

103.210 Issuance of bonds.

- (1) In order to promote the economic development of the Commonwealth, to relieve conditions of unemployment, to encourage the increase of industry in this state, and to aid in the retention of existing industry through improved energy efficiency in manufacturing facilities, or through conversion of energy facilities to more readily available fuels, any city or county may borrow money and issue negotiable bonds for the purpose of defraying the cost of acquiring any industrial building or pollution control facility, either by purchase or construction, but only after an ordinance or resolution has been adopted by the legislative body of the city or the fiscal court of the county, or by the Kentucky Economic Development Finance Authority, if requested by the legislative body of the city or the fiscal court of the county, as the case may be, specifying the proposed undertaking, the maximum amount of bonds to be outstanding at any one (1) time, and the maximum rate of interest the bonds are to bear. This section shall not be deemed to require, however, that such ordinance or resolution be adopted prior to interim financing of the project, if such interim financing was undertaken by the proposed lessee corporation upon the basis of discussions between the corporation and responsible officials of the issuer which were later formally ratified by the appropriate governing body of the issuer.
- (2) The ordinance or resolution shall further provide that the industrial building or the pollution control facility is to be acquired pursuant to the provisions of KRS 103.200 to 103.285. Each such bond-authorizing ordinance or resolution shall be effective only after publication, in a newspaper authorized to publish official advertisements for the issuer, of the title to said ordinance or resolution, together with a statement signed by the clerk of the issuer setting forth the maximum amount of bonds to be outstanding at any one (1) time, the name of the lessee corporation, and the fact that the bonds are to be retired from the proceeds of either the lease payments as set forth in KRS 103.200 to 103.285, inclusive, or the loan payments or sale payments in the event the industrial building financing transaction is carried out pursuant to a loan agreement, sale agreement, or other tax incentive agreement. No publication of the complete ordinance or resolution shall be required, but said ordinance or resolution shall be entered upon the records of the issuer and shall be available for public inspection.
- (3) Any industrial buildings financed by bonds pursuant to KRS 103.200 to 103.285 and leased in connection with the bond financing from a tax-exempt governmental unit, or tax-exempt statutory authority, shall require the prior approval by the Kentucky Economic Development Finance Authority of the reduced ad valorem tax for industrial buildings under KRS 132.020, the standards for which the Kentucky Economic Development Finance Authority shall establish through its operating procedures or by the promulgation of administrative regulations in accordance with KRS Chapter 13A. The authority shall consider, along with other indicators, when establishing standards, the number of jobs to be created, the amount of capital to be invested, and the wages and benefits to be paid.
- (4) The Kentucky Economic Development Finance Authority, any air board established

pursuant to KRS 183.132, and any riverport authority established as provided in KRS 65.510 to 65.650, inclusive, shall have and possess all power and authority granted to cities and counties by the provisions of KRS 103.200 to 103.285, excluding condemnation powers under KRS 103.245, for the financing of industrial buildings. For such purposes, the terms "city," "county," and "issuer" as used in KRS 103.200 to 103.285, inclusive, shall also mean and refer to the Kentucky Economic Development Finance Authority, any air board established pursuant to KRS 183.132, and any riverport authority established as provided in KRS 65.510 to 65.650. The power and authority granted to the Kentucky Economic Development Finance Authority, any air board, and any riverport authority shall be and constitute an additional and alternative grant of power and authority to such governmental agencies, and shall not be construed as being in derogation of any other powers vested in each of such governmental agencies.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 131, sec. 3, effective July 15, 2014. -- Amended 2002 Ky. Acts ch. 338, sec. 16, effective July 15, 2002. -- Amended 1992 Ky. Acts ch. 105, sec. 67, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 122, sec. 2, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 339, sec. 2, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 95, sec. 2, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 214, sec. 2. -- Amended 1970 Ky. Acts ch. 64, sec. 2. -- Amended 1962 Ky. Acts ch. 268, sec. 2. -- Created 1946 Ky. Acts ch. 58, sec. 2.