

A Handbook For Gubernatorial Transition In Kentucky

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Foreword

A smooth, efficient, and orderly transition from one executive branch administration to the next is a hallmark of American democracy. Recognizing that the legislature is institutionally positioned to provide continuity between changing executive branch administrations, staff of the Legislative Research Commission have prepared this publication.

The intent of this publication is to offer a primer to the general public and interested parties on the period between election of the new governor and presentation of the executive branch budget to the General Assembly.

The publication is presented in three sections: transition in general, the role of the governor, and the relationship of the executive branch to the other branches of government. Because of the limited time period between election and submission of the executive branch budget by the newly elected governor, special attention is given to the legislative-executive relationship.

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Introduction

Gubernatorial Transition

The 12-week period between election of a new governor and submission of the executive branch budget to the General Assembly is one of the most interesting and challenging periods of governance in the commonwealth. The days immediately following the election may be anticlimactic after an intense period of campaigning that may have included hotly contested primary and general elections. Anxiety, apprehension, and public interest have reached peak levels by the end of election day. The election results are in, the electorate has spoken, and a new governor is elected. The excitement and hype of the event begin to wane for many, but for some this lull is brief. Renewed interest and focus quickly shift to the transition period during which a governor-elect prepares to assume the responsibilities of administering state government.

The National Governors Association (NGA), in its publication *Transition and the New Governor: A Planning Guide*, addresses the process of transitioning from the campaign to governing, including developing a “First 100 Days” plan and a 4-year plan. The early transition period runs from election day to inauguration day. Only five weeks separate the election from the administration of the oath of office. Within this time, an individual is transformed from a candidate-politician to a leader who is accountable to more than 4 million citizens for the management and direction of the executive branch of Kentucky state government. Staff must be hired; appointments made; and relationships built with the legislature, the judiciary, and the media. Within 7 weeks after inauguration, the governor must address the General Assembly on the state of the commonwealth and submit a 2-year balanced budget for consideration. This is a critical period for establishing an administration, setting priorities, and developing a policy agenda. Careful planning is essential.

This publication is designed to give the general public and interested parties an overview of the major activities and expectations of the office during the transition. It also provides a description of the powers and duties of the governor, the balance of power among the three branches of government, the relationship of the Office of the Governor with the judiciary and the legislature, and some of the resources available to the governor. Although it is hoped this publication will be useful to the governor-elect and the transition team, it is not meant to be a compendium of the process of transition for the incoming administration. That guidance is provided internally by the Governor’s Office for Policy Management (GOPM), which is staffed by career state government employees. GOPM staff, working with the staff of other executive branch cabinets, prepare policy briefing documents for the incoming governor and work with both the outgoing and incoming administrations to assist with the transition. They facilitate changing the locks on office doors, establishing email accounts, ordering stationery, arranging parking, and hiring personnel, among other nuts-and-bolts activities.

National organizations provide information and assistance in managing the transition. Foremost among these is the National Governors Association, which provides year-round assistance to governors through publications, mentoring, seminars, and individual consultation. The NGA Consulting office provides management services and training to governors, their spouses, and

their staffs. It also publishes documents to assist new administrations. *Transition and The New Governor: A Planning Guide* provides detail about planning and managing an effective transition into office. NGA's series of "Governor's Staff Operational Guides" offers an overview of each function of the governor's staff, and *The Many Roles of the Governor's Chief of Staff* offers insight into the role of this critical staff function. Other organizations that provide transition planning and assistance are noted in Chapter 4.

Chapter 1

Major Transition Events

Four major events define the transition period for a new governor: election, inauguration, presentation of the State of the Commonwealth address, and submission of the biennial budget to the General Assembly.

Election—November 5, 2019

The election for governor of the Commonwealth of Kentucky is held on the first Tuesday after the first Monday in November (Section 95 of the Constitution of Kentucky).

Transition planning and preparation for the inauguration begin in earnest in the week following the election. The governor-elect usually appoints a transition coordinator to manage the governmental aspects of transition and also establishes or approves the establishment of an inaugural committee to manage the multiple affairs surrounding the inaugural event. In addition, the governor-elect usually designates who, if anyone, can speak in his or her absence and establishes ground rules for scheduling commitments. Beyond this, the governor-elect typically has little direct involvement in winding down the campaign, planning inaugural events, or managing the daily tasks of the transition office.

The legislature has enacted laws applicable to the transition process. Appendix A contains a list of these related statutes. KRS 11.260 provides that funding for the transition be allocated in the biennial budget of the Finance and Administration Cabinet. Unlike transition responsibilities and expenses, however, inaugural activities are neither statutorily mandated nor publicly funded. The inaugural activities are funded by private contributions solicited in a manner similar to campaign fundraising. KRS Chapter 121 stipulates that inaugural committees must register with the Kentucky Registry of Election Finance before any funds are solicited and must report the amount and sources of revenue.

Transition Coordinator

The transition coordinator establishes a transition team and meets with a person designated by the departing governor to identify office space and to budget for the team. The coordinator puts staff in place as quickly as possible to process the mail, accept applications and recommendations for board and personnel appointments, and handle phone calls and scheduling requests. The coordinator also works with the Governor's Office for Policy Management in the selection and development of briefing reports on state agencies and programs.

The transition coordinator (or the governor-elect) also typically establishes transition committees for program and policy areas, provides direction to the committees, facilitates obtaining information required by the committees, and schedules deadlines for completing committee reports. The members of the committees in the past have included representatives from the

executive branch, private sector, other branches of government, and universities. The new administration begins taking its shape from the recommendations of the transition committees, the governor-elect's campaign platform, information from the budget briefings, and discussions with advisors.

Usually, one of the first areas to be addressed in the transition process is determining the structure of the Governor's Office and the process for key staff recruitment. Often, a screening process is developed for candidates for top-level positions. News clippings and executive orders from past administrations are reviewed for a historical perspective of transition. Because of the transition time frame, the governor-elect often makes several key appointments immediately, including the chief-of-staff and secretary of the governor's Executive Cabinet.

Initially, the governor-elect faces three critical tasks: selection of key staff, familiarization with the major budget and program issues, and preparation of the inaugural address.

Inauguration—December 10, 2019

The inauguration is held on the fifth Tuesday after election (Section 73 of the Constitution of Kentucky).

Gubernatorial inauguration represents both the legal and ceremonial beginning of a new governor's term. The oath of office is the only activity required by law for inauguration. Many governors and lieutenant governors have taken their oaths of office in private ceremonies shortly after midnight on the fifth Tuesday after their election and repeated their oaths later that day at the public ceremony. Judicial officers, traditionally members of the Supreme Court of Kentucky, are selected by the governor-elect and lieutenant governor-elect to administer the oaths of office.

The ceremonial events surrounding gubernatorial inaugurations in Kentucky are rooted in both tradition and fiat. Since 1792, when Isaac Shelby became the first governor of the commonwealth, inauguration day has been a day of public celebration. Although completion of the oath of office is now acknowledged by a 21-gun military salute rather than by the hail of gunfire by frontiersmen, many of the traditions begun by Governor Shelby and his early successors are carried on to this day.

One of the longest-standing inaugural traditions has been the welcoming of the new governor and spouse to the Executive Mansion by a delegation of Frankfort residents bearing country ham, beaten biscuits, and white cake. This tradition, followed for at least the past 100 years, is said to have started when an outgoing first lady left a baked ham, cake, and a platter of beaten biscuits on the dining table for the incoming first lady. The Frankfort delegation, considered the hosts of the inauguration, also sponsors a postinaugural public reception for the governor and lieutenant governor.

The inauguration committees are traditionally organized by function and include a worship service, a parade, the swearing-in ceremony and platform arrangements, a reception for the first family, a ball and grand march, a hospitality tent, decorations, credentials, media and publicity,

programs, invitations, parking, traffic control, sales of commemorative items, arrangements for special guests, entertainment, food, and coordination of volunteers.

Numerous other organizations and individuals are at the governor-elect's call to ensure a successful and enjoyable inauguration day. Frankfort municipal officials and state government staff handle most of the groundwork for the inauguration, including providing parking and shuttle bus services, building the inaugural platform, setting up public viewing and outdoor seating areas, and installing public address systems. Volunteers greet visitors and assist in all the day's events. Ultimately, however, it is the responsibility of the inauguration chair, appointed by the governor, to coordinate all inaugural events. The appropriate organizations and individuals are invited to participate, protocol is upheld regarding the participation of other elected officials, and the various postelection festivities—both public and private—are scheduled and managed. Most importantly, the inaugural coordinator helps the governor to balance the expectations of individuals and groups seeking to participate in inaugural events with the reality of limited facilities.

Inauguration day typically begins with a worship service. Afterward, tradition dictates that the parade begin at the west end of Main Street and wind through downtown Frankfort, across the Capital Avenue Bridge, and up to the Capitol. The parade includes floats, bands or marchers from the home counties of the incoming governor and lieutenant governor, participation by military units from Fort Knox, and flybys of Kentucky Air National Guard aircraft. By tradition, the mayor of Frankfort and the Franklin county judge/executive deliver welcoming remarks at the public inaugural ceremony. The new governor then presents an inaugural address, which sets the tone of the new administration and highlights the governor's vision for the future.

State Of The Commonwealth Address

By tradition, the new governor presents the State of the Commonwealth address to a joint session of the General Assembly on the first Thursday of the regular session. Each chamber passes a simple resolution to wait upon the governor and at 7 p.m. receives the governor's message in a joint session in the House of Representatives chamber. A bipartisan group of House and Senate members appointed by the speaker of the House of Representatives and the president of the Senate, respectively, escorts the governor to the podium for presentation.

The State of the Commonwealth address details priorities, programs, and policies for the first legislative session of the new administration. It is a vehicle to let agencies, interest groups, and the public know the governor's priorities in legislation and programs during his or her first 2 years in office. The State of the Commonwealth address also represents the formal beginning of the governor's working relationship with the legislature. Prior to the public presentation, most governors have sought the counsel of legislative leaders and have, to varying degrees, solicited input from members at large through informal gatherings and receptions.

Budget Submission And State Of The Budget Address

Pursuant to KRS 48.100(1), the governor is required to submit a 2-year executive branch budget recommendation to the General Assembly on or before the 10th legislative day of the regular session held in even-numbered years. The law gives an additional 5 legislative days to newly elected governors in their first year in office. The executive budget represents the implementation of the governor's vision and leadership and often defines the first half of the governor's administration.

While submission of the budget is constitutionally defined, the presentation of the State of the Budget address is governed by tradition. Each chamber passes a simple resolution directing appointment of a committee to wait upon the governor to receive the budget address on the evening the budget is due. The address is usually given at 7 p.m. in the House of Representatives chamber before a joint session of the General Assembly. The governor's budget message provides an opportunity to garner public support for the governor's program initiatives and to defend budgetary priorities.

Legislative Liaison

The position of legislative liaison is an important key to the governor's relationship with the General Assembly. Credibility is a necessity, in that the legislative liaison speaks and acts for the governor, and the liaison's word must be accurate and able to be held in trust. The person in this position needs a knowledge of state government and a working understanding of the legislative process.

In addition to working with legislators, this office works with state agencies on proposed or pending legislation relating to programs under their management. Other entities will also approach the Governor's Office for support in legislative matters, and the liaison will be involved with those requests.

The legislative sessions can be monitored in the governor's office through Kentucky Educational Television closed-circuit television coverage. Tracking bills and resolutions through the process can be accomplished by following the *Legislative Record* as well as through the Legislative Research Commission (LRC) website at legislature.ky.gov. Keeping the administration informed as to the status of the approximately 1,400 bills and resolutions typically introduced during a legislative session, along with amendments and committee meetings, often requires the efforts of several people. These individuals are usually from state agencies, are familiar with executive programs, and are familiar with the legislative process. It is important that all have credibility and maintain close contact with the legislative liaison.

The governor will also receive considerable correspondence from citizens and interested groups regarding pending legislation. It is the responsibility of the legislative liaison's office to process that correspondence.

The legislative liaison also works with the scheduling office to arrange for meetings between the governor and legislators, arrange ceremonial bill signings, and notify members of the General

Assembly when the governor will be visiting the members' districts or making announcements having a direct effect on their districts. During legislative sessions, the governor typically has a fairly flexible scheduling arrangement for legislators in order to be as accessible as possible.

Chapter 2

Role Of The Governor

Overview

The governor of the Commonwealth of Kentucky possesses only those powers granted by the Constitution of Kentucky and the powers delegated by the Kentucky General Assembly through enactment of legislation. These executive powers are limited by constitutional provisions for five other executive officers to be elected independently of the governor: the attorney general, secretary of state, state treasurer, auditor of public accounts, and commissioner of agriculture.

As chief executive officer of state government, the governor exercises day-to-day management of the executive branch. Duties of the governor include administering the executive budget; managing a work force of more than 30,000 full-time executive branch employees; issuing executive orders; making appointments to certain executive branch positions, boards, and commissions; representing the commonwealth at various events; and signing numerous government documents.

In addition to directing the operations of the executive branch of state government, the governor works as partner with the leaders of the legislative and judicial branches. The partnership with the legislative branch is particularly significant because the General Assembly enacts the executive budget and other statutes affecting state government. The governor is able to shape public policy and implement priorities through the executive branch budget, legislation that he or she proposes to the General Assembly, and administrative regulations.

As head of state, the governor represents the people of Kentucky at numerous meetings, conferences, parades, festivals, and other events; and offers and receives gifts, commendations, and greetings on behalf of Kentuckians. The governor also represents Kentucky before Congress, on international trips, in negotiations for interstate agreements and compacts, and in legal disputes as plaintiff or defendant. Additionally, he or she belongs to associations that provide opportunities for a leadership role in regional and national issues.

Constitutional Powers

Section 69 of the Constitution of Kentucky vests the “supreme executive power of the Commonwealth” in the governor, and Section 81 requires the governor to “take care that the laws be faithfully executed.” These sections establish that the governor is the chief executive of state government. Other sections include the following powers:

- Section 78 authorizes the governor to require information from officers of the executive branch upon any subject relating to the duties of their offices.
- Section 75 designates the governor as “commander-in-chief” of the army, navy, and militia of the commonwealth, except when they are called into service by the federal government of the United States.

- Section 76 empowers the governor to fill vacancies in public offices except as otherwise provided in the constitution.
- Section 77 authorizes the governor to “remit fines and forfeitures; commute sentences; and grant reprieves and pardons, except in case of impeachment.” In case of treason, the governor may “grant reprieves until the end of the next session of the General Assembly,” but the governor has no power to remit the fees of the clerk, sheriff, or commonwealth’s attorney in penal or criminal cases.
- Section 88 describes the governor’s veto authority.
- Sections 79-80 establish other authority related to the General Assembly.

Veto Authority

Under Section 88 of the constitution, the governor is given 10 days after a bill has been presented, not including Sundays, to veto or sign any bill that has passed both chambers of the General Assembly. In the case of appropriations bills, which are those bills that allocate state funds to the various state agencies, the governor may exercise the line-item veto on specific provisions rather than the entire budget bill. A vetoed bill is returned to the house in which it originated with written objections contained in a veto message setting forth the reasons and grounds for the governor’s opposition. The General Assembly may override a veto if the bill passes a second time with a majority vote of the members elected to each chamber. If the governor neither signs nor vetoes a bill within 10 days of presentation, it becomes law without his or her signature. Under Section 55 of the constitution, a bill generally becomes law 90 days after final adjournment of the General Assembly, unless a special effective date is included in the bill. The signature of the governor is not required for the General Assembly to adjourn, for a tax referendum to become effective, or for a state constitutional amendment to be submitted to the voters (see Sections 89, 171, and 256).

Other Authority Related To The General Assembly

Section 79 of the constitution directs the governor to report from time to time to the General Assembly on the “State of the Commonwealth” and recommend for its consideration those measures that the governor “may deem expedient.” Section 80 authorizes the governor to convene the General Assembly on “extraordinary occasions,” usually referred to as special sessions. When the governor does convene the General Assembly, it must be by a proclamation that states the subjects to be considered by the General Assembly. Only the subjects listed in the proclamation may be considered. If the Senate and the House of Representatives disagree as to the time of adjournment of a special session, the governor may adjourn them to a time he or she thinks is proper; however, the time must not exceed 4 months.

Statutory Powers

The Constitution of Kentucky provides broad administrative powers to the governor. However, it would not be feasible to administer a modern state government without the enactment of statutes

by the General Assembly that further specify gubernatorial powers. These powers are codified in KRS Chapter 12, and they include the appointment of department heads and boards, the promulgation of administrative rules, the employment of staff, the fixing of compensation, the resolution of conflicts between agencies, and the appointment of advisory or study committees on reorganization.

In 1935, the Kentucky Court of Appeals in *Royster v. Brock*, 79 S.W. 2d 707 (Ky. 1935), held that the governor has only such powers as the Constitution of Kentucky and statutes authorize, and those powers must be exercised in the manner and within the limitation prescribed in those provisions. One year later, the Kentucky General Assembly enacted the 1936 Reorganization Act, for the first time giving the governor statutory powers to effectively act as administrative head of state government. Among other provisions, this legislation empowered the governor to authorize a department head to establish additional divisions, divide or combine existing divisions, change the name of a division, or transfer functions and staff from one division to another within a department. This reorganization power, currently under KRS 12.027, 12.028, and 12.029, gives the governor administrative flexibility “to promote greater economy, efficiency, and improved administration.”

Executive Orders

An executive order is a written declaration or directive issued by the governor. It has the force of law and is usually based on existing statutory powers. It becomes effective upon filing with the secretary of state unless a statute prescribes the effective date. Generally, an executive order requires no action by the General Assembly. The governor may issue an executive order to make an appointment, to direct executive branch state agencies to take a certain action, to declare an emergency and direct the Kentucky National Guard to take action, or to call the General Assembly into special session.

Temporary Power To Reorganize The Executive Branch By Executive Order

Since the 1936 Reorganization Act, governors have at times reorganized the structure of the executive branch to streamline government and eliminate wasteful spending (see Appendix B for a history of the executive branch). Courts have held that reorganization of the executive branch of state government is legislative in nature. In 1982, the Supreme Court of Kentucky in *Brown v. Barkley*, 628 S.W. 2d 616 (Ky. 1982), stated that “when the General Assembly has placed a function, power or duty in one place there is no authority in the Governor to move it elsewhere unless the General Assembly gives him that authority.” Two years later, in *Legislative Research Commission v. Brown*, 664 S.W. 2d 907 (Ky. 1984), the court held that “[e]ven though the Governor has the supreme executive power of the Commonwealth (Ky. Const. Sec. 69), he cannot transfer the functions of an existing, legislatively-created executive agency or department to another without legislative authority.”

Recognizing that changes in state government organizational structure might need to be made during the periods between legislative sessions, the General Assembly has enacted procedures to enable the governor to temporarily change the structure of the executive branch if the plans are first reviewed by a legislative interim joint committee with appropriate jurisdiction. A temporary reorganization is initiated by filing with the Legislative Research Commission and the secretary of state an executive order and a reorganization plan describing the impact on the budget and personnel, any improvement of state services, and an explanation of the need for the change. LRC refers the executive order and its accompanying plan to the appropriate legislative interim joint committee to review the plan and report back to the Commission within 60 days. The executive order cannot become effective until it has been reviewed by a legislative committee or the 60-day review period has expired, whichever comes first. If the executive branch intends to make its reorganization continue after the next regular session of the General Assembly, legislation must be enacted in that session to confirm the plan. If the General Assembly fails to enact the plan, the original organizational structure is reinstated 90 days after adjournment of the legislature. The disallowed plan cannot be reinstated prior to another session of the General Assembly.

Other elected state executive officers—attorney general, secretary of state, auditor of public accounts, state treasurer, and commissioner of agriculture—and the Kentucky Economic Development Partnership (KEDP) are also authorized by statute to temporarily change the structure of an entity that the officer or KEDP heads, subject to the same procedures as the governor. The governor is prohibited from reorganizing a governmental body headed by an elected state executive officer or KEDP unless that officer or KEDP has made a request in writing.

Appointing Authority

As chief executive officer of the executive branch, the governor is responsible for a large volume of appointments. There are many full-time and part-time executive branch policy makers whom the governor, under statutory authority, must either appoint or approve (see Appendix C). In addition, there are more than 350 boards and commissions to which the governor must appoint members.

Some appointments are subject to legislative confirmation (see Appendix D). KRS 11.160 establishes statutory procedures and timetables for the governor, or other appointing authority, to follow in submitting names and information about the appointed nominees to the General Assembly for confirmation.

Some appointments are subject to nominating requirements established by the specific statute governing an appointment. For example, other people and organizations may be required to submit names of nominees to the governor, or there may be specific statutory qualifications for the position.

The language under KRS 12.070 promotes the inclusion of a diversity of interests and points of view when the governor is making appointments to boards or commissions. If minority groups

are underrepresented on a particular board when a vacancy occurs, the governor may appoint a minority group member, even if a statutorily prescribed list of nominees contains no one from a minority group.

Authority Of The Governor's Signature

The governor's signature carries the legal authority and prestige of the office. The Constitution of Kentucky and enacted statutes require the governor to sign more than 120 types of documents (see Appendix E). These cover a wide range of authorities from interstate compacts to setting prisoner execution dates.

In addition, the governor is requested to sign many awards, certificates, proclamations, and letters. One of the most requested awards is that of Kentucky Colonel. The governor serves as the commander-in-chief of the Honorable Order of Kentucky Colonels, which is not a state agency but a private, nonprofit organization. However, each member is commissioned as a Kentucky Colonel by the governor or lieutenant governor.

Regional, National, And International Roles Of The Governor

The roles of a governor outside state boundaries have changed dramatically over the years. With a greater emphasis on international free trade, states now compete internationally for markets and economic investment. As a result, a governor must travel beyond the nation's borders to recruit businesses and industries and to assist in developing markets for the state's products. Kentucky has offices in Hamburg, Germany, and Tokyo, Japan, to promote its interests abroad.

Many of the problems states face have a regional or national basis. The Governor's Office has a representative in Washington, DC, to work with Kentucky's congressional delegation. Additionally, governors have found that more can be achieved by working together on mutual problems. The associations to which the governor belongs can provide opportunities to address these issues through developing alliances with other governors. These associations also foster a broad perspective on issues and encourage the sharing of ideas.

The major associations of interest to Kentucky governors are listed below:

- National Governors Association
- Southern Regional Education Board
- Southern States Energy Board
- The Council of State Governments
- Appalachian Regional Commission

Executive Branch Code Of Ethics: Guidelines For The Governor, State Employees, And Lobbyists

KRS Chapter 11A establishes the Executive Branch Code of Ethics, which provides principles and guidelines for the actions and policies of the governor and other statewide elected officials, state officers and employees of the executive branch, and executive agency lobbyists. The General Assembly first enacted the code in 1992. KRS 11A.005 states that the principles of ethical behavior in the code recognize that public office is a public trust and that proper operation of a democratic government ensures the public has confidence in the integrity of the government and its public servants. The standards of conduct in the ethics code require that a public servant be independent and impartial, that decisions be made through the established processes of government, and that public office not be used to obtain private benefits.

KRS Chapter 11A also establishes the Executive Branch Ethics Commission, whose members are appointed by the governor. The duties of the commission include investigating alleged violations, issuing advisory opinions, providing ethics training programs, receiving and auditing the financial disclosure statements filed by certain public servants and financial statements filed by executive branch lobbyists, imposing certain administrative and civil penalties, and referring evidence of violations of KRS 11A.040 to the attorney general for criminal prosecution as a Class D felony.

The requirements and prohibitions found in KRS 11A.020 to 11A.040 generally focus on any acts that would be a conflict of interest between one's private interests and one's duties in the public interest or acts that would be a misuse of one's official position in order to obtain financial or other personal gain. For example, executive branch officials and employees are prohibited from disclosing or using confidential information acquired in the course of their official duties to further their own or another person's economic interests, directly or indirectly receiving any personal interest or profit from the use or loan of public funds, and doing business with the agency that employs or is supervised by the public servant.

There are also certain postemployment limitations, which are known as "revolving door" restrictions. For example, former officers and employees are restricted for 1 year following termination of state employment from

- doing business with the agency by which they were employed;
- accepting employment, compensation, or other economic benefit from any person or business that contracts or does business with the state in matters in which they were directly involved during the final 36 months of tenure; and .
- lobbying in matters in which they were directly involved during the final 36 months of tenure.

In addition, KRS 11A.045 prohibits a public servant and his or her spouse or dependent child from knowingly accepting any gift totaling a value greater than \$25 in a single calendar year from any person or business doing business with or regulated by the state agency that employs the public servant. However, a public servant in the Cabinet for Economic Development or any other public servant working directly with the cabinet on an economic incentive package is permitted to accept gifts if the gifts were not solicited, were accepted in the performance of a

public servant's official duties and in compliance with established guidelines, and were not accepted under circumstances that would create a violation of KRS Chapter 521.

KRS 11A.201 to 11A.246 establishes the requirements for executive agency lobbyists, their employers, and real parties in interest, including the mandated filing of registration statements, expenditure statements, and statements of financial transactions with or for the benefit of an elected executive official, secretary of a cabinet, an executive agency official, or any member of the staff of any of those officials. An executive agency lobbyist is any person, association, coalition, or public interest entity engaged primarily to influence executive agency decisions or to conduct executive agency lobbying on a substantial issue.

Penalties in the ethics code range from fines to Class D felonies. Penalties can also include disqualification to hold future office, forfeiture of employment or office, and withholding of salary until compliance. Additionally, there is a 4-year limitation on prosecution for violation of any provision of KRS 11A.040 that prohibits certain acts by public servants.

Chapter 3

The Governor And The Other Branches Of Government

Balance Of Power

The Constitution of Kentucky provides that state government shall consist of three branches: legislative (Sections 29 to 62), executive (Sections 69 to 108), and judicial (Sections 109 to 124). The powers and duties of each branch are carefully separated from those of the other branches. The constitutional sections that mandate this separation of powers are as follows:

Section 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

Section 28. No person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

Sections 27 and 28 have remained unchanged since the adoption of the first constitution in 1792.

Governor's Power Prior To The Kenton Amendment

For most of the 20th century, the governor played a dominant role in state government. The General Assembly was restricted to meeting in regular session in even-numbered years, and there was no activity between sessions. This put the legislature in a relatively weak position when compared to a full-time governor with a cadre of executive branch employees. The General Assembly rarely attempted to review or question the actions or proposals of the governor. When meeting in regular session, the legislature allowed the governor to select legislative leadership, which enabled the governor, through loyal supporters, to exercise control over the actions of the General Assembly.

The 1979 Kenton Amendment

During the past 40 years, the governor's relationship with the General Assembly has changed dramatically. The legislature has evolved into an independent, equal branch of government that is fully capable of carrying out its constitutional responsibilities. With passage of the Kenton Amendment in 1979, the constitution was amended to change legislative elections to even-numbered years, allowing the members to take office a full year before meeting in the even-year regular session. The creation of the interim joint committee system allowed legislative committees to meet between sessions, which enables legislators to be far better prepared to deal with issues confronting them during the next session. In 2000, Kentucky voters approved a constitutional amendment allowing the General Assembly to meet in annual sessions, one of the final steps toward a truly independent legislative branch.

Kentucky Court Decisions

In recent years, several important decisions of Kentucky courts have more clearly defined the separation of power between the governor and the legislative branch and addressed the balance of power among the three branches of government.

The first of this line of cases was *Ex parte Auditor of Public Accounts*, 609 S.W.2d 682 (Ky. 1980). The Auditor of Public Accounts had claimed the right to audit fees collected by the Kentucky Bar Association from its members. The Supreme Court of Kentucky ruled that the Auditor of Public Accounts had no right to audit those funds. The court said that the Kentucky Bar Association was accountable only to the Supreme Court and that there was no constitutional authority by which it could be made accountable to either of the other two branches of government. The court specifically noted the constitutional provisions applicable to the General Assembly in establishing the duties of executive branch officials such as the auditor. However, the court observed that the legislature must not violate the constitutional principle of separation of powers, as established by Sections 27 and 28, by improperly assigning to the auditor authority that is rightfully within the purview of the judicial branch.

Brown v. Barkley, 628 S.W.2d 616 (Ky. 1982), concerned the authority of the governor to reorganize the Department of Agriculture, which was established by statute but headed by a constitutionally elected officer. The court held that when the General Assembly enacted a statute permitting the governor to reorganize executive agencies, it did not intend for the governor to reorganize departments headed by elected officials.

Legislative Research Commission v. Brown, 664 S.W.2d 907 (Ky. 1984), was the result of action taken by the 1982 General Assembly relative to legislative authority. The court action centered on the principle of separation of powers, as established by Sections 27 and 28 of the constitution, and on whether the Legislative Research Commission, consisting of legislative leaders, could exercise lawmaking power when the General Assembly was not in session. Specific issues included questions of whether certain legislative leaders could appoint members of executive boards and commissions, whether the governor could be required to make certain appointments from a list provided by the legislature, whether LRC could be empowered to approve or reject executive appointments, and whether legislators could serve on boards of executive agencies. The suit also addressed the authority of LRC to veto administrative regulations; to control certain budgeting matters, including budget specifications and restrictions; and to approve certain grant applications. Finally, the action addressed the issue of a 1982 statute that empowered LRC to approve reorganizations made by the governor.

The Supreme Court held that implementation of certain statutory action of the 1982 General Assembly would violate the constitutional principle of separation of powers among the three branches of government. The unconstitutional statutes empowered LRC—a portion of the legislative membership—to exercise legislative authority when the General Assembly was not in session.

The court strictly interpreted the separation of powers clauses of Sections 27 and 28 when it specifically noted the constitutional limitation upon the duration of legislative sessions and the

requirement that the legislature consist of two chambers. Thus, not only could legislative action not be undertaken when the legislature was not in session, but LRC could not act for the full bicameral legislature when the General Assembly was not in session.

Additionally, the court ruled that to preserve separation of powers, specific legislative leaders could not appoint members of executive boards and commissions, the governor could not be required to make appointments from names submitted by certain members of the General Assembly, and legislators could not serve on the boards of executive branch agencies. The court held that to permit LRC to approve executive appointments or reorganization orders, to veto administrative regulations, or to hold authority to reject certain grant applications would violate constitutional provisions relating to the establishment of a bicameral legislature and the specified time during which the legislature may act.

However, the court also said that the state's budget is "fundamentally a legislative matter" and upheld statutes permitting the General Assembly to enact a spending reduction plan to provide for a drop in anticipated revenue of less than 5 percent and requiring the governor to report to LRC all plans to modify the budget when anticipated revenue drops more than 5 percent. The court also upheld the validity of statutes requiring each branch of government to interpret provisions of the budget bill in conformity with the budget memorandum adopted by the General Assembly and directing the executive branch to monitor the state's financial position and give monthly reports to each branch.

Commonwealth ex rel. Armstrong v. Collins, 709 S.W.2d 437 (Ky. 1986), was the next case that helped clarify the powers of the legislative and executive branches of government. In that case, the Attorney General challenged the General Assembly's power to suspend or modify statutes through the budget bill and to transfer money from certain state agencies. The court held that the General Assembly had the power to pass a budget bill that suspended or modified existing statutes for the duration of the budget's effectiveness. However, the court also said that while the legislature could transfer public funds in the budget, it would be unconstitutional to suspend statutes to transfer money from agencies such as the state's retirement systems in which public and private funds belonging to state employees were commingled.

The General Assembly faced a monumental challenge when the Supreme Court considered a constitutional challenge to the state common school system in *Rose v. Council for Better Education, Inc.*, 790 S.W.2d 186 (Ky. 1989). In *Rose*, the Supreme Court held unconstitutional the entire state system of elementary and secondary education. The court said that the General Assembly has the sole responsibility and absolute duty to establish an efficient system of schools throughout the commonwealth. According to the court, the *Rose* decision was an "opportunity for the General Assembly to launch the Commonwealth into a new era of educational opportunity which will ensure a strong economic, cultural and political future."

Responding to that opportunity, the General Assembly and the Governor cooperated in naming members to the Task Force on Education Reform in July 1989. This cooperative effort culminated in the passage of the Kentucky Education Reform Act of 1990, a broad restructuring of the curriculum, governing, and financing of the state's school system.

Democratic Party v. Graham, 976 S.W.2d 423 (Ky. 1998), involved a case in which the General Assembly gave judicial powers to an executive branch agency, namely, the powers to indict or find probable cause. The Supreme Court held that this was impermissible. Similarly, in the case of *Prater v. Commonwealth*, 82 S.W.3d 898 (Ky. 2002), the Supreme Court held that the General Assembly violated the separation of powers principle “by permitting the judiciary to exercise the purely executive function of granting parole.”

Although not a Supreme Court decision, another significant opinion was issued in January 2002. *Patton v. Sherman*, Civil Action No. 01-CI-00660 (Franklin Cir. Ct. January 2002), examined whether the General Assembly had exceeded its constitutional authority with regard to the promulgation of administrative regulations by the executive branch. While the court ruled that the de facto “legislative veto” of actions of the executive branch through the promulgation of administrative regulations was unconstitutional, the court did recognize that the authority for the regulatory process emanates from the legislative branch and that the legislature can place reasonable restrictions on the process by which administrative regulations are promulgated.

In *Fletcher v. Commonwealth*, 163 S.W.3d 852 (Ky. 2005), the Supreme Court ruled that the General Assembly, not the governor, has the authority to appropriate and direct the spending of state funds for the operation of state government. Holding that the governor had no authority to create an “executive spending plan,” the court reiterated its holding in *LRC v. Brown* that the passage of a budget is a legislative prerogative.

In *Commonwealth ex rel. Conway v. Thompson*, 300 S.W.3d 152 (Ky. 2009), the Kentucky Supreme Court held that only the General Assembly may suspend statutes in a budget bill, the General Assembly may make the suspension retroactive, and executive agencies must follow public policy as set forth by the General Assembly. In *Beshear v. Haydon Bridge Co., Inc.*, 304 S.W.3d 682 (Ky. 2010), the Kentucky Supreme Court held that the General Assembly could retroactively adopt a governor’s prior invalid spending plan, reaffirmed that statutes could be retroactively suspended, and stated that appropriations bills could not affect private funds.

In *Appalachian Racing, LLC v. Family Trust Foundation of Kentucky, Inc.*, 423 S.W.3d 726 (Ky. 2014), the Supreme Court considered whether the Horse Racing Commission could license, and the Department of Revenue could tax, mechanical and electronic devices for wagering on previously run horse races, known as historical race wagering, through administrative regulations. The court held that while an executive branch agency may not amend, alter, enlarge, or limit a legislative enactment by administrative regulation, the General Assembly had authorized the commission to license pari-mutuel wagering on legitimate horse racing, and that the promulgated regulations on historical race wagering were consistent with the granted statutory authority. However, the court also held that only the legislature has the authority to impose a tax, and because the statutory authority on which the department relied to promulgate regulations implementing a tax on historical race wagering specifically mentioned “live racing,” the regulations impermissibly extended the tax in a manner not intended by the General Assembly.

In *Commonwealth ex rel. Beshear v. Bevin*, 575 S.W.3d 673 (Ky. 2019), the Supreme Court considered the governor’s power to reorganize the state government structure between sessions

of the General Assembly. Specifically, the Governor had issued an executive order making several changes to various state education boards. The Attorney General argued that the legislature had exempted the state's education boards from the general statutory scheme authorizing the governor to temporarily reorganize state government; that the Governor's executive order impermissibly suspended the operation of law, a power exclusively granted to the General Assembly by the state constitution; and that the reorganization amounted to the Governor legislating in violation of the separation of powers doctrine. However, the court held the statutory scheme did not exempt the education boards from the governor's authority to temporarily reorganize state government; that the General Assembly had expressly granted the governor the power to reorganize state government between sessions consistent with the constitutional provision on the suspension of laws; and that once the General Assembly granted the governor the power to reorganize state government, that was an executive, not legislative, function.

Overview Of The Legislative Process

It is critical that the governor and certain administration officials acquire a good understanding of the overall legislative process. As a session progresses and time grows short, the legislature moves quickly and often unexpectedly. Understanding legislative procedure is crucial to successfully advancing a legislative agenda.

Introduction And Committee Referral

A bill may be introduced in either the Senate or the House of Representatives; however, a bill to raise revenue must originate in the House of Representatives. Each bill is assigned a number, read by title and sponsor for the first time, and referred to a standing committee of appropriate jurisdiction by the Committee on Committees.

Committee Consideration

Standing committees of the General Assembly meet weekly during a legislative session and may meet more frequently as the session progresses. Meetings are open to the public, and the committee chairs determine which bills will be considered. When there is sufficient interest in a subject, a public hearing may be held. A bill may be reported out of a House committee with one of the following reports: favorably, favorably with amendments, favorably with a committee substitute, or unfavorably. A bill may be reported out of a Senate committee with one of the following reports: favorably, favorably with amendments, favorably with a committee substitute, or without opinion. Many bills die in committee without ever being considered.

First Reading

If a committee is in possession of a bill, the bill may be pulled from the committee and given its first reading. If a committee reports a bill favorably, the bill has its first reading and is placed on the Calendar for the following day. If a committee reports a bill unfavorably or without opinion, the bill may only receive a first reading and be placed on the Calendar if a majority of the members elected to the chamber vote to do so.

Second Reading, To Rules

The bill is taken from the Calendar or committee, read by title for the second time, and sent to the Rules Committee or returned to the committee. The Rules Committee has 5 days to recommit the bill to a committee or place it in the Orders of the Day for a specific day.

Third Reading And Consideration

“I move that House Bill 100 be taken from its place in the Orders of the Day, read for the third time by title only, and placed upon its passage.” Such a motion, usually made by the majority floor leader, is adopted by voice vote, and the floor is open for debate. Following debate and amendments, if any, a final vote on the bill is taken. To pass, a bill must be approved by at least two-fifths of the members of the chamber (40 representatives or 16 senators) and a majority of the members present and voting. If the bill contains an appropriation or an emergency clause, it must be approved by a majority of the members elected to each house. In odd-year sessions, any bill raising revenue or making an appropriation must be approved by three-fifths vote of both chambers.

What Happens Next

If a bill is defeated, no further action will occur unless two members who voted against it request its reconsideration and a majority approves. If a bill passes in one chamber, it is sent to the other chamber, where it follows much the same procedure. Both chambers must agree on the final form of each bill. If either chamber fails to concur in amendments made by the other, the differences must be reconciled by a conference committee composed of members of the House and Senate.

In conference, only those amendments at issue may be considered. If no agreement is reached, the conferees report to their respective chambers advising the members that they cannot agree and may request that a free conference committee be appointed. A free conference committee may propose any amendment to the bill at issue, except to propose the insertion of the substantial text of any other bill that has not passed both the House and Senate or to propose the enactment of subject matter not previously considered during the session. Conference and free conference committee reports are subject to approval of both chambers.

Engrossment And Enrollment

After passage by both chambers, a bill is read carefully to ensure the final wording is correct and that all amendments have been accurately inserted into the bill. This process is known as engrossment. Once the final check has been completed, the bill is signed (enrolled) by the presiding officer of each chamber and sent to the governor.

Resolutions

In addition to bills, the General Assembly uses resolutions to conduct some legislative business. There are three types of resolutions:

- Simple resolutions concern the affairs of one chamber and require action by that chamber only. They are used to regulate procedure and to express requests or sentiments of the body. A simple resolution is the appropriate vehicle for confirmation of appointments that require only Senate approval.
- Concurrent resolutions must be approved by both chambers. They deal with legislative organization and are used to transmit messages to other branches of government. Any proposal for a research study to be undertaken by the Legislative Research Commission must be in the form of a concurrent resolution.
- Joint resolutions have the effect of law and are treated in every respect as bills. They are used to ratify amendments to the US Constitution and for matters of temporary legislation that are not to be included as part of the Kentucky Revised Statutes. A joint resolution is the most effective tool for directing agencies to take certain actions such as the naming of roads, bridges, and public buildings.

Working With The Legislature

Communication and coordination with leadership of the House and Senate is essential to the success of the governor's legislative agenda.

Section 73 of the Constitution of Kentucky provides that the governor takes office on the "fifth Tuesday succeeding" the election, or around the second Tuesday in December. Section 36 provides that the legislature convenes a short time later, on the "first Tuesday after the first Monday in January."

Legislative Liaison

To facilitate the introduction of the governor's legislative proposals, it is important that the governor designate one or more individuals to serve as liaison between the General Assembly and the Governor's Office. This designation should be made as soon as possible after the governor's election in November (see page 4).

Once selected, the legislative liaison should make contact as soon as possible with leadership of both the House and the Senate to determine how each respective chamber wishes to handle coordination of the introduction of the governor's legislative proposals.

In some legislative sessions, the majority floor leaders of the House and Senate have alternated as sponsor of the governor's legislative proposals. However, in recent years, the governor has more often sought out individual members of the General Assembly to sponsor administration bills.

Only legislators may file bills, and only LRC staff may draft legislative proposals. Generally speaking, staff may only assist legislators with drafting bills, and thus it is critical that the governor's legislative liaison secure the agreement of a legislator to sponsor any proposal the governor wishes to be introduced. All requests for bill drafts must be directed to the LRC deputy director for committee and staff coordination, who logs all bill requests and assigns them to LRC drafters. To facilitate the drafting of executive branch legislation such as executive order reorganization confirmations and gubernatorial appointments requiring Senate confirmation, the legislative liaison may contact the LRC deputy director for committee and staff coordination for drafting assistance prior to identifying a sponsor for the governor's proposals.

State Of The Commonwealth Address

Section 79 of the Constitution of Kentucky requires the governor to "from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures" as may be deemed expedient. It is traditional for the governor to present a State of the Commonwealth address during the early days of each regular session. With the advent of annual legislative sessions, the governor now provides a State of the Commonwealth address in January for 60-day sessions and in February for 30-day sessions.

Budget Address And Budget Proposal

Pursuant to KRS 48.100 and 48.110, the governor is required to present a budget recommendation to the General Assembly for its consideration. A day or two before the governor's budget bill is filed, the governor has traditionally addressed the General Assembly concerning the budget proposal.

In the era when the governor dominated the General Assembly, it was not unusual for the governor's budget to be adopted without changes by the legislature. In recent years, however, the legislative budget review process has become much more sophisticated, and legislators now develop their own budget recommendations. In 1982, the General Assembly enacted KRS Chapter 48, which defines the procedures that the legislative, executive, and judicial branches of government must follow in preparing their budget recommendations for the General Assembly. (For a detailed discussion of the role of the governor in the budget process, see "Budget Process" on page 31.)

Veto Power

In addition to addressing the General Assembly on the state of the commonwealth and making budget recommendations that reflect the governor's taxing and spending priorities, the governor also interacts with the legislature through the use of the veto.

The governor has the authority under Section 88 of the Constitution of Kentucky to veto legislation that the General Assembly has passed. The governor has 10 days to veto or sign any bill that both chambers of the General Assembly have passed. If the governor vetoes a bill, it returns to the chamber in which the legislation originated with written objections contained in a veto message. A veto may be invalidated if not accompanied by a veto message. A House bill is

returned to the House, and a Senate bill is returned to the Senate. Vetoed bills do not become law unless overridden by the General Assembly. If the bill passes a second time, with a majority of the members elected to each house voting in favor of it, the bill becomes law without the signature of the governor. In the case of appropriations bills, which are those bills that allocate state funds to the various state entities, the governor may exercise the line-item veto applicable to specific lines and items rather than the entire bill.

The governor is prohibited from vetoing a General Assembly vote to adjourn (Section 89), a state constitutional amendment (Section 256), and a tax referendum (Section 171).

Regular Legislative Sessions

Regular sessions of the General Assembly are limited to 60 legislative days in even-numbered years and to 30 legislative days in odd-numbered years. A “legislative day” is defined as a calendar day, excluding Sundays, legal holidays, and any day on which neither house meets. The rules of the House and Senate establish the procedures of the General Assembly.

The even-year (60-day) session convenes on the first Tuesday after the first Monday in January and may not continue beyond April 15 of that year. The votes of at least two-fifths of the members elected to each chamber and a majority of the members voting are required for passage of most bills.

The odd-year (30-day) session also convenes on the first Tuesday after the first Monday in January, recesses after an organizational component, and reconvenes on the first Tuesday in February for the remainder of the session. In the organizational component of the odd-year session, members elect legislative leaders, adopt rules of procedure, organize committees, introduce legislation, and may begin conducting any other regular legislative business. The odd-year session must adjourn no later than March 30 of that year. A key restriction on the General Assembly in the odd-year session is a requirement that any bill raising revenue or appropriating funds must be agreed to by three-fifths of all members elected to each house.

Extraordinary (Special) Sessions

Another area in which the governor has significant authority is the calling of extraordinary (special) sessions of the General Assembly, as provided in Section 80 of the constitution. If the governor calls an extraordinary session, the subjects to be considered in the session are limited to those subjects stated in the call. No others may be considered by the General Assembly. The courts have held that a bill dealing with a subject outside the call is void, even if the governor approves it and signs it. However, the governor may amend the original call by adding, but not deleting, subjects to be considered. If the House of Representatives and the Senate disagree as to the time of adjournment of a special session, the governor may adjourn them to a time he or she thinks is proper; however, the time may not exceed 4 months.

Legislative Research Commission

The Legislative Research Commission is established by KRS 7.090 as an independent agency of state government. The Kentucky Supreme Court in *Legislative Research Commission v. Brown*, 664 S.W.2d 907, 911 (Ky. 1984), acknowledged the vital role of LRC when it stated that the agency was the “research, fact-finding, secretariat and general support agency for the General Assembly”

Organization. LRC comprises the 16 members of leadership in the House and Senate. The speaker of the House of Representatives and the president of the Senate serve as co-chairs. LRC generally meets on the first Wednesday of each month during the statutory interim period that runs from June to December. KRS Chapter 7 lists its duties and responsibilities.

LRC employs a director who serves at the pleasure of the Commission. The director, in turn, employs staff who provide nonpartisan support and administrative services for all the members of the General Assembly. A list of staff and committee assignments is available from the director’s office or on the LRC website at legislature.ky.gov.

House And Senate Standing Committees

During the legislative sessions, the governor works with the leaders in the House and the Senate to introduce the governor’s proposed budget and legislative package. The committee chairs of the standing committees are important to the legislative process and are routinely contacted regarding the administration’s legislative proposals.

The standing committees are established and their jurisdiction determined by rules of the House and Senate. These committees consider all legislation referred to them by the Committee on Committees of their respective chambers.

The House standing committees of the 2019 Regular Session are listed below.

- Agriculture
- Appropriations and Revenue
- Banking and Insurance
- Economic Development and Workforce Investment
- Education
- Elections, Constitutional Amendments, and Intergovernmental Affairs
- Health and Family Services
- Judiciary
- Licensing, Occupations, and Administrative Regulations
- Local Government
- Natural Resources and Energy
- Small Business and Information Technology
- State Government
- Tourism and Outdoor Recreation
- Transportation
- Veterans, Military Affairs, and Public Protection

The Senate standing committees of the 2019 Regular Session are listed below.

- Agriculture
- Appropriations and Revenue
- Banking and Insurance
- Economic Development, Tourism, and Labor
- Education
- Health and Welfare
- Judiciary
- Licensing, Occupations, and Administrative Regulations
- Natural Resources and Energy
- State and Local Government
- Transportation
- Veterans, Military Affairs, and Public Protection

Interim Joint Committees

During the interim between regular sessions of the General Assembly, the standing committees of the House and Senate combine to form interim joint committees. These interim joint committees are authorized to meet monthly from June 1 to December 1. The committees are authorized to study issues, hold hearings, review administrative regulations and block grant applications, and consider prefiled bills during the period of time that the legislature is not in regular session.

The interim joint committees as of October 2019 are listed below.

- Agriculture
- Appropriations and Revenue
- Banking and Insurance
- Economic Development and Workforce Investment
- Education
- Health, Welfare, and Family Services
- Judiciary
- Licensing, Occupations, and Administrative Regulations
- Local Government
- Natural Resources and Energy
- State Government
- Tourism, Small Business, and Information Technology
- Transportation
- Veterans, Military Affairs, and Public Protection

Special Committees And Task Forces

Often during a legislative session, the General Assembly will appoint a special committee or task force to study various important issues and to make reports to LRC. These special committees are generally only authorized to meet between regular sessions of the General Assembly and expire at the end of the interim. The legislature often imposes a deadline by which the special

committee must prepare its report and file any legislative proposals for consideration by the next regular session of the General Assembly.

The special committees authorized for the 2019 Interim are listed below.

- Alzheimer’s and Dementia Workforce Assessment Task Force
- Area Development District Working Group
- Electronic Recording of Official Documents by County Clerks Task Force
- Kentucky Career and Technical Education Task Force
- Mileage Based Transportation Funding Task Force
- Public Assistance Reform Task Force
- Public Pensions Working Group
- Public Water and Wastewater System Infrastructure Task Force

Other Statutory And Oversight Committees

One of the major ways that the General Assembly interacts with the executive branch is through several committees that the General Assembly has authorized by statute. These statutory committees provide review and oversight of executive branch implementation of policy initiatives enacted by the General Assembly. Unless otherwise noted, each statutory committee meets monthly and is composed of legislative members. A discussion of the statutory committees and their functions follows.

Administrative Regulations Review. The governor has the duty under Section 81 of the Constitution of Kentucky to faithfully execute the laws enacted by the legislative branch. Frequently, the General Assembly delegates power to the executive branch to carry out a program and gives statutory authority to executive branch agencies to create requirements by promulgating administrative regulations. The General Assembly enacted a statutory procedure in KRS Chapter 13A for the drafting, notice, publication, and public hearing of proposed administrative regulations. Each month, LRC compiles, prints, and distributes agency regulations in the *Administrative Register of Kentucky*, and it compiles and publishes the *Kentucky Administrative Regulations Service*, which contains all the regulations in effect as of the date of publication.

The General Assembly also has established a legislative review process for proposed administrative regulations. Most regulations are reviewed by the Administrative Regulation Review Subcommittee (ARRS) and then referred by LRC to a subject matter committee, which may review the regulations within 90 days of referral. Generally, if the subject matter committee posts the regulations on its meeting agenda, the regulations will become effective upon adjournment of that meeting. If the subject matter committee does not choose to review the regulations, they will become effective at the end of the 90-day review period.

Either ARRS or the subject matter committee may find an administrative regulation deficient. If so, that finding will be transmitted to the governor for his or her determination that the regulation should be withdrawn, be amended to conform to the finding of deficiency, or become effective notwithstanding the finding of deficiency. The governor’s determination is then transmitted to

LRC and to the regulations compiler. Deficient regulations are included in an annual report that is submitted to the ARRS co-chairs.

An emergency administrative regulation must be signed by the governor and becomes effective as soon as it is filed with the regulations compiler's office. Generally, an emergency regulation expires 270 days from the date of filing or upon adoption of a corresponding ordinary administrative regulation, whichever occurs first. If an extension is granted for filing a statement of consideration, which is a summary of and response to public comments, the emergency regulation will remain in effect for 270 days plus the period of extension, unless a corresponding ordinary administrative regulation is adopted first.

A detailed description of the process for issuing and reviewing administrative regulations is found in KRS Chapter 13A.

Budget Review. LRC has assumed its budget review function as a method of providing the General Assembly adequate knowledge of budget matters pertaining to all agencies of state government.

The Interim Joint Committee on Appropriations and Revenue and the Budget Review Subcommittees review branch interpretations of provisions in the biennial budget bills, as required by statute. When the General Assembly is not in session, the committee and subcommittees review proposed spending by the state budget director and executive branch agencies. The committee and subcommittees also receive information regarding budget adjustments within appropriation levels. LRC also prescribes uniform forms and instructions to be used by all agencies in developing their biennial budget requests. The LRC Office of Budget Review receives copies of agency budget requests as they are submitted prior to each legislative session. This information enables the Budget Review Subcommittees and the Interim Joint Committee on Appropriations and Revenue to prepare for the introduction of the branch biennial budgets and give them detailed and enlightened study following their receipt by the General Assembly.

After the governor presents the proposed budget to the General Assembly as set forth in KRS 48.100, the state budget director sometimes makes separate presentations to the House and Senate Appropriations and Revenue Committees to outline the governor's recommendations and to answer any policy initiatives.

During the remainder of the session, the Governor's Office and the state budget director have numerous discussions with legislators and legislative staff to answer questions, provide additional information, and respond to legislative changes in the proposed budget.

Representatives of state agencies will be requested to testify before the Budget Review Subcommittees and the House and Senate Appropriations and Revenue Committees on the governor's budget recommendations and the other legislation that may have a fiscal impact, including revenue measures or expenditures.

During the final weeks of the session, as the budget bill enters the conference process, the Governor's Office and the state budget director are very involved in monitoring the legislative deliberations and reacting to provisions contained in the budget bill.

Capital Projects And Bond Oversight. The Capital Projects and Bond Oversight Committee oversees

- the expenditure of funds budgeted for capital projects;
- the expenditure of funds from the emergency repair, maintenance, and replacement account and the capital construction and equipment purchase contingency account;
- the state's acquisition of capital assets, including the lease of real property;
- debt issuance by the commonwealth and the related individual projects; and
- debt issuance by or on behalf of local school districts.

In addition to the committee's oversight of the commonwealth's capital construction, including public-private partnership agreements, debt issuance, and real property leases, the committee approves Kentucky Infrastructure Authority (KIA) loans and Cabinet for Economic Development (CED) economic development fund program grants.

Along with statutorily required informational items, including quarterly capital project status reports, the following entities submit certain transactions for committee approval.

- The Office of State Budget Director submits capital project additions and adjustments, except leases, for executive branch agencies as well as for the Kentucky Community and Technical College System and Kentucky State University, after approval by the secretary of the Finance and Administration Cabinet.
- Eastern Kentucky University, Morehead State University, Murray State University, Northern Kentucky University, the University of Kentucky, the University of Louisville, and Western Kentucky University submit capital project additions and adjustments as well as certain real property leases.
- The Department for Facilities and Support Services, Finance and Administration Cabinet, submits certain real property leases for executive branch agencies.
- The Kentucky Community and Technical College System and Kentucky State University submit certain real property leases.
- The Office of Financial Management, Finance and Administration Cabinet, submits KIA loans, CED economic development fund program grants, and the commonwealth's debt issuing entities' proposed debt issues. The commonwealth's debt issuing entities are public postsecondary institutions, the State Property and Buildings Commission, Kentucky Asset/Liability Commission, School Facilities Construction Commission (local school districts issue the debt and the commission funds a portion of the debt service), Turnpike Authority of Kentucky, KIA, Kentucky Public Transportation Infrastructure Authority, Kentucky Housing Corporation, and Kentucky Economic Development Finance Authority.
- The Administrative Office of the Courts submits extensions of bond terms to greater than 25 years as well as increases in the appropriated use allowance to pay annual principal and interest costs for financing judicial facility construction or renovation.

Government Contract Review. The Government Contract Review Committee is responsible for legislative oversight of contracts and agreements. The committee reviews

- personal service contracts and price contracts for any professional service for a state agency,
- memoranda of agreement,
- memoranda of understanding,
- program administration contracts,
- film tax incentive agreements,
- interlocal agreements to which the commonwealth is a party, and
- privatization contracts or similar devices relating to services between a state agency and any other governmental body or political subdivision of the commonwealth that involve an exchange of resources or responsibilities to carry out a governmental function.

The committee examines the stated need for the service, whether the service could or should be performed by state personnel, the amount and duration of the contract or agreement, and the appropriateness of any exchange of resources or responsibilities.

The committee is also authorized to grant exemptions it deems appropriate for committee review. Typically, no work can begin on a personal service contract until it is filed with the committee, and no payment can be made for services rendered after committee disapproval, unless the decision is overridden by the secretary of the Finance and Administration Cabinet. If the committee objects to or disapproves of a contract or agreement, notice is provided to the secretary of the Finance and Administration Cabinet, or his or her designee, who must revise or cancel the agreement or override the committee's objection.

The following agencies submit information directly to the Government Contract Review Committee and are exempted from Finance and Administration Cabinet review:

- State universities (KRS 164A.575)
- Kentucky Housing Corporation (KRS 198A.040)
- Kentucky Lottery Corporation (KRS 154A.120)
- Kentucky Retirement Systems (KRS 61.515 and KRS 161.340)
- Legislative Research Commission (Constitution Section 27)
- Kentucky Employer's Mutual Insurance Authority (KRS 342.811)
- Kentucky Higher Education Student Loan Corporation (KRS 164A.060)
- Department for Facilities Management, Finance and Administration Cabinet (by delegation of the secretary)
- Agencies within the judicial branch (Constitution Section 27)

After awarding a personal service contract or memorandum of agreement, state agencies deliver a copy to the committee. The committee is required to maintain a file, indexed by vendor name, by state agency or organization, and by type of service provided and make the file available for public inspection. Contracts, agreements, and amendments are provided to committee members for review.

Program Review And Investigations. The Program Review and Investigations Committee studies and evaluates state agency operations to determine their effectiveness in accomplishing legislative intent, their efficiency of operations, and whether money appropriated is being spent as intended. The committee may also consider whether changes are needed in state agency programs or whether reorganization of state agencies is needed to accomplish intended results. The committee prepares reports on its findings and recommendations and submits them to the agencies concerned, the governor, and the General Assembly. The committee has the power to subpoena witnesses and documents to obtain information, and state agency employees are required by statute to provide the committee with the information and assistance necessary to properly conduct a study. Agencies are also obligated to correct operational problems identified by the committee and implement recommended actions or propose suitable alternatives. If an agency fails to take corrective action or the action taken is not appropriate, the committee reports the matter to the General Assembly.

A request for a review may be made by any official of the executive, judicial, or legislative branches. In recent years, most suggestions for study topics have come from members of the General Assembly. Typically, the committee chooses several topics for study by staff at the beginning of each interim. A majority vote of members of the committee is required to initiate a study. For each study authorized, committee staff produce a written report that addresses specific objectives and questions approved by the committee. Usually, a report focuses on a particular state program and contains recommendations for how the administration of the program could be improved. Relevant state agencies are given the opportunity to address the report and its recommendations. Although reports are based on staff research, a report approved by a majority vote of the committee's membership represents an official opinion of the committee. The committee's statutory jurisdiction is broad and this is reflected in the subjects chosen for investigation by its members.

Public Pension Oversight Board. The Public Pension Oversight Board assists the General Assembly with its review, analysis, and oversight of the administration, benefits, investments, funding, laws and administrative regulations, and legislation pertaining to all state-administered retirement systems. The board has legislative and executive branch members as well as citizen members with relevant experience.

Education Assessment And Accountability Review. The Education Assessment and Accountability Review Subcommittee is charged with reviewing administrative regulations relating to the assessment and accountability system for elementary and secondary education. The Department of Education is required to be present at all meetings in which administrative regulations are under review by the subcommittee. The subcommittee seeks input from others as well as from the Kentucky Board of Education. The subcommittee is charged with advising the Kentucky Board of Education regarding its proposed administrative regulations and forwarding its actions to LRC. In addition to its work with the Department of Education, the subcommittee also advises and monitors the Office of Education Accountability in carrying out the office's duties and responsibilities.

Office Of Education Accountability. The Education Reform Act of 1990 created the Office of Education Accountability (OEA), which is under the direction of LRC. The Education Assessment and Accountability Review Subcommittee (EAARS) monitors the actions of OEA and provides direction in fulfilling its statutory mandate. Pursuant to KRS 7.410, OEA is charged with reviewing the public education finance system; verifying the accuracy of school, district, and state performance; investigating allegations of wrongdoing; and conducting studies. OEA makes periodic reports and submits findings to EAARS.

Medicaid Oversight And Advisory Committee. The Medicaid Oversight and Advisory Committee provides oversight on the implementation of Medicaid provisions within the commonwealth, including access to services, utilization of services, quality of services, and cost containment. The committee is required to meet at least four times annually.

Tobacco Settlement Agreement Fund Oversight. The Tobacco Settlement Agreement Fund Oversight Committee provides legislative oversight for the expenditure of funds coming to Kentucky as a result of a legal settlement with tobacco companies and the various state attorneys general. The committee monitors projects created by grants and loans of tobacco settlement funds that are given out by a panel of citizens and state officials and determines if these projects meet statutory requirements.

Child Welfare Oversight And Advisory Committee. The Child Welfare Oversight and Advisory Committee reviews, analyzes, and provides oversight on child welfare, including but not limited to foster care; adoption; and child abuse, neglect, and dependency.

LRC Publications On Committee Activities

The activities of all the committees are presented annually in the *Final Reports of the Interim Joint, Statutory, and Special Committees*, which is produced in December preceding a regular session. The *Interim Legislative Record*, a monthly publication, provides the minutes of the committee meetings and the summaries of the prefiled bills. A list of the membership of the committees and committee chairs, prefiled bills, and other LRC publications are available on the LRC website at legislature.ky.gov.

Budget Process

The executive branch budget and the Transportation Cabinet budget are the most effective means for a governor to recommend public policy and priorities. Because of the timetable for preparation and submission of the state's biennial budgets, the new governor must act quickly to formulate the proposed budget plans. The governor is head of the executive branch and because the majority of state spending is authorized in the executive branch budget bill and the transportation budget bill, the governor exercises an influential policy role in the budget process. The governor is inaugurated in early December. The General Assembly convenes on the Tuesday after the first Monday of January, and the newly elected governor in his or her first term in office is required by KRS 48.100(1) to submit the recommendations for the next biennium by the 15th legislative day—7 weeks after inauguration day and 12 weeks after election day.

Several provisions of the Constitution of Kentucky relate directly to the budget process. Section 46 requires all bills appropriating money or creating debt to receive the votes of a majority of all members elected to each house. Section 47 states that bills to raise revenue must originate in the House but that the Senate may amend those bills. Section 36 states that, during an odd-year session, no bill raising revenues or appropriating funds can become law unless agreed to by three-fifths of all the members elected to each house. Section 171 permits the levy and collection of taxes for public purposes only and by general laws. Section 230 requires legislative appropriation of money withdrawn from the State Treasury and restricts expenditures of revenue from motor fuel and motor vehicle taxes and fees to highway construction and maintenance and to enforcing state traffic and motor vehicle laws.

The budget process begins prior to the election of the governor, when forms and instructions approved by the Legislative Research Commission in July are sent to all agencies in the three branches for return to the Office of State Budget Director no later than mid-November.

Under KRS 48.060(1), the governor-elect receives all agency budget requests and supporting documentation by November 10. The governor-elect and persons designated by the governor-elect are entitled to participate in the budget-making process for the executive branch. Any statewide constitutional officers-elect may request and receive information about their respective offices.

Consensus Forecasting Group

Prior to 1993, the executive branch and legislative branch each developed independent revenue forecasts. Due to differences in the amount of total revenues projected, legislators—primarily the Appropriations and Revenue Committees—had to choose which forecast to use when the budgets were developed.

To increase the objectivity of the estimates and to transfer responsibility for evaluating technical economic and revenue assumptions to academic economists, an informal group of executive staff, legislative staff, and academic researchers was established in 1993. The assigned task of the group was to review differences between the revenue estimates prepared by the legislative and executive branches and then develop a single consensus estimate of projected revenues to be used by both the governor and the General Assembly for purposes of developing the state budget.

The credit rating agencies welcomed this approach and cited it as an indication of improved state fiscal management. The Consensus Forecasting Group (CFG) was created by statute in 1996. KRS 48.115 requires that the consensus revenue estimates be used as the official basis for budgeting purposes. The group's members are selected jointly by the state budget director and LRC.

By August 15 of each odd-numbered year, CFG, in conjunction with the Office of State Budget Director, is responsible for developing a budget planning report that includes projections of economic conditions and preliminary planning estimates of general fund and road fund revenues for the current fiscal year and the next 4 fiscal years (KRS 48.120).

By October 15 of each odd-numbered year, CFG must produce a preliminary forecast of state general fund, general fund (tobacco), and road fund revenues for the current and next 2 fiscal years. This initial forecast is used in planning budgets for each of the branches of state government. The October CFG forecast is then updated by the 15th legislative day of each even-year session, with the Office of State Budget Director certifying and presenting to the General Assembly the final detailed revenue estimates made by CFG, which form the basis for making state appropriations in the biennial budget (KRS 48.120).

Capital Planning

KRS 7A.010-170 addresses the biennial long-term capital planning process for all three branches of state government. Capital planning requires that all state government entities submit information about their capital construction, equipment, information technology, and space needs to the Capital Planning Advisory Board by April 15 of each odd-numbered year. Among other things, the agency plans include information about proposed projects to be undertaken in the next three biennia, as well as reports on recently completed and ongoing capital projects. Based on the information supplied by the agencies, the board develops the 6-year comprehensive statewide capital improvements plan, and in accordance with the statute, submits the completed plan to the heads of the three branches—the governor, the chief justice, and LRC—by November 1. This enables the comprehensive capital plan to be used in the subsequent budget process and legislative session. The 1990 General Assembly enacted Senate Bill 46, creating the Capital Planning Advisory Board. The 16-member board includes four persons appointed from each of the legislative, executive, and judicial branches; and four public citizen members, two of whom are appointed by legislative leadership and one each by the governor and the chief justice.

Schedule For Preparing The 2020-2022 Executive Branch Budget

Deadline	Action
April 1, 2019	Draft uniform budget preparation forms are proposed by representatives of the governor, chief justice, and LRC for adoption by LRC.
April 15, 2019	State agencies, except for the Department of Highways, submit 6-year capital improvement plans and project requests to the Capital Planning Advisory Board for review and approval.
July 1, 2019	LRC prescribes uniform forms, records, and instructions to be used by all branch budget units in preparation of agency requests and all branch heads in submission of budget recommendations.
August 15, 2019	The Office of State Budget Director, in conjunction with the Consensus Forecasting Group, provides a budget planning report. That document includes baseline economic projections and preliminary revenue planning estimates.

Deadline	Action
September 2, 2019	The Finance and Administration Cabinet issues uniform forms, instructions, and expenditures statements and supplies each branch with sets of these documents.
October 15, 2019	The Office of State Budget Director provides preliminary revenue estimates for the general fund and road fund based on revenue forecasts from the Consensus Forecasting Group.
November 1, 2019	The Capital Planning Advisory Board submits the state capital improvements plan, containing its proposals for state spending and funding for capital projects, to the governor, chief justice, and LRC.
November 2019 (projected date)	The Council on Postsecondary Education submits its recommendations for institutional funding levels to the Strategic Committee on Postsecondary Education (SCOPE).
November 15, 2019 (statutory date)	Budget unit heads must submit budget requests to the Office of State Budget Director (for the executive branch), to the chief justice (for the judicial branch), to the director of LRC (for the legislative branch), and to LRC.
15 th Legislative Day	Branch heads must submit branch budget recommendations to the 2020 General Assembly.
On or before the 15 th Legislative Day	The Office of State Budget Director certifies and presents to the 2020 General Assembly the official revenue estimates made by the Consensus Forecasting Group for the general fund and road fund for the current and next 2 fiscal years.

The regular session of the General Assembly extends to April 15 in the even years and to March 30 in odd years. As provided in their rules, the House and Senate have standing budget review subcommittees, which are assigned functional jurisdictions to conduct budget deliberations and to formulate budget recommendations to the Appropriations and Revenue Committees. Hearings on the budget are held by the House and Senate. The governor's Executive Cabinet and major agency heads appear before the Appropriations and Revenue Committees and Budget Review Subcommittees to answer questions and supply information about agency budget requests, branch budget recommendations, and other fiscal matters. Since 1980, the executive branch budget has been finalized by a free conference committee composed of members of the Senate and House.

Sources Of Revenue

A review of the budget process would be incomplete without attention to the major sources of revenue that finance activities and services of state government. This treatment is critical to the process because the governor must recommend, and the General Assembly must enact, a budget that balances proposed expenditures with anticipated available revenue by funding source.

Major fund sources in the budget are explained below.

- General Fund: State tax revenue collected under general tax laws and other designated money available for the activities and operations of state government.
- General Fund (Tobacco): Funds received from the Tobacco Master Settlement Agreement.
- Road Fund: Motor fuel tax revenue and motor vehicle fees, which the constitution dedicates to highway construction and maintenance and to enforcement of state traffic and motor vehicle laws.
- Federal Funds: Money received by state agencies for specified purposes from the federal government in the form of grants, contracts, or other aid.
- Restricted Funds: Money collected by state agencies that are restricted by statutes for expenditure toward general or specific uses by an agency, including regulatory and occupational fees and licenses, tuition, service charges, goods, product sales, donations, grants from nonstate sources, and expendable trust receipts and earnings.

These fund sources constitute the operating budget of the commonwealth. In addition to the operating budget, the executive branch budget bill includes the capital budget. By statute, capital projects costing \$1 million or more, equipment items costing \$200,000 or more, leased space costing \$200,000 or more, and information technology projects costing \$1 million or more must be itemized in the budget bill with associated funding sources. The General Assembly must authorize bond issues that require an appropriation of state funds to retire the debt, and the funding source for debt service must be specified.

The Governor's Office for Policy Management, as the executive branch budget office, performs a critical role in providing detailed information and analysis to the governor-elect during the transition period regarding government programs, operations, and fiscal policy. The state budget director, who is appointed by the governor, heads this office. The professional staff has the knowledge and expertise to assist the governor in formulating budget policies and priorities and preparing the executive budget to be submitted to the General Assembly in January.

Working With The Judicial Branch

The Kentucky Court of Justice is a unified system for the purposes of court operations and administration. It consists of two trial levels, the District Court and the Circuit Court (that includes family court); and two appellate divisions, the Court of Appeals and the Supreme Court of Kentucky.

District Court

District Courts are established by Section 113 of the Constitution of Kentucky. Each county has a District Court, although the judicial district may include more than one county. District judges are elected for 4-year terms. The District Court is a court of limited jurisdiction that hears civil cases involving less than \$5,000, juvenile matters, violations of city and county ordinances, misdemeanors, cases relating to domestic violence and abuse in counties without a family court, guardianships for disabled people, traffic offenses, probate of wills, and felony preliminary hearings. Each District Court has a small claims division in which persons can file claims not

exceeding \$2,500 and have the matter determined with simplified procedures and without the need for an attorney. Statutes relating to the District Court are found primarily in KRS Chapter 24A.

Circuit Court

Circuit Courts are established by Section 112 of the constitution. Each county has a Circuit Court, although the judicial circuit may include more than one county. Circuit judges are elected for 8-year terms. The Circuit Court is a court of general jurisdiction that hears all civil matters involving more than \$5,000. It has jurisdiction over felonies, capital offenses, land disputes, contested probate cases, administrative claims, and other civil matters. Circuit Courts have the power to issue injunctions, writs of prohibition, and writs of mandamus, and to hear appeals from District Courts and administrative agencies. Statutes relating to the Circuit Court are found primarily in KRS Chapter 23A.

Family Court Division Of The Circuit Court

Section 112 of the constitution relating to Circuit Courts was amended in 2002 to permit the Supreme Court to designate one or more divisions of a Circuit Court within a judicial circuit as a family court division. As of October 2019, not all counties have a family court. The family court division provides one judge to hear all of a family's issues relating to divorce, child custody, adoption, termination of parental rights, domestic violence, and child abuse and neglect. In this respect, the family court division hears cases that would otherwise be heard in the District and Circuit Courts. Statutes relating to the family court division of the Circuit Court are found primarily in KRS Chapter 23A.

Court Of Appeals

The Court of Appeals is established by Section 111 of the constitution. The Court of Appeals has 14 judges: 2 judges are elected from each of the seven Supreme Court Districts for 8-year terms. The Court of Appeals has appellate jurisdiction only and hears appeals from the Circuit Courts. The Supreme Court may authorize it to hear appeals from state administrative agencies. The court chooses one of its members to serve as chief judge for a 4-year term. The Court of Appeals is divided into three-judge panels that travel around the state to hear appeals instead of sitting at one site. The court may hear a case *en banc* where all of the members of the court hear and decide the case. Statutes relating to the Court of Appeals are found primarily in KRS Chapter 22A.

Supreme Court Of Kentucky

The Supreme Court of Kentucky is established by Section 110 of the constitution. It is composed of seven justices who are elected from the seven appellate districts for 8-year terms. The court chooses the chief justice, who serves for a 4-year term. The chief justice is empowered to temporarily assign any judge to any court in the state, except the Supreme Court, to balance the caseload or to sit during a time of temporary vacancy. The chief justice of the Supreme Court oversees the operations and administration of the Court of Justice (COJ). At the discretion of the

chief justice, the Administrative Office of the Courts, headed by an executive director, serves as the court system's administrative arm and supervises personnel in the provision of administrative goods and services to the entire COJ, which includes elected officials (judges and Circuit Court clerks). The chief justice prepares and submits the COJ budget recommendation to the General Assembly. The chief justice may be invited to present a State of the Judiciary address to the General Assembly. Statutes relating to the Supreme Court are found primarily in KRS Chapter 21A. Statutes relating to the Administrative Office of the Courts are found primarily in KRS Chapter 27A.

Vacancies

When a vacancy occurs in an elected judicial office in the Court of Justice, it is filled by appointment of the governor, as provided in Section 118 of the constitution. The governor is required to make the appointment from a list of three names submitted by a judicial nominating commission. If the governor fails to act within 60 days after receiving the list of names, the chief justice of the Supreme Court makes the appointment.

Judicial Nominating Commissions

There is one judicial nominating commission for the Supreme Court and the Court of Appeals. Each judicial circuit and each judicial district has a judicial nominating commission. Each commission has seven members, one of whom is the chief justice, who chairs the commission. The Kentucky Bar Association selects two members, and the governor appoints four members. The governor's appointees must represent the two major political parties and be residents of the appropriate judicial circuit or district. However, the appointee may not hold a public office or any office in a political party. Members of a judicial nominating commission, other than the chief justice, serve a term of 4 years. Statutes relating to judicial nominating commissions are found primarily in KRS Chapter 34.

Judicial Conduct Commission

Section 121 of the constitution establishes a procedure to retire or remove a member of the Court of Justice. Sanctions can range from a private reprimand, public reprimand, suspension from office, removal from office, or forced retirement. In this process, the governor appoints two individuals who are not members of the Kentucky Bar Association to a commission that also includes one judge from the Court of Appeals, one Circuit judge, one District judge, and one member of the Kentucky Bar Association. If the actions of the Judicial Conduct Commission create a vacancy in office, the process for filling a vacancy through a judicial nominating commission is followed. Members of the Judicial Conduct Commission serve terms of 4 years. The Judicial Retirement and Removal Commission was renamed the Judicial Conduct Commission by Supreme Court Order 98-2, effective January 1, 1999. Statutes relating to the Judicial Conduct Commission (still listed in the statutes as the Judicial Retirement and Removal Commission) are found primarily in KRS Chapter 34.

Chapter 4

Available Resources

As chief administrator for the state, the governor requires reliable and accurate information to develop state policy. The new governor must move quickly to organize the Executive Cabinet, respond to public opinion, review the state of the commonwealth, and prepare a budget for the coming biennium. For these reasons, the information requirements are even greater during the transition period. Quick access to information is more urgent at this point than it will be after the transition is complete.

To perform these and many other critical tasks, governors turn to a variety of sources for information, and they consult both state and national agencies and organizations. National groups such as the National Governors Association and The Council of State Governments often provide broad-based transition assistance focusing on recruitment of staff and the budget-making process. State-level agencies and organizations such as the Office of State Budget Director and the Legislative Research Commission tend to focus on the particulars of policymaking and issue management.

State-Level Government Agencies And Organizations

Executive Branch Agencies

State and local agencies provide many resources for the governor. One office central to executive branch policymaking is the Office of State Budget Director. This office reports directly to the governor and comprises the Governor's Office for Policy Management, Policy Research, and Economic Analysis. The Office of State Budget Director has a professional staff providing a wealth of information to a new administration including economic analysis, budgetary information, and policy briefings on virtually any issue facing state government.

Each executive branch agency prepares briefing documents about what services it performs, its budget situation, and any important policy matters affecting that agency. Another agency that provides information is the Kentucky Department for Libraries and Archives, which publishes a quarterly listing of documents and reports from state agencies. This information can assist the governor in formulating policy during the upcoming legislative session.

Legislative Research Commission

The Legislative Research Commission is the administrative and research wing of the Kentucky General Assembly. LRC's professional staff has policy expertise in a variety of areas and a working knowledge of both the legislative and the budget-making processes.

LRC's nonpartisan staff provide administration and support to both interim and session committees of the General Assembly. LRC produces many research reports and memoranda that

cover a variety of topics. Several publications are available for information on policy matters facing the General Assembly. Information on new and emerging issues can be found LRC’s informational bulletin *Final Reports Of The Interim Joint, Statutory, And Special Committees*. LRC publishes an informational bulletin called *General Assembly Action* after each session that summarizes each enacted bill. The informational bulletins are available under “LRC Publications” in the “Legislative Research Commission” tab on the LRC website, legislature.ky.gov.

National Organizations, Associations, And Groups

There are a variety of national organizations and associations as well as more loosely organized groups that provide information to transition teams. Their focus is often more broad than that of state-level agencies or organizations. National organizations, associations, and groups impart important lessons from other states, provide consultation on staff recruitment, and facilitate continuity in policy among states or within a political party organization. Some of the more routinely used national organizations are listed below.

National Governors Association

The National Governors Association (NGA) focuses exclusively on executive branch management of public policy issues and state-level governance in general. NGA represents the states as a collective before Congress, conducts seminars, and provides management and technical assistance to states. NGA partisan affiliates—the Republican Governors Association and the Democratic Governors Association—provide information and expertise focusing on the relationship between state issues and the national party position.

NGA provides targeted transition assistance to both outgoing and incoming governors. It holds seminars that provide a mentoring program between new governors and established governors in other states. It provides consultation to transition teams focusing on budget making, recruitment, and policy management, and to governors’ families focusing on the immediate issues of family life. NGA produces a number of publications for incoming governors, including *Transition and the New Governor: A Planning Guide*, *Risk Management Challenges for the New Governor*, and *Critical Lessons for Governors-Elect*. NGA produces a number of publications focusing on executive branch and policy issues. NGA is accessible online at nga.org, the Republican Governors Association at rga.org, and the Democratic Governors Association at democraticgovernors.org.

National Association Of State Budget Officers

The National Association of State Budget Officers (NASBO) is a professional membership organization for state fiscal officers that is affiliated with the National Governors Association. NASBO collects and disseminates information on state budget processes, including the interactions between the executive branch budget offices and legislators, fiscal policy, and ethics in budget making. NASBO engages in research and publications, policy development, education, training, and technical assistance. Its website is nasbo.org.

The Council Of State Governments

The Council of State Governments (CSG), headquartered in Lexington, is the nation's only organization serving all three branches of state government. Designed as a forum for addressing multistate and regional problems, CSG offers leadership training, research and information products, and regional problem-solving activities. Information about its programs appears on its website at csg.org. CSG is divided into four conferences—Eastern, Western, Midwest, and Southern. Kentucky is a member of the Southern Legislative Conference, the largest of the four regional conferences. Its website is slcatlanta.org.

National Conference Of State Legislatures

The National Conference of State Legislatures (NCSL) provides a forum for legislatures to advance policy ideas, discuss problems, and find policy solutions. However, because of the organization's understanding of the legislative process and current issues, NCSL can provide indirect informational assistance to transition teams. Important resources produced by NCSL include its issues magazine *State Legislatures*, *Capitol to Capitol* that provides timely information on important federal legislation, and *LegisBriefs* that highlights current topics affecting states. Information on NCSL's materials are available on its website at nctl.org.

Congressional Delegation

Transition is simultaneously a process of policy continuity and policy change both within the state and among different levels of government. Growing policy interdependence among states and among different levels of government makes establishing open lines of communication essential. Governors often rely on information provided by congressional offices to assist in policy management and to communicate state-level policy preferences to an active lobby in Washington, DC. The Governor's Office has a representative in Washington, DC, to work with Kentucky's congressional delegation. Contact information for Kentucky's US congressional delegation appears in Appendix F.

United States Government Printing Office

The United States Government Printing Office (GPO) disseminates information on all branches of government. The office provides an exhaustive index to publications, databases, research documents, and memoranda produced by federal agencies. Its website is gpo.gov. Its online access provides searchable databases grouped by branch of government—executive, legislative, and judicial. The index provides a subject listing on databases containing information on US public and private laws, various US agencies and House and Senate publications, bills, and journals. The GPO database of US government information is available online at gpoinfo.gov.

Appendix A

Statutes Pertaining To Gubernatorial Transition

11.210 Definition for KRS 11.210 to 11.260.

As used in KRS 11.210 to 11.260, “Governor-elect” means the person who is the apparent successful candidate for the office of Governor, as ascertained by the Secretary of State following the general election.

History: Created 1972 Ky. Acts ch. 3, sec. 1.

11.220 Purpose, intent of gubernatorial transition law.

The General Assembly declares it to be the purpose of KRS 11.210 to 11.260 to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a governor and the inauguration of a new governor. The interest of the Commonwealth requires that such transitions be accomplished so as to assure continuity in the conduct of the affairs of the state government. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the Commonwealth and its people. Accordingly, it is the intent of the General Assembly that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in KRS 11.210 to 11.260 directed toward that purpose, it is the intent of the General Assembly that all officers of the state government so conduct the affairs of the state government for which they exercise responsibility and authority as to be mindful of problems occasioned by transitions in the office of Governor, to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power and otherwise to promote orderly transitions in the office of Governor.

History: Created 1972 Ky. Acts ch. 3, sec. 2.

11.230 Facilities for Governor-elect.

The secretary of the Finance and Administration Cabinet is authorized to provide, upon request, to each Governor-elect, for use in connection with his preparations for the assumption of official duties as Governor, necessary services and facilities, including suitable office space appropriately equipped with furniture, and office supplies as determined by the secretary of the Finance and Administration Cabinet after consultation with the Governor-elect, within the State Capitol complex.

History: Amended 1974 Ky. Acts ch. 74, Art. II, sec. 9(2). -- Created 1972 Ky. Acts ch. 3, sec. 3.

11.240 Duty of outgoing Governor.

It shall be incumbent upon the outgoing Governor to direct that all official documents, vital information and procedural manuals shall be given to the Governor-elect upon request.

History: Created 1972 Ky. Acts ch. 3, sec. 4.

11.250 Participation in budget making by Governor-elect.

- (1) The Governor-elect or a delegate appointed by him or her shall be entitled to examine the budget recommendations of the executive branch of government, and the Finance and Administration Cabinet shall provide him or her with every practicable facility for reviewing and familiarizing himself or herself with the recommendations. The Governor-elect shall be entitled to a seat in all hearings thereon. He or she shall be furnished a copy of the budget request of each executive branch budget unit. The budget director shall make available to the Governor-elect so much as he or she requests of the information upon which the executive branch budget recommendations are based.
- (2) After a review of the executive branch and Transportation Cabinet draft budget bills, the Governor-elect may prepare revisions and additions thereto. The budget director shall assist, upon request, in the preparation of such revisions and additions.
- (3) The budget director shall have as many copies of the revised budget recommendations of the executive branch of government printed as the Governor-elect requests.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 78, sec. 24, effective June 25, 2009. -- Amended 1990 Ky. Acts ch. 507, sec. 1, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 450, sec. 50, effective July 1, 1983. -- Amended 1974 Ky. Acts ch. 74, Art. II, sec. 9(1). -- Created 1972 Ky. Acts ch. 3, sec. 5.

11.260 Expenses of transition.

The Finance and Administration Cabinet shall bear all necessary expenses for carrying out the purposes of KRS 11.210 to 11.260. The Governor shall include in the budget transmitted to the General Assembly, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the provisions of KRS 11.210 to 11.260.

History: Amended 1974 Ky. Acts ch. 74, Art. II, sec. 9(1). -- Created 1972 Ky. Acts ch. 3, sec. 6.

48.060 Governor-elect and statewide constitutional officers-elect to be informed.

- (1) The Governor-elect shall receive all budget unit requests and supporting documentation for the executive branch no later than November 10, of the year of his election. He and those persons named by him shall be entitled to participate in the budget making process for the executive branch.
- (2) Any statewide constitutional officers-elect shall, upon request, receive all budget requests and supporting documentation relating to their offices.

Effective: July 1, 1983

History: Created 1982 Ky. Acts ch. 450, sec. 6, effective July 1, 1983.

Appendix B

History Of The Executive Branch Of Kentucky State Government

Office Of Governor

The governor of the Commonwealth of Kentucky possesses the powers granted by the Constitution of Kentucky and the statutory powers granted by the Kentucky General Assembly.

Constitutional Powers

Although Kentucky has had four constitutions—1792, 1799, 1850, and 1891—the constitutional powers of the governor have remained basically the same since 1792.

- The 1792 constitution placed no restrictions on the number of terms a governor could serve, provided for election of a governor by electors of the Senate, and required only 2 years of residency in the state prior to election.
- The 1799 constitution prohibited a governor from serving succeeding terms, required election by the people, provided a 6-year residency requirement, and created the office of lieutenant governor.
- The 1891 constitution removed a provision that prohibited clergy from being elected governor or to the General Assembly and gave the governor the line-item veto on appropriation bills.
- All four constitutions have granted the governor supreme executive power, deemed the governor the commander-in-chief of the militia, granted pardoning power and appointive power, authorized the governor to obtain information on matters of state from executive officers and to call the General Assembly into extraordinary session, required the governor to report on the state of the commonwealth and to faithfully execute the laws, and required that the governor's salary be fixed by law.

Kentucky's first governor, Isaac Shelby, was chosen by electors of the Senate in 1792. The first governor elected by popular vote was James Garrard in 1800.

1792	First Governor
1800	First Governor Elected By Popular Vote First Lieutenant Governor
1851	First elected Attorney General First elected State Treasurer First elected Auditor of Public Accounts First elected Superintendent of Public Instruction
1891	First elected Secretary of State First elected Commissioner of Agriculture

From 1799 to 1992, the Constitution of Kentucky prohibited the governor from serving two consecutive terms. However, ratification of a 1992 amendment allowed the person elected as

governor in 1995 and subsequent years to run for reelection for a second consecutive term. The amendment also required the governor and lieutenant governor to run jointly for election on a slate.

Executive Branch Organization

The administrative structure of Kentucky's executive branch underwent major reorganizations in 1936 and 1973. There was a reorganization in 1934; however, the new departments were headed by elected officials or commissions. Before 1934, the executive branch evolved through the adoption of the four state constitutions and consisted largely of boards and commissions created by the General Assembly. The 1936 reorganization structured the executive branch under 10 statutory departments. Between 1944 and 1960, a total of 14 departments were created. Between 1973, when the program cabinet system was adopted, and 2011, the number of program cabinets grew from 6 to as many as 14. In 2019, there are 11 program cabinets.

Executive Branch Before 1934

In the early 20th century, state governments faced rising costs and increasing demands for government services. State governments still face such problems today but at that time, they were compounded because in most states, the governor had not exhibited many characteristics of an executive manager. In 1917, in response to demands for a state government that could be more efficiently administered, Illinois became the first state to adopt a reorganization plan. Over the next quarter-century, approximately 30 states followed by enacting reorganization plans that made most administrative agencies responsible to the governor. The Kentucky General Assembly defined the powers for the first time in the 1936 Reorganization Act. Prior to 1936, the executive branch had consisted of various boards, commissions, and independent agencies that were not organized in a systematic plan:

1833	State Librarian
1836	Board of Internal Improvements
1838	State Board of Education
	Common School Fund
	Superintendent of Public Instruction (appointed by governor)
	System of Common Schools
1870	Bureau of Insurance (in Office of Auditor)
1876	Bureau of Agriculture, Horticulture, and Statistics
1878	State Board of Health
1884	Department of Mines
1898	State Board of Penitentiary Commissioners
1902	Labor Inspector
1906	Fire Marshal of Kentucky (Deputy Insurance Commissioner)
	State Racing Commission
	State Board of Agriculture, Forestry, and Immigration
	State Board of Control of Charitable Institutions
1910	Live Stock Sanitary Board
	Library Commission

1912	Department of Public Roads Department of Banking Game and Fish Commission State Board of Forestry State Board of Agriculture
1916	State Tax Commission Workers' Compensation Board
1918	Budget Appropriation Commission (state's first budget system) State Textbook Commission Vocational Education Board Commissioner of Geology and Forestry State Board of Control
1920	State Board of Charities and Corrections Educational Commission
1922	Department of State Roads State Highway Commission
1924	State Park Commission
1926	State Highway Department (Department of State Roads and Department of Public Roads merged) Department of Motor Transportation Purchasing Commission Securities Department State Bank Examiners Commissioner of Pardons Budget Commission State Budget Officer
1932	Department of Public Welfare Department of Military Affairs

Executive Branch Structure In 1934

In 1934, there were 69 statutory boards, offices, agencies, and commissions, in addition to the constitutional offices. Governor Ruby Laffoon proposed the Administrative Reorganization Act, and the General Assembly enacted it in 1934. The executive branch was organized under 17 administrative departments and 7 independent agencies. The Act also created the Executive Cabinet. The 1934 reorganization has not been considered a true reorganization because most of the major departments were headed by commissions or elected officials, rather than by a single person appointed by the governor. The Department of Public Property, for example, consisted of the governor (who acted as chair), auditor, treasurer, secretary of state, attorney general, and four other persons. The Department of Finance and Budgetary Control consisted of the governor, chair of the State Tax Commission, and secretary of the Executive Cabinet.

Reorganization Of 1936

The Reorganization Act of 1936 was enacted at an extraordinary session of the General Assembly, called by Governor A.B. Chandler in February 1936. In his proclamation, the

Governor stated that it was essential that the multiplicity of scattered boards, commissions, departments, and other agencies of state government be brought together into a systematic, orderly plan. The Reorganization Act of 1936 largely abolished boards and commissions, except those having quasi-legislative and quasi-judicial functions.

The 1936 reorganization consolidated more than 50 administrative agencies under 10 statutory departments.

The Act gave the governor statutory administrative powers that had been lacking. It also created the Governor's General Cabinet, which consisted of the governor, heads of the 10 statutory departments, auditor, secretary of state, attorney general, state treasurer, commissioner of agriculture, superintendent of public instruction, and adjutant general. Functions previously performed by the State Planning Board were transferred to the Governor's General Cabinet. The current statute, KRS 11.060, lists members as heads of the constitutional and statutory administrative departments and program cabinet secretaries.

Years Between The 1936 And 1973 Reorganizations

Between 1944 and 1960, as demands for new services grew, 14 departments were created within the executive branch. By 1960, two of the departments established in 1936 no longer existed.

1954	Department of Library and Archives abolished
1960	Department of Business Regulation eliminated
1962	Department of Libraries established
	Department of Public Relations renamed Department of Public Information
	Department of Economic Development renamed Department of Commerce
	Department of Welfare abolished and replaced by Department of Corrections
1964	Department of Conservation renamed Department of Natural Resources
1970	Commission on Women created

Reorganization Of 1973

By 1972, the governor was receiving reports from more than 60 departments and administrative agencies and 210 boards, commissions, and committees. State revenue collections increased from \$11.5 million in 1936 to \$845 million in 1971. The expansion of public services and governmental programs led to duplication of services and inefficiency in operations.

On November 28, 1972, Governor Wendell Ford issued the Governor's Reorganization Report No. 1, which set a framework of government that would be manageable, responsive, accountable, and flexible. The executive branch was to be organized, as of January 1, 1973, into six program cabinets: Consumer Protection and Regulation, Development, Education and the Arts, Human Resources, Safety and Justice, and Transportation. By October 1973, there were three program cabinets (Development, Education and the Arts, and Consumer Protection and Regulation) and four additional departments (Human Resources, Justice, Natural Resources and Environmental Protection, and Transportation).

Years Between 1973 And 2011

1978	Department (Energy) was added
1982	Five departments received cabinet status, as did Finance and Administration Department, the Bureau of Corrections, and Department of Revenue
1984	Labor Cabinet and Tourism Cabinet added System consists of 13 program cabinets
1989	Energy Cabinet abolished
1990	Workforce Development Cabinet created
1992	Corrections Cabinet merged into the Justice Cabinet
1994	Education and Humanities Cabinet renamed Education, Arts, and Humanities Cabinet
1998	Department of Personnel elevated to cabinet status
1998	Tourism Cabinet renamed Tourism Development Cabinet
1998	Cabinet for Human Resources abolished Two new cabinets created: Cabinet for Health Services and Cabinet for Families and Children
2005	Tourism Development Cabinet renamed Commerce Cabinet
2005	Revenue Cabinet abolished and established as Department of Revenue in Finance and Administration Cabinet
2005	Natural Resources and Environment Protection Cabinet renamed Environmental and Public Protection Cabinet Cabinet for Public Protection and Regulation and Labor Cabinet abolished; programs combined into Environmental and Public Protection Cabinet
2006	Education, Arts, and Humanities Cabinet renamed Education Cabinet
2007	Justice Cabinet renamed Justice and Public Safety Cabinet
2009	Commerce Cabinet renamed Tourism, Arts and Heritage Cabinet
2009	Education Cabinet renamed Education and Workforce Development Cabinet
2010	Environment and Public Protection Cabinet abolished Public Protection Cabinet, the Labor Cabinet, and Energy and Environment Cabinet created

Between 2011 and 2015, 24 executive branch reorganizations were enacted. However, no reorganizations were enacted that made major changes to the cabinet structure of the executive branch.

Kentucky's Executive Branch Structure 2015-2019

The executive branch is structured on a program cabinet system consisting of 11 program cabinets, each headed by a secretary, who is appointed by the governor. This structure was adopted in the 2015 reorganization plan. The program cabinets listed below and the agencies within each cabinet are designated in statutes.

- Cabinet for Economic Development
- Cabinet for Health and Family Services
- Education and Workforce Development Cabinet
- Energy and Environment Cabinet

- Finance and Administration Cabinet
- Justice and Public Safety Cabinet
- Labor Cabinet
- Personnel Cabinet
- Public Protection Cabinet
- Tourism, Arts and Heritage Cabinet
- Transportation Cabinet

Each secretary acts as the chair of the related cabinet, is a member of the governor's Executive Cabinet, and serves as the governor's liaison for providing direction and coordination of the various departments, boards, and commissions. The General Assembly established the authority, powers, and duties of the secretaries in the statutes.

The Governor's Cabinet for General Government comprises the constitutional and statutory administrative departments and program cabinet secretaries. The governor serves as chair of the Cabinet for General Government, which is attached to the Office of the Governor and is not a separate department or agency.

The Executive Cabinet consists of the secretaries of the program cabinets and the Executive Cabinet, the state budget director, the governor's chief of staff, the chief information officer, and the lieutenant governor. The Executive Cabinet meets not less than once every 2 months and at other times on the call of the governor. It is a part of the Office of the Governor and is not a separate department or agency. The members are major assistants to the governor in the administration of the state government, assist the governor in the proper operation of the office, and perform such other duties as the governor may require of them.

The Office of State Budget Director is an agency of state government attached to the Office of the Governor for administrative purposes. The state budget director is appointed by the governor and is responsible for preparing, administering, and evaluating the executive budget and the laws related to capital construction budgeting; evaluating state programs; and ensuring implementation of and compliance with executive policy.

The Office of the Secretary to the Executive Cabinet is not part of the Governor's Office but is a separate agency of state government. The secretary is appointed by the governor and is responsible for implementing all policies of the governor, coordinating all activities of the Executive Cabinet, and advising and consulting with the governor on all policy matters affecting the state.

Eight administrative bodies are not attached to a program cabinet or to the Executive Cabinet but are headed by appointed officers: Council on Postsecondary Education, Department of Military Affairs, Department for Local Government, Kentucky Commission on Human Rights, Kentucky Commission on Women, Kentucky Department of Veterans Affairs, Kentucky Commission on Military Affairs, Governor's Office of Minority Empowerment, Governor's Council on Wellness and Physical Activity, and Kentucky Communications Network Authority.

There also are 11 organizational units and administrative bodies attached to the Office of the Governor: Department of Military Affairs, Department for Local Government, Kentucky Commission on Human Rights, Kentucky Commission on Women, Kentucky Commission on Military Affairs, Kentucky Agricultural Development Board, Kentucky Agricultural Finance Corporation, Governor's Office of Minority Empowerment, Kentucky Office of Homeland Security, Council on Postsecondary Education, and Kentucky Communications Network Authority.

Appendix C

Salaried Personnel Appointments Made By The Governor

This list shows examples of the types of appointments the governor of Kentucky is authorized to make. It is not intended to be an exhaustive list.

Authority	Appointed Position
Constitution Section 222	Adjutant general (see also KRS 36.020)
KRS 11.040	Such persons deemed necessary for the proper operation of the Governor's Office
KRS 11.068	State budget director
KRS 12.040	Heads of executive branch departments unless otherwise expressly provided by law
KRS 12.252	Commissioner, Department of Financial Institutions Commissioner, Department of Housing, Buildings and Construction Commissioner, Department of Charitable Gaming Commissioner, Department of Alcoholic Beverage Control Commissioner, Department of Insurance Commissioner, Department of Professional Licensing
KRS 12.255	Cabinet secretaries for programmatic units listed in KRS 12.020
KRS 31.020	Public advocate
KRS 36.067	Director, Logistics Operations Division, Department of Military Affairs
KRS 36.110	Governor's aides-de-camp (active commissioned National Guard officers who maintain duties with their respective organizations except when on duty as aides-de-camp)
KRS 37.200	Officers for the Kentucky active militia
KRS 38.040	Commissioned officers of the National Guard
KRS 39A.060	Director, Division of Emergency Management, Department of Military Affairs
KRS 39G.010	Executive director, Kentucky Office of Homeland Security
KRS 40.300	Commissioner, Department of Veterans Affairs
KRS 49.010	Members, Kentucky Claims Commission
KRS 148.011	Commissioner, Department of Parks
KRS 148.522	Commissioner, Department of Tourism
KRS 151B.020	Commissioner, Department of Workforce Investment
KRS 154.12-203	Executive Director, Kentucky Commission on Military Affairs
KRS 154.12-223	Commissioner, Department for Existing Business Development, Cabinet for Economic Development
KRS 154A.030	President, Kentucky Lottery Corporation
KRS 171.130	State Librarian
KRS 171.3801	Director, Heritage Division, Kentucky Heritage Council

Authority	Appointed Position
KRS 174.020	Commissioner, Department of Highways Commissioner, Department of Vehicle Regulation Commissioner, Department of Rural and Municipal Aid Commissioner, Department of Aviation Executive Director, Office of Support Services Executive Director, Office of Transportation Delivery Executive Director, Office of Audits Executive Director, Office of Human Resource Management Executive Director, Office of Information Technology Executive Director, Office of Legal Services Executive Director, Office of Public Affairs Executive Director, Office of Budget and Fiscal Management Executive Director, Office for Civil Rights and Small Business Development Executive Director, Office of Inspector General Executive Director, Office of Project Development Executive Director, Office of Project Delivery and Preservation Executive Director, Office of Highway Safety Executive Director, Highway District Offices One through Twelve Executive Director, Office of Local Programs Executive Director, Office of Rural and Secondary Roads
KRS 198B.030	Commissioner, Kentucky Department of Housing, Buildings and Construction, Public Protection Cabinet
KRS 200.700	Early Childhood Advisory Council
KRS 227.205	Commissioner, Department of Housing, Buildings and Construction
KRS 230.225	Members, Kentucky Horse Racing Commission
KRS 230.230	Executive Director, Kentucky Horse Racing Commission
KRS 238.510	Commissioner, Department of Charitable Gaming
KRS 241.015	Commissioner, Department of Alcoholic Beverage Control
KRS 277.270	Railroad Police
KRS 278.050	Members, Public Service Commission
KRS 304.2-020	Commissioner, Department of Insurance
KRS 336.020	Commissioner, Department of Workplace Standards Executive Director, Office of Administrative Services Executive Director, Office of Inspector General
KRS 338.071	Members, Kentucky Occupational Safety and Health Review Commission
KRS 342.213	Members, Workers' Compensation Board
KRS 342.228	Commissioner, Department of Workers' Claims
KRS 342.230	Administrative law judges
KRS 344.510	Executive director, Commission on Women
KRS 351.090	Mine safety specialists
KRS 439.320	Members, Parole Board

Appendix D

Gubernatorial Appointments To Boards And Commissions Subject To Confirmation

Statutory Authority	Board Or Commission
KRS 18A.050	Personnel Board
KRS 21.530	Judicial Form Retirement Systems Board
KRS 49.010	Kentucky Claims Commission
KRS 61.645	Kentucky Retirement Systems Board
KRS 121.110	Kentucky Registry of Election Finance
KRS 150.022	Fish and Wildlife Resources Commission
KRS 154A.030	Kentucky Lottery Corporation Board of Directors
KRS 156.029	Kentucky Board of Education
KRS 161.028	Education Professional Standards Board
KRS 161.250	Kentucky Teacher's Retirement System Board
KRS 164.005	Governor's Postsecondary Education Nominating Committee
KRS 164.011	Kentucky Council on Postsecondary Education
KRS 164.131	University of Kentucky Board of Trustees
KRS 164.321	Boards of Regents of the Six Comprehensive Universities and the Kentucky Community and Technical College System
KRS 164.821	University of Louisville Board of Trustees
KRS 175B.015	Kentucky Public Transportation Infrastructure Authority
KRS 175B.030	Bi-State Authority
KRS 175B.035	State Project Authority
KRS 198A.030	Kentucky Housing Corporation Board of Directors
KRS 218A.391	Prescription Monitoring Program Commission
KRS 248.510	Tobacco Research Board
KRS 248.707	Agriculture Development Board
KRS 278.050	Public Service Commission
KRS 342.807	Board of Employers' Mutual Insurance Authority
KRS 349.055	Coalbed Methane Well Review Board
KRS 351.1041	Mine Safety Review Commission
KRS 439.320	Parole Board

Appendix E

Documents Requiring The Governor’s Signature

The chief executive of Kentucky is required both by the Constitution of Kentucky and by statute to sign a myriad of documents. These range from the constitutional provision that the governor call the General Assembly into extraordinary session by proclamation to the statutory requirement that water emergencies be “declared” by the governor.

These lists provide examples of the types of documents the governor must sign. They are not exhaustive and do not include regulatory requirements.

Constitution	
Section	Document
36	Time and place of meeting of the General Assembly—proclamation of Governor during emergency
55	Effective date of emergency legislation approved by Governor
56	Governor to sign legislation
77	Governor to grant pardons and reprieves
80	Governor to call extraordinary sessions of the General Assembly by proclamation
88	Signature or veto of legislation by Governor
89	Concurrent orders and resolutions to be signed by Governor
145	Restoration of civil rights by gubernatorial pardon
225	Armed men not to be brought into state except upon application of Governor (or General Assembly)
240	Pardon of person convicted of dueling
247	Printing contracts to be approved by Governor
256	Proclamation of Governor as to constitutional amendment

KRS Section		Document
2.041		Authorized to order flag at half staff
2.130		Governor authorized and requested to issue proclamation to raise the flag in acknowledgment of Mother’s Day
2.132		Governor authorized and requested to issue proclamation to raise the flag in acknowledgment of Grandmother’s Day
2.140		Governor to issue proclamation to raise the flag in acknowledgment of General Pulaski’s Day on October 11
2.147		Governor to proclaim June 19 as Juneteenth National Freedom Day
2.148		Governor to proclaim a Day of Prayer for Kentucky students on last Wednesday of September
2.152		Authorized to proclaim “9/11 First Responders Day”
2.158		Governor to proclaim July 27 as “Korean War Armistice Day”

2.200	Governor authorized to declare a day of mourning
2.230	Governor to proclaim November as Native American Indian month
2.234	Governor to proclaim February 21 as “ALS Awareness Day”
2.235	Governor to proclaim September 26 as “Mesothelioma Day”
2.237	Authorized to proclaim the 3 rd week of August as “Coal Miners Appreciation Week”; the Monday of the 4 th week of August “Coal Truck Driver Appreciation Day”
2.240	Governor to proclaim the fourth week of April as Organ Donor Awareness Week
2.245	Governor may annually proclaim fourth week of May as Retired Teachers’ Week
2.255	Governor to proclaim the fourth week of March as “Commonwealth Cleanup” Week
3.080	Approval and consent of Governor to acquisition of forest reserves
3.260	Cession of legislative jurisdiction shall become effective when instrument of cession is signed by Governor
3.270	Relinquishment of legislative jurisdiction by United States shall be signed by Governor
11.100	Right to information under oath, authorization granted by Governor through writing
12.015	Governor to assign administrative bodies to an existing department or program cabinet
12.028	Governor and other elected state executive officers may submit reorganizational plans to General Assembly
12.040	Heads of departments appointed by Governor
12.050	Deputy heads of departments and division directors appointed with written approval of Governor
12.080	Administrative rules to be prescribed by Governor
12.210	Governor’s approval required for attorneys employed for certain legal services
13A.190	Executive department emergency administrative order countersigned by Governor
13A.200	Administrative regulations in contemplation of a statute—Governor’s approval and signature required
14.020	Assistant Secretary of State may be employed with Governor’s approval
18A.1132	Lay-off plan requires Governor’s approval
18A.155	Leaves of absence, with or without pay, or reduced pay for unclassified employees, after approval by Governor
18A.190	Governor to designate “extra day” state holidays
38.090	In emergency, enlistments in Kentucky National Guard may be extended with order of Governor
38.130	Findings in courts-martial to be approved by Governor
39A.100	State of emergency, declaration by Governor in writing
39A.160	Witnesses compelled to testify regarding state of emergency upon written approval of Governor

39A.170	Governor to authorize any division or agency to lease any real or personal property to federal government during state of emergency
39A.260	Mutual aid agreements with other states permitted upon written approval of Governor
40.210	Tax-exempt charter bonds signed by Governor and State Treasurer
41.050	Suspension of the Treasurer
41.060	Governor's approval required for Assistant State Treasurer to discharge duties of Treasurer
42.0145	Governor's approval required for deputy secretary of Finance and Administration
45.251	Governor to designate the officer or employee authorized to sign advices of employment, purchase orders, etc.
45.340	Checks for salaries, when to be issued—Governor's approval required
45A.045	Disposal of property of the state/acquisition of real property—Governor's approval required
46.010	Changes in uniform system of accounting and reporting of state funds by local officers—Governor's approval required
48.110	Executive Branch Budget recommendations to be signed by Governor
48.620	Revision of budget allotment schedule upon written certification of Governor
56.450	Designation of alternate to serve on State Property and Buildings Commission upon written notification by Governor
56.510	Conveyance of title of industrial development projects subject to approval in writing by Governor
56.515	Leaseback agreements for fairgrounds improvements to be signed by Governor
56.590	Construction and financing by state of public buildings in capital city subject to approval by Governor
56.805	Lease of space owned by a governmental unit or space required because of emergency—Governor's written authorization required
56.8161	Build-to-suit leases requiring Governor's approval
57.091	State printing contracts requiring Governor's approval
58.020	Governmental agency acquiring/developing project and issuing revenue bonds—Governor's approval
62.200	Governor to approve surety bond of the Attorney General
63.080	Governor may remove his appointed officers upon his approval
63.100	Governor to sign written charges setting forth the grounds for removal of a peace officer
63.110	Removal of officers from office upon signed letter of Governor and recorded in executive journal
63.140	Governor to issue proclamation removing peace officer for losing custody of prisoner
64.640	Compensation schedule for state employees—Governor's approval
64.655	Compensation of physicians employed by the state—Governor's approval
69.010	Fees of counsel employed by Governor to be paid out of State Treasury upon voucher signed by Governor

118.435	Proclamation relating to time of election of presidential electors
118.720	Proclamation for special congressional election to be signed by Governor
118.730	Governor to sign writ for special election to fill vacancy in the General Assembly if General Assembly is not in session
146.090	Soil and conservation commission—Governor’s approval
149.405	Entry into fields and forest lands during drought—emergency proclamation by Governor
150.120	Seizure and sale of contraband by commissioner of Department of Fish and Wildlife Resources—Governor’s approval
150.250	Contract for wildlife preservation and propagation—consent of Governor
151.200	Declaration of water emergency by Governor
151.240	Water resources surveys—Governor’s approval
151.580	Negotiations with federal agencies for maintenance of a navigable waterway—Governor’s approval
154.50-030	Expenditure of funds for industrial improvement projects—Governor’s approval
155.050	Business development corporations’ articles of incorporation—Governor’s approval
156.138	Duty of Attorney General to recover school funds on written recommendation of Governor
164.270	Sale of real estate (Univ. of Kentucky Experiment Station)—Governor’s approval
164.530	Governor to sign Regional Compact of Southern States for Educational Services
171.340	Governor may assign articles of historic interest to the Kentucky Historical Society for safekeeping
171.381	Heritage Council employing staff—Governor’s approval
175.500	Turnpike Authority bonds signed by chair (Governor)
176.020	Appointment of state highway engineer by Commissioner of Highways—Governor’s prior approval
176.055	Department of Highways expenditure of funds for dissemination of information—Governor’s approval
182.300	Tennessee-Tombigbee Waterway Development Compact—Governor authorized to execute and withdraw
183.630	Transportation Cabinet borrowing money and issuing bonds for airport purposes—Governor’s approval
196.073	Transfer of convicted offenders under federal treaty—authorized by Governor
196.120	Department of Corrections leasing farm lands with approval of Governor
197.160	Contracts allowing state prisoners to be employed by other state agencies—Governor’s approval
205.290	Disbursement of revolving fund by secretary of Cabinet for Health and Family Services—Governor’s approval
211.160	Service to handicapped persons furnished to Cabinet for Health and Family Services—written request by Governor

211.852	Building of nuclear waste disposal facilities—upon approval of Governor (and others)
211.896	Reopening a closed nuclear waste disposal facility—upon written approval of Governor (and others)
216B.015	State health plan—Governor’s approval
224.43-815	Regional integrated waste facility—Governor’s approval
230.3751	Compact regarding Licensure of Participants in Live Racing with Pari-mutuel Wagering—Governor authorized to execute
247.130	Director of Division for Personnel Management and Staff Development of State Fair Board—prior written approval of Governor
278.120	Executive director of Public Service Commission paid salary fixed by the commission—approval by Governor
304.25-070	Governor’s authority to declare “acute emergency” for purposes of Insurance Code
315.155	Governor’s removal of a member of the Kentucky Board of Pharmacy
336.030	Commissioner of Department of Labor to appoint personnel and fix salaries according to law—with Governor’s approval
336.120	Cooperative agreements between Department of Labor and federal agencies—approval of Governor
350.156	Transfer by Environmental and Public Protection Cabinet of jurisdiction of restored surface mined land to state agency or sale to political subdivision—approval of Governor
351.090	Governor to appoint mine inspectors and approve their bonds with surety
422.132	Presumption of death following catastrophic event—certified by Governor
431.213	Governor or Supreme Court to set the date of execution of a condemned person
431.240	Governor to fix time of condemned person’s execution in case of insanity, escape, or pregnancy after sanity is restored, person is recaptured, or baby is delivered
433.255	Governor’s proclamation offering reward for apprehension and conviction of cattle thief
439.561	Governor authorized and directed to execute Interstate Compact for Adult Offender Supervision
440.090	Fugitive from justice—Governor to seek requisition upon another governor in writing
440.100	Governor’s proclamation of reward for apprehension of fugitive
440.220	Warrant of arrest under Uniform Criminal Extradition Act—signed by Governor
440.300	Warrant of arrest for persons on bail under Uniform Criminal Extradition Act—signed by Governor

Appendix F

Kentucky Congressional Delegation

United States Representative James Comer

Republican

1st District

Began Service 2016

1037 Longworth House Office Building
Washington, DC 20515
202-225-3115

Born: August 19, 1972
Home: Tompkinsville
Education: Western Kentucky University, BS

Key Staff Aides

Name	Position
Caroline Cash	Chief of Staff
Elissa Gilliam	Legislative Director
Michael Gossum	Press Secretary
Jason Tyler	Scheduler

Committee Assignments

Agriculture
Education and Labor
Oversight and Reform

Main District Office

200 N Main St, Ste F
Tompkinsville, KY 42167

270-487-9509

United States Representative S. Brett Guthrie

Republican

2nd District

Began Service 2009

2434 Rayburn House Office Building
Washington, DC 20515
202-225-3501Born: February 18, 1964
Home: Bowling Green
Education: US Military Academy-West Point, BS
Yale University, MPPM**Key Staff Aides**

Name	Position
Eric Bergren	Chief of Staff
Sophie Trainor	Legislative Director
Lauren Gaydos	Communication Director
Jennifer Beil	Scheduler

Committee AssignmentsEducation and Labor
Energy and Commerce**Main District Office**996 Wilkinson Trace, Ste B2
Bowling Green, KY 42103

270-842-9896

United States Representative John A. Yarmuth

Democrat

3rd District

Began Service 2007

403 Cannon House Office Building
Washington, DC 20515
202-225-5401

Born: November 4, 1947
Home: Louisville
Education: Yale University, BA

Key Staff Aides

Name	Position
Julie Carr	Chief of Staff
Katy Rowley	Legislative Director
Christopher Schuler	Press Secretary
Clair Elliott	Scheduler

Committee Assignments

Budget

Main District Office

Romano Mazzoli Federal Building
600 Martin Luther King, Jr. Place, Ste 216
Louisville, KY 40202

502-582-5129

United States Representative Thomas Massie

Republican

4th District

Began Service 2012

2453 Rayburn House Office Building
Washington, DC 20515
202-225-3465Born: January 13, 1971
Home: Garrison
Education: Massachusetts Institute of Technology,
BS, MS**Key Staff Aides**

Name	Position
John Ferland	Chief of Staff
Seana Cranston	Legislative Director
Laura Lington	Press Secretary
William Wadsworth	Scheduler

Committee AssignmentsOversight and Reform
Transportation and Infrastructure**Main District Office**1700 Greenup Ave, Ste 505
Ashland, KY 41101

606-324-9898

United States Representative Harold Rogers

Republican

5th District

Began Service 1981

2406 Rayburn House Office Building
Washington, DC 20515
202-225-4601

Born: December 31, 1937
Home: Somerset
Education: University of Kentucky, BA, LLB

Key Staff Aides

Name	Position
Megan Bell	Chief of Staff
Jakob Johnsen	Legislative Director
Danielle Smoot	Communications Director

Committee Assignments

Appropriations

Main District Office

551 Clifty St
Somerset, KY 42503

606-679-8346

United States Representative Andy Barr

Republican

6th District

Began Service 2013

2430 Rayburn House Office Building
Washington, DC 20515
202-225-4706Born: July 24, 1973
Home: Lexington
Education: University of Virginia, BA
University of Kentucky, JD**Key Staff Aides**

Name	Position
Mary Rosado	Chief of Staff
Jodi Whitaker	Legislative Director
Lauren Osborne	Communications Director

Committee AssignmentsFinancial Services
Veterans Affairs**Main District Office**2709 Old Rosebud Rd, Ste 100
Lexington, KY 40509

859-219-1366

**United States Senator Mitch McConnell
Senate Majority Leader**

Republican

Began Service 1985

317 Russell Senate Office Building
Washington, DC 20510
202-224-2541

Born: February 20, 1942
Home: Louisville
Education: University of Louisville, BA
University of Kentucky, JD

Key Staff Aides

Name	Position
Philip Maxson	Chief of Staff
Katelyn Bunning	Legislative Director
Stephanie Penn	Press Secretary
Sarah Fairchild	Scheduler

Committee Assignments

Agriculture, Nutrition, and Forestry
Appropriations
Rules and Administration

Main State Office

601 W Broadway, #630
Louisville, KY 40202

502-582-6304

United States Senator Rand Paul

Republican

Began Service 2011

167 Russell Senate Office Building
Washington, DC 20510
202-224-4343Born: January 7, 1963
Home: Bowling Green
Education: Baylor University
Duke University, MD**Key Staff Aides**

Name	Position
William Henderson	Chief of Staff
Brandon Booker	Legislative Director
Matthew Hawes	Press Secretary
Drake Henle	Scheduler

Committee AssignmentsForeign Relations
Health, Education, Labor, and Pensions
Homeland Security and Governmental Affairs
Small Business and Entrepreneurship**Main State Office**1029 State St
Bowling Green, KY 42101

270-782-8303