

CHAPTER 87**(HB 292)**

AN ACT relating to financial matters of the Commonwealth, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. 2008 Kentucky Acts Chapter 174, Section 1, is repealed, reenacted, and amended to read as follows:

The provisions of 2008 Regular Session HB 406/EN are amended as follows:

On page 5, line 26, delete "34,917,600" and insert "28,287,600";

Adjust subsequent subtotals and totals accordingly;

On page 9, line 24, delete "57,155,100" and insert "56,989,350";

Adjust subsequent subtotals and totals accordingly;

On page 29, delete lines 14 through 23 in their entirety;

On page 29, line 24, delete "(4)" and insert "(2)";

On page 30, line 5, delete "(5)" and insert "(3)";

On page 30, delete lines 11 through 16 and insert the following in lieu thereof:

"(4) Use of Local District Capital Outlay Funds: (a) 1. Notwithstanding KRS 157.420(4) and (6), a local district may submit a request to the Commissioner of Education to use capital outlay funds for maintenance expenditures or for the purchase of property insurance in fiscal year 2008-2009 and fiscal year 2009-2010 without forfeiture of the district's participation in the School Facilities Construction Commission Program. Maintenance requests may include other priorities that are not considered major renovations, such as repair, renovation, or system upgrades that are necessary to maintain the integrity of an existing school facility; and/or

2. A district may submit a request to the Commissioner of Education to use funds from the per pupil capital outlay allotment to purchase land for a new school or to modify an existing school if the project is included on the district facility plan for completion within eight years. The Commissioner may grant or deny the district's request at his or her discretion; and/or

3. A district which has experienced an increase in adjusted average daily attendance, as defined by administrative regulation, of 20 percent or more over a five year period may submit a request to the Commissioner of Education to use capital outlay funds for the operation of a new school for the first two years following its opening. The Commissioner may grant or deny the district's request at his or her discretion; and

(b) Notwithstanding KRS 157.615(1), capital outlay funds used for expenditures, in either fiscal year 2008-2009 or in fiscal year 2009-2010, other than those designated in KRS 157.420(4) and (5) shall be included in determining the amount of local revenue available for purposes of calculating unmet need for participation in the School Facilities Construction Commission funding. The capital outlay funds used for purposes under this paragraph shall continue to be included in the local revenue available from fiscal year to fiscal year."; and

On page 30, line 17, delete "(7)" and insert "(5)";

On page 31, line 7, delete "(8)" and insert "(6)";

On page 31, line 10, delete "(7)" and insert "(5)";

On page 51, line 15, delete "157.621(2) and (3) for local" and insert "157.621(1)(b)2..";

On page 51, delete lines 16 through 21 in their entirety;

On page 51, line 24, delete "following eligibility" and lines 25 through 27 in their entirety and insert "requirements of KRS 157.621(2)";

On page 52, delete lines 1 and 2 in their entirety;

On page 52, line 3, delete "in KRS 157.440(1)(b)";

On page 52, line 12, delete "following eligibility requirements: (a)" and lines 13 through 27 in their entirety and insert "requirements of KRS 157.621(3).";

On page 53, delete line 1;

On page 100, line 23, delete "59,089,800" and insert "59,466,800";

On page 102, line 2, delete "\$4,936,000" and insert "\$5,313,000";

On page 102, line 26, delete "The \$50,000,000" and insert "Included in the \$57,500,000";

On page 103, line 1, delete ", shall be used" and insert "is \$50,000,000";

On page 103, line 3, after "section" insert ", and \$7,500,000 for the University of Louisville to support translational research";

On page 103, after line 12, insert the following:

"(c) Translational research is research and related activities that have significant potential to address identified problems through the applied transfer of knowledge to improve the health and welfare of Kentuckians and by so doing increase the economic vitality of the Commonwealth. Notwithstanding KRS 164.7917(2), the University of Louisville shall utilize its Proof of Concept Grant Fund Review Process to identify the research projects qualified for investment of translational research funds and submit approved projects to the Council on Postsecondary Education. The Council on Postsecondary Education shall distribute funds appropriated for translational research in paragraph (a) of this subsection to the University of Louisville to support the approved projects. Notwithstanding KRS 164.7917(2), a translational research award under this subsection shall not be subject to a requirement for matching funds.";

On page 127, line 3, before the word "Heritage", insert "Research Capital Match Program Pool of the Research Challenge Trust Fund";

On page 136, line 16, delete "157.621" and insert "157.621(1)(c)";

On page 144, line 14, delete "50,000,000" and insert "57,500,000" in lieu thereof;

On page 184, after line 27, insert:

"025. Construct Licking Valley Center Phase II - Maysville CTC Reauthorization (\$3,459,000 Restricted Funds and \$1,500,000 Other Funds)";

On page 196, line 5, delete "183,557,900" and insert "191,117,400";

On page 218, line 12, delete "\$5,157,000" and insert "\$6,535,000";

On page 219, line 14, delete ";";

On page 219, after line 14, insert the following:

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|---|-----|---|----------------|
| " | 12. | Renovate Downtown Campus Phase II - Jefferson CTC | |
| | | Bond Funds | \$28,612,000 |
| | 13. | Construct Business Continuance Datacenter - Morehead State University | |
| | | Bond Funds | \$2,500,000;"; |

On page 223, line 9, delete "18,498,225" and insert "11,868,225 in fiscal year 2009-2010".

➔Section 2. 2008 Kentucky Acts Chapter 174, Section 2, is repealed and reenacted to read as follows:

The provisions of 2008 Regular Session HB 410/EN are amended as follows:

On page 9, line 1, delete "4,420,000" and insert "6,630,000";

Adjust subsequent subtotals and totals accordingly;

On page 9, line 2, delete "6,892,100" and insert "7,997,100";

On page 9, line 6, delete "9,554,000" and insert "6,239,000";

On page 9, line 8, delete "4,420,000" and insert "6,630,000";

On page 9, line 10, delete "46,642,800" and insert "46,256,050";

On page 9, line 19, delete "Water and Sewer Resources" and insert "Infrastructure for Economic";

On page 9, line 20, after "Counties.", insert on the next line:

“(29) Infrastructure for Economic Development Fund for Coal-Producing Counties - 2008-2010: Notwithstanding KRS 42.4582 and 42.4585, the quarterly calculation and transfer of moneys from the General Fund to the Local Government Economic Development Fund shall be made only after each quarterly installment of the annual appropriation of \$1,105,000 in fiscal year 2009-2010 is appropriated to the Kentucky Infrastructure Authority budget unit, to provide General Fund debt service to support newly authorized bonds for the Infrastructure for Economic Development Fund for Coal-Producing Counties.”;

On page 10, line 9, delete "50,000,000" and insert "75,000,000";

On page 10, line 15, delete "100,000,000" and insert "150,000,000";

On page 47, line 23, delete "Scamatics" and insert "Schematics";

On page 59, line 8, delete "not";

On page 62, line 20, delete "Extra Curricular" and insert "Extracurricular";

On page 62, line 22, delete "Extra Curricular" and insert "Extracurricular";

On page 77, line 19, delete "7,119,000" and insert "4,909,000";

On page 77, line 20, delete "30,497,600" and insert "28,287,600";

On page 77, line 22, delete "4,420,000" and insert "6,630,000"; and

On page 77, line 24, delete "4,420,000" and insert "6,630,000".

➔Section 3. It is the intent of the General Assembly for this Act to reaffirm the passage of 2008 Regular Session HB 514/EN. As such, the General Assembly has repealed and reenacted 2008 Kentucky Acts Chapter 174.

➔Section 4. Sections 1 and 2 of this Act shall be retroactively applied to April 24, 2008.

➔Section 5. Whereas this Act repeals and reenacts 2008 Kentucky Acts Chapter 174, which amends the current state/executive branch budget, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon otherwise becoming law.

Signed by the Governor March 24, 2009.