

CHAPTER 178

(HB 10)

AN ACT relating to executive branch operations and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 12.210 TO 12.230 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "entity of the executive branch" means:*
- (a) *Any department, program cabinet, or administrative body enumerated in KRS 12.020;*
 - (b) *Any department, office, administrative body, or executive branch agency attached to an executive branch department or program cabinet enumerated in KRS 12.020; or*
 - (c) *Any officer of any department, office, program cabinet, administrative body, or executive branch agency listed in paragraph (a) or (b) of this subsection.*
- (2) (a) *Within one hundred eighty (180) days before a gubernatorial inauguration, the Attorney General shall, in consultation with the secretary of the Finance and Administration Cabinet, review and approve or disapprove any settlement of pending or threatened litigation involving an entity of the executive branch in which the settlement amount exceeds one million dollars (\$1,000,000).*
- (b) *A settlement shall not be entered into or approved by an entity of the executive branch without prior approval of the Attorney General as provided in paragraph (a) of this subsection.*
- (3) *The requirements of this section shall apply to any program cabinet, department, administrative body, or agency created by or attached to an entity of the executive branch after the effective date of this Act.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Executive branch official" means all major management personnel of the Office of the Governor, Office of the Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, and Commissioner of Agriculture, including but not limited to cabinet secretaries, deputy cabinet secretaries, chief executive officers, general counsels, commissioners, deputy commissioners, executive directors, executive assistants, policy advisors, special assistants, administrative coordinators, executive advisors, staff assistants, and division directors; and*
 - (b) *"State constitutional officer" means the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts, State Treasurer, and Commissioner of Agriculture.*
- (2) *Notwithstanding any law to the contrary, at any time during the twelve (12) months before and twelve (12) months after a state constitutional officer takes his or her oath of office, any person:*
- (a) *Involved in conduct relating to the transition between outgoing and incoming state constitutional officers that may result in a criminal prosecution of the person or a violation of a state ethics law by the person, including but not limited to the Executive Branch Code of Ethics pursuant to KRS Chapter 11A and the Kentucky Code of Legislative Ethics pursuant to KRS 6.601 to 6.849; and*
 - (b) *Who brings forth evidence against an executive branch official who was involved with or directed the person to perform the conduct described in paragraph (a) of this subsection;*
- shall be immune from criminal prosecution for the conduct, and shall not be subject to any penalty resulting from an ethical violation pertaining to his or her involvement in the conduct if the evidence he or she brought forth assists in the criminal prosecution of, or a finding of an ethical violation against, the applicable executive branch official.*
- (3) *A person shall not be immune from criminal prosecution and shall be subject to any ethical violation pertaining to his or her involvement with the conduct described in subsection (2)(a) of this section if he or she commits perjury. Any testimony or evidence given or produced shall be admissible against the person upon any criminal action, investigation, or proceeding concerning the perjury in addition to any conduct described in subsection (2)(a) of this section.*

➔Section 3. KRS 12.255 is amended to read as follows:

There is hereby established the office of secretary for each of the program cabinets listed in KRS 12.250. Each of these program cabinets shall be headed by a secretary appointed by the Governor~~[]~~ **and subject to Senate confirmation in accordance with KRS 11.160**. Each secretary shall be ~~chair~~~~[chairman]~~ of the related cabinet, and each secretary shall be bonded as required by KRS 62.160.

➔Section 4. KRS 18A.111 is amended to read as follows:

- (1) Except when appointed to a job classification with an initial probationary period in excess of six (6) months, and except as provided in KRS 18A.005 and this section, an employee shall serve a six (6) months probationary period when he *or she* is initially appointed to the classified service. An employee may be separated from his *or her* position, reduced in class or rank, or replaced on the eligible list during this initial probationary period and shall not have a right to appeal, except as provided by KRS 18A.095. The employee may be placed on an eligible list but shall not be certified to the agency from which he *or she* was separated unless that agency so requests. Unless the appointing authority notifies the employee prior to the end of the initial probationary period that he *or she* is separated, the employee shall be deemed to have served satisfactorily and shall acquire status in the classified service.
- (2) An employee who satisfactorily completes the initial probationary period for the position to which he *or she* was initially appointed to the classified service shall be granted status and may not be demoted, disciplined, dismissed, or otherwise penalized, except as provided by the provisions of this chapter.
- (3) An employee ordered reinstated by the board shall not be required to serve a probationary period unless the board rules otherwise.
- (4) An employee with status, who has been promoted, shall serve a promotional probationary period of six (6) months, except for those employees granted leave in excess of twenty (20) consecutive work days during this period. Such probationary periods shall be extended as prescribed in KRS 18A.005. During this period, he *or she* shall retain the rights and privileges granted by the provisions of this chapter to status employees.
- (5) An employee with status may request that he *or she* be reverted to a position in his *or her* former class at any time during the promotional probationary period.
- (6) A laid-off employee who accepts a bona fide written offer of appointment to a position shall not be required to serve an initial probationary period. He *or she* shall be an employee with status and shall have all rights and privileges granted employees with status under the provisions of this chapter.
- (7) ***At any time in the eighteen (18) months prior to a gubernatorial inauguration, a person who is appointed to a position in the classified service and who previously held a position that was unclassified under subsection (1) of Section 4 of this Act shall:***
 - (a) ***Be required to serve an initial probationary period of twenty-four (24) months regardless of whether he or she previously had status in the classified service; and***
 - (b) ***Not be entitled to any preference in hiring or reemployment, notwithstanding KRS 18A.130 and 18A.135***~~[A former unclassified employee under KRS 18A.115(1)(d), (e), (f), (g), (h), or (i) shall serve an initial probationary period of twelve (12) months if the employee is appointed to a position in the classified service, unless that employee had previously had status in the classified service or had been separated from his or her previous unclassified position for at least one hundred eighty (180) days prior to the effective date of his or her appointment to the classified service].~~
- (8) Notification to an employee on initial or promotional probation of the reason the probationary employment has been terminated by the appointing authority shall not confer a right to appeal to the board.

➔Section 5. KRS 18A.115 is amended to read as follows:

- (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise all positions in the state service now existing or hereafter established, except the following:
 - (a) The General Assembly and employees of the General Assembly, including the employees of the Legislative Research Commission;
 - (b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices;
 - (c) Members of boards and commissions;

- (d) Officers and employees on the staff of the Governor, the Lieutenant Governor, the Office of the Secretary of the Governor's Cabinet, and the Office of Program Administration;
- (e) Cabinet secretaries, commissioners, office heads, and the administrative heads of all boards and commissions, including the executive director of Kentucky Educational Television;
- (f) Employees of Kentucky Educational Television who have been determined to be exempt from classified service by the Kentucky Authority for Educational Television, which shall have sole authority over such exempt employees for employment, dismissal, and setting of compensation, up to the maximum established for the executive director and his or her principal assistants;
- (g) One (1) principal assistant or deputy for each person exempted under subsection (1)(e) of this section;
- (h) One (1) additional principal assistant or deputy as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the secretary approves such an addition on petition of the relevant cabinet secretary or department head and such other principal assistants, deputies, or other major assistants as may be necessary for making and carrying out policy for each person exempted under subsection (1)(e) of this section in those instances in which the nature of the functions, size, or complexity of the unit involved are such that the board may approve such an addition or additions on petition of the department head approved by the secretary. Effective August 1, 2010:
 - 1. All positions approved under this paragraph prior to August 1, 2010, shall be abolished effective December 31, 2010, unless reapproved under subparagraph 2. of this paragraph; and
 - 2. A position approved under this paragraph on or after August 1, 2010, shall be approved for a period of five (5) years, after which time the position shall be abolished unless reapproved under this subparagraph for an additional five (5) year period;
- (i) Division directors subject to the provisions of KRS 18A.170. Division directors in the classified service as of January 1, 1980, shall remain in the classified service;
- (j) Physicians employed as such;
- (k) One (1) private secretary for each person exempted under subsection (1)(e), (g), and (h) of this section;
- (l) The judicial department, referees, receivers, jurors, and notaries public;
- (m) Officers and members of the staffs of state universities and colleges and student employees of such institutions; officers and employees of the Teachers' Retirement System; and officers, teachers, and employees of local boards of education;
- (n) Patients or inmates employed in state institutions;
- (o) Persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation, or examination on behalf of the General Assembly, or a committee thereof, or by authority of the Governor, and persons employed by state agencies for a specified, limited period to provide professional, technical, scientific, or artistic services under the provisions of KRS 45A.690 to 45A.725;
- (p) Interim employees;
- (q) Officers and members of the state militia;
- (r) Department of Kentucky State Police troopers;
- (s) University or college engineering students or other students employed part-time or part-year by the state through special personnel recruitment programs; provided that while so employed such aides shall be under contract to work full-time for the state after graduation for a period of time approved by the commissioner or shall be participants in a cooperative education program approved by the commissioner;
- (t) Superintendents of state mental institutions, including heads of centers for individuals with an intellectual disability, and penal and correctional institutions as referred to in KRS 196.180(2);
- (u) Staff members of the Kentucky Historical Society, if they are hired in accordance with KRS 171.311;

- (v) County and Commonwealth's attorneys and their respective appointees;
 - (w) Chief district engineers and the state highway engineer;
 - (x) Employees of the Kentucky Horse Racing and Gaming Corporation;
 - (y) Employees of the Kentucky Peace Corps;
 - (z) Employees of the Council on Postsecondary Education;
 - (aa) Executive director of the Commonwealth Office of Technology;
 - (ab) Employees of Serve Kentucky;
 - (ac) Persons employed in certified teaching positions at the Kentucky School for the Blind and the Kentucky School for the Deaf;
 - (ad) Federally funded time-limited employees as defined in KRS 18A.005; and
 - (ae) Employees of the Department of Agriculture who are employed to support the Agricultural Development Board and the Kentucky Agricultural Finance Corporation.
- (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or amend the provisions of KRS 150.022 and 150.061.
- (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any nonmanagement, nonpolicy-making position **required to** ~~which must~~ be included in the classified service as a prerequisite to the grant of federal funds to a state agency.
- (4) Career employees within the classified service promoted to positions exempted from classified service shall, upon termination of their employment in the exempted service, revert to a position in that class in the agency from which they were terminated if a vacancy in that class exists. If no such vacancy exists, they shall be considered for employment in any vacant position for which they were qualified pursuant to KRS 18A.130 and 18A.135, **but shall be subject to the limitations specified in subsection (7) of Section 4 of this Act.**
- (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing officers from filling unclassified positions in the manner in which positions in the classified service are filled except as otherwise provided in KRS 18A.005 to 18A.200.
- (6) The positions of employees who are transferred, effective July 1, 1998, from the Cabinet for Workforce Development to the Kentucky Community and Technical College System shall be abolished and the employees' names removed from the roster of state employees. Employees that are transferred, effective July 1, 1998, to the Kentucky Community and Technical College System under KRS Chapter 164 shall have the same benefits and rights as they had under KRS Chapter 18A and have under KRS 164.5805; however, they shall have no guaranteed reemployment rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An employee who seeks reemployment in a state position under KRS Chapter 151B or KRS Chapter 18A shall have years of service in the Kentucky Community and Technical College System counted towards years of experience for calculating benefits and compensation.
- (7) On August 15, 2000, all certified and equivalent personnel, all unclassified personnel, and all certified and equivalent and unclassified vacant positions in the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems under KRS Chapter 151B and KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No certified or equivalent employee in the Department for Adult Education and Literacy shall suffer any penalty in the transfer.
- (8) On August 15, 2000, secretaries and assistants attached to policymaking positions in the Department for Technical Education and the Department for Adult Education and Literacy shall be transferred from the personnel system under KRS Chapter 151B to the personnel system under KRS Chapter 18A. The positions shall be deleted from the KRS Chapter 151B system. All records shall be transferred including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. No employee shall suffer any penalty in the transfer.

- (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are engaged in providing instructional and support services to the Department of Criminal Justice Training shall be transferred to the personnel system under KRS Chapter 18A. All records shall be transferred, including accumulated annual leave, sick leave, compensatory time, and service credit for each affected employee. The personnel officers who administer the personnel systems for Eastern Kentucky University and under KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in personnel authority. No employee shall suffer any penalty in the transfer.
- (10) On July 1, 2024, all employees of the Louisville and Jefferson County Public Defender Corporation shall be transferred to the personnel system under KRS Chapter 18A. Records of each employee's job classification, compensation, dates of employment, dates of professional licensure, probationary status, accumulated leave balances by category, months of service, and any other information necessary under KRS Chapter 18A shall be transferred. The personnel officers who administer the personnel systems for the Louisville and Jefferson County Public Defender Corporation and under KRS Chapter 18A shall exercise the necessary administrative procedures to effect the change in the personnel authority. No employee shall suffer any penalty in the transfer.

➔Section 6. KRS 41.100 is amended to read as follows:

- (1) The Treasurer shall receive notification from state agencies of all money due or payable to the state. The Treasurer shall provide acknowledgment of the notification to the Finance and Administration Cabinet.
- (2) (a) *As used in this subsection, "state constitutional officer" has the same meaning as in Section 2 of this Act.*
- (b) 1. *Except as provided in subparagraph 2. of this paragraph, every state constitutional officer shall submit all travel expense requests to the Treasurer for approval during the last six (6) months of his or her term of office.*
2. *Subparagraph 1. of this paragraph shall not apply to the Treasurer. The Treasurer shall instead submit his or her travel expense requests to the Auditor of Public Accounts for approval during the last six (6) months of his or her term of office.*

➔Section 7. KRS 45A.095 is amended to read as follows:

- (1) ~~As used in~~ ~~For purposes of~~ this section:
- (a) "Emergency condition" means a situation which creates a threat or impending threat to public health, welfare, or safety such as may arise by reason of fires, floods, tornadoes, other natural or man-caused disasters, epidemics, riots, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies, equipment failures, state or federal legislative mandates, or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of government, the preservation or protection of property, or the health or safety of any person;
- (b) *"Executive branch agency" means all executive branch departments, offices, program cabinets and their respective departments, and administrative bodies enumerated in KRS 12.020, and any other executive branch agencies immediately attached to a department, office, program cabinet, or administrative body enumerated in KRS 12.020; and*
- (c) ~~(b)~~ "Sole source" means a situation in which there is only one (1) known capable supplier of a commodity or service, occasioned by the unique nature of the requirement, the supplier, or market conditions.
- (2) A contract may be made by noncompetitive negotiation only:
- (a) For sole source purchases;
- (b) When competition is not feasible, as determined by the purchasing officer in writing prior to award, under administrative regulations promulgated by the secretary of the Finance and Administration Cabinet or the governing boards of universities operating under KRS Chapter 164A;
- (c) When emergency conditions exist; or

- (d) For sponsorships, naming rights, or other advertising or similar considerations for which competition is not feasible.
- (3) Insofar as it is practical, no fewer than three (3) suppliers shall be solicited to submit written or oral quotations whenever it is determined that competitive sealed bidding is not feasible. Award shall be made to the supplier offering the best value. The names of the suppliers submitting quotations and the date and amount of each quotation shall be placed in the procurement file and maintained as a public record.
- (4) Competitive bids may not be required:
 - (a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;
 - (b) Where rates are fixed by law or ordinance;
 - (c) For library books;
 - (d) For commercial items that are purchased for resale;
 - (e) For interests in real property;
 - (f) For visiting speakers, professors, expert witnesses, and performing artists;
 - (g) For personal service contracts executed pursuant to KRS 45A.690 to 45A.725;
 - (h) For agricultural products in accordance with KRS 45A.645; and
 - (i) For contracts entered into by the president of the Kentucky Horse Park for emergency purchases pursuant to KRS 148.320(5).
- (5) The chief procurement officer, the head of a using agency, or a person authorized in writing as the designee of either officer may make or authorize others to make emergency procurements when an emergency condition exists.
- (6) The Finance and Administration Cabinet may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency shall be fully explained, in writing, by the head of the agency for which the purchase is to be made. The explanation shall be approved by the secretary of the Finance and Administration Cabinet and shall include the name of the vendor receiving the contract along with any other price quotations and a written determination for selection of the vendor receiving the contract. This information shall be filed with the record of all such purchases and made available to the public. Where practical, standard specifications shall be followed in making emergency purchases. In any event, every effort should be made to effect a competitively established price for purchases made by the state.
- (7) Subsection (6) of this section shall not apply to emergency purchases made pursuant to KRS 148.320(5).
- (8) ***In the one hundred eighty (180) days preceding a gubernatorial inauguration, an executive branch agency may execute or renew a contract by noncompetitive negotiation only when the secretary of the Finance and Administration Cabinet and the State Treasurer both certify that the contract is necessary because of the existence of an emergency condition.***

➔Section 8. KRS 150.022 is amended to read as follows:

- (1) The Department of Fish and Wildlife Resources Commission shall consist of nine (9) members, one (1) from each commission district, as set out by the commissioner with the approval of the commission, and not more than five (5) of the same political party.
- (2) (a) The Governor shall appoint the members of the commission subject to confirmation by the Senate as described in subsection (3) of this section. Each of the members shall be appointed for a term ending on December 31 of the fourth calendar year following his or her appointment.
- (b) A member whose reappointment is not confirmed by the Senate while it is in session shall vacate his or her seat upon the date of sine die adjournment of the session in which the confirmation was declined. Otherwise, a member's term shall continue until his or her successor is duly appointed and confirmed by the Senate, but no later than one (1) year following the expiration of the member's term. If after one (1) year a successor has not been duly appointed and confirmed by the Senate, the ***commission member's***~~commissioner's~~ seat for that district shall be vacant until a successor is duly appointed and confirmed by the Senate.

- (c) A member shall serve no more than two (2) full terms, not including any partial term that a member may additionally serve. A person who has been convicted of a felony offense, in Kentucky or under the law of any other state, or any other law of the United States shall not be eligible to serve on the commission.
- (3) (a) Vacancies through the expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of five (5) names from each commission district, recommended and submitted by the sportsmen *or sportswomen* of each respective district.
- (b) When the term of a member expires, the commissioner shall call a meeting of the sportsmen *and sportswomen* in that district not later than thirty (30) days prior to the expiration of the member's term. ***At least thirty (30) days before the meeting is called, the commissioner shall provide notice of the location, date, and time of the meeting.*** Notice of the meeting shall be given by publication pursuant to KRS Chapter 424.
- (c) At the meeting, the sportsmen *or sportswomen* in attendance shall select and submit to the Governor a list of five (5) residents and citizens of the district who have held hunting and fishing licenses in Kentucky or another state for at least the previous five (5) consecutive years, or who have been hunting and fishing in the Commonwealth for the previous five (5) consecutive years while license-exempt under KRS 150.170, and ~~is [who are]~~ well informed on the subject of wildlife conservation and restoration.
- (d) ***A person desiring to be a member of the commission shall, at least fifteen (15) days prior to the meeting conducted in accordance with paragraph (c) of this subsection, present to a representative of the department an affidavit, duly signed and sworn, with accompanying documentation setting forth in detail how he or she complies with the qualifications and requirements of this subsection. The department shall make a determination based off of the affidavit and documentation submitted by the applicant whether he or she meets the qualifications and provide a list of the qualified applicants to the commission before the meeting.***
- (e) Each sportsman *or sportswoman* may vote for one (1) candidate only, and the list submitted to the Governor shall be made up of the names of the five (5) candidates receiving the five (5) highest vote totals.
- ~~(f)(d)~~ The Governor shall appoint a successor to the member whose term has expired no later than January 20 of the year following the year in which the member's term expired.
- (4) Upon appointment to the Department of Fish and Wildlife Resources Commission, each *member of the commission*~~commissioner~~ shall execute a bond of one thousand dollars (\$1,000) in favor of the Department of Fish and Wildlife Resources, the premium on this bond to be paid out of department funds.
- (5) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose. An appointee chosen under this subsection shall not serve on the commission until duly confirmed by the Senate.
- (6) Each member of the commission shall take the constitutional oath of office.
- (7) The Governor shall remove any member of the commission for cause under subsection (2) of this section and may remove a member of the commission for nonfeasance, neglect of duty, or misconduct in office; but shall first deliver to the member a copy of all charges in writing and afford to him or her an opportunity for an administrative hearing to be conducted in accordance with KRS Chapter 13B.
- (8) Each member of the commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him or her in the discharge of his or her official duties and to be paid from the game and fish fund.
- (9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the commission.
- (10) The department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment, and printed forms and to issue any notices and publications as the commissioner may deem necessary to carry out the provisions of this chapter.

- (11) The word "sportsman" *or* "*sportswoman*" as used in this section shall mean a resident hunter or fisherman *or fisherwoman* who has been licensed in Kentucky for each of the past two (2) consecutive years.

➔Section 9. KRS 150.061 is amended to read as follows:

- (1) (a) Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64 to the contrary, the commission shall have the sole authority to appoint a commissioner of the Department of Fish and Wildlife Resources, who shall be a person with knowledge of and experience in the requirements for the protection, conservation, and restoration of the wildlife resources of the *Commonwealth*~~[state]~~.
- (b) The commission shall be the sole contracting body for the purposes of KRS Chapter 45A and shall submit any proposed personal service contract with a commissioner to the Government Contract Review Committee for its review pursuant to KRS 45A.690 to 45A.725. The commissioner shall serve for a defined employment contract term not to exceed four (4) years and shall be subject to:
- 1.~~[(a)]~~ Annual review by the commission in closed, executive session;
 - 2.~~[(b)]~~ Removal by the commission for the same cause and in the same manner in which the Governor may remove a member of the commission; and
 - 3.~~[(c)]~~ Reappointment by the commission; *and*
 4. ***Confirmation by the Senate in accordance with KRS 11.160.***
- (2) The commissioner shall receive such compensation as the commission may solely determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him or her in the performance of his or her official duties.
- (3) Before entering upon the duties of his or her office, the commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he or she holds no other public office, nor any position upon or under any political committee or party. Upon appointment by the commission, the commissioner shall execute a bond of five thousand dollars (\$5,000) in favor of the Department of Fish and Wildlife Resources, the premium on said bond to be paid out of department funds.
- (4) Notwithstanding any provision of law to the contrary, the commissioner shall be the sole appointing authority for the department for the purposes of KRS Chapter 18A and shall have general supervision and control of all activities, functions, appointments, and employees of the department. He or she shall enforce all provisions of the laws of the state relating to wild animals, birds, fish and amphibians, and shall exercise all powers necessarily incident thereto not specifically conferred on the commission. The commissioner shall make an annual report of all receipts and disbursements and file same with the Secretary of State of the Commonwealth of Kentucky.
- (5) If federal or other grant funds become available to pay their salaries, the commissioner may appoint and employ other persons that he or she may deem necessary or desirable to accomplish the purposes of this chapter. The commissioner shall determine the compensation, duties, and terms of employment of these employees, and grant funded, time-limited positions shall be approved by the commission as needed. Employees whose salaries are funded through federal or other grant funds shall not be counted in any tally of permanent employees made for employee cap or budgetary purposes.

➔Section 10. KRS 156.029 is amended to read as follows:

- (1) There is hereby established a Kentucky Board of Education, which shall consist of eleven (11) voting members appointed by the Governor and confirmed by the Senate of the General Assembly, with the president of the Council on Postsecondary Education and the secretary of the Education and Labor Cabinet serving as ex officio nonvoting members, and an active public elementary or secondary school teacher and a public high school student appointed by the board as described in subsection (3) of this section serving as nonvoting members. Seven (7) voting members shall represent each of the Supreme Court districts as established by KRS 21A.010, and four (4) voting members shall represent the state at large. Each of the voting members shall serve for a four (4) year term, except the initial appointments shall be as follows: the seven (7) members representing Supreme Court districts shall serve a term which shall expire on April 14, 1994; and the four (4) at-large members shall serve a term which shall expire on April 14, 1992. Subsequent appointments shall be submitted to the Senate for confirmation in accordance with KRS 11.160.
- (2) Appointments of the voting members shall be made without reference to occupation. No voting member at the time of his or her appointment or during the term of his or her service shall be engaged as a professional educator. Beginning with voting members appointed on or after June 29, 2021, appointments to the group of

members representing Supreme Court districts and to the group of at-large members, respectively, shall reflect equal representation of the two (2) sexes, inasmuch as possible; reflect no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment; and reflect the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties. Pursuant to KRS 63.080, a member shall not be removed except for cause or, beginning with voting members appointed on or after June 29, 2021, in accordance with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to reorganization by the Governor.

- (3) Ex officio and other nonvoting members shall not be represented by proxy at any meeting of the board.
- (4) The nonvoting teacher and student members shall be selected by the board from the state's six (6) congressional districts on a rotating basis from different districts. The public high school student shall be classified as a junior at the time of appointment. The teacher and student members shall serve for a one (1) year term, except the initial appointments shall serve a term which shall expire on April 14, 2022. The board shall promulgate an administrative regulation establishing the process for selecting the nonvoting teacher and student members.
- (5) A vacancy in the voting membership of the board shall be filled by the Governor for the unexpired term with the consent of the Senate. In the event that the General Assembly is not in session at the time of the appointment, the consent of the Senate shall be obtained during the time the General Assembly next convenes.
- (6) At the first regular meeting of the board in each fiscal year, a ***chair***~~[chairperson]~~ shall be elected from its voting membership ***and subject to Senate confirmation in accordance with KRS 11.160. If the person selected as chair is not confirmed by the Senate, he or she shall still retain his or her position on the board, but shall vacate his or her position as chair, and the voting members of the board shall select a new chair.***
- (7) The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
- (8) The commissioner of education shall serve as the executive secretary to the board.
- (9) The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the Department of Education which are within the jurisdiction of the board.

➔Section 11. KRS 158.6452 is amended to read as follows:

- (1) A School Curriculum, Assessment, and Accountability Council is hereby created to study, review, and make recommendations concerning Kentucky's system of setting academic standards, assessing learning, identifying academic competencies and deficiencies of individual students, holding schools accountable for learning, and assisting schools to improve their performance. The council shall advise the Kentucky Board of Education and the Legislative Research Commission on issues related to the development and communication of the academic expectations and core content for assessment, the development and implementation of the statewide assessment and accountability program, recognition of high performing schools, imposition of sanctions, and assistance for schools to improve their performance under KRS 158.6453, 158.6455, 158.782, and 158.805.
- (2) The School Curriculum, Assessment, and Accountability Council shall be composed of seventeen (17) voting members appointed by the Governor ***and subject to Senate confirmation in accordance with KRS 11.160.*** On making appointments to the council, the Governor shall assure broad geographical representation and representation of elementary, middle, and secondary school levels; assure equal representation of the two (2) sexes, inasmuch as possible; and assure that appointments reflect the minority racial composition of the Commonwealth. The members shall serve terms of two (2) years with no member serving more than two (2)

consecutive terms, except that seven (7) of the initial appointments shall be for four (4) year terms. The members shall be appointed as follows:

- (a) Two (2) parents from recommendations submitted by organizations representing school councils and parents;
 - (b) Two (2) teachers from recommendations submitted by organizations representing teachers;
 - (c) Two (2) superintendents from recommendations submitted by organizations representing superintendents;
 - (d) Two (2) principals from organizations representing school administrators;
 - (e) Two (2) local school board members from recommendations submitted by organizations representing school boards;
 - (f) Two (2) school district assessment coordinators from recommendations submitted by organizations representing district assessment coordinators;
 - (g) Two (2) employers in the state from recommendations submitted by organizations representing business and industry;
 - (h) Two (2) university professors with expertise in assessment and measurement; and
 - (i) One (1) at-large member.
- (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair annually from its membership, *who shall be subject to Senate confirmation in accordance with KRS 11.160. If the person selected as chair is not confirmed by the Senate, he or she shall still retain his or her position on the council, but shall vacate his or her position as chair, and the council shall select a new chair.*
- (4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the council or while serving as representative of the council.
- (5) The School Curriculum, Assessment, and Accountability Council shall meet at least four (4) times each year at times and places as it determines by resolution.
- (6) The School Curriculum, Assessment, and Accountability Council shall be attached to the Department of Education for administrative purposes. It shall be provided appropriate staff and resources to conduct its work.

➔Section 12. KRS 161.028 is amended to read as follows:

- (1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:
- (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
 - (b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. College or university programs may be approved by the board for a college or university with regional institutional level accreditation or national institutional level accreditation that is recognized by the United States Department of Education and is eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards and shall address, at a minimum, the following:
 1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
 2. Research-based classroom practices, including effective classroom management techniques;
 3. Emphasis on subject matter competency of teacher education students;
 4. Methodologies to meet diverse educational needs of all students;
 5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
 6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
 7. The diversity of faculty;

8. The effectiveness of partnerships with local school districts; and
 9. The performance of graduates on various measures as determined by the board;
- (c) Conduct an annual review of diversity in teacher preparation programs;
 - (d) Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
 - (e) Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;
 - (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
 - (g) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;
 - (h) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
 - (i) Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the appropriate Interim Joint Committee on Education;
 - (j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
 - (k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
 - (l) Develop a professional code of ethics;
 - (m) Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
 - (n) Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;
 - (o) Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;
 - (p) Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program,

notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;

- (q) Employ consultants as needed;
 - (r) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
 - (s) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and
 - (t) Issue orders as necessary in any administrative action before the board.
- (2) (a) The board shall be composed of seventeen (17) members. The secretary of the Education and Labor Cabinet and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:
1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
 2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
 3. One (1) member representative of local boards of education; and
 4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer or head of an educator preparation program of an independent not-for-profit college or university.
- (b) The members appointed by the Governor shall be confirmed by the Senate under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (c) Each appointed member shall serve a three (3) year term. A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his or her successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed shall no longer be eligible to serve in that position.
- (d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
- (e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
- (f) *1. A ~~chair~~^{chairman} shall be elected by and from the membership **and confirmed by the Senate in accordance with KRS 11.160. If the person selected as chair is not confirmed by the Senate, he or she shall still retain his or her position on the board, but shall vacate his or her position as chair, and the membership shall select a new chair.***
- 2. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as ~~chair~~^{chairman}. Regular meetings shall be held at least semiannually on call of the ~~chair~~^{chairman}.*
- (g) The commissioner of education shall serve as executive secretary to the board and may designate staff to facilitate his or her duties.
- (h) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

➔Section 13. KRS 164.011 is amended to read as follows:

- (1) There is hereby created and established a Council on Postsecondary Education in Kentucky as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic having all powers, duties, and responsibilities as are provided to it by law, appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The council shall be composed of the commissioner of education, a faculty member, a student member, and thirteen (13) citizen members appointed by the Governor. The citizen members shall be confirmed by the Senate under KRS 11.160, and the commissioner of education shall serve as a nonvoting ex officio member. Citizen council members shall be selected from a list of nominees provided to the Governor under the nominating process set forth in KRS 164.005. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Education Nominating Committee shall submit nominations to the Governor as set forth in KRS 164.005. On making appointments to the council, the Governor shall ensure broad geographical and political representation; ensure equal representation of the two (2) sexes, inasmuch as possible; ensure no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment; and ensure that appointments reflect the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment to the council generally; however, if any person is appointed to the council that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the council less any members not affiliated with either of the two (2) leading political parties. In filling vacancies to the council, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex. No more than two (2) members of the council shall hold an undergraduate degree from any one (1) Kentucky university, and no more than three (3) voting members of the council shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment. However, change in residency after the date of appointment shall not affect the ability to serve.
- (3) One (1) member shall be a full-time faculty member employed at a state institution of postsecondary education. The faculty member shall be appointed to a four (4) year term by the Governor from a list of three (3) nominees selected and submitted by majority vote of the ten (10) faculty members who serve as faculty representatives of the boards of trustees and boards of regents of the nine (9) postsecondary education institutions.
- (4) One (1) member shall be enrolled as a full-time student at a state institution of postsecondary education and shall be selected annually in the following manner: not later than June 1 of each year the eight (8) student body presidents of the four (4) year state public institutions of higher education, the two (2) student members to the Kentucky Community and Technical College System, and one (1) student body president representing the members of the Association of Independent Kentucky Colleges and Universities shall elect by majority vote three (3) nominees to submit to the Governor. From this list of nominees, the Governor shall appoint a student member.
- (5) In filling any vacancies, the Governor shall ensure the continuing representation upon the council of the broad constituencies as set forth in subsection (2) of this section. Vacancies on the council shall be filled for the unexpired term in accordance with the procedures established for the original appointments.
- (6) Each citizen member shall serve a term of six (6) years unless removed by the Governor for cause, except the initial appointments shall be as follows:
 - (a) Two (2) appointments shall expire December 31, 1997;
 - (b) Three (3) appointments shall expire December 31, 1998;

- (c) Two (2) appointments shall expire December 31, 1999;
 - (d) Two (2) appointments shall expire December 31, 2000;
 - (e) Two (2) appointments shall expire December 31, 2001; and
 - (f) Two (2) appointments shall expire December 31, 2002.
- (7) Any person, other than the chief state school officer, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky, shall be ineligible for membership or appointment on the council during his term.
 - (8) The members of the council shall elect the chair and the vice chair of the council from among the council's membership, and the chair and vice chair shall serve at the pleasure of the council. ***The chair shall be subject to Senate confirmation in accordance with KRS 11.160. If the person selected as chair is not confirmed by the Senate, he or she shall still retain his or her position on the council, but shall vacate his or her position as chair, and the members shall select a new chair.*** The vice chair shall serve as chair in the absence of the chair.
 - (9) The council shall meet at least quarterly and at other times upon the call of the chair or a majority of the council.
 - (10) A quorum shall be a majority of the appointive membership of the council.
 - (11) A quorum shall be required to organize and conduct the business of the council, except that an affirmative vote of eight (8) or more appointive members of the entire council shall be required to dismiss from employment the president of the council, and to adopt or amend the state strategic postsecondary education agenda.
 - (12) New appointees to the council shall not serve more than two (2) consecutive terms.
 - (13) New appointees to the council shall complete an orientation and education program set forth in KRS 164.020(24) to be eligible for appointment to a second term.

➔Section 14. KRS 164.013 is amended to read as follows:

- (1) The Council on Postsecondary Education shall set the qualifications for the position of president of the council. Except for the first president appointed under subsection (2) of this section, the council may employ a search firm and conduct a nationwide search for candidates. Any search firm employed by the council shall consider, interview, and propose three (3) or more candidates for the position of president. The council may seek additional names from the search firm or from other sources ***The candidate selected by the council to serve as president shall be subject to Senate confirmation in accordance with KRS 11.160.***
- (2) In the selection of candidates for the first president of the Council on Postsecondary Education, the Strategic Committee on Postsecondary Education shall serve as a search committee, employing a search firm for assistance. The committee shall recommend three (3) candidates to be considered by the council and shall repeat this process until it finds a satisfactory person to appoint as the first president of the council.
- (3) The president shall possess an excellent academic and administrative background, have strong communication skills, have significant experience and an established reputation as a professional in the field of postsecondary education, and shall not express, demonstrate, or appear to have an institutional or regional bias in his or her actions.
- (4) The president shall be the primary advocate for postsecondary education and advisor to the Governor and the General Assembly on matters of postsecondary education in Kentucky. As the primary advocate for postsecondary education, the president shall work closely with the committee and the elected leadership of the Commonwealth to ensure that they are fully informed about postsecondary education issues and that the council fully understands the goals for postsecondary education that the General Assembly has established in KRS 164.003(2).
- (5) The president may design and develop for review by the council new statewide initiatives in accordance with the strategic agenda.
- (6)
 - (a) The council shall set the salary of the president at an amount no greater than the salary the president was receiving on January 1, 2012.
 - (b) The salary of the president shall be exempt from state employee salary limitations as set forth in KRS 64.640.

- (7) The president shall be accorded a contract to serve for a term not to exceed five (5) years, which is renewable at the pleasure of the council.
- (8) The president shall determine the staffing positions and organizational structure necessary to carry out the responsibilities of the council and may employ staff. All personnel positions of the Council on Higher Education, as of May 30, 1997, with the exception of the position of executive director, shall be transferred to the Council on Postsecondary Education. All personnel shall be transferred at the same salary and benefit levels. Notwithstanding the provisions of KRS 11A.040, any person employed by the Council on Higher Education prior to May 30, 1997, may accept immediate employment with any governmental entity or any postsecondary education organization or institution in the Commonwealth and may carry out the employment duties assigned by that entity, organization, or institution.
- (9) The president shall be responsible for the day-to-day operations of the council and shall report and submit annual reports on the strategic implementation plan of the strategic agenda, carry out policy and program directives of the council, prepare and submit to the council for its approval the proposed budget of the council, and perform all other duties and responsibilities assigned by state law.
- (10) With approval of the council, the president may enter into agreements with any state agency or political subdivision of the state, any state postsecondary education institution, or any other person or entity to enlist staff assistance to implement the duties and responsibilities under KRS 164.020.
- (11) The president shall be reimbursed for all actual and necessary expenses incurred in the performance of all assigned duties and responsibilities.

➔Section 15. KRS 171.530 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section***, the commission shall establish standards for the selective retention of records of continuing value, and the department shall assist state and local agencies in applying such standards to records in their custody. The department shall notify the head of any such agency of any actual, impending, or threatening unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that has come to its attention, and initiate action through the agency head or Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.
- (2) (a) ***For a period of twelve (12) months prior to the date of a gubernatorial inauguration, all documents that are public records as defined in KRS 61.870 shall be preserved for the Governor-elect and his or her gubernatorial transition team if the subject matter includes:***
 1. ***Contracts that have been granted, altered, or amended;***
 2. ***Appointments to boards and commissions;***
 3. ***Permits and licenses granted and revoked;***
 4. ***Pardons;***
 5. ***Pay raises, promotions, and grade level changes of executive branch employees;***
 6. ***Litigation; or***
 7. ***Any record relating to campaign donations of any kind.***
- (b) ***On the day after the Governor-elect is determined, the Governor shall make available to the Governor-elect and his or her gubernatorial transition team all public records pertaining to the subjects referenced in paragraph (a) of this subsection.***

➔Section 16. KRS 171.990 is amended to read as follows:

- (1) Any person or library board violating any of the provisions of KRS 171.240 to 171.300 shall be fined not less than ten (\$10) nor more than one hundred dollars (\$100) for each offense.
- (2) The board for certification of librarians may revoke the certificate of any person violating any of the provisions of KRS 171.240 to 171.300, or any of the regulations as established by the board for certification.
- (3) Any person knowingly violating the rules and regulations of the department pursuant to the provisions of KRS 171.450, 171.560, 171.670, 171.710, or 171.720 ***or subsection (2) of Section 15 of this Act*** is guilty of a Class A misdemeanor and is also liable for damages or losses incurred by the Commonwealth. Any state employee

who knowingly violates these provisions shall also be subject to dismissal from state employment upon a determination of fact, at a hearing, that a serious violation did occur. The employee's right to appeal to the state personnel board ~~shall not be~~ is not abridged or denied. In the event of an appeal, the decision of the state personnel board is final. *The Attorney General shall have concurrent original jurisdiction to enforce this subsection.*

- (4) State employees dismissed under the provision of subsection (3) of this section shall have the right to reapply for state employment in accordance with state personnel rules governing dismissal. Such individuals shall have the full rights and privileges accorded under applicable equal opportunity laws.

➔Section 17. KRS 174.020 is amended to read as follows:

- (1) The Transportation Cabinet shall consist of the following major organizational units:
- (a) The Office of the Secretary, which shall include, but not be limited to:
 - 1. The secretary to be appointed by the Governor under KRS 12.255; and
 - 2. The deputy secretary appointed under KRS 12.040;
 - (b) The Department of Highways, headed by a commissioner, appointed by the Governor under KRS 12.040;
 - (c) The Department of Vehicle Regulation, headed by a commissioner, appointed by the Governor under KRS 12.040. The Motor Vehicle Commission established in KRS 190.058 shall be attached to the Department of Vehicle Regulation for administrative purposes;
 - (d) The Department of Rural and Municipal Aid, headed by a commissioner appointed by the Governor under KRS 12.040;
 - (e) The Department of Aviation, headed by a commissioner appointed by the Governor under KRS 12.040 **and subject to Senate confirmation in accordance with KRS 11.160**. The Kentucky Airport Zoning Commission established by KRS 183.861 shall be attached to the Department of Aviation;
 - (f) The Office of Support Services, headed by an executive director appointed under KRS 12.040;
 - (g) The Office of Transportation Delivery, headed by an executive director appointed under KRS 12.040;
 - (h) The Office of Audits, headed by an executive director appointed under KRS 12.040;
 - (i) The Office of Human Resource Management, headed by an executive director appointed under KRS 12.040;
 - (j) The Office of Information Technology, headed by an executive director appointed under KRS 12.040;
 - (k) The Office of Legal Services, headed by an executive director appointed under KRS 12.040;
 - (l) The following offices, which shall be attached to the Office of the Secretary:
 - 1. The Office of Public Affairs, headed by an executive director appointed under KRS 12.040;
 - 2. The Office of Budget and Fiscal Management, headed by an executive director appointed under KRS 12.040;
 - 3. The Office for Civil Rights and Small Business Development, headed by an executive director appointed under KRS 12.040;
 - 4. The Office of Inspector General, headed by an executive director appointed under KRS 12.040; and
 - 5. The Secretary's Office of Safety, headed by an executive director appointed under KRS 12.040;
 - (m) The following offices, which shall be attached to the Department of Highways:
 - 1. The Office of Project Development, headed by an executive director appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322, and who shall be known as the deputy state highway engineer for project development;
 - 2. The Office of Project Delivery and Preservation, headed by an executive director appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322, and who shall be known as the deputy state highway engineer for project delivery and preservation;

3. The Office of Highway Safety, headed by an executive director appointed under KRS 12.040; and
 4. Highway District Offices One through Twelve, each district office to be headed by an executive director, also known as the chief district engineer, appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322; and
- (n) The following offices, which shall be attached to the Department of Rural and Municipal Aid:
1. Office of Local Programs, headed by an executive director appointed under KRS 12.040; and
 2. Office of Rural and Secondary Roads, headed by an executive director appointed under KRS 12.040.
- (2) The position of director in the Division of Environmental Analysis is a policy-making position under KRS 18A.175.

➔Section 18. KRS 183.862 is amended to read as follows:

- (1) (a) ~~The [such]~~ commission shall consist of six (6) members and the secretary of the Transportation Cabinet or in his absence his designated representative who shall be the ex officio chairman of ~~the [such]~~ commission. The ex officio chairman of the commission shall not be entitled to vote on any commission action unless there is a tie vote at which time the ex officio chairman may cast the deciding vote.
 - (b) The members of ~~the [such]~~ commission shall be appointed by the Governor **and subject to Senate confirmation in accordance with KRS 11.160**, for a term of four (4) years. The members shall serve ~~the [for a] term [of four (4) years, and] until their successors are appointed. [, provided however that the first two (2) members appointed shall serve for a term of two (2) years; the next two (2) for three (3) years; and the final two (2) for four (4) years. Upon the expiration of the first terms,]~~ Successors shall be appointed for a term of four (4) years.
- (2) Each member shall be a person experienced in and familiar with the field of aeronautics.
 - (3) Members of the commission shall receive fifty dollars (\$50) for each day in actual session and shall be reimbursed for travel expenses and other reasonable expenses incident to performance of their duties.

➔Section 19. KRS 198B.030 is amended to read as follows:

- (1) There is hereby created the Kentucky Department of Housing, Buildings and Construction within the Public Protection Cabinet. The Governor shall appoint a commissioner, **subject to Senate confirmation in accordance with KRS 11.160**, to head the department. The commissioner shall receive for his or her services such compensation as the Governor shall determine.
- (2) The commissioner may employ sufficient staff to carry out the functions of the commissioner's office. Neither the commissioner nor any member of his or her staff shall be employed, either directly or indirectly, in any aspect of the building industry as regulated by this chapter while employed by the Department of Housing, Buildings and Construction.
- (3) The department shall perform all budgeting, procurement, and other administrative activities necessary for the statewide regulation and enforcement of building, construction, and inspection standards and codes. The department or commissioner shall submit any proposed administrative regulation to the committee and shall not promulgate the administrative regulation without giving the committee the opportunity to produce written comments, as required by subsection (8) of this section. If the committee chooses to produce written comments, the comments shall be attached to any public submission of the administrative regulation, including any filing under KRS Chapter 13A.
- (4) The department may enter into contracts or agreements with the federal government, its subdivisions and instrumentalities, other agencies of state government or with its subdivisions and instrumentalities, or with private profit or nonprofit organizations in order to effect the purposes of this chapter.
- (5) The commissioner shall cooperate with the agencies of the United States and with the governing bodies and housing authorities of counties, cities, and with not for profit organizations and area development districts in relation to matters set forth in this chapter, and in any reasonable manner that may be necessary for the state to qualify for, and to receive grants or aid from these agencies. The commissioner shall have the power to comply with each condition and execute any agreement that may be necessary, convenient, or desirable.

- (6) Nothing in this chapter shall preclude any other agency, board, or officer of the state from being designated as the directing or allocating agency, board, or officer for the distribution of federal grants and aid, or the performance of other duties to the extent necessary to qualify for and to receive grants and aid for programs under the administration of the department.
- (7) The commissioner is authorized to receive, for and on behalf of the state and the department from the United States and agencies thereof, and from any and all other sources, grants and aid and gifts made for the purpose of providing, or to assist in providing, any of the programs authorized by this chapter, including expenses of administration. All funds received under this subsection shall be paid into the state treasury and credited to a trust and agency fund to be used by the department in carrying out the provisions of this chapter. No part of this fund shall revert to the general fund of the Commonwealth.
- (8)
 - (a) If the department has proposed a new or amended administrative regulation that directly and clearly relates to the work of a profession, class of workers, or industry that is under the authority of the committee, the department shall not promulgate the proposed administrative regulation without first receiving comments from the committee, subject to the restrictions of paragraph (b) of this subsection.
 - (b)
 1. The committee shall be granted a maximum of thirty (30) days to submit its comments on the proposed regulatory change. This subparagraph does not apply to an administrative regulation that is a new emergency administrative regulation.
 2. The time limits in this paragraph shall begin from the day the department submits the regulatory change and sets a date for a proposed hearing for the comments of the committee. If the committee is already scheduled to meet at a time that will give it an adequate opportunity to review the administrative regulation and respond, the hearing may be held at that meeting.
 3. If the committee is not scheduled to meet or meets only at the call of the department, the department shall arrange for the committee to meet at a time that will allow the committee an adequate opportunity to review and comment on the regulation within the time limit. If the committee fails to comment within the time limit, the department may proceed with the administrative changes at its discretion.
 - (c) To the extent that any other statute relating to the department's authority to promulgate administrative regulations conflicts with this section, this section shall take precedence.
 - (d) The department may issue advisory opinions and declaratory rulings related to KRS Chapters 198B, 227, 227A, 236, and 318 and the administrative regulations promulgated under those chapters.

➔Section 20. KRS 198B.032 is amended to read as follows:

- (1) The Housing, Buildings and Construction Advisory Committee is established within the department and shall be composed of the following seventeen (17) voting members:
 - (a) The commissioner of the department or the commissioner's designee;
 - (b) The state fire marshal or a representative of the state fire marshal's office;
 - (c) The director of the Building Code Enforcement Division within the department; and
 - (d) Fourteen (14) members appointed by the Governor:
 1. At least one (1) of whom shall be a licensed heating, ventilation, and air conditioning contractor;
 2. At least one (1) of whom shall be a licensed plumber;
 3. At least one (1) of whom shall be a licensed elevator mechanic or elevator contractor;
 4. At least one (1) of whom shall be a licensed electrician;
 5. At least one (1) of whom shall be a licensed engineer;
 6. At least one (1) of whom shall be a licensed architect;
 7. At least one (1) of whom shall be a manufactured or mobile home retailer or certified installer; and
 8. The remaining seven (7) of whom shall have experience in the housing, building, or construction industries.

- (2) Each committee member appointed under subsection (1)(d) of this section shall *be subject to Senate confirmation in accordance with KRS 11.160, and* serve a term of three (3) years, except that initial appointments shall be staggered by the Governor. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.
- (3) The commissioner or the commissioner's designee shall serve as chair of the committee. The committee shall annually elect a member to serve as vice chair.
- (4) The committee shall meet at least quarterly, and a majority of the members of the committee shall constitute a quorum for the transaction of business. If a vote on a matter before the committee results in a tie, the commissioner or the commissioner's designee shall cast an additional deciding vote.
- (5) Committee members who are not full-time state government employees shall be compensated for their time when attending committee meetings or performing official duties as directed by the committee at the rate of fifty dollars (\$50) per day. Members of the committee shall be reimbursed for all expenses paid or incurred in the discharge of official business consistent with the reimbursement policy for state employees.
- (6) The committee shall provide ongoing advice and input to the department, but shall not become directly involved in the licensing or regulation of housing, buildings, and construction matters by the department.
- (7) The department shall give the committee thirty (30) days to review and comment on a proposed administrative regulation before the regulation is promulgated, amended, or repealed, except in the case of an emergency administrative regulation.

➔Section 21. Whereas the appointment and confirmation of commissioners, board members, and other executive branch officials are paramount to continuity and efficient implementation of government services, an emergency is declared to exist and Sections 3, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, and 20 of this Act take effect on April 16, 2026.

Veto Overridden April 14, 2026.