

1 AN ACT relating to government actions and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Each executive order issued by the Governor after the effective date of this Act*
6 *shall be:*

7 *(a) Identified by one (1) and only one (1) of the following subject areas:*

8 *1. Appointments requiring confirmation;*

9 *2. Appointments not requiring confirmation;*

10 *3. Matters of a ceremonial or honorary nature;*

11 *4. Approvals of legal employment or contract under KRS 12.210;*

12 *5. Matters relating to criminal justice and corrections;*

13 *6. Reorganizations of state government;*

14 *7. Declarations of a state of emergency or issuance of state active duty*
15 *orders; or*

16 *8. Other matters pertaining to the operation or official policy of the*
17 *government of Kentucky;*

18 *(b) Numbered in a manner to identify the year in which the order is issued, the*
19 *subject area specified in paragraph (a) of this subsection, and, within each*
20 *subject area, numbered in consecutive numerical order by date of issuance;*
21 *and*

22 *(c) Filed with the Secretary of State.*

23 *(2) The Secretary of State shall forward a copy of each filed executive order to the*
24 *director of the Legislative Research Commission on the day the order is filed.*

25 *(3) (a) No executive order shall become effective until the order is filed with the*
26 *Secretary of State.*

27 *(b) Within two (2) working days of the director of the Legislative Research*

1 Commission receiving an executive order from the Secretary of State, the
2 co-chairs of the Legislative Research Commission shall refer the executive
3 order to one (1) of the following committees with jurisdiction over the
4 subject matter of the executive order:

5 1. A House of Representatives or Senate standing committee, if during a
6 legislative session;

7 2. An interim joint committee or other subcommittee of the Legislative
8 Research Commission; or

9 3. A statutory committee of the Legislative Research Commission or
10 General Assembly.

11 (c) The committee to which an order is referred may review the order upon the
12 call of the chair of the committee following referral by the co-chairs of the
13 Legislative Research Commission. The reviewing committee shall report its
14 findings and objections, if any, to the Legislative Research Commission for
15 transmittal to the General Assembly when next convened. An objection to be
16 reported to the Legislative Research Commission by the reviewing
17 committee shall be found upon the vote of a majority of the committee
18 members present and voting.

19 (4) (a) Prior to each regular session of the General Assembly, the Legislative
20 Research Commission staff shall draft legislation for introduction in the
21 Senate and the House of Representatives relating to those executive orders
22 filed since the commencement of the previous regular session of the
23 General Assembly and which have been objected to by a committee under
24 this section.

25 (b) The legislation specified in this subsection shall:

26 1. Identify each executive order and provide that they shall be null, void,
27 and unenforceable as of the effective date of the legislation;

1 2. Prohibit the Governor from adopting an executive order that is
2 identical to or substantially the same as the executive order being
3 declared void for a period of one (1) year from sine die adjournment of
4 the legislative session in which the legislation is enacted; and

5 3. Contain an emergency clause that shall specify that the legislation
6 takes effect upon its passage and approval by the Governor or upon its
7 otherwise becoming law.

8 (c) The Senate bill shall be delivered to the President of the Senate and the
9 House of Representatives bill shall be delivered to the Speaker of the House
10 of Representatives on the first day of the regular session in his or her
11 respective chamber.

12 (d) The General Assembly may amend either or both bills to:

13 1. Include additional executive orders; or

14 2. Delete executive orders.

15 (5) No later than September 30, 2022, the Governor shall compile a list of all
16 executive orders currently in effect and shall provide the list to the Legislative
17 Research Commission. On the list, the Governor shall identify those executive
18 orders that should remain in effect and those executive orders that he or she shall
19 revoke or repeal because they are unnecessary or obsolete. Any executive order
20 that the Governor does not continue in effect or revoke or repeal effective on
21 another date shall expire on December 31, 2022.

22 (6) Every executive order in effect at the end of a Governor's final term of office,
23 except those filed pursuant to KRS 61.520, shall expire ninety (90) days
24 thereafter.

25 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) Each administrative body created by an executive order shall expire ninety (90)

1 days after the end of the term of office of the Governor who issued the executive
 2 order unless the administrative body is established by enactment of the General
 3 Assembly.

4 (2) Each administrative body created by a statewide elected official other than the
 5 Governor shall expire ninety (90) days after the end of the final term of office of
 6 the official who created the administrative body unless the administrative body is
 7 established by enactment of the General Assembly.

8 (3) Each administrative body created by an administrative order shall expire ninety
 9 (90) days after the end of the final term of office of the Governor whose appointee
 10 created the administrative body unless the administrative body is established by
 11 enactment of the General Assembly.

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

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

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

27 (b) All names of persons nominated to positions during a regular session of the

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

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

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

18 (d) When a statute requires an interim legislative committee to hold a public
19 hearing on a particular appointment, the Governor who makes the
20 appointment, or other appointing authority, shall deliver the letter of
21 appointment and resume for each nominee to the Legislative Research
22 Commission within two (2) working~~seven (7)~~ days after making the
23 appointment.

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

1 nominee if requested by the Legislative Research Commission.

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

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

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

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

25 (a) All names of persons nominated when the General Assembly is not in session
26 shall be submitted for confirmation no later than the next regular session of
27 the General Assembly. The Governor who makes the appointment, or other

1 appointing authority, shall deliver the name of the nominee to the clerk of the
2 House of Representatives no later than the fifteenth legislative day of the next
3 regular session of the General Assembly. The Governor may submit a
4 nominee for confirmation at any special session that occurs between the date
5 of initial appointment and the next regular session of the General Assembly. If
6 the Governor desires to submit the name of a nominee for confirmation at a
7 special session of the General Assembly, he shall place confirmation of the
8 nominee on the call for special session.

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

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

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

26 (d) When a statute requires an interim legislative committee to hold a public
27 hearing on a particular appointment, the Governor who makes the

1 appointment, or other appointing authority, shall deliver the letter of
2 appointment and resume for each nominee to the Legislative Research
3 Commission within two (2) working~~seven (7)~~ days after making the
4 appointment.

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

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

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

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

26 (i) If the Governor who makes the appointment, or other appointing authority,
27 fails to submit the name of the nominee or if the House of Representatives or

1 the Senate declines to consider a nominee, the position shall become vacant as
2 of sine die adjournment of the regular session of the General Assembly at
3 which the appointment was to be confirmed. If the House of Representatives
4 or the Senate declines to confirm the nominee, the position shall become
5 vacant upon the date that a chamber of the General Assembly first declined to
6 confirm.

7 (j) Any person not confirmed by the House of Representatives or the Senate shall
8 not be reappointed by the Governor, or other appointing authority, to the same
9 position for which confirmation is required for a period of two (2) years from
10 the date that a chamber of the General Assembly first declined to confirm the
11 nomination, or the date of sine die adjournment if the House of
12 Representatives or the Senate declined to consider the nomination.

13 ➔Section 4. Whereas public input and legislative oversight is an essential
14 function toward establishing the status of executive orders and ensuring that the executive
15 powers of the Governor can proceed efficiently and within the law, an emergency is
16 declared to exist, and this Act shall take effect upon its passage and approval by the
17 Governor, or upon its otherwise becoming a law.