

56.463 Powers of cabinet in determining need, controlling, and disposing of real estate.

The cabinet shall have the power and duty:

- (1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects;
- (2) To purchase or otherwise acquire all real property determined to be needed for state use and upon the approval of the secretary of the Finance and Administration Cabinet as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS Chapters 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45A.045;
- (3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the secretary of the Finance and Administration Cabinet. All such sales or other disposition shall be made in accordance with KRS 45A.045;
- (4) (a) To control the use of any real property owned or otherwise held by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real property during periods that the cabinet finds the same is not required for the purposes of any particular state agency. The cabinet shall allocate to the General Assembly and the Legislative Research Commission all space within the New State Capitol Annex in the basement and on the first, second, third, and fourth floors, excluding:
 1. Mechanical areas, public entrances, vestibules, and restrooms; and
 2. The following additional space, as allocated on January 1, 2023:
 - a. Areas in the basement occupied by the Kentucky State Police and Facilities Security;
 - b. Areas in the basement operated as the snack bar and cafeteria, as well as storage areas related to the operation of the snack bar and cafeteria;
 - c. The area in the basement operated as a nurse's station;
 - d. The area in the basement used as an automated teller machine (ATM);
 - e. The office space in the basement occupied by the Secretary of State;
 - f. Utility spaces in the basement west wing and east wing northernmost hallways occupied by janitorial, maintenance, and mechanical staff;
 - g. The loading dock in the rear of the annex basement, along with the office space immediately adjacent to the loading dock on the back

wall of the annex, provided that the General Assembly and the Legislative Research Commission shall be given access to and use of the loading dock and the receiving areas adjacent to the loading dock; and

- h. Office and studio space on the first floor currently occupied and used for broadcasting purposes by Kentucky Educational Television.

All space assigned to the legislative branch and plans, uses, furnishings, and equipment therefor are subject to the specific approval of the Legislative Research Commission;

- (b) All additional space in the New State Capitol Annex, not specifically allocated for use by the General Assembly and the Legislative Research Commission in paragraph (a) of this subsection, shall be allocated for the use of the legislative branch, with occupancy by the legislative branch to be determined by the Legislative Research Commission, upon a vote of a majority of the entire membership of the Legislative Research Commission;
- (c) In order for the General Assembly and the Legislative Research Commission to efficiently utilize the space provided by paragraphs (a) and (b) of this subsection, the cabinet shall enter into a memorandum of understanding with the Legislative Research Commission on or about February 1, 2024, and as often as every two (2) years thereafter at the request of the Legislative Research Commission, to establish tenancy terms, including but not limited to building maintenance, repairs, renovations, and upgrades; facility security; janitorial services; and applicable rental and utilities rates. The Legislative Research Commission shall at any time, and upon at least sixty (60) days' notice, be authorized to discontinue the cabinet's provision of janitorial services for the New State Capitol Annex and to enter into a separate contract for the provision of those services, with the applicable rental and utilities rates to be proportionately reduced to reflect that separate contract, provided that the Legislative Research Commission may also at any time, and upon at least sixty (60) days' notice, elect to have the cabinet continue or reinstate the provision of those janitorial services at the cabinet's expense;
- (d) For the purposes of this subsection, real property shall include the parking areas adjacent to the New State Capitol and the New State Capitol Annex, and the cabinet shall allocate to the General Assembly and the Legislative Research Commission all parking spaces within the Capitol campus parking garage, all parking spaces in the east, south, and west parking lots of the New State Capitol Annex, and all parking spaces in the west parking lot of the New State Capitol, except for those spaces in the west parking lot of the New State Capitol allocated, as of January 1, 2023, to the Supreme Court of Kentucky, the Lieutenant Governor, the Attorney General, and the Secretary of State. Any further allocation of any parking spaces allocated pursuant to this paragraph shall be within the sole discretion of the Legislative Research Commission or its designee; and
- (e) To determine the housing and furnishings needs of the various state agencies

located in Frankfort and to establish and put into effect a permanent program for housing them. Subject to paragraphs (a) and (b) of this subsection, the cabinet is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort, exclusive of the third and fourth floors of the New State Capitol and the space in the New State Capitol Annex allocated to the legislative branch, according to the needs of the various agencies. When necessary, the cabinet is authorized to provide additional office space and furnishings in Frankfort under any building program the cabinet deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the General Assembly and its related agencies, including the Legislative Research Commission, and its subcommittees, the executive offices, the Supreme Court and the clerk of the Supreme Court, the Department of Law and the law library, in the New State Capitol, provided the General Assembly and the Legislative Research Commission shall have complete control and exclusive use of the third and fourth floors of the New State Capitol and shall have exclusive use of the space in the New State Capitol Annex allocated to them under paragraphs (a) and (b) of this subsection. If there be any additional space in the Capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the Capitol;

- (5) To acquire, by condemnation in the manner provided in the Eminent Domain Act of Kentucky, any real estate necessary for use by the state or by any state agency, when the cabinet is unable to agree with the owner thereof on a price for such real estate;
- (6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45A.045;
- (7) To provide for and adopt plans and specifications as may be necessary, to provide adequate public notice for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ clerks, engineers, statisticians, architects, or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550; and
- (8) To adopt rules and promulgate administrative regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

Effective: March 29, 2023

History: Amended 2023 Ky. Acts ch. 135, sec. 5, effective March 29, 2023. -- Amended 2003 Ky. Acts ch. 153, sec. 1, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 120, sec. 23, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 496, sec. 31, effective July 13, 1990; and ch. 510, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 497, sec. 1, effective July 15, 1986. -- Amended 1980

Ky. Acts ch. 226, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 218, sec. 1, effective March 30, 1978; and ch. 384, sec. 539, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 52; and ch. 140, sec. 19. -- Amended 1974 Ky. Acts ch. 372, sec. 1. -- Amended 1966 Ky. Acts ch. 111, sec. 1. -- Created 1956 (1st Extra. Sess.) Ky. Acts ch. 7, Art. XVI, sec. 4.