and possessing all duties, responsibilities, and authorities as specified by the board or executive committee;
- (8) "Fund" means the West Kentucky economic development fund as provided by KRS 154.85050;
- (9) "Local governing body" means the fiscal court of any county within the area or the legislative body of any city represented on the board of the corporation; and
- (10) "Project" means any economic or job development activity or program or facility or undertaking located within the area which is planned, developed, implemented, operated, financed, or otherwise assisted by the corporation pursuant to KRS 154.85-001 to 154.85085.

Section 3. KRS 154.45-010 is amended to read as follows:

As used in KRS 154.45-020 to 154.45-110, unless the context otherwise requires:

- (1) "Authority" means the Enterprise Zone Authority of Kentucky;
- (2) ***"Employee" means a person who works twenty (20) hours or more per week and is employed by a business located in an enterprise zone and includes a qualified seasonal employee. For purposes of determining whether a qualified business maintains the percentage of targeted workforce employees required by KRS 154.45-010(8) for the entire time it is certified as a qualified business, a qualified seasonal employee shall be deemed to be employed for the entire calendar year;***
- (3) "Enterprise zone" means an area designated by the authority to be eligible for the benefits of KRS 154.45-020 to 154.45-110;
- ~~(4)(3)~~ "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed;
- ~~(5)(4)~~ "Existing business" means a person, corporation, or other entity engaged in the active conduct of a trade or business at a location within the enterprise zone prior to the date the authority designated the area as an enterprise zone;
- ~~(6)(5)~~ "Local government" means a city, county, urban-county government, or charter county government;
- ~~(7)(6)~~ "New business" means a person, corporation, or other entity who was not engaged in the active conduct of a trade or business in the enterprise zone prior to the date the authority

designated the area as an enterprise zone, and who becomes engaged in the active conduct of a trade or business within the enterprise zone after the date the authority designated the area as an enterprise zone;

- (8)~~(7)~~ "Qualified business" means an existing business or new business that has been certified by the authority to have at least fifty percent (50%) of its employees performing substantially all of their services within an enterprise zone and meeting one (1) of the following criteria:
- (a) With a new business employing at least twenty-five percent (25%) of the business's employees from the targeted workforce; or
 - (b) With an existing business creating new activity within the enterprise zone of not less than a twenty percent (20%) increase in the number of employees or by a twenty percent (20%) increase in capital investment within eighteen (18) months from the date of application for certification as a qualified business. Businesses that are certified based upon an increase in employees shall employ at least twenty-five percent (25%) of the new employees from the targeted workforce.
- (9)~~(8)~~—"Qualified employee" means an employee of a qualified business;~~and~~
- (10) *"Qualified seasonal employee" means a seasonal employee employed by a seasonal business for at least sixty (60) days during the calendar year;*
- (11) *"Seasonal business" means a business with respect to which seasonal employees constitute at least eighty percent (80%) of the total number of employees of the business during the calendar year. For purposes of this definition, a person shall be treated as an employee only if the person is employed by the business for at least sixty (60) days during the calendar year;*
- (12) *"Seasonal employee" means a person who is employed by a qualified business during certain seasons or during part of the calendar year; and*
- (13)~~(9)~~—"Targeted workforce" means Kentucky residents:
- (a) Who reside within an enterprise zone; or
 - (b) Who have been unemployed for at least ninety (90) days or who have received public assistance benefits, based on need and intended to alleviate poverty, for at least ninety (90) days prior to employment with a qualified business.
 - (c) For the purpose of this subsection, "Kentucky resident" means a person who has resided in the Commonwealth for at least ninety (90) days.

Section 4. Whereas it is increasingly difficult to obtain the necessary number of qualified employees to perform needed services, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 21, 2000