

1 AN ACT relating to executive branch ethics.

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

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

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

6 *(a) "Agency" means any department, program cabinet, division, institution,*
7 *board, commission, office, or agency of state government;*

8 *(b) "Nonpublic information" means information relating to state government*
9 *that a transition team member obtains as part of his or her participation on*
10 *the transition team that such member knows or reasonably should know*
11 *has not been made available to the general public; and*

12 *(c) "Transition team member" means any person who is part of a transition*
13 *team assigned to promote the orderly transfer of executive power and*
14 *ensure continuity in the conduct of the affairs of state government in*
15 *connection with the expiration of the term of office for any person elected to*
16 *the offices listed under KRS 11A.010(9)(a) to (g) and the election and*
17 *inauguration of another person to serve in any of the offices listed under*
18 *KRS 11A.010(9)(a) to (g).*

19 *(2) The commission shall establish by administrative regulation promulgated under*
20 *KRS Chapter 13A standards of ethical conduct for transition team members. The*
21 *standards of ethical conduct for transition team members shall include ethics*
22 *requirements that:*

23 *(a) Apply to all transition team members;*

24 *(b) Address the role of transition team members who are:*

25 *1. Registered lobbyists under KRS 6.801 to 6.829 and KRS 11A.201 to*
26 *11A.246; or*

27 *2. Former lobbyists who were registered under KRS 6.801 to 6.829 and*

1 *KRS 11A.201 to 11A.246 during the twelve (12) month period prior to*
2 *becoming a transition team member;*

3 *(c) Require transition team members to disclose:*

4 *1. Their current employer and the current employer of their spouses;*

5 *2. Any business where they or their spouses are board members, officers,*
6 *or where they or their spouses own five percent (5%) or more of the*
7 *business during the twelve (12) month period prior to becoming a*
8 *transition team member; and*

9 *3. Any non-state sources of funds received for their services related to*
10 *transition team duties; and*

11 *(d) Prohibit a transition team member from receiving nonpublic information*
12 *regarding matters that could impact:*

13 *1. The transition team member's employer or his or her spouse's*
14 *employer;*

15 *2. The transition team member's lobbying clients;*

16 *3. Any business where the transition team member or his or her spouse*
17 *is a board member;*

18 *4. Any business where the transition team member or his or her spouse*
19 *is an officer;*

20 *5. Any business where the transition team member or his or her spouse*
21 *is an owner of five percent (5%) or more of a business; or*

22 *6. Any provider of non-state sources of funds received by the transition*
23 *team member related to his or her transition team duties.*

24 *(3) The Executive Branch Ethics Commission shall develop, and each transition*
25 *team member shall sign, a standards of ethical conduct agreement. The*
26 *agreement shall include:*

27 *(a) A requirement for each transition team member to seek authorization from*

1 the person elected to the office listed under KRS 11A.010(9)(a) to (g) who is
2 overseeing the transition team to which the transition team member is
3 assigned or the designee of the person elected before seeking access to any
4 nonpublic information as part of the transition process;

5 (b) A requirement for each transition team member to keep confidential any
6 nonpublic information provided in the course of the duties of the transition
7 team member with the transition team and to exclusively use such
8 information for the purposes of the transition;

9 (c) A prohibition against a transition team member using any nonpublic
10 information provided in the course of transition duties, in any manner, for
11 personal or private gain for the transition team member or any other party
12 at any time during or after the transition;

13 (d) A description of how the transition team will enforce the standards of
14 ethical conduct, including the names of the transition team members
15 responsible for enforcement, oversight, and compliance; and

16 (e) For each transition team member, disclosure of:

17 1. His or her current employer and the current employer of his or her
18 spouse;

19 2. Any business where a transition team member or his or her spouse is a
20 board member, an officer, or where the transition team member or his
21 or her spouse owns five percent (5%) or more of the business during
22 the twelve (12) month period prior to becoming a transition team
23 member;

24 3. Any non-state sources of funds received for their services related to
25 transition team duties;

26 4. All positions the transition team member has held outside of state
27 government for the twelve (12) month period prior to becoming a

- 1 transition team member, including both paid and unpaid positions;
- 2 5. Any contracts that the transition team member or his or her spouse
- 3 has sought or received with state government during the twelve (12)
- 4 month period prior to becoming a transition team member and
- 5 affirmation that the transition team member and his or her spouse will
- 6 not seek a contract with a state agency for which he or she received
- 7 nonpublic information during the tenure of the administration;
- 8 6. Whether the transition team member or his or her spouse has accepted
- 9 any gift or payment exceeding twenty-five dollars (\$25) or has
- 10 accepted future employment from any party interested in seeking
- 11 influence in state government during the twelve (12) month period
- 12 prior to becoming a transition team member, or during service as a
- 13 transition team member;
- 14 7. A description of the transition team member's role in the transition,
- 15 including a list of any policy issues on which the transition team
- 16 member is expected to work, and a list of agencies with which the
- 17 transition team member is expected to interact while serving on the
- 18 transition team;
- 19 8. Any issues from which each transition team member shall be recused
- 20 while serving as a member of the transition team; and
- 21 9. An affirmation that each transition team member does not have a
- 22 financial conflict of interest that precludes transition team members
- 23 from working on specified issues to which he or she has been
- 24 assigned.
- 25 (4) The head of any public agency shall not permit access to the agency or its
- 26 employees that would not be provided to a member of the public for any transition
- 27 team member who does not make disclosures required under this section.

- 1 (5) *The commission shall make the standards of ethical conduct for transition team*
- 2 *members available to the public on its Web site.*