

## CHAPTER 12

## ( SB 6 )

AN ACT relating to athletics and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 6 of this Act, unless context otherwise requires:*

- (1) *"Affiliated organization" means an entity whose primary purpose includes supporting or benefitting an institution or an institution's intercollegiate athletics program or an officer, director, or employee of such an entity;*
- (2) *"Agency contract" has the same meaning as in Section 7 of this Act;*
- (3) *"Compensation" means anything of value, monetary or otherwise, including but not limited to cash, gifts, in-kind items of value, social media compensation, payments for licensing or use of publicity rights, payments for other intellectual or intangible property rights under federal or state law, and any other form of payment or remuneration, but shall exclude:*
  - (a) *Tuition, room, board, books, fees, and personal expenses that a postsecondary educational institution provides a student athlete in accordance with the rules of the intercollegiate athletic association of which the institution is a member;*
  - (b) *Federal Pell Grants and other state and federal grants or scholarships unrelated to and not awarded because of a student athlete's participation in intercollegiate athletics or sports competitions;*
  - (c) *Any other financial aid, benefits, or awards that an institution provides a student athlete in accordance with the rules of the intercollegiate athletic association of which the institution is a member; or*
  - (d) *The payment of wages and benefits to a student athlete by an institution for work actually performed, but not for athletic ability or participation in intercollegiate athletics, at a rate commensurate with the prevailing rate for similar work in the locality of the institution;*
- (4) *"Athlete agent" has the same meaning as in Section 7 of this Act;*
- (5) *"Enrolled" has the same meaning as in Section 7 of this Act;*
- (6) *"Image" means a picture or video of the student athlete;*
- (7) *"Intercollegiate athletic association" or "association" means any athletic association, athletic conference, or other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body of intercollegiate athletic events in which postsecondary educational institutions take part, or an officer, director, or employee of such entities;*
- (8) *"Intercollegiate athletics" has the same meaning as "intercollegiate sport" in Section 7 of this Act;*
- (9) *"Likeness" means a physical, digital, or other depiction or representation of the student athlete;*
- (10) *"Name" means the first, middle, or last name, or nickname of the student athlete when used in a context that reasonably identifies the student athlete with particularity, which may include a team number, symbol, logo, or brand;*
- (11) *"Name, image, and likeness agreement" or "NIL agreement" means a written contract or agreement between a student athlete and a third party that gives compensation to the athlete in exchange for the use of the athlete's name, image, or likeness;*
- (12) *"Official team activities" means activities a postsecondary educational institution requires a student athlete to participate in as part of a written team contract that includes but is not limited to games, practices, exhibitions, scrimmages, trainings, meetings, team appearances, team photograph and video sessions, individual photograph and video sessions, media interviews and appearances, marketing activities, team travel, and institutional camps and clinics;*

- (13) *"Postsecondary educational institution" or "institution" means a public or private Kentucky college, university, or community college that participates in intercollegiate athletics, or an officer, director, or employee of such institutions;*
- (14) *"Prevailing market rate" means a rate that is tethered to the value of the consideration the student athlete provides in a NIL agreement and that is reasonable based on a comparison with:*
- (a) *Student athletes of similar skill and experience in that sport;*
  - (b) *Student athletes of similar notoriety; and*
  - (c) *NIL agreement compensation in similar markets;*
- (15) *"Prospective student athlete" means a person who is not currently enrolled in a postsecondary educational institution but has been identified by that institution for possible recruitment and participation in intercollegiate athletics;*
- (16) *"Recruit" or "recruitment" means to attempt to influence a person's choice of postsecondary educational institution;*
- (17) *"Student athlete" means a person who:*
- (a) *Has entered into a contract to enroll and participate in intercollegiate athletics as an athlete at an institution; or*
  - (b) *Is enrolled and participates as an athlete in intercollegiate athletics at an institution; and*
- (18) *"Third party" means a person or entity, other than an institution, affiliated organization, or an association, that offers, solicits, or enters into a NIL agreement.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *An institution or an association shall not prohibit a student athlete from lawfully earning compensation through a name, image, and likeness agreement with a third party or from obtaining an athlete agent and shall not penalize an athlete for doing so.*
- (2) *An institution shall not revoke a student athlete's scholarship or allow eligibility for a scholarship to be adversely impacted because of an athlete lawfully earning compensation through a NIL agreement or obtaining an athlete agent, unless the athlete has violated a reasonable restriction imposed by the institution under Section 4 of this Act. However, a student athlete's need-based financial assistance or an academic scholarship based in part on financial need may be affected by the income generated by a NIL agreement.*
- (3) *An association shall not prohibit an institution from participating in intercollegiate athletics due to an institution's student athlete lawfully earning compensation through a NIL agreement with a third party or obtaining an athlete agent and shall not penalize an institution for its student athlete doing so.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *A student athlete may receive compensation for the use of the athlete's name, image, or likeness through a name, image, and likeness agreement with a third party. Such compensation shall be consistent with prevailing market rate of the authorized use of the athlete's name, image, or likeness.*
- (2) (a) *A person or entity shall not give or promise compensation for the use of the name, image, or likeness of a current or prospective student athlete to recruit or induce the athlete to enroll at any Kentucky institution.*
- (b) *A person or entity, regardless of residence, shall not give or promise compensation for the use of the name, image, or likeness of a student athlete enrolled at a Kentucky institution or of a prospective student athlete who has entered into an enrollment contract with a Kentucky institution with the purpose of recruiting or inducing the student athlete to enroll at another postsecondary educational institution, regardless of the institution's location.*
- (3) *An institution, association, or affiliated organization shall not:*
- (a) *Give or promise compensation for the use of an athlete's name, image, or likeness;*
  - (b) *Direct compensation to be given for the use of the athlete's name, image or likeness; or*
  - (c) *Negotiate any part of a NIL agreement on behalf of a prospective student athlete.*

- (4) *A student athlete shall not enter into a NIL agreement to receive compensation from a third party relating to the endorsement or promotion of:*
- (a) *Sports betting;*
  - (b) *A controlled substance;*
  - (c) *A substance the student athlete's intercollegiate athletic association forbids the athlete from using;*
  - (d) *Adult entertainment; or*
  - (e) *Products or services that would be illegal for the student athlete to possess or receive.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *Due to the critical mission of postsecondary educational institutions and the importance of integrity in an institution's participation in intercollegiate athletics, the governing board of an institution may adopt a policy governing the name, image, and likeness agreements of the institution's student athletes. Any restrictions included in the policy shall be reasonable and shall not be an undue burden on the student athlete's ability to earn compensation through NIL agreements. Reasonable restrictions shall be in writing and provided to all student athletes. The institution's policy shall ensure the equitable enforcement of restrictions. Reasonable restrictions that an institution may choose to impose include but are not limited to:*
- (a) *Prohibiting a student athlete from entering into a NIL agreement for products or services that are reasonably considered to conflict with the mission of the institution, in the same manner as any other student would be prohibited;*
  - (b) *Forbidding or establishing the conditions for the institution's student athletes' use of the institution's intellectual property, such as trademarks, trade dress, and copyrights, in NIL agreement activities. These conditions may include preferential conditions for activities involving the institution's partner entities;*
  - (c) *Prohibiting a student athlete from entering into any NIL agreement that would cause the athlete to miss an official team activity;*
  - (d) *Restricting a student athlete's NIL agreement activities during official team activities;*
  - (e) *Requiring a student athlete to participate in official team activities pursuant to the written team contract, which may include the use of the name, image, or likeness of the athlete; and*
  - (f) *Imposing disciplinary action under team, institution, or athletic association rules if a student athlete violates the provisions of Sections 1 to 6 of this Act or violates a reasonable restriction.*
- (2) (a) *A student athlete who wishes to enter into a NIL agreement shall submit the potential agreement to an official designated by the institution in which the student is enrolled in a manner designated by the institution. The institution shall have up to three (3) business days to review the potential NIL agreement for conflicts with the provisions of Sections 1 to 6 of this Act or the institution's reasonable restrictions and provide the student athlete with a written notice of any conflicts identified by the institution. The written notice from the institution may include recommendations or identify concerns. After any conflicts are resolved, the student athlete may then enter into the agreement. Any subsequent proposed modifications to the agreement shall be submitted for review in the same manner.*
- (b) *The governing board of the institution shall adopt a policy to carry out the provisions of this subsection that:*
- 1. *Designates the official to receive NIL agreement submissions;*
  - 2. *Establishes NIL agreement review procedures;*
  - 3. *Provides student athletes with a process to appeal conflict determinations; and*
  - 4. *Ensures review of appeals in a timely manner.*
- (3) *An institution's employees, including athletics coaching staff, shall not be liable for any damages to a student athlete's ability to earn compensation through a NIL agreement resulting from decisions and actions routinely taken in the course of intercollegiate athletics. However, nothing in this subsection shall*

*protect the institution or its employees from acts of gross negligence, or wanton, willful, malicious, or intentional misconduct.*

- (4) *An institution shall provide the institution's student athletes with a financial literacy and life skills education workshop for a minimum of five (5) hours at the beginning of the athlete's first and third academic years. The education shall, at a minimum, include information concerning financial aid, debt management, saving and budgeting best practices, time management, available academic resources, and the skills necessary for success as a student athlete. The workshop shall also provide social media and brand management education. The workshop shall not include any marketing, advertising, or referral for, or solicitation by, providers of financial, marketing, branding, or other NIL agreement products or services.*
- (5) *An institution's governing board may establish a program to provide NIL agreement resources and ongoing support to the institution's student athletes. The mission and the extent of the program shall be established by the governing board and may include:*
  - (a) *Providing impartial analysis of potential NIL agreements;*
  - (b) *Referring third parties soliciting potential NIL agreements to student athletes or their athlete agents; and*
  - (c) *Maintaining educational resources on name, image, and likeness for student athlete use.*
- (6) *An institution's governing board may establish a program to provide NIL agreement resources as it relates to student athletes to the general public and potential third-party licensees.*
- (7) *For the purposes of the Kentucky Open Records Act, KRS 61.870 to 61.884, a NIL agreement submitted pursuant to subsection (2) of this section to a public postsecondary institution and the information obtained from the agreement shall be considered as containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy under KRS 61.878 and not subject to disclosure.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

*Nothing in Sections 1 to 6 of this Act shall be interpreted as:*

- (1) *Waiving the immunity of any public postsecondary educational institution, its employees, agents, or authorized volunteers;*
- (2) *Granting name, image, or likeness rights or requiring compensation for the use of the name, image, or likeness of any student athlete prior to the effective date of this Act;*
- (3) *Establishing student athletes as employees or independent contractors of an institution or an association; or*
- (4) *Modifying the powers or waiving the rules or regulations of the Kentucky Board of Education or the agency designated to manage interscholastic athletics under Section 8 of this Act.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of this section, "student-athlete" shall have the same meaning as in Section 7 of this Act.*
- (2) *For all student-athletes enrolled in institutions within the Commonwealth, all NIL agreements and agency contracts shall be governed by the laws of the Commonwealth.*
- (3) *The parent or guardian of a minor student-athlete may enter the minor into a NIL agreement or an agency contract on the minor's behalf. However, the minor shall reaffirm the NIL agreement or agency contract within thirty (30) days of reaching the age of eighteen (18) or the contract or agreement shall be revoked.*
- (4) *A student-athlete shall reaffirm a NIL agreement or an agency contract, either of which was formed or reaffirmed while the student-athlete was participating in intercollegiate athletics at an institution, within thirty (30) days of the student-athlete no longer participating in intercollegiate athletics at that institution or the contract or agreement shall be revoked.*

➔Section 7. KRS 164.6903 is amended to read as follows:

As used in KRS 164.6901 to 164.6935, unless the context requires otherwise:

- (1) "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract; *a name, image, and likeness agreement as defined by Section 1 of this Act*; or an endorsement contract;

- (2) "Athlete agent":
- (a) Means an individual, whether registered under KRS 164.6901 to 164.6935 or not, who:
1. Directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization;
  2. For compensation or in anticipation of compensation related to a student-athlete's participation in athletics:
    - a. Serves the student-athlete in an advisor capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or
    - b. Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts or taxes; or
  3. In anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics:
    - a. Gives consideration to the student-athlete or another person;
    - b. Serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or
    - c. Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; and
- (b) Does not include an individual who:
1. Acts solely on behalf of a professional sports team or organization; or
  2. Is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual:
    - a. Also recruits or solicits the student-athlete to enter into an agency contract;
    - b. For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization; or
    - c. Receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete; or
  3. Is a parent or guardian of a student-athlete, unless the parent or guardian for compensation, or any form of valuable consideration or reasonable expectation thereof, influences or attempts to influence the student-athlete to enter into an agency contract, or procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization;
- (3) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male and female students, the athletic program for males or the athletic program for females, as appropriate;
- (4) "Contact" means a communication, direct or indirect, between an athlete agent and a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;
- (5) "Department" means the Department of Professional Licensing in the Public Protection Cabinet;
- (6) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university;
- (7) "Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;

- (8) "Enrolled" means registered for courses and attending athletic practice or class;
- (9) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association that promotes or regulates collegiate athletics;
- (10) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities;
- (11) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession other than that of an athlete agent who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing;
- (12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;
- (13) "Professional-sports-services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;
- (14) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (15) "Recruit or solicit" means to attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent;
- (16) "Registration" means registration as an athlete agent pursuant to KRS 164.6901 to 164.6935;
- (17) "Sign" means with present intent to authenticate or adopt a record:
  - (a) To execute or adopt a tangible symbol; or
  - (b) To attach to or logically associate with the record an electronic symbol, sound, or process;
- (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and
- (19) "Student-athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. "Student-athlete" does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

➔Section 8. KRS 156.070 is amended to read as follows:

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
  - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.
  - (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as

members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.

- (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or bylaws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.
- (d)
  - 1. The state board or any agency designated by the state board to manage interscholastic athletics shall allow a member school's team or students to play against students of a non-member at-home private school, or a team of students from non-member at-home private schools, if the non-member at-home private schools and students comply with this subsection.
  - 2. A non-member at-home private school's team and students shall comply with the rules for student athletes, including rules concerning:
    - a. Age;
    - b. School semesters;
    - c. Scholarships;
    - d. Physical exams;
    - e. Foreign student eligibility; and
    - f. Amateurs.
  - 3. A coach of a non-member at-home private school's team shall comply with the rules concerning certification of member school coaches as required by the state board or any agency designated by the state board to manage interscholastic athletics.
  - 4. This subsection shall not allow a non-member at-home private school's team to participate in a sanctioned:
    - a. Conference;
    - b. Conference tournament;
    - c. District tournament;
    - d. Regional tournament; or
    - e. State tournament or event.
  - 5. This subsection does not allow eligibility for a recognition, award, or championship sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
  - 6. A non-member at-home private school's team or students may participate in interscholastic athletics permitted, offered, or sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
- (e) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated

by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.

- (f) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be made, and the student shall be eligible for high school athletics in Kentucky if the student:
  1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
  2. Was retained in the primary school program because of an ARC committee recommendation; and
  3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (g)
  1. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations that permit a school district to employ or assign nonteaching or noncertified personnel or personnel without postsecondary education credit hours to serve in a coaching position. The administrative regulations shall give preference to the hiring or assignment of certified personnel in coaching positions.
  2. A person employed in a coaching position shall be a high school graduate and at least twenty-one (21) years of age and shall submit to a criminal background check in accordance with KRS 160.380.
  3. The administrative regulations shall specify post-hire requirements for persons employed in coaching positions.
  4. The regulations shall permit a predetermined number of hours of professional development training approved by the state board or its designated agency to be used in lieu of postsecondary education credit hour requirements.
  5. A local school board may specify post-hire requirements for personnel employed in coaching positions in addition to those specified in subparagraph 3. of this paragraph.
- (h) Any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer.
- (i) ***No member school shall grant a student athlete the right to use the member school's intellectual property, such as trademarks, school uniforms, and copyrights, in the student's earning of compensation through name, image, and likeness activities. No student athlete shall use such intellectual property in earning compensation through name, image, and likeness activities. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations to govern and enforce this paragraph.***
- (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State Property and Buildings Commission, or others, whether public or private, any lands, buildings, structures, installations, and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. The lease may be for any initial term commencing with the date of the lease and ending with the next ensuing June 30, which is the close of the then-current fiscal biennium of the Commonwealth, with exclusive options in favor of the board to renew the same for successive ensuing bienniums, July 1 in each even year to June 30 in the next ensuing even year; and the rentals may be fixed at the sums in each biennium, if renewed, sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on, and provide reserves for, any revenue bonds which the State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring the television and related facilities, with appurtenances, and costs as may be incident to the issuance of the bonds.
- (b) Each option of the Kentucky Board of Education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which

appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the chief state school officer, and delivered to the secretary of the Finance and Administration Cabinet as a member of the commission. The option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of the succeeding biennium.

- (c) The Kentucky Board of Education shall not itself operate leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the chief state school officer and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to the reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any lease and to the cost of providing for the operation of the television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises, and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.
- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
- (5) Upon the recommendation of the chief state school officer or his or her designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.

➔Section 9. The General Assembly hereby declares all name, image, and likeness agreements entered into pursuant to Executive Order 2021-418 to be valid for the duration of one year from this Act becoming law. Upon that date, any contracts entered into pursuant to the order shall become invalid but may be renewed by the student athlete pursuant to the provisions of this Act. Executive Order 2021-418 is hereby nullified and is of no further force or effect.

➔Section 10. Whereas the successful operation of the state's postsecondary educational institutions requires clear guidelines for the regulation of student athlete compensation in intercollegiate athletics, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

**Signed by Governor March 9, 2022.**