

**11A.047 Definitions -- Transition team to promote orderly transfer of executive power and continuity in conduct of state government -- Executive Branch Ethics Commission to establish in administrative regulations standards of ethical conduct for transition team members -- Access to and confidentiality of nonpublic information -- Disclosure of positions held outside state government -- Financial conflicts of interest -- Standards of ethical conduct to be available on commission's Web site.**

- (1) As used in this section:
  - (a) "Agency" means any department, program cabinet, division, institution, board, commission, office, or agency of state government;
  - (b) "Nonpublic information" means information relating to state government that a transition team member obtains as part of his or her participation on the transition team that such member knows or reasonably should know has not been made available to the general public, or is otherwise not available for public inspection under KRS 61.870 to 61.884;
  - (c) "Transition team" means a team created by a person newly elected to any office listed in KRS 11A.010(9)(a) to (g) to promote the orderly transfer of executive power and ensure continuity in the conduct of the affairs of state government in connection with the expiration of the term of office for any person elected to the offices listed under KRS 11A.010(9)(a) to (g) and the election and inauguration of another person to serve in any of the offices listed in KRS 11A.010(9)(a) to (g); and
  - (d) "Transition team member" means any person designated to serve on a transition team.
- (2) A person newly elected to any office listed in KRS 11A.010(9)(a) to (g) may create a transition team for the purpose of promoting an orderly transfer of executive power and ensuring continuity in the conduct of affairs of state government by requesting and utilizing information provided by the administration of the outgoing official that had been elected to any office listed in KRS 11A.010(9)(a) to (g) prior to the expiration of his or her term of office.
- (3) The commission shall establish by administrative regulation promulgated under KRS Chapter 13A standards of ethical conduct for transition team members. The standards of ethical conduct for transition team members shall include ethics requirements that:
  - (a) Apply to all transition team members;
  - (b) Address the role of transition team members who are:
    1. Registered lobbyists under KRS 6.801 to 6.829 and KRS 11A.201 to 11A.246; or
    2. Former lobbyists who were registered under KRS 6.801 to 6.829 and KRS 11A.201 to 11A.246 during the twelve (12) month period prior to becoming a transition team member.
- (4) Each person elected to an office listed in KRS 11A.010(9)(a) to (g) shall designate a person or persons to lead his or her transition team or transition teams. Persons

designated as transition team leaders shall, on a form prescribed by the commission by administrative regulation promulgated under KRS Chapter 13A, submit to the commission:

- (a) A list of all transition team members;
  - (b) A description of how transition team members will comply with the provisions contained within this section; and
  - (c) Any additions to or departures from the list of transition team members as necessary to provide an accurate and up-to-date list.
- (5) A transition team member shall:
- (a) Seek authorization from the transition team leader designated by the person elected to the office listed in KRS 11A.010(9)(a) to (g) to oversee the transition team to which the transition team member is assigned before seeking access to any nonpublic information as part of the transition process;
  - (b) Keep confidential any nonpublic information provided in the course of the duties of the transition team member with the transition team and exclusively use such information for the purposes of the transition; and
  - (c) Not use any nonpublic information provided in the course of transition duties, in any manner, for personal or private gain of the transition team member or any other party at any time during or after the transition.
- (6) A transition team member shall not receive nonpublic information regarding matters that financially impact:
- (a) The transition team member or his or her spouse;
  - (b) The transition team member's employer or his or her spouse's employer;
  - (c) The transition team member's lobbying clients;
  - (d) Any business in which the transition team member or his or her spouse is a board member;
  - (e) Any business in which the transition team member or his or her spouse is an officer;
  - (f) Any business in which the transition team member or his or her spouse is an owner of five percent (5%) or more of the business; or
  - (g) Any provider of non-state sources of funds received by the transition team member related to his or her transition team duties.
- (7) Every transition team member shall disclose prior to serving on the transition team, and update as necessary during service on the transition team on a form prescribed by the commission by administrative regulation promulgated under KRS Chapter 13A:
- (a) His or her current employer and the current employer of his or her spouse;
  - (b) Any business in which a transition team member or his or her spouse is a board member, an officer, or an owner of five percent (5%) or more of the business during the twelve (12) month period prior to becoming a transition team member;

- (c) Any non-state sources of funds received for his or her services related to transition team duties;
  - (d) All positions the transition team member has held outside of state government for the twelve (12) month period prior to becoming a transition team member, including both paid and unpaid positions;
  - (e) Any contracts that the transition team member or his or her spouse has sought or received with state government during the twelve (12) month period prior to becoming a transition team member and affirmation that the transition team member and his or her spouse will not seek a contract with a state agency for which he or she received nonpublic information during the tenure of the administration;
  - (f) Whether the transition team member or his or her spouse has accepted any gift or payment exceeding twenty-five dollars (\$25) or has accepted future employment from any party interested in seeking influence in state government during the twelve (12) month period prior to becoming a transition team member, or during service as a transition team member;
  - (g) A description of the transition team member's role in the transition, including a list of any policy issues on which the transition team member is expected to work, and a list of agencies with which the transition team member is expected to interact while serving on the transition team;
  - (h) Any issues from which each transition team member shall be recused while serving as a member of the transition team; and
  - (i) An affirmation that each transition team member does not have a financial conflict of interest that precludes transition team members from working on specified issues to which he or she has been assigned.
- (8) The commission shall make the standards of ethical conduct for transition team members available to the public on its Web site.

**Effective:** June 29, 2021

**History:** Created 2021 Ky. Acts ch. 129, sec. 1, effective June 29, 2021.