

1 AN ACT relating to the Kentucky Office of Agricultural Policy and declaring an
2 emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) Employees of the department who are not employed within the Kentucky Office of*
7 *Agricultural Policy established in KRS 246.030 shall not be prohibited under*
8 *Section 2 of this Act from participating in, applying for, or receiving funds,*
9 *awards, or contracts administered by the department through the Kentucky Office*
10 *of Agricultural Policy's Agricultural Development Board or Kentucky*
11 *Agricultural Finance Corporation.*

12 *(2) Except as provided in subsection (13) of Section 2 of this Act, employees of the*
13 *department, including those employed by the Kentucky Office of Agricultural*
14 *Policy, shall be subject to the prohibitions in Section 2 of this Act.*

15 *(3) This section shall be retroactive to March 12, 2021.*

16 ➔Section 2. KRS 11A.040 is amended to read as follows:

17 (1) A public servant, in order to further his or her own economic interests, or those of
18 any other person, shall not knowingly disclose or use confidential information
19 acquired in the course of his or her official duties.

20 (2) A public servant shall not knowingly receive, directly or indirectly, any interest or
21 profit arising from the use or loan of public funds in his or her hands or to be raised
22 through any state agency.

23 (3) A public servant shall not knowingly act as a representative or agent for the
24 Commonwealth or any agency in the transaction of any business or regulatory
25 action with himself or herself, or with any business in which he or she or a member
26 of his or her family has any interest greater than five percent (5%) of the total value
27 thereof.

- 1 (4) A public servant shall not knowingly himself or herself or through any business in
2 which he or she owns or controls an interest of more than five percent (5%), or by
3 any other person for his or her use or benefit or on his or her account, undertake,
4 execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract,
5 agreement, lease, sale, or purchase made, entered into, awarded, or granted by the
6 agency by which he or she is employed or which he or she supervises, subject to the
7 provisions of KRS 45A.340. This provision shall not apply to:
- 8 (a) A contract, purchase, or good faith negotiation made pursuant to KRS Chapter
9 416 relating to eminent domain; or
- 10 (b) Agreements which may directly or indirectly involve public funds disbursed
11 through entitlement programs; or
- 12 (c) A public servant's spouse or child doing business with any state agency other
13 than the agency by which the public servant is employed or which he or she
14 supervises; or
- 15 (d) Purchases from a state agency that are available on the same terms to the
16 general public or that are made at public auction; or
- 17 (e) Sales of craft items to a state park by interim state employees designated as
18 craftspersons under KRS 148.257.
- 19 (5) A public servant shall not knowingly accept compensation, other than that provided
20 by law for public servants, for performance of his or her official duties without the
21 prior approval of the commission.
- 22 (6) A former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall not,
23 within one (1) year of termination of his or her employment, knowingly by himself
24 or herself or through any business in which he or she owns or controls an interest of
25 at least five percent (5%), or by any other person for his or her use or benefit or on
26 his or her account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or
27 in part, any contract, agreement, lease, sale, or purchase made, entered into,

1 awarded, or granted by the agency by which he or she was employed. This
2 provision shall not apply to a contract, purchase, or good-faith negotiation made
3 under KRS Chapter 416 relating to eminent domain or to agreements that may
4 directly or indirectly involve public funds disbursed through entitlement programs.
5 This provision shall not apply to purchases from a state agency that are available on
6 the same terms to the general public or that are made at public auction. This
7 provision shall not apply to former officers of the Department of Public Advocacy
8 whose continued representation of clients is necessary in order to prevent an
9 adverse effect on the client.

10 (7) A present or former officer or public servant listed in KRS 11A.010(9)(a) to (g)
11 shall not, within one (1) year following termination of his or her office or
12 employment, accept employment, compensation, or other economic benefit from
13 any person or business that contracts or does business with, or is regulated by, the
14 state in matters in which he or she was directly involved during the last thirty-six
15 (36) months of his or her tenure. This provision shall not prohibit an individual
16 from returning to the same business, firm, occupation, or profession in which he or
17 she was involved prior to taking office or beginning his or her term of employment,
18 or for which he or she received, prior to his or her state employment, a professional
19 degree or license, provided that, for a period of one (1) year, he or she personally
20 refrains from working on any matter in which he or she was directly involved
21 during the last thirty-six (36) months of his or her tenure in state government. This
22 subsection shall not prohibit the performance of ministerial functions, including but
23 not limited to filing tax returns, filing applications for permits or licenses, or filing
24 incorporation papers, nor shall it prohibit the former officer or public servant from
25 receiving public funds disbursed through entitlement programs.

26 (8) A former public servant shall not act as a lobbyist or lobbyist's principal in matters
27 in which he or she was directly involved during the last thirty-six (36) months of his

1 or her tenure for a period of one (1) year after the latter of:

2 (a) The date of leaving office or termination of employment; or

3 (b) The date the term of office expires to which the public servant was elected.

4 (9) A former public servant shall not represent a person or business before a state
5 agency in a matter in which the former public servant was directly involved during
6 the last thirty-six (36) months of his or her tenure, for a period of one (1) year after
7 the latter of:

8 (a) The date of leaving office or termination of employment; or

9 (b) The date the term of office expires to which the public servant was elected.

10 (10) Without the approval of his *or her* appointing authority, a public servant shall not
11 accept outside employment from any person or business that does business with or
12 is regulated by the state agency for which the public servant works or which he or
13 she supervises, unless the outside employer's relationship with the state agency is
14 limited to the receipt of entitlement funds.

15 (a) The appointing authority shall review administrative regulations established
16 under KRS Chapter 11A when deciding whether to approve outside
17 employment for a public servant.

18 (b) The appointing authority shall not approve outside employment for a public
19 servant if the public servant is involved in decision-making or
20 recommendations concerning the person or business from which the public
21 servant seeks outside employment or compensation.

22 (c) The appointing authority, if applicable, shall file quarterly with the Executive
23 Branch Ethics Commission a list of all employees who have been approved
24 for outside employment along with the name of the outside employer of each.

25 (11) The prohibitions imposed by subsection (5) or (10) of this section shall not apply to
26 Professional Golfers' Association class A members who teach golf lessons and
27 receive a fee or lesson charge at golf courses owned and operated by the Kentucky

1 Department of Parks. Instruction provided by an employee of the Commonwealth
2 shall only be given while the employee is on his or her own personal time. The
3 commissioner of the Department of Parks shall promulgate administrative
4 regulations to establish guidelines for the process by which Professional Golfers'
5 Association class A members are approved to teach golf lessons at Kentucky
6 Department of Parks-owned golf courses. The exception granted by this subsection
7 is in recognition of the benefits that will accrue to the Kentucky Department of
8 Parks due to increased participation at state-owned golf courses.

9 (12) The prohibitions imposed by subsections (6) to (10) of this section shall not apply
10 to members of the Kentucky Horse Racing and Gaming Corporation.

11 **(13) (a) This section shall not be construed to prohibit employees of the Department**
12 **of Agriculture who are not employed within the Kentucky Office of**
13 **Agricultural Policy established in KRS 246.030 from participating in,**
14 **applying for, or receiving funds, awards, or contracts administered by the**
15 **Department of Agriculture through the Kentucky Office of Agricultural**
16 **Policy.**

17 **(b) This subsection shall be retroactive to March 12, 2021.**

18 ➔Section 3. Whereas agriculture impacts the well-being of every citizen
19 throughout the Commonwealth and access to resources offered by various state agencies
20 is vital to the advancement of the agricultural industry, an emergency is declared to exist,
21 and this Act takes effect upon its passage and approval by the Governor or upon its
22 otherwise becoming a law.