

175B.015 Kentucky Public Transportation Infrastructure Authority -- Members -- Meetings -- Records -- Administrative regulations -- Model procurement code compliance.

- (1) The Kentucky Public Transportation Infrastructure Authority is hereby established as an independent de jure municipal corporation and political subdivision of the Commonwealth constituting a governmental agency and instrumentality of the Commonwealth. The General Assembly hereby finds and declares that in carrying out its functions, powers, and duties as prescribed in this chapter, the state authority will be performing essential public and government functions that improve the public welfare and prosperity of the people of the Commonwealth by promoting the availability of and enhancing accessibility to improved transportation services within the Commonwealth.
- (2)
 - (a) The state authority shall be composed of the following eleven (11) voting members:
 1. The secretary of the Finance and Administration Cabinet, or the secretary's designee;
 2. The secretary of the Transportation Cabinet;
 3. A representative of the Kentucky Association of Counties, to be appointed by the Governor;
 4. A representative of the Kentucky County Judges/Executive Association, to be appointed by the Governor;
 5. A representative of the Kentucky League of Cities, to be appointed by the Governor; and
 6. Six (6) citizen members to be appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160, at least two (2) of whom shall be familiar with road and bridge design or the financing and administration of transportation infrastructure projects; and
 - (b) Each Kentucky member who shares duties as a presiding officer of a bi-state authority pursuant to KRS 175B.030(4)(a)3. shall serve as a nonvoting ex officio member.
- (3) The ex officio members shall serve for the term of their respective offices.
- (4) Members appointed pursuant to subsection (2)(a)3. to 6. of this section shall begin their terms on October 1, 2009, and shall be appointed for a term of four (4) years; however, in making initial appointments, the members appointed pursuant to subsection (2)(a)6. of this section shall include two (2) members for a term of two (2) years, two (2) members for a term of three (3) years, and two (2) members for a term of four (4) years.
- (5) Vacancies occurring during the term of any member shall be filled in the same manner as the original appointment.
- (6) The members of the state authority shall receive no compensation for their services, but shall be entitled to reimbursement for all reasonable expenses necessary and incidental to the performance of their duties and functions as members of the state authority.
- (7)
 - (a) Members of the state authority shall be considered public servants

subject to KRS Chapter 11A.

- (b) The following individuals or entities shall be prohibited from entering into any contract or agreement with the state authority:
 - 1. Any member of the state authority, a project authority, or a bi-state authority;
 - 2. Any spouse, child, stepchild, parent, stepparent, or sibling of a member of the state authority, a project authority, or a bi-state authority; and
 - 3. Any corporation, limited liability entity, or other business entity of which a person identified in subparagraph 1. or 2. of this paragraph is an owner, member, or partner or has any other ownership interest.
- (8) (a) The chairman of the state authority shall be the secretary of the Transportation Cabinet.
- (b) The members of the state authority shall elect a vice chairman and a secretary from the membership.
- (9) The Finance and Administration Cabinet shall provide fiscal consultant services to the state authority.
- (10) The state authority shall hold its initial meeting no later than November 1, 2009, and shall meet as needed thereafter, or at least quarterly if any bi-state authority or project authority exists, with adequate notice at the call of the chair. A quorum of at least fifty percent (50%) of the members of the state authority must be present for the state authority to take any action. At least eight (8) members shall vote in the affirmative for the state authority to approve a new project. All other business shall be approved by a majority vote of the members present.
- (11) (a) The state authority shall be attached for administrative purposes to the Transportation Cabinet. The state authority shall establish and maintain an office, and the secretary of the state authority shall maintain complete records of the state authority's actions and proceedings as public records open to inspection.
- (b) The state authority shall employ staff as needed in the conduct of its duties and functions, and shall fix their compensation.
- (12) The state authority may promulgate administrative regulations in accordance with KRS Chapter 13A as needed:
 - (a) Establishing collection and enforcement procedures, including fines, charges, assessments, and other enforcement mechanisms, for the violation of KRS 175B.040(4), and for violation of any administrative regulation promulgated under this subsection;
 - (b) Establishing an appeals process by which a person may contest a violation of KRS 175B.040(4), or a violation of any administrative regulation promulgated under this subsection, by way of an administrative hearing to be conducted in accordance with KRS Chapter 13B;
 - (c) Relating to any matters necessary to the efficient administration of tolls when implemented for a project developed under this chapter; and

- (d) To fulfill any other requirements of this chapter.
- (13) The state authority shall comply with applicable provisions of KRS Chapter 45A in the development of a project and the procurement of goods and services.
- (14) The records of the state authority shall be considered open records pursuant to KRS 61.870 to 61.884.
- (15) The meetings of the state authority shall be considered open meetings pursuant to KRS 61.805 to 61.850.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 38, sec. 1, effective June 25, 2013. -- Created 2009 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 77, effective June 26, 2009.