

1 AN ACT relating to state constitutional officer transitions.

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

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

5 *(1) As used in this section, "entity of the executive branch" means:*

6 *(a) Any department, program cabinet, or administrative body enumerated in*  
7 *KRS 12.020;*

8 *(b) Any department, office, administrative body, or executive branch agency*  
9 *attached to an executive branch department or program cabinet enumerated*  
10 *in KRS 12.020; or*

11 *(c) Any officer of any department, office, program cabinet, administrative body,*  
12 *or executive branch agency listed in paragraph (a) or (b) of this subsection.*

13 *(2) (a) Within one hundred eighty (180) days before a gubernatorial inauguration,*  
14 *the Attorney General shall, in consultation with the secretary of the*  
15 *Finance and Administration Cabinet, review and approve or disapprove any*  
16 *settlement of pending or threatened litigation involving an entity of the*  
17 *executive branch in which the settlement amount exceeds one million*  
18 *dollars (\$1,000,000).*

19 *(b) A settlement shall not be entered into or approved by an entity of the*  
20 *executive branch without prior approval of the Attorney General as*  
21 *provided in paragraph (a) of this subsection.*

22 *(3) The requirements of this section shall apply to any program cabinet, department,*  
23 *administrative body, or agency created by or attached to an entity of the executive*  
24 *branch after the effective date of this Act.*

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

27 *(1) As used in this section:*

1 (a) "Executive branch official" means all major management personnel of the  
2 Office of the Governor, Office of the Lieutenant Governor, Secretary of  
3 State, Attorney General, Auditor of Public Accounts, State Treasurer, and  
4 Commissioner of Agriculture, including but not limited to cabinet  
5 secretaries, deputy cabinet secretaries, chief executive officers, general  
6 counsels, commissioners, deputy commissioners, executive directors,  
7 executive assistants, policy advisors, special assistants, administrative  
8 coordinators, executive advisors, staff assistants, and division directors; and  
9 (b) "State constitutional officer" means the Governor, Lieutenant Governor,  
10 Secretary of State, Attorney General, Auditor of Public Accounts, State  
11 Treasurer, and Commissioner of Agriculture.

12 (2) Notwithstanding any law to the contrary, at any time during the twelve (12)  
13 months before and twelve (12) months after a state constitutional officer takes his  
14 or her oath of office, any person:

15 (a) Involved in conduct relating to the transition between outgoing and  
16 incoming state constitutional officers that may result in a criminal  
17 prosecution of the person or a violation of a state ethics law by the person,  
18 including but not limited to the Executive Branch Code of Ethics pursuant  
19 to KRS Chapter 11A and the Kentucky Code of Legislative Ethics pursuant  
20 to KRS 6.601 to 6.849; and

21 (b) Who brings forth evidence against an executive branch official who was  
22 involved with or directed the person to perform the conduct described in  
23 paragraph (a) of this subsection;

24 shall be immune from criminal prosecution for the conduct, and shall not be  
25 subject to any penalty resulting from an ethical violation pertaining to his or her  
26 involvement in the conduct if the evidence he or she brought forth assists in the  
27 criminal prosecution of, or a finding of an ethical violation against, the

1        *applicable executive branch official.*  
 2        *(3) A person shall not be immune from criminal prosecution and shall be subject to*  
 3        *any ethical violation pertaining to his or her involvement with the conduct*  
 4        *described in subsection (2)(a) of this section if he or she commits perjury. Any*  
 5        *testimony or evidence given or produced shall be admissible against the person*  
 6        *upon any criminal action, investigation, or proceeding concerning the perjury in*  
 7        *addition to any conduct described in subsection (2)(a) of this section.*

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

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

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

15       (1) Except when appointed to a job classification with an initial probationary period in  
 16       excess of six (6) months, and except as provided in KRS 18A.005 and this section,  
 17       an employee shall serve a six (6) months probationary period when he *or she* is  
 18       initially appointed to the classified service. An employee may be separated from his  
 19       *or her* position, reduced in class or rank, or replaced on the eligible list during this  
 20       initial probationary period and shall not have a right to appeal, except as provided  
 21       by KRS 18A.095. The employee may be placed on an eligible list but shall not be  
 22       certified to the agency from which he *or she* was separated unless that agency so  
 23       requests. Unless the appointing authority notifies the employee prior to the end of  
 24       the initial probationary period that he *or she* is separated, the employee shall be  
 25       deemed to have served satisfactorily and shall acquire status in the classified  
 26       service.

27       (2) An employee who satisfactorily completes the initial probationary period for the

1 position to which he or she was initially appointed to the classified service shall be  
2 granted status and may not be demoted, disciplined, dismissed, or otherwise  
3 penalized, except as provided by the provisions of this chapter.

4 (3) An employee ordered reinstated by the board shall not be required to serve a  
5 probationary period unless the board rules otherwise.

6 (4) An employee with status, who has been promoted, shall serve a promotional  
7 probationary period of six (6) months, except for those employees granted leave in  
8 excess of twenty (20) consecutive work days during this period. Such probationary  
9 periods shall be extended as prescribed in KRS 18A.005. During this period, he or  
10 she shall retain the rights and privileges granted by the provisions of this chapter to  
11 status employees.

12 (5) An employee with status may request that he or she be reverted to a position in his  
13 or her former class at any time during the promotional probationary period.

14 (6) A laid-off employee who accepts a bona fide written offer of appointment to a  
15 position shall not be required to serve an initial probationary period. He or she shall  
16 be an employee with status and shall have all rights and privileges granted  
17 employees with status under the provisions of this chapter.

18 (7) At any time in the eighteen (18) months prior to a gubernatorial inauguration, a  
19 person who is appointed to a position in the classified service and who previously  
20 held a position that was unclassified under subsection (1) of Section 4 of this Act  
21 shall:

22 (a) Be required to serve an initial probationary period of twenty-four (24)  
23 months regardless of whether he or she previously had status in the  
24 classified service; and

25 (b) Not be entitled to any preference in hiring or reemployment,  
26 notwithstanding KRS 18A.130 and 18A.135~~[A former unclassified employee~~  
27 ~~under KRS 18A.115(1)(d), (e), (f), (g), (h), or (i) shall serve an initial~~

1           ~~probationary period of twelve (12) months if the employee is appointed to a~~  
2           ~~position in the classified service, unless that employee had previously had~~  
3           ~~status in the classified service or had been separated from his or her previous~~  
4           ~~unclassified position for at least one hundred eighty (180) days prior to the~~  
5           ~~effective date of his or her appointment to the classified service].~~

6 (8) Notification to an employee on initial or promotional probation of the reason the  
7 probationary employment has been terminated by the appointing authority shall not  
8 confer a right to appeal to the board.

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

10 (1) The classified service to which KRS 18A.005 to 18A.200 shall apply shall comprise  
11 all positions in the state service now existing or hereafter established, except the  
12 following:

13 (a) The General Assembly and employees of the General Assembly, including the  
14 employees of the Legislative Research Commission;

15 (b) Officers elected by popular vote and persons appointed to fill vacancies in  
16 elective offices;

17 (c) Members of boards and commissions;

18 (d) Officers and employees on the staff of the Governor, the Lieutenant  
19 Governor, the Office of the Secretary of the Governor's Cabinet, and the  
20 Office of Program Administration;

21 (e) Cabinet secretaries, commissioners, office heads, and the administrative heads  
22 of all boards and commissions, including the executive director of Kentucky  
23 Educational Television;

24 (f) Employees of Kentucky Educational Television who have been determined to  
25 be exempt from classified service by the Kentucky Authority for Educational  
26 Television, which shall have sole authority over such exempt employees for  
27 employment, dismissal, and setting of compensation, up to the maximum

- 1 established for the executive director and his or her principal assistants;
- 2 (g) One (1) principal assistant or deputy for each person exempted under  
3 subsection (1)(e) of this section;
- 4 (h) One (1) additional principal assistant or deputy as may be necessary for  
5 making and carrying out policy for each person exempted under subsection  
6 (1)(e) of this section in those instances in which the nature of the functions,  
7 size, or complexity of the unit involved are such that the secretary approves  
8 such an addition on petition of the relevant cabinet secretary or department  
9 head and such other principal assistants, deputies, or other major assistants as  
10 may be necessary for making and carrying out policy for each person  
11 exempted under subsection (1)(e) of this section in those instances in which  
12 the nature of the functions, size, or complexity of the unit involved are such  
13 that the board may approve such an addition or additions on petition of the  
14 department head approved by the secretary. Effective August 1, 2010:
- 15 1. All positions approved under this paragraph prior to August 1, 2010,  
16 shall be abolished effective December 31, 2010, unless reapproved  
17 under subparagraph 2. of this paragraph; and
- 18 2. A position approved under this paragraph on or after August 1, 2010,  
19 shall be approved for a period of five (5) years, after which time the  
20 position shall be abolished unless reapproved under this subparagraph  
21 for an additional five (5) year period;
- 22 (i) Division directors subject to the provisions of KRS 18A.170. Division  
23 directors in the classified service as of January 1, 1980, shall remain in the  
24 classified service;
- 25 (j) Physicians employed as such;
- 26 (k) One (1) private secretary for each person exempted under subsection (1)(e),  
27 (g), and (h) of this section;

- 1 (l) The judicial department, referees, receivers, jurors, and notaries public;
- 2 (m) Officers and members of the staffs of state universities and colleges and  
3 student employees of such institutions; officers and employees of the  
4 Teachers' Retirement System; and officers, teachers, and employees of local  
5 boards of education;
- 6 (n) Patients or inmates employed in state institutions;
- 7 (o) Persons employed in a professional or scientific capacity to make or conduct a  
8 temporary or special inquiry, investigation, or examination on behalf of the  
9 General Assembly, or a committee thereof, or by authority of the Governor,  
10 and persons employed by state agencies for a specified, limited period to  
11 provide professional, technical, scientific, or artistic services under the  
12 provisions of KRS 45A.690 to 45A.725;
- 13 (p) Interim employees;
- 14 (q) Officers and members of the state militia;
- 15 (r) Department of Kentucky State Police troopers;
- 16 (s) University or college engineering students or other students employed part-  
17 time or part-year by the state through special personnel recruitment programs;  
18 provided that while so employed such aides shall be under contract to work  
19 full-time for the state after graduation for a period of time approved by the  
20 commissioner or shall be participants in a cooperative education program  
21 approved by the commissioner;
- 22 (t) Superintendents of state mental institutions, including heads of centers for  
23 individuals with an intellectual disability, and penal and correctional  
24 institutions as referred to in KRS 196.180(2);
- 25 (u) Staff members of the Kentucky Historical Society, if they are hired in  
26 accordance with KRS 171.311;
- 27 (v) County and Commonwealth's attorneys and their respective appointees;

- 1 (w) Chief district engineers and the state highway engineer;
- 2 (x) Employees of the Kentucky Horse Racing and Gaming Corporation;
- 3 (y) Employees of the Kentucky Peace Corps;
- 4 (z) Employees of the Council on Postsecondary Education;
- 5 (aa) Executive director of the Commonwealth Office of Technology;
- 6 (ab) Employees of Serve Kentucky;
- 7 (ac) Persons employed in certified teaching positions at the Kentucky School for
- 8 the Blind and the Kentucky School for the Deaf;
- 9 (ad) Federally funded time-limited employees as defined in KRS 18A.005; and
- 10 (ae) Employees of the Department of Agriculture who are employed to support the
- 11 Agricultural Development Board and the Kentucky Agricultural Finance
- 12 Corporation.
- 13 (2) Nothing in KRS 18A.005 to 18A.200 is intended, or shall be construed, to alter or
- 14 amend the provisions of KRS 150.022 and 150.061.
- 15 (3) Nothing in KRS 18A.005 to 18A.200 is intended or shall be construed to affect any
- 16 nonmanagement, nonpolicy-making position ***required to***~~[which must]~~ be included
- 17 in the classified service as a prerequisite to the grant of federal funds to a state
- 18 agency.
- 19 (4) Career employees within the classified service promoted to positions exempted
- 20 from classified service shall, upon termination of their employment in the exempted
- 21 service, revert to a position in that class in the agency from which they were
- 22 terminated if a vacancy in that class exists. If no such vacancy exists, they shall be
- 23 considered for employment in any vacant position for which they were qualified
- 24 pursuant to KRS 18A.130 and 18A.135, ***but shall be subject to the limitations***
- 25 ***specified in subsection (7) of Section 4 of this Act.***
- 26 (5) Nothing in KRS 18A.005 to 18A.200 shall be construed as precluding appointing
- 27 officers from filling unclassified positions in the manner in which positions in the

1 classified service are filled except as otherwise provided in KRS 18A.005 to  
2 18A.200.

3 (6) The positions of employees who are transferred, effective July 1, 1998, from the  
4 Cabinet for Workforce Development to the Kentucky Community and Technical  
5 College System shall be abolished and the employees' names removed from the  
6 roster of state employees. Employees that are transferred, effective July 1, 1998, to  
7 the Kentucky Community and Technical College System under KRS Chapter 164  
8 shall have the same benefits and rights as they had under KRS Chapter 18A and  
9 have under KRS 164.5805; however, they shall have no guaranteed reemployment  
10 rights in the KRS Chapter 151B or KRS Chapter 18A personnel systems. An  
11 employee who seeks reemployment in a state position under KRS Chapter 151B or  
12 KRS Chapter 18A shall have years of service in the Kentucky Community and  
13 Technical College System counted towards years of experience for calculating  
14 benefits and compensation.

15 (7) On August 15, 2000, all certified and equivalent personnel, all unclassified  
16 personnel, and all certified and equivalent and unclassified vacant positions in the  
17 Department for Adult Education and Literacy shall be transferred from the  
18 personnel system under KRS Chapter 151B to the personnel system under KRS  
19 Chapter 18A. The positions shall be deleted from the KRS Chapter 151B personnel  
20 system. All records shall be transferred including accumulated annual leave, sick  
21 leave, compensatory time, and service credit for each affected employee. The  
22 personnel officers who administer the personnel systems under KRS Chapter 151B  
23 and KRS Chapter 18A shall exercise the necessary administrative procedures to  
24 effect the change in personnel authority. No certified or equivalent employee in the  
25 Department for Adult Education and Literacy shall suffer any penalty in the  
26 transfer.

27 (8) On August 15, 2000, secretaries and assistants attached to policymaking positions

1 in the Department for Technical Education and the Department for Adult Education  
2 and Literacy shall be transferred from the personnel system under KRS Chapter  
3 151B to the personnel system under KRS Chapter 18A. The positions shall be  
4 deleted from the KRS Chapter 151B system. All records shall be transferred  
5 including accumulated annual leave, sick leave, compensatory time, and service  
6 credit for each affected employee. No employee shall suffer any penalty in the  
7 transfer.

8 (9) On May 1, 2017, all contract employees of Eastern Kentucky University who are  
9 engaged in providing instructional and support services to the Department of  
10 Criminal Justice Training shall be transferred to the personnel system under KRS  
11 Chapter 18A. All records shall be transferred, including accumulated annual leave,  
12 sick leave, compensatory time, and service credit for each affected employee. The  
13 personnel officers who administer the personnel systems for Eastern Kentucky  
14 University and under KRS Chapter 18A shall exercise the necessary administrative  
15 procedures to effect the change in personnel authority. No employee shall suffer  
16 any penalty in the transfer.

17 (10) On July 1, 2024, all employees of the Louisville and Jefferson County Public  
18 Defender Corporation shall be transferred to the personnel system under KRS  
19 Chapter 18A. Records of each employee's job classification, compensation, dates of  
20 employment, dates of professional licensure, probationary status, accumulated leave  
21 balances by category, months of service, and any other information necessary under  
22 KRS Chapter 18A shall be transferred. The personnel officers who administer the  
23 personnel systems for the Louisville and Jefferson County Public Defender  
24 Corporation and under KRS Chapter 18A shall exercise the necessary  
25 administrative procedures to effect the change in the personnel authority. No  
26 employee shall suffer any penalty in the transfer.

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

1 **(1)** The Treasurer shall receive notification from state agencies of all money due or  
 2 payable to the state. The Treasurer shall provide acknowledgment of the  
 3 notification to the Finance and Administration Cabinet.

4 **(2) (a) As used in this subsection, "state constitutional officer" has the same**  
 5 **meaning as in Section 2 of this Act.**

6 **(b) 1. Except as provided in subparagraph 2. of this paragraph, every state**  
 7 **constitutional officer shall submit all travel expense requests to the**  
 8 **Treasurer for approval during the last six (6) months of his or her**  
 9 **term of office.**

10 **2. Subparagraph 1. of this paragraph shall not apply to the Treasurer.**  
 11 **The Treasurer shall instead submit his or her travel expense requests**  
 12 **to the Auditor of Public Accounts for approval during the last six (6)**  
 13 **months of his or her term of office.**

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

15 (1) **As used in**~~For purposes of~~ this section:

16 (a) "Emergency condition" means a situation which creates a threat or impending  
 17 threat to public health, welfare, or safety such as may arise by reason of fires,  
 18 floods, tornadoes, other natural or man-caused disasters, epidemics, riots,  
 19 enemy attack, sabotage, explosion, power failure, energy shortages,  
 20 transportation emergencies, equipment failures, state or federal legislative  
 21 mandates, or similar events. The existence of the emergency condition creates  
 22 an immediate and serious need for services, construction, or items of tangible  
 23 personal property that cannot be met through normal procurement methods  
 24 and the lack of which would seriously threaten the functioning of government,  
 25 the preservation or protection of property, or the health or safety of any  
 26 person;

27 **(b) "Executive branch agency" means all executive branch departments,**

1           offices, program cabinets and their respective departments, and  
 2           administrative bodies enumerated in KRS 12.020, and any other executive  
 3           branch agencies immediately attached to a department, office, program  
 4           cabinet, or administrative body enumerated in KRS 12.020; and

5           ~~(c)~~~~(b)~~ "Sole source" means a situation in which there is only one (1) known  
 6           capable supplier of a commodity or service, occasioned by the unique nature  
 7           of the requirement, the supplier, or market conditions.

8           (2) A contract may be made by noncompetitive negotiation only:

9           (a) For sole source purchases;

10          (b) When competition is not feasible, as determined by the purchasing officer in  
 11          writing prior to award, under administrative regulations promulgated by the  
 12          secretary of the Finance and Administration Cabinet or the governing boards  
 13          of universities operating under KRS Chapter 164A;

14          (c) When emergency conditions exist; or

15          (d) For sponsorships, naming rights, or other advertising or similar considerations  
 16          for which competition is not feasible.

17          (3) Insofar as it is practical, no fewer than three (3) suppliers shall be solicited to  
 18          submit written or oral quotations whenever it is determined that competitive sealed  
 19          bidding is not feasible. Award shall be made to the supplier offering the best value.  
 20          The names of the suppliers submitting quotations and the date and amount of each  
 21          quotation shall be placed in the procurement file and maintained as a public record.

22          (4) Competitive bids may not be required:

23          (a) For contractual services where no competition exists, such as telephone  
 24          service, electrical energy, and other public utility services;

25          (b) Where rates are fixed by law or ordinance;

26          (c) For library books;

27          (d) For commercial items that are purchased for resale;

- 1 (e) For interests in real property;
- 2 (f) For visiting speakers, professors, expert witnesses, and performing artists;
- 3 (g) For personal service contracts executed pursuant to KRS 45A.690 to 45A.725;
- 4 (h) For agricultural products in accordance with KRS 45A.645; and
- 5 (i) For contracts entered into by the president of the Kentucky Horse Park for
- 6 emergency purchases pursuant to KRS 148.320(5).
- 7 (5) The chief procurement officer, the head of a using agency, or a person authorized in
- 8 writing as the designee of either officer may make or authorize others to make
- 9 emergency procurements when an emergency condition exists.
- 10 (6) The Finance and Administration Cabinet may negotiate directly for the purchase of
- 11 contractual services, supplies, materials, or equipment in bona fide emergencies
- 12 regardless of estimated costs. The existence of the emergency shall be fully
- 13 explained, in writing, by the head of the agency for which the purchase is to be
- 14 made. The explanation shall be approved by the secretary of the Finance and
- 15 Administration Cabinet and shall include the name of the vendor receiving the
- 16 contract along with any other price quotations and a written determination for
- 17 selection of the vendor receiving the contract. This information shall be filed with
- 18 the record of all such purchases and made available to the public. Where practical,
- 19 standard specifications shall be followed in making emergency purchases. In any
- 20 event, every effort should be made to effect a competitively established price for
- 21 purchases made by the state.
- 22 (7) Subsection (6) of this section shall not apply to emergency purchases made
- 23 pursuant to KRS 148.320(5).
- 24 **(8) In the one hundred eighty (180) days preceding a gubernatorial inauguration, an**
- 25 **executive branch agency may execute or renew a contract by noncompetitive**
- 26 **negotiation only when the secretary of the Finance and Administration Cabinet**
- 27 **and the State Treasurer both certify that the contract is necessary because of the**

1        **existence of an emergency condition.**

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

3        (1) The Department of Fish and Wildlife Resources Commission shall consist of nine  
4        (9) members, one (1) from each commission district, as set out by the commissioner  
5        with the approval of the commission, and not more than five (5) of the same  
6        political party.

7        (2) **(a)** The Governor shall appoint the members of the commission subject to  
8        confirmation by the Senate as described in subsection (3) of this section. Each  
9        of the members shall be appointed for a term ending on December 31 of the  
10       fourth calendar year following his or her appointment.

11       **(b)** A member whose reappointment is not confirmed by the Senate while it is in  
12       session shall vacate his or her seat upon the date of sine die adjournment of  
13       the session in which the confirmation was declined. Otherwise, a member's  
14       term shall continue until his or her successor is duly appointed and confirmed  
15       by the Senate, but no later than one (1) year following the expiration of the  
16       member's term. If after one (1) year a successor has not been duly appointed  
17       and confirmed by the Senate, the **commission member's**~~commissioner's~~ seat  
18       for that district shall be vacant until a successor is duly appointed and  
19       confirmed by the Senate.

20       **(c)** A member shall serve no more than two (2) full terms, not including any  
21       partial term that a member may additionally serve. A person who has been  
22       convicted of a felony offense **or a violation of any hunting or fishing law or**  
23       **administrative regulation**, in Kentucky or under the law of any other state, or  
24       any other law of the United States shall not be eligible to serve on the  
25       commission.

26       **(d) The commission shall select from its membership a person to serve as chair**  
27       **subject to confirmation by the Senate. If the person serving as chair is not**

1 confirmed by the Senate while it is in session, he or she shall vacate his or  
 2 her position as chair upon the date of sine die adjournment of the session in  
 3 which the confirmation was declined. Otherwise, the person who was  
 4 selected as chair shall continue until his or her successor is duly appointed  
 5 and confirmed by the Senate, but no later than one (1) year following the  
 6 expiration of the chair's term. If after one (1) year a successor has not been  
 7 duly appointed and confirmed by the Senate, the chair shall become vacant  
 8 until a successor is duly appointed and confirmed by the Senate. The  
 9 member who served as chair shall retain his or her membership on the  
 10 commission, subject to the requirements of this section.

11 (3) (a) Vacancies through the expiration of terms of the members of the commission  
 12 shall be filled by appointment by the Governor from a list of five (5) names  
 13 from each commission district, recommended and submitted by the sportsmen  
 14 or sportswomen of each respective district.

15 (b) When the term of a member expires, the commissioner shall call a meeting of  
 16 the sportsmen and sportswomen in that district not later than thirty (30) days  
 17 prior to the expiration of the member's term. At least thirty (30) days before  
 18 the meeting is called, the commissioner shall provide notice of the location,  
 19 date, and time of the meeting. Notice of the meeting shall be given by  
 20 publication pursuant to KRS Chapter 424.

21 (c) At the meeting, the sportsmen or sportswomen in attendance shall select and  
 22 submit to the Governor a list of five (5) residents and citizens of the district,  
 23 each of whom:~~who~~

24 1. Has~~Have~~ held a hunting and fishing license~~licenses~~ in Kentucky or  
 25 another state for at least the previous five (5) consecutive years,  
 26 notwithstanding KRS 150.170 or any other law to the contrary;~~or~~  
 27 ~~who have been hunting and fishing in the Commonwealth for the~~

1           ~~previous five (5) consecutive years while license exempt under KRS~~  
 2           ~~150.170, and who }~~

3           2. ~~Is[are]~~ well informed on the subject of wildlife conservation and  
 4           restoration; and

5           3. *Has been determined to meet the qualifications to serve as a member*  
 6           *of the commission by the department in accordance with paragraph*  
 7           *(d) of this subsection.*

8           *(d) A person desiring to be a member of the commission shall, at least fifteen*  
 9           *(15) days prior to the meeting conducted in accordance with paragraph (c)*  
 10           *of this subsection, present to a representative of the department an affidavit,*  
 11           *duly signed and sworn, with accompanying documentation setting forth in*  
 12           *detail how he or she complies with the qualifications and requirements of*  
 13           *this subsection. The department shall make a determination based off of the*  
 14           *affidavit and documentation submitted by the applicant whether he or she*  
 15           *meets the qualifications and provide a list of the qualified applicants to the*  
 16           *commission before the meeting.*

17           (e) Each sportsman or sportswoman may vote for one (1) candidate only, and the  
 18           list submitted to the Governor shall be made up of the names of the five (5)  
 19           candidates receiving the five (5) highest vote totals.

20           ~~(f)(d)~~ The Governor shall appoint a successor to the member whose term has  
 21           expired no later than January 20 of the year following the year in which the  
 22           member's term expired.

23           (4) Upon appointment to the Department of Fish and Wildlife Resources Commission,  
 24           each member of the commission~~commissioner~~ shall execute a bond of one  
 25           thousand dollars (\$1,000) in favor of the Department of Fish and Wildlife  
 26           Resources, the premium on this bond to be paid out of department funds.

27           (5) In the event of vacancies other than by expiration, the Governor shall fill the

1 vacancy for the unexpired part of the term from the names remaining on the list  
2 previously submitted for the district from which the vacancy arose. An appointee  
3 chosen under this subsection shall not serve on the commission until duly  
4 confirmed by the Senate.

5 (6) Each member of the commission shall take the constitutional oath of office.

6 (7) The Governor shall remove any member of the commission for cause under  
7 subsection (2) of this section and may remove a member of the commission for  
8 nonfeasance, neglect of duty, or misconduct in office; but shall first deliver to the  
9 member a copy of all charges in writing and afford to him or her an opportunity for  
10 an administrative hearing to be conducted in accordance with KRS Chapter 13B.

11 (8) Each member of the commission shall be entitled to reimbursement for actual and  
12 necessary traveling and other expenses incurred by him or her in the discharge of  
13 his or her official duties and to be paid from the game and fish fund.

14 (9) A majority of the commission shall constitute a quorum for the transaction of any  
15 business, for the performance of any duty or for the exercise of any power vested in  
16 the commission.

17 (10) The department shall have its principal office in Franklin County, and is authorized  
18 to purchase all supplies, equipment, and printed forms and to issue any notices and  
19 publications as the commissioner may deem necessary to carry out the provisions of  
20 this chapter.

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

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

25 (1) (a) Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64  
26 to the contrary, the commission shall have the sole authority to appoint a  
27 commissioner of the Department of Fish and Wildlife Resources, who shall be

1 a person:

2 1. With knowledge of and experience in the requirements for the  
3 protection, conservation, and restoration of the wildlife resources of the

4 Commonwealth;

5 2. Who has not served on the Department of Fish and Wildlife Resources  
6 Commission for at least three (3) years; and

7 3. Who has held a hunting and fishing license in Kentucky or another  
8 state for at least five (5) consecutive years, notwithstanding KRS  
9 150.170. Upon his or her appointment, the commissioner shall file  
10 with the Secretary of State an affidavit, duly signed and sworn, with  
11 accompanying documentation setting forth in detail how he or she  
12 complies with the requirements of this subparagraph<sup>[state]</sup>.

13 (b) The commission shall be the sole contracting body for the purposes of KRS  
14 Chapter 45A and shall submit any proposed personal service contract with a  
15 commissioner to the Government Contact Review Committee for its review  
16 pursuant to KRS 45A.690 to 45A.725. The commissioner shall serve for a  
17 defined employment contract term not to exceed four (4) years and shall be  
18 subject to:

19 1.~~[(a)]~~ Annual review by the commission in closed, executive session;

20 2.~~[(b)]~~ Removal by the commission for the same cause and in the same  
21 manner in which the Governor may remove a member of the  
22 commission;~~and~~

23 3.~~[(c)]~~ Reappointment by the commission; and

24 4. Confirmation by the Senate in accordance with KRS 11.160.

25 (2) The commissioner shall receive such compensation as the commission may solely  
26 determine, and shall be reimbursed for all actual and necessary travel and other  
27 expenses incurred by him or her in the performance of his or her official duties.

- 1 (3) Before entering upon the duties of his or her office, the commissioner shall take and  
2 subscribe to the constitutional oath of office, and shall, in addition thereto, swear or  
3 affirm that he or she holds no other public office, nor any position upon or under  
4 any political committee or party. Upon appointment by the commission, the  
5 commissioner shall execute a bond of five thousand dollars (\$5,000) in favor of the  
6 Department of Fish and Wildlife Resources, the premium on said bond to be paid  
7 out of department funds.
- 8 (4) Notwithstanding any provision of law to the contrary, the commissioner shall be the  
9 sole appointing authority for the department for the purposes of KRS Chapter 18A  
10 and shall have general supervision and control of all activities, functions,  
11 appointments, and employees of the department. He or she shall enforce all  
12 provisions of the laws of the state relating to wild animals, birds, fish and  
13 amphibians, and shall exercise all powers necessarily incident thereto not  
14 specifically conferred on the commission. The commissioner shall make an annual  
15 report of all receipts and disbursements and file same with the Secretary of State of  
16 the Commonwealth of Kentucky.
- 17 (5) If federal or other grant funds become available to pay their salaries, the  
18 commissioner may appoint and employ other persons that he or she may deem  
19 necessary or desirable to accomplish the purposes of this chapter. The  
20 commissioner shall determine the compensation, duties, and terms of employment  
21 of these employees, and grant funded, time-limited positions shall be approved by  
22 the commission as needed. Employees whose salaries are funded through federal or  
23 other grant funds shall not be counted in any tally of permanent employees made  
24 for employee cap or budgetary purposes.
- 25 ➔Section 10. KRS 156.029 is amended to read as follows:
- 26 (1) There is hereby established a Kentucky Board of Education, which shall consist of  
27 eleven (11) voting members appointed by the Governor and confirmed by the

1 Senate of the General Assembly, with the president of the Council on  
2 Postsecondary Education and the secretary of the Education and Labor Cabinet  
3 serving as ex officio nonvoting members, and an active public elementary or  
4 secondary school teacher and a public high school student appointed by the board  
5 as described in subsection (3) of this section serving as nonvoting members. Seven  
6 (7) voting members shall represent each of the Supreme Court districts as  
7 established by KRS 21A.010, and four (4) voting members shall represent the state  
8 at large. Each of the voting members shall serve for a four (4) year term, except the  
9 initial appointments shall be as follows: the seven (7) members representing  
10 Supreme Court districts shall serve a term which shall expire on April 14, 1994; and  
11 the four (4) at-large members shall serve a term which shall expire on April 14,  
12 1992. Subsequent appointments shall be submitted to the Senate for confirmation in  
13 accordance with KRS 11.160.

14 (2) Appointments of the voting members shall be made without reference to  
15 occupation. No voting member at the time of his or her appointment or during the  
16 term of his or her service shall be engaged as a professional educator. Beginning  
17 with voting members appointed on or after June 29, 2021, appointments to the  
18 group of members representing Supreme Court districts and to the group of at-large  
19 members, respectively, shall reflect equal representation of the two (2) sexes,  
20 inasmuch as possible; reflect no less than proportional representation of the two (2)  
21 leading political parties of the Commonwealth based on the state's voter registration  
22 and the political affiliation of each appointee as of December 31 of the year  
23 preceding the date of his or her appointment; and reflect the minority racial  
24 composition of the Commonwealth based on the total minority racial population  
25 using the most recent census or estimate data from the United States Census  
26 Bureau. If the determination of proportional minority representation does not result  
27 in a whole number of minority members, it shall be rounded up to the next whole

1 number. A particular political affiliation shall not be a prerequisite to appointment  
2 to the board generally; however, if any person is appointed to the board that does  
3 not represent either of the two (2) leading political parties of the Commonwealth,  
4 the proportional representation by political affiliation requirement shall be  
5 determined and satisfied based on the total number of members on the board less  
6 any members not affiliated with either of the two (2) leading political parties.  
7 Pursuant to KRS 63.080, a member shall not be removed except for cause or,  
8 beginning with voting members appointed on or after June 29, 2021, in accordance  
9 with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to  
10 reorganization by the Governor.

11 (3) Ex officio and other nonvoting members shall not be represented by proxy at any  
12 meeting of the board.

13 (4) The nonvoting teacher and student members shall be selected by the board from the  
14 state's six (6) congressional districts on a rotating basis from different districts. The  
15 public high school student shall be classified as a junior at the time of appointment.  
16 The teacher and student members shall serve for a one (1) year term, except the  
17 initial appointments shall serve a term which shall expire on April 14, 2022. The  
18 board shall promulgate an administrative regulation establishing the process for  
19 selecting the nonvoting teacher and student members.

20 (5) A vacancy in the voting membership of the board shall be filled by the Governor  
21 for the unexpired term with the consent of the Senate. In the event that the General  
22 Assembly is not in session at the time of the appointment, the consent of the Senate  
23 shall be obtained during the time the General Assembly next convenes.

24 (6) At the first regular meeting of the board in each fiscal year, a ~~chair~~<sup>chairperson</sup>  
25 shall be elected from its voting membership **and subject to Senate confirmation in**  
26 **accordance with KRS 11.160. If the person selected as chair is not confirmed by**  
27 **the Senate, he or she shall still retain his or her position on the board, but shall**

1        *vacate his or her position as chair, and the voting members of the board shall*  
2        *select a new chair.*

3        (7) The members shall be reimbursed for actual and necessary expenses incurred in the  
4        performance of their duties.

5        (8) The commissioner of education shall serve as the executive secretary to the board.

6        (9) The primary function of the board shall be to develop and adopt policies and  
7        administrative regulations, with the advice of the Local Superintendents Advisory  
8        Council, by which the Department of Education shall be governed in planning,  
9        coordinating, administering, supervising, operating, and evaluating the educational  
10       programs, services, and activities within the Department of Education which are  
11       within the jurisdiction of the board.

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

13       (1) A School Curriculum, Assessment, and Accountability Council is hereby created to  
14       study, review, and make recommendations concerning Kentucky's system of setting  
15       academic standards, assessing learning, identifying academic competencies and  
16       deficiencies of individual students, holding schools accountable for learning, and  
17       assisting schools to improve their performance. The council shall advise the  
18       Kentucky Board of Education and the Legislative Research Commission on issues  
19       related to the development and communication of the academic expectations and  
20       core content for assessment, the development and implementation of the statewide  
21       assessment and accountability program, recognition of high performing schools,  
22       imposition of sanctions, and assistance for schools to improve their performance  
23       under KRS 158.6453, 158.6455, 158.782, and 158.805.

24       (2) The School Curriculum, Assessment, and Accountability Council shall be  
25       composed of seventeen (17) voting members appointed by the Governor *and*  
26       *subject to Senate confirmation in accordance with KRS 11.160.* On making  
27       appointments to the council, the Governor shall assure broad geographical

1 representation and representation of elementary, middle, and secondary school  
2 levels; assure equal representation of the two (2) sexes, inasmuch as possible; and  
3 assure that appointments reflect the minority racial composition of the  
4 Commonwealth. The members shall serve terms of two (2) years with no member  
5 serving more than two (2) consecutive terms, except that seven (7) of the initial  
6 appointments shall be for four (4) year terms. The members shall be appointed as  
7 follows:

- 8 (a) Two (2) parents from recommendations submitted by organizations  
9 representing school councils and parents;
- 10 (b) Two (2) teachers from recommendations submitted by organizations  
11 representing teachers;
- 12 (c) Two (2) superintendents from recommendations submitted by organizations  
13 representing superintendents;
- 14 (d) Two (2) principals from organizations representing school administrators;
- 15 (e) Two (2) local school board members from recommendations submitted by  
16 organizations representing school boards;
- 17 (f) Two (2) school district assessment coordinators from recommendations  
18 submitted by organizations representing district assessment coordinators;
- 19 (g) Two (2) employers in the state from recommendations submitted by  
20 organizations representing business and industry;
- 21 (h) Two (2) university professors with expertise in assessment and measurement;  
22 and
- 23 (i) One (1) at-large member.

24 (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair  
25 annually from its membership, who shall be subject to Senate confirmation in  
26 accordance with KRS 11.160. If the person selected as chair is not confirmed by  
27 the Senate, he or she shall still retain his or her position on the council, but shall

1        *vacate his or her position as chair, and the council shall select a new chair.*

2        (4) The members shall be remunerated for actual and necessary expenses incurred  
3        while attending meetings of the council or while serving as representative of the  
4        council.

5        (5) The School Curriculum, Assessment, and Accountability Council shall meet at least  
6        four (4) times each year at times and places as it determines by resolution.

7        (6) The School Curriculum, Assessment, and Accountability Council shall be attached  
8        to the Department of Education for administrative purposes. It shall be provided  
9        appropriate staff and resources to conduct its work.

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

11       (1) The Education Professional Standards Board is recognized to be a public body  
12       corporate and politic and an agency and instrumentality of the Commonwealth, in  
13       the performance of essential governmental functions. The Education Professional  
14       Standards Board has the authority and responsibility to:

15       (a) Establish standards and requirements for obtaining and maintaining a teaching  
16       certificate;

17       (b) Set standards for, approve, and evaluate college, university, and school district  
18       programs for the preparation of teachers and other professional school  
19       personnel. College or university programs may be approved by the board for a  
20       college or university with regional institutional level accreditation or national  
21       institutional level accreditation that is recognized by the United States  
22       Department of Education and is eligible to receive federal funding under 20  
23       U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards  
24       and shall address, at a minimum, the following:

25       1. The alignment of programs with the state's core content for assessment  
26       as defined in KRS 158.6457;

27       2. Research-based classroom practices, including effective classroom

- 1 management techniques;
- 2 3. Emphasis on subject matter competency of teacher education students;
- 3 4. Methodologies to meet diverse educational needs of all students;
- 4 5. The consistency and quality of classroom and field experiences,
- 5 including early practicums and student teaching experiences;
- 6 6. The amount of college-wide or university-wide involvement and support
- 7 during the preparation as well as the induction of new teachers;
- 8 7. The diversity of faculty;
- 9 8. The effectiveness of partnerships with local school districts; and
- 10 9. The performance of graduates on various measures as determined by the
- 11 board;
- 12 (c) Conduct an annual review of diversity in teacher preparation programs;
- 13 (d) Provide assistance to universities and colleges in addressing diversity, which
- 14 may include researching successful strategies and disseminating the
- 15 information, encouraging the development of nontraditional avenues of
- 16 recruitment and providing incentives, waiving administrative regulations
- 17 when needed, and other assistance as deemed necessary;
- 18 (e) Discontinue approval of programs that do not meet standards or whose
- 19 graduates do not perform according to criteria set by the board;
- 20 (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose
- 21 probationary or supervisory conditions upon; issue a written reprimand or
- 22 admonishment; or any combination of actions regarding any certificate;
- 23 (g) Develop specific guidelines to follow upon receipt of an allegation of sexual
- 24 misconduct by an employee certified by the Education Professional Standards
- 25 Board. The guidelines shall include investigation, inquiry, and hearing
- 26 procedures which ensure the process does not revictimize the alleged victim
- 27 or cause harm if an employee is falsely accused;

- 1 (h) Receive, along with investigators hired by the Education Professional  
2 Standards Board, training on the dynamics of sexual misconduct of  
3 professionals, including the nature of this abuse of authority, characteristics of  
4 the offender, the impact on the victim, the possibility and the impact of false  
5 accusations, investigative procedures in sex offense cases, and effective  
6 intervention with victims and offenders;
- 7 (i) Recommend to the Kentucky Board of Education the essential data elements  
8 relating to teacher preparation and certification, teacher supply and demand,  
9 teacher attrition, teacher diversity, and employment trends to be included in a  
10 state comprehensive data and information system and periodically report data  
11 to the appropriate Interim Joint Committee on Education;
- 12 (j) Submit reports to the Governor and the Legislative Research Commission and  
13 inform the public on the status of teaching in Kentucky;
- 14 (k) Devise a credentialing system that provides alternative routes to gaining  
15 certification and greater flexibility in staffing local schools while maintaining  
16 standards for teacher competence;
- 17 (l) Develop a professional code of ethics;
- 18 (m) Charge reasonable fees for the issuance, reissuance, and renewal of  
19 certificates that are established by administrative regulation. The proceeds  
20 shall be used to meet a portion of the costs of the issuance, reissuance, and  
21 renewal of certificates, and the costs associated with disciplinary action  
22 against a certificate holder under KRS 161.120;
- 23 (n) Waive a requirement that may be established in an administrative regulation  
24 promulgated by the board. A request for a waiver shall be submitted to the  
25 board, in writing, by an applicant for certification, a postsecondary institution,  
26 or a superintendent of a local school district, with appropriate justification for  
27 the waiver. The board may approve the request if the person or institution

- 1 seeking the waiver has demonstrated extraordinary circumstances justifying  
2 the waiver. Any waiver granted under this subsection shall be subject to  
3 revocation if the person or institution falsifies information or subsequently  
4 fails to meet the intent of the waiver;
- 5 (o) Promote the development of one (1) or more innovative, nontraditional or  
6 alternative administrator or teacher preparation programs through public or  
7 private colleges or universities, private contractors, the Department of  
8 Education, or the Kentucky Commonwealth Virtual University and waive  
9 administrative regulations if needed in order to implement the program;
- 10 (p) Grant approval, if appropriate, of a university's request for an alternative  
11 program that enrolls an administrator candidate in a postbaccalaureate  
12 administrator preparation program concurrently with employment as an  
13 assistant principal, principal, assistant superintendent, or superintendent in a  
14 local school district. An administrator candidate in the alternative program  
15 shall be granted a temporary provisional certificate and shall be a candidate in  
16 the Kentucky Principal Internship Program, notwithstanding provisions of  
17 KRS 161.030, or the Superintendent's Assessment process, notwithstanding  
18 provisions of KRS 156.111, as appropriate. The temporary certificate shall be  
19 valid for a maximum of two (2) years, and shall be contingent upon the  
20 candidate's continued enrollment in the preparation program and compliance  
21 with all requirements established by the board. A professional certificate shall  
22 be issued upon the candidate's successful completion of the program,  
23 internship requirements, and assessments as required by the board;
- 24 (q) Employ consultants as needed;
- 25 (r) Enter into contracts. Disbursements to professional educators who receive less  
26 than one thousand dollars (\$1,000) in compensation per fiscal year from the  
27 board for serving on an assessment validation panel or as a test scorer or

- 1 proctor shall not be subject to KRS 45A.690 to 45A.725;
- 2 (s) Sponsor studies, conduct research, conduct conferences, and publish  
3 information as appropriate; and
- 4 (t) Issue orders as necessary in any administrative action before the board.
- 5 (2) (a) The board shall be composed of seventeen (17) members. The secretary of the  
6 Education and Labor Cabinet and the president of the Council on  
7 Postsecondary Education, or their designees, shall serve as ex officio voting  
8 members. The Governor shall make the following fifteen (15) appointments:
- 9 1. Nine (9) members who shall be teachers representative of elementary,  
10 middle or junior high, secondary, special education, and secondary  
11 vocational classrooms;
- 12 2. Two (2) members who shall be school administrators, one (1) of whom  
13 shall be a school principal;
- 14 3. One (1) member representative of local boards of education; and
- 15 4. Three (3) members representative of postsecondary institutions, two (2)  
16 of whom shall be deans of colleges of education at public universities  
17 and one (1) of whom shall be the chief academic officer or head of an  
18 educator preparation program of an independent not-for-profit college or  
19 university.
- 20 (b) The members appointed by the Governor shall be confirmed by the Senate  
21 under KRS 11.160. If the General Assembly is not in session at the time of the  
22 appointment, persons appointed shall serve prior to confirmation, but the  
23 Governor shall seek the consent of the Senate at the next regular session or at  
24 an intervening extraordinary session if the matter is included in the call of the  
25 General Assembly.
- 26 (c) Each appointed member shall serve a three (3) year term. A vacancy on the  
27 board shall be filled in the same manner as the original appointment within

1 sixty (60) days after it occurs. A member shall continue to serve until his or  
2 her successor is named. Any member who, through change of employment  
3 status or residence, or for other reasons, no longer meets the criteria for the  
4 position to which he or she was appointed shall no longer be eligible to serve  
5 in that position.

6 (d) Members of the board shall serve without compensation but shall be permitted  
7 to attend board meetings and perform other board business without loss of  
8 income or other benefits.

9 (e) A state agency or any political subdivision of the state, including a school  
10 district, required to hire a substitute for a member of the board who is absent  
11 from the member's place of employment while performing board business  
12 shall be reimbursed by the board for the actual amount of any costs incurred.

13 (f) **1.** A **chair**~~[chairman]~~ shall be elected by and from the membership **and**  
14 **confirmed by the Senate in accordance with KRS 11.160. If the person**  
15 **selected as chair is not confirmed by the Senate, he or she shall still**  
16 **retain his or her position on the board, but shall vacate his or her**  
17 **position as chair, and the membership shall select a new chair.**

18 **2.** A member shall be eligible to serve no more than three (3) one (1) year  
19 terms in succession as **chair**~~[chairman]~~. Regular meetings shall be held  
20 at least semiannually on call of the **chair**~~[chairman]~~.

21 (g) The commissioner of education shall serve as executive secretary to the board  
22 and may designate staff to facilitate his or her duties.

23 (h) To carry out the functions relating to its duties and responsibilities, the board  
24 is empowered to receive donations and grants of funds; to appoint consultants  
25 as needed; and to sponsor studies, conduct conferences, and publish  
26 information.

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

1 (1) There is hereby created and established a Council on Postsecondary Education in  
2 Kentucky as an agency, instrumentality, and political subdivision of the  
3 Commonwealth and a public body corporate and politic having all powers, duties,  
4 and responsibilities as are provided to it by law, appointed for a term set by law  
5 pursuant to Section 23 of the Constitution of Kentucky. The council shall be  
6 composed of the commissioner of education, a faculty member, a student member,  
7 and thirteen (13) citizen members appointed by the Governor. The citizen members  
8 shall be confirmed by the Senate under KRS 11.160, and the commissioner of  
9 education shall serve as a nonvoting ex officio member. Citizen council members  
10 shall be selected from a list of nominees provided to the Governor under the  
11 nominating process set forth in KRS 164.005. If the General Assembly is not in  
12 session at the time of the appointment, persons appointed shall serve prior to  
13 confirmation, but the Governor shall seek the consent of the Senate at the next  
14 regular session or at an intervening extraordinary session if the matter is included in  
15 the call of the General Assembly.

16 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary  
17 Education Nominating Committee shall submit nominations to the Governor as set  
18 forth in KRS 164.005. On making appointments to the council, the Governor shall  
19 ensure broad geographical and political representation; ensure equal representation  
20 of the two (2) sexes, inasmuch as possible; ensure no less than proportional  
21 representation of the two (2) leading political parties of the Commonwealth based  
22 on the state's voter registration and the political affiliation of each appointee as of  
23 December 31 of the year preceding the date of his or her appointment; and ensure  
24 that appointments reflect the minority racial composition of the Commonwealth  
25 based on the total minority racial population using the most recent census or  
26 estimate data from the United States Census Bureau. If the determination of  
27 proportional minority representation does not result in a whole number of minority

1 members, it shall be rounded up to the next whole number. A particular political  
2 affiliation shall not be a prerequisite to appointment to the council generally;  
3 however, if any person is appointed to the council that does not represent either of  
4 the two (2) leading political parties of the Commonwealth, the proportional  
5 representation by political affiliation requirement shall be determined and satisfied  
6 based on the total number of members on the council less any members not  
7 affiliated with either of the two (2) leading political parties. In filling vacancies to  
8 the council, the Governor shall act so as to provide, inasmuch as possible, equal  
9 representation of the two (2) sexes by appointing a member of the sex that is the  
10 lesser represented at the time of the appointment. If the remaining membership  
11 already has an equal number of males and females, the Governor may appoint a  
12 member of either sex. No more than two (2) members of the council shall hold an  
13 undergraduate degree from any one (1) Kentucky university, and no more than  
14 three (3) voting members of the council shall reside in any one (1) judicial district  
15 of the Kentucky Supreme Court as of the date of the appointment. However, change  
16 in residency after the date of appointment shall not affect the ability to serve.

17 (3) One (1) member shall be a full-time faculty member employed at a state institution  
18 of postsecondary education. The faculty member shall be appointed to a four (4)  
19 year term by the Governor from a list of three (3) nominees selected and submitted  
20 by majority vote of the ten (10) faculty members who serve as faculty  
21 representatives of the boards of trustees and boards of regents of the nine (9)  
22 postsecondary education institutions.

23 (4) One (1) member shall be enrolled as a full-time student at a state institution of  
24 postsecondary education and shall be selected annually in the following manner:  
25 not later than June 1 of each year the eight (8) student body presidents of the four  
26 (4) year state public institutions of higher education, the two (2) student members to  
27 the Kentucky Community and Technical College System, and one (1) student body

1 president representing the members of the Association of Independent Kentucky  
2 Colleges and Universities shall elect by majority vote three (3) nominees to submit  
3 to the Governor. From this list of nominees, the Governor shall appoint a student  
4 member.

5 (5) In filling any vacancies, the Governor shall ensure the continuing representation  
6 upon the council of the broad constituencies as set forth in subsection (2) of this  
7 section. Vacancies on the council shall be filled for the unexpired term in  
8 accordance with the procedures established for the original appointments.

9 (6) Each citizen member shall serve a term of six (6) years unless removed by the  
10 Governor for cause, except the initial appointments shall be as follows:

11 (a) Two (2) appointments shall expire December 31, 1997;

12 (b) Three (3) appointments shall expire December 31, 1998;

13 (c) Two (2) appointments shall expire December 31, 1999;

14 (d) Two (2) appointments shall expire December 31, 2000;

15 (e) Two (2) appointments shall expire December 31, 2001; and

16 (f) Two (2) appointments shall expire December 31, 2002.

17 (7) Any person, other than the chief state school officer, holding either an elective or  
18 appointive state office or who is a member of the governing board of any state  
19 university in Kentucky, shall be ineligible for membership or appointment on the  
20 council during his term.

21 (8) The members of the council shall elect the chair and the vice chair of the council  
22 from among the council's membership, and the chair and vice chair shall serve at  
23 the pleasure of the council. **The chair shall be subject to Senate confirmation in**  
24 **accordance with KRS 11.160. If the person selected as chair is not confirmed by**  
25 **the Senate, he or she shall still retain his or her position on the council, but shall**  
26 **vacate his or her position as chair, and the members shall select a new chair.** The  
27 vice chair shall serve as chair in the absence of the chair.

- 1 (9) The council shall meet at least quarterly and at other times upon the call of the chair  
2 or a majority of the council.
- 3 (10) A quorum shall be a majority of the appointive membership of the council.
- 4 (11) A quorum shall be required to organize and conduct the business of the council,  
5 except that an affirmative vote of eight (8) or more appointive members of the  
6 entire council shall be required to dismiss from employment the president of the  
7 council, and to adopt or amend the state strategic postsecondary education agenda.
- 8 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
- 9 (13) New appointees to the council shall complete an orientation and education program  
10 set forth in KRS 164.020(24) to be eligible for appointment to a second term.
- 11 ➔Section 14. KRS 164.013 is amended to read as follows:
- 12 (1) The Council on Postsecondary Education shall set the qualifications for the position  
13 of president of the council. Except for the first president appointed under subsection  
14 (2) of this section, the council may employ a search firm and conduct a nationwide  
15 search for candidates. Any search firm employed by the council shall consider,  
16 interview, and propose three (3) or more candidates for the position of president.  
17 The council may seek additional names from the search firm or from other sources  
18 **The candidate selected by the council to serve as president shall be subject to**  
19 **Senate confirmation in accordance with KRS 11.160.**
- 20 (2) In the selection of candidates for the first president of the Council on Postsecondary  
21 Education, the Strategic Committee on Postsecondary Education shall serve as a  
22 search committee, employing a search firm for assistance. The committee shall  
23 recommend three (3) candidates to be considered by the council and shall repeat  
24 this process until it finds a satisfactory person to appoint as the first president of the  
25 council.
- 26 (3) The president shall possess an excellent academic and administrative background,  
27 have strong communication skills, have significant experience and an established

1 reputation as a professional in the field of postsecondary education, and shall not  
2 express, demonstrate, or appear to have an institutional or regional bias in his or her  
3 actions.

4 (4) The president shall be the primary advocate for postsecondary education and  
5 advisor to the Governor and the General Assembly on matters of postsecondary  
6 education in Kentucky. As the primary advocate for postsecondary education, the  
7 president shall work closely with the committee and the elected leadership of the  
8 Commonwealth to ensure that they are fully informed about postsecondary  
9 education issues and that the council fully understands the goals for postsecondary  
10 education that the General Assembly has established in KRS 164.003(2).

11 (5) The president may design and develop for review by the council new statewide  
12 initiatives in accordance with the strategic agenda.

13 (6) (a) The council shall set the salary of the president at an amount no greater than  
14 the salary the president was receiving on January 1, 2012.

15 (b) The salary of the president shall be exempt from state employee salary  
16 limitations as set forth in KRS 64.640.

17 (7) The president shall be accorded a contract to serve for a term not to exceed five (5)  
18 years, which is renewable at the pleasure of the council.

19 (8) The president shall determine the staffing positions and organizational structure  
20 necessary to carry out the responsibilities of the council and may employ staff. All  
21 personnel positions of the Council on Higher Education, as of May 30, 1997, with  
22 the exception of the position of executive director, shall be transferred to the  
23 Council on Postsecondary Education. All personnel shall be transferred at the same  
24 salary and benefit levels. Notwithstanding the provisions of KRS 11A.040, any  
25 person employed by the Council on Higher Education prior to May 30, 1997, may  
26 accept immediate employment with any governmental entity or any postsecondary  
27 education organization or institution in the Commonwealth and may carry out the

1 employment duties assigned by that entity, organization, or institution.

2 (9) The president shall be responsible for the day-to-day operations of the council and  
3 shall report and submit annual reports on the strategic implementation plan of the  
4 strategic agenda, carry out policy and program directives of the council, prepare and  
5 submit to the council for its approval the proposed budget of the council, and  
6 perform all other duties and responsibilities assigned by state law.

7 (10) With approval of the council, the president may enter into agreements with any  
8 state agency or political subdivision of the state, any state postsecondary education  
9 institution, or any other person or entity to enlist staff assistance to implement the  
10 duties and responsibilities under KRS 164.020.

11 (11) The president shall be reimbursed for all actual and necessary expenses incurred in  
12 the performance of all assigned duties and responsibilities.

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

14 **(1) Except as provided in subsection (2) of this section,** the commission shall establish  
15 standards for the selective retention of records of continuing value, and the  
16 department shall assist state and local agencies in applying such standards to  
17 records in their custody. The department shall notify the head of any such agency of  
18 any actual, impending, or threatening unlawful removal, defacing, alteration, or  
19 destruction of records in the custody of such agency that has come to its attention,  
20 and initiate action through the agency head or Attorney General for the recovery of  
21 such records as shall have been unlawfully removed and for such other redress as  
22 may be provided by law.

23 **(2) (a) For a period of twelve (12) months prior to the date of a gubernatorial**  
24 **inauguration, all documents that are public records as defined in KRS**  
25 **61.870 shall be preserved for the Governor-elect and his or her**  
26 **gubernatorial transition team if the subject matter includes:**

27 **1. Contracts that have been granted, altered, or amended;**

1            2. Appointments to boards and commissions;

2            3. Permits and licenses granted and revoked;

3            4. Pardons;

4            5. Pay raises, promotions, and grade level changes of executive branch  
5            employees;

6            6. Litigation; or

7            7. Any record relating to campaign donations of any kind.

8            (b) On the day after the Governor-elect is determined, the Governor shall make  
9            available to the Governor-elect and his or her gubernatorial transition team  
10           all public records pertaining to the subjects referenced in paragraph (a) of  
11           this subsection.

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

13           (1) Any person or library board violating any of the provisions of KRS 171.240 to  
14           171.300 shall be fined not less than ten (\$10) nor more than one hundred dollars  
15           (\$100) for each offense.

16           (2) The board for certification of librarians may revoke the certificate of any person  
17           violating any of the provisions of KRS 171.240 to 171.300, or any of the  
18           regulations as established by the board for certification.

19           (3) Any person knowingly violating the rules and regulations of the department  
20           pursuant to the provisions of KRS 171.450, 171.560, 171.670, 171.710, or 171.720  
21           or subsection (2) of Section 15 of this Act is guilty of a Class A misdemeanor and  
22           is also liable for damages or losses incurred by the Commonwealth. Any state  
23           employee who knowingly violates these provisions shall also be subject to  
24           dismissal from state employment upon a determination of fact, at a hearing, that a  
25           serious violation did occur. The employee's right to appeal to the state personnel  
26           board shall not be~~is not~~ abridged or denied. In the event of an appeal, the decision  
27           of the state personnel board is final. The Attorney General shall have concurrent

1        *original jurisdiction to enforce this subsection.*

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

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

- 7        (1) The Transportation Cabinet shall consist of the following major organizational  
8        units:
- 9        (a) The Office of the Secretary, which shall include, but not be limited to:
    - 10        1. The secretary to be appointed by the Governor under KRS 12.255; and
    - 11        2. The deputy secretary appointed under KRS 12.040;
  - 12        (b) The Department of Highways, headed by a commissioner, appointed by the  
13        Governor under KRS 12.040;
  - 14        (c) The Department of Vehicle Regulation, headed by a commissioner, appointed  
15        by the Governor under KRS 12.040. The Motor Vehicle Commission  
16        established in KRS 190.058 shall be attached to the Department of Vehicle  
17        Regulation for administrative purposes;
  - 18        (d) The Department of Rural and Municipal Aid, headed by a commissioner  
19        appointed by the Governor under KRS 12.040;
  - 20        (e) The Department of Aviation, headed by a commissioner appointed by the  
21        Governor under KRS 12.040 *and subject to Senate confirmation in*  
22        *accordance with KRS 11.160.* The Kentucky Airport Zoning Commission  
23        established by KRS 183.861 shall be attached to the Department of Aviation;
  - 24        (f) The Office of Support Services, headed by an executive director appointed  
25        under KRS 12.040;
  - 26        (g) The Office of Transportation Delivery, headed by an executive director  
27        appointed under KRS 12.040;

- 1 (h) The Office of Audits, headed by an executive director appointed under KRS  
2 12.040;
- 3 (i) The Office of Human Resource Management, headed by an executive director  
4 appointed under KRS 12.040;
- 5 (j) The Office of Information Technology, headed by an executive director  
6 appointed under KRS 12.040;
- 7 (k) The Office of Legal Services, headed by an executive director appointed  
8 under KRS 12.040;
- 9 (l) The following offices, which shall be attached to the Office of the Secretary:
- 10 1. The Office of Public Affairs, headed by an executive director appointed  
11 under KRS 12.040;
- 12 2. The Office of Budget and Fiscal Management, headed by an executive  
13 director appointed under KRS 12.040;
- 14 3. The Office for Civil Rights and Small Business Development, headed  
15 by an executive director appointed under KRS 12.040;
- 16 4. The Office of Inspector General, headed by an executive director  
17 appointed under KRS 12.040; and
- 18 5. The Secretary's Office of Safety, headed by an executive director  
19 appointed under KRS 12.040;
- 20 (m) The following offices, which shall be attached to the Department of  
21 Highways:
- 22 1. The Office of Project Development, headed by an executive director  
23 appointed under KRS 12.040, who shall be a registered professional  
24 engineer under KRS Chapter 322, and who shall be known as the deputy  
25 state highway engineer for project development;
- 26 2. The Office of Project Delivery and Preservation, headed by an executive  
27 director appointed under KRS 12.040, who shall be a registered

1 professional engineer under KRS Chapter 322, and who shall be known  
 2 as the deputy state highway engineer for project delivery and  
 3 preservation;

4 3. The Office of Highway Safety, headed by an executive director  
 5 appointed under KRS 12.040; and

6 4. Highway District Offices One through Twelve, each district office to be  
 7 headed by an executive director, also known as the chief district  
 8 engineer, appointed under KRS 12.040, who shall be a registered  
 9 professional engineer under KRS Chapter 322; and

10 (n) The following offices, which shall be attached to the Department of Rural and  
 11 Municipal Aid:

12 1. Office of Local Programs, headed by an executive director appointed  
 13 under KRS 12.040; and

14 2. Office of Rural and Secondary Roads, headed by an executive director  
 15 appointed under KRS 12.040.

16 (2) The position of director in the Division of Environmental Analysis is a policy-  
 17 making position under KRS 18A.175.

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

19 (1) (a) ~~The~~<sup>Such</sup> commission shall consist of six (6) members and the secretary of  
 20 the Transportation Cabinet or in his absence his designated representative who  
 21 shall be the ex officio chairman of ~~the~~<sup>such</sup> commission. The ex officio  
 22 chairman of the commission shall not be entitled to vote on any commission  
 23 action unless there is a tie vote at which time the ex officio chairman may cast  
 24 the deciding vote.

25 (b) The members of ~~the~~<sup>such</sup> commission shall be appointed by the Governor  
 26 and subject to Senate confirmation in accordance with KRS 11.160, for a  
 27 term of four (4) years. The members shall serve ~~the~~<sup>for a</sup> term ~~of four (4)~~

1           ~~years, and] until their successors are appointed, [, provided however that the~~  
2           ~~first two (2) members appointed shall serve for a term of two (2) years; the~~  
3           ~~next two (2) for three (3) years; and the final two (2) for four (4) years. Upon~~  
4           ~~the expiration of the first terms,] Successors shall be appointed for a term of~~  
5           four (4) years.

6           (2) Each member shall be a person experienced in and familiar with the field of  
7           aeronautics.

8           (3) Members of the commission shall receive fifty dollars (\$50) for each day in actual  
9           session and shall be reimbursed for travel expenses and other reasonable expenses  
10          incident to performance of their duties.

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

12          (1) There is hereby created the Kentucky Department of Housing, Buildings and  
13          Construction within the Public Protection Cabinet. The Governor shall appoint a  
14          commissioner, **subject to Senate confirmation in accordance with KRS 11.160,** to  
15          head the department. The commissioner shall receive for his or her services such  
16          compensation as the Governor shall determine.

17          (2) The commissioner may employ sufficient staff to carry out the functions of the  
18          commissioner's office. Neither the commissioner nor any member of his or her staff  
19          shall be employed, either directly or indirectly, in any aspect of the building  
20          industry as regulated by this chapter while employed by the Department of  
21          Housing, Buildings and Construction.

22          (3) The department shall perform all budgeting, procurement, and other administrative  
23          activities necessary for the statewide regulation and enforcement of building,  
24          construction, and inspection standards and codes. The department or commissioner  
25          shall submit any proposed administrative regulation to the committee and shall not  
26          promulgate the administrative regulation without giving the committee the  
27          opportunity to produce written comments, as required by subsection (8) of this

1 section. If the committee chooses to produce written comments, the comments shall  
2 be attached to any public submission of the administrative regulation, including any  
3 filing under KRS Chapter 13A.

4 (4) The department may enter into contracts or agreements with the federal  
5 government, its subdivisions and instrumentalities, other agencies of state  
6 government or with its subdivisions and instrumentalities, or with private profit or  
7 nonprofit organizations in order to effect the purposes of this chapter.

8 (5) The commissioner shall cooperate with the agencies of the United States and with  
9 the governing bodies and housing authorities of counties, cities, and with not for  
10 profit organizations and area development districts in relation to matters set forth in  
11 this chapter, and in any reasonable manner that may be necessary for the state to  
12 qualify for, and to receive grants or aid from these agencies. The commissioner  
13 shall have the power to comply with each condition and execute any agreement that  
14 may be necessary, convenient, or desirable.

15 (6) Nothing in this chapter shall preclude any other agency, board, or officer of the  
16 state from being designated as the directing or allocating agency, board, or officer  
17 for the distribution of federal grants and aid, or the performance of other duties to  
18 the extent necessary to qualify for and to receive grants and aid for programs under  
19 the administration of the department.

20 (7) The commissioner is authorized to receive, for and on behalf of the state and the  
21 department from the United States and agencies thereof, and from any and all other  
22 sources, grants and aid and gifts made for the purpose of providing, or to assist in  
23 providing, any of the programs authorized by this chapter, including expenses of  
24 administration. All funds received under this subsection shall be paid into the state  
25 treasury and credited to a trust and agency fund to be used by the department in  
26 carrying out the provisions of this chapter. No part of this fund shall revert to the  
27 general fund of the Commonwealth.

- 1 (8) (a) If the department has proposed a new or amended administrative regulation  
2 that directly and clearly relates to the work of a profession, class of workers,  
3 or industry that is under the authority of the committee, the department shall  
4 not promulgate the proposed administrative regulation without first receiving  
5 comments from the committee, subject to the restrictions of paragraph (b) of  
6 this subsection.
- 7 (b) 1. The committee shall be granted a maximum of thirty (30) days to submit  
8 its comments on the proposed regulatory change. This subparagraph  
9 does not apply to an administrative regulation that is a new emergency  
10 administrative regulation.
- 11 2. The time limits in this paragraph shall begin from the day the  
12 department submits the regulatory change and sets a date for a proposed  
13 hearing for the comments of the committee. If the committee is already  
14 scheduled to meet at a time that will give it an adequate opportunity to  
15 review the administrative regulation and respond, the hearing may be  
16 held at that meeting.
- 17 3. If the committee is not scheduled to meet or meets only at the call of the  
18 department, the department shall arrange for the committee to meet at a  
19 time that will allow the committee an adequate opportunity to review  
20 and comment on the regulation within the time limit. If the committee  
21 fails to comment within the time limit, the department may proceed with  
22 the administrative changes at its discretion.
- 23 (c) To the extent that any other statute relating to the department's authority to  
24 promulgate administrative regulations conflicts with this section, this section  
25 shall take precedence.
- 26 (d) The department may issue advisory opinions and declaratory rulings related to  
27 KRS Chapters 198B, 227, 227A, 236, and 318 and the administrative

1 regulations promulgated under those chapters.

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

- 3 (1) The Housing, Buildings and Construction Advisory Committee is established  
4 within the department and shall be composed of the following seventeen (17) voting  
5 members:
- 6 (a) The commissioner of the department or the commissioner's designee;
  - 7 (b) The state fire marshal or a representative of the state fire marshal's office;
  - 8 (c) The director of the Building Code Enforcement Division within the  
9 department; and
  - 10 (d) Fourteen (14) members appointed by the Governor:
    - 11 1. At least one (1) of whom shall be a licensed heating, ventilation, and air  
12 conditioning contractor;
    - 13 2. At least one (1) of whom shall be a licensed plumber;
    - 14 3. At least one (1) of whom shall be a licensed elevator mechanic or  
15 elevator contractor;
    - 16 4. At least one (1) of whom shall be a licensed electrician;
    - 17 5. At least one (1) of whom shall be a licensed engineer;
    - 18 6. At least one (1) of whom shall be a licensed architect;
    - 19 7. At least one (1) of whom shall be a manufactured or mobile home  
20 retailer or certified installer; and
    - 21 8. The remaining seven (7) of whom shall have experience in the housing,  
22 building, or construction industries.
- 23 (2) Each committee member appointed under subsection (1)(d) of this section shall ***be***  
24 ***subject to Senate confirmation in accordance with KRS 11.160, and*** serve a term  
25 of three (3) years, except that initial appointments shall be staggered by the  
26 Governor. A member appointed to fill a vacancy occurring other than by expiration  
27 of a term shall be appointed for the remainder of the unexpired term.

- 1 (3) The commissioner or the commissioner's designee shall serve as chair of the  
2 committee. The committee shall annually elect a member to serve as vice chair.
- 3 (4) The committee shall meet at least quarterly, and a majority of the members of the  
4 committee shall constitute a quorum for the transaction of business. If a vote on a  
5 matter before the committee results in a tie, the commissioner or the commissioner's  
6 designee shall cast an additional deciding vote.
- 7 (5) Committee members who are not full-time state government employees shall be  
8 compensated for their time when attending committee meetings or performing  
9 official duties as directed by the committee at the rate of fifty dollars (\$50) per day.  
10 Members of the committee shall be reimbursed for all expenses paid or incurred in  
11 the discharge of official business consistent with the reimbursement policy for state  
12 employees.
- 13 (6) The committee shall provide ongoing advice and input to the department, but shall  
14 not become directly involved in the licensing or regulation of housing, buildings,  
15 and construction matters by the department.
- 16 (7) The department shall give the committee thirty (30) days to review and comment on  
17 a proposed administrative regulation before the regulation is promulgated,  
18 amended, or repealed, except in the case of an emergency administrative regulation.
- 19 ➔Section 21. Whereas the appointment and confirmation of commissioners,  
20 board members, and other executive branch officials are paramount to continuity and  
21 efficient implementation of government services, an emergency is declared to exist and  
22 Sections 3, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, and 20 of this Act take effect on April 16,  
23 2026.