

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
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Amend printed copy of **SB 4**

On page 1, line 15, after the word "orders" but before the ":" insert "under KRS Chapter 39A"; and

On page 1, delete lines 23 and 24 in their entirety and insert in lieu thereof the following:

"(2) The Secretary of State shall forward a copy of each filed executive order identified as relating to one (1) of the subject areas identified in subsection (1)(a)6. to 8. of this section to the director of the Legislative Research Commission within five (5) working days of the day the order is filed."; and

On page 1, line 27, delete "two (2)" and insert in lieu thereof "five (5)"; and

On page 2, line 14, delete "and objections" and insert in lieu thereof "of deficiencies"; and

On page 2, line 15, delete "An objection" and insert in lieu thereof "A deficiency"; and

Beginning on page 2, line 19, and continuing through page 3, line 21, delete subsections (4) and (5) in their entirety and insert in lieu thereof the following:

"(4) Any executive order found deficient by a committee under subsection (3) of this section shall expire and become null and void upon the sine die adjournment of the next regular or extraordinary session of the General Assembly unless the order is confirmed by an act of the General Assembly.

(5) Unless the General Assembly confirms the executive order found deficient under subsection (3) of this section, upon the first sine die adjournment of the General

Amendment No. SFA 1

Rep. Sen. Stephen West

Committee Amendment _____

Floor Amendment _____

Adopted: _____

Rejected: _____

Signed: _____

LRC Drafter: _____

Date: _____

Doc. ID: XXXX

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Assembly following the finding of deficiency:

(a) The Governor is prohibited from continuing to implement any of the powers or duties enumerated in an executive order which has been found deficient;

(b) The Governor is prohibited from promulgating a new executive order that is identical to or substantially the same as any executive order which has been found deficient; and

(c) Any funds allocated in an executive order which has been found deficient shall lapse to the general fund surplus fund account in KRS 48.700 until appropriated by the General Assembly.

(6) No later than September 30, 2022, the Governor shall compile and provide to the director of the Legislative Research Commission a list of executive orders which includes all executive orders filed in the fifteen (15) calendar years preceding the effective date of this Act which are currently in effect and which, if filed after the effective date of this Act, would have been identified as relating to the subject areas of subsection (1)(a)6. to 8. of this section."; and

On page 3, line 22, delete "**(6)**" and insert in lieu thereof "**(7)**"; and

On page 4, between lines 11 and 12, insert:

"(4) Nothing in this section shall prevent a subsequent official from extending an administrative body that would otherwise expire under this section."; and

Beginning on page 4, line 12, and continuing through page 9, line 12, delete the entirety of Section 3 and insert in lieu thereof the following:

"➔Section 3. KRS 11.160 is amended to read as follows:

~~{(1)}~~When a statute specifically requires Senate confirmation of an appointment by the Governor or by other appointing authority, the appointment shall be handled in the following manner:

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~~(1)(a)~~ All names of persons nominated when the General Assembly is not in session shall be submitted for confirmation no later than the next regular session of the General Assembly. The Governor who makes the appointment, or other appointing authority, shall deliver the name of the nominee to the clerk of the Senate upon appointment or no later than the fifteenth legislative day of the next regular session of the General Assembly. The Governor may submit a nominee for confirmation at any special session that occurs between the date of initial appointment and the next regular session of the General Assembly. If the Governor desires to submit the name of a nominee for confirmation at a special session of the General Assembly, he shall place confirmation of the nominee on the call for special session.

~~(2)(b)~~ All names of persons nominated to positions during a regular session of the General Assembly shall be submitted for confirmation at that regular session. The Governor who makes the appointment, or other appointing authority, shall submit the name of the nominee, together with such accompanying information as may expedite the consideration of the appointment to the clerk of the Senate not more than three (3) legislative days after making the appointment, unless the appointment is made during the last fifteen (15) legislative days, in which case the nominee's name and information shall be submitted not more than one (1) legislative day later.

~~(3)(c)~~ For each nominee, the Governor who makes the appointment, or other appointing authority, shall deliver to the clerk of the Senate a letter of appointment. The letter of appointment shall be accompanied by a resume which contains at least the following information:

- ~~(a)(1)~~ Complete employment history of the nominee;
- ~~(b)(2)~~ Complete educational background of the nominee; and
- ~~(c)(3)~~ Current and past employment by or financial relationships with the

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Commonwealth of Kentucky or any of its political subdivisions held by the nominee and any member of the nominee's immediate family.

~~(4)(d)~~ When a statute requires an interim legislative committee to hold a public hearing on a particular appointment, the Governor who makes the appointment, or other appointing authority, shall deliver the letter of appointment and resume for each nominee to the Legislative Research Commission within five (5)~~seven (7)~~ days after making the appointment.

~~(5)(e)~~ The Legislative Research Commission may utilize the services of its staff or other appropriate persons or organizations to investigate the background of nominees and to verify the information provided. The Department of Kentucky State Police shall conduct and provide a criminal record history on a nominee if requested by the Legislative Research Commission.

~~(6)(f)~~ During periods when the General Assembly is not in session, the Governor's or other appointing authority's power of appointment shall not be diminished, and nominees may assume the responsibilities of the position pending confirmation. During that period, they shall be considered for all purposes to have been appointed and to be lawful occupants of the post to which they have been nominated, except that they shall be subject to the confirmation process when the General Assembly is next in regular session or special session called for the purpose of confirming the nominees.

~~(7)(g)~~ If the Governor who makes the appointment, or other appointing authority, fails to submit the name of the nominee or if the Senate declines to consider a nominee, the position shall become vacant as of sine die adjournment of the applicable special or regular session of the General Assembly at which the appointment was to be confirmed. If the Senate declines to confirm the nominee, the position shall become vacant upon the date the Senate declined to confirm.

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~~(8)(h)~~ Any person not confirmed by the Senate shall not be reappointed by the Governor, or other appointing authority, to the same position for which confirmation is required for a period of two (2) years from the date the Senate declined to confirm the nomination or the date of sine die adjournment if the Senate declined to consider the nomination.

~~{(2)}~~ When a statute specifically requires Senate and House of Representatives confirmation of an appointment by the Governor or by other appointing authority, the appointment shall be handled in the following manner:

~~(a)~~ All names of persons nominated when the General Assembly is not in session shall be submitted for confirmation no later than the next regular session of the General Assembly. The Governor who makes the appointment, or other appointing authority, shall deliver the name of the nominee to the clerk of the House of Representatives no later than the fifteenth legislative day of the next regular session of the General Assembly. The Governor may submit a nominee for confirmation at any special session that occurs between the date of initial appointment and the next regular session of the General Assembly. If the Governor desires to submit the name of a nominee for confirmation at a special session of the General Assembly, he shall place confirmation of the nominee on the call for special session.

~~(b)~~ All names of persons nominated to positions during a regular session of the General Assembly shall be submitted for confirmation at that regular session. The Governor who makes the appointment, or other appointing authority, shall submit the name of the nominee to the clerk of the House of Representatives not more than three (3) legislative days after making the appointment, unless the appointment is made during the last fifteen (15) legislative days, in which case the nominee's name and information shall be submitted not more than one (1) legislative day later.

~~(c)~~ For each nominee, the Governor who makes the appointment, or other appointing

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~~authority, shall deliver to the clerk of the House of Representatives a letter of appointment. The letter of appointment shall be accompanied by a resume which contains at least the following information:~~

- ~~1. Complete employment history of the nominee;~~
- ~~2. Complete educational background of the nominee; and~~
- ~~3. Current and past employment by or financial relationships with the Commonwealth of Kentucky or any of its political subdivisions held by the nominee and any member of the nominee's immediate family.~~

~~(d) When a statute requires an interim legislative committee to hold a public hearing on a particular appointment, the Governor who makes the appointment, or other appointing authority, shall deliver the letter of appointment and resume for each nominee to the Legislative Research Commission within seven (7) days after making the appointment.~~

~~(e) The Legislative Research Commission may utilize the services of its staff or other appropriate persons or organizations to investigate the background of nominees and to verify the information provided. The Department of Kentucky State Police shall conduct and provide a criminal record history on a nominee if requested by the Legislative Research Commission.~~

~~(f) The confirmation shall originate in the House of Representatives. If the House of Representatives does not confirm an appointment, the Senate shall not consider the appointment.~~

~~(g) When both the Senate and the House of Representatives have confirmed an appointment, the Senate shall notify the House of Representatives of the final approval. The clerk of the House shall then notify the Governor, or other appointing authority, and the appointee in writing of the General Assembly's action.~~

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- ~~(h) During periods when the General Assembly is not in session, the Governor's or other appointing authority's power of appointment shall not be diminished, and nominees may assume the responsibilities of the position pending confirmation. During that period, they shall be considered for all purposes to have been appointed and to be lawful occupants of the post to which they have been nominated, except that they shall be subject to the confirmation process when the General Assembly is next in regular session or special session called for the purpose of confirming the nominees.~~
- ~~(i) If the Governor who makes the appointment, or other appointing authority, fails to submit the name of the nominee or if the House of Representatives or the Senate declines to consider a nominee, the position shall become vacant as of sine die adjournment of the regular session of the General Assembly at which the appointment was to be confirmed. If the House of Representatives or the Senate declines to confirm the nominee, the position shall become vacant upon the date that a chamber of the General Assembly first declined to confirm.~~
- ~~(j) Any person not confirmed by the House of Representatives or the Senate shall not be reappointed by the Governor, or other appointing authority, to the same position for which confirmation is required for a period of two (2) years from the date that a chamber of the General Assembly first declined to confirm the nomination, or the date of sine die adjournment if the House of Representatives or the Senate declined to consider the nomination.]~~

➔Section 4. KRS 247.090 is amended to read as follows:

- (1) The State Fair Board shall be composed of sixteen (16) voting members and five (5) ex officio, nonvoting members, as follows:
 - (a) The Governor or his or her designee;
 - (b) The Commissioner of Agriculture or his or her designee;

- (c) The President of the Senate or his or her designee, who shall serve as an ex officio, nonvoting member for the duration of his or her service as President of the Senate;
- (d) The Speaker of the House of Representatives or his or her designee, who shall serve as an ex officio, nonvoting member for the duration of his or her service as Speaker of the House of Representatives;
- (e) The secretary of the Finance and Administration Cabinet or his or her designee, who shall serve as an ex officio, nonvoting member for the duration of his or her service as secretary of the cabinet. The secretary shall provide additional financial expertise to the Kentucky State Fair Board, with no resulting personnel impact, fiscal impact, nor expense to Kentucky state government;
- (f) The dean of the University of Kentucky College of Agriculture, Food and Environment or his or her designee;
- (g) Four (4) members appointed by the Governor from the state at large with due consideration to geographical distribution throughout the state;
- (h) Three (3) members appointed by the Commissioner of Agriculture from the state at large who are involved with, or experienced in, agriculture or agriculture-related businesses;
- (i) One (1) member appointed by the Commissioner of Agriculture from a list of six (6) nominees that are representative of all segments of animal agriculture provided by trade organizations and commodity groups that may include but not be limited to the Kentucky Cattlemen's Association, Kentucky Dairy Development Council, Kentucky Livestock Improvement Association, Kentucky Pork Producers Association, Kentucky Poultry Federation, and Kentucky Sheep and Goat Development Office;
- (j) One (1) member appointed by the Commissioner of Agriculture from a list of six (6) nominees that are representative of all segments of crop or plant production provided

- by trade organizations or commodity groups that may include but not be limited to Kentucky Corn Growers Association, Kentucky Grape and Wine Council, Kentucky Horticulture Council, Kentucky Small Grain Growers Association, and Kentucky Soybean Association;
- (k) One (1) member appointed by the Commissioner of Agriculture from a list of six (6) nominees submitted by the governing body of the American Saddlebred Horse Association;
 - (l) One (1) member appointed by the Commissioner of Agriculture from a list of six (6) nominees provided by the Kentucky Farm Bureau Federation;
 - (m) One (1) member appointed by the Commissioner of Agriculture from a list of six (6) nominees provided by the Kentucky Association of Fairs and Horse Shows;
 - (n) One (1) member appointed by the Governor from a list of six (6) nominees provided by the Louisville Convention and Visitors Bureau representing the hospitality and tourism industry;
 - (o) The state president of the Kentucky FFA Association, who shall serve as an ex officio, nonvoting member for the duration of his or her term as student leader of the association; and
 - (p) The state president of the Kentucky 4-H Organization, who shall serve as an ex officio, nonvoting member for the duration of his or her term as student leader of the organization.
- (2) The terms of the members of the board appointed by the Commissioner of Agriculture or the Governor, respectively, shall be staggered terms and shall be subject to confirmation **by the Senate**~~[as provided in KRS 11.160(2)]~~. Members of the board shall be appointed to a term of four (4) years and shall serve until their successors are duly appointed and qualified. Members of the board shall be appointed to no more than three (3) terms that

began on or after March 29, 2021. Terms that began prior to March 29, 2021, shall not count toward the term limits established by this subsection. As the terms of each group of members expire, the Commissioner of Agriculture or the Governor, as the case may be, shall appoint successors for terms of four (4) years and until their successors are appointed and qualify. The initial appointments of the members designated in subsection (1)(g) and (h) of this section shall be for staggered terms, as follows:

- (a) Pursuant to subsection (1)(g) of this section, the Governor shall appoint one (1) at-large member in 2022, one (1) at-large member in 2023, and two (2) at-large members in 2024 to replace or reappoint current members whose terms expire in each of these years;
- (b) Pursuant to subsection 1(h) of this section, the Commissioner of Agriculture shall appoint one (1) at-large member in 2021, one (1) at-large member in 2022, and one (1) at-large member in 2023 to replace or reappoint current members whose terms expire in each of these years;
- (c) On March 29, 2021, and pursuant to subsection (1)(h) of this section, the Commissioner of Agriculture shall appoint one (1) at-large member to serve a one (1) year term in order to establish the number of voting members as required by this section; and
- (d) Those members whose terms expire in 2021 shall be appointed by the Commissioner of Agriculture.

It is the intention of the General Assembly that the political affiliation of the appointed members shall be as evenly divided as possible between the two (2) political parties polling the largest number of votes in the state at general elections.

- (3) In case of a vacancy among the appointed members of the board, the unexpired term shall be filled pursuant to the requirements and procedures for original appointments.

(4) The State Fair Board shall not be subject to reorganization under KRS Chapter 12.

➔Section 5. KRS 247.944 is amended to read as follows:

- (1) There is hereby created and established the Kentucky Agricultural Finance Corporation which shall be attached to the Department of Agriculture.
- (2) The corporation is created and established as a de jure municipal corporation and political subdivision of the Commonwealth to perform essential governmental and public functions and purposes in improving and otherwise promoting the health and general welfare of the people through the promotion of agriculture through the Commonwealth.
- (3) The corporation shall be governed by a board of directors consisting of twelve (12) members, ten (10) of whom shall be appointed by the Commissioner. The other two (2) members shall be the Commissioner, who shall serve as chairperson, and the secretary of the Finance and Administration Cabinet. The Commissioner may designate a representative to serve as chairperson in the Commissioner's absence.
- (4) The Commissioner shall appoint ten (10) private members of the board to take office and to exercise all powers of the board immediately. The ten (10) directors of the corporation shall be appointed using staggered terms and shall be subject to confirmation by the Senate~~as provided in KRS 11.160(2)~~. Of the ten (10) private members of the board appointed by the Commissioner, two (2) may be officers from a commercial lending institution, one (1) may be an officer from a farm credit association, one (1) may be an agricultural economist, one (1) shall be a tobacco farmer, one (1) shall be a cash grain farmer, one (1) shall be a livestock farmer, one (1) shall be a dairy or poultry farmer, one (1) shall be a horticultural farmer, and one (1) shall be from the equine industry. To promote efficient use of agricultural resources and coordination among agricultural leaders, the Commissioner shall appoint a member from the Agricultural Development Board, who meets the qualifications for one (1) of the positions set out in this subsection, to one (1) of the ten (10) board

positions governing the Kentucky Agricultural Finance Corporation.

- (5) Upon the expiration of the initial terms of the private members of the board, the Commissioner shall appoint successors representing the same constituencies as the members succeeded for a term of four (4) years in each case. In the case of a vacancy, the Commissioner may appoint a successor to hold office during the remainder of the term.
- (6) Staff services for the board shall be provided by the Department of Agriculture. The executive director of the Agricultural Development Board shall serve as executive director for the Kentucky Agricultural Finance Corporation board.
- (7) The executive director shall administer, manage, and direct the affairs and business of the corporation, subject to the policies, control, and direction of the board. The executive director shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation, the minute book or journal of the corporation, and its official seal. The executive director shall have authority to cause copies to be made of all minutes and other records and documents of the corporation and to give certificates under the official seal of the corporation to the effect that the copies are true copies, and all persons dealing with the corporation may rely on such certifications.
- (8) A majority of the board shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies; provided, however, that a majority of the board may elect from among its members an executive committee to act in its stead in the day to day conduct of the business of the corporation. Notwithstanding the foregoing, the full board shall hold at least one (1) meeting each calendar quarter in accordance with a schedule to be established by the board.
- (9) Action may be taken by the corporation upon a vote of a majority of the directors present at a meeting at which a quorum exists called upon three (3) days written notice or upon the

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concurrence of at least seven (7) directors or by the board's executive committee.

- (10) All members of the board shall be entitled to their reasonable and necessary expenses actually incurred in discharging their duties.
- (11) The Kentucky Agricultural Finance Corporation shall not be subject to reorganization under KRS Chapter 12.

➔Section 6. KRS 248.707 is amended to read as follows:

- (1) The Agricultural Development Board is created as a political subdivision of the Commonwealth to perform essential governmental and public functions by administering funds to provide economic assistance to the agriculture community of the Commonwealth. The board shall be a public agency within the meaning of KRS 61.805, 61.870, and other applicable statutes.
- (2) The board shall consist of sixteen (16) members as follows:
 - (a) Five (5) voting members or their designees, as follows:
 - 1. The Commissioner of Agriculture, who shall serve as chairperson. The Commissioner of Agriculture may designate a representative to serve as chairperson in the Commissioner's absence;
 - 2. The Governor of the Commonwealth of Kentucky;
 - 3. The secretary of the Cabinet for Economic Development;
 - 4. The director of the University of Kentucky Cooperative Extension Service; and
 - 5. The president of Kentucky State University; and
 - (b) Eleven (11) voting members appointed by the Commissioner, who shall be geographically distributed throughout the state and subject to confirmation ***by the Senate***~~[as provided in KRS 11.160(2)]~~. The members shall be as follows:
 - 1. Seven (7) active farmers, at least four (4) of whom shall be from counties that are substantially tobacco-impacted, as determined by a formula that includes

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- tobacco income as a percentage of total personal income in the county, and at least two (2) of whom shall have experience in agricultural diversification;
2. One (1) representative of the Kentucky Farm Bureau;
 3. One (1) representative of the Kentucky Chamber of Commerce, who shall be an agribusiness person;
 4. One (1) attorney with farm experience and familiarity with agricultural policy; and
 5. One (1) agricultural lender.
- (3) The members appointed under subsection (2)(b)2. and 3. of this section shall be chosen from a list of three (3) nominees submitted to the Commissioner by each of the respective organizations.
- (4) Consideration shall be given to racial and gender equity in the appointment of board members.
- (5) The majority of the voting members shall be active farmers.
- (6) Members of the board shall be reimbursed for expenses incurred in the performance of their duties.
- (7) Except as provided in paragraphs (a) to (d) of this subsection, The terms of the members appointed by the Commissioner shall be for four (4) years and until their successors are appointed and confirmed. A vacancy on the board shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members may be reappointed. The initial appointments shall be for staggered terms, as follows:
- (a) Two (2) members shall be appointed for one (1) year;
 - (b) Three (3) members shall be appointed for two (2) years;
 - (c) Three (3) members shall be appointed for three (3) years; and
 - (d) Three (3) members shall be appointed for four (4) years.

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- (8) The board shall meet monthly, or at the call of the chair or a majority of the voting members.
- (9) A quorum of the board shall consist of nine (9) voting members. A majority of the voting members present may act upon matters before the board.
- (10) The board shall be attached to the Department of Agriculture.
- (11) Staff services for the board shall be provided by the Department of Agriculture.
- (12) The Agricultural Development Board shall not be subject to reorganization under KRS Chapter 12."; and

On page 9, line 13, after the word "Section", delete "4" and insert in lieu thereof "7".