

**CHAPTER 81****( SB 193 )**

AN ACT relating to bond transactions.

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

➔Section 1. KRS 45A.850 is amended to read as follows:

- (1) (a) Pursuant to KRS 45A.853 and 45A.857, one (1) or more underwriters and one (1) or more bond counsel firms shall be chosen for each of the following agencies:
  1. Turnpike Authority of Kentucky;
  2. Kentucky Housing Corporation;
  3. Kentucky Infrastructure Authority;
  4. Kentucky Higher Education Student Loan Corporation;
  5. Kentucky River Authority;
  6. Kentucky Agricultural Finance Corporation;
  7. Kentucky Local Correctional Facilities Construction Authority;
  8. State Property and Buildings Commission; and
  9. Kentucky Public Transportation Infrastructure Authority.
- (b) The underwriter and the bond counsel chosen for each agency shall provide their services for all bond issuances over a period of twelve (12) months from their selection. At the conclusion of the twelve (12) month period, the executive director may continue the employment of the underwriter or the bond counsel, on the same terms and conditions, for another twelve (12) month period. If the employment is not continued, the choosing of an underwriter or bond counsel, as appropriate, shall be conducted pursuant to KRS 45A.853 and 45A.857.
- (2) (a) Pursuant to KRS 45A.853 and 45A.857, one (1) or more underwriters and one (1) or more bond counsel firms shall be chosen to provide their services for all of the following agencies:
  1. School Facilities Construction Commission;
  2. Murray State University;
  3. Western Kentucky University;
  4. University of Louisville when it declines to exercise the authority granted under KRS 164A.585(1) and 164A.605;
  5. Northern Kentucky University;
  6. Kentucky State University;
  7. University of Kentucky when it declines to exercise the authority granted under KRS 164A.585(1) and 164A.605;
  8. Morehead State University;
  9. Eastern Kentucky University; and
  10. Kentucky Community and Technical College System.
- (b) The underwriter and the bond counsel chosen for all of the agencies shall provide their services for all bond issuances of the agencies for a period of twelve (12) months from the underwriter's and the bond counsel's selection. At the conclusion of the twelve (12) month period, the executive director may continue the employment of the underwriter or the bond counsel, on the same terms and conditions, for another twelve (12) month period. If the employment is not continued, the choosing of an underwriter or bond counsel, as appropriate, shall be conducted pursuant to KRS 45A.853 and 45A.857.
- (3) Pursuant to KRS 45A.853 and 45A.857, one (1) or more financial advisors, managing underwriters, and

remarketing agents and one (1) bond counsel shall be chosen for the Kentucky Asset/Liability Commission. The commission shall enter into agreements with the individuals or entities for a maximum contract period of twenty-four (24) months. At the conclusion of the contract period, the executive director may continue the employment of the financial advisor, underwriter, remarketing agent, or bond counsel for another contract period, not to exceed twenty-four (24) months. If the employment is not continued or terminated, the selection of a financial advisor, underwriter, remarketing agent, or bond counsel, as appropriate, shall be conducted pursuant to KRS 45A.853 and 45A.857.

- (4) The office may select national comanaging underwriters and Kentucky comanaging underwriters who shall provide national and local marketing expertise for bond issuances. The executive director shall recommend to the secretary of the Finance and Administration Cabinet the number of national and Kentucky comanaging underwriters, if any, to be utilized on each bond issuance. The executive director shall consider the following issues when making the recommendations:
- (a) Principal amount of bonds being issued;
  - (b) Structure of the bond issue; and
  - (c) Composition of expected buyers of the bonds.

Kentucky comanaging underwriters shall be selected pursuant to a request for proposals. National comanaging underwriters shall be selected pursuant to an administrative regulation promulgated by the office. ***For specific bond transactions under subsection (1) of this section, the executive director may recommend to the secretary of the Finance and Administration Cabinet as a managing underwriter the Kentucky underwriter which received the highest score for its proposal pursuant to this section.*** Comanaging underwriters selected pursuant to this subsection shall provide their services to a bond issuing agency as needed over the appropriate period of time stated in this section.

- (5) ***If the executive director recommends to the secretary of the Finance and Administration Cabinet a Kentucky underwriter as provided by subsection (4) of this section and the secretary orders that procurement proceed pursuant to KRS 45A.857, the requirements, review, and recommendation of the Capital Projects and Bond Oversight Committee as provided by KRS 45.810 shall apply.***

**Signed by Governor March 30, 2015.**