

164.6017 Powers and duties of Cabinet for Economic Development to carry out purposes of KRS 164.6019 to 164.6029 and related statutes.

- (1) The cabinets shall have all the powers and authority, not explicitly prohibited by statute, necessary and convenient to carry out and effectuate the purposes of KRS 164.6019 to 164.6029, including but not limited to:
 - (a) Entering into contracts or agreements necessary or incidental to the performance of its duties, functions, and responsibilities; and
 - (b) Soliciting, borrowing, accepting, receiving, and expending funds from any public or private source, including but not limited to general fund appropriations of the Commonwealth, grants, or contributions of money, property, labor, or other things of value to be used to carry out the programs' operations, functions, and responsibilities; and
 - (c) Notwithstanding the provisions in paragraph (a) of this subsection, the executive director of the Office of Entrepreneurship and Innovation shall approve the contracts issued by the cabinet regarding the structure of programs and funding levels in those programs administered by a science and technology organization and created in KRS 154.12-320.
- (2) The cabinet may expend money in the funds created in KRS 164.6019 and 164.6027 for reasonable administrative expenses directly incurred in carrying out the requirements of KRS 164.6019 to 164.6029. It is the intent of the General Assembly that the funds created in KRS 164.6019 and 164.6027 be used, to the fullest extent possible, to directly fund project costs. It is also the intent of the General Assembly that the first priority of expenditures of any excess revenues generated from the funds created in KRS 164.6019 and 164.6027 is to replenish general fund appropriations for those same purposes.
- (3) The cabinet shall contract with a science and technology organization to administer the programs created in KRS 164.6021 and 164.6029. The cabinet shall work with the science and technology organization to adopt best practices for state investment funds, and shall oversee and approve the application criteria, the process for submission of an application, the types of equity investments permitted, the amount of investments that should be made in each fiscal year, the category or categories of investments that shall be made consistent with the cabinet's strategic plans, and the structure and type of outside expertise or peer review used in the application review process for the programs created in KRS 164.6021 and 164.6029.
- (4) No member of the cabinet or the science and technology organization or other administering entity, or their employees or outside experts or their closely related family members, shall directly or indirectly financially benefit in any award, contract, or agreement under the programs.
- (5) The cabinet shall submit an annual report prior to November 1 to the Governor and the General Assembly detailing its work related to the programs created in KRS 164.6021 and 164.6029. The annual report shall indicate progress made through investments, and shall include but not be limited to reporting on the progress made in achieving each program's purposes, qualitative and quantitative information concerning the applications received, projects approved and undertaken, companies served, and funding amounts invested in each project or program, as appropriate,

and findings and recommendations to increase each program's effectiveness in achieving its purposes.

- (6) All records related to the administration of the programs created in KRS 164.6021 and 164.6029 shall be deemed property of the cabinet and shall be deemed open records and subject to public inspection under KRS 61.870 to 61.884. Any research that involves or is a patent, trade secret, or other legally protectable interest shall be exempt from inspection until such time as the intellectual property rights have been fully protected.

Effective: June 29, 2023

History: Amended 2023 Ky. Acts ch. 75, sec. 33, effective June 29, 2023. -- Amended 2021 Ky. Acts ch. 185, sec. 133, effective June 29, 2021. -- Amended 2017 Ky. Acts ch. 80, sec. 13, effective June 29, 2017. -- Amended 2006 Ky. Acts ch. 210, sec. 11, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 181, sec. 15, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 230, sec. 32, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 522, sec. 4, effective July 14, 2000.

2024-2026 Budget Reference. See State/Executive Branch Budget, 2024 Ky. Acts ch. 175, Pt. I, B, 1, (3) at 1827.