

ACTS OF THE GENERAL ASSEMBLY

1478

Section 650. The provisions of Section 630, subsection (10)(g)2. of this Act shall not apply to taxable years beginning after December 31, 1991.

PART VIII - NONCODIFIED MATERIAL

Section 651. Whereas, the decision of the Supreme Court of Kentucky in **Rose v. Council for Bett Education, Inc.**, mandates that the General Assembly reform and improve the system of common schools in Kentucky; and

Whereas, the reforms imposed by the court and recommended by the educational task force have vastly expanded educational programs and the state's role in these programs; and

Whereas, with the expansion of educational programs comes an expansion of the costs necessary to pay for such programs; and

Whereas, the Governor has indicated and the General Assembly agrees that state revenues are insufficient to pay for the needed improvements and that an increase in revenues is the only solution to that insufficiency but is incidental to education reform; and

Whereas, primary state funding for education comes from the General Fund, which is a commingling of revenues from various sources and which is spent for general government purposes as well as for education; and

Whereas, the amount of the tax increases proposed, together with revenues from the General Fund will both be necessary to fund the educational programs contained in this legislation:

The General Assembly finds and declares that the revenue measures contained in this Act are a necessary incident to the education reform provisions of this Act.

Section 652. Because of the extraordinary complexity of this legislation, its special importance to the Commonwealth and her people, and the need for accuracy and consistency in its interrelationships, the General Assembly expressly authorizes and directs the Reviser of Statutes, in addition to and without derogation of his existing authority under KRS 7.140 and 7.136, to make all technical changes and corrections in the Kentucky Revised Statutes necessary and appropriate to carry out the intent of this Act,, including the following:

- (1) Changing any existing or newly created references to public officers, boards, or agencies whose duties or authority have been altered or abolished by this Act to the comparable public officer, board, or agency that has been assigned those duties or authority by the terms of this Act;
- (2) Where the context makes clear the words to be supplied, inserting any omitted words or phrases within newly created language, when, in his best judgment, this can be done without altering the sense, meaning, or effect of the particular section of this Act;
- (3) Changing existing or newly-created statutory cross-references to reflect renumbered sections or subdivisions thereof, or, in the case of repealed sections, to indicate analogous newly-created sections or subdivisions thereof, when, in his best judgment, the substance of the newly-created section is comparable to that of the section repealed; and
- (4) Making any other statutory additions, deletions, or modifications which are necessary in his best judgment to effect the intent of this Act.

Section 653. The provisions of KRS 446.260 notwithstanding,

- (1) If any provision of this Act repeals and reenacts a statute section amended by another act adopted at this 1990 regular session of the General Assembly, the repeal and reenactment by this Act shall have no effect.
- (2) If any provision of this Act amends or repeals and reenacts a statute section repealed by another act adopted at this 1990 regular session of the General Assembly prior to the adoption of this Act, the prior repeal shall have no effect.

Section 654. The modification of KRS 12.020, I.7., contained in Section 52 of this Act shall be effective July 1, 1991; the other amendments to KRS 12.020 contained in Section 52 shall have the regular effective date of this Act.

CHAPTER 476

1479

Section 655. Whereas, to facilitate administrative planning and to insure receipt of budgeted revenue, an emergency is declared to exist, and Sections 617 to 650 of this Act shall become effective upon its passage and approval by the Governor.

Approved April 11, 1990

CHAPTER 477

(SB 317)

AN ACT relating to funding of solid waste.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 224A IS CREATED TO READ AS FOLLOWS:

This Act may be cited as the "Kentucky Environmental Revitalization Act".

Section 2. KRS 224A.011 is amended to read as follows:

As used in this chapter, the following words or terms shall have the respective meanings indicated whenever used in this chapter, unless a different meaning is clearly indicated by the context:

- (1) **"Administrative fee" means a fee assessed and collected by the Authority from borrowers under assistance agreements, to be used for operational expenses of the Authority.**
- (2) "Applicable interest rate" means the rate of interest which shall be used as part of the repayment criteria for an assistance agreement between a governmental agency and the authority, and shall be determined by the authority pertinent to the source of funds from which the assistance agreement is funded.
- ~~(3)~~(2) "Assistance agreement" shall mean the agreement to be made and entered into by and between a governmental agency and the authority, as authorized by this chapter, providing for a lease, loan, services or grant to the governmental agency or for the purchase of obligations issued by the governmental agency, and for the repayment thereof to the authority by the governmental agency.
- ~~(4)~~(3) "Authority" shall mean the Kentucky infrastructure authority, which is created by this chapter.
- ~~(5)~~(4) "Authority revenues" means the totality of all:
 - (a) Service charges;
 - (b) Water utility tax receipts, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority;
 - (c) Any gifts, grants or loans received, to the extent not otherwise required to be applied;
 - (d) Any and all appropriations made to the authority by the General Assembly of the Commonwealth of Kentucky, to the extent not otherwise required to be applied;
 - (e) All moneys received in repayment of and for interest on any loans made by the authority to a governmental agency, except as provided in KRS 224A.111 and 224A.112, or as principal of and interest on any obligations issued by a governmental agency and purchased by the authority, or as receipts under any assistance agreement; and
 - (f) The proceeds of bonds or long-term debt obligations of governmental agencies pledged to the payment of bond anticipation notes issued by the authority on behalf of the said governmental agency to provide interim construction financing.
- (6) "Borrower or borrowing entity" means any agency of the state or its political subdivisions, any city, or any special district created under the laws of the state acting individually or jointly under inter agency or inter-local cooperative agreements to enter into assistance agreements with the Authority.**

(7)(5) "Community flood damage abatement project" means any structural or nonstructural study, plan, design, construction, development, improvement or other activity to provide for flood control.