ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-423
May 27, 2020

RELATING TO REORGANIZATION OF THE EXECUTIVE BRANCH ETHICS COMMISSION

WHEREAS, the proper operation of democratic government requires that the public must have confidence in the integrity of its government and public officials;

WHEREAS, it is time to strengthen the integrity of state government and to ensure that those who serve in the public sector are accountable to the people of the Commonwealth;

WHEREAS, in 2008 the Executive Branch Ethics Commission recommended that two (2) of the Governor's appointments to the Commission come from nominations made by the Attorney General and the Auditor of Public Accounts, to increase and strengthen the independence of the Commission. Governor Steve Beshear followed the recommendation in paragraphs 2(B) and 2(C) of Executive Order 2008-454;

WHEREAS, in 2016, in Executive Order 2016-377 Governor Matthew Bevin rescinded Paragraphs 2(B) and 2(C) of Executive Order 2008-454 so that he, the Governor, could appoint all new members to the Commission without any input from the Attorney General and the Auditor of Public Accounts; and

WHEREAS, improved economy, efficiency, and administration will result from reorganizing the Executive Branch Ethics Commission in order to require that two members shall be chosen from nominees submitted by the Attorney General and Auditor of Public Accounts.

NOW, THEREFORE, I, ANDY BESHEAR, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Sections 69, 79 and 81 of the Kentucky Constitution, and KRS 12.028 and 12.080, do hereby Declare, Order and Direct the following pertaining to standards of ethical conduct in the Executive Branch of state government:

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1. Executive Order 2016-377, dated June 24, 2016, is hereby rescinded, declared null and void, and is no longer in effect.

2. The Executive Branch Ethics Commission, as created under KRS 11A.060, is hereby abolished, and the terms of members serving on the Commission prior to the filing of this Order shall cease to exist.

3. The Executive Branch Ethics Commission is hereby created and shall consist of five (5) members appointed by the Governor as follows:

    a. The Governor shall appoint three (3) members.

    b. The Governor shall appoint one (1) additional member from a list of three (3) nominees submitted by the Attorney General. Appointments under this provision shall be made in accordance with KRS 12.070(3);

    c. The Governor shall appoint one (1) additional member from a list of three (3) nominees submitted by the Auditor of Public Accounts. Appointments under this provision shall be made in accordance with KRS 12.070(3);

    d. A vacancy in an unexpired term shall be filled for the remainder of the term in the same manner as the vacating member's position was filled under this paragraph; and

    e. David Karem, Crit Luallen, and Roger Crittenden are hereby appointed as members of the Executive Branch Ethics Commission. Please issue commissions to them. David Karem and Crit Luallen shall both serve terms of four (4) years; Roger Crittenden shall serve for a term of three (3) years; the appointee chosen from the nominees submitted by the Attorney General shall serve for a term of two (2) years; and the appointee chosen from the nominees submitted by the Auditor of Public Accounts shall serve for a term of one (1) year. Thereafter, all appointees shall serve four-year terms.

4. The Attorney General and the Auditor of Public Accounts shall submit their lists of three (3) nominees to the Governor within fourteen (14) days of the date of this Order.

5. All other provisions of law and statute that apply to the Executive Branch Ethics Commission shall remain in full force and effect.

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This Order is effective immediately upon filing with the Secretary of State.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State

RECEIVED AND FILED

DATE 5/29/2020

8:48 AM

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

BY

ANDY BESHEAR
GOVERNOR

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REORGANIZATION PLAN

Reorganization of the Executive Branch Ethics Commission is necessary to enhance public confidence in the integrity of its government and public officials. In particular, granting the Attorney General and the Auditor of Public Accounts input on the Commission's membership will strengthen the integrity and independence of the Commission and help to insure that public officers are accountable to the people of the Commonwealth.

Executive Branch Ethics Commission:

This Executive Order expressly rescinds Executive Order 2016-377, which itself rescinded those portions of Executive Order 2008-454 that gave the Attorney General and Auditor of Public Accounts input on the membership of the Executive Branch Ethics Commission. It then restores those rescinded provisions of Executive Order 2008-454, stating that the Governor shall appoint two (2) members of the Executive Branch Ethics Commission from lists of three (3) nominees submitted by the Attorney General and the Auditor of Public Accounts, in order to strengthen the integrity and independence of the Commission and improve administration.

Fiscal Impact:

This Executive Order will have minimal, if any, fiscal impact.

Delivery of Services:

It is expected that the reconstituted Board will improve the delivery of services to public officers and the public at large.

Personnel Impact:

This Executive Order will have minimal impact on personnel.