

175B.020 Purpose of state authority -- Participation as a developing or issuing authority -- Oversight function -- Legislative ratification required for certain actions -- Administrative regulation regarding fee.

- (1) The state authority's primary purpose shall be to facilitate the construction, financing, operation, and oversight of projects by entering into bi-state agreements and by creating bi-state authorities, project authorities, and public-private partnerships. To accomplish these purposes, the state authority shall have the power and duty to:
 - (a) Take the following actions relating to a bi-state authority authorized pursuant to KRS 175B.030:
 1. To enter into a bi-state agreement;
 2. To review and approve project financing plans and development agreements; and
 3. To monitor agreements entered into by bi-state authorities;
 - (b) Take the following actions relating to a project authority authorized pursuant to KRS 175B.035:
 1. To request establishment of a project authority;
 2. To review and approve project financing plans and development agreements;
 3. To monitor activities of project authorities; and
 4. To enter into an agreement with the project authority; and
 - (c) Take the following actions relating to a public-private partnership authorized pursuant to KRS 175B.037:
 1. To request establishment of a public-private partnership;
 2. To review and approve project financing plans;
 3. To monitor activities of public-private partnerships; and
 4. To enter into an agreement as a part of or with a public-private partnership, if necessary.
- (2) The state authority, when authorized pursuant to subsection (10) of this section, may participate as a developing or issuing authority, or both, in the development, construction, or financing of a project by a bi-state or project authority, or by a public-private partnership, if necessary. If the state authority participates as a developing or issuing authority, the state authority shall have the powers and duties established in KRS 175B.025 as they apply to that project.
- (3) The state authority, as a function of its oversight of any other authority created pursuant to this chapter, shall report before the first issuance of bonds and no less than semiannually thereafter to the Capital Projects and Bond Oversight Committee and to the Interim Joint Committee on Appropriations and Revenue of the Legislative Research Commission, on any projects currently proposed or under development by each authority. Current and proposed levels of bonding for each project shall be reviewed by the Capital Projects and Bond Oversight Committee in accordance with KRS 45.794 before the bonds shall be issued.
- (4) The state authority, when proposing a project pursuant to this chapter, shall to

the extent practical consult with the officials representing the units of local government in which the proposed project is to be located in order to obtain the advice and input on the local impact of the proposed project, including information regarding land use planning, transportation planning, economic development, and any other factors having a direct impact to the local community.

- (5) The state authority may receive an unsolicited proposal if the proposal contains:
 - (a) An executive summary of no more than three (3) pages that details the revenue source for the proposed project, the amount of revenue expected to be generated by the project, and the project costs;
 - (b) A certification from a financial expert stating that the contents of the unsolicited proposal are true and correct; and
 - (c) A fee for the review of the executive summary.
- (6) The state authority shall respond to a person offering an unsolicited proposal notifying the person that the proposal has been rejected or approved for further review.
- (7) If the state authority approves an unsolicited proposal for further review, the state authority shall independently verify that it is in the best interest of the Commonwealth.
- (8) If the state authority approves a proposal for further review, the person making the unsolicited proposal shall pay all costs of evaluating the unsolicited proposal incurred by the state authority and the cabinet pursuant to an agreement negotiated between the state authority and the person making the unsolicited proposal.
- (9) If the state authority and the cabinet agree that an unsolicited proposal is in the best interest of the Commonwealth, the state authority, with the assistance of the cabinet, shall begin a competitive procurement process to implement some or all of the concepts contained in the unsolicited proposal.
- (10) (a) Notwithstanding any other provision of this chapter, the following actions shall not take effect until ratified by the General Assembly:
 1. The creation of a bi-state authority;
 2. The creation of a project authority;
 3. The creation of a public-private partnership;
 4. The modification or amendment of the scope of any project; and
 5. The development of any project undertaken entirely by the state authority.
- (b) If any action described in paragraph (a) of this subsection is not ratified by the General Assembly, the creation, approval, or modification shall be considered void.
- (11) The state authority shall promulgate an administrative regulation in accordance with KRS Chapter 13A to determine the fee required by subsection (5)(c) of this section for the review of the executive summary.

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History: Amended 2017 Ky. Acts ch. 132, sec. 8, effective March 27, 2017. --

Amended 2016 Ky. Acts ch. 67, sec. 8, effective April 8, 2016. -- Created 2009
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