

152.590 General powers of Energy and Environment Cabinet.

The Energy and Environment Cabinet shall have the following general powers:

- (1) To acquire by purchase, exercise of the right of eminent domain, grant, gift, devise, or otherwise, the fee simple title to or any acceptable lesser interest in any lands, and by lease or other contract the right to use and occupy any lands, selected in the discretion of the secretary of the Energy and Environment Cabinet as constituting necessary, desirable, or acceptable sites for projects of the cabinet, including any and all lands adjacent to a project site as in the discretion of the secretary may be necessary or suitable for satellite projects or restricted areas; but in all instances lands which are to be designated as radioactive waste material sites shall be acquired in fee simple absolute and dedicated in perpetuity to such purpose;
- (2) To convey to private enterprise, or to lease to private enterprise for such term as in the discretion of the secretary of the Finance and Administration Cabinet may be in the public interest, any lands so acquired, either for a fair and reasonable consideration or solely or partly as an inducement to the establishment or location in the Commonwealth of any scientific or technological facility, project, satellite project, or nuclear storage area; but subject to such restraints as may be deemed proper to bring about a reversion of title or termination of any lease in the event the grantee or lessee, as the case may be, shall cease to use the premises or facilities in the conduct of business or activities consistent with laws and regulations of the Commonwealth; provided, however, radioactive waste material sites may be leased but may not otherwise be disposed of except to the Commonwealth, or to the United States;
- (3) To construct, reconstruct, maintain, repair, operate, and regulate projects at such locations within the Commonwealth as may be determined by the secretary;
- (4) To fix by contract, or to establish and revise from time to time and charge and collect revenues, rentals, rates, and charges for use of the services and facilities of projects;
- (5) To combine for financing purposes any two (2) or more projects;
- (6) To establish and enforce rules and regulations for the use of any project;
- (7) Without reference to KRS Chapter 56, to acquire and hold real and personal property in the exercise of its powers and the performance of its functions and duties under this section, and to dispose of the same with due regard for public health and safety, except in the case of radioactive waste material sites, which may be disposed of only to the Commonwealth itself, or to the United States, except as provided in subsection (2);
- (8) To designate the locations and establish, limit, and control such points of ingress to and egress from each project as the secretary may determine to be necessary or desirable to ensure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;
- (9) To make and enter into such contracts and agreements with governmental agencies and private enterprise as may be necessary or incidental to the performance of its duties and the execution of its powers under this section;

- (10) To employ scientists, consulting engineers, health officers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in the judgment of the secretary and to fix their compensation;
- (11) To receive and accept from any governmental agency, or from private enterprise, appropriations, grants, or contributions in money, property, labor, or other things of value, to be held, used and applied for or in aid of any project; and
- (12) To do all acts and things necessary or convenient to carry out the powers expressly granted in this section.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, secs. 183 and 189, effective July 15, 2010. -- Amended 1980 Ky. Acts ch. 295, sec. 30, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 155, sec. 41, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 299, sec. 92. -- Amended 1966 Ky. Acts ch. 220, sec. 13 -- Amended 1964 Ky. Acts ch. 7, sec. 12 -- Created 1962 Ky. Acts ch. 100, sec. 9.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts ch. 24, secs. 183 and 189, which are identical and have been codified together.