

**154.12-100 Economic development fund -- Project selection criteria -- Written commitment -- Approval -- Report.**

- (1) "Economic development fund" means the fund authorized by the General Assembly for the purpose of promoting economic development within the state.
- (2) The economic development fund shall be funded through the issuance of bonds by the State Property and Buildings Commission or other appropriation by the General Assembly.
- (3) The economic development fund shall be administered by the secretary of the Cabinet for Economic Development. The authority shall promulgate administrative regulations in accordance with KRS Chapter 13A for project selection criteria and administration of the economic development fund. The project selection criteria shall include but not be limited to the following:
  - (a) Potential job creation or job retention;
  - (b) Degree of public or private and local involvement;
  - (c) Degree and conditions of project payback; and
  - (d) Amount of investment.
- (4) Prior to submission of an economic development fund project to the authority, the secretary of the Cabinet for Economic Development shall receive a written commitment from the public or private organization which has requested funds outlining projected job creation and retention, an investment breakdown, and overall project description. This shall be submitted by the secretary to the authority. Subsequently, the secretary of the Cabinet for Economic Development shall execute a written agreement with the public or private organizations involved expressing in detail the respective obligations on the parties.
- (5) Projects of state agencies as defined in KRS 42.005 shall not be eligible for funding from the economic development fund program, unless expressly provided in a branch budget bill. Airport construction and renovation projects shall be eligible for funding under this section. The secretary of the Cabinet for Economic Development shall consult with the secretary of the Finance and Administration Cabinet on the terms and conditions relating to the use of funds pursuant to this section before any commitment is made on any project to any public or private organization.
- (6) Following the approval by the authority, the project shall be presented by the secretary of the Cabinet for Economic Development or his or her designee with supporting documentation for review and approval at the next regularly scheduled meeting of the Capital Projects and Bond Oversight Committee pursuant to KRS 45.810 and at the next regularly scheduled meeting of the State Property and Buildings Commission pursuant to KRS 56.450.
- (7) Notwithstanding the provisions of KRS 56.872(3), the amount of economic development funds issued during any biennium shall not exceed the balance of the fund, and any funds authorized in the biennial budget shall carry forward and shall not lapse.
- (8) By November 1 of each year, the Cabinet for Economic Development shall prepare and post an annual report to the cabinet's Web site as required in KRS 154.12-2035, showing the economic development funds issued during the

previous fiscal year, funds disbursed, the amounts paid back, and the balance still owing with respect to grants or loans made by the Cabinet for Economic Development with proceeds of economic development funds during the previous five (5) fiscal years.

**Effective:** March 26, 2019

**History:** Amended 2019 Ky. Acts ch. 172, sec. 1, effective March 26, 2019. -- Amended 2018 Ky. Acts ch. 199, sec. 10, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 134, sec. 4, effective July 15, 2014. -- Amended 1996 Ky. Acts ch. 194, sec. 16, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 387, sec. 26, effective July 15, 1994. -- Repealed, reenacted, and amended as KRS 154.12-100, 1992 Ky. Acts ch. 105, sec. 29, effective July 14, 1992. -- Amended 1991 (1st Extra. Sess.) Ky. Acts ch. 12, sec. 51, effective February 26, 1991. -- Amended 1990 Ky. Acts ch. 195, sec. 1, effective July 13, 1990; and ch. 267, sec. 1, effective July 13, 1990. -- Created 1988 Ky. Acts ch. 145, sec. 2, effective July 15, 1988.

**Formerly codified as** KRS 152.052.