

### **168.100 Powers of authority.**

The authority shall have no power of taxation, nor is it vested with the police power of the Commonwealth, except insofar as the exercise of the power of eminent domain may be deemed a part thereof. Otherwise, in general terms, it shall have and is hereby given all such constitutional powers as are necessary to its accomplishment of the purpose and implementation of the public policy set forth in KRS 168.010. Without limiting the generality of the foregoing, but only for assurance to parties transacting business with the authority, and who may demand and be entitled to assurance, the following specific powers are hereby vested in the authority:

- (1) To receive and use in the furtherance of its lawful objectives state funds as may be appropriated or allotted to it, any funds received for services rendered under contract or from the sale of property owned by it, and contributions, matching funds, gifts, bequests, and devises from any source, whether state or federal, and whether public or private; unless the same be tendered subject to one (1) or more conditions which are inconsistent with KRS 168.010 to 168.100, or otherwise unlawful;
- (2) To make contracts and agreements whereunder the authority may undertake to provide educational television facilities and related functions and facilities to or for any public body of the state or federal government in furtherance of educational television or in aid of any other public function. However, it shall be an express provision of every such contract that the authority will not undertake to transmit or relay, and will not permit any other party to transmit or relay, in the use of the authority's television facilities, any subversive matter, any political propaganda, or any image or message in the interests of any political party or candidate for public office; or be used by, or in aid of, any church, sectarian, or denominational school; but this proviso is not intended and shall not be construed to be a limitation upon dissemination by the authority of legitimate objective instructional material which is properly related to the study of history or of current events, or which is no more than factually informative, of current issues of government, or of various political ideologies;
- (3) To produce, prepare, transmit, and relay, either from life or by recording on tape or films, educational television programs and related services coordinated with the curricula prescribed or approved for the public schools of the Commonwealth by the department or the board pursuant to KRS 158.6451;
- (4) To purchase or lease from others, or to contract with others for the use of, or the right to transmit or relay, similar educational television programs and related services, whenever in the opinion of the authority the same are suitable and cannot be produced as effectively or economically through the use of its own facilities;
- (5) To purchase, lease, or otherwise acquire, and to operate, television and related facilities deemed by the authority to be necessary in the furtherance of its lawful objectives; and in this connection to acquire property by the exercise of the power of eminent domain, in the manner authorized for the Department of Highways by the Eminent Domain Act of Kentucky, whenever the same cannot be purchased, leased, or otherwise acquired at a reasonable price after reasonable negotiations

with the owner or owners. In all such matters, the authority shall be subject to the provisions of KRS Chapters 45A and 56;

- (6) To prescribe standards for receiving instruments which are purchased in the future for use in the public schools, in order that reception of educational television programs and related services may be acceptable and in conformity with the manner of transmission thereof; and to disseminate such standards, together with technical information with regard to installations and use of receiving instruments, to all of the public school districts, or to such as may request the same;
- (7) In its discretion and within the limitation of availability of funds from any sources, to:
  - (a) Establish a program of matching funds as an inducement to public school districts to purchase and install proper facilities for receiving and utilizing educational television programs and related services, especially in situations where by reason of topographical difficulties of reception, special antennas, or other equipment may be required, and
  - (b) If so requested by the boards of education of a sufficient number of public school districts, to purchase through the Finance and Administration Cabinet, subject to the provisions of KRS Chapter 45A, receiving instruments on their behalf on a wholesale basis for the purposes of economy, any such purchases to be on a public competitive basis after due advertisement according to law, but restricted to such receiving instruments as meet the standards prescribed by the authority.

**Effective:** July 13, 1990

**History:** Amended 1990 Ky. Acts ch. 476, Pt. I, sec. 24, effective July 13, 1990; and ch. 496, sec. 53, effective July 13, 1990. -- Amended 1976 Ky. Acts ch. 140, sec. 73. -- Amended 1974 Ky. Acts ch. 74, Art. II, sec. 9(1); and ch. 74, Art. IV, sec. 20(1). -  
- Amended 1970 Ky. Acts ch. 204, sec. 6. -- Created 1962 Ky. Acts ch. 16, sec. 8.

**Legislative Research Commission Note (7/13/90).** This section was amended by two 1990 Acts which do not appear to be in conflict and have been compiled together.