

**56.805 Lease of space in building owned by a governmental unit or space required because of emergency.**

- (1) Notwithstanding the provisions of KRS 56.803(4) to (19), this section shall govern the leasing of space in a building owned by the federal government, by a political subdivision or municipal corporation of the Commonwealth, or if the space is required as the result of a bona fide emergency.
- (2) When the commissioner of the Department for Facilities Management determines that it is in the Commonwealth's best interest for him to negotiate a lease in a building owned by the federal government or by a political subdivision or municipal corporation of the Commonwealth, he shall do so. The commissioner shall state in writing his justifications for the determination, and the writing shall be kept on file.
- (3) A bona fide emergency shall be deemed to exist only in cases where the head of an agency already occupying leased premises certifies in writing to the Secretary of the Finance and Administration Cabinet that:
  - (a) The leased premises have been damaged or destroyed by fire, windstorm, or other casualty; or
  - (b) The leased premises are found to be in violation of regulations of the Kentucky Occupational Safety and Health Review Commission, and the violations cannot be remedied within thirty (30) days after the issuance of a citation to the lessor of the premises; or
  - (c) The leased premises are found to be unsafe or unfit for occupancy due to any condition constituting a violation or infraction of fire or health laws and regulations and cannot be made safe within a reasonable time; or
  - (d)
    1. The necessity for leased premises arises from the enactment or adoption of federal legislation or regulations or state legislation, the effective date of which mandates commencement of programs to be housed in leased space before there is time for space to be acquired by public notice; and
    2. The agency's functions will be impaired or have to be discontinued unless other quarters to house the agency's operations are immediately located and occupied by the agency; or
  - (e) An emergency, other than one described in paragraph (a), (b), (c), or (d) of this subsection, exists, and the Governor has given his express written authorization of an emergency lease. The certificate shall state the details of the emergency, and the head of the agency shall include the Governor's written authorization along with the certificate sent to the Secretary of Finance and Administration Cabinet.
- (4) Upon receipt by the Finance and Administration Cabinet of the certificate, written pursuant to paragraph (a), (b), (c), or (d) of subsection (3) of this section, or the certificate and the Governor's authorization written pursuant to paragraph (e) of subsection (3) of this section, the Department for Facilities Management shall take the action to locate and negotiate for the lease of space meeting the certifying agency's reasonable needs. As appropriate, the department shall keep the certificate or the certificate and the Governor's written authorization on file.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 120, sec. 28, effective July 15, 1998; and ch. 539, sec. 6, effective July 15, 1998. -- Created 1990 Ky. Acts ch. 512, sec. 5, effective July 13, 1990.

**Legislative Research Commission Note (7/15/98).** This section was amended by 1998 Ky. Acts chs. 120 and 539 which do not appear to be in conflict and have been codified together.