

1 AN ACT relating to capital projects.

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

3 ➔Section 1. KRS 7A.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

5 (1) "Capital project" means:

6 (a) Any undertaking which is to be financed or funded through an appropriation
7 by the General Assembly of general fund, road fund, bond fund, trust and
8 agency fund, or federal fund moneys, where the expenditure is a capital
9 expenditure pursuant to statute or under standards prescribed by the
10 Legislative Research Commission under the authority of KRS Chapter 48;

11 (b) Any undertaking which is to be financed by a capital expenditure for use by
12 the state government or one of its departments or agencies, as defined in KRS
13 12.010 or enumerated in KRS 12.020, including projects related to the
14 construction or maintenance of roads, and including projects of institutions of
15 higher education as defined in KRS 164A.550(2);

16 (c) Any capital construction item, or any combination of capital construction
17 items necessary to make a building or utility installation complete, estimated
18 to cost:

19 1. **Except for items of movable equipment,**~~[a. In the case of institutions~~
20 ~~of higher education,]~~ one million dollars (\$1,000,000) or more,
21 regardless of the source of funds; ~~and~~
22 ~~b. In the case of all other entities, six hundred thousand dollars~~
23 ~~(\$600,000) or more regardless of the source of funds;]~~ or

24 2. Any item of movable equipment, estimated to cost two hundred
25 thousand dollars (\$200,000) or more, regardless of the source of funds;

26 (d) Any lease of real property whose value is two hundred thousand dollars
27 (\$200,000) or more;

- 1 (e) Any lease of an item of movable equipment if the total cost of the lease, lease-
 2 purchase, or lease with an option to purchase is two hundred thousand dollars
 3 (\$200,000) or more; or
- 4 (f) Any new acquisition, upgrade, or replacement of an information technology
 5 system estimated to cost[
 6 ~~1. In the case of institutions of higher education,] one million dollars
 7 (\$1,000,000) or more;[
 8 ~~2. In the case of all other entities, six hundred thousand dollars (\$600,000)
 9 or more;]~~~~
- 10 (2) "Board" means the Capital Planning Advisory Board of the Kentucky General
 11 Assembly created by KRS 7A.110;
- 12 (3) "Plan" means the state capital improvement plan provided for by KRS 7A.120;
- 13 (4) "State agency" means any department, commission, council, board, bureau,
 14 committee, institution, legislative body, agency, government corporation, or other
 15 entity of the executive, judicial, or legislative branch of the state government; and
- 16 (5) "Information technology system" means any related computer or
 17 telecommunications components that provide a functional system for a specific
 18 business purpose and contain one (1) or more of the following:
- 19 (a) Hardware;
- 20 (b) Software, including application software, systems management software,
 21 utility software, or communications software;
- 22 (c) Professional services for requirements analysis, system integration,
 23 installation, implementation, or data conversion services; or
- 24 (d) Digital data products, including acquisition and quality control.
- 25 ➔Section 2. KRS 45.750 is amended to read as follows:
- 26 (1) As used in KRS 45.760 to 45.810:
- 27 (a) "Committee" means the Capital Projects and Bond Oversight Committee;

1 (b) "Capital construction item" means:

2 1. The construction, reconstruction, acquisition, and structural maintenance
3 of buildings;

4 2. The installation of utility services, including roads and sewers;

5 3. The acquisition or improvement of real property;

6 4. The purchase and installation initially or during major renovation of
7 equipment, facilities, and furnishings of a permanent nature for
8 buildings; or

9 5. The acquisition of any building to be occupied by any:

10 a. Subdivision of state government as defined in KRS 12.010 or
11 enumerated in KRS 12.020;

12 b. Municipal corporation which exercises its authority on a statewide
13 basis including, but not limited to, the Kentucky Employees
14 Retirement System, Teachers' Retirement System of the State of
15 Kentucky, Kentucky Higher Education Student Loan Corporation,
16 Kentucky Lottery Corporation, Kentucky Housing Corporation, or
17 any entity with a governing body whose membership is
18 substantially similar to the membership of the governing body of a
19 municipal corporation which exercises its authority on a statewide
20 basis; and

21 c. Institution of higher education;

22 (c) "Lease" means any lease, lease-purchase, or lease with an option to purchase
23 of any real property space occupied by:

24 1. Any entity listed in paragraph (b)5. of this subsection;

25 2. The legislative branch; or

26 3. The judicial branch when leased from a private sector landlord;

27 (d) "Equipment" means:

- 1 1. Any major item of equipment, including aircraft;
- 2 2. Any movable furnishing, appurtenance, or other equipment, necessary to
- 3 make a building operable; and
- 4 3. Equipment purchased or otherwise acquired, or equipment to be
- 5 purchased or otherwise to be acquired, under a lease or lease-purchase
- 6 contract or agreement or an arrangement equivalent to a lease or lease-
- 7 purchase contract or agreement;
- 8 (e) "Information technology system" means any related computer or
- 9 telecommunications components that provide a functional system for a
- 10 specific business purpose and contain one (1) or more of the following:
- 11 1. Hardware;
- 12 2. Software, including application software, systems management software,
- 13 utility software, or communications software;
- 14 3. Professional services for requirements analysis, system integration,
- 15 installation, implementation, or data conversion services; or
- 16 4. Digital data products, including acquisition and quality control;
- 17 (f) "Capital projects" means, regardless of the source of cash or other
- 18 consideration:
- 19 1. Any capital construction item, or any combination of capital
- 20 construction items necessary to make a building or utility installation
- 21 complete, estimated to cost:
 - 22 a. ~~In the case of institutions of higher education,~~ one million dollars
 - 23 (\$1,000,000) or more in cash or other consideration; ~~and~~
 - 24 b. ~~In the case of all other entities, six hundred thousand dollars~~
 - 25 (\$600,000) or more in cash or other consideration;]
- 26 2. Any lease of real property space with an annual rental cost exceeding
- 27 two hundred thousand dollars (\$200,000);

- 1 3. The use allowance paid by the judicial branch for a real property space
2 pursuant to KRS 26A.090(2) and 26A.115 when the use allowance for
3 the space exceeds two hundred thousand dollars (\$200,000) on an
4 annual basis;
- 5 4. Any item of equipment estimated to cost two hundred thousand dollars
6 (\$200,000) or more in cash or other consideration;
- 7 5. Any lease of an item of movable equipment if the annual cost of the
8 lease is two hundred thousand dollars (\$200,000) or more or if the total
9 cost of the lease-purchase or lease with an option to purchase is two
10 hundred thousand dollars (\$200,000) or more; and
- 11 6. Any new acquisition, upgrade, or replacement of an information
12 technology system estimated to cost:
- 13 a. ~~In the case of institutions of higher education,~~ one million dollars
14 (\$1,000,000) or more in cash or other consideration; ~~and~~
- 15 b. ~~In the case of all other entities, six hundred thousand dollars~~
16 ~~(\$600,000) or more in cash or other consideration;~~
- 17 (g) "Emergency repair, maintenance, or replacement project" means the
18 maintenance, repair, or reconstruction of a capital construction project or the
19 maintenance, repair, or replacement of a major item of equipment that is:
- 20 1. Necessitated by injury or damage resulting from a disaster;
- 21 2. Necessary to maintain government operations or to prevent or minimize
22 injury or damage that could reasonably be expected to result from an
23 impending disaster; or
- 24 3. Necessitated by an unforeseen mechanical breakdown, electrical
25 breakdown, or structural defect that must be corrected to make a facility
26 or item of equipment usable;
- 27 (h) "Disaster" means a fire, flood, tornado, other natural disaster, riot, enemy

1 attack, sabotage, explosion, power failure, energy shortage, transportation
2 emergency, or other man-caused disaster;

3 (i) "Capital construction funds" means any funds used for capital construction,
4 including, but not limited to, appropriated capital construction funds, agency
5 funds, federal funds, private funds, or funds from any source held by an
6 agency for management or investment purposes; and

7 (j) "Entity head" means the Chief Justice of the Supreme Court, the President of
8 the Senate and the Speaker of the House of Representatives, the secretary of
9 the Finance and Administration Cabinet, the president of any university which
10 complies with KRS 164A.585, 164A.595, and 164A.600, the board of trustees
11 of the Kentucky Employees Retirement System, the board of trustees of the
12 Teachers' Retirement System of the State of Kentucky, the board of directors
13 of the Kentucky Higher Education Student Loan Corporation, the board of
14 directors of the Kentucky Lottery Corporation, or the board of directors of the
15 Kentucky Housing Corporation.

16 (2) Except as provided in subsection (3) of this section, KRS 45.760 to 45.810 shall
17 apply to capital projects and bonds for use by:

18 (a) The state government;

19 (b) One of its departments or agencies, as defined in KRS 12.010 or enumerated
20 in KRS 12.020;

21 (c) A municipal corporation which exercises its authority on a statewide basis,
22 including but not limited to the Kentucky Employees Retirement System,
23 Teachers' Retirement System of the State of Kentucky, Kentucky Higher
24 Education Student Loan Corporation, Kentucky Lottery Corporation, and
25 Kentucky Housing Corporation; and

26 (d) Institutions of higher education.

27 (3) KRS 45.760 to 45.810 shall not apply to:

- 1 (a) Capital projects or bonds used directly in or for the construction or
2 maintenance of roads, including but not limited to bulldozers, graders, earth
3 movers, and real estate purchased for rights-of-way; and
- 4 (b) Political subdivisions, except for those defined in KRS 12.010, enumerated in
5 KRS 12.020, or created as a municipal corporation which exercises its
6 authority on a statewide basis including, but not limited to, the Kentucky
7 Employees Retirement System, Teachers' Retirement System of the State of
8 Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky
9 Lottery Corporation, Kentucky Housing Corporation, or any entity with a
10 governing body whose membership is substantially similar to the membership
11 of the governing body of a municipal corporation which exercises its authority
12 on a statewide basis. However, the provisions of KRS 45.750 to 45.810 shall
13 not apply to acquisition or maintenance of any building or land which is
14 purchased as a legal investment by any of the state retirement systems, which
15 is not to be occupied by the retirement system, and which is financed solely
16 with those assets of the retirement system used for investment purposes.