

58.010 Definitions.

As used in KRS 58.010 to 58.140, unless the context requires otherwise:

- (1) "Public project" means any lands, buildings, or structures, works or facilities (a) suitable for and intended for use as public property for public purposes or suitable for and intended for use in the promotion of the public health, public welfare or the conservation of natural resources, including medical office buildings contiguous to hospital facilities, and shall also include the planning of any such lands, buildings, structures, works or facilities; or (b) suitable for and intended for use for the purpose of creating or increasing the public recreational, cultural and related business facilities of a community, including such structures as concert halls, museums, stadiums, theaters and other public facilities, together with related and appurtenant parking garages, offices and office buildings for rental in whole or in part to private tenants, dwelling units and apartment buildings for rental in whole or in part to private tenants, commercial and retail businesses, stores or other establishments, and any structure or structures or combination of the foregoing, or other structures having as their primary purpose the creation, improvement, revitalization, renewal or modernization of a central business or shopping community, and shall also include existing lands, buildings, structures, works and facilities, as well as improvements or additions to any such lands, buildings, structures, works or facilities.
- (2) "Public project" as defined herein shall include projects intended for use as public property for public purposes by another governmental agency, including the United States government, other than the governmental agency acquiring the land or constructing the building, structure or facility.
- (3) "Governmental agency" means the Commonwealth of Kentucky as such acting by or through any department, instrumentality or agency thereof, or any county, city, agency or instrumentality or other political subdivision of the Commonwealth.

Effective: July 13, 1984

History: Amended 1984 Ky. Acts ch. 111, sec. 41, effective July 13, 1984. -- Amended 1978 Ky. Acts ch. 106, sec. 1, effective June 17, 1978. -- Amended 1968 Ky. Acts ch. 154, sec. 1. -- Amended 1958 Ky. Acts ch. 150, sec. 1. -- Created 1946 Ky. Acts ch. 126, sec. 1.

58.020 Power of governmental agency to acquire or develop public project and issue revenue bonds.

A governmental agency acting separately or jointly with one (1) or more of any such agency, may acquire, construct, maintain, add to, and improve any public project as defined in KRS 58.010, which public project may be located within or without or partly within and partly without the territorial limits of such governmental agency or agencies, and for the purpose of defraying the cost thereof may borrow money and issue negotiable revenue bonds. Before any department or agency of the state government shall borrow money and issue bonds under KRS 58.010 to 58.140, the head of the department or agency shall file with the Secretary of State a written order, approved by the Governor, the Attorney General and the secretary of the Finance and Administration Cabinet, setting forth the proposed public project, the amount of the bonds to be issued, and the maximum rate of interest the bonds are to bear. Any governmental agency other than agencies of the state government may borrow money and issue revenue bonds under KRS 58.010 to 58.140 pursuant to an order, resolution, or ordinance of its legislative or administrative body, which order, resolution, or ordinance shall set forth the proposed public project, the amount of the revenue bonds to be issued, and the maximum rate of interest. In every instance the order, resolution, or ordinance shall provide that the public project is being undertaken under the provisions of KRS 58.010 to 58.140.

History: Amended 1948 Ky. Acts ch. 226, sec. 1. -- Created 1946 Ky. Acts ch. 126, sec. 2.

58.025 Facsimile signatures.

It shall be lawful for public bodies, when issuing bonds pursuant to this chapter, to issue and execute said bonds with either the manual or facsimile signatures of its officers as may be determined by the governing bodies of the respective public bodies which are the issuers thereof; but subject nevertheless to such approvals as may now or hereafter be applicable thereto according to law.

Effective: July 15, 1986

History: Created 1986 Ky. Acts ch. 258, sec. 1, effective July 15, 1986.

58.030 Interest rate and maturity of bonds -- Leasing of project -- Acceptance of donations and government aid.

- (1) The bonds may be issued to bear interest at the rate or rates or method of determining rates, payable at least annually, and shall be executed in such manner, and be payable at such times not exceeding forty (40) years from date thereof and at such place or places as the governmental agency determines.
- (2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on any date not earlier than one (1) year from the date of issuance of the bonds, under conditions fixed by the governmental agency before issuing the bonds.
- (3) Any governmental agency is authorized to rent or lease such public project or any portion thereof to or contract concerning same with any persons, partnerships, associations, or corporations either public or private, profit or nonprofit. Notwithstanding any of the other provisions of KRS 58.010 to 58.140 or any other laws, any such renting, leasing, or contracting may be accomplished without the necessity of awarding such lease or contract by advertisement or competitive bidding, provided the governmental agency so leasing such project or any portion thereof or contracting concerning same first makes a legislative determination that it is in the best interest of such governmental agency to enter into such lease or contract without the necessity for such advertisement or competitive bidding; and such lease may provide that the lessee therein is permitted or obligated to sublease the project or any portion thereof for the purpose of accomplishing the creation, improvement, revitalization, renewal or modernization of a central business or shopping community.
- (4) A governmental agency is empowered to accept donations or gifts to the public project from any source and to accept appropriations and grants to the public project from the federal government or its agencies and appropriations from the state or any county, city, or other political subdivision and, at the option of the governmental agency, to pledge such donations, gifts, or appropriations to the payment of revenue bonds issued to finance the cost of a public project.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 274, sec. 2, effective July 15, 1996. -- Amended 1968 Ky. Acts ch. 110, sec. 3; and ch. 154, sec. 2. -- Amended 1948 Ky. Acts ch. 226, sec. 1. -- Created 1946 Ky. Acts ch. 126, sec. 3.

58.040 Bonds negotiable and tax-free -- Method of sale -- Payable solely from revenue.

Bonds issued pursuant to KRS 58.010 to 58.140 shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in a manner and upon the terms as the governmental agency determines, or any contract for the acquisition of a public project may provide that payment shall be made in bonds. The bonds shall be payable solely from the revenue derived from the public project and shall not constitute an indebtedness of the state, county, city, or political subdivision within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of KRS 58.010 to 58.140 and that it does not constitute an indebtedness of the governmental agency within the meaning of the Constitution.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 274, sec. 3, effective July 15, 1996. -- Amended 1968 Ky. Acts ch. 110, sec. 4; and ch. 154, sec. 3. -- Created 1946 Ky. Acts ch. 126, sec. 4.

58.050 Application of proceeds of bonds -- Supplementation by contributions of issuing agency.

All money received from the bonds shall be applied solely for the acquisition, construction, maintenance or improvement of the public project, and the necessary expense of preparing, printing and selling said bonds, or to advance the payment of the interest on the bonds during the first three (3) years following the date of the bonds, or to provide an initial debt service reserve; and the proceeds of such bonds may be supplemented by contributions from the issuing governmental agency or from any other source toward the cost of construction of the project or toward the creation of a debt service reserve for the protection and benefit of the bondholders, or for any other purpose related to the financing of the acquisition and construction of such public project; and it may be further provided that any contribution made for the purpose of assisting in the initial establishment of a debt service reserve for the benefit and protection of the bondholders may be returned or reimbursed to the contributor thereof whenever other equivalent funds have been provided from the revenues of said project or from any other source toward the establishment of such debt service reserve.

History: Amended 1968 Ky. Acts ch. 154, sec. 4. -- Created 1946 Ky. Acts ch. 126, sec. 5.

58.060 Receiver -- Provision for foreclosure through trustee authorized.

- (1) If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the public project on behalf of the governmental agency, with power to charge and collect rents, royalties, fees, rates and charges and to receive any other available revenue sufficient to provide for the payment of any bonds or obligations outstanding against the public project, and for the payment of operating expenses, and to apply the income and revenue in conformity with KRS 58.010 to 58.140 and the order, resolution or ordinance referred to in KRS 58.020.
- (2) Notwithstanding any of the other provisions of KRS 58.010 to 58.140, inclusive, it may be provided in the proceedings authorizing bonds issued for the purpose of financing a project under KRS 58.010(1)(b), as amended, that the governmental agency, in connection with the issuance of its bonds, execute a mortgage deed of trust in favor of a trustee, on the project acquired or constructed through the application of the proceeds of the bonds, providing that in the event of default by the agency in the payment of interest or principal of its bonds or in the event of default of any other covenant contained in such mortgage deed of trust the trustee, on behalf of the bondholders, may institute and carry through foreclosure proceedings, with the property secured by the mortgage deed of trust put up for sale on foreclosure proceedings, the proceeds of such sale to be used for the benefit of the bondholders. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and in order to make such bonds salable with the lowest net interest cost to the agency. If the agency declares its intent by ordinance or resolution to follow the provisions of this section, and in doing so determines it cannot comply with any provision of KRS 58.010 to 58.140, as such provision is inconsistent with the provisions of this section, the agency is not required to comply with the inconsistent provision of KRS 58.010 to 58.140.

History: Amended 1968 Ky. Acts ch. 153, sec. 1. -- Created 1946 Ky. Acts ch. 126, sec. 6.

58.070 Maintenance, operating and depreciation funds -- Rentals, rates and charges.

At or before the issuance of bonds the governmental agency shall, by order, resolution or ordinance, set aside and pledge the income and revenue of the public project including rents, royalties, fees and proceeds of sales of property and from rates and charges for services derived from or rendered by the public project into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The order, resolution or ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the public project. The rents, royalties, fees, rates and charges for the services or sale of the public project shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the public project and an adequate depreciation account.

History: Created 1946 Ky. Acts ch. 126, sec. 7.

58.080 Transfer of surplus to depreciation account.

If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the public project during the remainder of the calendar, operating or fiscal year, and during the succeeding like year, any excess over such amount may be transferred at any time by the governmental agency to the depreciation account, to be used for improvements, extensions or additions to the public project.

History: Created 1946 Ky. Acts ch. 126, sec. 8.

58.090 Expenditure and investment of depreciation fund.

The funds accumulating to the depreciation account shall be expended in balancing depreciation in the public project or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the governmental agency may designate, and if invested the income from such investment shall be carried into the depreciation account.

History: Created 1946 Ky. Acts ch. 126, sec. 9.

58.100 Refunding bonds.

The governmental agency may issue new bonds to provide funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by KRS 58.010 to 58.140. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded. Furthermore, the maturity schedule of the new bonds shall not extend beyond the remaining life of the original bonds unless the original bonds were issued by a county, urban-county, city, or an agency or instrumentality of a county, urban-county, or city.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 191, sec. 1, effective July 14, 1992. -- Created 1988 Ky. Acts ch. 83, sec. 1, effective July 15, 1988.

58.110 Additional bonds.

If the governmental agency finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

History: Created 1946 Ky. Acts ch. 126, sec. 11.

58.120 Bonds for extensions and improvements.

Any governmental agency acquiring any public project pursuant to the provisions of KRS 58.010 to 58.140 may, at the time of issuing the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary. Bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue.

History: Created 1946 Ky. Acts ch. 126, sec. 12.

58.125 Sale of housing mortgage bonds.

Any public body as defined in KRS 58.410 when issuing bonds for the purpose of facilitating the construction, renovation or purchase of new or existing housing, including single family mortgage revenue bonds and multifamily housing revenue bonds, may issue and sell the bonds upon such terms, for such prices, and at such interest rates, as are deemed appropriate by the public body, including by public sale pursuant to KRS Chapter 424 or by private negotiated sale without advertisement.

Effective: July 15, 1986

History: Created 1986 Ky. Acts ch. 259, sec. 1, effective July 15, 1986.

58.130 Use of general funds or revenues for public project.

Any governmental agency may use, for the purpose of acquiring, constructing, maintaining, extending or improving a public project, or for the payment of interest or principal on any revenue bonds issued by the agency pursuant to KRS 58.010 to 58.140, any funds or tax revenues available for general purposes of the agency and not required by law to be devoted to some other purpose.

History: Created 1946 Ky. Acts ch. 126, sec. 13.

58.140 Condemnation.

In the event a governmental agency is unable to acquire, by purchase or agreement, any real property deemed necessary for the purposes of a public project, such agency may acquire the same by condemnation. The procedure for condemnation shall be as provided in the Eminent Domain Act of Kentucky.

History: Amended 1976 Ky. Acts ch. 140, sec. 20. -- Created 1946 Ky. Acts ch. 126, sec. 14.

58.150 Revenue bond anticipation notes.

- (1) When the governing body of any county, city, or other municipal corporation, or agency thereof, shall make a determination that, in accordance with the provisions of any section of the statutes authorizing it to issue revenue bonds, assessment bonds, or mortgage bonds to finance any project, it will finance a project by the issuance of bonds, then in anticipation of financing, the governing body may provide for the interim financing of a project by the sale and issuance of revenue bond, assessment bond, or mortgage bond anticipation notes, as the case may be, bearing interest at a rate or rates not exceeding the maximum rate permitted for the issuance of the bonds so anticipated, and payable within a specified period of time only from the proceeds of the bonds, when issued, or from the revenues or income of the project as may be available prior to or at maturity of the notes; provided that the initial term of the notes shall not be in excess of five (5) years from the date of issuance. The term "revenue bond" means bonds, notes, or other obligations for the payment of money issued by the state, any county, municipality, or other public district or authority except a school district, or any corporation or other corporate body acting as an instrumentality of the unit, and payable from a special fund into which some or all of the revenues of a public project have been or will be paid. "Assessment bond" means bonds, notes, or other obligations for the payment of money issued by any one (1) or more of the same issuing authorities payable from a special fund into which assessments levied on properties for benefits conferred have been or will be paid in accordance with law. "Mortgage bond" means revenue bonds which are secured by a mortgage deed of trust. A school district shall not be excluded from these definitions if it is authorized by the Kentucky Board of Education, by general or special authorization, to proceed under the authority of this section or KRS 56.513 through the agency of the appropriate city or county.
- (2) The notes authorized herein shall be sold in the same manner as the bonds in anticipation of which they are issued, except that when the principal amount of the notes does not exceed one million dollars (\$1,000,000) the provisions of KRS 424.360 for advertisement of the notes in a publication having general circulation among bond buyers shall be inapplicable, and the other publications required by this section shall be deemed sufficient.
- (3) Each bond anticipation note may include prepayment provisions which will allow the issuing authority to prepay the note after giving reasonable notice to the holder; shall identify the bond issue from the proceeds of which the note or notes and any interest thereon are to be paid; and shall include a statement that the note is being issued in anticipation of the identified bond issue, and that neither the note, nor the interest, shall constitute or evidence an indebtedness of the issuing authority. Each note and the interest, to the extent not previously paid from other sources, shall be paid from the proceeds of the identified bond issue, when the proceeds have been received and are available; provided, however, that payment from the revenues of the project, for the financing of which the bonds will eventually be issued, shall be permitted, and provision shall be made for payment of that portion of the principal

of any note issue which represents the principal of the proposed bonds scheduled to mature on or prior to the maturity of the notes.

- (4) The notes authorized herein may be issued in a principal amount sufficient to include all interest due on the notes at or prior to maturity, if the notes shall be issued for a term of three (3) years or less, and the notes may be sold at a discount representing the interest due to the purchaser during the term.
- (5) When, prior to the maturity of any notes issued under the authority of this section or KRS 56.513, the governing body of the issuing authority shall make a determination that by reason of construction delays, changes in plans, uncertainties in the bond market, or other causes justifying delay in the final offering of the bond issue, the bond issue should not immediately be offered, renewal notes may be issued subject to the same limitations contained in this section or KRS 56.513 relative to the original issue of notes, and the proceeds of the sale of the renewal notes shall be applied to the payment of the principal of the notes originally issued, or any prior issue of renewal notes, or to the payment of interest due or to become due on the notes or renewal notes; provided, however, that the interest, including discount, if any, payable from the proceeds of notes or renewal notes shall not exceed an amount equal to three (3) years' interest from the date of the original notes at the rate per annum established for the original notes.
- (6) Counties, cities, and other municipal corporations, or agencies, in the discretion of the governing body in each case, may, as an alternative to this section and for interim financing purposes, solicit proposals, issue bond anticipation notes, and make commitment agreements in the same manner as provided for the State Property and Buildings Commission by KRS 56.513; provided, however, that in the case of notes issued on behalf of a school district, general or special approval of the Kentucky Board of Education shall be required in substitution for the approval of the State Property and Buildings Commission; and provided further, that the approval of the State Property and Buildings Commission will not be required for any issue of a county, city, or other municipal corporation, or any agency, and references to the commission shall be interpreted to be references to the governing body of the issuing authority.
- (7) Nothing herein shall be deemed to invalidate any bond anticipation notes sold or issued under general statutes prior to the adoption of this section and KRS 56.513.
- (8) Each bond anticipation note issued according to this section or KRS 56.513, and the receipt of interest on the note, shall be exempt from all taxation by the Commonwealth and all of its subdivisions, municipalities, and taxing authorities; and this may be stated as a representation in the text of each bond anticipation note.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 274, sec. 62, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 290, effective July 13, 1990. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Created 1970 Ky. Acts ch. 152, sec. 2.

58.155 Grant anticipation notes.

- (1) In the case of any public work or public project, in connection with which the Commonwealth of Kentucky, or any department, agency or bureau thereof, or any political subdivision or governmental unit of the Commonwealth of Kentucky ("governmental agency") has applied for and received federal grants-in-aid or is entitled as a matter of law to receipt of federal grants-in-aid which may be applied for the purpose of providing a portion of or all of the funds required for construction and installation of any such public work or public project, such governmental agency may authorize and issue grant anticipation notes payable from grant proceeds when received, and any other assets which may be lawfully pledged by any such governmental agency and which are so pledged.
- (2) Any grant anticipation notes issued pursuant to authority of this section shall be scheduled to mature at such time or times, not to exceed three (3) years from the date of issuance thereof, and shall bear such rate or rates of interest as the governing body of the governmental agency shall determine. Grant anticipation notes may be sold at public sale or pursuant to private, negotiated sale at the election of the governing body of the governmental agency issuing any such grant anticipation notes. Interest on any such grant anticipation notes may be capitalized in grant anticipation note issues for periods not exceeding three (3) years.
- (3) Grant anticipation notes issued pursuant to the authority of this section shall be payable as to principal and interest, if interest is capitalized, from the federal grants in anticipation of which the grant anticipation notes are authorized and issued, and any governmental agency is authorized and empowered to pledge such grant proceeds when received, either as sole security for the repayment of grant anticipation notes, or together with any other assets and revenues of such governmental agency which may be lawfully pledged for such repayment.
- (4) Grant anticipation notes issued pursuant to the authority of this section are hereby declared to be issued for public, governmental purposes and the interest derived thereon shall be exempt from taxation by the Commonwealth and by all political subdivisions of the Commonwealth. Grant anticipation notes shall also be exempt from ad valorem taxation by the Commonwealth or any political subdivision thereof.

Effective: April 9, 1980

History: Created 1980 Ky. Acts ch. 273, sec. 1, effective April 9, 1980.

58.170 Repealed, 1996.

Catchline at repeal: Maximum possible interest rate on bonds issued after March 25, 1968 -- Alternative nature of this provision.

History: Repealed 1996 Ky. Acts ch. 274, sec. 65, effective July 15, 1996. -- Created 1968 Ky. Acts ch. 110, secs. 25 to 27.

58.180 Creation of nonprofit corporation to act as an instrumentality of governmental agency in the financing of public projects.

- (1) (a) As used herein, the term "public project" shall have the same meaning as ascribed to such term by KRS 58.010, and the term "public project" shall include, inter alia, but not by way of limitation, public facilities such as sewers, sewage treatment works, water systems, streets, sidewalks and other public ways, both vehicular and pedestrian, parks and recreational and sports facilities, hospitals and health facilities, educational facilities, drainage and reclamation projects, jails, municipal buildings, public docks, wharves and port facilities, solid waste disposal facilities, pollution control systems, mass commuting and transport systems, industrial parks, courthouses and other public buildings, public parking and garage facilities, and other edifices, projects and like things and objects intended for governmental and public purposes.
- (b) As used herein, the term "governmental agency" shall mean any division of the Commonwealth which is a municipal corporation and political subdivision of the Commonwealth of Kentucky, or to which has been delegated the right to exercise part of the sovereign power of the Commonwealth.
- (2) Any governmental agency may create a nonprofit corporation pursuant to the provisions of KRS 273.161 to 273.390, inclusive, to act as the agency and instrumentality and the constituted authority of such governmental agency in the acquisition and financing of any public project which may be undertaken by such governmental agency pursuant to the provisions of Kentucky law and thus accomplish a public purpose of such governmental agency. Such corporation, upon direction of such governmental agency, shall be authorized to issue its bonds, notes or other obligations on behalf of such governmental agency for the acquisition and financing of one or more public projects on behalf of such governmental agency, and may pledge for the amortization of such bonds, notes or other obligations all revenues derived from the operation of such public project or public projects, including specifically all revenues derived from the leasing of such public project or public projects directly to the governmental agency upon whose behalf and upon whose direction such bonds, notes or other obligations are issued. Provided, however, that no bonds or other obligations shall be authorized under the provisions of this chapter for the construction or acquisition of telephone, gas, or electric facilities unless such electric facilities are constructed or maintained to provide service solely to the customers of the municipal utility.
- (3) It shall be provided in any such financing (i) that upon the retirement and discharge of the bonds, notes or other obligations issued by such corporation at the direction of and on behalf of such governmental agency, title to the public project or public projects so acquired shall vest in such governmental agency; (ii) that in the event of default with respect to such bonds, notes or other obligations, the governmental agency shall have the exclusive option to acquire the public project or public projects for the amount required to discharge such bonds, notes or other obligations, and is provided a reasonable time to exercise such option; (iii) that the issuance of

such bonds, notes or other obligations shall be directed by and approved by such governmental agency not more than sixty (60) days prior to the date of issue of such obligations; and (iv) that no bonds, notes or other obligations shall be issued by such corporation for and on behalf of such governmental agency except upon express direction of such governmental agency.

- (4) Any governmental agency creating a corporation pursuant to this section to act for and on behalf of, and as the agency and instrumentality of, such governmental agency in the acquisition and financing of a public project or public projects shall, at all times either (i) exercise organizational control over such corporation by creating the corporation pursuant to this section, and retain authority at any and all times to alter or change the structure, organization, programs or activities of the corporation, including the power to terminate existence of the corporation, subject to any limitation on the impairment of contracts entered into by such corporation, or shall (ii) exercise supervisory control over such corporation as may be deemed proper by the governmental agency in the administration of the corporation's activities as a constituted authority of such governmental agency, and as may be required from time to time by federal law in order to qualify the corporation to issue bonds, notes or other obligations on behalf of the governmental agency.
- (5) It shall be provided, inter alia, in the articles of incorporation of any such corporation and constituted authority created to act as the agency and instrumentality of a governmental agency and to finance public projects for such governmental agency on its behalf and thereby accomplish a public purpose of such governmental agency, (i) that any net revenues of such corporation beyond those necessary for retirement of indebtedness, or implementation of the public purpose or purposes of the corporation and the governmental agency shall not inure to the benefit of any person other than the governmental agency; (ii) that upon dissolution of the corporation, title to all property owned by such corporation shall vest in the governmental agency; and (iii) that the corporation shall be created and operated solely and only to accomplish one or more of the public purposes of the governmental agency and for the acquisition and financing of public projects for and on behalf of such governmental agency.
- (6) The governing body of such corporation shall consist solely and only of the following individuals:
 - (a) Public officials of the governmental agency as ex officio members; or
 - (b) Persons appointed by the governmental agency or by public officials of the governmental agency.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 146, sec. 1, effective June 20, 2005. -- Created 1976 Ky. Acts ch. 334, sec. 1.

58.190 Action challenging validity of ordinance or resolution authorizing bond issue.

Any action challenging the validity of any ordinance or resolution adopted by any governmental agency electing to issue bonds or notes under this chapter or any other chapter of the Kentucky Revised Statutes, shall be brought within thirty (30) days from the date on which notice of the adoption of said ordinance or resolution is published in accordance with KRS Chapter 424, and if such action challenging the validity of same is not brought within such time, such action shall be forever barred.

Effective: July 15, 1986

History: Created 1986 Ky. Acts ch. 260, sec. 1, effective July 15, 1986.