

**157.617 Creation -- Powers -- Members -- Duties.**

- (1) An independent corporate agency and instrumentality of the Commonwealth is hereby created and established with all the general corporate powers incidental thereto. The corporation shall be known as "The School Facilities Construction Commission" and shall be endowed with perpetual succession and with the power to contract and to be contracted with, to sue and be sued, to have and to use a corporate seal, to adopt bylaws and regulations, subject to the provisions of KRS Chapter 13A, for the orderly conduct of its affairs.
- (2) The commission shall consist of the secretary of the Finance and Administration Cabinet and eight (8) members appointed by the Governor. The members shall possess a knowledge of long-term debt financing or school facility planning and construction. Appointment shall become effective on January 1 and end on December 31, except the initial appointments shall become effective when made by the Governor. Members shall serve staggered six (6) year terms, except when making the initial appointments three (3) members shall be appointed for six (6) year terms, three (3) members shall be appointed for four (4) year terms, and two (2) members shall be appointed for two (2) year terms. The Governor shall appoint a chairman and vice chairman for the first year; thereafter a chairman and vice chairman shall be elected annually by the membership. The commission may elect other officers it considers necessary and shall employ a director and staff necessary to manage the program.
- (3) If any of the officers of the commission whose signatures or facsimiles thereof appear on any bonds of the commission, or on any other instruments or documents pertaining to the functions of the commission, shall cease to be such officers before delivery of the bonds, or before the effective date or occasion of such instruments or documents, the signatures, and facsimiles thereof, shall nevertheless be valid for all purposes the same as if the officers had remained in office until such delivery or effective date or occasion.
- (4) Officers, employees, and agents of the commission having custody of money shall at all times be bonded to the maximum amount reasonably anticipated to be held at any one (1) time; and each bond shall have good corporate surety, provided by a surety company authorized to do business in the Commonwealth, to be approved in each instance by the commission. Premiums for such surety shall be paid from the budgeted funds of the commission.
- (5) The commission shall at all times keep and maintain books of record and account reflecting accurately all its financial transactions. The commission shall be audited annually and shall submit a written report of its activities to the Governor. A copy of each report shall be filed with the Legislative Research Commission.
- (6) Moneys received by the commission as rentals under any lease, and from the sale of bonds are declared not to be funds of the Commonwealth, but shall be corporate funds of the commission to be held, administered, invested, and disbursed as trust funds under the terms, provisions, pledges, covenants, and agreements set forth in its leases and bond resolutions and bonds.
- (7) The commission and all of its transactions, activities, and proceedings in the

authorization and issuance of its bonds, execution of leases, acceptance of conveyances of property, transaction of conveyances of property, and otherwise, shall be exempt from all provisions relating to custodianship by the Secretary of State of title documents, leases, abstracts of title, maps, and other records as provided in KRS 56.020 and 56.320. Conveyances of property to or by the commission shall not be deemed to be conveyances to or by the Commonwealth, and title to any property acquired by the commission shall be held by the commission in its own name.

- (8) The Finance and Administration Cabinet shall provide technical assistance to the commission in the issuance of bonds.

**Effective:** July 13, 1990

**History:** Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 383, effective July 13, 1990. -- Created 1985 (1st Extra. Sess.) Ky. Acts ch. 10, sec. 28, effective October 18, 1985.