

**65.501 Definitions for KRS 65.500 to 65.506.**

As used in KRS 65.500 to 65.506:

- (1) "Affiliated" means the following:
  - (a) Members of a family, including brothers and sisters of the whole or half blood, spouse, parents, grandparents, ancestors, children, spouses of children, grandchildren, spouses of grandchildren, and other lineal descendants of an individual;
  - (b) An individual and a corporation, if more than ten percent (10%) in value of the outstanding stock of which is owned, directly or indirectly, by or for that individual;
  - (c) An individual and a limited liability company or a partnership, if more than ten percent (10%) of the capital interest or profits are owned or controlled, directly or indirectly, by or for that individual; or
  - (d) An individual and a trust, if the individual is a grantor, fiduciary, or beneficiary of the trust;
- (2) "Board" means the board of the West End Opportunity Partnership;
- (3) "CPI" means the nonseasonally adjusted United States city average of the Consumer Price Index for all urban consumers for all items, as released by the federal Bureau of Labor Statistics;
- (4) "Development area" means a region within a consolidated local government bounded by:
  - (a) To the south, Algonquin Parkway to the South Seventh Street intersection, but including the unincorporated communities adjacent to Park Duvalle and Algonquin:
    1. Beginning at the Ohio River, at the southwest corner of Chickasaw Park and then along the park's southern boundary to Southwestern Parkway;
    2. Southwestern Parkway south to Algonquin Parkway;
    3. Algonquin Parkway to South Forty-First Street;
    4. South Forty-First Street south to Bells Lane;
    5. Bells Lane east to Cane Run Road;
    6. Cane Run Road north to Linwood Avenue;
    7. Linwood Avenue east to Beech Street;
    8. Beech Street south to Wingfield Lane;
    9. Wingfield Lane east to Dixie Highway;
    10. Dixie Highway north to Algonquin Parkway; and
    11. Algonquin Parkway east to South Seventh Street;
  - (b) To the east, South Seventh Street north to Ninth Street and Ninth Street north to the Ohio River; and
  - (c) The Ohio River to the north and west;
- (5) "Governing body" means the body possessing legislative authority in a consolidated

local government;

- (6) "Incremental revenues" means the amount of revenues received by:
- (a) A consolidated local government, determined by subtracting old revenues from new revenues in a calendar year with respect to the development area; and
  - (b) The Commonwealth, determined by subtracting old revenues from new revenues in a calendar year with respect to the development area;
- (7) (a) "Local tax revenues" means revenues derived by a consolidated local government from one (1) or more of the following sources:
- 1. Real property ad valorem taxes, excluding any taxes not assessed while a property is participating in an assessment or reassessment moratorium program under KRS 99.600; and
  - 2. Occupational license taxes; and
- (b) "Local tax revenues" does not mean revenues that have been pledged to support a tax increment financing project established under KRS 65.490 to 65.499, 65.680 to 65.699, or 65.7041 to 65.7083 or an economic development project within the development area;
- (8) "New revenues" means the amount of:
- (a) Local tax revenues received by a consolidated local government with respect to the development area in any calendar year beginning with the calendar year described under KRS 65.504(1); and
  - (b) State tax revenues received by the Commonwealth with respect to the development area in any calendar year beginning with the calendar year described under KRS 65.504(1);
- (9) "Old revenues" means the amount of:
- (a) Local tax revenues received by a consolidated local government with respect to the development area in any calendar year beginning with the calendar year immediately preceding the calendar years described under KRS 65.504(1); and
  - (b) State tax revenues received by the Commonwealth with respect to the development area in any calendar year beginning with the calendar year immediately preceding the calendar years described under KRS 65.504(1).
- "Old revenues" shall be adjusted annually to incorporate the percentage change in the CPI. In the first calendar year of the calendar years described under KRS 65.504(1), the calculated amount for the state tax revenues and the local tax revenues shall be adjusted by multiplying each amount by the percentage change in the CPI. For every calendar year thereafter until the expiration of the calendar years described under KRS 65.504(1), the calculated amount for the state tax revenues and the local tax revenues shall be the previous year's calculated amount multiplied by the percentage change in the CPI;
- (10) "Percentage change in the CPI" means the percentage of change in CPI from one (1) year to the next based on averaging the twelve (12) consecutive months of CPI data

for each of the two (2) immediately preceding calendar years and then using those two (2) averages to calculate a year-over-year percentage change; and

- (11) (a) "State tax revenues" means revenues received by the Commonwealth from one (1) or more of the following sources:
1. State real property ad valorem taxes, excluding any taxes not assessed while a property is participating in an assessment or reassessment moratorium program under KRS 99.600;
  2. Individual income taxes required to be withheld by an employer as required under KRS 141.310; and
  3. Sales taxes levied under KRS 139.200, excluding sales taxes already pledged for:
    - a. Approved tourism attraction projects, as defined in KRS 148.851, within the development area; and
    - b. Projects which are approved for sales tax refunds under Subchapter 20 of KRS Chapter 154 within the development area.
- (b) "State tax revenues" does not mean revenues that have been pledged to support a tax increment financing project established under KRS 65.490 to 65.499, 65.680 to 65.699, or 65.7041 to 65.7083 or an economic development project within the development area.

**Effective:** June 29, 2021

**History:** Created 2021 Ky. Acts ch. 203, sec. 2, effective June 29, 2021.

**Legislative Research Commission Note** (6/29/2021). Under the authority of KRS 7.136(1), the Reviser of Statutes has altered the format of the text in subsection (9) of this statute during codification. The words in the text were not changed.