

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2023 REGULAR SESSION
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Amend printed copy of **HB 313/GA**

On page 1, between lines 2 and 3, insert the following:

"➔Section 1. KRS 65.503 is amended to read as follows:

- (1) The West End Opportunity Partnership shall be governed by a board. The board shall initially consist of the following members:
 - (a) One (1) member appointed by the Governor for a term of two (2) years;
 - (b) One (1) member appointed by the mayor of a consolidated local government for a term of two (2) years;
 - (c) One (1) member of the legislative council of the consolidated local government appointed by its members for a term of three (3) years;
 - (d) A representative of the University of Louisville appointed by its board of trustees for a term of three (3) years;
 - (e) A representative of Simmons College of Kentucky appointed by its board of trustees for a term of three (3) years; and
 - (f) 1. The following shall be appointed by the Governor:
 - a. One (1) member from the NAACP of Louisville;
 - b. One (1) member from OneWest in Louisville;
 - c. One (1) member from Louisville Urban League;
 - d. One (1) member from the Federal Reserve Bank in Louisville;

Amendment No. SFA 1

Rep. Sen. Robert Stivers

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- e. One (1) member from the Volunteers of America Mid States in Louisville;
 - f. One (1) member from a locally based foundation with assets over one hundred million dollars (\$100,000,000); and
 - g. One (1) member from a bank with local assets greater than one billion dollars (\$1,000,000,000).
2. The initial appointments of the members described in subparagraph 1. of this paragraph shall be for terms as follows:
 - a. Two (2) members for a term of one (1) year;
 - b. Two (2) members for a term of two (2) years;
 - c. Two (2) members for a term of three (3) years; and
 - d. One (1) member for a term of four (4) years.
- (2) The board shall include in its bylaws a process for appointing one (1) member from each of the nine (9) neighborhoods in the development area as additional members. The process shall:
 - (a) Ensure the nine (9) members are each from a different neighborhood;
 - (b) Require that, at all times, at least one (1) of the nine (9) members representing the neighborhoods shall be between the ages of eighteen (18) and thirty (30) at the time of appointment or reappointment; and
 - (c) Provide that the initial appointment of the members be for terms as follows:
 1. Four (4) members for a term of two (2) years; and
 2. Five (5) members for a term of three (3) years.
- (3) **If a member appointed under subsection (1) of this section is unable or unwilling to serve on the board, the board may substitute an appointed member by majority vote to serve on the board for the remainder of the appointee's term. The board shall identify an entity that is located in or has a history of service to the West End Opportunity**

Partnership area from which a potential substitute appointee can be selected.

- (4)** After expiration of the term limits provided in subsections (1) and (2) of this section, the board shall self-perpetuate. The overall makeup of the board shall remain the same unless an institution ceases to exist or changes corporate form. All successors of the representatives described in subsection (1) of this section shall serve four (4) year terms and all successors of the representatives described in subsection (2) of this section shall serve three (3) year terms. No individual shall serve more than two (2) consecutive terms.
- ~~**(5)**~~~~**(4)**~~ The head of economic development for the consolidated local government, or his or her designee, and the secretary of the Cabinet for Economic Development, or his or her designee, shall be nonvoting, ex officio members of the West End Opportunity Partnership;
- ~~**(6)**~~~~**(5)**~~ The membership of the board shall not exceed twenty-one (21) voting members.
- ~~**(7)**~~~~**(6)**~~ The majority of the board's membership shall reflect the racial majority of the residents living in the development area.
- ~~**(8)**~~~~**(7)**~~ A chair of the board shall be selected annually from its members and shall have responsibility for board meeting agendas and presiding at board meetings.
- ~~**(9)**~~~~**(8)**~~ Members of the board shall be entitled only to reimbursement from the West End Opportunity Partnership for actual expenses incurred in the performance of their duties as board members.
- ~~**(10)**~~~~**(9)**~~ A majority of the entire voting members of the board shall constitute a quorum, and all actions of the board shall be by vote of a majority of its entire voting membership.
- ~~**(11)**~~~~**(10)**~~ A member of the board shall abstain from action on an official decision in which he or she has or may have a personal or private interest, or if the member is affiliated with any party conducting business with the West End Opportunity Partnership, shall disclose the existence of that personal or private interest or affiliation in writing to the other members of the board on the same day on which the member becomes aware that the interest or

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affiliation exists or that an official decision may be under consideration by the board. The member which has or may have a personal or private interest or affiliation shall be absent from all meetings and votes in relation to the matter.

~~(12)~~~~(11)~~ As a prerequisite to service, each appointee to the board and each member of the West End Louisville Advisory Council established in KRS 65.506 shall participate in a board-sanctioned training program on the topics of community and economic development, finance, equity and community engagement, gentrification, and the implications of these concepts.

➔Section 2. KRS 65.505 is amended to read as follows:

- (1) All documentation, records, and release of incremental revenues relating to local tax revenues shall be maintained and determined by the governing body.
- (2) All documentation, records, and release of incremental revenues relating to state tax revenues shall be maintained and determined by the Department of Revenue.
- (3) Upon notice from the West End Opportunity Partnership, the governing body obligated under a local participation agreement and the Department of Revenue shall release to the West End Opportunity Partnership the incremental revenues due.
- (4)
 - (a) The governing body and the Department of Revenue shall have no obligation to refund or otherwise return any of the incremental revenues to the taxpayer from whom the incremental revenues arose or are attributable.
 - (b) No additional incremental revenues resulting from audit, amended returns, or other activity for any period shall be transferred after the initial release to the West End Opportunity Partnership for that period.
- (5) If the West End Opportunity Partnership issues bonds for development within the development area and incremental revenues have been pledged for that development, the West End Opportunity Partnership shall maintain a separate account to account for the:

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- (a) Bond proceeds received;
 - (b) Incremental revenues received; and
 - (c) Payment of debt charges of the bond.
- (6) The West End Opportunity Partnership shall provide a biennial report to the Interim Joint Committee on Appropriations and Revenue on or before August 1, 2023, and on or before August 1 of each odd-numbered year thereafter. The report shall contain the following information:
- (a) The amounts of moneys received by private sector investors, the consolidated local government, and the Commonwealth, including the party that made the payment;
 - (b) The annual financial statements of the West End Opportunity Partnership, including the current balances of all funds and accounts of the West End Opportunity Partnership;
 - (c) The total amount of state tax revenues and local tax revenues received by the West End Opportunity Partnership for the preceding biennial period categorized by each type of tax;
 - (d) The operating expenditures incurred by the West End Opportunity Partnership, including management fees, investment fees, legal fees, or administrative fees incurred;
 - (e) A list of the projects supported by investments from the West End Opportunity Partnership in the preceding year and a description of the investment amount contributed by the West End Opportunity Partnership for each project;
 - (f) The amount of bonds issued or other borrowed moneys received by the West End Opportunity Partnership;
 - (g) Any personal or private interests or affiliated board members as described in KRS 65.503(11){(10)}; and

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- (h) Upon request from the General Assembly, copies of the West End Opportunity Partnership's bylaws and any contracts or agreements in which the West End Opportunity Partnership is a party."; and
- Renumber subsequent sections accordingly.