

1 AN ACT relating to broadband and making an appropriation therefor.

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

3 ➔SECTION 1. KRS 246.010 IS REPEALED AND REENACTED TO READ AS  
4 FOLLOWS:

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

6 *(1) "Agriculture" means the business of raising or producing:*

7 *(a) Crops, the products of which are used for food, feed, fiber, energy, or*  
8 *pharmaceuticals;*

9 *(b) Horticulture products;*

10 *(c) Tobacco;*

11 *(d) Aquaculture products;*

12 *(e) Livestock, poultry, and ratite birds and eggs;*

13 *(f) Milk and milk products;*

14 *(g) Eggs and egg products;*

15 *(h) Bees and bee products; and*

16 *(i) Timber;*

17 *(2) "Aquaculture" means the science, art, and business of producing and raising*  
18 *aquatic organisms under controlled or semicontrolled conditions;*

19 *(3) "Board" means the state Board of Agriculture;*

20 *(4) "Broadband" or "broadband service" means any wireline or fixed terrestrial*  
21 *technology service capable of delivering high-speed Internet access at speeds of at*  
22 *least twenty-five (25) megabits per second downstream and three (3) megabits per*  
23 *second upstream;*

24 *(5) "Broadband deployment fund" means a trust and agency fund as defined in KRS*  
25 *45.253(2) to assist with the construction, development, or improvement of*  
26 *broadband infrastructure, broadband services, or technologies that constitute a*  
27 *part of, or are related to, broadband infrastructure or broadband services, to*

- 1 provide for broadband service in underserved or unserved areas of the  
2 Commonwealth;
- 3 (6) "Broadband deployment project" means a proposed deployment of broadband  
4 service infrastructure to residents, households, and businesses in underserved  
5 and unserved areas of Kentucky as set forth in an application for grant funding  
6 under Section 4 of this Act;
- 7 (7) "Broadband deployment project area" means a geographic area determined by  
8 census block or shapefile geospatial data for which grant funding has been  
9 authorized under Sections 4 and 5 of this Act;
- 10 (8) "Census block" means the smallest geographic unit used by the United States  
11 Census Bureau that is reported on the Federal Communications Commission  
12 Form 477 relating to fixed broadband deployment data;
- 13 (9) "Commissioner" means the Commissioner of Agriculture;
- 14 (10) "Department" means the Department of Agriculture;
- 15 (11) "Horticulture" means the business of raising fruits, nuts, vegetables, flowers,  
16 ornamental plants, shrubs, trees, herbs, and the starts or transplants needed to  
17 produce these items;
- 18 (12) "Livestock" means cattle, sheep, swine, goats, horses, llamas, buffaloes, or any  
19 other animals of the bovine, ovine, porcine, caprine, or equine species, deer and  
20 elk, whose regulatory requirements are under KRS Chapters 150 and 246, that  
21 are privately owned and raised in a confined area for breeding stock, food, fiber,  
22 and other products;
- 23 (13) "Poultry" means chickens, ducks, turkeys, or other domestic fowl being raised or  
24 kept on any premises in the Commonwealth for profit;
- 25 (14) "Shapefile" means a file format for storing, depicting, and analyzing geospatial  
26 data showing broadband coverage;
- 27 (15) "Structure" means a building erected as a shelter for human beings, animals or

1 *agricultural products, equipment, or supplies;*

2 *(16) "Underserved area" means any project area where fixed, terrestrial broadband*  
 3 *service with a minimum twenty-five (25) megabits per second downstream and*  
 4 *three (3) megabits per second upstream is not available; and*

5 *(17) "Unserved area" means any project area where fixed, terrestrial broadband*  
 6 *service with a minimum ten (10) megabits per second downstream and one (1)*  
 7 *megabit per second upstream is not available.*

8 ➔Section 2. KRS 246.030 is amended to read as follows:

9 The department shall consist of:

- 10 (1) The Office of the Commissioner;
- 11 (2) The Office of Agricultural Marketing, which shall include the following:
- 12 (a) The Promotion and Development Division;
- 13 (b) The Shows and Fairs Division;
- 14 (c) The Livestock Division;
- 15 (d) The Plant Division;
- 16 (e) The Education and Outreach Division; and
- 17 (f) The Direct Farm Marketing Division;
- 18 (3) The Office for Consumer and Environmental Protection, which shall include the
- 19 following:
- 20 (a) The Division of Regulation and Inspection;
- 21 (b) The Division of Food Distribution; and
- 22 (c) The Division of Environmental Services;
- 23 (4) The Office of State Veterinarian, which shall include the following:
- 24 (a) The Division of Animal Health; and
- 25 (b) The Division of Producer Services;
- 26 (5) *The Office of Broadband Innovation;*
- 27 *(6)* The Office of Administrative Services, which shall include the following:

- 1 (a) The Division of Human Resources;
- 2 (b) The Division of Administrative Services; and
- 3 (c) The Division of Information Technology;
- 4 ~~(7)~~ The Office of Communications;
- 5 ~~(8)~~ The Office of Legal Services; and
- 6 ~~(9)~~ The State Board of Agriculture.

7 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO  
8 READ AS FOLLOWS:

- 9 *(1) The Office of Broadband Innovation shall be established within the Department*  
10 *of Agriculture. The Commissioner shall be the administrative head and chief*  
11 *executive officer for the Office of Broadband Innovation. The Commissioner*  
12 *shall hire staff, contract for services, expend funds, and operate the normal*  
13 *business activities of the Office of Broadband Innovation. The Commissioner*  
14 *may hire up to four (4) staff positions that shall be exempt from classified service*  
15 *under KRS Chapter 18A. No more than fifty percent (50%) of all staff positions*  
16 *in the Office of Broadband Innovation shall be exempt from classified service*  
17 *under KRS Chapter 18A.*
- 18 *(2) The Commissioner shall appoint an executive director for the Office of*  
19 *Broadband Innovation.*
- 20 *(3) The department may establish the standards and provisions of any broadband*  
21 *expansion program established in the Office of Broadband Innovation and the*  
22 *fees for administration of those programs through the promulgation of*  
23 *administrative regulations in accordance with the provisions of KRS Chapter*  
24 *13A.*
- 25 *(4) Notwithstanding any law to the contrary, the Office of Broadband Innovation*  
26 *shall be the sole executive branch agency responsible for planning and*  
27 *coordinating broadband deployment to residents, households, and businesses in*

1 underserved and unserved areas of Kentucky. The office shall also be the sole  
2 executive branch agency to apply for, receive, administer, and expend federal  
3 funds for broadband deployment to residents, households, and businesses in  
4 underserved and unserved areas of Kentucky. The office shall be the sole point of  
5 contact and liaison to federal agencies and programs regarding broadband  
6 deployment to residents, households, and businesses in underserved and unserved  
7 areas of Kentucky. The office shall consult and coordinate with state, local, and  
8 regional agencies, and with private entities, to develop and implement a statewide  
9 broadband deployment plan in order to achieve cost-effective broadband access  
10 for underserved and unserved areas of Kentucky.

11 (5) The Office of Broadband Innovation shall:

12 (a) Provide analysis on future broadband infrastructure;

13 (b) Review the accuracy of broadband data collected by the Federal  
14 Communications Commission; and

15 (c) Ensure that Kentucky receives its allotted share of federal funding for  
16 broadband deployment.

17 (6) The Office of Broadband Innovation shall administer the broadband deployment  
18 fund established in Sections 4 and 5 of this Act.

19 (7) The Office of Broadband Innovation shall have no authority or oversight of  
20 KentuckyWired as defined in KRS 154.15-010.

21 (8) Beginning December 1, 2021, the Office of Broadband Innovation shall submit a  
22 report to the Legislative Research Commission, and every six (6) months  
23 thereafter, summarizing its recent activities including but not limited to:

24 (a) The number and geographic description of the broadband deployment  
25 projects, specifying the availability and speed of broadband service being  
26 offered residents, households, and businesses, and the availability and speed  
27 of broadband service being received by residents, households, and

- 1            businesses;  
 2            (b) The number of grant applications, fees, and distributions from the  
 3            broadband deployment fund; and  
 4            (c) Recommendations for broadband infrastructure development, particularly  
 5            in underserved and unserved areas.

6            ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO  
 7 READ AS FOLLOWS:

- 8            (1) The broadband deployment fund shall be established in the State Treasury and  
 9            shall be administered by the Office of Broadband Innovation. All moneys in the  
 10            fund shall be allocated and dedicated solely to providing grant funds to  
 11            governmental agencies and private sector entities to construct infrastructure for  
 12            the deployment of broadband service to households and businesses in  
 13            underserved and unserved areas of the Commonwealth.  
 14            (2) Moneys in the broadband deployment fund are hereby appropriated and shall  
 15            only be used for the purposes stated in Section 5 of this Act.  
 16            (3) Notwithstanding KRS 45.229, any moneys remaining in the broadband  
 17            deployment fund at the close of the fiscal year shall not lapse but shall be carried  
 18            forward into the succeeding fiscal year to be used for the purposes set forth in  
 19            this section and Section 5 of this Act.  
 20            (4) Interest earned on the moneys in the broadband deployment fund shall stay in the  
 21            fund.

22            ➔Section 5. KRS 224A.1121 is repealed, reenacted as a new section of KRS  
 23 Chapter 246, and amended to read as follows:

- 24            (1) The purpose of the broadband deployment fund set forth in Section 4 of this  
 25            Act~~[KRS 224A.112]~~ shall be to assist governmental agencies and private sector  
 26            entities to construct infrastructure for the deployment of broadband service to  
 27            underserved or unserved areas of the Commonwealth. The Office of Broadband

1        **Innovation**~~[authority]~~ shall manage the fund and may accept and receive  
2        appropriations from the General Assembly or other funds or gifts from both public  
3        and private sources, including but not limited to local governments and federal  
4        agencies.

5        (2) The **office**~~[authority]~~ shall establish a grant program that allocates funds from the  
6        broadband deployment fund in accordance with this section **and administrative**  
7        **regulations promulgated under this section**. Grant funds may be used by  
8        government or private sector entities for broadband deployment projects.

9        (3) The grant program shall be developed to give highest funding priority to those  
10       projects which most effectively provide broadband service to the greatest number of  
11       underserved and unserved Kentucky citizens and at the lowest cost. Funding shall  
12       not be used to duplicate broadband service to citizens, households, and businesses  
13       in a broadband deployment project area where fixed, terrestrial broadband service  
14       meets or exceeds twenty-five (25) megabits per second downstream and three (3)  
15       megabits per second upstream.

16       (4) The **office**~~[authority]~~ shall develop funding criteria and prioritization schedules for  
17       broadband deployment projects in a technology-neutral manner in accordance with  
18       this section.

19       (5) The **office**~~[authority]~~ shall establish guidelines and standards for applying for and  
20       approving grants from the broadband deployment fund. An eligible applicant shall  
21       submit an application to the **office**~~[authority]~~. An application for a grant shall  
22       contain any information the **office**~~[authority]~~ requires, including but not limited to:

23       (a) A geographic description of the broadband deployment project area, including  
24       whether the area is partially served;

25       (b) A description of the broadband deployment project, including facilities,  
26       equipment, total cost, timeframe for completion, and network capabilities,  
27       including minimum speed thresholds;

- 1 (c) Documentation of the applicant's technical, financial, and managerial  
2 resources and experience to build, operate, and manage broadband serving  
3 citizens, households, and businesses in Kentucky;
- 4 (d) Documentation of the economic and commercial feasibility of the proposed  
5 broadband deployment project;
- 6 (e) The number of citizens, households, or businesses that would have new access  
7 to broadband as a result of the grant;
- 8 (f) The amount of matching funds the eligible applicant will contribute and a  
9 certification that no portion of the matching funds is derived from any state or  
10 federal grant received for the purpose of funding broadband infrastructure  
11 within the project area; and
- 12 (g) A certification that none of the funds provided by the program for the project  
13 in the application will be used to extend or deploy facilities to any currently  
14 served citizens, households, or businesses.
- 15 (6) The office~~[authority]~~ shall make the applications available to the public within five  
16 (5) business days of the deadline for submission of applications, provided the  
17 information contained within an application is not exempt from disclosure under the  
18 provisions of the Open Records Act, KRS 61.870 to 61.884. The description of the  
19 geographic scope of the broadband deployment project area shall not be exempt  
20 under the Open Records Act, KRS 61.870 to 61.884, and shall be made available to  
21 the public within five (5) days after submission of the application.
- 22 (7) As part of the grant application process, pursuant to subsection (3) of this section,  
23 the office~~[authority]~~ shall include a period of at least sixty (60) days~~[an~~  
24 ~~opportunity]~~ for a broadband service provider to challenge the application. As part  
25 of the dispute process, the office~~[authority]~~ may consider any relevant geospatial  
26 data available from a broadband service provider or grant applicant. Geospatial data  
27 may include but is not limited to shapefiles detailing broadband coverage, the most



1 current Federal Communications Commission Form 477 fixed broadband  
2 deployment data reporting, or other documentation of broadband deployment  
3 infrastructure in the project area to show that a challenged project area is  
4 underserved or unserved. A challenging provider may provide the office[authority]  
5 with proof, including but not limited to:

6 (a) The broadband deployment project area is currently served or is under  
7 construction for provision of broadband service within twelve (12) months of  
8 the challenge; or

9 (b) The applicant has received funds from another state or federally funded grant  
10 program designed to encourage broadband deployment in the area.

11 (8) Upon a determination that an application meets the funding criteria, but the  
12 proposed project area is found to be partially served, the office[authority] may  
13 amend the application and grant partial funding based on the partial service  
14 provided in order to ensure that grant funds are used to only provide broadband  
15 service to citizens, households, or businesses deemed underserved or unserved.

16 (9) No funds shall be used to support any broadband deployment project involving the  
17 upgrade of an existing facility or for non-capital expenses, non-broadband services,  
18 marketing, or advertising. The broadband deployment project area shall be  
19 described by census block including the specific addresses to be serviced or by  
20 shapefile geospatial data.

21 (10) Grant applicants shall pay a minimum of fifty percent (50%) of the project cost  
22 which shall not include any matching funds received from federal or state  
23 government grants for broadband deployment in the project area.

24 (11) Moneys in this fund shall not be used by or transferred to the Kentucky  
25 Communications Network Authority.

26 (12) To carry out the purposes of this section, the department[authority] shall  
27 promulgate administration regulations in accordance with KRS Chapter 13A. On or

1 before December 31, 2021~~[Within one hundred eighty (180) days of July 15, 2020],~~  
 2 the department~~[authority]~~ shall promulgate regulations to implement the provisions  
 3 of this section and Section 4 of this Act~~[KRS 224A.011, 224A.110, and 224A.112]~~  
 4 and govern the submission, review, and approval of applications and the  
 5 administration of broadband deployment projects. The department~~[authority]~~ shall  
 6 not promulgate any regulations that place obligations on the applicants that are  
 7 more restrictive than applicable federal or state law. Except as otherwise provided  
 8 in this section, all of the department's~~[authority's]~~ records relating to the broadband  
 9 deployment fund shall be deemed confidential unless disclosure is required under  
 10 the provisions of the Open Records Act, KRS 61.870 to 61.884.

11 ➔Section 6. KRS 224A.011 is amended to read as follows:

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

- 13 (1) "Administrative fee" means a fee assessed and collected by the authority from  
 14 borrowers and applicants under assistance agreements, to be used for operational  
 15 expenses of the authority;
- 16 (2) "Applicable interest rate" means the rate of interest which shall be used as part of  
 17 the repayment criteria for an assistance agreement between a governmental agency  
 18 and the authority, and shall be determined by the authority pertinent to the source of  
 19 funds from which the assistance agreement is funded;
- 20 (3) ~~["Applicant" means a governmental agency or private sector entity that has~~  
 21 ~~submitted an application to the authority for a grant from the broadband deployment~~  
 22 ~~fund;~~
- 23 (4) ~~"Application" means an application submitted by an applicant for a grant from the~~  
 24 ~~broadband deployment fund;~~
- 25 (5) ~~"Assistance agreement" means the agreement to be made and entered into by and~~  
 26 ~~between a governmental agency or a private entity and the authority, as authorized~~  
 27 ~~by this chapter, providing for a lease, loan, services, or grant to a governmental~~

1 agency or a private entity or for the purchase of obligations issued by the  
2 governmental agency, and for the repayment thereof to the authority by the  
3 governmental agency or a private entity;

4 ~~(4)~~~~(6)~~ "Authority" means the Kentucky Infrastructure Authority, which is created by  
5 this chapter;

6 ~~(5)~~~~(7)~~ "Authority revenues" means the totality of all:

- 7 (a) Service charges;
- 8 (b) Utility tax receipts, to the extent not otherwise committed and budgeted by the  
9 authority during any fiscal period of the authority;
- 10 (c) Any gifts, grants, or loans received, to the extent not otherwise required to be  
11 applied;
- 12 (d) Any and all appropriations made to the authority by the General Assembly of  
13 the Commonwealth of Kentucky, to the extent not otherwise required to be  
14 applied;
- 15 (e) All moneys received in repayment of and for interest on any loans made by the  
16 authority to a governmental agency, except as provided in KRS 224A.111,  
17 224A.1115, and 224A.112, or as principal of and interest on any obligations  
18 issued by a governmental agency and purchased by the authority, or as receipts  
19 under any assistance agreement;
- 20 (f) The proceeds of bonds or long-term debt obligations of governmental  
21 agencies pledged to the payment of bond anticipation notes issued by the  
22 authority on behalf of the said governmental agency to provide interim  
23 construction financing; and
- 24 (g) Payments under agreements with any agencies of the state and federal  
25 government;

26 ~~(6)~~~~(8)~~ "Borrower or borrowing entity" means any agency of the state or its political  
27 subdivisions, any city, or any special district created under the laws of the state

1 acting individually or jointly under interagency or interlocal cooperative agreements  
2 to enter into assistance agreements with the authority;

3 ~~[(9) "Broadband" means any wireline or fixed terrestrial technology having a capacity to~~  
4 ~~transmit data from or to the Internet with a minimum speed of twenty five (25)~~  
5 ~~megabits per second downstream and three (3) megabits per second upstream as~~  
6 ~~defined by the Federal Communications Commission or the United States~~  
7 ~~Department of Agriculture and any amendments to those definitions. If the agencies~~  
8 ~~use different speed definitions, the faster speed definition shall apply to KRS~~  
9 ~~224A.110, 224A.112, and 224A.1121;~~

10 ~~(10) "Broadband deployment fund" means a fund to assist with the construction,~~  
11 ~~development, or improvement of broadband infrastructure, broadband services, or~~  
12 ~~technologies that constitute a part of, or are related to, broadband infrastructure or~~  
13 ~~broadband services, to provide for broadband service in underserved or unserved~~  
14 ~~areas of the Commonwealth;~~

15 ~~(11) "Broadband deployment project" means a proposed deployment of broadband~~  
16 ~~service infrastructure set forth in an application for grant funding under KRS~~  
17 ~~224A.112;~~

18 ~~(12) "Broadband deployment project area" means a geographic area determined by~~  
19 ~~census block or shapefile geospatial data for which grant funding has been~~  
20 ~~authorized under this section and KRS 224A.110, 224A.112, and 224A.1121;~~

21 ~~(13) "Census block" means the smallest geographic unit used by the United States~~  
22 ~~Census Bureau that is reported on the Federal Communications Commission (FCC)~~  
23 ~~Form 477 relating to fixed broadband deployment data;]~~

24 ~~(Z)[(14)] "Community flood damage abatement project" means any structural or~~  
25 ~~nonstructural study, plan, design, construction, development, improvement, or other~~  
26 ~~activity to provide for flood control;~~

27 ~~(8)[(15)] "Construction" means and includes but is not limited to:~~

- 1 (a) Preliminary planning to determine the economic and engineering feasibility of  
2 infrastructure projects, the engineering, architectural, legal, fiscal, and  
3 economic investigations, and studies necessary thereto, and surveys, designs,  
4 plans, working drawings, specifications, procedures, and other actions  
5 necessary to the construction of infrastructure or solid waste projects;
- 6 (b) The erection, building, acquisition, alteration, remodeling, improvement, or  
7 extension of infrastructure or solid waste projects; and
- 8 (c) The inspection and supervision of the construction of infrastructure or solid  
9 waste projects and all costs incidental to the acquisition and financing of  
10 same. This term shall also relate to and mean any other physical devices or  
11 appurtenances in connection with, or reasonably attendant to, infrastructure or  
12 solid waste projects;

13 ~~(9)~~~~(16)~~ "Dams" means any artificial barrier, including appurtenant works, which does  
14 or can impound or divert water, and which either:

- 15 (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the  
16 stream or watercourse at the downstream toe of the barrier, as determined by  
17 the Energy and Environment Cabinet; or
- 18 (b) Has or will have an impounding capacity at maximum water storage elevation  
19 of fifty (50) acre feet or more;

20 ~~(10)~~~~(17)~~ "Distribution facilities" means all or any part of any facilities, devices, and  
21 systems used and useful in obtaining, pumping, storing, treating, and distributing  
22 water for agricultural, industrial, commercial, recreational, public, and domestic  
23 use;

24 ~~(11)~~~~(18)~~ "Energy and Environment Cabinet" means the Kentucky Energy and  
25 Environment Cabinet, or its successor, said term being meant to relate specifically  
26 to the state agency which is designated as the water pollution agency for the  
27 Commonwealth of Kentucky, for purposes of the federal act;

1 ~~(12)~~~~(19)~~ "Federal act" means the Federal Clean Water Act (33 U.S.C. secs. 1251 et  
2 seq.) as said federal act may be amended from time to time in the future, or any  
3 other enactment of the United States Congress providing funds that may assist in  
4 carrying out the purposes of the authority;

5 ~~(13)~~~~(20)~~ "Federally assisted wastewater revolving fund" means that fund which will  
6 receive federal and state funds or the proceeds from the sale of revenue bonds of the  
7 authority for the purpose of providing loans to finance construction of publicly  
8 owned treatment works as defined in Section 212 of the federal act and for the  
9 implementation of a management program established under Section 319 of the  
10 federal act and for the development and implementation of a conservation and  
11 management plan under Section 320 of the federal act;

12 ~~(14)~~~~(21)~~ "Governmental agency" means any incorporated city or municipal corporation,  
13 or other agency, or unit of government within or a department or a cabinet of the  
14 Commonwealth of Kentucky, now having or hereafter granted, the authority and  
15 power to finance, acquire, construct, or operate infrastructure or solid waste  
16 projects. This definition shall specifically apply but not by way of limitation to  
17 incorporated cities; counties, including any counties containing a metropolitan  
18 sewer district; sanitation districts; water districts; water associations if these  
19 associations are permitted to issue interest-bearing obligations which interest would  
20 be excludable from gross income under Section 103 of the Internal Revenue Code  
21 of 1986 as amended; sewer construction districts; metropolitan sewer districts;  
22 sanitation taxing districts; a regional wastewater commission established under  
23 KRS 65.8901 to 65.8923; and any other agencies, commissions, districts, or  
24 authorities (either acting alone, or in combination with one another in accordance  
25 with any regional or area compact, or intergovernmental cooperative agreements),  
26 now or hereafter established in accordance with the laws of the Commonwealth of  
27 Kentucky having and possessing the described powers described in this subsection;

- 1 ~~(15)~~~~(22)~~ "Industrial waste" means any liquid, gaseous, or solid waste substances  
2 resulting from any process of industry, manufacture, trade, or business, or from the  
3 mining or taking, development, processing, or recovery of any natural resources,  
4 including heat and radioactivity, together with any sewage as is present therein,  
5 which pollutes the waters of the state, and specifically, but not by way of limitation,  
6 means heat or thermal differentials created in the waters of the state by any  
7 industrial processing, generating, or manufacturing processes;
- 8 ~~(16)~~~~(23)~~ "Infrastructure project" means any construction or acquisition of treatment  
9 works, facilities related to the collection, transportation, and treatment of  
10 wastewater as defined in KRS 65.8903, distribution facilities, or water resources  
11 projects instituted by a governmental agency or an investor-owned water utility  
12 which is approved by the authority and, if required, by the Energy and Environment  
13 Cabinet, Public Service Commission, or other agency; solid waste projects; dams;  
14 storm water control and treatment systems; gas or electric utility; ~~broadband~~  
15 ~~deployment project;~~ or any other public utility or public service project which the  
16 authority finds would assist in carrying out the purposes set out in KRS 224A.300;
- 17 ~~(17)~~~~(24)~~ "Infrastructure revolving fund" means that fund which will receive state funds,  
18 the proceeds from the sale of revenue bonds of the authority or other moneys  
19 earmarked for that fund for the purpose of providing loans or grants to finance  
20 construction or acquisition of infrastructure projects as defined in this section;
- 21 ~~(18)~~~~(25)~~ "Loan or grant" means moneys to be made available to governmental agencies  
22 by the authority for the purpose of defraying all or any part of the total costs  
23 incidental to construction or acquisition of any infrastructure project;
- 24 ~~(19)~~~~(26)~~ "Market interest rate" means the interest rate determined by the authority  
25 under existing market conditions at the time the authority shall provide financial  
26 assistance to a governmental agency;
- 27 ~~(20)~~~~(27)~~ "Obligation of a governmental agency" means a revenue bond, bond

1 anticipation note, revenue anticipation note, lease, or other obligation issued by a  
2 governmental agency under KRS 58.010 et seq. or other applicable statutes;

3 ~~(21)~~~~(28)~~ "Person" means any individual, firm, partnership, association, corporation, or  
4 governmental agency;

5 ~~(22)~~~~(29)~~ "Pollution" means the placing of any noxious or deleterious substances  
6 ("pollutants"), including sewage and industrial wastes, in any waters of the state or  
7 affecting the properties of any waters of the state in a manner which renders the  
8 waters harmful or inimical to the public health or to animal or aquatic life, or to the  
9 use, present or future, of these waters for domestic water supply, industrial or  
10 agricultural purposes, or recreational purposes;

11 ~~(23)~~~~(30)~~ "Prioritization schedules" means the list of wastewater treatment works,  
12 distribution facilities and water resources projects which the Energy and  
13 Environment Cabinet has evaluated and determined to be of priority for receiving  
14 financial assistance from the federally assisted wastewater revolving fund and the  
15 federally assisted drinking water revolving fund, or the list of infrastructure projects  
16 which the authority has evaluated and determined to be of priority for receiving  
17 financial aid from the infrastructure revolving fund. The evaluation by the authority  
18 of infrastructure projects for water systems shall be undertaken with input from the  
19 appropriate area development district;

20 ~~(24)~~~~(31)~~ "Recovered material" means those materials which have known current use,  
21 reuse, or recycling potential, which can be feasibly used, reused, or recycled, and  
22 which have been diverted or removed from the solid waste stream for sale, use,  
23 reuse, or recycling, whether or not requiring subsequent separation and processing  
24 but does not include materials diverted or removed for purposes of energy recovery  
25 or combustion except refuse-derived fuel (RDF), which shall be credited as a  
26 recovered material in an amount equal to that percentage of the municipal solid  
27 waste received on a daily basis at the processing facility and processed into RDF;



1 but not to exceed fifteen percent (15%) of the total amount of the municipal solid  
2 waste received at the processing facility on a daily basis;

3 ~~(25)~~~~[(32)]~~ "Recovered material processing facility" means a facility engaged solely in the  
4 storage, processing, and resale or reuse of recovered material but does not mean a  
5 solid waste facility if solid waste generated by a recovered material processing  
6 facility is managed in accordance with KRS Chapter 224 and administrative  
7 regulations adopted by the cabinet;

8 ~~(26)~~~~[(33)]~~ "Revenue bonds" means special obligation bonds issued by the authority as  
9 provided by the provisions of this chapter, which are not direct or general  
10 obligations of the state, and which are payable only from a pledge of, and lien upon,  
11 authority revenues as provided in the resolution authorizing the issuance of the  
12 bonds, and shall include revenue bond anticipation notes;

13 ~~(27)~~~~[(34)]~~ "Service charge" means any monthly, quarterly, semiannual, or annual charge  
14 to be imposed by a governmental agency, or by the authority, for any infrastructure  
15 project financed by the authority, which service charge arises by reason of the  
16 existence of, and requirements of, any assistance agreement;

17 ~~(28)~~~~[(35)]~~ "Sewage" means any of the waste products or excrements, or other discharges  
18 from the bodies of human beings or animals, which pollute the waters of the state;

19 ~~[(36) "Shapefile" means a file format for storing, depicting, and analyzing geospatial data~~  
20 ~~showing broadband coverage;]~~

21 ~~(29)~~~~[(37)]~~ "Solid waste" means "solid waste" as defined by KRS 224.1-010(30)(a);

22 ~~(30)~~~~[(38)]~~ "Solid waste facility" means any facility for collection, handling, storage,  
23 transportation, transfer, processing, treatment, or disposal of solid waste, whether  
24 the facility is associated with facilities generating the waste or otherwise, but does  
25 not include a container located on property where the waste is generated and which  
26 is used solely for the purpose of collection and temporary storage of that solid waste  
27 prior to off-site disposal, or a recovered material processing facility;

1 ~~(31)~~~~(39)~~ "Solid waste project" means construction, renovation, or acquisition of a solid  
2 waste facility which shall be instituted and owned by a governmental agency;

3 ~~(32)~~~~(40)~~ "Solid waste revolving fund" means that fund which shall receive state funds,  
4 the proceeds from the sale of revenue bonds of the authority, or other moneys  
5 earmarked for the purpose of providing loans or grants to finance solid waste  
6 projects defined in this section;

7 ~~(33)~~~~(41)~~ "State" means the Commonwealth of Kentucky;

8 ~~(34)~~~~(42)~~ "System" means the system owned and operated by a governmental agency  
9 with respect to solid waste projects, treatment works, or infrastructure projects  
10 financed as provided by the assistance agreement between the governmental agency  
11 and the authority;

12 ~~(35)~~~~(43)~~ "Treatment works" or "wastewater treatment works" means all or any part of  
13 any facilities, devices, and systems used and useful in the storage, treatment,  
14 recycling, and reclamation of wastewater or the abatement of pollution, including  
15 facilities for the treatment, neutralization, disposal of, stabilization, collecting,  
16 segregating, or holding of wastewater, including without limiting the generality of  
17 the foregoing, intercepting sewers, outfall sewers, pumping power stations, and  
18 other equipment and their appurtenances; extensions, improvements, remodeling,  
19 additions, and alterations thereof, and any wastewater treatment works, including  
20 site acquisition of the land that will be an integral part of the wastewater treatment  
21 process, or is used for ultimate disposal of residues resulting from wastewater  
22 treatment, together with any other facilities which are deemed to be treatment works  
23 in accordance with the federal act;

24 ~~[(44) "Underserved area" means any project area where fixed, terrestrial broadband  
25 service with a minimum twenty five (25) megabits per second downstream and  
26 three (3) megabits per second upstream is not available;]~~

27 ~~[(45) "Unserved area" means any project area where fixed, terrestrial broadband service~~

1       ~~with a minimum ten (10) megabits per second downstream and one (1) megabit per~~  
2       ~~second upstream is not available;~~

3       (36)~~[(46)]~~ "Utility tax" means the tax which may be imposed by the authority on every  
4       purchase of water or sewer service in the Commonwealth of Kentucky;

5       (37)~~[(47)]~~ "Variable rate revenue bonds" means revenue bonds the rate of interest on  
6       which fluctuates either automatically by reference to a predetermined formula or  
7       index or in accordance with the standards set forth in KRS 224A.120;

8       (38)~~[(48)]~~ "Wastewater" means any water or liquid substance containing sewage,  
9       industrial waste, or other pollutants or contaminants derived from the prior use of  
10      these waters;

11      (39)~~[(49)]~~ "Water resources" means all waters of the state occurring on the surface, in  
12      natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface  
13      aquifers, which are available, or which may be made available to agricultural,  
14      industrial, commercial, recreational, public, and domestic users;

15      (40)~~[(50)]~~ "Water resources project" means any structural or nonstructural study, plan,  
16      design, construction, development, improvement, or any other activity including  
17      programs for management, intended to conserve and develop the water resources of  
18      the state and shall include all aspects of water supply, facilities to collect, transport,  
19      and treat wastewater as defined in KRS 65.8903, flood damage abatement,  
20      navigation, water-related recreation, and land conservation facilities and measures;  
21      and

22      (41)~~[(51)]~~ "Waters of the state" means all streams, lakes, watercourses, waterways,  
23      ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other  
24      bodies or accumulations of water, surface and underground, natural or artificial,  
25      which are situated wholly or partly within, or border upon, this state, or are within  
26      its jurisdiction, except those private waters which do not combine or effect a  
27      junction with natural, surface, or underground waters.

1       ➔Section 7. KRS 224A.110 is amended to read as follows:

- 2       (1) All moneys derived by the authority pursuant to assistance agreements other than  
3       those assistance agreements funded under KRS 224A.111 ~~and~~ 224A.112~~, and~~  
4       ~~224A.1121~~ shall be received by the authority as constituting authority revenues,  
5       and shall, in common with other authority revenues, be immediately deposited into  
6       such funds or accounts as the authority shall designate.
- 7       (2) Moneys derived by the authority pursuant to assistance agreements funded under  
8       KRS 224A.111 and all federal and state money or proceeds from the sale of revenue  
9       bonds of the authority received in support of assistance agreements funded under  
10       KRS 224A.111 shall be deposited into an account designated as the "federally  
11       assisted wastewater revolving fund."
- 12       (3) Moneys derived by the authority pursuant to assistance agreements funded under  
13       KRS 224A.112 and all state money or proceeds from the sale of revenue bonds of  
14       the authority received in support of KRS 224A.112 shall be deposited into ~~either~~  
15       ~~the infrastructure revolving fund or the broadband deployment fund~~.
- 16       (4) All authority revenues shall, before being expended for any other purposes of the  
17       authority, first be applied to the payment of the principal of and interest on authority  
18       revenue bonds in accordance with the resolution authorizing their issuance, as, and  
19       when the same become due and payable.

20       ➔Section 8. KRS 224A.112 is amended to read as follows:

- 21       (1) The infrastructure revolving fund shall be established in the State Treasury and shall  
22       be administered by the authority. The fund shall be a dedicated fund, and all moneys  
23       in the fund shall be allocated and dedicated solely to providing financial assistance  
24       to governmental agencies, and investor-owned water systems as provided for in  
25       KRS 96.540, 224A.306, 224A.308, and 224A.310, for the construction or  
26       acquisition of infrastructure projects through an account designated as the 2020  
27       water service account.

1     ~~(2) [The broadband deployment fund shall be established in the State Treasury and~~  
2     ~~shall be administered by the authority. The fund shall be a dedicated fund, and all~~  
3     ~~moneys in the fund shall be allocated and dedicated solely to providing grant funds~~  
4     ~~to governmental agencies and private sector entities to construct infrastructure for~~  
5     ~~the deployment of broadband service to households and businesses in underserved~~  
6     ~~or unserved areas of the Commonwealth through an account designated as the~~  
7     ~~broadband deployment fund.]~~

8     ~~(3) Funds in subsections (1) and (2) of this section shall not be commingled and shall~~  
9     ~~be used only for the stated purposes in subsections (1) and (2) of this section.]~~

10    ~~(4) [The financial assistance which may be provided by the revolving fund shall be~~  
11    ~~limited to:~~

12    ~~(a) Making loans, on the condition that the loans are made at or below market~~  
13    ~~interest rates, including interest free loans, at terms not to exceed thirty (30)~~  
14    ~~years and that the fund will be credited with all payments of principal and~~  
15    ~~interest on all loans;~~

16    ~~(b) Purchasing or guaranteeing, or purchasing insurance for, local or state~~  
17    ~~obligations when the action would improve credit market access or reduce~~  
18    ~~interest rates;~~

19    ~~(c) Providing a source of revenue or security for the payment of principal and~~  
20    ~~interest on bonds or notes issued by the authority or other agencies of the state~~  
21    ~~if the proceeds of the sale of the bonds will be deposited in the fund;~~

22    ~~(d) Providing moneys with which to carry out the requirements of assistance~~  
23    ~~agreements; and~~

24    ~~(e) Making grants as funds specifically appropriated for grants or proceeds from~~  
25    ~~the sale of the authority's revenue bonds are available.]~~

26    ~~(3) [(5)]~~ The revolving fund shall be established, maintained, and credited with  
27    repayments and the fund balance shall be available in perpetuity for its stated

1 purposes.

2 ~~(4)~~~~(6)~~ The authority may provide financial assistance from the fund to supplement  
3 assistance provided from the federally assisted wastewater revolving fund as created  
4 in KRS 224A.111.

5 ~~(5)~~~~(7)~~ The authority shall advise governmental agencies of the availability of the  
6 infrastructure revolving fund and how moneys may be obtained from the fund.

7 ~~(6)~~~~(8)~~ The authority may enter into any necessary or required agreement with federal  
8 or state agencies or persons to carry out the provisions of this section. All state  
9 agencies shall cooperate with the authority and share information with the authority  
10 as appropriate to accomplish the purposes set out in KRS 224A.300.

11 ~~(7)~~~~(9)~~ Moneys in the fund are hereby appropriated for the purposes set forth in this  
12 section ~~and KRS 224A.1121~~.

13 ~~(8)~~~~(10)~~ Notwithstanding KRS 45.229, any moneys remaining in the fund at the close  
14 of the fiscal year shall not lapse but shall be carried forward into the succeeding  
15 fiscal year to be used for the purposes set forth in this section ~~and KRS 224A.1121~~.

16 ~~(11) Interest earned on moneys in the broadband deployment fund shall stay in the fund.~~

17 ➔Section 9. KRS 154.15-020 is amended to read as follows:

18 (1) The Kentucky Communications Network Authority is established and shall be  
19 attached to the Office of the Governor. The authority shall be headed by an  
20 executive director who shall be hired by the board and approved by the Governor.

21 (2) Notwithstanding KRS 42.726 ***and Section 3 of this Act***, the duties of the authority  
22 shall be to:

23 (a) Oversee and maintain KentuckyWired, the Commonwealth's open-access  
24 broadband network;

25 (b) Manage the master agreement establishing the public-private partnership  
26 between the Commonwealth and its private industry partner or partners. The  
27 purpose of the agreement is to design, engineer, build, operate, maintain, and

- 1 upgrade the network;
- 2 (c) Provide network connectivity to public agencies;
- 3 (d) Offer access to entities eligible to utilize excess capacity on the network;
- 4 (e) Manage other aspects of the network and its utilization through the executive  
5 director and with oversight and input from the board established in KRS  
6 154.15-030 and the advisory group established in this section;
- 7 (f) Promulgate administrative regulations pursuant to KRS Chapter 13A  
8 necessary to implement the purposes of this subchapter;
- 9 (g) Enter into contracts with public and private entities to carry out its duties and  
10 responsibilities. A contract or other agreement involving the acquisition or  
11 disposition of a property interest by the Commonwealth shall be signed by the  
12 secretary of the Finance and Administration Cabinet. KRS Chapters 45A and  
13 56 may require the secretary's signature on other contracts or agreements;
- 14 (h) Provide program management services ensuring the financial viability of the  
15 master agreement and related contracts and agreements, including grant  
16 administration, contract compliance and oversight, community planning  
17 support, and constituent services;
- 18 (i) Seek out, secure, and manage funding sources for the network; and
- 19 (j) Create an advisory group, including major stakeholders, to provide input and  
20 feedback on issues important to the user community and to the long-term  
21 sustainability of the project and the network. The advisory group shall be  
22 administratively attached to and managed by the authority. The advisory group  
23 shall include but not be limited to representatives of:
- 24 1. The Department of Education;
- 25 2. The Council on Postsecondary Education;
- 26 3. The Cabinet for Economic Development;
- 27 4. The Cabinet for Health and Family Services;

- 1           5.    The Transportation Cabinet;
  - 2           6.    The Justice and Public Safety Cabinet;
  - 3           7.    The Finance and Administration Cabinet;
  - 4           8.    The Administrative Office of the Courts;
  - 5           9.    The Legislative Research Commission;
  - 6           10.   Institutions of higher education;
  - 7           11.   Local government entities;
  - 8           12.   Libraries;
  - 9           13.   Public health care institutions or agencies;
  - 10          14.   Kentucky Educational Television; and
  - 11          15.   Others whose input will benefit the network.
- 12   (3)   With the approval of the board, the executive director may hire additional officers  
13       and other personnel necessary for the proper functioning of the authority, fix their  
14       salaries, and prescribe their duties. The executive director and persons employed by  
15       the authority shall not be subject to the provisions of KRS Chapter 18A.
- 16   (4)   (a)   With the approval of the board, the executive director may make, execute, and  
17       effectuate contracts, leveraging future revenues from provision of  
18       government-to-government services and sale or lease of excess capacity, to  
19       incur debt in the name of the authority and enter into financing agreements  
20       with the Commonwealth, agencies of the Commonwealth, lending  
21       institutions, investors, or investing entities.
- 22       (b)   The total amount of debt or financing under this subsection shall not exceed  
23       one hundred ten million dollars (\$110,000,000), and shall not leverage any  
24       future revenues committed to the repayment of any other debt, or expected to  
25       be used for the repayment of any other debt, as of the time the debt or  
26       financing is entered into.
- 27       (c)   Any proposed debt or financing under this subsection shall be submitted to the



1 Capital Projects and Bond Oversight Committee for review at least fourteen  
2 (14) days prior to the committee meeting.

3 (d) If any debt or financing is incurred under this subsection, the authority shall  
4 provide to the Legislative Research Commission:

5 1. Within thirty (30) days of entering into a debt or financing agreement, a  
6 copy of the agreement; and

7 2. On January 1, April 1, July 1, and October 1 of each year that the debt or  
8 financing is outstanding:

9 a. The amount of principal and interest remaining on the debt or  
10 financing;

11 b. The use to which the capital gained from the debt or financing has  
12 been put; and

13 c. Any amendments, if any, to the original debt or financing  
14 instruments or agreements.

15 **(5) The authority shall not seek, apply for, secure, or accept federal funds for**  
16 **broadband deployment to residents, households, and businesses in underserved**  
17 **and unserved areas of Kentucky without first obtaining written permission from**  
18 **the Office of Broadband Innovation within the Kentucky Department of**  
19 **Agriculture.**

20 ➔Section 10. KRS 18A.115 is amended to read as follows:

21 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise  
22 all positions in the state service now existing or hereafter established, except the  
23 following:

24 (a) The General Assembly and employees of the General Assembly, including the  
25 employees of the Legislative Research Commission;

26 (b) Officers elected by popular vote and persons appointed to fill vacancies in  
27 elective offices;

- 1 (c) Members of boards and commissions;
- 2 (d) Officers and employees on the staff of the Governor, the Lieutenant Governor,  
3 the Office of the Secretary of the Governor's Cabinet, and the Office of  
4 Program Administration;
- 5 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads  
6 of all boards and commissions, including the executive director of Kentucky  
7 Educational Television and the executive director and deputy executive  
8 director of the Education Professional Standards Board;
- 9 (f) Employees of Kentucky Educational Television who have been determined to  
10 be exempt from classified service by the Kentucky Authority for Educational  
11 Television, which shall have sole authority over such exempt employees for  
12 employment, dismissal, and setting of compensation, up to the maximum  
13 established for the executive director and his principal assistants;
- 14 (g) One (1) principal assistant or deputy for each person exempted under  
15 subsection (1)(e) of this section;
- 16 (h) One (1) additional principal assistant or deputy as may be necessary for  
17 making and carrying out policy for each person exempted under subsection  
18 (1)(e) of this section in those instances in which the nature of the functions,  
19 size, or complexity of the unit involved are such that the secretary approves  
20 such an addition on petition of the relevant cabinet secretary or department  
21 head and such other principal assistants, deputies, or other major assistants as  
22 may be necessary for making and carrying out policy for each person  
23 exempted under subsection (1)(e) of this section in those instances in which  
24 the nature of the functions, size, or complexity of the unit involved are such  
25 that the board may approve such an addition or additions on petition of the  
26 department head approved by the secretary. Effective August 1, 2010:
- 27 1. All positions approved under this paragraph prior to August 1, 2010,

1 shall be abolished effective December 31, 2010, unless reapproved  
2 under subparagraph 2. of this paragraph; and

3 2. A position approved under this paragraph on or after August 1, 2010,  
4 shall be approved for a period of five (5) years, after which time the  
5 position shall be abolished unless reapproved under this subparagraph  
6 for an additional five (5) year period;

7 (i) Division directors subject to the provisions of KRS 18A.170. Division  
8 directors in the classified service as of January 1, 1980, shall remain in the  
9 classified service;

10 (j) Physicians employed as such;

11 (k) One (1) private secretary for each person exempted under subsection (1)(e),  
12 (g), and (h) of this section;

13 (l) The judicial department, referees, receivers, jurors, and notaries public;

14 (m) Officers and members of the staffs of state universities and colleges and  
15 student employees of such institutions; officers and employees of the  
16 Teachers' Retirement System; and officers, teachers, and employees of local  
17 boards of education;

18 (n) Patients or inmates employed in state institutions;

19 (o) Persons employed in a professional or scientific capacity to make or conduct a  
20 temporary or special inquiry, investigation, or examination on behalf of the  
21 General Assembly, or a committee thereof, or by authority of the Governor,  
22 and persons employed by state agencies for a specified, limited period to  
23 provide professional, technical, scientific, or artistic services under the  
24 provisions of KRS 45A.690 to 45A.725;

25 (p) Interim employees;

26 (q) Officers and members of the state militia;

27 (r) Department of Kentucky State Police troopers;

- 1 (s) University or college engineering students or other students employed part-  
2 time or part-year by the state through special personnel recruitment programs;  
3 provided that while so employed such aides shall be under contract to work  
4 full-time for the state after graduation for a period of time approved by the  
5 commissioner or shall be participants in a cooperative education program  
6 approved by the commissioner;
- 7 (t) Superintendents of state mental institutions, including heads of centers for  
8 individuals with an intellectual disability, and penal and correctional  
9 institutions as referred to in KRS 196.180(2);
- 10 (u) Staff members of the Kentucky Historical Society, if they are hired in  
11 accordance with KRS 171.311;
- 12 (v) County and Commonwealth's attorneys and their respective appointees;
- 13 (w) Chief district engineers and the state highway engineer;
- 14 (x) Veterinarians employed as such by the Kentucky Horse Racing Commission;
- 15 (y) Employees of the Kentucky Peace Corps;
- 16 (z) Employees of the Council on Postsecondary Education;
- 17 (aa) Executive director of the Commonwealth Office of Technology;
- 18 (ab) Employees of Serve Kentucky;
- 19 (ac) Persons employed in certified teaching positions at the Kentucky School for  
20 the Blind and the Kentucky School for the Deaf; ~~and~~
- 21 (ad) Federally funded time-limited employees as defined in KRS 18A.005; **and**
- 22 **(ae) Unclassified staff positions of the Office of Broadband Innovation in the**  
23 **Kentucky Department of Agriculture as provided in subsection (1) of**  
24 **Section 3 of this Act.**
- 25 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or  
26 amend the provisions of KRS 150.022 and 150.061.
- 27 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any

1 nonmanagement, nonpolicy-making position which must be included in the  
2 classified service as a prerequisite to the grant of federal funds to a state agency.

3 (4) Career employees within the classified service promoted to positions exempted  
4 from classified service shall, upon termination of their employment in the exempted  
5 service, revert to a position in that class in the agency from which they were  
6 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be  
7 considered for employment in any vacant position for which they were qualified  
8 pursuant to KRS 18A.130 and 18A.135.

9 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing  
10 officers from filling unclassified positions in the manner in which positions in the  
11 classified service are filled except as otherwise provided in KRS 18A.005 to  
12 18A.200.

13 (6) The positions of employees who are transferred, effective July 1, 1998, from the  
14 Cabinet for Workforce Development to the Kentucky Community and Technical  
15 College System shall be abolished and the employees' names removed from the  
16 roster of state employees. Employees that are transferred, effective July 1, 1998, to  
17 the Kentucky Community and Technical College System under KRS Chapter 164  
18 shall have the same benefits and rights as they had under KRS Chapter 18A and  
19 have under KRS 164.5805; however, they shall have no guaranteed reemployment  
20 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An  
21 employee who seeks reemployment in a state position under KRS Chapter 151B or  
22 KRS Chapter 18A shall have years of service in the Kentucky Community and  
23 Technical College System counted towards years of experience for calculating  
24 benefits and compensation.

25 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified  
26 personnel, and all certified and equivalent and unclassified vacant positions in the  
27 Department for Adult Education and Literacy shall be transferred from the

1 personnel system under KRS Chapter 151B to the personnel system under KRS  
2 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel  
3 system. All records shall be transferred including accumulated annual leave, sick  
4 leave, compensatory time, and service credit for each affected employee. The  
5 personnel officers who administer the personnel systems under KRS Chapter 151B  
6 and KRS Chapter 18A shall exercise the necessary administrative procedures to  
7 effect the change in personnel authority. No certified or equivalent employee in the  
8 Department for Adult Education and Literacy shall suffer any penalty in the  
9 transfer.

10 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions  
11 in the Department for Technical Education and the Department for Adult Education  
12 and Literacy shall be transferred from the personnel system under KRS Chapter  
13 151B to the personnel system under KRS Chapter 18A. The positions shall be  
14 deleted from the KRS Chapter 151B system. All records shall be transferred  
15 including accumulated annual leave, sick leave, compensatory time, and service  
16 credit for each affected employee. No employee shall suffer any penalty in the  
17 transfer.

18 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are  
19 engaged in providing instructional and support services to the Department of  
20 Criminal Justice Training shall be transferred to the personnel system under KRS  
21 Chapter 18A. All records shall be transferred, including accumulated annual leave,  
22 sick leave, compensatory time, and service credit for each affected employee. The  
23 personnel officers who administer the personnel systems for Eastern Kentucky  
24 University and under KRS Chapter 18A shall exercise the necessary administrative  
25 procedures to effect the change in personnel authority. No employee shall suffer any  
26 penalty in the transfer.

27 ➔Section 11. Upon the effective date of this Act, the affairs of the Kentucky

1 Infrastructure Authority that pertain to broadband and the broadband deployment fund as  
2 set forth in KRS 224A.112 and the former 224A.1121 shall be concluded, and the  
3 Kentucky Department of Agriculture shall organize itself to manage the administrative  
4 affairs of the broadband and the broadband deployment fund. Any records, files, and  
5 documents associated with the activities of the Kentucky Infrastructure Authority that  
6 pertain to broadband and the broadband deployment fund shall be transferred to the  
7 Department of Agriculture. Any records, files, documents, equipment, staff, supporting  
8 budgets, and any and all unexpended funds associated with the activities of the Kentucky  
9 Infrastructure Authority that pertain to broadband and the broadband deployment fund  
10 shall be transferred to the Department of Agriculture. All administrative regulations,  
11 decisions, and actions promulgated, made, or taken by the Kentucky Infrastructure  
12 Authority that pertain to broadband and the broadband deployment fund that have not  
13 been repealed or rescinded shall continue in effect after the effective date of this Act.