

262.610 Acquisitions of equipment or infrastructure -- Purposes -- Soil and Water Conservation Commission -- Joint acquisition.

- (1)
 - (a) Heavy or specialized equipment purchased or made available in accordance with KRS 262.330 and 262.610 to 262.660 shall be used for the purposes of conserving soil resources, the prevention and control of soil erosion, and the conservation and protection of water resources related to those purposes. The heavy or specialized equipment described in this paragraph may be used on the renter's or lessee's land or on the lands of others, pursuant to the usage proportions established in the administrative regulations promulgated under KRS 262.660(2)(d).
 - (b) The Soil and Water Conservation Commission as referred to in KRS Chapter 146, subject to the supervision of the commissioner of the Department for Natural Resources, to the restrictions provided in KRS 262.330 and 262.610 to 262.660, and to the requirements of KRS Chapters 42 and 45A, is hereby authorized to acquire and to make available, or to assist in acquiring or making available to persons and soil and water conservation districts, heavy or specialized equipment or infrastructure which they cannot economically obtain.
 - (c) A district may submit a request to the commission for the acquisition of heavy or specialized equipment jointly with a person residing within the district to whom the district has agreed to lease the equipment in the event that it is acquired or made available. The district and the person shall submit all information with their joint request for heavy or specialized equipment as may be required by the commission in the administrative regulations promulgated under KRS 262.660.
 - (d) The commission shall not approve an application made jointly by a person and any district to acquire infrastructure or to have infrastructure made available to them.
- (2) When the commission acquires or makes available heavy or specialized equipment to any district, or district applying jointly with a person, or infrastructure to any district, it shall require said district to fully amortize, in the form of rentals or payments, to the Division of Conservation, as referred to in KRS Chapter 146, any amount so expended by the commission for such assistance. The amount and method of amortization for each piece of heavy or specialized equipment or infrastructure shall be determined by the commission, subject to approval of the commissioner of the Department for Natural Resources. The amount and method of amortization for each piece of heavy or specialized equipment shall be determined on the basis of the lease or a rental fee to be charged by the district to the lessee or other user of equipment sufficient to:
 - (a) Fully amortize to the division the capital outlay for the machinery itself over the period of its reasonably anticipated full usefulness;
 - (b) Cover the cost of operation, maintenance, and repairs;
 - (c) Pay the usual cost of providing an operator; and
 - (d) Compensate the district for the usual costs of transportation from one (1) job

to another.

- (3) In giving effect to all of the foregoing, the commission shall estimate the amount of time such heavy or specialized equipment would ordinarily be idle.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 10, sec. 2, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 239, sec. 6, effective April 26, 2022. -- Amended 2007 Ky. Acts ch. 51, sec. 4, effective June 26, 2007. -- Amended 1990 Ky. Acts ch. 496, sec. 59, effective July 13, 1990. -- Amended 1966 Ky. Acts ch. 23, sec. 63. -- Created 1948 Ky. Acts ch. 79, sec. 1.

Legislative Research Commission Note (4/26/2022). The language in subsection (1) of this statute has been modified in codification from the way it was enacted in order to reflect the Governor's line-item veto of 2022 House Bill 604 (2022 Ky. Acts ch. 239, sec. 6).

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.