

1 AN ACT relating to tax increment financing and declaring an emergency.

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

3 ➔Section 1. KRS 65.7043 is amended to read as follows:

4 The purposes of KRS 65.7041 to 65.7083 are as follows:

5 (1) KRS 65.7047 provides authority for cities and counties to establish local
6 development areas for the development of previously undeveloped land within their
7 jurisdictional boundaries and to devote local resources to support the development
8 of projects in those local development areas. Local development areas established
9 under KRS 65.7047 and projects within local development areas shall not be
10 eligible for participation by the Commonwealth; and

11 (2) (a) KRS 65.7049, 65.7051, and 65.7053 provide a framework for cities and
12 counties:

13 1. To establish development areas for:

14 a. The redevelopment of previously developed land within their
15 jurisdictional boundaries; and

16 b. The development of previously undeveloped land, if:

17 i. The project proposed for the development area includes an
18 arena as part of the proposed development;

19 ii. The project is a mixed-use development located in a
20 university research park;

21 iii. The project is a mixed-use development located within three
22 (3) miles of a military base that houses, deploys, or employs
23 any combination of at least twenty-five thousand (25,000)
24 military personnel, their families, military retirees, or civilian
25 employees;~~or~~

26 iv. The project is a mixed-use development which includes
27 either or both significant public storm water and sanitary

1 sewer facilities designed to comply with a community-wide
 2 court decree mandating corrective action by the local
 3 government or an agency thereof; ~~or~~ and

4 *v. The project is a mixed-use development which includes a*
 5 *merchant solar electric generating facility. A merchant*
 6 *solar electric generating facility exceeding two (2)*
 7 *megawatts (2MW) of generating capacity within a mixed-*
 8 *use project shall be subject to review and approval by the*
 9 *Kentucky State Board on Electric Generation and*
 10 *Transmission Siting and the provisions of KRS 278.700 to*
 11 *278.716; and*

12 2. To devote local resources to providing redevelopment assistance and
 13 supporting projects in those development areas.

14 (b) Projects within development areas established pursuant to KRS 65.7049,
 15 65.7051, and 65.7053 shall be eligible for participation by the Commonwealth
 16 if ~~the~~ such projects meet the requirements for Commonwealth participation
 17 established by Subchapter 30 of KRS Chapter 154.

18 ➔Section 2. KRS 65.7045 is amended to read as follows:

19 As used in KRS 65.7041 to 65.7083:

20 (1) "Activation date" means the date established any time within a two (2) year period
 21 after the commencement date. The activation date is the date on which the time
 22 period for the pledge of incremental revenues shall commence. The governing body
 23 may extend the two (2) year period to no more than four (4) years upon written
 24 application by the agency requesting the extension. To implement the activation
 25 date, the agency that is a party to the local participation agreement or the local
 26 development area agreement shall notify the governing body that created the
 27 development area or local development area;

- 1 (2) "Agency" means:
- 2 (a) An urban renewal and community development agency established under
- 3 KRS Chapter 99;
- 4 (b) A development authority established under KRS Chapter 99;
- 5 (c) A nonprofit corporation;
- 6 (d) A housing authority established under KRS Chapter 80;
- 7 (e) An air board established under KRS 183.132 to 183.160;
- 8 (f) A local industrial development authority established under KRS 154.50-301
- 9 to 154.50-346;
- 10 (g) A riverport authority established under KRS 65.510 to 65.650; or
- 11 (h) A designated department, division, or office of a city or county;
- 12 (3) "Arena" means a facility which serves primarily as a venue for athletic events, live
- 13 entertainment, and other performances, and which has a permanent seating capacity
- 14 of at least five thousand (5,000);
- 15 (4) "Authority" means the Kentucky Economic Development Finance Authority
- 16 established by KRS 154.20-010;
- 17 (5) "Brownfield site" means real property, the expansion, redevelopment, or reuse of
- 18 which may be complicated by the presence or potential presence of a hazardous
- 19 substance, pollutant, or contaminant;
- 20 (6) "Capital investment" means:
- 21 (a) Obligations incurred for labor and to contractors, subcontractors, builders, and
- 22 materialmen in connection with the acquisition, construction, installation,
- 23 equipping, and rehabilitation of a project;
- 24 (b) The cost of acquiring land or rights in land within the development area on the
- 25 footprint of the project, and any cost incident thereto, including recording
- 26 fees;
- 27 (c) The cost of contract bonds and of insurance of all kinds that may be required

- 1 or necessary during the course of acquisition, construction, installation,
2 equipping, and rehabilitation of a project which is not paid by the contractor
3 or contractors or otherwise provided;
- 4 (d) All costs of architectural and engineering services, including test borings,
5 surveys, estimates, plans, specifications, preliminary investigations,
6 supervision of construction, and the performance of all the duties required by
7 or consequent upon the acquisition, construction, installation, equipping, and
8 rehabilitation of a project;
- 9 (e) All costs that are required to be paid under the terms of any contract for the
10 acquisition, construction, installation, equipping, and rehabilitation of a
11 project; and
- 12 (f) All other costs of a nature comparable to those described in this subsection;
- 13 (7) "City" means any city, consolidated local government, or urban-county government;
- 14 (8) "Commencement date" means:
- 15 (a) The date on which a local development area agreement is executed; or
16 (b) The date on which a local participation agreement is executed;
- 17 (9) "Commonwealth" means the Commonwealth of Kentucky;
- 18 (10) "County" means any county, consolidated local government, charter county, unified
19 local government, or urban-county government;
- 20 (11) "Debt charges" means the principal, including any mandatory sinking fund deposits,
21 interest, and any redemption premium, payable on increment bonds as the payments
22 come due and are payable and any charges related to the payment of the foregoing;
- 23 (12) "Development area" means an area established under KRS 65.7049, 65.7051, and
24 65.7053;
- 25 (13) "Economic development projects" means projects which are approved for tax
26 credits under Subchapter 20, 22, 23, 24, 25, 26, 27, 28, 34, or 48 of KRS Chapter
27 154;

- 1 (14) "Establishment date" means the date on which a development area or a local
2 development area is created. If the development area, local development area,
3 development area plan, or local development area plan is modified or amended
4 subsequent to the original establishment date, the modifications or amendments
5 shall not extend the existence of the development area or local development area
6 beyond what would be permitted under KRS 65.7041 to 65.7083 from the original
7 establishment date;
- 8 (15) "Governing body" means the body possessing legislative authority in a city or
9 county;
- 10 (16) "Increment bonds" means bonds and notes issued for the purpose of paying the costs
11 of one (1) or more projects, or grant or loan programs as described in subsection
12 (30)(c) of this section, in a development area or a local development area;
- 13 (17) "Incremental revenues" means the amount of revenues received by a taxing district,
14 as determined by subtracting old revenues from new revenues in a calendar year
15 with respect to a development area, a project within a development area, or a local
16 development area;
- 17 (18) "Issuer" means a city, county, or agency issuing increment bonds;
- 18 (19) "Local development area" means a development area established under KRS
19 65.7047;
- 20 (20) "Local development area agreement" means an agreement entered into under KRS
21 65.7047;
- 22 (21) "Local participation agreement" means the agreement entered into under KRS
23 65.7063;
- 24 (22) "Local tax revenues" means:
- 25 (a) Revenues derived by a city or county from one (1) or more of the following
26 sources:
- 27 1. Real property ad valorem taxes;

- 1 2. Occupational license taxes, excluding occupational license taxes that
2 have already been pledged to support an economic development project
3 within the development area; and
- 4 3. The occupational license fee permitted by KRS 65.7056; and
- 5 (b) Revenues derived by any taxing district other than school districts or fire
6 districts from real property ad valorem taxes;
- 7 (23) "Low-income household" means a household in which gross income is no more
8 than two hundred percent (200%) of the poverty guidelines updated periodically in
9 the Federal Register by the United States Department of Health and Human
10 Services under the authority of 42 U.S.C. sec. 9902(2);
- 11 **(24) "Merchant solar electric generating facility" means an electricity generating**
12 **facility or facilities that, together with all associated structures and facilities:**
- 13 **(a) Sell the electricity they produce in the wholesale market, at rates and**
14 **charges not regulated by the Public Service Commission;**
- 15 **(b) Generate electricity solely through solar power; and**
- 16 **(c) Are located within a mixed-use development area, as established by Section**
17 **1 of this Act;**
- 18 ~~(25)~~~~(24)~~ "Mixed-use" has the same meaning as in KRS 154.30-060;
- 19 ~~(26)~~~~(25)~~ "New revenues" means the amount of local tax revenues received by a taxing
20 district with respect to a development area or a local development area in any
21 calendar year beginning with the year in which the activation date occurred;
- 22 ~~(27)~~~~(26)~~ "Old revenues" means the amount of local tax revenues received by a taxing
23 district with respect to a development area or a local development area during the
24 last calendar year prior to the commencement date. If the governing body
25 determines that the amount of local tax revenues received during the last calendar
26 year prior to the commencement date does not represent a true and accurate
27 depiction of revenues, the governing body may consider revenues for a period of no

1 longer than three (3) calendar years prior to the commencement date, so as to
2 determine a fair representation of local tax revenues;

3 ~~(28)~~~~(27)~~ "Outstanding" means increment bonds that have been issued, delivered, and
4 paid for by the purchaser, except any of the following:

5 (a) Increment bonds canceled upon surrender, exchange, or transfer, or upon
6 payment or redemption;

7 (b) Increment bonds in replacement of which or in exchange for which other
8 increment bonds have been issued; or

9 (c) Increment bonds for the payment, redemption, or purchase for cancellation
10 prior to maturity, of which sufficient moneys or investments, in accordance
11 with the ordinance or other proceedings or any applicable law, by mandatory
12 sinking fund redemption requirements, or otherwise, have been deposited, and
13 credited in a sinking fund or with a trustee or paying or escrow agent, whether
14 at or prior to their maturity or redemption, and, in the case of increment bonds
15 to be redeemed prior to their stated maturity, notice of redemption has been
16 given or satisfactory arrangements have been made for giving notice of that
17 redemption, or waiver of that notice by or on behalf of the affected bond
18 holders has been filed with the issuer or its agent;

19 ~~(29)~~~~(28)~~ "Planning unit" means a planning commission established pursuant to KRS
20 Chapter 100;

21 ~~(30)~~~~(29)~~ "Project" means any property, asset, or improvement located in a development
22 area or a local development area and certified by the governing body as:

23 (a) Being for a public purpose; and

24 (b) Being for the development of facilities for residential, commercial, industrial,
25 public, recreational, or other uses, or for open space, including the
26 development, rehabilitation, renovation, installation, improvement,
27 enlargement, or extension of real estate and buildings; and

1 (c) Contributing to economic development or tourism;

2 ~~(31)~~~~(30)~~ "Redevelopment assistance," as utilized within a development area, includes
3 the following:

4 (a) Technical assistance programs to provide information and guidance to
5 existing, new, and potential businesses and residences;

6 (b) Programs to market and promote the development area and attract new
7 businesses and residents;

8 (c) Grant and loan programs to encourage the construction or rehabilitation of
9 residential, commercial, and industrial buildings; improve the appearance of
10 building facades and signage; and stimulate business start-ups and expansions;

11 (d) Programs to obtain a reduced interest rate, down payment, or other improved
12 terms for loans made by private, for-profit, or nonprofit lenders to encourage
13 the construction or rehabilitation of residential, commercial, and industrial
14 buildings; improve the appearance of building facades and signage; and
15 stimulate business start-ups and expansions;

16 (e) Local capital improvements, including but not limited to the installation,
17 construction, or reconstruction of streets, lighting, pedestrian amenities, public
18 utilities, public transportation facilities, public parking, parks, playgrounds,
19 recreational facilities, and public buildings and facilities;

20 (f) Improved or increased provision of public services, including but not limited
21 to police or security patrols, solid waste management, and street cleaning;

22 (g) Provision of technical, financial, or other assistance in connection with:

23 1. Applications to the Energy and Environment Cabinet for a brownfields
24 assessment or a No Further Remediation Letter issued pursuant to KRS
25 224.1-450; or

26 2. Site remediation by means of the Voluntary Environmental Remediation
27 Program to remove environmental contamination in the development

1 area, or lots or parcels within it, pursuant to KRS 224.1-510 to 224.1-
2 532; and

3 (h) Direct development by a city, county, or agency of real property acquired by
4 the city, county, or agency. Direct development may include one (1) or more
5 of the following:

- 6 1. Assembly and replatting of lots or parcels;
- 7 2. Rehabilitation of existing structures and improvements;
- 8 3. Demolition of structures and improvements and construction of new
9 structures and improvements;
- 10 4. Programs of temporary or permanent relocation assistance for businesses
11 and residents;
- 12 5. The sale, lease, donation, or other permanent or temporary transfer of
13 real property to public agencies, persons, and entities both for profit and
14 nonprofit; and
- 15 6. The acquisition and construction of projects;

16 ~~(32)~~~~(31)~~ "Service payment agreement" means an agreement between a city, county, or
17 issuer of increment bonds or other obligations and any person, whereby the person
18 agrees to guarantee the receipt of incremental revenues, or the payment of debt
19 charges, or any portion thereof, on increment bonds or other obligations issued by
20 the city, county, or issuer;

21 ~~(33)~~~~(32)~~ "Special fund" means a special fund created under KRS 65.7061 in which all
22 incremental revenues shall be deposited;

23 ~~(34)~~~~(33)~~ "Taxing district" means any city, county, or special taxing district other than
24 school districts and fire districts;

25 ~~(35)~~~~(34)~~ "Tax incentive agreement" means an agreement entered into under KRS
26 154.30-070;

27 ~~(36)~~~~(35)~~ "Termination date" means:

- 1 (a) For a development area, a date established by the ordinance creating the
2 development area that is no more than twenty (20) years from the
3 establishment date. If a tax incentive agreement for a project within a
4 development area or a local participation agreement relating to the
5 development area has a termination date that is later than the termination date
6 established in the ordinance, the termination date for the development area
7 shall be extended to the termination date of the tax incentive agreement, or
8 local participation agreement. However, the termination date for the
9 development area shall in no event be more than forty (40) years from the
10 establishment date;
- 11 (b) For a local development area, a date established by the ordinance creating the
12 local development area that is no more than twenty (20) years from the
13 establishment date, provided that if a local development area agreement
14 relating to the local development area has a termination date that is later than
15 the termination date established in the ordinance, the termination date for the
16 local development area shall be extended to the termination date of the local
17 development area agreement;
- 18 (c) For a local participation agreement, a date that is no more than twenty (20)
19 years from the activation date. However, the termination date for a local
20 participation agreement shall in no event be more than forty (40) years from
21 the establishment date of the development area to which the local participation
22 agreement relates; and
- 23 (d) For a local development area agreement, a date that is no more than twenty
24 (20) years from the activation date. However, the termination date for a local
25 development area agreement shall in no event be more than forty (40) years
26 from the establishment date of the local development area to which the
27 development area agreement relates; and

1 ~~(37)~~~~(36)~~ "University research park" means land owned by a public university that has
2 been designated by the public university as being primarily for the development of
3 projects and facilities to support high-tech, pharmaceutical, laboratory, and other
4 research-based businesses, including projects and facilities to support and
5 complement the development of high-tech, pharmaceutical, laboratory, and other
6 research-based businesses.

7 →SECTION 3. A NEW SECTION OF KRS 278.700 TO 278.716 IS CREATED
8 TO READ AS FOLLOWS:

9 **A merchant solar electric generating facility, as defined in Section 2 of this Act, which**
10 **exceeds two megawatts (2MW) of generating capacity shall be subject to the review and**
11 **approval by the Kentucky State Board on Electric Generation and Transmission Siting**
12 **and the provisions of KRS 278.700 to 278.716.**

13 →Section 4. KRS 154.30-060 is amended to read as follows:

14 (1) The Commonwealth Participation Program for Mixed-Use Redevelopment in
15 Blighted Urban Areas is hereby established.

16 (2) State participation under this program shall be limited to the support of approved
17 public infrastructure costs and costs associated with land preparation, demolition,
18 and clearance determined to be necessary to support private investment or private
19 development projects that benefit the public, where project economics are unable to
20 support or secure necessary financing to undertake the public improvements, land
21 preparation, demolition, and clearance.

22 (3) As used in this section:

23 (a) "Mixed-use" means a project:

24 1. That includes at least two (2) qualified uses, **each of which comprises at**
25 **least twenty percent (20%) of the total finished square footage of the**
26 **proposed project or represents at least twenty percent (20%) of the**
27 **total capital investment;** or

- 1 2. **That includes at least three (3) qualified uses:**
- 2 **a. One (1) of which comprises at least twenty percent (20%) of the**
- 3 **total finished square footage of the proposed project or**
- 4 **represents at least twenty percent (20%) of the total capital**
- 5 **investment; and**
- 6 **b. The remainder of which, when combined, jointly comprise at**
- 7 **least twenty percent (20%) of the total finished square footage of**
- 8 **the proposed project or represent at least twenty percent (20%) of**
- 9 **the total capital investment**~~[That meets the requirements~~
- 10 established by paragraph (b)2.b. of this subsection];

11 (b) ~~[1.]~~"Qualified use" means:

- 12 a. Retail;
- 13 b. Residential;
- 14 c. Office;
- 15 d. Restaurant; or
- 16 e. Hospitality~~[-~~

17 ~~2. a. Except as otherwise provided in paragraph (b)2.b. of~~

18 ~~this subsection, to be a qualified use the use must comprise at~~

19 ~~least twenty percent (20%) of the total finished square~~

20 ~~footage of the proposed project or represent twenty percent~~

21 ~~(20%) of the total capital investment; and~~

22 ~~b. In any location within the territory of a consolidated local~~

23 ~~government or an urban county government, a project whose~~

24 ~~uses do not meet the requirements of paragraph (b)2.a. of this~~

25 ~~subsection may qualify as a mixed-use project if all of the~~

26 ~~following apply:~~

27 ~~i. The project includes at least three (3) of the uses listed in~~

1 paragraph (b)1. of this subsection;
2 ii. ~~One (1) of those uses meets the requirements of paragraph~~
3 ~~(b)2.a. of this subsection; and~~
4 iii. ~~The other uses, when combined, jointly comprise at least~~
5 ~~twenty percent (20%) of the total finished square footage of~~
6 ~~the proposed project or represent twenty percent (20%) of the~~
7 ~~total capital investment]; and~~

8 (c) "Retail" means an establishment predominantly engaged in the sale of tangible
9 personal property subject to the tax imposed by KRS Chapter 139, but shall
10 not include restaurants.

11 (4) To be considered for state participation under this program, a project shall:

12 (a) Be located in an area that has three (3) or more of the conditions listed in KRS
13 65.7049(3)(a), or be a project described in KRS 65.7049(3)(b);

14 (b) Be a mixed-use project;

15 (c) Represent new economic activity in the Commonwealth;

16 (d) Result in a capital investment between twenty million dollars (\$20,000,000)
17 and two hundred million dollars (\$200,000,000);

18 (e) Not include any retail establishment that exceeds twenty thousand (20,000)
19 square feet of finished square footage;

20 (f) Include pedestrian amenities and public space; and

21 (g) Result in a net positive economic impact to the Commonwealth, taking into
22 consideration any substantial adverse impact on existing Commonwealth
23 businesses. The net positive impact shall be certified to the authority as
24 required by KRS 154.30-030(6)(b).

25 (5) The following costs may be recovered pursuant to this section:

26 (a) Up to one hundred percent (100%) of approved public infrastructure costs;
27 and

- 1 (b) Up to one hundred percent (100%) of expenses for land preparation,
2 demolition, and clearance necessary for the development to occur.
- 3 (6) The commission shall review the application, the certification required by KRS
4 154.30-030, and supporting information as provided in KRS 154.30-030.
- 5 (7) The authority shall specifically identify the state taxes from which incremental
6 revenues will be pledged. The authority may pledge up to eighty percent (80%) of
7 the incremental revenues from the identified state tax revenues from the footprint of
8 the project, provided that the maximum amount of incremental revenues that may
9 be pledged for a project during the term of the tax incentive agreement from all
10 approved state taxes shall not exceed the costs and expenses determined under
11 subsection (5) of this section.
- 12 (8) As part of the approval process, the authority shall determine the following:
- 13 (a) The footprint of the project;
- 14 (b) That the proposed project meets the requirements established by subsection
15 (4) of this section;
- 16 (c) The maximum amount of approved public infrastructure costs and expenses
17 for land preparation, demolition, and clearance;
- 18 (d) That the local revenues pledged to support the public infrastructure of the
19 project and local revenues pledged to support the overall project are of a
20 sufficient amount to warrant participation of the Commonwealth in the
21 project;
- 22 (e) The termination date of the tax incentive agreement; and
- 23 (f) Any adjustments to be made to old revenues, in determining incremental
24 revenues during each year of the term of the tax incentive agreement.
- 25 (9) If state income taxes or local occupational licenses taxes are included for a project
26 that includes office space, the authority shall consider the impact of pledging these
27 taxes on the ability to utilize other economic development projects at a later date.

1 (10) The pledge of state incremental tax revenues of the Commonwealth by the authority
2 shall be implemented through the execution of a tax incentive agreement between
3 the Commonwealth and the agency, city, or county in accordance with KRS 154.30-
4 070.

5 ➔Section 5. KRS 65.7049 is amended to read as follows:

6 Any city or county may establish a development area pursuant to this section, KRS
7 65.7051, and 65.7053 to encourage investment and reinvestment in and development, use,
8 and reuse of areas of the city or county under the following conditions:

- 9 (1) The area shall be contiguous and shall be no more than three (3) square miles;
- 10 (2) The establishment or expansion of the development area shall not cause the
11 assessed value of taxable real property within all development areas and local
12 development areas of the city or county establishing the development area to exceed
13 twenty percent (20%) of the assessed value of all taxable real property within its
14 jurisdiction. For the purpose of determining whether the twenty percent (20%)
15 threshold has been met, the assessed value of taxable real property within all of the
16 development areas and local development areas shall be valued as of the
17 establishment date;
- 18 (3) The governing body of the city or county shall determine that the development area
19 either:
- 20 (a) Has two (2) or more of the following conditions:
- 21 1. Substantial loss of residential, commercial, or industrial activity or use;
- 22 2. Forty percent (40%) or more of the households are low-income
23 households;
- 24 3. More than fifty percent (50%) of residential, commercial, or industrial
25 structures are deteriorating or deteriorated;
- 26 4. Substantial abandonment of residential, commercial, or industrial
27 structures;

- 1 5. Substantial presence of environmentally contaminated land;
- 2 6. Inadequate public improvements or substantial deterioration in public
- 3 infrastructure; or
- 4 7. Any combination of factors that substantially impairs or arrests the
- 5 growth and economic development of the city or county; impedes the
- 6 provision of adequate housing; impedes the development of commercial
- 7 or industrial property; or adversely affects public health, safety, or
- 8 general welfare due to the development area's present condition and use;
- 9 or
- 10 (b) The project is a mixed-use development:
 - 11 1. Located in a university research park;
 - 12 2. Located within three (3) miles of a military base that houses, deploys, or
 - 13 employs any combination of at least twenty-five thousand (25,000)
 - 14 military personnel, their families, military retirees, or civilian
 - 15 employees; or
 - 16 3. ~~[-The project is a mixed-use development -]~~Which includes either or both
 - 17 significant public storm water and sanitary sewer facilities designed to
 - 18 comply with a community-wide court decree mandating corrective
 - 19 action by the local government or an agency thereof; and
- 20 (4) The governing body of the city or county shall find that all of the following are true
- 21 for projects meeting the requirements of paragraph (a) of subsection (3) of this
- 22 section:
 - 23 (a) That the development area is not reasonably expected to be developed without
 - 24 public assistance. This finding shall be supported by specific reasons and
 - 25 supporting facts, including a clear demonstration of the financial need for
 - 26 public assistance; and
 - 27 (b) That the public benefits of the development area justify the public costs

1 proposed. This finding shall be supported by specific data and figures
2 demonstrating that the projected benefits outweigh the anticipated costs and
3 shall take into account the positive and negative effects of investment in the
4 development on existing businesses and residents within the community as a
5 whole; and

6 (c) 1. That the area immediately surrounding the development area has not
7 been subject to growth and development through investment by private
8 enterprise; or

9 2. If the area immediately surrounding the development area has been subject to
10 growth and development through investment by private enterprise, the identification
11 of special circumstances within the development area that would prevent its
12 development without public assistance.

13 ➔Section 6. KRS 65.7053 is amended to read as follows:

14 (1) An ordinance establishing a development area shall include the following
15 provisions:

16 (a) A legal description of the boundaries of the development area, and geographic
17 reference points;

18 (b) The establishment date;

19 (c) The termination date, including a provision that allows the termination date to
20 be extended as provided in KRS 65.7045(36)~~[(35)]~~;

21 (d) A name for the development area for identification purposes;

22 (e) A finding that the conditions in the development area meet the criteria
23 described in KRS 65.7049;

24 (f) A finding supporting the need to employ redevelopment assistance in the
25 development area;

26 (g) A provision adopting the development plan required by KRS 65.7051(1);

27 (h) Approval of any agreements relating to the development area, including any

- 1 local participation agreements;
- 2 (i) A provision establishing a special fund for the development area or any
3 project within the development area;
- 4 (j) A requirement that any entity other than the governing body that receives
5 financial assistance under the development area ordinance, whether in the
6 form of a grant, loan, or loan guarantee, shall make periodic accounting to the
7 governing body;
- 8 (k) A provision for periodic analysis and review by the governing body of the
9 development activity in the development area, a review of the progress in
10 meeting the stated goals of the development area, and a requirement that the
11 review and analysis be forwarded to the authority if the development activity
12 includes projects subject to a tax incentive agreement;
- 13 (l) Designation of the agency or agencies responsible for oversight,
14 administration, and implementation of the development ordinance; and
- 15 (m) Any other provisions, findings, limitations, rules, or procedures regarding the
16 proposed development area or a project within the development area and its
17 establishment or maintenance deemed necessary by the city or county.
- 18 (2) An ordinance establishing a development area may designate an existing agency to
19 oversee and administer implementation of a development area ordinance or a
20 portion thereof.
- 21 (3) Unless the ordinance establishing a development area requires an earlier date, a
22 development area shall cease to exist on the termination date.

23 ➔Section 7. KRS 189.2301 is amended to read as follows:

24 The provisions of this chapter to the contrary notwithstanding, a vehicle that has a valid
25 registration of a declared gross vehicle weight, including any towed unit, of eighty
26 thousand (80,000) pounds or less shall be exempt from any axle weight provisions when
27 operating on any state-maintained highway that is classified as a "AAA" highway, if the

1 vehicle is hauling seventy-nine thousand nine hundred ninety-nine (79,999) pounds or
2 less. A person operating a vehicle under the provisions of this section shall have written
3 documentation verifying the weight of the load being hauled is seventy-nine thousand
4 nine hundred ninety-nine (79,999) pounds or less. **The provisions of this section shall**
5 **not apply to any vehicle operating on the interstate highway system or any vehicle**
6 **operating on any highway where the vehicle would exceed any posted bridge weight**
7 **limit.**

8 ➔Section 8. Sections 1 through 6 of this Act shall apply to applications for which
9 a Tax Incentive Agreement has not been approved prior to the effective date of this Act.

10 ➔Section 9. Whereas tax incentive financing for undeveloped land with a facility
11 that generates electric through solar power is essential for economic growth, an
12 emergency is declared to exist, Sections 1 through 6 and Section 8 of this Act take effect
13 upon its passage and approval by the Governor or upon its otherwise becoming a law.