

CHAPTER 42

(HB 33)

AN ACT relating to publications of state agencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 57 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Publication" means any annual or biennial report, book, pamphlet, newsletter, bulletin, map, calendar, or brochure, of a documentary or informational nature, whether or not required by statute. The term does not include news releases; notices, agendas, or minutes of meetings; or budgets and budget recommendations; and*
- (b) *"State agency" means any executive branch organizational unit or administrative body, as defined in KRS 12.010, or any agency of the legislative branch of state government.*

(2) *A state agency shall not mail a publication to any person who has not requested a copy of the publication unless the unsolicited mailing is:*

- (a) *Used to market or advertise an agency, event, site, program, or service; or*
- (b) *Determined, in writing, to be essential to the performance of the agency's statutory mission by:*
 - 1. *The Governor, if the state agency is in the executive branch; or*
 - 2. *The General Assembly or the Legislative Research Commission, if the state agency is in the legislative branch.*

(3) *The Governor may delegate responsibility under subsection (2) of this section to the secretaries of the program cabinets for publication of state agencies within or attached to their respective cabinets.*

(4) *If any provision of the Kentucky Revised Statutes requires a state agency to submit a publication annually or biennially to the Legislative Research Commission or to the General Assembly, the state agency shall submit that publication online rather than on paper or by means of any other printed medium.*

➔Section 2. KRS 12.110 is amended to read as follows:

- (1) The Governor shall prepare and submit to the Legislative Research Commission annual reports of the finances and operations of the state and such other reports as the General Assembly may prescribe or as the Governor may desire. The head of each statutory department shall make to the Governor an annual report and may at any time be required by the Governor to make any special report concerning the work under his charge, with his observations and recommendations thereon and pertinent statistics concerning the work of the department, each of which the Governor shall transmit to the Legislative Research Commission *online*, with such comments as ~~the Governor~~ *he* may desire to make. All such annual reports shall observe the fiscal year of the state as the reporting year, and shall be published *only* to the extent ordered in writing by the Governor *in accordance with Section 1 of this Act.* ~~Twenty five (25) copies of each report shall be filed with the Legislative Research Commission for availability to the members of the General Assembly upon request. Additional copies of any report shall be made available to the Legislative Research Commission at no charge if the requests for said report exceed twenty five (25).~~
- (2) Agencies shall file all annual and biennial reports required by law to be made by agencies with the Governor, and a copy thereof in the office of the Secretary of State, which shall be preserved as a public record.

Signed by Governor March 16, 2011.