

1 AN ACT relating to executive orders.

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

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

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

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

8 *1. Appointments requiring Senate confirmation;*

9 *2. Appointments not requiring Senate confirmation;*

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

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

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

13 *6. Declarations of a state of emergency or issuance of state active duty*
14 *orders;*

15 *7. Reorganizations of state government; or*

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

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

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

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

25 *(3) (a) Any executive order identified by one (1) of the subject areas listed in*
26 *subsection (1)(a)7. and 8. of this section shall not become effective until*
27 *thirty-five (35) days after the order is filed with the Secretary of State.*

1 **(b) The co-chairs of the Legislative Research Commission shall refer each of**
2 **these executive orders to a House of Representatives or Senate standing**
3 **committee during legislative sessions and, when not in session, to an**
4 **interim joint committee or other subcommittee of the Legislative Research**
5 **Commission, or a statutory committee of the Legislative Research**
6 **Commission or General Assembly with jurisdiction over the subject matter**
7 **of the executive order. The co-chairs of the Legislative Research**
8 **Commission shall refer each executive order specified in this subsection to**
9 **a committee within two (2) working days after the director of the Legislative**
10 **Research Commission receives the executive order.**

11 **(c) The committee to which an executive order is referred shall review the**
12 **executive order within thirty (30) days following referral by the co-chairs of**
13 **the Legislative Research Commission. The reviewing committee shall report**
14 **its findings and objections, if any, to the Legislative Research Commission**
15 **for transmittal to the General Assembly when next convened. An objection**
16 **reported to the Legislative Research Commission by the reviewing**
17 **committee shall be upon the vote of a majority of the committee members of**
18 **each chamber.**

19 **(d) Executive orders relating to reorganization shall be subject to Section 3 of**
20 **this Act.**

21 **(4) (a) Prior to each regular session of the General Assembly, the Legislative**
22 **Research Commission staff shall draft proposed legislation for introduction**
23 **in the Senate and the House of Representatives relating to executive orders**
24 **identified as pertaining to the operation or official policy of the government**
25 **of the Commonwealth of Kentucky since the adjournment of the previous**
26 **regular session of the General Assembly and which have been objected to by**
27 **a committee under this section.**

1 (b) The proposed legislation specified in paragraph (a) of this subsection shall:

2 1. Identify each executive order and provide that it shall be null, void,
3 and unenforceable as of the effective date of the Act;

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

8 3. Contain an emergency clause that shall specify that the legislation
9 takes effect upon its passage and approval by the Governor or upon its
10 otherwise becoming law. The title of the legislation shall indicate that
11 the legislation declares an emergency.

12 (c) The proposed legislation for the Senate shall be delivered to the President of
13 the Senate, and the proposed legislation for the House shall be delivered to
14 the Speaker of the House of Representatives, who shall each introduce the
15 proposed legislation on the first day of the regular session in his or her
16 respective chamber.

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

18 1. Include additional executive orders; or

19 2. Delete executive orders.

20 (e) The legislation may also include reorganization executive orders under
21 KRS Chapter 12 which have not been enacted into law by the General
22 Assembly.

23 (5) (a) Not later than September 30, 2018, the Governor shall compile a list of all
24 executive orders currently in effect and shall provide the list to the
25 Legislative Research Commission. The Governor shall identify those
26 executive orders on the list that should remain in effect and those executive
27 orders that he or she shall revoke or repeal, because they are no longer

1 necessary or obsolete. Any executive order that the Governor does not
2 identify as necessary to remain in effect or that will be revoked or repealed
3 by a certain date shall cease to exist as of October 1, 2018.

4 **(b) The co-chairs of the Legislative Research Commission shall refer each of**
5 **the executive orders on the list that the Governor has identified should**
6 **remain in effect to an interim joint committee or other subcommittee of the**
7 **Legislative Research Commission, or a statutory committee of the**
8 **Legislative Research Commission or General Assembly with jurisdiction**
9 **over the subject matter of the executive order, within two (2) working days.**

10 **(c) The committee to which an executive order is referred shall review the**
11 **executive order within thirty (30) days following referral by the co-chairs of**
12 **the Legislative Research Commission. The reviewing committee shall report**
13 **its findings and objections, if any, to the Legislative Research Commission**
14 **for transmittal to the General Assembly when next convened. An objection**
15 **reported to the Legislative Research Commission by the reviewing**
16 **committee shall be upon the vote of a majority of the committee members of**
17 **each chamber.**

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

20 **(1) Each administrative body created by an executive order shall cease to exist ninety**
21 **(90) days after the end of the term of office of the Governor who issued the**
22 **executive order unless the administrative body is established by enactment of the**
23 **General Assembly.**

24 **(2) Each administrative body created by an elected state executive officer other than**
25 **the Governor shall cease to exist ninety (90) days after the end of the term of**
26 **office of the official who created the administrative body unless the**
27 **administrative body is established by enactment of the General Assembly.**

1 (3) Each administrative body created by an administrative order shall cease to exist
2 ninety (90) days after the end of the term of office of the Governor whose
3 appointee created the administrative body unless the administrative body is
4 established by enactment of the General Assembly.

5 ➔Section 3. KRS 12.028 is amended to read as follows:

6 (1) Recognizing the necessity for grouping related functions of organizational units and
7 administrative bodies in order to promote greater economy, efficiency and improved
8 administration, the Governor, the Kentucky Economic Development Partnership as
9 created in KRS 154.10-010, and other elected state executive officers may propose
10 to the General Assembly, for its approval, changes in the state government
11 organizational structure which may include the creation, alteration or abolition of
12 any organizational unit or administrative body and the transfer of functions,
13 personnel, funds, equipment, facilities, and records from one (1) organizational unit
14 or administrative body to another.

15 (2) Recognizing that changes in the state government organizational structure may need
16 to be made as rapidly as possible to achieve greater economy, efficiency, and
17 improved administration as the needs of government dictate, the Governor, the
18 Kentucky Economic Development Partnership as created in KRS 154.10-010, and
19 other elected state executive officers may, between sessions of the General
20 Assembly, temporarily effect a change in the state government organizational
21 structure as described in subsection (1) of this section if ~~the~~^{such} temporary
22 reorganization plan is first reviewed by the interim joint legislative committee with
23 appropriate jurisdiction. The Governor may not effect a temporary reorganization
24 plan under this subsection that would change the organizational structure of an
25 organizational unit or administrative body headed by the Kentucky Economic
26 Development Partnership as created in KRS 154.10-010, or another elected state
27 executive officer unless requested in writing by that officer. An elected state

1 executive officer other than the Governor may only change the organizational
2 structure of an organizational unit or administrative body that he or she heads.

3 (3) Any reorganization proposed under subsection (1) or (2) of this section shall be set
4 forth in a reorganization plan which shall be filed with the Legislative Research
5 Commission. The plan shall include:

6 (a) An explanation of each proposed change, including the need for the change;

7 (b) An estimate of any reduction or increase in expenditures, itemized as far as
8 practicable, which the promulgating officer expects will result from the
9 reorganization;

10 (c) A description of any improvements in the management, delivery of state
11 services, and efficiency of state government operations which the
12 promulgating officer expects will be realized as a result of the reorganization;
13 and

14 (d) Specification of the effects of the reorganization on the budget and personnel
15 of each affected organizational unit or administrative body, including but not
16 limited to the amount of funds and the number of employees that will be
17 transferred from one (1) organizational unit or administrative body to another,
18 any reductions in the state workforce resulting from the reorganization, and
19 the methods to be utilized to achieve ~~the~~^{such} reductions.

20 (4) When a proposed reorganization plan is submitted for review under subsection (2)
21 of this section the co-chairs~~presiding co-chairman~~ of the Legislative Research
22 Commission shall determine which interim joint legislative committee has
23 appropriate jurisdiction and shall refer the plan to ~~the~~^{such} committee within two
24 (2) working~~ten (10)~~ days after the director of the Legislative Research
25 Commission receives the proposal. The interim joint legislative committee to which
26 it is referred shall review the plan to determine whether the plan can reasonably be
27 expected to achieve greater economy, efficiency or improved administration in state

1 government. The committee shall report its findings to the Legislative Research
2 Commission. The committee shall review and report on the plan within thirty
3 (30)~~[sixty (60)]~~ days after it is referred by the co-chairs of~~[filed with]~~ the
4 Legislative Research Commission. If the committee does not report on a proposed
5 plan within the time specified in this subsection, the plan shall be considered
6 reviewed by the interim joint legislative committee with appropriate jurisdiction.

7 (5) A temporary reorganization effected under subsections (2) to (4) of this section
8 shall be terminated ninety (90) days after sine die adjournment of the next regular
9 session of the General Assembly unless otherwise specified by the General
10 Assembly. The Governor, the Kentucky Economic Development Partnership as
11 created in KRS 154.10-010, or other officer who promulgated a temporary
12 reorganization plan under this section shall recommend legislation to the General
13 Assembly to confirm the temporary reorganization plan. The subject matter of each
14 executive order relating to reorganization shall be presented to the General
15 Assembly in a separate bill. If the General Assembly fails to enact the temporary
16 reorganization plan or an alternative to the~~[such]~~ plan, the organizational structure
17 that existed immediately prior to the implementation of the temporary plan shall be
18 reinstated upon the termination of the temporary plan. If the General Assembly fails
19 to enact a temporary reorganization plan, the Governor, the Kentucky Economic
20 Development Partnership as created in KRS 154.10-010, and other elected state
21 executive officers shall not effect the plan prior to the next succeeding session of
22 the General Assembly.

23 (6) The Legislative Research Commission or the legislative program review and
24 investigations committee may monitor the implementation of any reorganization
25 plan to determine the extent to which the anticipated improvements in economy,
26 efficiency, or administration have been realized as a result of the reorganization and
27 shall report its findings to the General Assembly.

- 1 (7) Funds transferred due to reorganization shall be maintained in separately designated
- 2 accounts. Any excess funds resulting from a reorganization shall lapse to the
- 3 general fund surplus account.