

**CHAPTER 201****( SB 200 )**

AN ACT relating to the Kentucky Communications Network Authority, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 154.15-020 is amended to read as follows:

- (1) The Kentucky Communications Network Authority is established and shall be attached to the Office of the Governor. The authority shall be headed by an executive director who shall be hired by the board and approved by the Governor.
- (2) Notwithstanding KRS 42.726, the duties of the authority shall be to:
  - (a) Oversee and maintain KentuckyWired, the Commonwealth's open-access broadband network;
  - (b) Manage the master agreement establishing the public-private partnership between the Commonwealth and its private industry partner or partners. The purpose of the agreement is to design, engineer, build, operate, maintain, and upgrade the network;
  - (c) Provide network connectivity to public agencies;
  - (d) Offer access to entities eligible to utilize excess capacity on the network;
  - (e) Manage other aspects of the network and its utilization through the executive director and with oversight and input from the board established in KRS 154.15-030 and the advisory group established in this section;
  - (f) Promulgate administrative regulations pursuant to KRS Chapter 13A necessary to implement the purposes of this subchapter;
  - (g) Enter into contracts with public and private entities to carry out its duties and responsibilities. A contract or other agreement involving the acquisition or disposition of a property interest by the Commonwealth shall be signed by the secretary of the Finance and Administration Cabinet. KRS Chapters 45A and 56 may require the secretary's signature on other contracts or agreements;
  - (h) Provide program management services ensuring the financial viability of the master agreement and related contracts and agreements, including grant administration, contract compliance and oversight, community planning support, and constituent services;
  - (i) Seek out, secure, and manage funding sources for the network; and
  - (j) Create an advisory group, including major stakeholders, to provide input and feedback on issues important to the user community and to the long-term sustainability of the project and the network. The advisory group shall be administratively attached to and managed by the authority. The advisory group shall include but not be limited to representatives of:
    1. The Department of Education;
    2. The Council on Postsecondary Education;
    3. The Cabinet for Economic Development;
    4. The Cabinet for Health and Family Services;
    5. The Transportation Cabinet;
    6. The Justice and Public Safety Cabinet;
    7. The Finance and Administration Cabinet;
    8. The Administrative Office of the Courts;
    9. The Legislative Research Commission;
    10. Institutions of higher education;

11. Local government entities;
  12. Libraries;
  13. Public health care institutions or agencies;
  14. Kentucky Educational Television; and
  15. Others whose input will benefit the network.
- (3) With the approval of the board, the executive director may hire additional officers and other personnel necessary for the proper functioning of the authority, fix their salaries, and prescribe their duties. The executive director and persons employed by the authority shall not be subject to the provisions of KRS Chapter 18A.
- (4) (a) *With the approval of the board, the executive director may make, execute, and effectuate contracts, leveraging future revenues from provision of government-to-government services and sale or lease of excess capacity, to incur debt in the name of the authority and enter into financing agreements with the Commonwealth, agencies of the Commonwealth, lending institutions, investors, or investing entities.*
- (b) *The total amount of debt or financing under this subsection shall not exceed one hundred ten million dollars (\$110,000,000), and shall not leverage any future revenues committed to the repayment of any other debt, or expected to be used for the repayment of any other debt, as of the time the debt or financing is entered into.*
- (c) *Any proposed debt or financing under this subsection shall be submitted to the Capital Projects and Bond Oversight Committee for review at least fourteen (14) days prior to the committee meeting.*
- (d) *If any debt or financing is incurred under this subsection, the authority shall provide to the Legislative Research Commission:*
1. *Within thirty (30) days of entering into a debt or financing agreement, a copy of the agreement; and*
  2. *On January 1, April 1, July 1, and October 1 of each year that the debt or financing is outstanding:*
    - a. *The amount of principal and interest remaining on the debt or financing;*
    - b. *The use to which the capital gained from the debt or financing has been put; and*
    - c. *Any amendments, if any, to the original debt or financing instruments or agreements.*

➔Section 2. The provisions of 2018 Regular Session HB 200/EN are amended to read as follows:

On page 29, line 11, before "**2018-19**", insert "**2017-18**";

On page 29, after line 11, insert the following:

|               |           |            |              |
|---------------|-----------|------------|--------------|
| "General Fund | 2,820,200 | 33,387,400 | 34,268,300"; |
|---------------|-----------|------------|--------------|

On page 29, line 12, before "3,500,000" insert "-0-";

On page 29, after line 12, insert the following:

|        |           |            |              |
|--------|-----------|------------|--------------|
| "TOTAL | 2,820,200 | 36,887,400 | 35,768,300"; |
|--------|-----------|------------|--------------|

Adjust subsequent subtotals and totals accordingly; and

On page 29, delete lines 13 through 24 in their entirety.

➔Section 3. Whereas financing is urgently necessary for the Kentucky Communications Network Authority to complete KentuckyWired, and additional delay may cause substantial financial harm to the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Signed by Governor April 26, 2018.**