

**56.463 Powers of cabinet in determining need, controlling, and disposing of real estate.**

The cabinet shall have the power and duty:

- (1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects;
- (2) To purchase or otherwise acquire all real property determined to be needed for state use and upon the approval of the secretary of the Finance and Administration Cabinet as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS Chapters 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45A.045;
- (3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the secretary of the Finance and Administration Cabinet. All such sales or other disposition shall be made in accordance with KRS 45A.045;
- (4) (a) To control the use of any real property owned or otherwise held by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real property during periods that the cabinet finds the same is not required for the purposes of any particular state agency. The cabinet shall allocate to the General Assembly and the Legislative Research Commission the amount of space within the New State Capitol Annex, currently assigned to the legislative branch in the basement and on the first floor totaling forty-nine thousand six hundred thirty-eight (49,638) square feet; approximately twenty-four thousand four hundred fifty-two (24,452) square feet on the second floor from an imaginary line running north and south down the center of the center wing hallway of the building and all space to the east of this line, excluding mechanical areas, public entrances, and restrooms; approximately twenty-three thousand nine hundred forty (23,940) square feet on the third floor from an imaginary line running north and south down the center of the center wing hallway of the building and all space to the east of this line, excluding mechanical areas, public entrances, and restrooms; approximately twenty-two thousand fifty-six (22,056) square feet on the fourth floor from an imaginary line running north and south down the center of the center wing hallway of the building and all space to the east of this line, excluding mechanical areas, public entrances, and restrooms. All space assigned to the legislative branch and plans, uses, furnishings, and equipment therefor are subject to the specific approval of the Legislative Research Commission;
- (b) All additional space in the New State Capitol Annex, not specifically allocated for use by the General Assembly and the Legislative Research Commission in paragraph (a) of this subsection, shall be allocated for the use of the legislative

branch, with occupancy by the legislative branch to be determined by the Legislative Research Commission. Until the Legislative Research Commission, by vote of a majority of its entire membership, determines that the legislative branch shall occupy all or part of such additional space in the Capitol Annex, the cabinet shall continue to determine the occupancy of such additional space;

- (c) Forty percent (40%) of the floor space provided by paragraph (a) of this subsection for use by the legislative branch shall be assigned for the use of the Senate. Sixty percent (60%) of the floor space provided by paragraph (a) of this subsection for use by the legislative branch shall be assigned for the use of the House of Representatives; and
- (d) To determine the housing and furnishings needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. Subject to paragraphs (a) and (b) of this subsection, the cabinet is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort, exclusive of the third and fourth floors of the New State Capitol and the space in the New State Capitol Annex allocated to the legislative branch, according to the needs of the various agencies. When necessary, the cabinet is authorized to provide additional office space and furnishings in Frankfort under any building program the cabinet deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the General Assembly and its related agencies, including the Legislative Research Commission, and its subcommittees, the executive offices, the Supreme Court and the clerk of the Supreme Court, the Department of Law and the law library, in the New State Capitol, provided the General Assembly and the Legislative Research Commission shall have complete control and exclusive use of the third and fourth floors of the New State Capitol and shall have exclusive use of the space in the New State Capitol Annex allocated to them under paragraphs (a) and (b) of this subsection. If there be any additional space in the Capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the Capitol;
- (5) To acquire, by condemnation in the manner provided in the Eminent Domain Act of Kentucky, any real estate necessary for use by the state or by any state agency, when the cabinet is unable to agree with the owner thereof on a price for such real estate;
- (6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45A.045;
- (7) To provide for and adopt plans and specifications as may be necessary, to provide adequate public notice for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may become necessary or expedient in order to effectively fulfill and carry out the purposes of

this chapter, including the right to employ clerks, engineers, statisticians, architects, or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550; and

- (8) To adopt rules and promulgate administrative regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

**Effective:** June 24, 2003

**History:** Amended 2003 Ky. Acts ch. 153, sec. 1, effective June 24, 2003. -- Amended 1998 Ky. Acts ch. 120, sec. 23, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 496, sec. 31, effective July 13, 1990; and ch. 510, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 497, sec. 1, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 226, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 218, sec. 1, effective March 30, 1978; and ch. 384, sec. 539, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 62, sec. 52; and ch. 140, sec. 19. -- Amended 1974 Ky. Acts ch. 372, sec. 1. -- Amended 1966 Ky. Acts ch. 111, sec. 1. -- Created 1956 (1st Extra. Sess.) Ky. Acts ch. 7, Art. XVI, sec. 4.

**2010-2012 Budget Reference.** See State/Executive Branch Budget, 2010 (1st Extra. Sess.) StateKy. Acts ch. 1, Pt. I, C, 3, (18) at 21.