

CHAPTER 113

(HB 51)

AN ACT relating to disaster relief funding.

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

➔Section 1. KRS 273.161 is amended to read as follows:

As used in KRS 273.163 to 273.387, unless the context otherwise requires, the term:

- (1) "Corporation" or "domestic corporation" means a nonprofit corporation subject to the provisions of KRS 273.163 to 273.387, except a foreign corporation;
- (2) ***"Disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States.***
- ~~(3)(2)~~ "Foreign corporation" means a nonprofit corporation organized under laws other than the laws of this state;
- ~~(4)(3)~~ "Nonprofit corporation" means a corporation no part of the income or profit of which is distributable to its members, directors or officers;
- ~~(5)(4)~~ "Articles of incorporation" means the original or restated articles of incorporation or articles of consolidation and all amendments thereto, including articles of merger;
- ~~(6)(5)~~ "Bylaws" means the code or codes of rules adopted for the regulation or management of the affairs of the corporation irrespective of the name or names by which such rules are designated;
- ~~(7)(6)~~ "Member" means one having membership rights in a corporation in accordance with the provisions of its articles of incorporation or bylaws;
- ~~(8)(7)~~ "Board of directors" means the group of persons vested with the management of the affairs of the corporation irrespective of the name by which group is designated;
- ~~(9)(8)~~ "Insolvent" means inability of a corporation to pay its debts as they become due in the usual course of its affairs;
- ~~(10)(9)~~ "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located;
- ~~(11)(10)~~ "Secretary" means the corporate officer to whom the board of directors has delegated responsibility for custody of the minutes of the meetings of the board of directors and the members and for authenticating records of the corporation;
- ~~(12)(11)~~ "Individual" includes the estate of an incompetent or deceased individual;
- ~~(13)(12)~~ "Entity" includes a domestic or foreign corporation; not-for-profit corporation; profit and not-for-profit unincorporated association; business or statutory trust, estate, partnership, limited partnership, limited liability company, trust, and two (2) or more persons having a joint or common economic interest; and state, United States, and foreign government;
- ~~(14)(13)~~ "Person" includes individual and entity.
- ~~(15)(14)~~ "Name of record with the Secretary of State" means any real, fictitious, reserved, registered, or assumed name of an entity; and
- ~~(16)(15)~~ "Real name" shall have the meaning set forth in KRS 365.015.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 273 IS CREATED TO READ AS FOLLOWS:

- (1) (a) ***Any entity organized for charitable purposes under Section 501(c)(3) of the Internal Revenue Code, other than a religious organization that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code, that solicits and receives contributions exceeding twenty-five thousand dollars (\$25,000) for a charitable purpose related to a disaster in Kentucky shall file quarterly financial reports with the Secretary of State until the funds are expended. The quarterly reports shall***

be in a form and format determined by the Secretary of State and shall contain at a minimum the following:

1. *The amount of money received as a result of the solicitation at the time that the report is filed;*
 2. *Where the funds collected as a result of the solicitation are spent; and*
 3. *The amount of funds collected that are used for administrative costs.*
- (b) *The first quarterly report shall be filed no later than the last day of the third month following the commencement of solicitations.*
- (2) *Any entity organized for charitable purposes under Section 501(c)(3) of the Internal Revenue Code, other than a religious organization that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code, which solicited and received contributions exceeding twenty-five thousand dollars (\$25,000) for a charitable purpose related to a disaster in Kentucky between January 1, 2012, and the effective date of this Act shall file a financial report with the Secretary of State. The financial report shall be in a form and format determined by the Secretary of State and shall contain at a minimum the following:*
- (a) *The amount of money received as a result of the solicitation;*
 - (b) *Where the funds collected as a result of the solicitation were spent; and*
 - (c) *The amount of the funds collected that was used for administrative costs.*

➔Section 3. KRS 68.200 is amended to read as follows:

- (1) As used in this section, unless the context clearly indicates otherwise:
 - (a) Motor vehicle means "vehicle" as defined in KRS 186.010(8)(a);
 - (b) Retailer means "retailer" as defined in KRS 139.010; and
 - (c) Gross rental charge means "gross rental charge" as defined in KRS 138.462(4).
- (2) A county containing a city of the first, second, or third class or urban-county government may levy a license fee on the rental of motor vehicles which shall not exceed three percent (3%) of the gross rental charges from rental agreements for periods of thirty (30) days or less. The license fee shall apply to retailers who receive more than seventy-five percent (75%) of their gross revenues generated in the county from gross rental charges. Any license fee levied pursuant to this subsection shall be collected by the retailer from the renters of the motor vehicles.
- (3) Revenues from rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:
 - (a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000) pounds; or
 - (b) The rental is part of the services provided by a funeral director for a funeral; or
 - (c) The rental is exempted from the state sales and use tax pursuant to KRS 139.470.
- (4) A fiscal court or the legislative body of an urban-county government shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the motor vehicle license fee account. The revenues may be shared among local governments pursuant to KRS 65.245.
- (5) The county shall use the proceeds of the license fee for economic development activities. It shall distribute semiannually, by June 30 and December 31, all revenues not shared pursuant to KRS 65.245, to one (1) or more of the following entities if it has established, or contracted with, the entity for the purposes of economic development and is satisfied that the entity is promoting satisfactorily the county's economic development activities:
 - (a) A riverport authority established by the county pursuant to KRS 65.520; or
 - (b) An industrial development authority established by the county pursuant to KRS 154.50-316; or
 - (c) A nonprofit corporation as defined in KRS 273.161(4)~~(3)~~ which has been organized for the purpose of promoting economic development.

The entity shall make a written request for funds from the motor vehicle license fee account by May 31 and November 30, respectively.

Signed by Governor April 4, 2013.