

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2026 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **SB 197/HCS 1**

On page 120, in between lines 1 and 2, insert the following:

"➔SECTION 36. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

As used in Sections 36 to 41 of this Act:

- (1) "Authority" or "BIDA" means the Burnside Island Development Authority established in Section 37 of this Act;
- (2) "BIDA region" means Pulaski County and all of the adjacent counties;
- (3) "Board" means the board of directors of BIDA;
- (4) "Commissioner" means the commissioner of the Department for Local Government;
- (5) "Day" means any calendar day;
- (6) "Department" means the Department of Parks; and
- (7) "General Burnside Island State Park" means an approximately four hundred thirty (430) acre island surrounded by the Big South Fork Cumberland River that is located in the Lake Cumberland basin in Pulaski County and situated within the city limits of the City of Burnside, and any other successor park.

➔SECTION 37. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

- (1) The Burnside Island Development Authority is hereby established as an independent, de

Amendment No. HFA

Rep. Rep. Ken Upchurch

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

LRD Drafter: \_\_\_\_\_

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

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jure municipal corporation and political subdivision of the Commonwealth and shall exercise all powers that a corporation may lawfully exercise under the laws of the Commonwealth. The authority shall be a public body corporate established with all the general corporate powers incidental thereto. The authority shall be attached to the Department for Local Government for administrative purposes only. The authority shall be authorized for a period of five (5) years from the effective date of this Act, may be renewed by the General Assembly, and may adopt bylaws and promulgate administrative regulations in accordance with KRS Chapter 13A for the orderly conduct of its affairs.

(2) The purpose of the authority is to develop, finance, operate, maintain, improve, and promote lodging and restaurant facilities and recreational amenities on General Burnside Island State Park and the surrounding area for public park purposes to increase economic development, tourism, and outdoor recreation for residents and visitors, except as limited by subsection (1)(b) of Section 39 of this Act.

(3) The authority shall be governed by a board of directors, established in accordance with Section 38 of this Act.

(4) (a) The authority and board shall become operational when a majority of the members of the board have been appointed. Within fourteen (14) days of the authority and board being operational, the commissioner shall notify the Pulaski County judge/executive, the mayor of the City of Burnside, and the board members listed in Section 38 of this Act that the requirements have been met for the authority and board to become operational.

(b) The commissioner shall establish a date, time, and place for an initial organizational meeting of the board, to be held within thirty (30) days of notification required in paragraph (a) of this subsection. The commissioner shall serve as interim chair of the initial organizational meeting until such time as a

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chair is elected by a majority of the board members. The chair, or interim chair, as appropriate, shall make the final determination in the event of a tie vote of the board.

(5) The authority shall comply with:

(a) KRS Chapter 65A;

(b) The Open Meetings Act, KRS 61.805 to 61.850; and

(c) The Open Records Act, KRS 61.870 to 61.884.

➔SECTION 38. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ  
AS FOLLOWS:

(1) The board shall consist of the following members:

(a) The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;

(b) The commissioner of the Department for Local Government or his or her designee;

(c) The commissioner of the Department of Fish and Wildlife Resources or his or her designee;

(d) The Auditor of Public Accounts or his or her designee;

(e) Two (2) members appointed by the Governor from a list of six (6) persons submitted by the mayor of the City of Burnside;

(f) Two (2) members appointed by the Governor from a list of six (6) persons submitted by the county judge/executive of Pulaski County;

(g) The mayor of the City of Burnside or his or her designee;

(h) The executive director of the Burnside Tourism and Recreation Commission or his or her designee;

(i) The county judge/executive of Pulaski County or his or her designee;

(j) The executive director of the Somerset-Pulaski County Convention and Visitors Bureau or his or her designee;

- (k) One (1) State Representative from the BIDA region appointed to a two (2) year term by the Speaker of the House of Representatives, who shall serve as an ex officio nonvoting member and shall not serve another term consecutively with a prior term; and
- (l) One (1) State Senator from the BIDA region appointed to a two (2) year term by the President of the Senate, who shall serve as an ex officio nonvoting member and shall not serve another term consecutively with a prior term.
- (2) (a) The terms of the appointed members of the board shall be three (3) years. All appointments or reappointments made by the Governor shall be subject to Senate confirmation in accordance with KRS 11.160.
- (b) If a vacancy occurs among the appointed members of the board, the unexpired term shall be filled pursuant to the requirements and procedures for the original appointments.
- (3) (a) The board shall meet at least once every quarter to perform all duties as prescribed by Sections 36 to 41 of this Act and as may be prescribed in the authority's bylaws. The board chair may call special meetings at any time.
- (b) Notice of each meeting shall be made in writing and delivered to board members at least seven (7) days before the scheduled meeting date. Email is an acceptable form of notice of special meetings, so long as it is sent to directors at least seven (7) days before the scheduled meeting date.
- (c) Accommodations shall be made for remote attendance for each board meeting, whether regular or special, through means such as video conferencing, conference call, or similar services.
- (d) A majority of the voting members of the board shall constitute a quorum. Vacant board positions shall be counted against the quorum total necessary for board

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action.

(e) The board shall comply with the Open Meetings Act, KRS 61.805 to 61.850, and the Open Records Act, KRS 61.870 to 61.884.

(4) The board:

(a) Shall elect a chair, vice chair, secretary, treasurer, and any other officers as established in the bylaws of the board;

(b) May appoint temporary and standing committees to accomplish the purposes of Sections 36 to 41 of this Act and shall clearly describe the role, responsibilities, and tenure of each committee so created;

(c) Shall adopt bylaws for the management and regulation of its affairs and all other matters necessary to effect proper management and accountability of the board.

The bylaws shall include, at a minimum, the following:

1. The powers and duties of the board's members and the manner and number of officers to be elected from among the board members; and

2. The terms, conditions, and manner in which a board member may be removed;

(d) Shall review and approve an annual budget;

(e) May seek administrative and management assistance through written agreements with state agencies, local area development districts, or local governing bodies; and

(f) May employ an executive director to act as its chief executive officer to serve at its will and pleasure.

(5) Board members shall serve without compensation, but may be reimbursed for actual and necessary travel expenses incurred in the performance of their duties, subject to Finance and Administration Cabinet administrative regulations. Board members may have their lodging reimbursed by BIDA. Any reimbursement requests exceeding five hundred

dollars (\$500) per person shall be submitted to the Department for Local Government for approval.

➔SECTION 39. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ AS FOLLOWS:

(1) (a) The authority shall:

1. Supervise the design, construction, financing, operations, and maintenance of lodging facilities, restaurants, boat facilities, and other recreational or entertainment facilities, and conduct any other improvements it deems necessary on General Burnside Island State Park, and any other property or facilities built, acquired, or leased pursuant to its powers under Sections 36 to 41 of this Act, through a public-private partnership;
2. Assume all administrative and management functions of the department for the facilities and amenities on General Burnside Island State Park that are included in the public-private partnership agreement, according to the terms of a public-private partnership agreement; and
3. Procure insurance against any losses in connection with its property, licenses, easements, operations, assets, or contracts, including hold-harmless agreements, in the amounts and from the insurers as the board considers desirable.

(b) The authority shall not operate or maintain the existing eighteen (18) hole golf course, campground, or boat ramp facilities. A private partner may negotiate access to the golf course, campground, or boat ramp with the department, which the department shall not unreasonably withhold.

(2) The board may carry out any of the following to accomplish the purposes of Sections 36 to 41 of this Act:

- (a) Acquire, own, and hold property, and all interests therein, by deed, purchase, gift, devise, bequest, or lease, or by transfer from the State Property and Buildings Commission, except that the authority shall not acquire property through the exercise of the power of eminent domain;
- (b) Dispose of any property acquired in any manner provided by law;
- (c) Lease property, whether as lessee or lessor, and acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the use of the public;
- (d) In accordance with KRS 148.255, acquire authorization of the General Assembly prior to sale, trade, or disposal of real property valued greater than four hundred thousand dollars (\$400,000) that is owned by the Commonwealth and managed by the department;
- (e) Mortgage or otherwise grant security interests in its property;
- (f) Maintain sinking funds and reserves as the board determines appropriate for the purposes of meeting future monetary obligations and needs of the authority;
- (g) Sue and be sued, plead and be impleaded, or complain and defend in any court;
- (h) Make contracts and execute instruments necessary for carrying on its business, including contracts with any state agency, the federal government, or any person, individual, partnership, or corporation to affect any or all of the purposes of Sections 36 to 41 of this Act;
- (i) Accept appropriations, grants, and loans and enter into contracts and other transactions with any federal agency, regional commission, or state agency for accomplishing the purposes of Sections 36 to 41 of this Act;
- (j) Receive revenue from a public-private partnership agreement;
- (k) Borrow money and issue bonds, security interests, or notes;

- (l) Provide for and secure the payment of the bonds, security interests, or notes;
- (m) Provide for the rights of the holders of the bonds, security interests, or notes;
- (n) Purchase, hold, and dispose of any of its bonds, security interests, or notes;
- (o) Accept gifts or grants of property, security interests, money, labor, supplies, or services from any governmental unit or from any person, firm, or corporation;
- (p) Establish a fee-based system of permits, user registrations, or other facility access mechanisms as follows:
1. The fees may be imposed for access to and use of the trails, parking at lodging facilities, visitor centers, or other park-related recreational purpose facilities or recreation activities, or as an admission to an event, that are subject to a public-private partnership agreement between BIDA and its private partner;
  2. The fees shall be decided by the board; and
  3. BIDA shall retain and use the revenue from fees for any purposes consistent with Sections 36 to 41 of this Act;
- (q) Promulgate administrative regulations in accordance with KRS Chapter 13A to govern the use and maintenance of General Burnside Island State Park and any other matters for effective management of BIDA; and
- (r) Exercise all of the powers that a corporation may lawfully exercise under the laws of the Commonwealth.
- (3) Notwithstanding KRS 45A.077 or 65.028(12) or any other provision of law to the contrary, solicitation of a public-private partnership shall be subject to KRS 65.028, except that any public-private partnership shall be authorized by the General Assembly by inclusion in an executive branch budget bill or any other means specified by the General Assembly that explicitly identifies and authorizes the utilization of a public-

private partnership delivery method for the applicable capital project.

(4) This section shall not be construed as a waiver of sovereign immunity.

➔SECTION 40. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ  
AS FOLLOWS:

(1) Revenue bonds and revenue refunding bonds of the authority issued under Sections 36 to 41 of this Act do not constitute a debt of the Commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any political subdivision, but the bonds shall be payable solely from the revenues resulting from the issuance of bonds or assets of the authority.

(2) All bonds shall contain on the face of the bond a statement to the effect that neither the Commonwealth nor any political subdivision of the Commonwealth is obligated to pay the bond or the interest on the bond, except from revenues of the project or projects for which they are issued. Obligations issued under this section shall not be deemed a debt, liability, or obligation of the Commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any political subdivision, but shall be payable solely from the revenues resulting from the issuance of bonds or assets of the authority.

➔SECTION 41. A NEW SECTION OF KRS CHAPTER 148 IS CREATED TO READ  
AS FOLLOWS:

(1) The department shall:

(a) Continue to operate and maintain the facilities and amenities on General Burnside Island State Park in the usual and customary manner until an agreement between BIDA and a private partner to provide such services takes effect, upon which time the department shall provide for an orderly transition of its administrative and management functions to BIDA and its private partner. The department shall

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- continue to operate and maintain any facilities and amenities not subject to the public-private partnership agreement between BIDA and its private partner;*
- (b) *Provide technical assistance to BIDA to achieve the legislative intent of Sections 36 to 41 of this Act, including but not limited to procurement, contracting, administrative, and marketing support;*
- (c) *In collaboration with BIDA, negotiate in good faith the renewals of any lease agreements with the United States Army Corps of Engineers on and in the vicinity of General Burnside Island State Park and assign such agreements to BIDA or otherwise permit BIDA to carry out all functions in Sections 36 to 41 of this Act on the lands leased from the United States Army Corps of Engineers;*
- (d) *Within thirty (30) days of notification from the chair of the BIDA board that construction of lodging and restaurant facilities are substantially complete, redesignate the General Burnside Island State Park as the General Burnside Island State Resort Park; and*
- (e) *Both before and after paragraph (d) of this subsection is met, continue to include General Burnside Island State Park and the General Burnside Island State Resort Park in the state park system.*
- (2) *The department shall not, on its own or through another agency of the executive branch of state government or private partner:*
- (a) *Develop lodging, restaurant facilities, or additional recreational or entertainment facilities;*
- (b) *Lease property for the development of lodging, restaurant facilities, or additional recreational or entertainment facilities; or*
- (c) *Enter into contracts to develop lodging, restaurant facilities, or additional recreational or entertainment facilities;*

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**on General Burnside Island State Park without the express written permission of the BIDA board and authorization from the General Assembly.**

➔ Section 42. KRS 132.195 is amended to read as follows:

- (1) When any real or personal property which is exempt from taxation is leased or possession is otherwise transferred to a natural person, association, partnership, or corporation in connection with a business conducted for profit, the leasehold or other interest in the property shall be subject to state and local taxation at the rate applicable to real or personal property levied by each taxing jurisdiction.
- (2) Subsection (1) of this section shall not apply to interests in:
  - (a) Industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit or tax-exempt statutory authority under the provisions of KRS Chapter 103, the taxation of which is provided for under the provisions of KRS 132.020 and 132.200;
  - (b) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;
  - (c) Property of any state-supported educational institution;
  - (d) Vending stand locations and facilities operated by blind persons under the auspices of the Division of Kentucky Business Enterprise, regardless of whether the property is owned by the federal, state, or a local government;
  - (e) Property of any free public library;
  - (f) Property in Fayette County, Kentucky, administered by the Department of Military Affairs, Bluegrass Station Division;
  - (g) All privately owned leasehold interests in residential property when the residential property is owned in fee simple by a purely public charity as of July 1, 2020:
    1. When the real property includes a residential property unit that is:

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- a. Leased by the purely public charity for a period of at least one (1) year to an individual person who is fifty-five (55) years of age or older;
  - b. Maintained as the individual person's permanent residence under a lease agreement that:
    - i. Prohibits the lessee from subleasing the unit; and
    - ii. Provides that the lessee's possessory interest in the unit is terminable by the lessor upon the death of the lessee, the physical or mental inability of the lessee to continue to reside in the unit, or the lessee's relocation to a nursing home or similar assisted living facility; and
  - c. Constructed on or before July 1, 2020, or constructed after July 1, 2020, on land that was privately owned in fee simple by the purely public charity on or before July 1, 2020;
2. If the fee simple ownership is transferred by the purely public charity after July 1, 2020, it shall be transferred to another purely public charity and the requirements established for the residential property unit in subparagraph 1. of this paragraph shall be maintained; and
  3. The taxation of which is provided for under KRS 132.020 and 132.200; ~~{or}~~
- (h) All privately owned leasehold interests in residential property owned in fee simple by a purely public charity, which is exempt from ad valorem taxation under Kentucky Constitution Section 170, when the residential property unit is leased by the purely public charity to an individual person who is:
1. Receiving medical or educational supportive services from the purely public charity; and
  2.
    - a. A postsecondary educational participant;
    - b. A minor;

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- c. Sick, disabled, or impoverished; or
- d. Over the age of sixty-five (65); or

**(i) Any interest in:**

- 1. Property or facilities developed, acquired, or leased under Sections 36 to 41 of this Act; or**
- 2. Public-private partnership projects or property developed, acquired, or leased in accordance with KRS 45A.077 or 65.028.**

(3) Taxes shall be assessed to lessees of exempt real or personal property and collected in the same manner as taxes assessed to owners of other real or personal property, except that taxes due under this section shall not become a lien against the property. When due, such taxes shall constitute a debt due from the lessee to the state, county, school district, special district, or urban-county government for which the taxes were assessed and if unpaid shall be recoverable by the state as provided in KRS Chapter 134.

➔Section 43. Notwithstanding subsection (2)(a) of Section 38 of this Act, the initial terms of the BIDA board members appointed by the Governor shall be staggered as follows:

(1) One representative appointed from a list of persons submitted by the mayor of the City of Burnside shall serve an initial term of three years, and the other shall serve an initial term of two years;

(2) One representative appointed from a list of persons submitted by the county judge/executive of Pulaski County shall serve an initial term of two years and the other shall serve an initial term of one year."; and

Re-number subsequent sections accordingly; and

Starting on page 120, line 23, and continuing to page 120, line 26, delete in its entirety and insert in lieu thereof the following:

➔Section 47. Whereas areas of Kentucky have been impacted by high unemployment

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and economic development and new investment in the Commonwealth are essential to improving the quality of life for its citizens, attracting industry and jobs, and maintaining economic resiliency, an emergency is declared to exist, and Sections 1 to 29 and 36 to 46 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law."