

1 AN ACT relating to executive branch ethics.

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

3 ➔Section 1. KRS 11A.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

- 5 (1) "Business" means any corporation, limited liability company, partnership, limited
6 partnership, sole proprietorship, firm, enterprise, franchise, association,
7 organization, self-employed individual, holding company, joint stock company,
8 receivership, trust, or any legal entity through which business is conducted, whether
9 or not for profit;
- 10 (2) "Commission" means the Executive Branch Ethics Commission;
- 11 (3) "Compensation" means any money, thing of value, or economic benefit conferred
12 on, or received by, any person in return for services rendered, or to be rendered, by
13 himself or another;
- 14 (4) "Family" means spouse and children, as well as a person who is related to a public
15 servant as any of the following, whether by blood or adoption: parent, brother,
16 sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-
17 in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter,
18 stepbrother, stepsister, half brother, half sister;
- 19 (5) "Gift" means a payment, loan, subscription, advance, deposit of money, services, or
20 anything of value, unless consideration of equal or greater value is received; "gift"
21 does not include gifts from family members, campaign contributions, the waiver of
22 a registration fee for a presenter at a conference or training described in KRS
23 45A.097(5), or door prizes available to the public;
- 24 (6) "Income" means any money or thing of value received or to be received as a claim
25 on future services, whether in the form of a fee, salary, expense allowance,
26 forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other
27 form of compensation or any combination thereof;

1 (7) "Officer" means:

2 **(a)** All major management personnel in the executive branch of state government,
 3 including the secretary of the cabinet, the Governor's chief executive officers,
 4 cabinet secretaries, deputy cabinet secretaries, general counsels,
 5 commissioners, deputy commissioners, executive directors, **executive**
 6 **assistants, policy advisors, special assistants, administrative coordinators,**
 7 **executive advisors, staff**~~principal~~ assistants, **and** division directors;~~;~~

8 **(b)** Members and full-time chief administrative officers of:

- 9 **1.** The Parole Board;~~;~~
- 10 **2.** Kentucky Claims Commission;~~;~~
- 11 **3.** Kentucky Retirement Systems board of trustees;~~;~~
- 12 **4.** Kentucky Teachers' Retirement System board of trustees;~~;~~
- 13 **5.** Public Service Commission;~~;~~
- 14 **6.** Worker's Compensation Board and its administrative law judges;~~;~~
- 15 **7.** The Kentucky Occupational Safety and Health Review Commission;~~;~~
- 16 **8.** The Kentucky Board of Education;~~;~~
- 17 **9.** The Council on Postsecondary Education; **and**~~;~~
- 18 **10. Any entity to which the Governor appoints a majority of the members**
 19 **of its governing body;**

20 **(c)** **Salaried members of executive branch boards and commissions;** and

21 **(d)** Any person who, **through** ~~holds~~ a personal service contract **or any other**
 22 **contractual employment arrangement with an agency, performs** ~~to~~
 23 ~~perform~~ on a full-time, **nonseasonal** basis ~~for a period of time not less than~~
 24 ~~six (6) months~~ a function of any **major management** position listed in this
 25 subsection;

26 (8) "Official duty" means any responsibility imposed on a public servant by virtue of
 27 his or her position in the state service;

- 1 (9) "Public servant" means:
- 2 (a) The Governor;
- 3 (b) The Lieutenant Governor;
- 4 (c) The Secretary of State;
- 5 (d) The Attorney General;
- 6 (e) The Treasurer;
- 7 (f) The Commissioner of Agriculture;
- 8 (g) The Auditor of Public Accounts;~~and~~
- 9 (h) All employees in the executive branch;~~including~~
- 10 (i) All officers as defined in subsection (7) of this section~~and merit employees~~;
- 11 and
- 12 (j) Any person who through any contractual arrangement with an agency is
- 13 employed to perform a function of a position within an executive branch
- 14 agency on a full-time, nonseasonal basis;
- 15 (10) "Agency" means every state office, cabinet, department, board, commission, public
- 16 corporation, or authority in the executive branch of state government. A public
- 17 servant is employed by the agency by which his or her appointing authority is
- 18 employed, unless his or her agency is attached to the appointing authority's agency
- 19 for administrative purposes only, or unless the agency's characteristics are of a
- 20 separate independent nature distinct from the appointing authority and it is
- 21 considered an agency on its own, such as an independent department;
- 22 (11) "Lobbyist" means any person employed as a legislative agent as defined in KRS
- 23 6.611(23) or any person employed as an executive agency lobbyist as defined in
- 24 KRS 11A.201(8);
- 25 (12) "Lobbyist's principal" means the entity in whose behalf the lobbyist promotes,
- 26 opposes, or acts;
- 27 (13) "Candidate" means those persons who have officially filed candidacy papers or who

1 have been nominated by their political party pursuant to KRS 118.105, 118.115,
2 118.325, or 118.760 for any of the offices enumerated in subsections (9)(a) to (g) of
3 this section;

4 (14) "Does business with" or "doing business with" means contracting, entering into an
5 agreement, leasing, or otherwise exchanging services or goods with a state agency
6 in return for payment by the state, including accepting a grant, but not including
7 accepting a state entitlement fund disbursement;

8 (15) "Public agency" means any governmental entity;

9 (16) "Appointing authority" means the agency head or any person whom he or she has
10 authorized by law to act on behalf of the agency with respect to employee
11 appointments;

12 (17) "Represent" means to attend an agency proceeding, write a letter, or communicate
13 with an employee of an agency on behalf of someone else;

14 (18) "Directly involved" means to work on personally or to supervise someone who
15 works on personally;

16 (19) "Sporting event" means any professional or amateur sport, athletic game, contest,
17 event, or race involving machines, persons, or animals, for which admission tickets
18 are offered for sale and that is viewed by the public;~~and~~

19 (20) "Person" means an individual, proprietorship, firm, partnership, limited partnership,
20 joint venture, joint stock company, syndicate, business or statutory trust, donative
21 trust, estate, company, corporation, limited liability company, association, club,
22 committee, organization, or group of persons acting in concert; **and**

23 **(21) "Salaried" means receiving a fixed compensation or benefit reserved for full-**
24 **time employees, which is paid on a regular basis without regard to the actual**
25 **number of hours worked.**