



# Kentucky's Boards, Commissions, and Similar Entities

Research Report No. 394

*Prepared by*

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# **Kentucky's Boards, Commissions, and Similar Entities**

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Highly Skilled Educator Program, Report 339, 2006

School Size and Student Outcomes in Kentucky's Public Schools, Report 334, 2006

Information Systems Can Help Prevent, but Not Eliminate, Health Care Fraud and Abuse, Report 333, 2006

## **Abstract**

The exact number of boards, commissions, and similar entities such as authorities, councils, and committees is unknown. For this report, staff were able to identify 571 such entities. This includes nearly 400 listed on the Governor's Office of Boards and Commissions' website. The report identifies 82 inactive entities, but there may be more. There is no formal process by which administrative bodies notify the Governor's Office of Boards and Commissions of an entity's inactive status. There is no central repository of information on boards, commissions, and similar entities, and their exact cost is unknown. Among 21 states for which comparable information was available, Kentucky appears to have the second highest number of boards, commissions, and similar entities, with nearly twice the number of the typical state. The report has five recommendations. Two relate to statutory requirements for these entities. One recommendation relates to increased communication between the Governor's Office of Boards and Commissions and the General Assembly. The final two recommendations address efficiencies that may be achieved regarding the number and activity level of boards, commissions, and similar entities.



## Foreword

Program Review staff thank the staff of the Governor's Office of Boards and Commissions for their assistance throughout the study. Staff thank the respondents to the questionnaire who shared information used in this study. The assistance of staff of the Kentucky Retirement Systems, the Personnel Cabinet, the Public Protection Cabinet's Office of Occupations and Professions, the Kentucky Department for Libraries and Archives, the Secretary of State's Office, the Indiana Professional Licensing Agency, and the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation is appreciated.

Within the Legislative Research Commission, staff of the LRC Library, Office of Budget Review, and Office of Statute Reviser provided valuable assistance.

Robert Sherman  
Director

Legislative Research Commission  
Frankfort, Kentucky  
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## Contents

Summary .....	vii
Chapter 1: Overview .....	1
Major Conclusions .....	1
Number and Types of Boards, Commissions, and Similar Entities .....	2
Governor’s Office of Boards and Commissions .....	4
Funding .....	5
Entities With Budget Line Items .....	5
Survey Results .....	6
Compensation and Reimbursement .....	7
Compensation .....	7
Reimbursement .....	8
Reimbursement or Compensation Not Paid .....	9
Staff .....	10
Participation in the Kentucky Retirement Systems and Kentucky Employees’ Health Plan .....	11
Kentucky Retirement Systems .....	11
Members .....	12
Staff .....	12
Cost .....	13
Kentucky Employees’ Health Plan .....	13
Members .....	13
Staff .....	14
Accountability .....	14
Audits .....	14
Transparency .....	16
Open Records .....	16
Open Meetings .....	16
Membership of Boards, Commissions, and Similar Entities .....	18
Gubernatorial Appointments .....	19
Vacancies .....	20
Appointments .....	21
General Assembly Appointments to Entities .....	21
Meeting Dates .....	22
<i>Recommendation 1.1</i> .....	23
<i>Recommendation 1.2</i> .....	23
Chapter 2: Inactive Boards, Commissions, and Similar Entities .....	25
<i>Recommendation 2.1</i> .....	26
Potential Cleanup of KRS for Abolished or Renamed Boards .....	33
Chapter 3: Oversight .....	35
Boards, Commissions, and Similar Entities in Comparable States .....	35
Entities Recently Created in Kentucky .....	38

Consolidation and Abolishment of Entities in Other States .....	39
Abolishment.....	40
Consolidation .....	40
Fiscal Impact.....	41
Virginia .....	42
Ohio.....	42
Missouri .....	43
North Carolina .....	44
Increasing Efficiency Among Boards With Similar Functions .....	45
Kentucky Office of Occupations and Professions .....	46
Indiana Professional Licensing Agency.....	47
Illinois Department of Financial and Professional Regulation, Division of Professional Regulation .....	47
Potential for Overlap Among Kentucky’s Boards, Commissions, and Similar Entities.....	48
Sunset Review.....	49
<i>Recommendation 3.1</i> .....	50
Sunrise Review .....	51
<i>Recommendation 3.2</i> .....	52
Works Cited .....	53
Appendix A: How This Study Was Conducted.....	55
Appendix B: Boards and Commissions by Type and Function .....	57
Appendix C: Appointments to Boards, Commissions, and Similar Entities Requiring Senate Confirmation .....	71
Appendix D: State Sunset Review.....	73
Appendix E: Questionnaire Results .....	77

**Tables**

1.1	Kentucky Boards, Commissions, and Similar Entities by Type.....	3
1.2	Expenditures by Boards, Commissions, and Similar Entities With Budget Line Items, Fiscal Year 2011 .....	6
1.3	Compensation and Reimbursement for Members of Boards, Commissions, and Similar Entities, Fiscal Year 2011 .....	8
1.4	Categories for Which Members of Boards, Commissions, and Similar Entities Are Reimbursed .....	9
1.5	Boards and Commissions With Members Eligible to Participate in the Kentucky Employees’ Health Plan.....	13
1.6	Seat Vacancies for Boards, Commissions, and Similar Entities.....	20
2.1	Inactive Boards, Commissions, and Similar Entities With Active Statutes, List From Governor’s Office of Boards and Commissions .....	27

2.2	Inactive Boards, Commissions, and Similar Entities Identified by Program Review Staff.....	30
2.3	Entities Expired Due to Sunset Provisions With Active KRS Catchlines.....	31
2.4	Boards, Commissions, and Similar Entities That Have Not Met Since 2009 or Earlier ...	32
3.1	Boards, Commissions, and Similar Entities Reported by the Kentucky Governor’s Office of Boards and Commissions and Listed on Governors’ Websites in 20 Comparable States.....	36
3.2	Kentucky Entities Created During Fiscal Year 2010 and Fiscal Year 2011.....	39
3.3	Licensure Board Administrative Support in Kentucky, Illinois, and Indiana.....	45
3.4	State Sunset Reviews .....	50
3.5	State Sunset Review Processes .....	51

**Figures**

1.A	Members Per Board, Commission, or Similar Entity .....	19
3.A	Boards, Commissions, and Similar Entities in Kentucky and 20 Comparable States by Type .....	37



## Summary

This report covers boards and commissions, as well as entities similar in responsibility and organizational structure such as authorities, councils, and committees. Such bodies are created to carry out particular functions and typically include appointed, elected, or ex officio members. Most boards, commissions, and similar entities are created through Kentucky statute. They may also be created through regulation, the Kentucky Constitution, executive order, or federal law.

The exact number of boards, commissions, and similar entities in Kentucky and their costs are unknown. The Governor's Office of Boards and Commissions lists 398 boards, commissions, and similar entities on its website. Through a review of the Kentucky Revised Statutes and the Kentucky Administrative Regulations, as well as through communication with the Governor's Office of Boards and Commissions, Program Review staff were able to identify approximately 173 additional boards, commissions, and similar entities for a total of 571. It is possible that other boards, commissions, and similar entities exist that Program Review staff were unable to identify.

Although the Governor's Office of Boards and Commissions handles gubernatorial appointments for entities requiring appointments by the governor, the entities are not required to supply the office with a standardized set of information, nor is the office required to collect specific information.

Members or employees of boards, commissions, and similar entities may participate in the Kentucky Retirement Systems and the Kentucky Employees' Health Plan. Self-reported information from entities and information from representatives of the retirement systems and health plan indicate that the entities' impact on the retirement systems and health plan is minimal in comparison to the total number of participants. Members of boards, commissions, and similar entities typically do not work enough hours for the entity to qualify to participate in the retirement systems or state health plan. Of entities responding to a Program Review questionnaire, 87 reported having exclusive staff who worked only for the entity, with more than 1,300 staff members participating in the retirement systems and the health plan. Of the entities that use shared staff, the equivalent of approximately 90 full-time employees were reported to participate in the retirement systems and the health plan. Entities also reported on compensation and reimbursement of board members, as well as on budget information.

In some cases, board memberships are never appointed once created. Unless an entity specifically informs the General Assembly of such a situation, the board may remain codified in Kentucky statute. Likewise, if a board ceases to meet and no official action is taken, it also remains in legal record. The variety of legal authorities involved in a board's creation or continued existence makes it difficult to trace a board's location within state government.

Eighty boards, commissions, and similar entities appear as line items in the state budget. In responses to a Program Review questionnaire, approximately 100 entities said that they pay some form of compensation to members. Approximately 250 boards reported paying reimbursements to members.

Most entities in this report are subject to the state's open records and open meetings laws. Responses to the questionnaire indicate that some entities may not be operating in accordance with requirements.

Approximately 80 percent of entities responding to the questionnaire indicated that they have a gubernatorial appointment. Many boards have a combination of gubernatorial appointments, elected officials, and ex officio members. A few boards appear to be operating with a different number of members than the number required by statute.

Boards have varied requirements pertaining to a schedule of meetings. Some boards meet only as needed. Others have a statutorily required number of meetings each year. In a number of cases, boards have varying interpretations of their required number of meetings or whether there is a meeting schedule requirement. In some cases, this is unclear in statute or other legal authority. A few entities do not appear to meet requirements.

### **Recommendation 1.1**

**Boards, commissions, and similar entities should comply with statutory requirements for frequency of meetings. If an entity perceives that requirements are unduly burdensome or an impediment to fulfilling its duties, it should request that the General Assembly modify the statute.**

### **Recommendation 1.2**

**The General Assembly, when enacting an entity's enabling statute, may wish to consider specifying how often the entity must meet or including language to the effect that meetings are to be held at the discretion of the entity's governing body.**

For this report, staff identified 82 boards, commissions, and similar entities as inactive. There may be others. Not all enabling legal authorities note a board's required number of meetings, so an activity status cannot be determined for all boards. There is no formal process by which cabinets, individual boards, or other entities notify the Governor's Office of Boards and Commissions of a board's inactive status. In turn, there is no formal process for communication from the Governor's Office of Boards and Commissions to the General Assembly regarding inactive entities known to staff of the Governor's Office of Boards and Commissions.

### **Recommendation 2.1**

**Staff of the Governor's Office of Boards and Commissions should implement a formal process for notifying members of the General Assembly before each legislative session of boards, commissions, and similar entities listed in the office's database as being inactive but with an active Kentucky statute.**

The large number of Kentucky's boards, commissions, and similar entities may raise concerns about overlap or duplication of effort. Absent an in-depth review of each board, staff cannot definitively determine whether overlap exists, but the potential for duplication is noted in a few instances.

Compared to 20 states with listings comparable to Kentucky's listing of entities from the Governor's Office of Boards and Commissions, Kentucky has the second highest number of boards, commissions, and similar entities. Other states have abolished or consolidated boards in recent years. In most instances, the financial savings have been relatively small.

Some states employ umbrella organizations to allow for greater efficiency among boards with shared functions, such as licensing boards. Staff also reviewed sunrise and sunset procedures as potential guides to increasing the efficient use of boards, commissions, and similar entities.

**Recommendation 3.1**

**The General Assembly may wish to consider implementing a periodic review of all or selected boards, commissions, and similar entities to determine whether each entity should be continued, consolidated, or abolished.**

**Recommendation 3.2**

**For bills creating new boards, commissions, or similar entities, the General Assembly may wish to implement a process to determine potential overlap with existing entities and potential impact to the retirement systems and health plan.**





# Chapter 1

## Overview

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This report covers boards, commissions, authorities, councils, committees, and similar entities. The report uses the term “boards, commissions, and similar entities” to refer to them.

This report covers boards and commissions and entities similar in responsibility and organizational structure such as authorities, councils, and committees. The report uses the term “boards, commissions, and similar entities” to refer to them. Such bodies are created to carry out particular functions and typically include appointed, elected, or ex officio members.

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Most boards, commissions, and similar entities are created in whole or in part by Kentucky statute.

Most boards, commissions, and similar entities are created by Kentucky statute. They may also be established by mechanisms such as federal law, executive orders, regulations, bylaws, articles of incorporation, case law, and the Kentucky Constitution. Some boards, commissions, and similar entities exist through a combination of creating authorities. For example, they may be created by statute with further detail in regulation. Other entities may be created in statute as a result of federal law, which results in legal authority at each level.

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Information was compiled from legal authorities and the results of a questionnaire.

Information was compiled from statutes, executive orders, and other legal authorities. Additional information came from the 343 responses to a Program Review questionnaire sent to Kentucky boards, commissions, and similar entities.

## Major Conclusions

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This report has six major conclusions.

This report has six major conclusions.

- Kentucky has at least 571 boards, commissions, and similar entities. The exact number is unknown. The Governor’s Office of Boards and Commissions lists 398 boards, commissions, and similar entities on its website that require gubernatorial appointments. There are at least 173 more.
- The exact number is unknown, but 82 boards, commissions, and similar entities—approximately 14 percent of the total—were identified as inactive. There is no formal process by which cabinets, individual boards, or other entities notify the Governor’s Office of Boards and Commissions or anyone else of a board’s inactive status.

- There is no central repository of information on boards, commissions, and similar entities. The Governor's Office of Boards and Commissions helps administer gubernatorial appointments, but there is no requirement that entities supply the office with standardized information.
- The exact cost of boards, commissions, and similar entities is unknown.
- Board members or employees may participate in the Kentucky Retirement Systems and the Kentucky Employees' Health Plan. Of entities responding to the Program Review questionnaire, 87 reported having staff who worked only for the entity, with more than 1,300 staff members participating in the retirement systems and the health plan. In the entities that use shared staff, workers equivalent to approximately 90 full-time employees participate in the retirement systems and the health plan.
- Among 21 states for which comparable information was available, Kentucky appears to have the second highest number of boards, commissions, and similar entities. Kentucky's number of entities is nearly twice the number of the typical state. For most categories of entities, Kentucky had more than the typical comparable state.

### **Number and Types of Boards, Commissions, and Similar Entities**

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Kentucky has at least 571 boards, commissions, and similar entities. Nearly 400 entities are included in the online listing of the Governor's Office of Boards and Commissions. Program Review staff identified 173 additional boards, commissions, and similar entities.

There are at least 571 boards, commissions, and similar entities in Kentucky. Most, 398, are included in the online listing of the Governor's Office of Boards and Commissions. Program Review staff identified 173 additional boards, commissions, and similar entities by searching the Kentucky Revised Statutes and the Kentucky Administrative Regulations and reviewing a list of inactive boards provided by the Governor's Office of Boards and Commissions. Unless named elsewhere, such as on a listing from the Governor's Office of Boards and Commissions, boards found in KRS or KAR were not included in this review if there was not a proper name or other details included. For example, KRS 216.267 specifies that a board shall appoint an advisory group. No specific name or detail, such as appointments, is given for the advisory group. Staff focused on boards existing during fiscal years 2010 and 2011.

Staff categorized the identified boards, commissions, and similar entities into 18 types based on the primary subject matter each addresses.

Staff categorized identified boards, commissions, and similar entities into 18 types based on the primary subject matter each addresses as detailed in its legal authority. Table 1.1 lists the number of boards, commissions, and similar entities by type. Inactive boards, commissions, and similar entities are included in this count. Appendix B lists the entities and how they were categorized.

Three types make up more than 40 percent of Kentucky's boards, commissions, and similar entities: judicial, health and welfare, and professional and occupational.

Three types make up more than 40 percent of Kentucky's boards, commissions, and similar entities. Judicial and health and welfare are the most common types, each comprising more than 14 percent of the state total. The 84 judicial entities include 61 judicial nominating commissions. Thirteen percent of boards, commissions, and similar entities are responsible for licensing, administering, and regulating specific professions and occupations.

**Table 1.1**  
**Kentucky Boards, Commissions, and Similar Entities by Type**

Type	Number	% of Total
Judicial	84	14.7%
Health and welfare	82	14.4
Professional and occupational	74	13.0
Higher education	52	9.1
Environmental and natural resources	47	8.2
Tourism and heritage	39	6.8
Agriculture	36	6.3
Other education	28	4.9
Finance and insurance	28	4.9
Labor	15	2.6
Transportation	14	2.5
Other	14	2.5
Economic development	13	2.3
General government	11	1.9
Public safety	9	1.6
Infrastructure	9	1.6
Technology	8	1.4
Military affairs	8	1.4
<b>Total</b>	<b>571</b>	<b>100.0%</b>

Note: "Judicial" includes 61 nominating commissions, which are shown as one listing in Appendix B. Percentages do not sum to 100.0 due to rounding.  
 Source: Compiled by Program Review staff based on review of entities' enabling authorities.

Within each type, staff determined the primary function each entity serves by reviewing its enabling authority. Examples of functional categories used by staff include advisory, review/recommendation, and licensing/regulatory. Each entity's function is listed in Appendix B.

### **Governor's Office of Boards and Commissions**

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The Governor's Office of Boards and Commissions maintains a database with information on the state's boards, commissions, and similar entities for which the governor makes appointments.

The Governor's Office of Boards and Commissions is responsible for coordinating the governor's appointments to state boards, commissions, and similar entities. The office maintains a database with information pertaining to the state's boards, commissions, and similar entities for which the governor makes appointments.

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There is no standardized information that the Governor's Office of Boards and Commissions is required to collect from entities.

Typically, the office updates its list after annual legislative sessions. Staff track session activity and also rely on the Governor's Office of Legislative Services to help update the list. Newly created boards, commissions, or similar entities requiring gubernatorial appointments are added to the list, and appointments are made according to statutory instructions. Staff of the office are not required to collect particular information from the entities, and entities are not required to provide any specific information to the office (Dunn).

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The Governor's Office of Boards and Commissions' database includes active and inactive entities. There is no formal definition of an inactive entity. Few boards and commissions are abolished.

The database includes active and inactive boards, commissions, and similar entities. There is no formal definition of an inactive entity, but office staff said an entity is considered inactive when it no longer holds meetings. Staff of the Governor's Office of Boards and Commissions find out about inactive entities through contacting agencies that the entities are administratively attached to, through reviewing legislation, and through reviewing executive orders (Childers. "follow-up").

The office posts the boards, commissions, and similar entities that it considers active on its website. Entities it considers to be inactive are not posted but are still contained in the database (Childers. "clarifying"). Program Review staff found some inactive entities listed on the website. The few boards, commissions, and similar entities that are abolished are removed from the website but left in the database (Dunn). The office's website also includes applications for appointment to entities and a document related to ethical guidelines for members of executive branch boards, commissions, and similar entities.

A directory of boards, commissions, and similar entities on the office's website lists information, including general contact information and web addresses. The information does not include the name of an individual contact for each entity. The directory also contains a description of duties, enabling authority, membership requirements, terms of appointments, compensation/reimbursement information, and meeting information. This information is derived from statute or other legal authority but may not be current. Approximately 50 of the website links in the online directory did not work as of November 2012.

The office also provides administrative support to the Governor's Postsecondary Education Nominating Committee and administrative services to the nominating commissions of the community and technical colleges (Dunn).

## Funding

### Entities With Budget Line Items

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Some boards, commissions, and similar entities are contained in the state budget as line items. Others may not have a separate budget but fall under another entity's budget.

Program Review staff identified 80 boards, commissions, and similar entities that appear in the state budget as line items. Potential funding sources for these boards include the state general fund, restricted funds, the road fund, tobacco settlement funds, and federal funds. Other boards, commissions, and similar entities may be included in a larger budget entity such as a department but could not be identified as individual line items.

Staff compiled expenditures by entities into the categories shown in Table 1.2. The names and spending of the entities with the highest, median, and lowest spending within each category are shown. Nine of the entities with line items in the budget had expenditures of more than \$10 million in FY 2011. Twenty-three entities had expenditures of \$1 million to \$10 million; 18 had expenditures of \$250,000 or more but less than \$1 million. For 30 entities, FY 2011 expenditures were less than \$250,000, making this the most common expenditure category. Among the 80 entities identified as appearing in the state budget as line items, FY 2011 expenditures totaled \$701 million.

**Table 1.2**  
**Expenditures by Boards, Commissions, and Similar Entities With Budget Line Items**  
**Fiscal Year 2011**

<b>Expenditure</b>	<b>Entities</b>	<b>Examples</b>
More than \$10 million	9	<ul style="list-style-type: none"> <li>• Kentucky Higher Education Assistance Authority (\$215 million)</li> <li>• Kentucky Infrastructure Authority (\$47.4 million)</li> <li>• Horse Park Commission (\$10.7 million)</li> </ul>
\$1 million to \$10 million	23	<ul style="list-style-type: none"> <li>• Public Service Commission (\$9.9 million)</li> <li>• Heritage Council (\$1.9 million)</li> <li>• Parole Board (\$1 million)</li> </ul>
\$250,000 to \$1 million	18	<ul style="list-style-type: none"> <li>• Motor Vehicle Commission (\$815,727)</li> <li>• Board of Tax Appeals (\$397,900)</li> <li>• Board of Barbering (\$277,560)</li> </ul>
Less than \$250,000	30	<ul style="list-style-type: none"> <li>• Kentucky Board of Social Work (\$217,360)</li> <li>• Board of Registration for Professional Geologists (\$99,482)</li> <li>• Board of Certification of Fee-Based Pastoral Counselors (\$3,364)</li> </ul>

Note: Within each category, the examples are the entities with highest, median, and lowest expenditures.

Source: Compiled by Program Review staff from review of the state budget (Commonwealth of Kentucky. Office of the State).

### Survey Results

Funding sources for boards, commissions, and similar entities include state funds, federal funds, private funds, and other sources. State funds include restricted fund dollars and general fund moneys. The tobacco general fund was also reported as a state funding source.

Annual operating budgets were defined in the questionnaire as total expenditures, excluding capital expenditures. Reported budget amounts ranged from \$100 to more than \$58 million.<sup>1</sup>

Approximately 83 percent of boards, commissions, and similar entities reporting funding sources indicated state funds as a source. Other funding sources were federal funds for approximately 15 percent of entities, private funds for approximately 9 percent, and other sources for 9 percent. For entities reporting state funds, approximately 62 percent indicated restricted fund dollars as a source, and approximately 44 percent reported general fund moneys as a source. The tobacco general fund was reported as a source for less than 3 percent of entities. The road fund was not reported as a source by any entity.

Occupational and professional licensing boards generally receive their funding through agency receipts or fees for licensing and certification. Such fees are shown as restricted funds in the biennial budget.

Occupational and professional licensing boards generally receive their money through agency receipts or fees for licensing and

<sup>1</sup> Boards of directors of corporations or universities were included in this review. In some cases, they reported their entire entity's budget because an amount could not be separated to reflect the budget for the board of directors. For example, the Bluegrass Community and Technical College Board of Directors, included in this review, reported an operating budget of more than \$58 million for FY 2011.

certification. These types of fees are shown as restricted funds in the state's biennial budget. Licensing boards operate from these restricted funds. Agency receipts for the licensing boards primarily consist of fees assessed for applications, examinations, and other requirements related to professional licenses and certifications. Fees for individual requirements range from \$10 to thousands of dollars, depending on the board and the particular type of fee. Some occupational boards update their fee structures frequently; others do so infrequently or never (Rush).

### Compensation and Reimbursement

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By statute, if the enabling authority for an executive branch board, commission, or similar entity does not provide for compensation of its members, they shall serve without pay. They may still receive reimbursement for expenses.

According to KRS 12.070(5),

When a board, commission, or similar administrative body is established and no provision is made for compensation of members, members shall serve without pay, but may receive reimbursement for their actual and necessary expenses.

Compensation refers to a per diem, monthly, or annual amount paid for work performed, including attendance at meetings.

Reimbursement refers to recoupment of expenditures for travel, food, lodging, and other expenditures required to attend a meeting.

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By statute, state personnel who serve on boards, commissions, and similar entities as part of their jobs do not receive compensation. They may receive reimbursement for expenses.

By statute, state personnel who serve on boards as part of their jobs do not receive compensation but shall receive reimbursement for actual and necessary expenses (KRS 18A.200). While many enabling statutes and executive orders do not indicate whether members should receive compensation or reimbursement, a significant number of enabling authorities do specify whether reimbursement or compensation is to be paid.

### Compensation

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For boards, commissions, and similar entities that completed the questionnaire, total reported FY 2011 compensation and reimbursement for members was approximately \$6.6 million.

Most boards, commissions, and similar entities that pay compensation to members pay on a daily, or per diem, basis. Some pay an annual or monthly salary. Compensation for the chair sometimes differs from that for other members. Statutes sometimes set a maximum limit on compensation, and regulations are then promulgated by the appropriate body to specify the compensation amount. In FY 2011, entities reported paying some form of compensation and reimbursement to members totaling approximately \$6.6 million. Of the 99 surveyed entities reporting compensation, 80 reported paying per diems, 15 reported paying salaries, and 8 reported paying other compensation, such as payments for activities beyond the scope of per diem payments for

meetings.<sup>2</sup> For example, the Kentucky Personnel Board pays board members for “reading time” separately from the per diem payment.

Total compensation included nearly \$800,000 in per diem compensation. Fifteen entities reported paying salaries to members.

Table 1.3 summarizes information related to per diem amounts reported as paid to members. Respondents reported approximately \$800,000 in per diem compensation to members. Only 15 boards reported paying salaries to members.

**Table 1.3**  
**Compensation and Reimbursement for**  
**Members of Boards, Commissions, and Similar Entities**  
**Fiscal Year 2011**

Category	Entities	Amount Per Entity			Total
		Minimum	Median	Maximum	
Salary	15	\$23,400	\$84,100	\$1,996,920	\$4,336,885
Per diem	80	0	4,600	91,498	779,578
Other*	8	0	150	19,400	19,700
Reimbursement	251	0	1,500	140,000	1,428,333
Total	308				\$6,564,496

Note: The number of entities per category do not sum to 308 because entities may provide both compensation and reimbursement.

\*Four of the eight entities reporting “other” also reported salary, per diem, or reimbursement. The amounts listed for “other” are for the four entities whose only reported compensation was “other.”

Source: Compiled by Program Review staff from questionnaire responses.

Four entities reported only “other” forms of compensation. Two entities provided a meal at their meetings. Total overall cost was \$200 for FY 2011. One entity paid a stipend for citizen members, totaling \$100. A fourth entity reported a travel stipend paid to members above and beyond the reimbursement paid for travel. The reported FY 2011 cost was \$19,400.

### Reimbursement

Even when members are not compensated, they are usually reimbursed. Some survey respondents noted that they were unaware of their entity’s legal authority allowing or requiring that reimbursement be paid to members.

In nearly every instance that members are compensated, they are also reimbursed. In some cases when compensation is not required or suggested in statute or other enabling law, it is noted that members may be or shall be reimbursed. In many instances, when the law is silent about compensation, it is also silent about reimbursement. Some survey respondents noted in follow-up questioning that they were unaware of their entity’s legal authority allowing or requiring that reimbursement be paid to members.

<sup>2</sup> Some entities had more than one method of payment, so the numbers do not sum to 99.



Questionnaire responses indicated that 251 boards, commissions, and similar entities reimbursed members for expenses in FY 2011. They reported paying more than \$1.4 million. Members are most frequently reimbursed for travel expenses.

Respondents indicated that 251 entities reimbursed members for expenses. They reported paying more than \$1.4 million in reimbursement in FY 2011. Some entities made no reimbursements because members opted not to take allowable reimbursements. The median total reimbursement for an entity in FY 2011 was \$1,500; the maximum was more than \$140,000.

As shown in Table 1.4, members were most frequently reimbursed for travel expenses. This type of expense was reimbursed by 94 percent of all entities reporting reimbursement. Lodging and food were each reimbursed by nearly 60 percent of the entities. The “other” category was selected by nearly 22 percent of the entities. Specified examples for “other” included conferences and iPad service.

**Table 1.4**  
**Categories for Which Members of Boards, Commissions, and Similar Entities Are Reimbursed**

<b>Category</b>	<b>Entities</b>	<b>% of Entities Reporting Reimbursement</b>
Travel	236	94.0%
Lodging	149	59.4
Food	146	58.2
Other	54	21.5
Entities reporting reimbursements	251	

Note: The numbers of entities per category do not sum to 251 because entities may provide multiple forms of reimbursement.

Source: Compiled by Program Review staff from questionnaire responses.

### Reimbursement or Compensation Not Paid

Some entities that responded to the questionnaire do not reimburse or compensate members but have enabling statutes or executive orders requiring reimbursement or compensation.

Fifteen entities that indicated that they do not reimburse or compensate members have enabling statutes or executive orders requiring reimbursement or compensation. Thirteen entities contacted by Program Review staff indicated that they do not reimburse their members for expenses. Two indicated that they do not pay the required compensation to their members. Reasons for not paying reimbursements to members included members voluntarily forgoing reimbursement and lack of funds.

Two entities that do not pay the required compensation indicated that board members decided to voluntarily forgo compensation.

The two entities that do not pay the required compensation indicated that members decided to voluntarily forgo compensation. In one case, one member accepted compensation; the other members did not.

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The General Assembly or individual boards, commissions, or similar entities may wish to consider the implications involved when an entity refrains from reimbursing or compensating its members if doing so is required by statute or executive order.

The General Assembly or individual entities may wish to consider the implications involved when a board, commission, or similar entity refrains from reimbursing or compensating its members if doing so is required by statute or order. While a member who simply does not turn in a request for reimbursement is not in violation of statute, an entity that does not offer the option to request reimbursement may be in violation of its enabling statute or order. It is possible that an entity that does not pay its members statutorily required compensation, even where those members forgo it voluntarily, may be subject to legal action.

### Staff

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Some boards, commissions, and similar entities have staff who work only for that entity, referred to as exclusive staff in this report. Other entities rely on staff who do not work solely for the entity, referred to as shared staff.

Boards, commissions, and similar entities have various, and sometimes complicated, staffing arrangements. Larger entities tend to have staff who work only for that entity, who are referred to in this report as exclusive staff. This type of staff may include an executive director or equivalent position. Other, usually smaller, entities rely on staff who do not work solely for that entity, who are referred to in this report as shared staff. An example is an entity administratively attached to a particular cabinet using staff from that cabinet, who have other duties. Staff of the Cabinet for Health and Family Services, for example, provide assistance to the Pharmacy and Therapeutics Advisory Committee. The Kentucky Military Heritage Commission utilizes a staff person of the Kentucky Heritage Council. Boards within the Office of Occupations and Professions, which is within the Public Protection Cabinet, share common staff.

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Entities differed in the way they reported the number of staff. Some reported only staff of a board of directors; some reported the staff of the entire organization of which the board is a part.

How entities view themselves can impact the way they report information, especially related to staffing arrangements. For example, respondents generally reported staff for a college or university board of directors as one or two employees instead of the entire staff of a particular college. Conversely, some respondents noted the staff for an entire corporation when asked about staffing for the corporation's board of directors.

Entities reported on exclusive staff, shared staff, the amount of time devoted to the entity among shared staff, and staff participation in the Kentucky Retirement Systems and the Kentucky Employees' Health Plan. Since entities' levels of activity vary over time, the amount of staff time devoted to an entity is an estimate and is not intended to mean that those staff devote that number of hours to the entity every month.

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Of the 290 entities that reported use of staff, 87 reported use of exclusive staff.

Of the 290 entities that reported use of staff, 87 reported use of exclusive staff.<sup>3</sup> Numbers of exclusive staff reported by entities ranged from 1 to 275, with a total of 1,863. Of these 87 entities, 75 noted that they had an executive director or equivalent position who worked solely for that entity.

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Use of shared staff was reported by 221 entities. Employee use was concentrated within a few entities, such as the Kentucky Authority for Educational Television.

Use of shared staff was reported by 221 entities, of which 201 were analyzed. They reported part-time use of 738 employees. Those employees worked an estimated 16,900 hours each month for the entities. This is the equivalent of approximately 104.3 full-time employees.<sup>4</sup> Of the 201 entities analyzed, 190 entities estimated that shared staff were utilized for fewer hours than one full-time equivalent employee. Employee use was heavily concentrated within a few entities. The Kentucky Authority for Educational Television reported using shared staff for 5,683 hours per month, one-third of the total amount of hours reported.

## **Participation in the Kentucky Retirement Systems and Kentucky Employees' Health Plan**

### **Kentucky Retirement Systems**

The Kentucky Retirement Systems (retirement system) provides retirement benefits primarily to Kentucky state and local government retired workers. In general, state government workers participate in the Kentucky Employees Retirement System (KERS), local government personnel in the County Employees Retirement System (CERS), and state police officers in the State Police Retirement System.

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This report reviews state-level boards, commissions, and similar entities for which the primary retirement system within the Kentucky Retirement Systems is the Kentucky Employees Retirement System (KERS).

This report reviews state-level boards, commissions, and similar entities, and most are part of KERS within the retirement system (Sparks. Telephone). KRS Chapter 61 establishes participation requirements for KERS. Member entities include any department, board, or agency participating in the system in accordance with executive order; members, officers, and employees of the General Assembly; and any other body, entity, or instrumentality designated by executive order, regardless of whether it is an integral part of state government. An entity may continue participating in the retirement system as long as it remains qualified.

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<sup>3</sup> Some entities reported more than one type of staff, so exclusive staff and shared staff do not total 290.

<sup>4</sup> This is based on 162.5 hours per month for the average employee (37.5 hour work week multiplied by 4.33 weeks in an average month).

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An entity must be sufficiently governmental to participate in the state retirement system.

The Kentucky Retirement Systems' governing board determines an entity's system eligibility by reviewing articles of incorporation (for statutory authority), bylaws, and budget (to determine the source of funding). An entity must be sufficiently governmental to participate in the state retirement system. If the entity meets these criteria, a request for entry into the system is forwarded to the governor for creation of the executive order required by statute (Commonwealth of Kentucky. Legislative).

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Member eligibility for an entity within the retirement system is governed by statutory definition. KERS and the County Employees Retirement System require that members be regular full-time employees.

Member eligibility for an entity within the retirement system is governed by statutory definition. For both KERS and CERS, prospective members must be regular full-time employees (KRS 61.510(5) and KRS 78.510(6)). Regular full-time positions are those which average 100 or more hours per month as measured by months worked within a calendar or fiscal year (KRS 61.510(21)).

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Board and commission members are unlikely to work enough hours monthly to gain service credit in the retirement system.

**Members.** Members of boards, commissions, and similar entities are unlikely to work enough hours monthly to gain service credit for the system. Most members serve in their capacities part time (Sparks. "follow-up").<sup>5</sup> Some members, such as those of the Public Service Commission or Parole Board, are designated full-time status under statute (KRS 278.050 and KRS 439.320).

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Retirement systems staff could not definitively determine whether a particular member participates in the retirement system due to entity membership or because of full-time state employment incidental to entity membership.

Retirement systems staff indicated they could not definitively determine whether a board or commission member participated in the retirement system due to the member position or employment with a government entity (Sparks. "follow-up"). The forms used do not list a specific position for each employee. Some board members are full-time employees of the state, and retirement system costs would be incidental to their board membership (Sparks. Telephone).

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Of entities responding to the questionnaire, 87 reported having exclusive staff, with 1,330 staff members participating in the retirement system. Of the entities that use shared staff, the equivalent of 90 full-time employees participate in the Kentucky Retirement Systems.

**Staff.** Of the 87 surveyed entities that reported having exclusive staff, 1,330 exclusive staff were reported to participate in the Kentucky Retirement Systems. This figure represents 71 percent of all exclusive staff reported. Of the entities that utilize shared staff, 163 reported having 602 total staff who also participated in the retirement system. Those staff worked a combined 14,600 hours per month. Based on a 162.5-hour work month, these hours were equivalent to 90 full-time employees.

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<sup>5</sup> Of the 68 boards, commissions, and similar entities listed on the Kentucky Retirement Systems' website as participating entities, retirement systems staff could definitively report that only two—the State Board of Elections and the Kentucky Occupational Safety and Health Review Commission—had members participating by virtue of board membership.

According to Kentucky Retirement Systems staff, participation by members and staff of boards, commissions, and similar entities in the state retirement systems is minimal compared to the total number of state retirement participants.

**Cost.** Given the difficulty of ascertaining exactly how many members and staff of boards, commissions, and similar entities are participants in the retirement system, Program Review staff were unable to calculate their specific total cost to the system. According to Kentucky Retirement Systems staff, the entities' participation in the state retirement systems is minimal compared to the total number of state retirement participants (Sparks. Telephone).

### Kentucky Employees' Health Plan

Because most board and commission members are part-time positions, the members are unlikely to meet the eligibility requirements for retirement benefits, and thus state health insurance, by virtue of their positions as board members.

Participation in the state-administered health insurance plan is established in KRS 18A.225. In general, anyone participating in one of the state-administered retirement systems is eligible to participate in the health plan, including eligible dependents and beneficiaries. Most members of boards, commissions, and similar entities are part time, so they are unlikely to meet the eligibility requirements for retirement benefits, and thus state health insurance, by virtue of their positions as members of the entity.

Members of full-time boards, commissions, and similar entities are eligible to participate in the Kentucky Employees' Health Plan (KEHP). Due to privacy laws, KEHP staff could only confirm which entity members are eligible for the health plan.

**Members.** Members of full-time boards, commissions, and similar entities are eligible to participate in the Kentucky Employees' Health Plan (KEHP). Due to federal Health Insurance Portability and Accountability Act privacy laws, KEHP could only confirm which members are eligible for the state health insurance plan, which does not necessarily mean that they opt to participate. The entities and number of eligible members are shown in Table 1.5 (Cowles. "Draft" and "Questions").

**Table 1.5  
 Boards and Commissions With Members Eligible to Participate  
 in the Kentucky Employees' Health Plan**

	<b>Board or Commission</b>	<b>Eligible Members</b>
<b>Eligible as members</b>	Parole Board	9
	Board of Elections	6
	Board of Claims/Crime Victims Compensation Board*	5
	Workers' Compensation Board	3
	Board of Tax Appeals	3
	Unemployment Insurance Commission	2
	Occupational Safety and Health Review Commission	2
<b>Eligible as employees</b>	Public Service Commission	3
	Alcoholic Beverage Control Board	3
	<b>Total</b>	<b>36</b>

\*By statute, the Board of Claims and the Crime Victims Compensation Board share the same board members. Source: Cowles. "Questions."

Based on information provided by KEHP staff, the number of board or commission members eligible to participate in KEHP is approximately 0.02 percent of total plan holders.

KEHP staff did report that the number of board or commission members participating in the state health insurance plan is very small relative to the overall size of KEHP. KEHP has 156,045 plan holders, and the 30 members eligible through board or commission membership are less than 0.02 percent of total plan holders (Cowles. "Questions."). Public Service Commission members are referred to as employees in statute. The Alcoholic Beverage Control Board statute designates board members to specific employment positions, for example the director of the Division of Malt Beverages and the director of the Division of Distilled Spirits. When these two entities' six members are included in the above table, the entity membership eligibility percentage increases minimally to just over 0.02 percent of total plan holders.

Approximately 72 percent of exclusive staff were reported as participating in KEHP. Of the shared staff, the equivalent of 88 full-time employees participate in KEHP.

**Staff.** Of boards, commissions, and similar entities reporting exclusive staff, 1,335 staff were reported to participate in KEHP. This represents 72 percent of exclusive staff. Of the entities reporting shared staff, 162 stated that at least one of their employees participated in the health plan. These entities recorded 585 shared staff who participated in the health plan. The shared staff worked a combined 14,300 hours in an average month, equivalent to 88 full-time employees participating in the Kentucky Employees' Health Plan.

## Accountability

### Audits

Entities may be audited because the enabling legal authority requires it or for Kentucky's Comprehensive Annual Financial Report (CAFR). Some boards are audited even though it is not required.

No single statute requires that all boards, commissions, and similar entities be audited. The enabling statute or other legal authority for a specific entity may require that it be audited. Some entities must be audited for inclusion in Kentucky's Comprehensive Annual Financial Report (CAFR). Some entities are audited even though not required by statute or through inclusion in the CAFR. There is some overlap among the entities whose statutes or executive orders require audits and those included in the Kentucky CAFR.

Nearly 30 percent of the entities responding to the questionnaire reported conducting an annual audit. Eleven percent reported an audit that is not done annually.

Of the boards, commissions, and similar entities that responded to the questionnaire, nearly 30 percent reported conducting an annual audit. Not all entities conducting audits conduct them annually. Of the entities that did not report an annual audit, 11 percent indicated the date of their most recent audit. Dates of audits for entities conducting a periodic audit ranged from May 2005 to September 2012. Of the entities not reporting an annual audit, approximately 17 percent appear in the CAFR. Other entities not reporting an

annual audit appear to be smaller entities or may be audited as part of a larger entity within the CAFR.

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Based on a review of 308 boards, commissions, and similar entities, at least 13 are required by their enabling statutes to be audited periodically.

Based on a review of 308 boards, commissions, and similar entities, at least 13 are required by their enabling statutes to be audited periodically. Examples include the Governance Board of the Lung Cancer Research Project and the Kentucky Center for the Arts Corporation (KRS 164.476; KRS 153.430(3)). Ten of the 13 entities are required to conduct audits annually.

Because the Commonwealth and its units are financially responsible for some entities, they are audited for the CAFR. Of the boards, commissions, and similar entities included in this report, staff definitively identified 80 within the CAFR. The CAFR's financial statements are audited by Kentucky's Office of the Auditor of Public Accounts or by other auditors whose reports are furnished to that office. The CAFR contains audits of state organizational units, component units blended into Kentucky's primary government, and discretely presented component units for which the Commonwealth is financially accountable (Commonwealth of Kentucky. Finance 2, 12, 51).

Some boards, commissions, and similar entities are organizational units of state government (Ross; Commonwealth. Finance 51). An example is the Executive Branch Ethics Commission (Commonwealth of Kentucky. Finance 118). Blended component units are not part of the Commonwealth's primary government but are treated as if they are. They provide services entirely or almost entirely to the state, or otherwise exclusively or almost exclusively benefit the state. An example is the Kentucky School Facilities Construction Commission. Discretely presented component units are legally separate entities; however, there is a financial interdependence, or the primary government controls the selections of the entity and operations, and so the units are covered in the CAFR. An example is the Kentucky River Authority (Commonwealth of Kentucky. Finance 51-53).

## Transparency

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Most Kentucky boards, commissions, and similar entities are subject to the open records and open meetings laws.

Most Kentucky governmental boards, commissions, and similar entities are subject to the open records and open meetings laws. Under the definition of public agency in KRS 61.870(j) and 61.805(g),

any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council, or agency... established, created, and controlled by a public agency is subject to the open records and open meetings law.

There are exceptions within this requirement for hospital medical staff committees for both the open records and open meetings laws and those committees formed to evaluate public agency employees for the open meetings law.

### Open Records

An entity's public records, subject to 14 statutory exemptions, are to be available for inspection upon a statutorily appropriate request.

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Some entities discussed in this report are not subject to the open records law under various exemptions.

Some entities discussed in this report are not subject to the open records law. For example, judicial agencies, including boards and commissions, are exempt from the open records law. Although the Open Records Act includes judicial agencies, court rulings have exempted them based on KRS 26A.200 and KRS 26A.220. These statutes confer exclusive jurisdiction of court documents to the judicial branch (Commonwealth of Kentucky. Office of the Attorney. *Your* 10).

### Open Meetings

For public agencies, all meetings at which a quorum of members is present to discuss public business or take action are considered public meetings and therefore subject to the open meetings law (KRS 61.810). To comply with the law, entities must meet general requirements including:

- Meetings must be held at specified times and places and must be convenient to the public,
- Regular meeting schedules must be available to the public,
- An accurate account of meeting proceedings and votes must be kept in the minutes for any meeting in which public business is discussed or action is taken,
- Meeting minutes must be available for public viewing by the end of an entity's next meeting, and



- Meeting room conditions should be conducive to public attendance (Commonwealth of Kentucky. Office of the Attorney. *Open 15*).

Entities must also follow specific guidelines when convening special meetings or closed sessions of meetings. For example, when convening a closed session the entity must give

- notification in the regular meeting of intent to go into a closed session;
- the general nature of the business to be discussed in closed session; and
- the reason for the closed session, including the specific statutory exemption authorizing the closed session (Commonwealth of Kentucky. Office of the Attorney. *Open 16-17*).

Under KRS 61.810(1)(a) the deliberations of the Kentucky Parole Board are exempt from open meetings requirements. In addition to this specific exemption, there are 12 other exceptions to the Open Meetings Law (Commonwealth of Kentucky. Office of the Attorney. *Open 17*).

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Entities reported multiple ways of making meeting notices and minutes accessible to the public such as website notices, Facebook page notices, press releases, and notice at the meeting location.

Surveyed boards, commissions, and similar entities were asked to describe the procedure for public notice of meetings and how minutes of meetings are made available to the public. Some reported multiple ways that meeting notices and meeting minutes are made accessible to the public. For example, the Kentucky Environmental Quality Commission posts meeting notices on its website and Facebook page and sends out a press release. The State Board of Podiatry posts meeting notices online and places notice at the meeting location.

Approximately 47 percent of survey respondents reported putting meeting notices online. Online meeting notices could be posted on the entity's website, a cabinet's website, the Governor's Office website, or on social media sites such as Facebook. For 21 percent of entities, public notice is provided through a press release, communications office notice, or other form of media advisory. Other methods of public notice of meetings include notifications to interested parties and in print publications.

Nearly 5 percent of boards noted that there was no procedure for public notice of meetings but did not indicate that meetings were closed to the public. Six entities indicated notices are not given because meetings are not public. Three of those entities provided specific statutory exemptions. The Kentucky Unemployment Insurance Commission cited KRS 61.810(1) as its exemption. The State Police Personnel Board cited KRS 61.810(1)(f) as its

exemption. The State Planning Committee cited KRS 61.810(1)(h) as its exemption.

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Nearly all questionnaire respondents reported that minutes are taken of meetings. Methods of making meeting minutes available included upon request, via an open records request, or via posting minutes online.

More than 90 percent of all survey respondents indicated that minutes are taken of meetings. Thirty-seven percent of entities indicated that minutes are available upon request. Approximately 16 percent specifically noted making minutes available through an open records request. Approximately 34 percent of entities post minutes online. Six percent send minutes to limited parties, such as the entity's board members.

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Some entities noted that meeting minutes are not made available.

Twelve entities noted that meeting minutes are not kept or not made available. Some of these reported that they rely on exemptions to the Open Records Law; however, no specific applicable exemptions were mentioned. In some cases, respondents noted that minutes are filed with the Kentucky Department for Libraries and Archives. In these instances, the entity may still be responsible for obtaining the records for anyone requesting them (Commonwealth of Kentucky. Office of the Attorney. *Your 7*).

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Approximately 63 percent of questionnaire respondents noted that they maintain a website. In practice, some websites were not accessible.

Websites are a commonly used tool with which to notify the public of meetings and post meeting minutes. Approximately 63 percent of respondents indicated that the entity has a website. A small number of those were not initially found, usually due to a typographical error in the address provided, but staff could find the website. For an even smaller number, Program Review staff were unable to access a website.

### **Membership of Boards, Commissions, and Similar Entities**

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A few entities operate with a different number of members than that specified in statute.

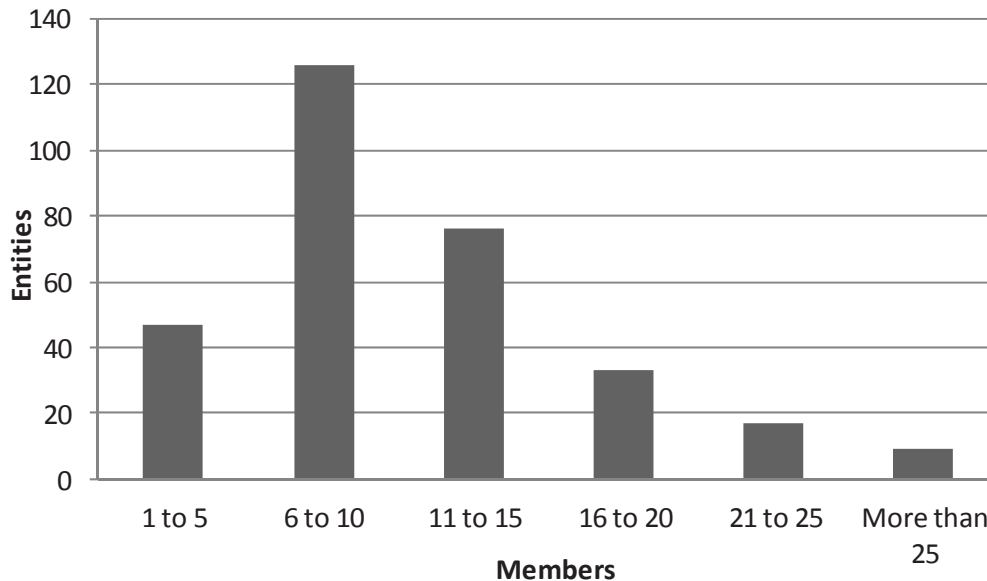
Boards, commissions, and similar entities generally have a mix of appointed and ex officio members. For some, composition may be determined by federal law. Members, especially ex officio, may serve on multiple entities. A few entities currently operate with a different number of members than that specified in statute. For example, the Commission on Small Business Advocacy currently operates with 13 members, all appointed by the governor. Statute requires 30 members. The respondent noted that the Economic Development Partnership passed a reorganization resolution that reduced the number of members in order to obtain a quorum. Another example is the Historic Properties Advisory Commission, for which statute calls for 14 members. The respondent noted that 16 members currently serve on the commission; all are appointed by the governor.

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The number of members of boards, commissions, and similar entities ranges from 2 to 140.

The number of members per entity ranges from 2 to 140.<sup>6</sup> Program Review staff compiled responses to the questionnaire into the categories shown in Figure 1.A. The most common size is 6 to 10 members; more than 40 percent (126) of entities reported this size. One-fourth of the boards (76) have 11 to 15 members.

**Figure 1.A**  
**Members Per Board, Commission, or Similar Entity**



Note: The number of responses analyzed is 308.  
Source: Compiled by Program Review staff from questionnaire responses.

### Gubernatorial Appointments

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Most entities have gubernatorial appointments, ranging from 1 to 32 appointments per entity.

Based on responses to the questionnaire, 81 percent of the entities have gubernatorial appointments, with appointments ranging from one to 32 per entity. For entities with gubernatorial appointments, the median number of appointments is seven. When members are not appointed by the governor, they are often appointed by cabinet secretaries, outside organizations, or those who serve by virtue of an office.

What is defined as a gubernatorial appointment is not always interpreted the same way. For example, the Governor's Office of Boards and Commissions includes the Alcoholic Beverage Control

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<sup>6</sup> The Prevailing Wage Review Board reported two members, both appointed by the governor. If the board is required to meet, a third member is appointed by the public authority requesting the hearing. The State Citizen Foster Care Review Board reported 140 members, which includes representatives of local review boards throughout the state.

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What is defined as a gubernatorial appointment is not always interpreted the same way.

Board on its list of entities for which appointments are made. For that board, the commissioner of alcoholic beverage control serves as chairman, and two persons, each of whom serves as a division director, are appointed by a cabinet secretary with approval from the governor. Conversely, members of the Soil and Water Conservation Commission are also appointed by a cabinet secretary with approval from the governor, but the commission is not included on the Governor's Office of Boards and Commissions list for which appointments are made. A small number of entities have varying interpretations of gubernatorial appointments, as indicated by their responses to the questionnaire. For instance, some entities have appointments made by a cabinet secretary or a commissioner with approval by the governor. Some consider these to be appointments made by the governor; the Governor's Office of Boards and Commissions does not. In other instances, ex officio members serve and are noted separately from gubernatorial appointments. Some entities consider the ex officio members to be appointed by the governor because they were appointed by the governor to the ex officio position in which capacity they are serving. In a few cases, statute actually notes some members that would be otherwise considered as serving in an ex officio capacity as being appointed by the governor.

### Vacancies

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Less than 1 percent of reported vacant seats had been vacant for more than 1 year.

Entities were asked about the number of vacant seats and the length of time they had been vacant. Table 1.6 summarizes the responses. Of the 306 entities whose responses were analyzed, 69 reported vacancies. Less than 1 percent of seats were vacant for more than 1 year.

**Table 1.6**  
**Seat Vacancies for Boards, Commissions, and Similar Entities**

<b>Length of Vacancy</b>	<b>Entities</b>	<b>% of Entities</b>	<b>Seats</b>	<b>% of Seats</b>
Seats vacant for less than 6 months	46	15.0%	104	2.9%
Seats vacant for 6 months to 1 year	16	5.2	34	1.0
Seats vacant for more than 1 year	13	4.2	25	0.7
Entities with vacancies	69			
% of total entities with vacancies		22.5%		
Total vacant seats and % of total entity seats vacant			163	4.6%

Note: The number of responses analyzed is 306. Entities per length of vacancy do not add to 69 and percentages do not add to 22.5% because entities could report vacant seats for more than one length of time. Two pairs of entities were counted as one entity each because they have identical board memberships. The total number of seats represented in the table is 3,577.

Source: Compiled by Program Review staff from questionnaire responses.

## Appointments

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If an entity's terms are not staggered, it can impact the ability to function without interruption.

When staggered terms are not included in an entity's statute, it can impact the ability to continue to function without interruption. For example, the Hart-Supported Living Council is required in KRS 210.775 to meet as often as necessary but not less frequently than every other month. Responses indicated that the council met only once in FY 2011. The respondent noted that terms for all members of the council expired in July 2010, and the executive order appointing new members was not made until May 2011. In effect, no council was in place to hold meetings. The respondent noted that since the council's statute does not provide for staggered terms, continuity of the council's work is hindered.

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According to the Kentucky Supreme Court, the Kentucky Constitution vests sole confirmation of board and commission appointments or nominees with the Senate.

Under a 2010 Kentucky Supreme Court ruling, the Kentucky Constitution vests sole confirmation of board and commission appointments or nominees with the Senate. Although some statutes require that nominees or appointments be vetted by the House of Representatives and Senate, the Supreme Court found the statutes unconstitutional (*Fox v. Grayson*, 317 S.W.3d. 1). The Governor's Office of Boards and Commissions' list of entities with appointments for which Senate confirmation is currently sought is included in Appendix C.

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The Kentucky Supreme Court has held that although the General Assembly can create executive branch board and commission positions, it cannot itself make the appointments to those positions. Program Review staff found 10 statutes that provide for the General Assembly's involvement in the kind of appointment process prohibited by the Court.

**General Assembly Appointments to Entities.** In the 1984 case *Legislative Research Commission ex rel. Prather v. Brown*, the Kentucky Supreme Court held that although the General Assembly can create executive branch board and commission positions, it cannot itself make the appointments to those positions (664 S.W.2d 907 (Ky. 1984)). Such positions are considered inferior state officers. The *Brown* court upheld the 1922 case *Sibert v. Garrett*, in which Kentucky's then-highest court said, "The appointment of officers is intrinsically an administrative or executive act" (197 Ky. 17, 246 S.W. 455 (1922)). Both cases held that for the General Assembly to appoint inferior state officers violates Kentucky's separation of powers doctrine (Ky. Constitution Secs. 27 and 28). Program Review staff found 10 statutes, all enacted since 1984, that provide for the General Assembly's involvement in the kind of appointment process prohibited by the Kentucky Supreme Court *Brown* case. Five of the boards are reported as inactive.

The *Brown* court divided the kinds of appointment statutes that violate separation of powers into categories. The court said certain statutory appointment provisions are invalid because they

constitute a legislative appointment that infringes on the right of the governor to make such appointments. The categories include

- statutes that empower the Speaker of the House of Representatives and the President Pro Tem of the Senate to appoint inferior state officers and
- statutes in which the Speaker of the House of Representatives and the President Pro Tem of the Senate are made ex officio members of executive branch boards and commissions.<sup>7</sup>

The General Assembly does have the power to confirm or reject an appointment by another branch of government. In 1993, the Kentucky Supreme Court held that the *Brown* case “left intact the power of the legislature itself to consent to the executive appointments where properly provided by appropriate statute” (*Kraus v. Kentucky State Senate*, 872 S.W.2d 433 (Ky. 1993)). Thus, the *Kraus* court made a distinction between the power to appoint and the power to consent to an appointment.

### Meeting Dates

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Some entities reported meeting monthly; others reported meeting much less often. Some meet only when specific action is needed.

Program Review staff asked about meeting dates for fiscal years 2010 and 2011. Some entities meet monthly; others meet much less frequently. The State Board of Medical Licensure, for example, reported monthly meetings. Others meet only when specific action is needed. Examples of these include the Prevailing Wage Review Board, nominating commissions and committees, and some boards that review applications or examinations.

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Among entities for which meeting requirements were available, nearly 80 percent appeared to meet or exceed requirements for holding meetings.

Meeting requirements, which are not always clear, are documented for approximately 180 entities. Among these, nearly 80 percent appeared to meet or exceed requirements for holding meetings based on comparison of the appropriate enabling authority and the dates entered by respondents. During one or both years for which meeting dates were requested, 15 entities did not appear to meet requirements for the necessary number of meetings as stated in their respective enabling authorities. In some of these cases, boards indicated there is not a need to meet as frequently as required in the particular board’s enabling authority. In other cases, entities noted member turnover and expiration of appointments as obstacles to meeting regularly. In some instances, entities noted that they met only as needed, even though statute requires a specific number of meetings each year.

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<sup>7</sup> Before 1992, President Pro Tem was the title of the highest-ranking member of the Kentucky Senate.

### Recommendation 1.1

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**Recommendation 1.1**

**Boards, commissions, and similar entities should comply with statutory requirements for frequency of meetings. If an entity perceives that requirements are unduly burdensome or an impediment to fulfilling its duties, it should request that the General Assembly modify the statute.**

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Some entities' enabling authorities do not mention a requirement for number of meetings; others have language that is unclear.

In a number of cases, Program Review staff could not clearly identify the existence of a required number of meetings for boards. Though some boards' enabling authority may not mention a specific number of meetings required, others have language that is unclear as to whether a minimum number of meetings is required or intended. An example of this is when a statute indicates that a board shall meet quarterly or upon the call of the chair or other party.

### Recommendation 1.2

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**Recommendation 1.2**

**The General Assembly, when enacting an entity's enabling statute, may wish to consider specifying how often the entity must meet or including language to the effect that meetings are to be held at the discretion of the entity's governing body.**





## Chapter 2

### Inactive Boards, Commissions, and Similar Entities

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There are at least 82 inactive boards, commissions, and similar entities.

The exact number of inactive boards, commissions, and similar entities is unknown, but there are at least 82. The Governor's Office of Boards and Commissions' database includes 50 inactive entities. Program Review staff identified an additional 32 inactive entities in the research for this study. In addition, 11 entities have not met since 2009 or earlier. Seven entities have expired due to sunset provisions but still have active KRS catchlines.

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The Governor's Office of Boards and Commissions uses the term "inactive" to refer to boards, commissions, and similar entities that no longer meet.

Inactive boards, commissions, and similar entities are included in the Governor's Office of Boards and Commissions' database. Inactive is an internal term used by the office to refer to entities that no longer meet. Reasons why a board, commission, or similar entity may no longer meet are that

- no appointments were ever made,
- no meetings were ever held,
- the entity reached its sunset date,
- the entity accomplished its function,
- the entity's functions were transferred,
- the entity had no source of funding,
- the entity was not reauthorized,
- the entity became self-perpetuating and created its own bylaws,
- the entity's primary KRS entry was repealed but other references were not, or
- the entity was abolished but its KRS entry was not repealed.

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Governor's Office of Boards and Commissions staff learn about an entity's active/inactive status in a variety of ways.

The Governor's Office of Boards and Commissions staff learn about an entity's status through varied means, including the entity itself or if there is new legislation related to the entity. If the office learns why the entity is inactive, it includes that information in the database (Childers. "follow-up").

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There does not appear to be a formal process in place whereby Governor's Office staff notifies the General Assembly of inactive entities that have an active statute.

There does not appear to be a formal process in place whereby staff of the Governor's Office of Boards and Commissions notifies the General Assembly of entities listed as inactive but with an active statute.

## Recommendation 2.1

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**Recommendation 2.1**

**Staff of the Governor’s Office of Boards and Commissions should implement a formal process for notifying members of the General Assembly before each legislative session of boards, commissions, and similar entities listed in the office’s database as being inactive but with an active Kentucky statute.**

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Governor’s Office of Boards and Commissions staff provided a list of 48 boards, commissions, and similar entities that are inactive but still have an active statute.

Staff of the Governor’s Office of Boards and Commissions provided Program Review staff with a list of boards, commissions, and similar entities reported as being inactive but with active statutes. Program Review staff also received information about inactive entities from the Governor’s Office of Boards and Commissions staff after being provided the initial list. Table 2.1 shows the entities, each entity’s legal citation, and the date of the latest legislative action for each statute. If information was provided about why or how an entity became inactive, it is included in the table. Entities in the office’s original list submitted to Program Review staff do not appear in Table 2.1 if the statute cited by the Governor’s Office of Boards and Commissions does not appear to be active. In cases where a board, commission, or similar entity had actually expired, as a result of a sunset provision, that entity is instead listed in Table 2.3.

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Boards, commissions, and similar entities are not required to notify the Governor’s Office of Boards and Commissions when they become inactive.

Boards, commissions, and similar entities are not required to provide information or updates about their level of activity to the office. As a result, entities may become inactive without its knowledge.

**Table 2.1**  
**Inactive Boards, Commissions, and Similar Entities With Active Statutes**  
**List From Governor’s Office of Boards and Commissions**

<b>Entity</b>	<b>Legal Citation</b>	<b>Information Provided</b>	<b>Latest Legislative Action</b>
Architectural Barriers Advisory Committee	KRS 198B.250		2010
Buffalo Trace Covered Wooden Bridge Authority	KRS 176.410	Defunct, no appointments since 1996	2004
Child Support Enforcement Commission	KRS 15.290	Abolished per Executive Order from OAG 08-01	2012
Churchill Downs Authority	KRS 58.500	No record of appointments	1978*
Coalbed Methane Well Review Board	KRS 349.055	No appointments made, inactive per EEC	2010
Council for Families and Children	KRS 194A.090(4)	Defunct	2005
Early Childhood Business Council	KRS 200.709	Abolished per EO 2011-534	2006
Early Childhood Development Authority	KRS 200.700	Abolished per EO 2011-534	2009
East Kentucky Corporation	KRS 154.33-515	Inactive since 2003, lost funding	1992
Environmental Board	KRS 224.01-210	No appointments, inactive per EEC	2010
Franklin County Covered Wooden Bridge Authority	KRS 176.410		2004
Governor’s Council on Wellness and Physical Activity	KRS 12.550	No longer active per CHFS	2012
Governor’s Financial Policy Council	KRS 147B.100	No record of appointments	2005
Greenup County Covered Bridge Authority	KRS 176.410		2004
HIV and AIDS Planning and Advisory Council	KRS 214.640		2012
Interstate Compact on Air Pollution	KRS 224.18-200	No record of appointments	1968*
Kentucky Auto and Truck Recyclers Licensing Advisory Board	KRS 177.951	Inactive since 1996	1978
Kentucky Board of Family Health Care Providers	KRS 216.920	Defunct	2005
Kentucky Cardiovascular Disease Initiative Board	KRS 211.481	Lost funding	2010

<b>Entity</b>	<b>Legal Citation</b>	<b>Information Provided</b>	<b>Latest Legislative Action</b>
Kentucky Diabetes Research Board	KRS 211.736	No funding in FY 2010	2005
Kentucky e-Health Network Board	KRS 216.265	Inactive since 2010, not included in FY 2010 budget	2012
Kentucky Forest Products Council	KRS 154.47-110		2010
Kentucky Gas Pipeline Authority	KRS 353.752	Was not reactivated, not likely to be reactivated	2010
Kentucky Geographic Education Board	KRS 157.921	Became self-perpetuating and established its own bylaws	2009
Kentucky Information Technology Advisory Council	KRS 42.732		2009
Kentucky Innovation Commission	KRS 164.6015		2008
Kentucky Labor-Management Advisory Council	KRS 336.162	Ceased to exist	2010
Kentucky Long-Term Policy Research Center Board	KRS 7B.030	No longer active due to budget cuts	2003
Kentucky National Guard and Reserve Employers' Council	KRS 36.145	No appointments per Adjutant General's request, noted that there exists a national entity that does the same thing	2003*
Kentucky Natural History Museum Board of Directors	KRS 146.652	Inactive since at least 2004	2000*
Kentucky Peace Corps Governing Board	KRS 154.01-705		1992*
Kentucky Regional Integrated Waste Treatment and Disposal Facility Siting Board	KRS 224.46-820	No appointments made	2005
Kentucky Tobacco Settlement Trust Corporation Board of Directors	KRS 248.480, EO 99-1000		2006
Kentucky Wood Products Competitiveness Corporation	KRS 154.47-015		2009
Mining Council	KRS 350.310		2010
My Old Kentucky Home Advisory Commission	KRS 148.400		1994
Nursing Workforce Foundation	KRS 314.452		2009

<b>Entity</b>	<b>Legal Citation</b>	<b>Information Provided</b>	<b>Latest Legislative Action</b>
Personnel Steering Committee	KRS 18A.405	Abolished in 1998	1998
Public Health Services Advisory Council	KRS 194A.090	Defunct/inactive	2005
Public Officials Compensation Commission	KRS 64.742	No appointments made	1994*
Small Business Advisory Council	KRS 154.12-218	No appointments made	2005
Falls of the Ohio Interstate Park Commission	KRS 148.241	No record of appointments	1968*
Underground Railroad Advisory Council	KRS 171.814	Has not met for years	2009
Washington County Covered Wooden Bridge Authority	KRS 176.410		2004
Washington, Kentucky Historic Township Commission	KRS 171.385	No record of appointments	1974*
Workers' Compensation Advisory Council	KRS 342.0012	No record of appointments	2010
Advisory Council to the Kentucky Children's Health Insurance Program	KRS 205.6491	Being held dormant; no appointments have been made since 2006; believed to be defunct/inactive	2005
Small Coal Operators Advisory Council	KRS 350.260	Holding dormant, per EEC	2010

Note: CHFS is Cabinet for Health and Family Services, EEC is Energy and Environment Cabinet, EO is executive order, and OAG is Office of Attorney General. The Animal Diagnostic Laboratory Advisory Committee was created through EO 78-289 and EO 97-1374 and is being held dormant and has not met in several years. The Governor's Task Force on Early Childhood Development and Education was created through EO 2009-154 and was noted as inactive by the Governor's Office of Boards and Commissions. These were not included in the table because they have no statutory creation; they are included in the total number of inactive entities.

\*This is the creation date for the entity. There have been no amendments since creation.

Source: Compiled by Program Review staff from information provided by the Governor's Office of Boards and Commissions.

Program Review staff identified 32 inactive entities through contact with administrative bodies associated with the entities.

Table 2.2 lists the additional 32 inactive entities that Program Review staff identified through contact with administrative bodies associated with the entities.

**Table 2.2**  
**Inactive Boards, Commissions, and Similar Entities Identified by Program Review Staff**

<b>Entity</b>	<b>Legal Citation</b>
Agricultural Export Authority	KRS 247.421
Commission of Health Economics Control in Kentucky	KRS 216B.025
Distance Learning Advisory Committee	KRS 164.800
Executive Branch Compensation Advisory Council	KRS 64.475
Foundation for Workforce Development Board of Trustees	KRS 151B.230
Gas System Restoration and Development Project Account Review Board	KRS 147A.200(2)
Governor's Literacy Partnership	Executive Order 2007-1018
Homeless Veterans Service Coordinating Committee	KRS 40.340(6)
Interagency Commission on Educational and Job Training Coordination	KRS 156.740
Judicial Council	KRS 27A.100
Kentucky Boxing and Wrestling Medical Advisory Panel	KRS 229.260
Kentucky Council on Agriculture	KRS 247.413
Kentucky Health and Geriatric Authority	KRS 216.803
Kentucky Industrial Hemp Commission	KRS 260.857
Kentucky Institute for Education Research Board	KRS 158.646
Kentucky Investment Capital Network	KRS 154.12-2333
Kentucky Recycling and Marketing Assistance Program—Advisory Committee	KRS 224.10-660(3)
Kentucky School for the Deaf Advisory Board	KRS 167.037
Library Science Scholarship Fund Advisory Committee	KRS 171.303
Long-Term Care Coordinating Council	KRS 216.580
Medical Laboratory Advisory Committee	KRS 333.220
Newsprint Recycling Task Force	KRS 224.43-080
One-Stop Business Portal Advisory Committee	KRS 14.250
Recipient Utilization Review Committee	KRS 205.8455
Small Business Stationary Source Compliance Advisory Panel	KRS 224.20-510, 42 U.S.C. 7661f
Statewide Strategic Planning Committee for Children in Placement	KRS 194A.146
STEM Initiative Task Force	KRS 164.0286
Strategic Committee on Postsecondary Education	KRS 164.004
Task Force on Health Care Cost and Quality	KRS 216B.135
Technical Advisory Committee on Consumer Rights and Client Needs	KRS 205.590(j)
Technical Advisory Committee on Nursing Service	KRS 205.590(d)
Technical Advisory Committee on Podiatric Care	KRS 205.590(g)

Note: STEM is science, technology, engineering, and mathematics.

Source: Compiled by Program Review staff through communication with questionnaire contacts.

Seven entities created with a sunset provision have expired sunset dates. There is no process for automatically repealing a statute containing an expired sunset provision.

Program Review staff identified seven boards, commissions, and similar entities created with a sunset provision, for which the sunset dates have expired. For example, the Kentucky Bicentennial Commission had a sunset date of June 30, 1993, but the statute for it still appears with an active catchline.<sup>1</sup> However, there is no process for automatically repealing a statute containing an expired sunset provision. Table 2.3 lists entities found in statute that have reached their sunset dates.

**Table 2.3**  
**Entities Expired Due to Sunset Provisions With Active KRS Catchlines**

<b>Entity</b>	<b>KRS</b>
Commonwealth of Kentucky Abraham Lincoln Bicentennial Commission	171.347
Kentucky Bicentennial Commission	153.388
Kentucky Capitol Centennial Commission	171.750
Kentucky Commission on Autism Spectrum Disorders	194A.622
Kentucky Historical Events Celebration Commission	153.320
State Tax Increment Financing Commission	65.7069, 65.7044
Vietnam Veterans’ Bonus Board of Review	40.560

Source: Compiled by Program Review staff.

One entity was found to be inactive but stated a need for maintaining its legal authority. The Small Business Stationary Source Compliance Advisory Panel was partially created at the federal level but is currently inactive. It must remain in statute in case the federal government decides to reactivate the panel (Keatley).

Three entities are currently inactive but reportedly are considering or planning to become active: the Library Science Scholarship Fund Advisory Committee, the Statewide Strategic Planning Committee for Children in Placement, and the Kentucky Industrial Hemp Commission (Harper; Patton; Wood).

The Library Science Scholarship Fund Advisory Committee never appointed members because money was never placed in the fund for scholarships. However, the respondent noted this may change as a result of a special license plate commissioned for support of libraries. Consideration has been given to directing moneys from

<sup>1</sup> When looking at statutes online, a catchline appears as a heading or title describing what is noted in the statute. Statutes that have been repealed are listed as “Repealed” along with the year, but the catchline at the time of repeal can be seen when clicking on the repealed statute. Statutes that have expired due to a sunset provision, but have not been formally repealed, still appear with an active, or not repealed, catchline.

sales of the license plate to the scholarship fund. If this occurs, the committee may become active.

Eleven boards, commissions, and similar entities have not met since 2009.

Based on responses to the questionnaire, the 11 boards, commissions, and similar entities listed in Table 2.4 last met between 2004 and 2009. These entities did not appear to have special circumstances that would require them to meet only as needed. It is uncertain whether the entities are truly inactive, but they are not included in further analysis in this report.

**Table 2.4**  
**Boards, Commissions, and Similar Entities That Have Not Met Since 2009 or Earlier**

<b>Entity</b>	<b>Legal Citation</b>	<b>Most Recent Meeting Date</b>
Kentucky Local Correctional Facilities Construction Authority	KRS 441.615	Sept. 2004
Governor's Council for Earthquake Risk Reduction	EO 2000-713	Sept. 2004
Kentucky Foundation for the Arts Board of Trustees	KRS 153.180	Dec. 2005
Equine Industry Advisory Commission	KRS 230.555	Apr. 2006
Kentucky Oil and Gas Conservation Commission	KRS 353.565	Dec. 2006
Kentucky Commission on Services and Supports for Individuals with Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses	KRS 210.502	May 2007
Kentucky Agriculture Resources Development Authority	KRS 11.170	Jan. 2008
Council on Domestic Violence and Sexual Assault	KRS 403.700	Feb. 2008
Kentucky Health Care Infrastructure Authority	KRS 216.261	July 2008
High-Performance Buildings Advisory Committee	KRS 56.777	Mar. 2009
State Advisory Committee on Manufactured Home, Mobile Home and Recreational Vehicle Communities	KRS 219.390	May 2009

Note: The respondent for the Kentucky Foundation for the Arts Board of Trustees stated that the board had not met in person since the respondent came to the organization in December 2005, but the board had two conference calls since that time.

Source: Compiled by Program Review staff from questionnaire responses.



Two entities reported no meeting dates for either fiscal year 2010 or 2011 and did not list a most recent meeting date, yet reported they had met before. These entities were the Advisory Commission for Medical Examination and the Technical Advisory Committee on Primary Care. They were excluded from further analysis.

Three other entities, with members appointed to them, reported never having met but have special circumstances that require them to meet only when a case comes before them or a particular review is needed. Those entities are the Prevailing Wage Review Board, the Department of Workers' Claims Administrative Law Judges, and the Child Labor Committee.

### **Potential Cleanup of KRS for Abolished or Renamed Boards**

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Three abolished or renamed entities are still mentioned under their original names in the KRS.

Three entities have been abolished or renamed that are still mentioned in active sections of KRS. The Human Resources Coordinating Commission is abolished in KRS 194.280 but is still mentioned in KRS 402.270. The Judicial Retirement and Removal Commission was renamed the Judicial Conduct Commission by Kentucky Supreme Court Order 98-2, effective January 1, 1999 (Commonwealth of Kentucky. Court). It still appears under its former name in KRS 34.310, 34.320, 34.330, 34.340, 61.400, and 454.350. The Governor's Earthquake Hazards and Safety Technical Advisory Panel expired under Executive Order 95-478 and was renamed the Governor's Council for Earthquake Risk Reduction in Executive Order 2000-713. It still appears under its former name in KRS 39A.040.

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Some entities have been changed or abolished through executive order. The executive agency must propose a reorganization bill to the General Assembly.

Some entities have statutory authority but have been changed or abolished through an executive order. For this type of reorganization to be valid, the executive agency must propose a reorganization bill to the next regular session of the General Assembly. If the General Assembly passes the bill, the changes, for example in the name or composition of an entity, or its abolishment, will be ratified and codified in statute. If the changes are not ratified, the temporary reorganization terminates 90 days after session adjournment, and an agency must propose another reorganization plan in the next legislative session to accomplish the desired modifications.

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An entity, in practice, may operate under the changes made in an executive order without legislative confirmation, but this may lead to confusion.

An entity, in practice, may operate under the changes made in an executive order without legislative confirmation, but this may lead to confusion when a board, commission, or similar entity is, for example, operating under a different name than that in statute. The proposed changes for the three entities in Executive Order 2011-0534 (HB 305) were not ratified in the 2012 General Assembly. The entities noted below as being abolished are currently not operating.

- The functions of the Kentucky Early Intervention System Interagency Coordinating Council were transferred. The council is in KRS at 200.705.
- The Early Childhood Development Authority and Early Childhood Business Council were abolished.<sup>2</sup>

The changes for these three entities were repeated in Executive Order 2012-586. Staff did not locate a prefiled reorganization bill for EO 2012-586 for the 2013 session of the General Assembly.

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<sup>2</sup> The authority is in KRS at 164.518; 199.8941; 199.8943; 199.8996; 200.658; 200.700; 200.703; 200.705; and 211.647. The council is in KRS at 200.705 and 200.709.

## Chapter 3

### Oversight

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There are no objective standards for determining the appropriate number and responsibilities of boards, commissions, and similar entities. As with the decisions to create them, deciding which ones to eliminate, consolidate, or revise is a policy decision for the General Assembly.

There are no objective standards for determining the appropriate number and responsibilities of boards, commissions, and similar entities. As with the decisions to create them, deciding which ones to eliminate, consolidate, revise, or continue is a policy decision for the General Assembly. This chapter provides context for such decisions by comparing the numbers and types of boards, commissions, and similar entities in Kentucky and 20 other states. Recently created entities within Kentucky are also discussed to highlight the ever-changing number of boards, commissions, and similar entities. The chapter provides information on how states may achieve efficiency among boards with similar functions, specifically those related to licensing and regulating occupations and professions. Potential overlap among boards, commissions, and similar entities within Kentucky is also discussed. Finally, the chapter reviews consolidation and abolishment of boards, commissions, and similar entities in other states, including fiscal impacts related to such actions, as well as sunrise and sunset procedures utilized in other states.

#### **Boards, Commissions, and Similar Entities in Comparable States**

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For this chapter, the 398 boards, commissions, and similar entities reported by the Governor's Office of Boards and Commissions are compared with the entities in 20 other states with listings of similar comprehensiveness.

Staff spent months compiling information on boards, commissions, and similar entities in Kentucky. It was not possible to get such detailed information for other states. As an alternative, information was gathered from 20 states in which the governors' websites had listings similar in comprehensiveness to that of the Kentucky Governor's Office of Boards and Commissions. For the sake of comparison in this chapter, only the numbers of boards, commissions, and similar entities reported by that office are used for Kentucky. Numbers for other states are as of June 2012; the number for Kentucky is as of March 2012. As not all boards, commissions, and similar entities within Kentucky are noted on the Governor's Office of Boards and Commissions' website, it is assumed that the same is true for other states.

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Among 21 comparable states, Kentucky has more boards, commissions, and similar entities than every state except New Jersey.

Table 3.1 shows the numbers of boards, commissions, and similar entities reported by the Governor's Office of Boards and Commissions in Kentucky and from the governors' websites of the 20 comparable states. Only New Jersey, with 484, has more

boards, commissions, and similar entities listed than Kentucky's 398. Only four states have more than 300 listed boards, commissions, and similar entities. The median number of boards, commissions, and similar entities listed in the other states is 208.<sup>1</sup>

**Table 3.1**  
**Boards, Commissions, and Similar Entities Reported by the**  
**Kentucky Governor's Office of Boards and Commissions and**  
**Listed on Governors' Websites In 20 Comparable States**

<b>State</b>	<b>Entities</b>
New Jersey	484
<b>Kentucky</b>	<b>398</b>
North Carolina	389
Texas	335
Delaware	237
Arizona	234
Indiana	229
Colorado	224
Missouri	219
Oregon	218
New Mexico	211
Michigan	205
Idaho	195
Vermont	188
Iowa	180
Washington	172
Kansas	161
Montana	156
North Dakota	146
Wyoming	142
Alaska	128

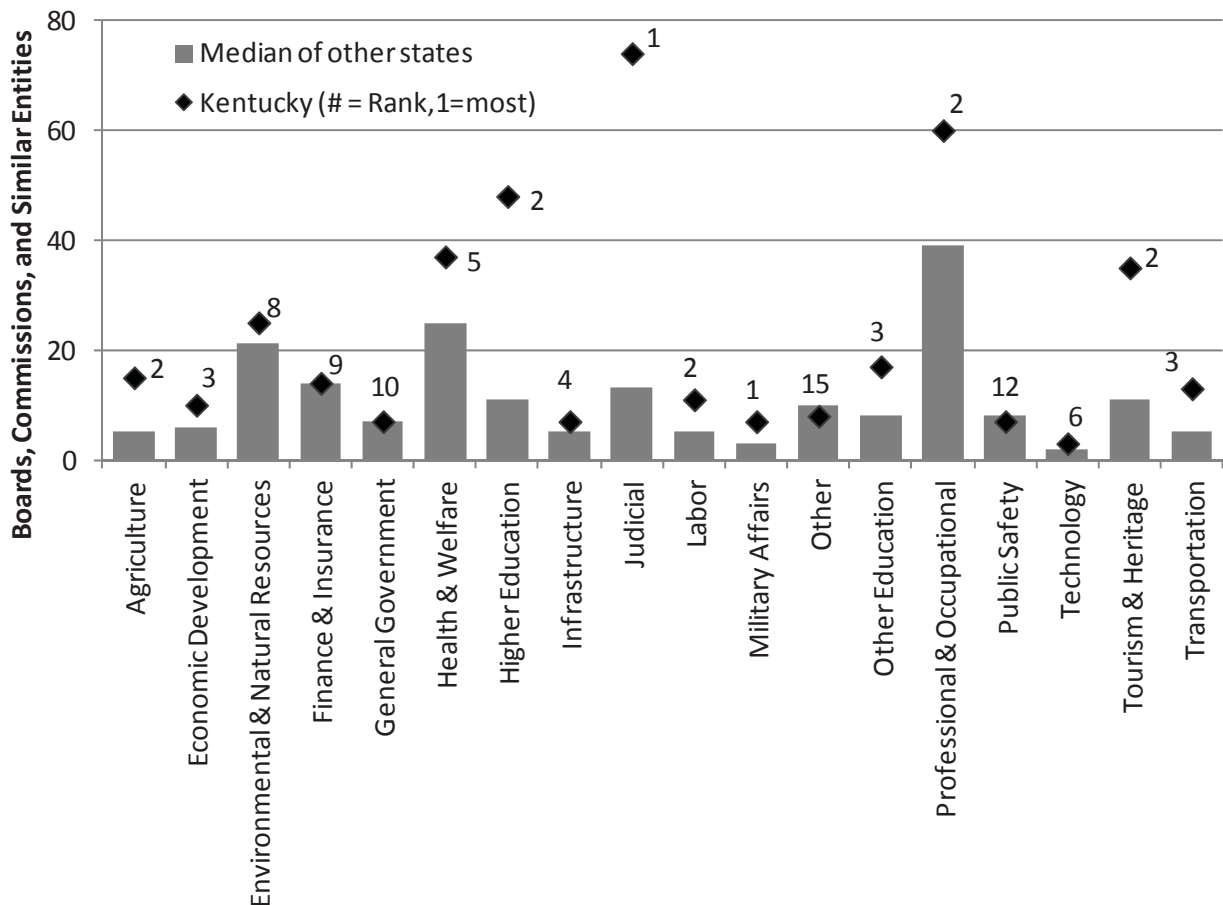
Source: Compiled by Program Review staff from information reported by the Governor's Office of Boards and Commissions and websites of governors of other states.

Other states have boards, commissions, and similar entities that generally fit into the same categories used in this report to describe those in Kentucky. Arts and history, health and welfare, higher education, and agriculture are categories for which other states commonly have boards. All states have boards that oversee the issuance of professional licenses and certifications. Common licensing and regulatory boards across states include pharmacy, nursing, accountancy, plumbing, and cosmetology.

<sup>1</sup> The median is the average of the 10<sup>th</sup> and 11<sup>th</sup> ranked states.

Other boards, commissions, and similar entities tend to be specific to an area’s geography or resources. For example, coastal states have marine and maritime commissions. Kentucky and other coal mining states have a number of boards relating to the industry. Program Review staff assigned entities in other states to the 18 types used to describe Kentucky’s boards, commissions, and similar entities. Figure 3.A indicates the 18 types, the median number of entities for each type in the other states, the number of entities for Kentucky as reported by the Governor’s Office of Boards and Commissions, and Kentucky’s rank for each category among the 21 states.

**Figure 3.A**  
**Boards, Commissions, and Similar Entities in Kentucky**  
**and 20 Comparable States by Type**



Source: Compiled by Program Review staff from a review of states’ listings.

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Kentucky has a higher number of boards, commissions, and similar entities than the median for other states in all but 4 of 18 types of entities.

Kentucky's relatively high number of boards, commissions, and similar entities is reflected across most types, with significantly higher numbers of entities in some types. Kentucky has a higher number of entities than the median for other states for all but 4 of the 18 types.

Kentucky has 74 judicial entities, the most of these states, compared to 13 for the median state. This is due to the 61 judicial nominating commissions within the state. Other types for which Kentucky has significantly more entities than the median comparable state include

- higher education (Kentucky has 37 more entities than the median state),
- tourism and heritage (24 more), and
- professional and occupational (21 more).

Only one of the comparison states, Michigan, has more boards related to agriculture than does Kentucky. Only North Carolina has more boards in the categories of higher education and professional and occupational boards than does Kentucky.

### **Entities Recently Created in Kentucky**

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During fiscal years 2010 and 2011, Kentucky created at least 16 new boards, commissions, and similar entities. Eight of the 16 entities are categorized as health and welfare or professional and occupational.

Table 3.2 lists the 16 boards, commissions, and similar entities created in fiscal years 2010 and 2011. At the time the questionnaire responses were submitted, all but one entity had held at least one meeting. Because these entities are relatively new and the information provided for them was often inconsistent, they were excluded from the other analyses in this report. They are covered here to provide information on recent trends and to illustrate that the number and tasks of boards, commissions, and similar entities change frequently.

Eight of the 16 entities created during the 2-year period are categorized by type as health and welfare or professional and occupational. No other type includes more than two entities. The functional characteristics are more varied. Ten entities have advisory roles, three are involved in licensing and regulatory duties, two review or provide recommendations on specific topics, and one is involved with promotion and advocacy.

**Table 3.2**  
**Kentucky Entities Created During**  
**Fiscal Year 2010 and Fiscal Year 2011**

<b>Entity</b>	<b>Legal Authority</b>
Commonwealth of Kentucky War of 1812 Bicentennial Commission	KRS 171.755
Elevator Advisory Committee	KRS 198B.4005
Endow Kentucky Commission	KRS 147A.330
Kentucky Applied Behavior Analysis Licensing Board	KRS 319C.030
Kentucky Board of Diabetes Educators	KRS 309.329
Kentucky Board of Prosthetics, Orthotics, and Pedorthics	KRS 319B.020
Kentucky Equine Health and Welfare Council	KRS 257.472
Kentucky Radon Program Advisory Committee	KRS 211.9103
Livestock Care Standards Commission	KRS 257.192
One-Stop Business Portal Advisory Committee	KRS 14.250
Technical Advisory Committee on Behavioral Health	KRS 205.590(k)
Technical Advisory Committee on Children’s Health	KRS 205.590(l)
Technical Advisory Committee on Intellectual and Developmental Disabilities	KRS 205.590(m)
Technical Advisory Committee on Therapy Services	KRS 205.590(n)
Waste Tire Working Group	KRS 224.50-855
Water Transportation Advisory Board	KRS 174.200

Source: Compiled by Program Review staff from review of questionnaire responses.

Most entities created in these 2 years are relatively small. Approximately 81 percent of the entities have gubernatorial appointments.

The entities created during this period tend to be relatively modest in size. The Commonwealth of Kentucky War of 1812 Bicentennial Commission is the largest board, with 18 seats. Thirteen of the 16 entities have gubernatorial appointments. According to its responses to the questionnaire, the One-Stop Business Portal Advisory Committee no longer exists, although its statute still exists.

**Consolidation and Abolishment of Entities in Other States**

States attempt to gain greater efficiency among boards, commissions, and similar entities in a variety of ways. Some states do this as part of a larger approach. For example, New York, through the Spending and Government Efficiency initiative, is attempting to achieve better state government performance. One of the areas addressed by the initiative involves streamlining state government by consolidating types of agencies, such as those discussed in this report, that have overlapping missions (State of New York). Other efforts involve consolidating or abolishing boards, sometimes done through a sunset review process; more

closely evaluating the need or impact of a proposed board, possibly through a sunrise procedure; or grouping boards with similar functions under an umbrella organization so that similar functions can be addressed more efficiently.

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Many states have attempted to streamline the number of boards, commissions, and similar entities through consolidation or abolishment. Abolishment can be achieved directly through legislative or executive action or indirectly by removing funding.

Many states have attempted to streamline the number of boards, commissions, and similar entities through consolidation or elimination. The following sections provide examples. Entities are considered to be consolidated when staff and responsibilities are moved into another agency or when they are combined with another agency to create a new entity. Entities are considered abolished when action is taken to stop the entity from continuing its functions and portions of it are not transferred to another entity. Abolishment can be direct, through legislative or executive action, or it can be indirect, such as when a governor removes all funding for a board.

### **Abolishment**

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Other states have abolished boards, commissions, and similar entities comparable to some found in Kentucky.

Other states have abolished boards, commissions, and similar entities comparable to some found in Kentucky. In 2011, Michigan's Executive Order 2011-3 abolished the Executive Clemency Advisory Council and the Parole and Commutation Board. A new Parole Board was created in the Department of Corrections. New Jersey abolished the Advisory Council on Juvenile Justice and the Study Commission on Parole through Executive Order No. 40.

Kansas eliminated the Advisory Commission on Health and Environment and the Advisory Commission on Podiatry in K.S.A. 74-140. Missouri eliminated the Governor's Advisory Council on Aging, Commission on Patient Safety, and Governor's Council on AIDS through Executive Orders 10-02, 10-08, and 10-09.

In 2012, Virginia's SB 678 abolished the Board of Mineral Mining Examiners and the Board of Surface Mining Review.

Rhode Island's FY 2011 budget discontinued funding for the Commission on Women; it had received \$70,000 in the previous year (State of Rhode Island).

### **Consolidation**

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Some states have merged or consolidated boards. Merged boards have not always been identical in function or scope.

Some states have merged or consolidated boards. In New York, the Consumer Protection Board was merged into the Department of State as a result of the FY 2012 Enacted Budget. In 2011, SB 653



abolished the Texas Youth Commission and the Texas Juvenile Probation Commission, transferring their responsibilities to the new Texas Juvenile Justice Department. Also in 2011, Florida's SB 2156 merged the Unemployment Appeals Commission into the Department of Economic Opportunity. Colorado's 2011 SB 208 merged the Wildlife Commission and the Board of Parks and Outdoor Recreation into a new Parks and Wildlife Board.

Merged boards do not have to be identical in function or scope. Agencies have been consolidated when they have similar functions or fields. For instance, under Virginia's 2012 SB 678, the Board for Professional Soil Scientists and Wetland Professionals was merged into the Board for Geology.

Connecticut's 2011 HB 6651 merged various agencies. The Office of Government Accountability was created, and several agencies were added to it, including the State Elections Enforcement Commission, Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, and State Contracting Standards Board.

### **Fiscal Impact**

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An overview by the National Council of State Legislatures suggests that elimination and consolidation of state entities have not resulted in substantial savings.

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From 2009 to 2011, 19 states eliminated or consolidated state entities. For example, California consolidated its Personnel Board. An independent review did not support the projected \$6 million savings. New Jersey has eliminated several entities but not for fiscal benefits.

The National Conference of State Legislatures reviewed ways in which states had eliminated or consolidated entities to lower costs. Eliminating or consolidating state entities has usually not produced substantial savings (Murphy 1).

From 2009 until August 2011, 19 states eliminated or consolidated state entities. California, New Jersey, and Washington were the most active. California created CalHR by merging the State Personnel Board with the Department of Personnel Administration. The governor's reorganization plan estimated savings of \$6 million. An independent review, which favored the plan, questioned this figure because transition costs and the number of positions to be retained were unknown (State of California).

New Jersey eliminated numerous entities, but the report leading to the elimination targeted only entities that were defunct or inactive. The report did not suggest that elimination would provide any fiscal benefits (State of New Jersey 28).

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Other states' experiences seem to show that eliminating inactive boards does not generate fiscal benefits.

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A 2012 Virginia reorganization plan eliminated 17 boards and commissions and consolidated 13 boards and commissions into other entities.

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Estimated annual savings are approximately \$377,000, more than half of which is the result of two consolidations.

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Ohio abolished 77 boards and commissions in 2011. Abolishing the 69 boards that were inactive or had completed their task provided no financial benefits. Of the eight active boards, five were supported by other agencies, and the anticipated benefits from their abolishment were minimal.

The following information provides examples of fiscal analysis conducted by state governments to determine the effect of abolishing or consolidating boards, commissions, and similar entities. Eliminating inactive entities does not appear to generate benefits since no funding is going directly to those entities. The reports suggested different estimates when eliminating entities existing under an agency's budget. Ohio's report stated the elimination of these entities would generate minimal savings, while Virginia's analysis produced savings for all boards eliminated. Significant savings seem to occur when larger entities are abolished.

**Virginia.** Virginia's Department of Planning and Budget utilized a Fiscal Impact Statement to analyze 2012's SB 678. The reorganization plan eliminated 17 boards and commissions and merged 13 boards into other entities.

The department considered the direct costs of operating the boards and commissions, such as travel expenses and per diem compensation. Indirect costs, such as staff time and other resources provided by agencies involved with the boards and commissions, were acknowledged, but the report did not include these costs because they were not quantifiable savings. The department estimated that eliminating or consolidating the 30 boards and commissions would save approximately \$377,000 a year in costs to the state: \$54,124 for the 17 eliminations and \$322,686 for the 13 consolidations. More than one-half of the estimated savings came from two mergers. Consolidating the Board of Hearing Aid Specialists into the Board of Vision and Hearing Devices was estimated to save \$103,234 a year, and the merger of the Advisory Board on Child Abuse and Neglect with the Family and Children's Trust Fund was estimated to save \$100,638 a year (Commonwealth of Virginia 2-3).

**Ohio.** In response to SB 171, enacted by the 2011 General Assembly, the Ohio Legislative Service Commission conducted a fiscal analysis of the legislation and the 79 boards, commissions, and similar entities affected. The bill abolished 77 entities, of which 69 had issued final reports or become inactive. Duties and responsibilities of two boards were consolidated into other entities (State of Ohio 1).

No savings were expected from abolishing the 69 boards, commissions, and similar entities that had issued final reports or become inactive. The set of eight then-functioning boards and commissions contained five entities without a specific

appropriation or formal budget, with their expenses accounted for within the budgets of the agencies responsible for providing support. The analyst expected “small savings, if any” for abolishing these boards and commissions (State of Ohio 2). The Legal Rights Service Commission, the School Employees Health Care Board, and the Workers’ Compensation Council were funded separately, and abolishing them generated savings.

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Abolishing Ohio’s Legal Rights Service Commission was expected to save \$233,000 per year. Estimated benefits from abolishing the other two entities are several hundred thousand dollars per year.

The Legal Rights Service Commission governed the Legal Rights Service, which protected and advocated the rights of people with disabilities. The bill repealed its authorizing statute, and the commission was intended to become a separate nonprofit entity. Transitioning into a nonprofit entity was estimated to save the state approximately \$233,000 that the commission had previously received each year. The School Employees Health Care Board had been created to help control cost increases in public school districts’ health plans. The board’s appropriations were \$800,000 per fiscal year, but its expenditures varied between \$254,000 and \$434,000. The analyst could only estimate abolishment would decrease expenditures by “several hundred thousand dollars” for each year (State of Ohio 3).

The Workers’ Compensation Council became inactive in 2011. It had been created to review the workers’ compensation system and any legislation related to it. The council’s expenditures were up to \$286,000 per year.

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Ohio’s Interagency Council on Hispanic-Latino Affairs and the Group of Experts in Pediatric Medicine were consolidated into other entities. The council had no expenses in previous years, and the group members received no compensation or reimbursement.

The Interagency Council on Hispanic-Latino Affairs was abolished and its duties absorbed into the Commission on Hispanic-Latino Affairs. The commission indicated the Hispanic-Latino Affairs Council had no expenditures for activities before the bill was passed (State of Ohio 6). The responsibilities of the Group of Experts in Pediatric Medicine were transferred to the Hospital Measures Advisory Council. Group members received no compensation or expenses before the transfer (State of Ohio 8).

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In 2011, Missouri eliminated or consolidated 25 boards and commissions, which eliminated 200 positions. According to a legislative committee’s analysis, this will result in estimated net costs of \$2,500 for FY 2012 to FY 2014.

**Missouri.** Missouri’s Oversight Division of the Committee on Legislative Research conducted a fiscal analysis for HB 464 of 2011 shortly before it was approved by the governor. Division staff summarized the bill as eliminating, combining, and revising state boards, commissions, committees, and councils. Specifically, 13 boards were modified, 25 commissions were eliminated or consolidated, and 200 positions were removed. The estimated effect on state funds is net costs of approximately \$2,500 for FY 2012 to FY 2014 (State of Missouri 2, 4).

The Missouri Oversight Division determined these figures by questioning the various agencies impacted by the legislation. The majority of agencies stated there would be a minimal fiscal impact since most of the boards had no specific funding and the additional costs were minor enough to absorb. The sole respondent indicating significant negative impacts was the Board of Private Investigator Examiners, with increased costs of approximately \$2,500 for the next 3 fiscal years. The consolidation of the Board of Private Fire Investigator Examiners into the Board of Private Investigator Examiners Board was expected to increase costs due to taking on additional board members to represent private fire investigator examiners. The per diem payments for the new members increased costs by \$700 and the additional mileage and reimbursements increased costs by \$1,000. Additional costs came from printing and posting expenses for the first year of the combined board (State of Missouri 6).

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In 2012, North Carolina's Program Evaluation Division was charged with analyzing the Human Relations Commission and the Civil Rights Division to determine if there was duplication of services. The resulting report found consolidation would not provide significant cost savings.

**North Carolina.** The Human Relations Commission in North Carolina focuses on resolving complaints of housing discrimination and improving community relations. North Carolina's Civil Rights Division in the Office of Administrative Hearings resolves employment discrimination complaints for government employees. The 2012 General Assembly directed its Program Evaluation Division to evaluate both to determine if there was duplication or overlap of services (State of North Carolina 1). The resulting report indicated consolidation would not have provided fiscal benefits.

The Human Relations Commission was concerned with investigating citizens' complaints for fair housing. The Civil Rights Division investigated claims of employment discrimination from state and county government employees. Both entities investigated discrimination and attempted to settle cases without court intervention but were otherwise different. The commission covered private citizens; the Civil Rights Division covered public employees. The commission focused on housing laws; the Civil Rights Division focused on employment laws. The commission had litigation responsibilities; the Civil Rights Division did not. The Program Evaluation Division concluded that no overlaps existed (State of North Carolina 11).

Eliminating a vacant position at the Human Relations Commission and downgrading the director position would have generated an estimated \$67,453 in recurring savings. However, combining housing unit and employment unit staff was projected to lead to higher levels of required funding. The employees would require

additional training to be proficient in both topics. Employment discrimination was considered a more complex topic, so employment discrimination staffers are paid at a higher level. The housing discrimination staff would require additional training and compensation. The training and compensation would result in an unknown amount of recurring costs (State of North Carolina 15). The additional staff would require the Civil Rights Division to increase its office space at an estimated annual recurring cost of \$51,563 (State of North Carolina 16).

The Program Evaluation Division did not recommend consolidation (State of North Carolina 23). The entities did not focus on the same material or tasks, so combining entities was projected to result in additional costs.

### **Increasing Efficiency Among Boards With Similar Functions**

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When boards share similar functions, such as licensing or regulating professions and occupations, efficiency may be achieved by having one umbrella entity handle administrative tasks for various boards.

When boards share similar functions, such as licensing or regulating professions and occupations, efficiency may be achieved by having one umbrella entity handle administrative tasks for various boards. Kentucky employs this approach for some occupational boards through the Office of Occupations and Professions. Other states, such as Illinois and Indiana, have similar arrangements. Table 3.3 provides an overview of how Kentucky and the other two states vary in their approaches.

**Table 3.3  
 Licensure Board Administrative Support in Kentucky, Illinois, and Indiana**

<b>State</b>	<b>Licensure Board Retains Policymaking Authority</b>	<b>Licensure Board Retains Its Own Staff</b>	<b>All Licensure Boards Have Option To Receive Agency's Administrative Services</b>
Kentucky	Yes	No*	No**
Illinois	No	No	No
Indiana	Yes	No	No

\*The Kentucky Office of Occupations and Professions currently supports no boards that retain their own staff, but boards do utilize staff from other boards.

\*\*Boards specified in statute can have services provided, but they must request them. Independent boards or commissions must have services provided if they regulate fewer than 100 licenses.

Source: Prepared by Program Review staff from information obtained from KRS, Bourne (Kentucky), Kelly (Indiana), and Thompson (Illinois).

## Kentucky Office of Occupations and Professions

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The Kentucky Office of Occupations and Professions assists 23 boards and similar entities, two of which are registries. The office has 15 staff.

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A Kentucky board that regulates 100 or more professional licenses can choose to remain independent of the Office of Occupations and Professions. Smaller boards must use the office's services.

The Office of Occupations and Professions is part of the Public Protection Cabinet. The office assists 23 boards and similar entities, two of which are registries, and handles approximately 22,000 professional licenses (Bourne).

KRS 224.10-052 states that the Office of Occupations and Professions shall provide administrative support, technical assistance, and advice to specific boards, at the request of the individual boards. The individual boards retain their identity and authority to make policy decisions regarding the professions they regulate. Not all of these entities request the office's services (Bourne). According to KRS 224.10-053, boards that do not regulate 100 or more licenses in the statutorily established amount of time must use the office's services.<sup>2</sup>

The office has 15 total staff assigned to operations and to administration. The operations section handles reimbursements, per diem compensation, the website, and database. The administration section is composed of eight board administrators. Each administrator is typically assigned to three boards. Administrators' duties include receiving applications for licenses, follow-up with applicants, taking applications before the appropriate board, entering approval information into a database, sending minutes to the Department for Libraries and Archives, and setting up board meetings. The administrator is the main point of contact for any particular board (Bourne).

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Each board has a memorandum of agreement with the office that outlines the fee structure.

Any board receiving administrative support from the office pays for these services. The office is funded solely through payments by boards. All boards operate on restricted funds. The administrative fee, which varies among boards, is specified in the 2-year Memorandum of Agreement (MOA) between the office and each board (Bourne).

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<sup>2</sup> Boards created before July 15, 2010, had to regulate 100 or more licenses for the 2 consecutive fiscal years ending June 30, 2010, to remain independent. Boards created after July 15, 2010, must demonstrate that the entity will regulate at least 100 licenses. Provisions are in place to address boards that fail to regulate the required number of licenses within the specified time frame.

### **Indiana Professional Licensing Agency**

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The Indiana Professional Licensing Agency (IPLA) is an umbrella agency responsible for regulating 35 health and professional boards. The IPLA provides administrative services to the boards under it. No board under IPLA can retain its own staff.

The Indiana Professional Licensing Agency (IPLA) is an umbrella agency responsible for regulating 35 health and professional boards. The agency can provide its services only to boards specified in statute; boards cannot request to receive services. A board required by statute to receive the IPLA's services cannot decline the agency's support (Kelly). The IPLA regulates approximately 450,000 licensed professionals in Indiana (State of Indiana).

The agency's administrative services include setting meeting agendas, taking minutes, issuing licenses, writing rule promulgations, answering questions about professional licenses and other general questions, and setting disciplinary hearings. No board under the IPLA retains its own staff (Kelly). By statute, policymaking authority remains with the individual board, not the IPLA (IC 25-1-6-3).

Each professional board raises revenue through issuing new licenses, renewing licenses, and collecting disciplinary fees. This revenue goes to Indiana's general fund, not the IPLA. The State Office of Management and Budget determines how much the IPLA will receive to cover operating expenses (Kelly).

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The Indiana General Assembly created a committee to study the necessity of boards within the IPLA.

Established in Indiana Code, the Regulated Occupations Evaluations Committee reviews all regulated professions within the IPLA. The committee periodically reviews the necessity of each board, which has resulted in recommendations to eliminate boards (Kelly).

### **Illinois Department of Financial and Professional Regulation, Division of Professional Regulation**

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The Illinois Division of Professional Regulation administers 57 professional Acts pertaining to approximately 100 types of professional licenses.

The Illinois Division of Professional Regulation administers 57 professional Acts pertaining to approximately 100 types of professional licenses. Each licensing board is established under a professional Act. The division is given the authority under the professional Act to administer the Act. The boards administered by the Division of Professional Regulation do not have policy-making authority. Individual boards serve in an advisory capacity and make recommendations to the Secretary of the Department on professional licenses and disciplinary action. In practice, recommendations are made to the director of the division (Thompson).

The division does not receive general fund appropriations; it is financed through licensing, disciplinary, and other fees. Some professions have their own accounts; others are combined into the same account. The division pays for all board expenses and the division's operating costs through these accounts (Thompson).

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Boards receive staffing from the division. Each board has its own liaison with the division.

Boards receive staffing from the division. Each board has its own liaison, who is also the license manager for that profession. Most of the liaisons are assigned to multiple boards. The division has nine coordinators who are assigned to specific professions: a chief medical coordinator and two deputies, dental coordinator, nursing coordinator, optometry coordinator, pharmacy coordinator, real estate coordinator, and real estate appraisal coordinator. The coordinator provides additional management and expertise to a particular profession (Thompson).

### **Potential for Overlap Among Kentucky's Boards, Commissions, and Similar Entities**

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Program Review staff categorized Kentucky boards, commissions, and similar entities by type and by function. Entities may cover more than one type and function.

Through categorizing the boards, commissions, and similar entities by type and function, Program Review staff looked at potential duplication of effort. Type is the entity's area of policy, such as higher education, professional and occupational, and health and welfare. Function is the role or task an entity has, such as advisory, review/recommendation, or licensing/regulatory. For type and function, staff assigned entities to one category for each, based on what the primary type and function appeared to be. Many entities have multiple roles, so each could cover more than one type and function.

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Staff reviewed the statutory duties and powers of entities that may overlap. A comparison of an entity's statutory requirements with its actual operations would be needed to definitively assess overlap.

A systematic review of an entity's statutory requirements in comparison with its actual operations is necessary to definitively assess overlap or the potential for overlap. With the large number of entities contained in this review, review of statutory or other creating legal authority was used to assess the potential for overlap. The entities below are examples of this approach.

The Kentucky Multidisciplinary Commission on Child Sexual Abuse focuses on investigation and prosecution of child sexual abuse cases, but it is similar to the Child Sexual Abuse and Exploitation Prevention Board. The former reviews information and makes recommendations to the three branches of government; the latter oversees the coordination and establishment of prevention programs.



The Motorcycle Safety Education Commission focuses on education. Its function is to administer the motorcycle safety education program. The Motorcycle Advisory Commission for Highway Safety focuses on highway design by acting as an advisory body to the Transportation Cabinet. Both address motorcyclists and related safety issues.

Staff of the Governor's Office of Boards and Commissions note that no appointments were ever made to the Small Business Advisory Council. Advising the Department for Existing Business Development on small business matters and problems was its original purpose. The primary mission of the Commission on Small Business Advocacy, which is actively meeting, is to promote the Federal Small Business Regulatory Enforcement Fairness Act of 1996. It also conducts research on government policies that have direct impact on the small business community, facilitates awareness of regulations specific to small businesses, and acts as an advocacy body.

### Sunset Review

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At least eight states have statutory sunset review bodies to determine the continued necessity for boards, commissions, and similar entities. Kentucky does not.

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At least nine Kentucky boards, commissions, and similar entities have sunset provisions in their enabling statutes.

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Of the eight states examined that have sunset review bodies, four review a specified list of entities, two review all entities, one reviews all entities created by the General Assembly, and one reviews only licensing boards.

Sunset review sets an end date for entities and requires a successful review and legislation to continue an entity's existence. At least eight states have established sunset review bodies through legislation.

Kentucky has no general sunset review process for its boards, commissions, and similar entities. Program Review staff identified nine Kentucky entities with sunset provisions in their enabling statutes.<sup>3</sup>

Table 3.4 lists the states with sunset review bodies examined for this study. Table 3.5 summarizes the review processes. Information about how each of the eight states handles its sunset review processes is provided in Appendix D. One state reviews only licensing and occupational boards; four review a specified list of entities; one reviews all entities created by the General Assembly; and two review all boards, commissions, and similar entities. All except Illinois use public hearings as part of the process. Six of the

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<sup>3</sup> The nine entities are the Commonwealth of Kentucky Abraham Lincoln Bicentennial Commission, Kentucky Bicentennial Commission, Kentucky Capitol Centennial Commission, Kentucky Commission on Autism Spectrum Disorders, Kentucky Historical Events Celebration Commission, State Tax Increment Financing Commission, Vietnam Veterans' Bonus Board of Review, Commonwealth of Kentucky War of 1812 Bicentennial Commission, and Commonwealth of Kentucky Civil War Sesquicentennial Commission.

eight states include members of the House and Senate in the reviewing body.

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According to the Texas Sunset Advisory Commission, it has abolished 78 entities and saved \$945.4 million.

Texas is the only state for which the cumulative savings as a result of sunset review were found. Its Sunset Advisory Commission reports that since 1977 it has abolished 78 agencies. Savings since 1982 totaled \$945.4 million; the commission's total expenditures for this period were \$32.8 million (State of Texas).

### Recommendation 3.1

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#### Recommendation 3.1

**The General Assembly may wish to consider implementing a periodic review of all or selected boards, commissions, and similar entities to determine whether each entity should be continued, consolidated, or abolished.**

**Table 3.4**  
**State Sunset Reviews**

State	Entities Reviewed	Review Frequency
Alabama	Specified in sunset law	4 years
Illinois	Licensing/occupation	10 years
Missouri	All created by General Assembly	6/12 years*
Ohio	All	**
Oklahoma	Specified in sunset law	6 years
Tennessee	Specified in sunset law	8 years
Texas	Specified in sunset law	12 years
West Virginia	All	6/12 years***

\*The first sunset date is not more than 6 years after the entity is established, with up to 12-year reauthorizations.

\*\*A review committee has been created for calendar years 2015 and 2016 to evaluate each state agency in existence on January 1, 2015.

\*\*\*All entities except licensing and occupation boards are reviewed every 6 years; licensing and occupation boards are reviewed every 12 years.

Source: Compiled by Program Review staff from state statutes.

**Table 3.5**  
**State Sunset Review Processes**

<b>State</b>	<b>Review Protocol</b>	<b>Review Body</b>
Alabama	Department of Examiners of Public Accounts assists/public hearings	Senators, representatives
Illinois	Office review	Governor’s Office of Management and Budget
Missouri	Public hearings	Committee on Legislative Research
Ohio	Public hearings	Senators, representatives, gubernatorial appointees
Oklahoma	State Auditor assists/public hearings	Senate and House each has committee
Tennessee	Public hearings	Joint committee of House and Senate
Texas	Self-evaluation submitted to commission/public hearings	Senators, representatives, public individuals
West Virginia	May hold public hearings	Senators, representatives, public individuals

Source: Compiled by Program Review staff from state statutes.

### **Sunrise Review**

In most states, sunrise review means regulating professions or occupations.

In most states, the term “sunrise review” refers only to professional or occupational licensing boards. For example, a Hawaii report describes a sunrise review as “a review of whether it is necessary for a legislature to enact legislation to regulate an as yet unregulated profession or occupation in order to protect the health, safety, or welfare of the public” (Sugano vi). The profession must convince the legislators that consumers will be harmed if the profession or occupation is not regulated.

In 2007, Montana enacted statutes that regulate the creation of licensing boards but also include measures for subsequent review. A letter of intent is to be included with the bill draft request for the creation of a licensing board. Similarly, a bill draft request proposing to license a profession or occupation by combining it with an existing board must contain a letter of intent. Other specified criteria must be met for creation or consolidation. The statute has review criteria for existing boards and provides steps for repeal or consolidation depending on review findings (State of Montana).

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In Washington and Oregon, sunrise review means review of all new boards, commissions, and similar entities regarding duplication, need, and costs.

At least two states require “sunrise review” for all boards, commissions, and similar entities. In Washington, the Office of Financial Management must prepare sunrise notes concerning the creation of new boards, commissions, councils, committees, and other groups established by the executive, legislative, or judicial branches of state government. The sunrise notes must include the purpose and expected impact, powers and duties, potential duplications, and other relevant information related to the need for the entity (RCW 43.133). In Oregon, before any board, commission, or similar entity is approved, the proposed entity is reviewed to determine the need, other related entities that might serve the need, expected benefits, costs, and other factors (State of Oregon).

### **Recommendation 3.2**

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**Recommendation 3.2**

**For bills creating new boards, commissions, or similar entities, the General Assembly may wish to implement a process to determine potential overlap with existing entities and potential impact to the retirement systems and health plan.**

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## Appendix A

### How This Study Was Conducted

To identify boards, commissions, and similar entities, Program Review staff reviewed information provided by the Governor's Office of Boards and Commissions and reviewed statutes and regulations. To obtain additional information on active entities, staff utilized a questionnaire. Staff reviewed studies and legislative action from other states to assess oversight and policies related to boards, commissions, and similar entities. Listings of boards, commissions, and similar entities from comparable states were reviewed.

The population for the questionnaire was based on the list provided by the Governor's Office of Boards and Commissions with additions found through searches of KRS and KAR. The questionnaire covered topics such as funding, compensation, staffing, and meetings.

Requests to respond were sent to 396 entities for which Program Review staff were able to identify contacts. An electronic version of the questionnaire was utilized. Invitations to complete questionnaires were sent on August 17, 2012, with responses requested by August 31, 2012.

Questionnaires were not sent to entities that

- were formed through interstate compacts or other multistate arrangements because of the potential that the response would not solely apply to Kentucky,
- would normally be considered as special districts or otherwise locally created entities,
- were identified as inactive by Program Review staff through contact with administrative entities, or
- were listed as inactive within the Governor's Office of Boards and Commissions' database.

The Governor's Office of Boards and Commissions lists the 61 judicial nominating commissions separately. Program Review staff counted them as one entity for purposes of gathering information on the questionnaire. For the nominating commissions for the 16 colleges within the Kentucky Community and Technical College System, Program Review staff collected information within one questionnaire response. The boards are the same for the Kentucky Higher Education Assistance Authority and the Kentucky Higher Education Student Loan Corporation, so information for both entities was collected from one questionnaire response. The same procedure was used for the Board of Claims and Crime Victims Compensation Board, which also share the same board. Questionnaires were sent to identified contacts for the Advisory Committee for Agricultural Chemical and Chemical Container Disposal Program and the Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee. However, identified contacts said they were either unaware of the entity or were not the appropriate contact and could not identify an appropriate contact. A contact could not be identified for the Governor's Advisory Committee on Reorganization. A questionnaire was not sent to the Engineering-Engineering Related Services Selection Committee of the Transportation Cabinet because the contact did not indicate whether this was considered a standing committee for which meaningful information could be collected. The Clinical Decision Support Committee, Clinical Software Review Committee, Electronic Data Interchange Committee, and Privacy and Security

of Protected Health Information Committee are listed in KRS 216.265. The appointing entity for these, the Kentucky e-Health Network Board, was identified as inactive by the Governor's Office of Boards and Commissions. It is unknown whether these four committees are active, but they are listed in Appendix B as having been identified.

Staff followed up with respondents regarding answers that seemed questionable, such as conflicts with information from legal authorities and entities reporting that they had no members. The response rate was 95.5 percent. When calculating the response rate, staff excluded entities that were identified as inactive during the process of identifying entity contacts and entities for which no information or alternative contacts were provided. Information gathered for the State Board for Proprietary Education is included in the analysis, but it was statutorily changed in the 2012 Regular Session to the Kentucky Commission on Proprietary Education.



## Appendix B

### Boards and Commissions by Type and Function

Legal Citation	Name	Function
<b>Type=Agriculture</b>		
KRS 224.50-020	Advisory Committee for Agricultural Chemical and Chemical Container Disposal Program	Advisory
KRS 248.707	Agricultural Development Board	Administrative/Oversight
KRS 247.42, KRS 247.420(4)	Agricultural Export Authority	Promotion/Advocacy
KRS 224.71-110	Agriculture Water Quality Authority	Review/Recommendation
KRS 247.804	Agritourism Advisory Council	Advisory
EO 78-289, EO 97-1374	Animal Diagnostic Laboratory Advisory Committee	Advisory
KRS 260.570	Egg Marketing Board	Advisory
KRS 257.472	Equine Health and Welfare Council	Advisory
KRS 230.555	Equine Industry Advisory Commission	Advisory
KRS 217C.070, 902 KAR 50:005	Grade A Milk Advisory Committee	Advisory
KRS 260.662	Kentucky Milk Commission	Research
KRS 247.944	Kentucky Agricultural Finance Corporation Board of Directors	Administrative/Oversight
KRS 11.170	Kentucky Agriculture Resources Development Authority	Advisory
KRS 247.6027	Kentucky Corn Promotion Council	Promotion/Advocacy
KRS 247.413	Kentucky Council on Agriculture	Promotion/Advocacy
KRS 230.265	Kentucky Equine Drug Research Council	Research
KRS 251.620	Kentucky Grain Insurance Corporation Board of Directors	Administrative/Oversight
KRS 260.165	Kentucky Grape and Wine Council	Promotion/Advocacy
KRS 260.857	Kentucky Industrial Hemp Commission	Review/Recommendation
KRS 257.192	Kentucky Livestock Care Standards Commission	Review/Recommendation
KRS 260.840	Kentucky Milk Handlers Advisory Board	Advisory
KRS 260.018	Kentucky Proud Advisory Council	Advisory
KRS 247.6944	Kentucky Sheep and Goat Council	Promotion/Advocacy
KRS 247.5087	Kentucky Small Grain Promotion Council	Promotion/Advocacy
KRS 247.573	Kentucky Soybean Promotion Board	Promotion/Advocacy
KRS 230.400(2)	Kentucky Thoroughbred Development Fund Advisory Committee	Advisory
KRS 248.510	Kentucky Tobacco Research Board	Research
KRS 248.480, EO 99-1000	Kentucky Tobacco Settlement Trust Corporation Board of Directors	Administrative/Oversight
KRS 217C.070, 902 KAR 50:002	Milk for Manufacturing Advisory Committee	Advisory
KRS 247.226	North American International Livestock Exposition Executive Committee	Administrative/Oversight
KRS 262.906	Purchase of Agricultural Conservation Easement Corporation Board of Directors	Administrative/Oversight
KRS 260.670	Southern Dairy Compact (commission)-effective upon contingency	Administrative/Oversight

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 246.120	State Board of Agriculture	Advisory
KRS 247.984	Surplus Agricultural Commodities Advisory Committee	Advisory
KRS 15.300	Tobacco Master Settlement Agreement Compliance Advisory Board	Advisory
KRS 248.723	Tobacco Settlement Agreement Fund Oversight Committee	Administrative/Oversight
<b>Type=Economic Development</b>		
KRS 154.12-205	Bluegrass State Skills Corporation Board of Directors	Administrative/Oversight
KRS 11.200	Commission on Small Business Advocacy	Promotion/Advocacy
KRS 154.33-515	East Kentucky Corporation	Administrative/Oversight
KRS 147A.330	Endow Kentucky Commission	Review/Recommendation
EO 2012-103	Governor's Blue Ribbon Commission on Tax Reform	Review/Recommendation
KRS 154.20-010	Kentucky Economic Development Finance Authority	Administrative/Oversight
KRS 154.10-010	Kentucky Economic Development Partnership Board	Administrative/Oversight
KRS 154.47-015	Kentucky Wood Products Competitiveness Corporation	Promotion/Advocacy
EO 99-600	Minority Employment, Business Affairs and Economic Development Council	Review/Recommendation
KRS 14.250	One-Stop Business Portal Advisory Committee	Advisory
KRS 154.12-218	Small Business Advisory Council	Advisory
KRS 147.580	Southern Growth Policies Board	Research
KRS 148.548	Kentucky Film Commission	Advisory
<b>Type=Environmental and Natural Resources</b>		
KRS 350.705	Bond Pool Commission	Review/Recommendation
KRS 224.46-315	Center for Pollution Prevention Board of Directors	Administrative/Oversight
KRS 152.713	Center for Renewable Energy Research and Environmental Stewardship Board of Directors	Research
KRS 211.859	Central Midwest Interstate Low-Level Radioactive Waste Commission	Administrative/Oversight
KRS 349.055	Coalbed Methane Well Review Board	Review/Recommendation
KRS 224.01-210	Environmental Board	Administrative/Oversight
KRS 224.01-100	Environmental Quality Commission	Advisory
KRS 148.241	Falls of the Ohio Interstate Park Commission	Administrative/Oversight
KRS 150.022	Fish and Wildlife Resources Commission	Review/Recommendation
KRS 149.350	Forestry Best Management Practices Board	Review/Recommendation
KRS 147A.200(2)	Gas System Restoration and Development Project Account Review Board	Review/Recommendation
KRS 151.629	Interagency Technical Advisory Committee on Groundwater	Advisory
KRS 224.18-200	Interstate Compact on Air Pollution	Administrative/Oversight
KRS 224.18-100	Interstate Environmental Compact	Promotion/Advocacy
KRS 350.300	Interstate Mining Commission	Review/Recommendation
Ky. Constitution	Interstate Oil and Gas Compact Commission	Promotion/Advocacy
KRS 224.18-710	Interstate Water Sanitation Board	Administrative/Oversight
KRS 154.47-110	Kentucky Forest Products Council	Administrative/Oversight
KRS 353.752	Kentucky Gas Pipeline Authority	Administrative/Oversight
EO 84-925	Kentucky Geological Survey Advisory Board	Advisory
KRS 146.560	Kentucky Heritage Land Conservation Fund Board	Administrative/Oversight
KRS 146.425	Kentucky Nature Preserves Commission	Administrative/Oversight
KRS 353.565	Kentucky Oil and Gas Conservation Commission	Promotion/Advocacy
KRS 234.290	Kentucky Propane Education and Research Council	Administrative/Oversight
KRS 211.9103	Kentucky Radon Program Advisory Committee	Advisory

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 224.10-660(3)	Kentucky Recycling and Marketing Assistance Advisory Committee	Advisory
KRS 224.46-820	Kentucky Regional Integrated Waste Treatment and Disposal Facility Siting Board	Licensing/Regulatory
KRS 223.410	Kentucky Water Well Certification Board	Licensing/Regulatory
16 USC sec 460 iii et.seq.	Land Between the Lakes Advisory Board (LBL Protection Act)	Advisory
2006 HCR 120	Land Stewardship and Conservation Task Force	Review/Recommendation
KRS 351.1055	Mine Equipment Review Panel	Review/Recommendation
KRS 351.1041	Mine Safety Review Commission	Licensing/Regulatory
KRS 351.105	Mining Board	Licensing/Regulatory
KRS 350.310	Mining Council	Advisory
KRS 224.43-080	Newsprint Recycling Task Force	Review/Recommendation
KRS 224.20-510, 42 USC 7661(f)	Small Business Stationary Source Compliance Advisory Panel	Advisory
KRS 350.260	Small Coal Operators Advisory Council	Advisory
KRS 146.090	Soil and Water Conservation Commission	Administrative/Oversight
KRS 224.43-070	Solid Waste Management Legislative Task Force	Review/Recommendation
KRS 149.310	Southeastern Interstate Forest Fire Protection Compact	Review/Recommendation
KRS 152.210	Southern Interstate Nuclear Board	Review/Recommendation
KRS 152.212	Southern States Energy Board	Review/Recommendation
EO 92-594, PL 88-578	State Advisory Committee for the Land and Water Conservation Fund	Advisory
KRS 151.611	Stream Restoration and Mitigation Authorities	Review/Recommendation
KRS 224-18.780	Tennessee River Basin Water Pollution Control Commission	Review/Recommendation
KRS 224.50-855	Waste Tire Working Group	Advisory
KRS 151.650	West Fork Drakes Creek Dam and Reservoir Interstate Authority	Administrative/Oversight
<b>Type=Finance and Insurance</b>		
KRS 18A.225(9)	Advisory Committee of State Health Insurance Subscribers	Advisory
KRS 205.6491	Advisory Council to the Kentucky Children's Health Insurance Program	Advisory
KRS 44.070	Board of Claims	Review/Recommendation
KRS 61.645	Board of Trustees of the Kentucky Retirement Systems	Administrative/Oversight
KRS 161.250	Board of Trustees of the Teachers' Retirement System of the State of Kentucky	Administrative/Oversight
KRS 7A.110	Capital Planning Advisory Board	Review/Recommendation
KRS 64.475	Executive Branch Compensation Advisory Council	Advisory
KRS 286.1-013	Financial Institutions Board	Review/Recommendation
KRS 147B.100	Governor's Financial Policy Council	Advisory
KRS 304.17A-080	Health Insurance Advisory Council	Advisory
KRS 304.51-010	Interstate Insurance Product Regulation Compact	Licensing/Regulatory
KRS 21.530	Judicial Form Retirement System Board of Trustees	Administrative/Oversight
KRS 56.861	Kentucky Asset/Liability Commission	Administrative/Oversight
KRS 131.310	Kentucky Board of Tax Appeals	Review/Recommendation
KRS 342.807	Kentucky Employers' Mutual Insurance Authority Board of Directors	Administrative/Oversight
KRS 18A.226	Kentucky Group Health Insurance Board	Review/Recommendation
KRS 304.36-060	Kentucky Insurance Guaranty Association Board of Directors	Administrative/Oversight
KRS 154.12-2333	Kentucky Investment Capital Network	Promotion/Advocacy
KRS 103.286	Kentucky Private Activity Bond Allocation Committee	Administrative/Oversight

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 18A.245	Kentucky Public Employees Deferred Compensation Authority Board of Trustees	Administrative/Oversight
KRS 121.110	Kentucky Registry of Election Finance	Administrative/Oversight
KRS 65.355	Land Bank Authority	Administrative/Oversight
KRS 136.658	Local Distribution Fund Oversight Committee	Administrative/Oversight
KRS 64.742	Public Officials Compensation Commission	Review/Recommendation
KRS 45A.843	Selection committees (of underwriters and bond counsel)	Review/Recommendation
KRS 42.500	State Investment Commission	Administrative/Oversight
KRS 304.10-400	Surplus Lines Insurance Multi-State Compliance Compact Commission	Administrative/Oversight
KRS 341.110	Unemployment Insurance Commission	Review/Recommendation
<b>Type=General Government</b>		
KRS 45.001	Capital Development Committee	Administrative/Oversight
KRS 11A.060, EO 2008-454	Executive Branch Ethics Commission	Review/Recommendation
KRS 8.010	Interstate Cooperation Commission	Administrative/Oversight
KRS 100.133(2)	Frankfort-Franklin County Planning Commission	Review/Recommendation
KRS 12.029	Governor's Advisory Committee on Reorganization	Advisory
KRS 6.651	Kentucky Legislative Ethics Commission	Review/Recommendation
KRS 7.090	Legislative Research Commission	Research
KRS 18A.050	Personnel Board	Review/Recommendation
KRS 18A.405	Personnel Steering Committee	Administrative/Oversight
KRS 171.420	State Archives and Records Commission	Advisory
KRS 117.015	State Board of Elections	Administrative/Oversight
<b>Type=Health and Welfare</b>		
KRS 72.225	Advisory Committee for Medical Examination	Advisory
KRS 210.031	Advisory Committee on Need for Services for Deaf or Hard-of-hearing Persons	Advisory
KRS 315.191	Advisory Council (to Kentucky Board of Pharmacy)	Advisory
KRS 205.540	Advisory Council for Medical Assistance	Advisory
KRS 194A.603	Alzheimer's Disease and Related Disorders Advisory Council	Advisory
KRS 201.020	Board for Jefferson County Children's Home	Administrative/Oversight
Sec. 2, Art. II, Bylaws	Board of Directors of the Racing Health and Welfare Fund, Inc.	Administrative/Oversight
KRS 214.554	Breast Cancer Advisory Committee	Advisory
KRS 211.585	Breast Cancer Research and Education Trust Fund Board	Administrative/Oversight
KRS 15.905	Child Sexual Abuse and Exploitation Prevention Board	Administrative/Oversight
KRS 15.290	Child Support Enforcement Commission	Advisory
KRS 403.213(4)	Child Support Guidelines Review Commission	Review/Recommendation
KRS 214.544	Colon Cancer Screening Advisory Committee	Advisory
KRS 194A.030(5), KRS 200.460	Commission for Children with Special Health Care Needs	Administrative/Oversight
KRS 216B.025	Commission of Health Economics Control in Kentucky	Review/Recommendation
KRS 163.506	Commission on the Deaf and Hard of Hearing	Advisory
KRS 194A.135, EO 2001-1173, PL 103-230, PL 104-183	Commonwealth Council on Developmental Disabilities	Administrative/Oversight
KRS 194A.090(4)	Council for Families and Children	Advisory

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 620.530	Court-Appointed Special Advocate Association Board of Directors	Administrative/Oversight
KRS 205.5636	Drug Management Review Advisory Board	Advisory
KRS 209.005	Elder Abuse Committee	Review/Recommendation
Bylaws	Foundation for a Healthy Kentucky Board of Directors	Administrative/Oversight
KRS 164.476	Governance Board of Lung Cancer Research Project	Research
KRS 39A.040	Governor's Council for Earthquake Risk Reduction	Advisory
KRS 12.550	Governor's Council on Wellness and Physical Activity	Administrative/Oversight
KRS 210.775	Hart-Supported Living Council	Review/Recommendation
KRS 200.560	Hemophilia Advisory Committee	Advisory
KRS 214.640	HIV and AIDS Advisory Council	Advisory
KRS 202B.245	ICF/MR Review Committee [Intermediate Care Facility/Mental Retardation]	Review/Recommendation
KRS 194A.090(3)	Institute for Aging	Advisory
920 KAR 1:060	Institutional Review Board for the Protection of Human Subjects	Review/Recommendation
EO 2011-792	KASPER Advisory Council	Advisory
EO 2009-38, PL 108-364, Sec. 4	KATS Network Advisory Council [Kentucky Assistive Technology Services]	Advisory
KRS 15A.340	Kentucky Agency for Substance Abuse Policy Board	Advisory
KRS 151B.455	Kentucky Assistive Technology Loan Corporation Board of Directors	Advisory
KRS 211.481	Kentucky Cardiovascular Disease Initiative Board	Administrative/Oversight
KRS 210.575	Kentucky Commission on Services and Supports for Individuals with an Intellectual Disability and Other Developmental Disabilities	Advisory
KRS 210.502	Kentucky Commission on Services and Supports for Individual With Mental Illness, Alcohol and Other Drug Abuse Disorders, and Dual Diagnoses	Advisory
KRS 36.255	Kentucky Community Crisis Response Board	Administrative/Oversight
KRS 211.736	Kentucky Diabetes Research Board	Administrative/Oversight
EO 93-393, PL 102.119, KRS 200.658	Kentucky Early Intervention System Interagency Coordinating Council	Advisory
KRS 216.803	Kentucky Health and Geriatric Authority	Administrative/Oversight
KRS 304.17B-003	Kentucky Health Care Improvement Authority Board	Administrative/Oversight
KRS 216.261	Kentucky Health Care Infrastructure Authority	Research
EO 2007-751	Kentucky Interagency Council on Homelessness	Review/Recommendation
KRS 431.650	Kentucky Multidisciplinary Commission on Child Sexual Abuse	Review/Recommendation
KRS 163.470, PL 105-220	Kentucky Office for the Blind State Rehabilitation Council	Advisory
KRS 211.500	Kentucky Spinal Cord and Head Injury Research Board	Administrative/Oversight
KRS 211.472	Kentucky Traumatic Brain Injury Trust Fund Board	Administrative/Oversight
KRS 216.580	Long-Term Care Coordinating Council	Review/Recommendation
KRS 211.285	Malt Beverage Educational Corporation Board of Directors	Administrative/Oversight
KRS 333.220	Medical Laboratory Advisory Committee	Advisory
KRS 186.444, 601 KAR 13:090	Medical Review Board	Review/Recommendation
KRS 314.452	Nursing Workforce Foundation	Administrative/Oversight
KRS 224.18-760, Article IV	Ohio River Valley Water Sanitation Compact (Commission)	Review/Recommendation

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 315.126, 201 KAR 2:250	Pharmacist Recovery Network Committee	Review/Recommendation
KRS 205.564	Pharmacy and Therapeutics Advisory Committee	Advisory
KRS 194A.090	Public Health Services Advisory Council	Advisory
KRS 205.8455	Recipient Utilization Review Committee	Review/Recommendation
EO 2008-0439	Recovery Kentucky Task Force	Review/Recommendation
KRS 403.707	Sexual Assault Response Team Advisory Committee	Advisory
KRS 620.310	State Citizen Foster Care Review Board	Review/Recommendation
KRS 151B.245, PL 102-569	Statewide Council for Vocational Rehabilitation	Administrative/Oversight
KRS 151B.240	Statewide Independent Living Council	Administrative/Oversight
KRS 200.505	State Interagency Council for Services to Children with an Emotional Disability	Review/Recommendation
KRS 194A.146	Statewide Strategic Planning Committee for Children in Placement	Advisory
KRS 211.494	Statewide Trauma Care Advisory Committee	Advisory
KRS 216B.135	Task Force on Health Care Cost and Quality	Review/Recommendation
KRS 205.590(k)	Technical Advisory Committee on Behavioral Health	Advisory
KRS 205.590(l)	Technical Advisory Committee on Children's Health	Advisory
KRS 205.590(j)	Technical Advisory Committee on Consumer Rights and Client Needs	Advisory
KRS 205.590(c)	Technical Advisory Committee on Dental Care	Advisory
KRS 205.590(i)	Technical Advisory Committee on Home Health Care	Advisory
KRS 205.590(b)	Technical Advisory Committee on Hospital Care	Advisory
KRS 205.590(m)	Technical Advisory Committee on Intellectual and Developmental Disabilities	Advisory
KRS 205.590(e)	Technical Advisory Committee on Nursing Home Care	Advisory
KRS 205.590(d)	Technical Advisory Committee on Nursing Service	Advisory
KRS 205.590(f)	Technical Advisory Committee on Optometric Care	Advisory
KRS 205.590(a)	Technical Advisory Committee on Physician Services	Advisory
KRS 205.590(g)	Technical Advisory Committee on Podiatric Care	Advisory
KRS 205.590(h)	Technical Advisory Committee on Primary Care	Advisory
KRS 205.590(n)	Technical Advisory Committee on Therapy Services	Advisory
<b>Type=Higher Education</b>		
KRS 164.600	Ashland Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Ashland Community and Technical College Nominating Commission	Nominating
KRS 164.600	Big Sandy Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Big Sandy Community and Technical College Nominating Commission	Nominating
KRS 164.600	Bluegrass Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Bluegrass Community and Technical College Nominating Commission	Nominating
KRS 164.600	Bowling Green Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Bowling Green Community and Technical College Nominating Commission	Nominating
KRS 164.011, KY. Const. § 23	Council on Postsecondary Education	Administrative/Oversight
KRS 164.800	Distance Learning Advisory Committee	Advisory
KRS 164.321	Eastern Kentucky University Board of Regents	Administrative/Oversight

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 164.600	Elizabethtown Community and Technical College, Board of Directors	Administrative/Oversight
KRS 164.602	Elizabethtown Community and Technical College Nominating Commission	Nominating
KRS 138.510	Equine Trust Advisory Board	Review/Recommendation
KRS 164.600	Gateway Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Gateway Community and Technical College Nominating Commission	Nominating
KRS 164.005	Governor's Postsecondary Education Nominating Committee	Nominating
KRS 164.600	Hazard Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Hazard Community and Technical College Nominating Commission	Nominating
KRS 164.600	Henderson Community College Board of Directors	Administrative/Oversight
KRS 164.602	Henderson Community College Nominating Commission	Nominating
KRS 164.600	Hopkinsville Community College Board of Directors	Administrative/Oversight
KRS 164.602	Hopkinsville Community College Nominating Commission	Nominating
KRS 156.740	Interagency Commission on Educational and Job Training Coordination	Administrative/Oversight
KRS 164.600	Jefferson Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Jefferson Community and Technical College Nominating Commission	Nominating
KRS 164.321	Kentucky Community and Technical College System Board of Regents	Administrative/Oversight
KRS 164.742	Kentucky Higher Education Assistance Authority Board of Directors	Administrative/Oversight
KRS 164A.050	Kentucky Higher Education Student Loan Corporation Board of Directors	Administrative/Oversight
KRS 164.321	Kentucky State University Board of Regents	Administrative/Oversight
KRS 164.600	Madisonville Community College Board of Directors	Administrative/Oversight
KRS 164.602	Madisonville Community College Nominating Commission	Nominating
KRS 164.600	Maysville Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Maysville Community and Technical College Nominating Commission	Nominating
KRS 164.321	Morehead State University Board of Regents	Administrative/Oversight
KRS 164.321	Murray State University Board of Regents	Administrative/Oversight
KRS 164.321	Northern Kentucky University Board of Regents	Administrative/Oversight
KRS 164.600	Owensboro Community & Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Owensboro Community & Technical College Nominating Commission	Nominating
KRS 164.600	Somerset Community College Board of Directors	Administrative/Oversight
KRS 164.602	Somerset Community College Nominating Commission	Nominating
KRS 164.600	Southeast Kentucky Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	Southeast Kentucky Community and Technical College Nominating Commission	Nominating
KRS 164.530	Southern Regional Education Board	Research
KRS 165A.340	State Board for Proprietary Education	Licensing/Regulatory
KRS 164.0286	STEM Initiative Task Force	Review/Recommendation
KRS 164.004	Strategic Committee on Postsecondary Education	Advisory
KRS 164.131	University of Kentucky Board of Trustees	Administrative/Oversight
KRS 164.821	University of Louisville Board of Trustees	Administrative/Oversight

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 164.600	West Kentucky Community and Technical College Board of Directors	Administrative/Oversight
KRS 164.602	West Kentucky Community and Technical College Nominating Commission	Nominating
KRS 164.321	Western Kentucky University Board of Regents	Administrative/Oversight
<b>Type=Infrastructure</b>		
KRS 198B.250	Architectural Barriers Advisory Committee	Advisory
KRS 175B.030	Bi-state authority	Administrative/Oversight
KRS 56.777	High-Performance Buildings Advisory Committee	Advisory
KRS 224A.030, KRS 147A.003	Kentucky Infrastructure Authority	Administrative/Oversight
KRS 151.710	Kentucky River Authority	Administrative/Oversight
KRS 42.734	Kentucky Wireless Interoperability Executive Committee	Review/Recommendation
KRS 278.050	Public Service Commission	Licensing/Regulatory
KRS 147.075	State Planning Committee	Administrative/Oversight
KRS 56.450	State Property and Buildings Commission	Administrative/Oversight
<b>Type=Judicial</b>		
KRS 403.700	Council on Domestic Violence and Sexual Assault	Review/Recommendation
KRS 26A.090(7)	Court Facilities Standards Committee	Review/Recommendation
KRS 346.030	Crime Victims Compensation Board	Advisory
KRS 15A.075	Criminal Justice Council	Research
KRE 1103	Evidence Rules Review Commission	Review/Recommendation
KRS 439.561	Interstate Commission for Adult Offender Supervision	Administrative/Oversight
KRS 615.010	Interstate Compact for Juveniles	Administrative/Oversight
KRS 196.610	Interstate Corrections Compact	Administrative/Oversight
KRS 34.310	Judicial Conduct Commission	Review/Recommendation
KRS 27A.100	Judicial Council	Advisory
KRS 34.010, KY. Const. § 118	Judicial Nominating Commissions (61: Supreme Court, Court of Appeals, 59 for districts and circuits)	Nominating
KRS 605.140	Juvenile Court Advisory Board	Advisory
KRS 15A.065	Juvenile Justice Advisory Board	Advisory
500 KAR 5:005	Kentucky Crime Commission	Administrative/Oversight
KRS 15.315	Kentucky Law Enforcement Council	Administrative/Oversight
KRS 441.615	Kentucky Local Correctional Facilities Construction Authority	Administrative/Oversight
KRS 196.701	Kentucky State Corrections Commission	Administrative/Oversight
KRS 439.320	Parole Board	Review/Recommendation
KRS 196.702	Parole Board Nominating Committee	Nominating
KRS 15.705	Prosecutors Advisory Council	Advisory
KRS 31.015	Public Advocacy Commission	Review/Recommendation
KRS 17.554	Sex Offender Risk Assessment Advisory Board	Advisory
KRS 439.561, KRS 439.562	State Council for Interstate Adult Offender Supervision	Administrative/Oversight
KRS 16.050	State Police Personnel Board	Administrative/Oversight
<b>Type=Labor</b>		
KRS 343.020	Apprenticeship and Training Council	Advisory
KRS 339.230(3)	Child Labor Committee	Advisory
KRS 151B.230	Foundation for Workforce Development Board of Trustees	Administrative/Oversight
KRS 342.230	Department of Workers' Claims Administrative Law Judges	Review/Recommendation
KRS 338.071	Kentucky Occupational Safety and Health Review Commission	Review/Recommendation



<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 338.051	Kentucky Occupational Safety and Health Standards Board	Licensing/Regulatory
KRS 151B.025, EO 2009-438	Kentucky Workforce Investment Board	Administrative/Oversight
KRS 336.162	Kentucky Labor-Management Advisory Council	Advisory
KRS 211.1752	Local Health Department Employment Personnel Council	Advisory
KRS 337.522	Prevailing Wage Review Boards	Review/Recommendation
KRS 345.120	State Labor Relations Board	Review/Recommendation
KRS 342.0012	Workers' Compensation Advisory Council	Advisory
KRS 342.215	Workers' Compensation Board	Review/Recommendation
KRS 342.1223	Workers' Compensation Funding Commission	Administrative/Oversight
KRS 342.213	Workers' Compensation Nominating Commission	Nominating
<b>Type=Military Affairs</b>		
EO 2008-272	BRAC Task Force (Governor's Task Force on Military Base Realignment)	Review/Recommendation
PL 102-484	Chemical Demilitarization Citizens' Advisory Commission	Advisory
KRS 40.305	Governor's Advisory Board for Veterans' Affairs	Advisory
KRS 40.340(6)	Homeless Veterans Service Coordinating Committee	Research
KRS 154.12-203	Kentucky Commission on Military Affairs	Promotion/Advocacy
KRS 36.472	Kentucky Military Family Assistance Trust Fund Board	Administrative/Oversight
KRS 36.145	Kentucky National Guard and Reserve Employers' Council	Review/Recommendation
KRS 40.460(2)(b), 201 KAR 37.010	Veterans' Program Trust Fund Board of Directors	Administrative/Oversight
<b>Type=Other</b>		
KRS 198A.035	Advisory Committee on Housing Policy	Advisory
KRS 58.500	Churchill Downs Authority	Administrative/Oversight
KRS 344.150	Commission on Human Rights	Review/Recommendation
KRS 344.510	Commission on Women	Advisory
KRS 194A.570	Kentucky Commission on Community Volunteerism and Service	Administrative/Oversight
KRS 39E.010	Kentucky Emergency Response Commission	Administrative/Oversight
KRS 198A.030	Kentucky Housing Corporation Board of Directors	Administrative/Oversight
KRS 164.6015	Kentucky Innovation Commission	Advisory
KRS 7B.030	Kentucky Long-Term Policy Research Center Board	Administrative/Oversight
KRS 154A.030	Kentucky Lottery Corporation Board of Directors	Administrative/Oversight
KRS 154.01-705	Kentucky Peace Corps Governing Board	Administrative/Oversight
KRS 171.303	Library Science Scholarship Fund Advisory Committee	Advisory
KRS 151.810	Office of State Geographer	Advisory
KRS 173.810	State Advisory Council on Libraries	Advisory
<b>Type=Other Education</b>		
KRS 158.442	Center for School Safety Board of Directors	Administrative/Oversight
KRS 164.9817, 13 KAR 2:080	Citizens Advisory Board for State Autism Training Center	Advisory
KRS 160.158	Council for Community Education	Advisory
EO-2011-0534, P. 110-134, 42 USC 837b(b)(1)	Early Childhood Advisory Council	Advisory
KRS 200.709, EO 2011-0534	Early Childhood Business Council	Promotion/Advocacy
KRS 200.7, EO 2011-0534	Early Childhood Development Authority	Administrative/Oversight
KRS 156.715	Education Commission of the States	Research

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 158.796	Governor's Scholars Program Board of Directors	Administrative/Oversight
EO 09-154, EO 2011-0534	Governor's Task Force on Early Childhood Development and Education	Review/Recommendation
KRS 156.730	Interstate Compact on Educational Opportunity for Military Children	Administrative/Oversight
725 KAR 2:080	Interstate Library Compact	Administrative/Oversight
KRS 168.030	Kentucky Authority for Educational Television	Administrative/Oversight
KRS 156.029	Kentucky Board of Education	Administrative/Oversight
KRS 157.910	Kentucky Environmental Education Council	Administrative/Oversight
KRS 157.921	Kentucky Geographic Education Board	Administrative/Oversight
KRS 158.646	Kentucky Institute for Education Research Board	Research
EO 2007-1018	Governor's Literacy Partnership	Administrative/Oversight
KRS 167.035	Kentucky School for the Blind Advisory Board	Advisory
KRS 167.037	Kentucky School for the Deaf Advisory Board	Advisory
PL 94-142, EO 95-1295	Kentucky State Advisory Panel for Exceptional Children	Advisory
KRS 151B.097	Kentucky Technical Education Personnel Board	Review/Recommendation
KRS 158.6454	National Technical Advisory Panel on Assessment and Accountability	Advisory
KRS 158.794	Reading Diagnostic and Intervention Grant Steering Committee	Review/Recommendation
KRS 164.530	Regional Compact of Southern States for Educational Services	Research
KRS 158.6452	School Curriculum, Assessment, and Accountability Council	Review/Recommendation
KRS 157.611	School Facilities Construction Commission	Administrative/Oversight
KRS 158.648	State Advisory Council for Gifted and Talented Education	Advisory
KRS 156.405	State Textbook Commission	Review/Recommendation
<b>Type=Professional and Occupational</b>		
KRS 311.673	Acupuncture Advisory Committee	Advisory
KRS 314.193	Advanced Practice Registered Nurse Council	Review/Recommendation
KRS 311.868	Advisory Committee Surgical Assistants	Advisory
KRS 258.117	Animal Control Advisory Board	Advisory
KRS 45A.810	Architectural Services Selection Committees	Selection
KRS 330.050	Board of Auctioneers	Licensing/Regulatory
KRS 21A.130	Board of Bar Examiners	Review/Recommendation
KRS 236.020	Board of Boiler and Pressure Vessel Rules	Licensing/Regulatory
KRS 309.081	Board of Certification of Alcohol and Drug Counselors	Licensing/Regulatory
KRS 224.73-110	Board of Certification of Wastewater System Operators	Licensing/Regulatory
KRS 223.170	Board of Certification of Water Plant Operators	Licensing/Regulatory
KRS 313.020	Board of Dentistry	Licensing/Regulatory
KRS 314.121	Board of Nursing	Licensing/Regulatory
KRS 322A.020	Board of Registration for Professional Geologists	Licensing/Regulatory
KRS 314A.200	Board of Respiratory Care	Licensing/Regulatory
KRS 334A.070	Board of Speech-Language Pathology and Audiology	Licensing/Regulatory
KRS 321.230	Board of Veterinary Examiners	Licensing/Regulatory
KRS 314.145	Dialysis Technician Advisory Council	Advisory
KRS 227.530	Electrical Advisory Committee	Advisory
KRS 198B.4005	Elevator Advisory Committee	Advisory
KRS 45A.810	Engineering and Engineering Related Services Selection Committees (Finance and Administration Cabinet)	Selection
KRS 45A.810	Engineering and Engineering Related Services Selection Committees (Transportation Cabinet)	Selection

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 164.357	Governmental Services Center Authority	Administrative/Oversight
KRS 319C.030	Kentucky Applied Behavioral Analysis Licensing Board	Licensing/Regulatory
KRS 311.901	Kentucky Athletic Trainers Advisory Council	Advisory
KRS 177.951	Kentucky Auto and Truck Recyclers Licensing Advisory Board	Advisory
KRS 323.000	Kentucky Board of Architects	Licensing/Regulatory
KRS 317.430	Kentucky Board of Barbering	Licensing/Regulatory
KRS 335.610	Kentucky Board of Certification of Fee-Based Pastoral Counselors	Licensing/Regulatory
KRS 316.170	Kentucky Board of Embalmers and Funeral Directors	Licensing/Regulatory
KRS 311A.015	Kentucky Board of Emergency Medical Services	Licensing/Regulatory
KRS 319.020	Kentucky Board of Examiners of Psychology	Licensing/Regulatory
KRS 216.920	Kentucky Board of Family Health Care Providers	Licensing/Regulatory
KRS 317A.030	Kentucky Board of Hairdressers and Cosmetologists	Licensing/Regulatory
KRS 198B.652	Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors	Licensing/Regulatory
KRS 198B.704	Kentucky Board of Home Inspectors	Licensing/Regulatory
KRS 198B.020	Kentucky Board of Housing, Buildings and Construction	Licensing/Regulatory
KRS 309.302	Kentucky Board of Interpreters for the Deaf and Hard of Hearing	Licensing/Regulatory
KRS 309.308	Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee	Advisory
KRS 309.329	Kentucky Board of Licensed Diabetes Educators	Licensing/Regulatory
KRS 335.510	Kentucky Board of Licensed Professional Counselors	Licensing/Regulatory
KRS 310.040	Kentucky Board of Licensure and Certification for Dietitians and Nutritionists	Licensing/Regulatory
KRS 216A.040	Kentucky Board of Licensure for Long-term Care Administrators	Licensing/Regulatory
KRS 309.354	Kentucky Board of Licensure for Massage Therapy	Licensing/Regulatory
KRS 319A.020	Kentucky Board of Licensure for Occupational Therapy	Licensing/Regulatory
KRS 329A.020	Kentucky Board of Licensure for Private Investigators	Licensing/Regulatory
KRS 309.131	Kentucky Board of Licensure for Professional Art Therapists	Licensing/Regulatory
KRS 335.310	Kentucky Board of Licensure of Marriage and Family Therapists	Licensing/Regulatory
KRS 326.02, 201 KAR 13:010	Kentucky Board of Ophthalmic Dispensers	Licensing/Regulatory
KRS 320.230	Kentucky Board of Optometric Examiners	Licensing/Regulatory
KRS 315.150	Kentucky Board of Pharmacy	Licensing/Regulatory
KRS 319B.020	Kentucky Board of Prosthetics, Orthotics, and Pedorthics	Licensing/Regulatory
KRS 335.050	Kentucky Board of Social Work	Licensing/Regulatory
KRS 334.140	Kentucky Licensing Board for Specialists in Hearing Instruments	Licensing/Regulatory
KRS 304.42-060	Kentucky Life and Health Insurance Guaranty Association Board of Directors	Administrative/Oversight
KRS 324.281	Kentucky Real Estate Commission	Licensing/Regulatory
KRS 312.025	Kentucky State Board of Chiropractic Examiners	Licensing/Regulatory
KRS 278.702	Kentucky State Board on Electric Generation and Transmission Siting	Licensing/Regulatory
KRS 227.560	Manufactured Home Certification and Licensure Board	Licensing/Regulatory
KRS 217B.505	Pest Control Advisory Board	Advisory
KRS 311.842	Physicians Assistant Advisory Committee	Advisory
KRS 324A.015	Real Estate Appraisers Board	Licensing/Regulatory
KRS 219.390	State Advisory Committee on Manufactured Home, Mobile Home, and Recreational Vehicle Communities	Advisory
KRS 171.240	State Board for the Certification of Librarians	Licensing/Regulatory

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 325.230	State Board of Accountancy	Licensing/Regulatory
KRS 323A.150	State Board of Examiners and Registration of Landscape Architects of Kentucky	Licensing/Regulatory
KRS 322.230	State Board of Licensure for Professional Engineers and Land Surveyors	Licensing/Regulatory
KRS 311.530	State Board of Medical Licensure	Licensing/Regulatory
KRS 327.030	State Board of Physical Therapy	Licensing/Regulatory
KRS 311.410	State Board of Podiatry	Licensing/Regulatory
KRS 318.080	State Plumbers Examining Committee	Licensing/Regulatory
KRS 318.071	State Plumbing Code Committee	Advisory
KRS 161.028	Education Professional Standards Board	Licensing/Regulatory
KRS 95A.020	Commission on Fire Protection Personnel Standards and Education	Review/Recommendation
<b>Type=Public Safety</b>		
KRS 241.030	Alcoholic Beverage Control Board	Licensing/Regulatory
KRS 238.520	Charitable Gaming Advisory Commission	Advisory
KRS 65.7623	Commercial Mobile Radio Service Emergency Telecommunications Board of Kentucky	Administrative/Oversight
KRS 367.130	Consumers' Advisory Council	Advisory
KRS 39A.950	Emergency Management Assistance Compact	Review/Recommendation
KRS 229.151	Kentucky Boxing and Wrestling Authority	Licensing/Regulatory
KRS 229.260	Kentucky Boxing and Wrestling Medical Advisory Panel	Advisory
KRS 230.225	Kentucky Horse Racing Commission	Licensing/Regulatory
KRS 198B.200	Kentucky Single Family Dwellings Advisory Committee	Advisory
<b>Type=Technology</b>		
KRS 216.265	Clinical Decision Support Committee	Review/Recommendation
KRS 216.265	Clinical Software Review Committee	Review/Recommendation
KRS 216.265	Electronic Data Interchange Committee	Review/Recommendation
KRS 42.740	Geographic Information Advisory Council (Geospatial Board)	Advisory
KRS 216.265	Kentucky e-Health Network Board	Administrative/Oversight
KRS 42.732	Kentucky Information Technology Advisory Council	Advisory
KRS 216.265	Privacy and Security of Protected Health Information Committee	Review/Recommendation
KRS 194A.125	Telehealth Board	Review/Recommendation
<b>Type=Tourism and Heritage</b>		
KRS 148.561	Appalachian/Kentucky Artisans Gateway Center Authority Board of Directors	Administrative/Oversight
KRS 176.410	Buffalo Trace Covered Wooden Bridge Authority	Review/Recommendation
KRS 171.755	Commonwealth of Kentucky War of 1812 Bicentennial Commission	Promotion/Advocacy
EO 2009-820	Commonwealth of Kentucky Civil War Sesquicentennial Commission	Promotion/Advocacy
KRS 154.40-020, EO 2000-0874	Eastern Kentucky Exposition Center Corporation Board of Directors	Administrative/Oversight
KRS 176.410	Franklin County Covered Wooden Bridge Authority	Review/Recommendation
KRS 176.410	Greenup County Covered Bridge Authority	Review/Recommendation
KRS 11.026	Historic Properties Advisory Commission	Advisory
KRS 171.800, KRS 171.805	Kentucky African-American Heritage Commission	Promotion/Advocacy
KRS 153.215	Kentucky Arts Council	Promotion/Advocacy

<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 148.570	Kentucky Center for African-American Heritage Board of Directors	Administrative/Oversight
KRS 153.410	Kentucky Center for the Arts Corporation	Administrative/Oversight
KRS 153.180	Kentucky Foundation for the Arts Board of Trustees	Administrative/Oversight
KRS 171.3801	Kentucky Heritage Council	Review/Recommendation
KRS 171.384, PL 89-665	Kentucky Historic Preservation Review Board	Advisory
KRS 148.260	Kentucky Horse Park Commission	Administrative/Oversight
KRS 63.190, KY. Const. § 76	Kentucky Humanities Council	Promotion/Advocacy
KRS 171.782	Kentucky Military Heritage Commission	Review/Recommendation
KRS 171.345(4)	Kentucky Military Museum Committee	Administrative/Oversight
KRS 171.820	Kentucky Native American Heritage Commission	Promotion/Advocacy
KRS 146.652	Kentucky Natural History Museum Board of Directors	Administrative/Oversight
KRS 153.380	Kentucky Oral History Commission	Advisory
KRS 148.795	Kentucky Recreational Trails Authority	Administrative/Oversight
KRS 148.590	Kentucky Sports Authority	Promotion/Advocacy
Arts. of Inc.	Louisville Arena Authority, Inc., Board of Directors	Administrative/Oversight
EO 2001-15	Martin Luther King, Jr. State Commission	Promotion/Advocacy
KRS 176.500	Mississippi River Parkway Commission of Kentucky	Promotion/Advocacy
KRS 148.400	My Old Kentucky Home Advisory Commission	Review/Recommendation
KRS 154.90-010	Northern Kentucky Convention Center Corporation Board of Directors	Administrative/Oversight
EO 93-537	Perryville Battlefield Commission	Administrative/Oversight
KRS 247.090	State Fair Board	Administrative/Oversight
KRS 148.850	Tourism Development Finance Authority	Administrative/Oversight
KRS 177.107	Transportation and Tourism Interagency Committee	Review/Recommendation
KRS 171.814	Underground Railroad Advisory Council	Advisory
KRS 176.410	Washington County Covered Wooden Bridge Authority	Review/Recommendation
KRS 171.385	Washington, Kentucky Historic Township Commission	Promotion/Advocacy
Art. XI of Articles of Incorporation	Waterfront Development Corporation Board of Directors	Administrative/Oversight
KRS 91A.370	Louisville/Jefferson County Tourist and Convention Commission	Promotion/Advocacy
KRS 148.220, KRS 148.225	Breaks Interstate Park Commission	Administrative/Oversight
<b>Type=Transportation</b>		
KRS 281.870	Coordinated Transportation Advisory Committee	Advisory
KRS 12.029, EO 98-1665	Kenton County Airport Board Advisory Committee	Advisory
KRS 183.861	Kentucky Airport Zoning Commission	Licensing/Regulatory
KRS 174.125	Kentucky Bicycle and Bikeway Commission	Promotion/Advocacy
KRS 281.900	Kentucky Motor Carrier Advisory Committee	Advisory
KRS 175B.015	Kentucky Public Transportation Infrastructure Authority	Administrative/Oversight
KRS 177.375	Kentucky Transportation Center Advisory Board	Advisory
KRS 183.132(6)(c)	Louisville/Jefferson County Air Board	Administrative/Oversight
KRS 190.058, EO 2008-502	Motor Vehicle Commission	Licensing/Regulatory
KRS 176.505	Motorcycle Advisory Commission for Highway Safety	Advisory
KRS 15A.362	Motorcycle Safety Education Commission	Administrative/Oversight
KRS 182.300	Tennessee-Tombigbee Waterway Development Authority	Promotion/Advocacy

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<b>Legal Citation</b>	<b>Name</b>	<b>Function</b>
KRS 175.430	Turnpike Authority of Kentucky	Administrative/Oversight
KRS 174.200	Water Transportation Advisory Board	Advisory

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Note: EO is “Executive Order”; PL is “Public Law (US).”

Source: Governor’s Office of Boards and Commissions, Kentucky Revised Statutes, and Kentucky Administrative Regulations.

## Appendix C

### Appointments to Boards, Commissions, and Similar Entities Requiring Senate Confirmation

<b>Entity</b>	<b>KRS Citation</b>
Administrative Law Judges-Department of Workers' Claims	342.230(3)
Agricultural Development Board	248.707-709
Bi-state Authority	175B.030
Commercial Mobile Radio Service Administrator (serves on the board)	65.7623 and board bylaws
Council on Postsecondary Education	164.011
Education Professional Standards Board	161.028
Employers Mutual Insurance Authority Board (and director hired by the board)	342.807
Fish and Wildlife Resources Commission	150.022
Housing Corporation	198A.030
Lottery Board*	154A.0303
Mine Safety Review Commission	351.1041
Parole Board	439.320
Personnel Board*	18A.050
Postsecondary Education Nominating Committee	164.005
Public Service Commission*	278.050
Public Transportation Infrastructure Authority	175B.015
Registry of Election Finance	121.110
State Board of Education	156.029
Board of Tax Appeals	131.315
Workers' Compensation Board	342.215

\*Appointments made when the General Assembly is not in session require review by an interim joint legislative committee.

Source: Compiled by Program Review staff from information provided by the Governor's Office of Boards and Commissions.





## Appendix D

### State Sunset Review

Sunset review is a process that determines the continued necessity of state agencies and their services. It sets an end date for agencies and requires a successful review and legislation to continue the agencies' existence. Legislatures periodically assess the activities, mission, costs, and results of each agency to determine whether the agency is effectively performing critical missions for the state and should be continued. Sunset review sets dates for agencies to be abolished, and agencies are reviewed before this date to see if the state still has need of their services. The method can be expanded to include agencies that may not have an abolishment date.

Relevant laws, review processes, and models vary among the 36 states with sunset review. For example, Kentucky and Virginia allow sunset provisions to be applied to agencies created by legislation, but neither state has any formal body directed to sunset review and oversight. Louisiana allows Senate and House committees to attach sunset provisions to agencies within the scope of their authority, but it does not have a review committee or process.

Some states have selective sunset review; need is determined by legislative recommendations rather than a fixed schedule specified in statute. For example, Utah allows for "a brief review by the legislative research and legal staff or, where called for, full Sunset evaluation by the audit staff" (Kearney 51).

The following are examples of states with more systematic sunset review. Texas, which has a relatively long-term, well-documented history of sunset review, is described in more detail.

#### Texas

Since the creation of the Texas Sunset Advisory Commission in 1977, 78 agencies have been abolished. Of those abolished, 37 agencies were completely removed; 41 were abolished with some functions moved to existing or created agencies. In 2011, the Texas Legislature adopted 75 percent of the commission's recommendations. Reviews conducted between 1982 and 2011 have indicated a \$945.4 million fiscal improvement; \$32.8 million was expended on the commission, a \$29 savings for every dollar spent on the process (State of Texas 11).

The Sunset Act covers approximately 130 Texas agencies. Agencies are reviewed approximately once every 12 years. The statute for each agency determines when it is abolished, and the commission arranges a review date at any time before that. Once an agency is reviewed, the commission determines whether to provide new legislation to continue the agency's existence or to allow it to reach its abolishment date. Some entities are reviewed but cannot be abolished. Reviews tend to group agencies by function, but schedules may be altered to focus on agencies that require special attention (State of Texas).

## **Texas Sunset Commission**

The commission is a 12-member body of senators, representatives, and public individuals. The lieutenant governor appoints five members of the Senate and one public member. The Speaker of the House appoints five members from the House of Representatives and one public member. The speaker and the lieutenant governor may appoint themselves. The commission may appoint a director, whose staff carries out the review responsibilities. The commission is led by a chair and a vice chair, each from one of the membership groups. The positions alternate every 2 years.

### **Review Process**

A review typically takes 3 to 8 months. Staff focus on evaluating the need for each agency, suggesting needed statutory or management changes, and developing legislation needed to enact any of those proposed changes.

For the review process, each agency provides the commission with a self-evaluation report. The self evaluation provides the agency's views on its own problems, opportunities, and issues. It includes a list of reports the agency is required by statute to prepare and an evaluation of the need for each report. Commission staff collect input from interest groups and professional organizations to provide an alternative view of the agency. Additional interviews of agency personnel, performance reports, operation data, and other sources are used to support the commission staff's report (State of Texas).

Once the report is published, a public hearing is held so the agency and the public may respond. Additional information presented is compiled for review and possible addition to the report. The commission holds a second public session to review additional information and make decisions based on the recommendations and testimony.

The final report must have a recommendation to abolish or continue the existence of an agency. The report may also include other recommendations based on the findings. The final decision must be approved by a majority of all appointees. If the recommendation suggests continuation, draft legislation must be produced to continue the agency for up to 12 years. If any problems are identified during review, the legislation may provide changes to compensate for those issues (State of Texas).

If no legislation is passed to continue the agency, the agency is abolished. It has 1 year to conclude its operations. It retains full authority and responsibility during this period. The state recognizes any debt responsibility of the agency but the agency may not access any funds allocated to it beyond the termination period. The governor selects an appropriate entity to continue any additional responsibilities of the agency past its abolishment date, such as debt payment. Any remaining funds after abolition are transferred to the General Revenue Fund.

Bills may be introduced in the Texas Legislature to re-create or restore an abolished entity. Once a bill is filed in the legislature for the creation of a new state agency or an advisory committee, the Sunset Commission is responsible for reviewing the bill. In reviewing the bill, the commission determines if existing agencies may be able to administer the proposed functions.

The commission is to keep regulation contained in the bill the least restrictive as possible while still protecting the public, ensure that regulatory functions of the bill are open to public input, and assure that the bill provides protection against conflicts of interest within the agency or committee. Upon request, the commission forwards written comments on the legislation to the author of the bill and presiding officer of the committee to which the bill is referred.

## **Other States**

### **Alabama**

The Sunset Committee in Alabama functions similarly to the Texas Sunset Advisory Commission. State law specifies the state agencies that will undergo review every 4 years; the Sunset Committee has discretion to review agencies sooner (41-20-3, Code of Alabama 1975.) State agencies not identified as subject to sunset review may also be evaluated by the committee. The committee is assisted by the Department of Examiners of Public Accounts, an organization which conducts an initial evaluation of each agency and reports its findings to the committee.

### **Missouri**

Missouri does not have an official body designated solely to the oversight of sunset laws; however, the Committee on Legislative Research, Oversight Division assesses programs and reports its conclusions to the General Assembly for review. By law, new programs authorized by the General Assembly will sunset not more than 6 years after going into effect (Mo. Rev. Stat. 23.253). The committee will then review that program's performance and allocation of resources to determine if termination or reauthorization is appropriate. If reauthorization is permitted, a sunset provision will be included for a date not more than 12 years from the reauthorization date.

### **Oklahoma**

The Senate and the House of Representatives each have sunset review committees that review 7 to 18 state agencies per year. Evaluation criteria for determining whether an agency is eligible for continuation are in statute (Okla. Stat. 74-3915). Statutory agencies included in the Oklahoma Sunset Law, if continued ("re-created"), will be terminated or re-created not more than 6 years following review. The State Auditor and Inspector is responsible for providing the appropriate sunset review committee with information and data regarding the agency under review.

### **Tennessee**

According to Tennessee Code 4-29-109, specified governmental entities shall terminate 8 years following their continuation or reestablishment, and shall be subject to review every 8 years thereafter. The Tennessee Senate and House of Representatives establish committees for review of state agencies. The review criteria are detailed in Tennessee Code 4-29-106.

## West Virginia

The sunset review process is established under the West Virginia Performance Review Act. The legislature authorized a process to review the operation and performance of state agencies and regulatory boards to determine the need for their continued existence, consolidation or termination (WV Code 4-10-1; 4-10-2). The term “agency” means a state governmental entity, including any bureau, department, division, commission, agency, committee, office, board, authority, subdivision, program, council, advisory body, cabinet, panel, system, task force, fund, compact, institution, survey, position, coalition, or other entity of West Virginia (WV Code 4-10-3(a)). The Joint Committee on Government Operations reviews the entities. An agency review must be performed on one or more agencies under the purview of each department at least once every 6 years (WV Code 4-10-3(c); 4-10-4; 4-10-8).

The state also has a regulatory board that regulates professions and occupations. A review must be performed on each regulatory board at least once every 12 years (WV Code 4-10-3(j); 4-10-9).

## Ohio

Ohio has established a sunset review committee for calendar years 2015 and 2016. This committee will be charged with evaluating each state agency in existence on January 1, 2015. The committee has nine members: three from the Senate, three from the House of Representatives, and three appointed by the governor. The committee will meet within 30 days of the first regular session of the 131<sup>st</sup> General Assembly (2015). Ohio Revised Code 101.86 lists the information to be requested regarding the agency’s staffing, budget, overall usefulness, and whether or not its initial purpose has changed. Once the committee has completed its evaluation, it will furnish the speaker of the House, the Senate president, the governor, and each agency under review with its results and recommendations.

## Illinois

The Regulatory Sunset Act provides for  
systematic legislative review of the need for, and public benefits derived from, a program or function that licenses or otherwise regulates the initial entry into a profession, occupation, business, industry or trade by a periodic review and termination, modification, or continuation of those programs and functions (5 ILCS 80/2(b)(3)).  
Review of programs and agencies occurs every 10 years, at which point the General Assembly will re-establish, modify, or allow termination of the program or agency (5 ILCS 80/12).

## Appendix E

### Questionnaire Results

Program Review staff requested information from boards through a questionnaire. Information contained in this appendix shows the text of the questionnaire and summary tables of responses to each question. Of 343 responses received, 309 were included for analysis in the body of the report after inactive boards and those created during the review period were removed. All responses, including those that were not analyzed in the body of the report, are covered in the following tables. Statistics based on the questionnaire presented in the chapters will not match the results in this appendix. Questions for which there was a skip pattern are noted.

Respondents for two boards created in statute asserted that the boards should not be subject to this review. The Kentucky Insurance Guaranty Association Board of Directors did answer the questionnaire though. The Kentucky Life and Health Insurance Guaranty Association Board of Directors did not.

#### Responses to Questions About Shared Staff (Question 24 to Question 27)

Of the 221 entities noted in Chapter 1 as reporting shared staff, 10 entities whose shared staff was identified as part of another entity's exclusive staff were excluded to avoid double counting. Ten other entities, some of which are discussed below, were excluded due to incomplete information.

Some answers regarding shared staff appear to be irregular. Staff members of the State Citizen Foster Care Review Board assist the state board and local boards. The shared workload precluded an accurate analysis of the board's staffing arrangement, and it was excluded from analysis of those questions. A small number of boards reported only partial information on shared staff. The following boards are noted because they are active and have a significant number of staff who participate in the Kentucky Retirement Systems and the Kentucky Employees' Health Plan:

- Bluegrass State Skills Corporation,
- Commission on Small Business Advocacy,
- Kentucky Economic Development Finance Authority,
- Kentucky Economic Development Partnership Board, and
- Kentucky Commission on Human Rights.

Among the first four boards, 85 total staff were reported, all of whom were noted as participating in the Kentucky Retirement Systems and the Kentucky Employees' Health Plan. The respondent noted that staff time could not be estimated for these entities because the work is so intertwined that it cannot be separated.

The Kentucky Commission on Human Rights reported its staff as shared staff instead of exclusive staff. Twenty-two staff were reported, all of whom were noted as being in the retirement systems, and all but two in the health plan. The respondent drew a distinction between work devoted to members and work devoted to the “agency.” The respondent also did not indicate an executive director for the commission, although one exists.

Similarly, the Kentucky Sports Authority, which did note an estimate of staff time and was included in the staffing analysis, also drew a distinction between the authority existing as members and the authority existing as an agency. The Kentucky Sports Authority also reported no executive director or exclusive staff due to this perceived distinction.

Another entity, the Kentucky Heritage Council, reported no staff, either exclusive or shared, but its website lists approximately 20 staff. It is unclear how many would be considered exclusive and how many would be considered shared staff for purposes of this report.

## **Questionnaire and Responses**

### **Boards and Commissions Questionnaire for LRC Program Review Study**

The Kentucky General Assembly’s Program Review and Investigations Committee has directed its staff to review the state’s boards and commissions. As part of that review, we are using the following questionnaire to collect information. The committee’s jurisdiction, procedures, and authorization to collect information are covered in KRS 6.900 to 935.

You are receiving the questionnaire because you have been identified as a contact person for <name of board>, which was created by state law or has gubernatorial appointees. If you are not the appropriate contact person, please advise who would be. Also, please advise if the board no longer exists. The information from this questionnaire will be used for the staff report to the committee.

In the questionnaire, you will be asked about your board’s funding, membership and compensation, staffing, and meetings.

If you need to return to the questionnaire at a later time, accessing the link on the same computer will retain your progress. Please complete and submit the questionnaire by August 31.

For simplicity, boards, commissions, and similar entities will be referred to as “boards.” In this questionnaire, you may assume “board” refers to the organization(s) named in the email you received.

## Questions and Compiled Responses

[For this appendix, Program Review staff compiled responses to open-ended questions into categories. This is noted for each question for which this was done. For some tables, percentages may not add to 100.0 due to rounding or because it was possible to provide more than one response.]

### 1. Name of Board

	<b>Response Count</b>	<b>Response Percent</b>
Number of respondents who provided board name	343	100.0%

### 2. Which legal authorities were involved in the creation of this board? (Check all that apply.)

	<b>Response Count</b>	<b>Response Percent</b>
Federal law	22	6.4%
Governor's Executive Order	43	12.5
Kentucky Revised Statutes (KRS)	313	91.3
Kentucky Administrative Regulations (KAR)	62	18.1
Articles of Incorporation / Bylaws	21	6.1
Other	4	4.1

Note: Number responding: 343. Percentages add to more than 100.0 because respondents could select multiple categories. Responses were analyzed for 309 entities, but counts were not used because entities did not specify legal authorities in all cases so that information could be confirmed. However, staff could confirm that entities were primarily created through statute.

3. For FY 2010 and FY 2011, what was the annual operating budget (total expenditures, excluding capital expenditures) for your board, rounded to the nearest \$100? If you do not have a separate budget but operate within another entity's budget you do not need to enter numbers, but please enter the name of that entity and skip to question 8.

[Of the 342 respondents, 155 indicated that the board was included in another budget's entity. Some other boards appear to have reported budgets of the larger entity in which the board's budget is included.]

<b>Annual Budget</b>	<b>FY 2010</b>		<b>FY 2011</b>	
None	38	20.3%	36	19.3%
\$10,000 or less	17	9.1	19	10.2
\$10,001 to \$50,000	23	12.3	23	12.3
\$50,001 to \$100,000	16	8.6	13	7.0
\$100,001 to \$200,000	15	8.0	16	8.6
\$200,001 to \$500,000	25	13.4	27	14.4
\$500,001 to \$1,000,000	12	6.4	11	5.9
\$1,000,001 to \$5,000,000	26	13.9	26	13.9
More than \$5,000,000	15	8.0	16	8.6
<b>Total</b>	<b>187</b>	<b>100.0%</b>	<b>187</b>	<b>100.0%</b>

Note: Program Review staff compiled responses into categories. Percentages may not add to 100.0 due to rounding.

For questions 4 and 5 below, how much funding did your board receive from state, federal, or private sources to the nearest \$100? (If you are unable to determine an exact figure, please estimate it as a percentage of the total annual operating budget by entering a number between 0 and 100 without a percent sign.)

[Staff compiled the responses into categories and converted percentages to dollars. For instance, the response "50 percent" would be converted to a dollar amount representing 50 percent of the entity's annual operating budget.]

#### 4. FY 2010

<b>Funding</b>	<b>State</b>		<b>Federal</b>		<b>Private</b>		<b>Other</b>	
Up to \$200,000	63	49.6%	12	52.2%	8	57.1%	5	41.7%
\$200,001 to \$400,000	16	12.6	5	21.7	2	14.3	1	8.3
\$400,001 to \$600,000	3	2.4	1	4.3	1	7.1	3	25.0
\$600,001 to \$800,000	6	4.7	0	0.0	0	0.0	0	0.0
\$800,001 to \$1,000,000	3	2.4	0	0.0	0	0.0	0	0.0
More than \$1,000,000	36	28.3	5	21.7	3	21.4	3	25.0
<b>Total</b>	<b>127</b>	<b>100.0%</b>	<b>23</b>	<b>100.0%</b>	<b>14</b>	<b>100.0%</b>	<b>12</b>	<b>100.0%</b>

Note: Number responding: 146. "State" includes restricted funds. Percentages may not add to 100.0 due to rounding.



5. FY 2011

<b>Funding</b>	<b>State</b>		<b>Federal</b>		<b>Private</b>		<b>Other</b>	
Up to \$200,000	63	50.0%	11	47.8%	9	60.0%	6	46.2%
\$200,001 to \$400,000	14	11.1	4	17.4	2	13.3	1	7.7
\$400,001 to \$600,000	4	3.2	3	13.0	1	6.7	1	7.7
\$600,001 to \$800,000	6	4.8	0	0.0	0	0.0	1	7.7
\$800,001 to \$1,000,000	4	3.2	1	4.3	0	0.0	0	0.0
More than \$1,000,000	35	27.8	4	17.4	3	20.0	4	30.8
<b>Total</b>	<b>126</b>	<b>100.0%</b>	<b>23</b>	<b>100.0%</b>	<b>15</b>	<b>100.0%</b>	<b>13</b>	<b>100.0%</b>

Note: Number responding: 149 (147 responses analyzed). "State" includes restricted funds. Percentages may not add to 100.0 due to rounding.

For questions 6 and 7 below, if your board received state funding, how much came from each of these funding areas to the nearest \$100? (If you are unable to determine an exact figure, please estimate it as a percentage of the total annual operating budget by entering a number between 0 and 100 without a percent sign.)

6. FY 2010

<b>Funding</b>	<b>General</b>		<b>Restricted</b>		<b>Road</b>		<b>Tobacco</b>	
Up to \$200,000	30	52.6%	37	46.8%	0	0.0%	1	33.3%
\$200,001 to \$400,000	6	10.5	12	15.2	0	0.0	0	0.0
\$400,001 to \$600,000	2	3.5	1	1.3	0	0.0	0	0.0
\$600,001 to \$800,000	2	3.5	4	5.1	0	0.0	0	0.0
\$800,001 to \$1,000,000	2	3.5	1	1.3	0	0.0	0	0.0
More than \$1,000,000	15	26.3	24	30.4	0	0.0	2	66.7
<b>Total</b>	<b>57</b>	<b>100.0%</b>	<b>79</b>	<b>100.0%</b>	<b>0</b>	<b>0.0%</b>	<b>3</b>	<b>100.0%</b>

Note: Number responding: 122. Program Review staff compiled responses into categories. Percentages may not add to 100.0 due to rounding.

7. FY 2011

<b>Funding</b>	<b>General</b>		<b>Restricted</b>		<b>Road</b>		<b>Tobacco</b>	
Up to \$200,000	27	49.1%	38	48.7%	0	0.0%	1	33.3%
\$200,001 to \$400,000	5	9.1	11	14.1	0	0.0	0	0.0
\$400,001 to \$600,000	4	7.3	0	0.0	0	0.0	0	0.0
\$600,001 to \$800,000	2	3.6	5	6.4	0	0.0	0	0.0
\$800,001 to \$1,000,000	2	3.6	1	1.3	0	0.0	0	0.0
More than \$1,000,000	15	27.3	23	29.5	0	0.0	2	66.7
<b>Total</b>	<b>55</b>	<b>100.0%</b>	<b>78</b>	<b>100.0%</b>	<b>0</b>	<b>0.0%</b>	<b>3</b>	<b>100.0%</b>

Note: Number responding: 121. Program Review staff compiled responses into categories. Percentages may not add to 100.0 due to rounding.

## 8. Are any members of the board reimbursed for expenses?

	<b>Response Count</b>	<b>Response Percent</b>
Yes	267	77.8%
No	76	22.2
<b>Total</b>	<b>343</b>	<b>100.0%</b>

Note: 308 responses analyzed.

[Questions 9 and 10 were asked of those who answered “Yes” to question 8.]

## 9. If they are reimbursed, what are they reimbursed for?

	<b>Response Count</b>	<b>Response Percent</b>
Food	152	56.9%
Lodging	155	58.1
Travel	249	93.3
Other	58	21.7

Note: Number responding: 266 (251 responses analyzed). Percentages add to more than 100.0 because respondents could select multiple categories.

## 10. For FY 2010 and FY 2011, what was the total annual reimbursement paid to board members, rounded to the nearest \$100?

<b>Annual Reimbursement</b>	<b>FY 2010</b>		<b>FY 2011</b>	
Less than \$5,000	189	71.9%	189	71.9%
\$5,000 to \$10,000	29	11.0	26	9.9
\$10,001 to \$15,000	16	6.1	22	8.4
\$15,001 to \$20,000	9	3.4	7	2.7
More than \$20,000	20	7.6	19	7.2
<b>Total</b>	<b>263</b>	<b>100.0%</b>	<b>263</b>	<b>100.0%</b>

Note: 247 responses analyzed. Program Review staff compiled responses into categories. Percentages may not add to 100.0 due to rounding.

## 11. Are any members of the board compensated in any other way for their service?

	<b>Response Count</b>	<b>Response Percent</b>
Yes	104	30.3%
No	239	69.7
<b>Total</b>	<b>343</b>	<b>100.0%</b>

Note: 309 responses analyzed.

[Questions 12 and 13 were asked of those who answered “Yes” to question 11.]

12. How are they compensated?

	<b>Response Count</b>	<b>Response Percent</b>
Per diem/per meeting	81	76.0%
Salary	16	15.4
Other (please specify)	12	21.2

Note: Number responding: 104 (99 responses analyzed). Percentages add to more than 100.0 because respondents could select multiple categories.

13. For FY 2010 and FY 2011, what was the total annual compensation paid to board members, rounded to the nearest \$100?

<b>Annual Compensation</b>	<b>FY 2010</b>		<b>FY 2011</b>	
Less than \$20,000	75	75.0%	76	76.0%
\$20,000 to \$40,000	9	9.0	9	9.0
\$40,001 to \$60,000	4	4.0	3	3.0
More than \$60,000	12	12.0	12	12.0
Total	100	100.0%	100	100.0%

Note: 96 responses analyzed. Program Review staff compiled responses into categories.

14. Does this board have an annual audit?

	<b>Response Count</b>	<b>Response Percent</b>
Yes	92	26.8%
No	251	73.2
Total	343	100.0%

Note: 308 responses analyzed.

[Those who answered “Yes” to question 14 were required to provide an answer to question 15. Those who answered “No” to question 14 could answer question 15 but were not required to do so.]

15. What was the date of the most recent audit?

	<b>Response Count</b>	<b>Response Percent</b>
Before July 1, 2009	6	5.1%
July 1, 2009 or later	111	94.9
Total	117	100.0%

Note: 113 responses analyzed.  
 Program Review staff compiled responses into categories.

16. How many board seats are there? (Include vacant seats in this number.)

<b>Board Seats</b>	<b>Response Count</b>	<b>Response Percent</b>
1 to 5	55	16.0%
6 to 10	140	40.8
11 to 15	81	23.6
16 to 20	36	10.5
21 to 25	19	5.5
More than 25	12	3.5
<b>Total</b>	<b>343</b>	<b>100.0%</b>

Note: 308 responses analyzed. Program Review staff compiled responses into categories. Percentages do not add to 100.0 due to rounding.

[Responses to questions 17 and 18 are combined in one table. Question 18 was only presented to those who reported vacant board seats in question 17.]

17. How many seats are currently vacant?

18. How long have the vacant seats been vacant? (For each category, indicate how many seats have been vacant for each length of time.)

<b>Length of Vacancy</b>	<b>Entities</b>	<b>% of Entities</b>	<b>Seats</b>	<b>% of Seats</b>
Seats vacant for less than 6 months	49	14.3%	110	3.0%
Seats vacant for 6 months to 1 year	16	4.7	34	0.9
Seats vacant for more than 1 year	21	6.1	282	7.7
Entities with vacancies	80			12.0%
% of total entities with vacancies		23.3%		
Total vacant seats			426	
% of total entity seats that are vacant				11.7%

Note: Number responding: 69 responses analyzed. This estimate includes the Judicial Nominating Commissions, which submitted one form but have 200 vacant seats among them. All 200 seats were vacant for more than 1 year.

19. How many board members does the governor appoint?

<b>Gubernatorial Appointees</b>	<b>Response Count</b>	<b>Response Percent</b>
None	64	18.7%
1 to 5	80	23.3
6 to 10	121	35.3
11 to 15	44	12.8
16 to 20	21	6.1
More than 20	13	3.8
<b>Total</b>	<b>343</b>	<b>100.0%</b>

Note: 297 answers analyzed. Program Review staff compiled responses into categories.

20. Does this board have an executive director or equivalent position who works *only* for this board?

	<b>Response Count</b>	<b>Response Percent</b>
Yes	78	22.7%
No	265	77.3
<b>Total</b>	<b>343</b>	<b>100.0%</b>

Note: 309 responses analyzed.

21. How many staff (including the executive director or equivalent position) does this board employ who work *only* for this board?

<b>Staff</b>	<b>Response Count</b>	<b>Response Percent</b>
None	253	73.8%
1 to 10	61	17.8
11 to 20	12	3.5
21 to 30	4	1.2
31 to 40	2	0.6
More than 40	11	3.2
<b>Total</b>	<b>343</b>	<b>100.0%</b>
<b>Total staff</b>	<b>1,878</b>	

Note: 309 responses analyzed. Program Review staff compiled responses into categories. Percentages do not add to 100.0 due to rounding.

[Questions 22 and 23 appeared for those that reported at least one exclusive staff.]

22. How many of the board's [response to question 21] staff participate in the Kentucky Retirement Systems?

<b>Staff Participating</b>	<b>Response Count</b>	<b>Response Percent</b>
None	17	18.9%
Some	15	16.7
All	58	64.4
Total entities	90	100.0%
Total staff	1,341	

Note: 87 responses analyzed. Program Review staff compiled responses into categories.

23. How many of the board's [response to question 21] staff participate in the Kentucky Employees' Health Plan?

<b>Staff Participating</b>	<b>Response Count</b>	<b>Response Percent</b>
None	17	18.9%
Some	24	26.7
All	49	54.4
Total entities	90	100.0%
Total staff	1,346	

Note: 87 responses analyzed. Program Review staff compiled responses into categories.

24. How many staff does this board use who are shared with other entities?

<b>Shared Staff</b>	<b>Response Count</b>	<b>Response Percent</b>
None	99	29.2%
1 to 5	195	57.5
6 to 10	27	8.0
11 to 15	5	1.5
16 to 20	7	2.1
More than 20	6	1.8
Total entities	339	100.0%
Total staff	1,090	

Note: Number responding: 340 (289 responses analyzed). The Local Health Department Employment Personnel Council reported having shared staff but did not report a specific number. It is included in the total number responding (340) but not in the total of specific responses (339). Program Review staff compiled responses into categories. Percentages do not add to 100.0 due to rounding.

[Questions 25 to 27 appeared for those who answered that their board used at least one shared staff in question 24.]

25. In a typical month, how many hours do the [response to question 24] shared staff altogether devote to working for this board?

<b>Hours</b>	<b>Response Count</b>	<b>Response Percent</b>
0 to 50	166	70.0%
51 to 100	48	20.3
101 to 150	11	4.6
151 to 200	3	1.3
More than 200	9	3.8
Total entities	237	100.0%
Total hours	20,506	
Total full-time-equivalent staff*	126	

Note: 201 responses analyzed. Program Review staff compiled responses into categories.

\*Total reported hours divided by 162.5 (assumed hours per month for a full-time employee).

26. How many of the [response to question 24] shared staff participate in the Kentucky Retirement Systems?

<b>Staff Participating</b>	<b>Response Count</b>	<b>Response Percent</b>
None	40	16.9%
Some	17	7.2
All	180	75.9
Total entities	237	100.0%
Total staff	937	

Note: 201 responses analyzed. Program Review staff compiled responses into categories.

27. How many of the [response to question 24] shared staff participate in the Kentucky Employees' Health Plan?

<b>Staff Participating</b>	<b>Response Count</b>	<b>Response Percent</b>
None	41	17.4%
Some	25	10.6
All	170	72.0
Total entities	236	100.0%
Total staff	916	

Note: 201 responses analyzed. Program Review staff compiled responses into categories.

## 28. Has the board ever met?

	<b>Response Count</b>	<b>Response Percent</b>
Yes	335	97.7%
No	8	2.3
<b>Total</b>	<b>343</b>	<b>100.0%</b>

Note: 309 responses analyzed.

[Questions 29, 30, 31, and 32 are for those who answered “Yes” to question 28.]

## 29. When was the board’s most recent meeting?

	<b>Response Count</b>	<b>Response Percent</b>
Before July 1, 2009	11	3.4%
July 1, 2009 or later	313	96.6
<b>Total</b>	<b>324</b>	<b>100.0%</b>

Note: 297 responses analyzed. Program Review staff compiled responses into categories.

## 30. For FY 2010 and FY 2011, on what dates did the board hold meetings?

<b>Number of Meetings</b>	<b>FY 2010</b>		<b>FY 2011</b>	
0	41	12.4%	38	11.4%
1	27	8.2	28	8.4
2	23	6.9	26	7.8
3	26	7.9	22	6.6
4	92	27.8	95	28.6
5	27	8.2	22	6.6
6	32	9.7	29	8.7
7 to 11	33	10.0	43	13.0
12	21	6.3	21	6.3
More than 12	9	2.7	8	2.4
<b>Total</b>	<b>331</b>	<b>100.0%</b>	<b>332</b>	<b>100.0%</b>

Note: Number responding: 333 (304 responses analyzed). The Judicial Conduct Commission could not provide meeting dates to the public. Program Review staff compiled responses into categories. Percentages do not add to 100.0 due to rounding.



[For questions 31 and 32, if the response indicated multiple ways of providing information, staff compiled the answer as the method that results in the widest availability. For example, if an entity posted meeting notices on its website and sent an email to a select group of people, it was coded as posting online.]

31. What is the procedure for public notice of board meetings?

<b>Procedure</b>	<b>Response Count</b>	<b>Response Percent</b>
Posted online	152	45.5%
Media advisory or notice by communications office	72	21.6
Specified compliance with KRS 61.800 (open meetings)	24	7.2
Notice to limited parties	23	6.9
Posted in print publication	11	3.3
Upon request	11	3.3
Exempt from notice requirement	6	1.8
Unknown or answer did not address public notice	17	5.1
Notices not made available	18	5.4
<b>Total</b>	<b>334</b>	<b>100.0%</b>

Note: 305 entries analyzed. Program Review staff compiled responses into categories. If an entity had multiple procedures, its answer was compiled as the method that would result in the widest notice. Percentages do not add to 100.0 due to rounding.

32. How are minutes of meetings made available to the public?

<b>Procedure</b>	<b>Response Count</b>	<b>Response Percent</b>
Upon request	122	36.5%
Posted online	113	33.8
Formal open records request	54	16.2
Sent to limited parties	19	5.7
Print publication	2	0.6
Unknown or answer is unclear	12	3.6
Minutes not made available	6	1.8
Exemption	4	1.2
No minutes taken	2	0.6
<b>Total</b>	<b>334</b>	<b>100.0%</b>

Note: 305 entries analyzed. Program Review staff compiled responses into categories. If an entity had multiple procedures, its answer was compiled as the method that would result in the widest availability of the minutes.

33. Contact Information

[Instruction was “Contact information is used only if follow-up is needed to clarify answers.”]

