

1 AN ACT relating to state government.

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

3 ➔Section 1. KRS 45.750 is amended to read as follows:

4 (1) As used in KRS 45.760 to 45.810:

5 (a) "Committee" means the Capital Projects and Bond Oversight Committee;

6 (b) "Capital construction item" means:

7 1. The construction, reconstruction, acquisition, and structural maintenance
8 of buildings;

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

10 3. The acquisition or improvement of real property;

11 4. The purchase and installation initially or during major renovation of
12 equipment, facilities, and furnishings of a permanent nature for
13 buildings; or

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

15 a. Subdivision of state government as defined in KRS 12.010 or
16 enumerated in KRS 12.020;

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

26 c. Institution of higher education;

27 (c) "Lease" means any lease, lease-purchase, or lease with an option to purchase

1 of any real property space occupied by:

- 2 1. Any entity listed in paragraph (b)5. of this subsection;
- 3 2. The legislative branch; or
- 4 3. The judicial branch when leased from a private sector landlord;

5 (d) "Equipment" means:

- 6 1. Any major item of equipment, including aircraft;
- 7 2. Electronic equipment that incorporates advanced computing,
- 8 including smart medical, scientific, and research equipment;
- 9 3. Any movable furnishing, appurtenance, or other equipment, necessary to
- 10 make a building operable; and
- 11 ~~4.~~^{3.} Equipment purchased or otherwise acquired, or equipment to be
- 12 purchased or otherwise to be acquired, under a lease or lease-purchase
- 13 contract or agreement or an arrangement equivalent to a lease or lease-
- 14 purchase contract or agreement;

15 (e) "Information technology system" means any related computer or

16 telecommunications components that provide a functional system for a

17 specific business purpose and contain one (1) or more of the following:

- 18 1. Hardware;
- 19 2. Software, including application software, systems management
- 20 software, utility software, or communications software;
- 21 3. Professional services for requirements analysis, system integration,
- 22 installation, implementation, or data conversion services; or
- 23 4. Digital data products, including acquisition and quality control;

24 (f) "Capital projects" means, regardless of the source of cash or other

25 consideration:

- 26 1. Any capital construction item, or any combination of capital
- 27 construction items necessary to make a building or utility installation

- 1 complete, estimated to cost one million dollars (\$1,000,000) or more in
2 cash or other consideration;
- 3 2. Any lease of real property space with an annual rental cost exceeding
4 five hundred thousand dollars (\$500,000)~~[two hundred thousand~~
5 ~~dollars (\$200,000)]~~;
- 6 3. The use allowance paid by the judicial branch for a real property space
7 pursuant to KRS 26A.090(2) and 26A.115 when the use allowance for
8 the space exceeds two hundred thousand dollars (\$200,000) on an
9 annual basis;
- 10 4. Any item of equipment estimated to cost five hundred thousand dollars
11 (\$500,000)~~[two hundred thousand dollars (\$200,000)]~~ or more in cash or
12 other consideration;
- 13 5. Any lease of an item of movable equipment if the annual cost of the
14 lease is five hundred thousand dollars (\$500,000)~~[two hundred~~
15 ~~thousand dollars (\$200,000)]~~ or more or if the total cost of the lease-
16 purchase or lease with an option to purchase is five hundred thousand
17 dollars (\$500,000)~~[two hundred thousand dollars (\$200,000)]~~ or more;
18 and
- 19 6. Any new acquisition, upgrade, or replacement of an information
20 technology system estimated to cost five million dollars
21 (\$5,000,000)~~[one million dollars (\$1,000,000)]~~ or more in cash or other
22 consideration;
- 23 (g) "Emergency repair, maintenance, or replacement project" means the
24 maintenance, repair, or reconstruction of a capital construction project or the
25 maintenance, repair, or replacement of a major item of equipment that is:
- 26 1. Necessitated by injury or damage resulting from a disaster;
27 2. Necessary to maintain government operations or to prevent or minimize

- 1 injury or damage that could reasonably be expected to result from an
2 impending disaster; or
- 3 3. Necessitated by an unforeseen mechanical breakdown, electrical
4 breakdown, or structural defect that must be corrected to make a facility
5 or item of equipment usable;
- 6 (h) "Disaster" means a fire, flood, tornado, other natural disaster, riot, enemy
7 attack, sabotage, explosion, power failure, energy shortage, transportation
8 emergency, or other man-caused disaster;
- 9 (i) "Capital construction funds" means any funds used for capital construction,
10 including, but not limited to, appropriated capital construction funds, agency
11 funds, federal funds, private funds, or funds from any source held by an
12 agency for management or investment purposes; and
- 13 (j) "Entity head" means the Chief Justice of the Supreme Court, the President of
14 the Senate and the Speaker of the House of Representatives, the secretary of
15 the Finance and Administration Cabinet, the president of any university which
16 complies with KRS 164A.585, 164A.595, and 164A.600, the board of trustees
17 of the Kentucky Employees Retirement System, the board of trustees of the
18 Teachers' Retirement System of the State of Kentucky, the board of directors
19 of the Kentucky Higher Education Student Loan Corporation, the board of
20 directors of the Kentucky Lottery Corporation, or the board of directors of the
21 Kentucky Housing Corporation.
- 22 (2) Except as provided in subsection (3) of this section, KRS 45.760 to 45.810 shall
23 apply to capital projects and bonds for use by:
- 24 (a) The state government;
- 25 (b) One of its departments or agencies, as defined in KRS 12.010 or enumerated
26 in KRS 12.020;
- 27 (c) A municipal corporation which exercises its authority on a statewide basis,

1 including but not limited to the Kentucky Employees Retirement System,
2 Teachers' Retirement System of the State of Kentucky, Kentucky Higher
3 Education Student Loan Corporation, Kentucky Lottery Corporation, and
4 Kentucky Housing Corporation; and

5 (d) Institutions of higher education.

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

7 (a) Capital projects or bonds used directly in or for the construction or
8 maintenance of roads, including but not limited to bulldozers, graders, earth
9 movers, and real estate purchased for rights-of-way; and

10 (b) Political subdivisions, except for those defined in KRS 12.010, enumerated in
11 KRS 12.020, or created as a municipal corporation which exercises its
12 authority on a statewide basis including, but not limited to, the Kentucky
13 Employees Retirement System, Teachers' Retirement System of the State of
14 Kentucky, Kentucky Higher Education Student Loan Corporation, Kentucky
15 Lottery Corporation, Kentucky Housing Corporation, or any entity with a
16 governing body whose membership is substantially similar to the membership
17 of the governing body of a municipal corporation which exercises its authority
18 on a statewide basis. However, the provisions of KRS 45.750 to 45.810 shall
19 not apply to acquisition or maintenance of any building or land which is
20 purchased as a legal investment by any of the state retirement systems, which
21 is not to be occupied by the retirement system, and which is financed solely
22 with those assets of the retirement system used for investment purposes.

23 ➔Section 2. KRS 164A.585 is amended to read as follows:

24 (1) Subject to authorization by the General Assembly and KRS 164A.580, the
25 governing boards may make plans and specifications, advertise for bids, let
26 contracts or incur any financing commitments, either in the way of a charge against
27 institution funds or in the way of negotiations for issuance of revenue bonds, for

1 any capital construction projects involving the improvement of lands or the
2 construction, alteration, reconstruction, or major repair of any building or other
3 structure, or sewage disposal, water supply system or other utility system.

4 (2) Review of construction plans for conformance with the uniform state building code
5 shall be conducted by the Department of Housing, Buildings and Construction. The
6 board shall not approve any such project requiring its approval in any instance
7 where it finds that the project is not needed, or that the proposed method of
8 financing is not sound, or in cases where the project will exceed the amount of the
9 funds available therefor, or the work contemplated will be insufficient to
10 accomplish the purpose of the project, or that after providing for the ordinary
11 recurring expenses of administration and debt service and for payments under
12 existing allotments for extraordinary expenses and capital outlay, cash will not be
13 available in the Treasury to promptly pay for the work or that the work is to be done
14 by employees of the institution.

15 (3) Any capital construction project, except as provided in subsection (4) of this
16 section, shall be contracted for on a competitive bid basis, and the execution of such
17 contracts shall be approved and authorized by the board. When a capital
18 construction project has been approved as provided in this section, in whole or in
19 part, the board shall prepare the plans and specifications, advertise for bids, award
20 the contracts, supervise the construction and handle the financial negotiations.

21 (a) The governing board shall ensure that every invitation for bids or request for
22 proposals shall provide that an item equal to that named or described in the
23 specifications may be furnished.

24 (b) The specifications may identify a sole brand in cases where, in the written
25 opinion of the chief procurement officer, documented unique and valid
26 conditions require compatibility, continuity, or conformity with established
27 standards.

1 (c) An item shall be considered equal to the item named or described if, in the
2 opinion of the governing board and the design professional responsible for the
3 specifications:

- 4 1. It is at least equal in quality, durability, strength, design, and other
5 criteria deemed appropriate;
- 6 2. It will perform at least equally the function imposed by the general
7 design for the public work being contracted for or the material being
8 purchased; and
- 9 3. It conforms substantially to the detailed requirements for the item in the
10 specifications.

11 (4) A capital construction project, the total cost of completion of which will not exceed
12 five hundred thousand dollars (\$500,000)~~two hundred fifty thousand dollars~~
13 ~~(\$250,000)~~, may be performed by the employees of the institution or by individuals
14 hired specifically for the project. Necessary materials and supplies shall be procured
15 in accordance with the standard purchasing procedures and policies of the board as
16 defined in KRS 164A.575.

17 ➔Section 3. KRS 45A.695 is amended to read as follows:

18 (1) Except as provided in subsection (8) of this section, no one shall begin work on a
19 personal service contract entered into by any contracting body or incur expenditures
20 under a tax incentive agreement until notification of the personal service contract or
21 tax incentive agreement is filed with the committee. Each personal service contract
22 shall have a cancellation clause not to exceed thirty (30) days notice to the
23 contractee.

24 (2) Each personal service contract, tax incentive agreement, and memorandum of
25 agreement shall be filed with the committee prior to the effective date and shall be
26 accompanied by a completed proof of necessity form as established by the
27 committee by promulgation of an administrative regulation, or equivalent

- 1 information if submitted electronically. The proof of necessity form shall
2 document:
- 3 (a) The need for the service or benefit to the Commonwealth of the tax incentive
4 agreement;
 - 5 (b) For personal service contracts and memoranda of agreement, the
6 unavailability of state personnel or the nonfeasibility of utilizing state
7 personnel to perform the service;
 - 8 (c) The total projected cost of the contract or agreement and source of funding;
 - 9 (d) The total projected duration of the contract or tax incentive agreement;
 - 10 (e) Payment information, in detail;
 - 11 (f) In the case of memoranda of agreement or similar device, the reason for
12 exchanging resources or responsibilities; and
 - 13 (g) Such other information as the committee deems appropriate.
- 14 (3) Adequate notice of the need for a personal service contract shall be given by the
15 contracting body through a request for proposals. The request for proposals shall
16 describe the services required, list the type of information and data required of each
17 offeror, state the relative importance of particular qualifications, and include the
18 reciprocal preference for resident bidders required by KRS 45A.494.
- 19 (4) The head of the contracting body or his or her designee may conduct discussions
20 with any offeror who has submitted a proposal to determine the offeror's
21 qualifications for further consideration. Discussions shall not disclose any
22 information derived from proposals submitted by other offerors.
- 23 (5) Award shall be made to the offeror determined by the head of the contracting body,
24 or his or her designee, to be the best qualified of all offerors based on the evaluation
25 factors set forth in the request for proposals and the negotiation of fair and
26 reasonable compensation. If compensation cannot be agreed upon with the best
27 qualified offeror and if proposals were submitted by one (1) or more other offerors

1 determined to be qualified, negotiations may be conducted with the other offeror or
2 offerors in the order of their respective qualification ranking. In this case, the
3 contract may be awarded to the next best ranked offeror for a fair and reasonable
4 compensation. All determinations of the qualification rankings of offerors by the
5 head of the contracting body or a designee of the officer based on evaluation factors
6 set forth in the request for proposals shall be made in writing. Written
7 documentation shall be maintained concerning the final results of negotiation with
8 each vendor and reasoning as to why each vendor was chosen.

9 (6) The committee shall maintain a record or have readily accessible records of the date
10 on which each personal service contract, tax incentive agreement, and
11 memorandum of agreement was received and shall maintain or have access to
12 electronic or paper files on all personal service contracts, tax incentive agreements,
13 and memoranda of agreement. Except for records exempt from inspection under
14 KRS 61.870 to 61.884, all personal service contracts, tax incentive agreements, and
15 memoranda of agreement shall be made available for public inspection.

16 (7) Payment on personal service contracts, tax incentive agreements, and memoranda
17 of agreement submitted to the committee for approval shall not be made for
18 services rendered or projects undertaken after committee disapproval, unless the
19 decision of the committee is overridden by the secretary of the Finance and
20 Administration Cabinet or agency head, if the agency has been granted delegation
21 authority by the secretary of the Finance and Administration Cabinet. All personal
22 service contracts, tax incentive agreements, and memoranda of agreement shall
23 contain a provision that stipulates that payments on personal service contracts and
24 memoranda of agreement shall not be authorized for services rendered after
25 committee disapproval, unless the decision of the committee is overridden by the
26 secretary of the Finance and Administration Cabinet or agency head, if the agency
27 has been granted delegation authority.

- 1 (8) In the event of a governmental emergency as defined under KRS 45A.690, work
2 may begin prior to filing notification of the personal service contract with the
3 committee, if the secretary of the Finance and Administration Cabinet or his or her
4 designee determines that the time involved in the normal review process would be
5 detrimental to the Commonwealth's ability to act or procure the services and the
6 normal process will not accommodate the governmental emergency. Payment shall
7 not be made until written notification and explanation of the reasons for this action
8 are forwarded to the committee.
- 9 (9) If a governmental emergency exists as defined under KRS 45A.690 and work is
10 authorized to begin on a personal service contract immediately, a copy of a
11 statement, approved by the secretary of the Finance and Administration Cabinet or
12 his or her designee, setting forth in detail the nature of the emergency shall be filed
13 with the committee, along with a copy of the personal service contract.
- 14 (10) (a) No payment shall be made on any personal service contract unless the
15 individual, firm, partnership, or corporation awarded the personal service
16 contract submits ~~an~~^{its} invoice for payment **that contains the information**
17 **required by paragraph (d) of this subsection**~~[on a form established by the~~
18 ~~committee].~~
- 19 (b) Invoices shall be submitted every ninety (90) days, unless the personal service
20 contract specifies a different submission time period.
- 21 (c) Separate invoices shall be submitted for each distinct matter covered by the
22 personal service contract, and shall be signed by the individual responsible for
23 that matter.
- 24 (d) Each invoice shall contain the following information:
- 25 1. A description of the matter covered by the invoice;
- 26 2. The date each service was performed;
- 27 3. A full description of each service;

- 1 4. The name and title of each individual who worked on the matter, and the
- 2 time the individual spent on the matter;
- 3 5. The subject matter and recipient of any correspondence;
- 4 6. A full description of any work product produced, designating the way in
- 5 which the work product is associated with the matter being invoiced;
- 6 7. The hourly rate for each individual working on the matter, and the total
- 7 charge for that individual for each matter invoiced;
- 8 8. An itemized list of all disbursements to be reimbursed by the state for
- 9 each matter invoiced;
- 10 9. The total charge for each matter;
- 11 10. The combined total for services and disbursements for the billing period;
- 12 11. The tax identification number of the entity awarded the personal service
- 13 contract; and
- 14 12. An indication on each invoice of whether or not the invoice is final.
- 15 (e) The issuance of an invoice to the Commonwealth constitutes an affirmation
- 16 by the individual, firm, partnership, or corporation awarded the personal
- 17 service contract that the invoice truly and accurately represents work actually
- 18 performed and expenses actually incurred.
- 19 (f) The head of the contracting body shall approve the invoice, indicating that the
- 20 charges in the invoice reflect the value of the work performed, and all
- 21 recorded costs and disbursements were reasonably and necessarily incurred in
- 22 connection with the matter invoiced.

23 ➔Section 4. KRS 164.330 is amended to read as follows:

24 ~~[Each board of regents shall hold its first meeting within thirty (30) days after each~~
 25 ~~appointment of new members.]~~At **the first meeting of the board of regents following an**
 26 **appointment of a new member, unless the member was appointed to serve the**
 27 **remainder of an unexpired term,**~~[this meeting]~~ there shall be elected a vice chairperson

1 and a secretary for the board. Each board shall appoint a treasurer, and such officers as it
2 deems necessary, but no member of any of the boards shall be appointed treasurer. No
3 member of any board shall draw any salary for his or her services, but shall be
4 reimbursed for necessary expenditures made in going to and from each meeting of the
5 board and for other legitimate expenses, except a member who resides outside the
6 Commonwealth shall not be reimbursed for out-of-state travel. The expenses shall be
7 paid out of the funds of the appropriate institution.

8 →Section 5. KRS 61.661 is amended to read as follows:

9 (1) (a) Each current, former, or retired member's account shall be administered in a
10 confidential manner, and specific data regarding a current, former, or retired
11 member shall not be released for publication, except that:

12 1. The member or recipient may authorize the release of his or her account
13 information;

14 2. The Kentucky Public Pensions Authority ~~shall~~^{may} release account
15 information to the employer or to other state and federal agencies as it
16 deems necessary or in response to a lawful subpoena or order issued by
17 a court of law, except that the Kentucky Public Pensions Authority shall
18 be required to release account information to the employer as required
19 by KRS 61.565(1)(d)1.b.; or

20 3. a. Upon request by any person, the systems shall release the
21 following information from the accounts of any member or retired
22 member of the Kentucky Employees Retirement System, the
23 County Employees Retirement System, or the State Police
24 Retirement System, if the member or retired member is a current
25 or former officeholder in the Kentucky General Assembly:

26 i. The first and last name of the member or retired member;

27 ii. The system or systems in which the member has an account

- 1 or from which the retired member is receiving a monthly
2 retirement allowance;
- 3 iii. The status of the member or retired member, including but
4 not limited to whether he or she is a contributing member, a
5 member who is not currently contributing to the systems but
6 has not retired, a retired member, or a retired member who
7 has returned to work following retirement with an agency
8 participating in the systems;
- 9 iv. If the individual is a retired member, the monthly retirement
10 allowance that he or she was receiving at the end of the most
11 recently completed fiscal year;
- 12 v. If the individual is a member who has not yet retired, the
13 estimated monthly retirement allowance that he or she is
14 eligible to receive at his or her normal retirement date based
15 upon his or her service credit, final compensation, and
16 accumulated account balance at the end of the most recently
17 completed fiscal year; and
- 18 vi. The current employer or last participating employer of the
19 member or retired member, if applicable.
- 20 b. No information shall be disclosed under this subparagraph from an
21 account that is paying benefits to a beneficiary due to the death of
22 a member or retired member.
- 23 (b) A current, former, or retired member's account shall be exempt from the
24 provisions of KRS 171.410 to 171.990.
- 25 (c) The release of information under paragraph (a)3. of this subsection shall not
26 constitute a violation of the Open Records Act, KRS 61.870 to 61.884.
- 27 (2) (a) When a subpoena is served upon any employee of the Kentucky Retirement

1 Systems, the County Employees Retirement System, or the Kentucky Public
2 Pensions Authority, requiring production of any specific data regarding a
3 current, former, or retired member, it is sufficient if the employee of the
4 Kentucky Public Pensions Authority charged with the responsibility of being
5 custodian of the original delivers within five (5) working days, by certified
6 mail or by personal delivery, legible and durable copies of records, certified
7 by the employee, or an affidavit stating the information required by the
8 subpoena to the person specified in the subpoena. The production of
9 documents or an affidavit shall be in lieu of any personal testimony of any
10 employee of the Kentucky Retirement Systems, the County Employees
11 Retirement System, or the Kentucky Public Pensions Authority, unless, after
12 the production of documents or affidavit, a separate subpoena is served upon
13 the systems or the Authority specifically directing the testimony of an
14 employee of the systems or of the Authority. When a subpoena is served on
15 any employee of the systems or of the Authority requiring the employee to
16 give deposition for any purpose, in the absence of a court order requiring the
17 deposition of a specific employee, the systems or the Authority may designate
18 an employee to be deposed upon the matter referred to in the subpoena.

19 (b) The certification required by this subsection shall be signed before a notary
20 public by the employee and shall include the full name of the member or
21 recipient, the member's or recipient's Social Security number, and a legend
22 substantially to the following effect: "The records are true and complete
23 reproductions of the original or microfiched records which are housed in the
24 retirement systems office. This certification is given in lieu of his or her
25 personal appearance."

26 (c) When an affidavit or copies of records are personally delivered, a receipt shall
27 be presented to the person receiving the records for his or her signature and

1 shall be immediately signed and returned to the person delivering the records.
2 When an affidavit or copies of records are sent via certified mail, the receipt
3 used by the postal authorities shall be sufficient to prove delivery and receipt
4 of the affidavit or copies of records.

5 (d) When the affidavit or copies of records are delivered to a party for use in
6 deposition, they shall, after termination of the deposition, be delivered
7 personally or by certified mail to the clerk of the court or other body before
8 which the action or proceeding is pending. It shall be the responsibility of the
9 party or attorney to transmit the receipt obtained to the employee of the
10 Kentucky Public Pensions Authority charged with responsibility of being
11 custodian of the original. Upon issuance of a final order terminating the case
12 and after the normal retention period for court records expires, the affidavit or
13 copies of records shall be permanently disposed of by the clerk in a manner
14 that protects the confidentiality of the information contained therein.

15 (e) Records of the Kentucky Public Pensions Authority that are susceptible to
16 photostatic reproduction may be proved as to foundation, identity, and
17 authenticity without any preliminary testimony, by use of legible and durable
18 copies, certified in accordance with the provisions of this subsection.

19 ➔Section 6. KRS 61.880 is amended to read as follows:

20 (1) If a person enforces KRS 61.870 to 61.884 pursuant to this section, he or she shall
21 begin enforcement under this subsection before proceeding to enforcement under
22 subsection (2) of this section. Each public agency, upon any request for records
23 made under KRS 61.870 to 61.884, shall determine within five (5) days, excepting
24 Saturdays, Sundays, and legal holidays, after the receipt of any such request
25 whether to comply with the request and shall notify in writing the person making
26 the request, within the five (5) day period, of its decision. An agency response
27 denying, in whole or in part, inspection of any record shall include a statement of

1 the specific exception authorizing the withholding of the record and a brief
2 explanation of how the exception applies to the record withheld. The response shall
3 be issued by the official custodian or under his or her authority, and it shall
4 constitute final agency action.

5 (2) (a) If a complaining party wishes the Attorney General to review a public
6 agency's denial of a request to inspect a public record, the complaining party
7 shall forward to the Attorney General a copy of the written request and a copy
8 of the written response denying inspection **within sixty (60) days from receipt**
9 **by that party of the written response**. If the public agency refuses to provide a
10 written response, a complaining party shall provide a copy of the written
11 request **within sixty (60) days from the deadline for the public agency's**
12 **written response under subsection (1) of this section**. The Attorney General
13 shall review the request and denial and issue within twenty (20) days,
14 excepting Saturdays, Sundays and legal holidays, a written decision stating
15 whether the agency violated provisions of KRS 61.870 to 61.884.

16 (b) In unusual circumstances, the Attorney General may extend the twenty (20)
17 day time limit by sending written notice to the complaining party and a copy
18 to the denying agency, setting forth the reasons for the extension, and the day
19 on which a decision is expected to be issued, which shall not exceed an
20 additional thirty (30) work days, excepting Saturdays, Sundays, and legal
21 holidays. As used in this section, "unusual circumstances" means, but only to
22 the extent reasonably necessary to the proper resolution of an appeal:

- 23 1. The need to obtain additional documentation from the agency or a copy
24 of the records involved;
- 25 2. The need to conduct extensive research on issues of first impression; or
- 26 3. An unmanageable increase in the number of appeals received by the
27 Attorney General.

- 1 (c) On the day that the Attorney General renders his or her decision, he or she
2 shall mail a copy to the agency and a copy to the person who requested the
3 record in question. The burden of proof in sustaining the action shall rest with
4 the agency, and the Attorney General may request additional documentation
5 from the agency for substantiation. The Attorney General may also request a
6 copy of the records involved, but they shall not be disclosed.
- 7 (3) Each agency shall notify the Attorney General of any actions filed against that
8 agency in Circuit Court regarding the enforcement of KRS 61.870 to 61.884. The
9 Attorney General shall not, however, be named as a party in any Circuit Court
10 actions regarding the enforcement of KRS 61.870 to 61.884, nor shall he or she
11 have any duty to defend his or her decision in Circuit Court or any subsequent
12 proceedings.
- 13 (4) If a person feels the intent of KRS 61.870 to 61.884 is being subverted by an
14 agency short of denial of inspection, including but not limited to the imposition of
15 excessive fees, delay past the five (5) day period described in subsection (1) of this
16 section, excessive extensions of time, or the misdirection of the applicant, the
17 person may complain in writing to the Attorney General, and the complaint shall be
18 subject to the same adjudicatory process as if the record had been denied.
- 19 (5) (a) A party shall have thirty (30) days from the day that the Attorney General
20 renders his or her decision to appeal the decision. An appeal within the thirty
21 (30) day time limit shall be treated as if it were an action brought under KRS
22 61.882.
- 23 (b) If an appeal is not filed within the thirty (30) day time limit, the Attorney
24 General's decision shall have the force and effect of law and shall be
25 enforceable in the Circuit Court of the county where the public agency has its
26 principal place of business or the Circuit Court of the county where the public
27 record is maintained.

1 ➔Section 7. KRS 164.952 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Police officer" has the same meaning as "police officer" in KRS 15.420, as
4 "police officer" in KRS 164.950 to 164.980, and as "officer" in KRS 16.010;
5 and

6 (b) "Postsecondary institution" means any public institution of postsecondary
7 education authorized to establish a police department pursuant to KRS
8 164.950 to 164.980 that participates in the Kentucky Employees Retirement
9 System.

10 (2) ~~[Subject to the limitations of subsection (7) of this section,]~~A postsecondary
11 institution may employ individuals as police officers under this section who have
12 retired from the Kentucky Employees Retirement System, the County Employees
13 Retirement System, or the State Police Retirement System.

14 (3) To be eligible for employment under this section, an individual shall have:

15 (a) Participated in the Law Enforcement Foundation Program fund under KRS
16 15.410 to 15.510, retired as a commissioned officer pursuant to KRS Chapter
17 16, or retired as a police officer from a postsecondary institution;

18 (b) Retired with at least twenty (20) years of service credit;

19 (c) Been separated from service for the period required by KRS 61.637 or
20 78.5540 so that the member's retirement is not voided;

21 (d) Retired with no administrative charges pending; and

22 (e) Retired with no preexisting agreement between the individual and the
23 postsecondary institution prior to the individual's retirement for the individual
24 to return to work for the postsecondary institution.

25 (4) Individuals employed under this section shall:

26 (a) Serve for a term not to exceed one (1) year. The one (1) year employment
27 term may be renewed annually at the discretion of the employing

1 postsecondary institution;

2 (b) Receive compensation according to the standard procedures applicable to the
3 employing postsecondary institution; and

4 (c) Be employed based upon need as determined by the employing postsecondary
5 institution.

6 (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287,
7 61.510 to 61.705, or 78.510 to 78.852 to the contrary:

8 (a) Individuals employed under this section shall continue to receive all
9 retirement and health insurance benefits to which they were entitled upon
10 retiring in the applicable system administered by Kentucky Retirement
11 Systems;

12 (b) Individuals employed under this section shall not be eligible to receive health
13 insurance coverage through the employing postsecondary institution;

14 (c) The postsecondary institution shall not pay any employer contributions or
15 retiree health expense reimbursements to the Kentucky Retirement Systems
16 required by KRS 61.637(17) for individuals employed under this section; and

17 (d) The postsecondary institution shall not pay any insurance contributions to the
18 state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for
19 individuals employed under this section.

20 (6) Individuals employed under this section shall be subject to any legislative due
21 process provisions applicable to police officers of the employing postsecondary
22 institution. A decision not to renew a one (1) year appointment term under this
23 section shall not be considered a disciplinary action or deprivation subject to due
24 process.†

25 ~~(7) The number of retired police officers a postsecondary institution may hire under the~~
26 ~~provisions of this section shall be limited to five (5) retired police officers or a~~
27 ~~number equal to twenty five percent (25%) of the police officers employed by the~~

1 ~~postsecondary institution in calendar year 2018, whichever is greater.]~~