

154.32-050 Enhanced incentive counties -- Annual identification and certification or decertification -- Criteria -- Multicounty industrial park projects.

- (1) The authority shall identify and certify or decertify enhanced incentive counties on an annual basis as provided in this section.
- (2) Each fiscal year, the authority shall:
 - (a) Obtain from the Department of Workforce Development in the Education and Labor Cabinet, the final unemployment figures for the prior calendar year for each county and for the Commonwealth as a whole;
 - (b) Identify those counties which have had:
 1. A countywide unemployment rate that exceeds the statewide unemployment rate in the most recent five (5) consecutive calendar years; or
 2. An average countywide rate of unemployment exceeding the statewide unemployment rate by two hundred percent (200%) in the most recent calendar year; and
 - (c) Certify the counties identified in paragraph (b) of this subsection as enhanced incentive counties.
- (3) A county not certified under subsection (2) of this section may also be certified by the authority as an enhanced incentive county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:
 - (a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, using the information obtained under subsection (2)(a) of this section;
 - (b) The percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and
 - (c) The quality of the roads in the county. Quality of roads shall be determined by the access within a county to roads, ranked in descending order from best quality to worst quality, as certified to the authority by the Kentucky Transportation Cabinet as follows:
 1. Two (2) or more interstate highways;
 2. One (1) interstate highway;
 3. A state four (4) lane parkway;
 4. A four (4) lane principal arterial access to an interstate highway;
 5. A state two (2) lane parkway; and
 6. None of the preceding road types.
- (4)
 - (a) If the authority determines that an enhanced incentive county no longer meets the criteria to be certified as an enhanced incentive county under this section, the authority shall decertify that county.
 - (b) Any economic development project located in an enhanced incentive county

that was decertified by the authority after May 1, 2009, shall have until July 1 of the third year following the fiscal year in which the county was decertified to obtain final approval from the authority.

- (5) (a) As used in this subsection, "industrial park" means a regional industrial park as defined in KRS 42.4588, or an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in KRS 65.210 to 65.300.
 - (b) An economic development project undertaken in an industrial park that is located in two (2) or more counties, one (1) of which is an enhanced incentive county, may be approved for the enhanced incentive county incentives set forth in this subchapter.
- (6) A county not certified under subsection (2) or (3) of this section may be certified by the authority as an enhanced incentive county if the county has been declared a disaster relief area by any state or federal agency on or after December 1, 2021. The enhanced county certification shall be effective for a period of two (2) years from the date of certification by the authority. Following the two (2) year period, if a county certified under this subsection does not meet the criteria under subsections (2) and (3) of this section to be certified as an enhanced incentive county, the county shall be decertified in accordance with subsection (4) of this section.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 75, sec. 24, effective June 29, 2023. -- Amended 2022 Ky. Acts ch. 236, sec. 58, effective July 1, 2022. -- Amended 2020 Ky. Acts ch. 98, sec. 15, effective July 15, 2020. -- Amended 2019 Ky. Acts ch. 146, sec. 25, effective June 27, 2019. -- Created 2009 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 13, effective June 26, 2009.