MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

RECEIVED AND FILED
DATE May 9, 2016
4:48pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

Secretary of State
Frankfort
Kentucky

2016-256
May 9, 2016

RELATING TO REORGANIZATION OF THE WORKERS' COMPENSATION NOMINATING COMMISSION

WHEREAS, the Commonwealth of Kentucky must always promote the effective and efficient management of state government operations; and

WHEREAS, it is the responsibility of state government to provide the citizens of the Commonwealth with an economical and efficient governmental structure that can be administered in a consistent, ethical, and coordinated manner; and

WHEREAS, pursuant to KRS 342.213, the Workers' Compensation Nominating Commission is a state agency consisting of seven (7) members appointed by the Governor, including attorneys who practice in the area of workers' compensation representing claimants and employers, and others representing political party affiliation; and

WHEREAS, it has been determined that the Workers' Compensation Nominating Commission as established by the provisions of KRS 342.213 should be abolished, recreated, and restructured with new governing membership and a more focused vision and purpose designed to carry out the objectives of KRS Chapter 342 concerning injured workers and rights and obligations of employers so as to achieve greater economy, efficiency, and improved administration of the Kentucky workers' compensation system:

NOW, THEREFORE, I, Matthew G. Bevin, Governor of the Commonwealth of Kentucky, under the authority vested in me by the Kentucky Constitution, Sections 69 and 81, and KRS 12.028, do hereby Order and Direct the following:

I. The Kentucky Workers' Compensation Nominating Commission as established by KRS 342.213 is abolished. The terms of the members appointed by the Governor serving on the Kentucky Workers' Compensation Nominating Commission as it existed prior to the filing of this Order shall expire immediately upon the filing of this Order.

MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2016-256
May 9, 2016

II. The Kentucky Workers' Compensation Nominating Commission ("Commission") is hereby recreated and established as an agency of state government charged with carrying out the duties and responsibilities as set forth in KRS Chapter 342 and other applicable law. The Commission shall be attached to the Labor Cabinet for administrative purposes.

III. The Board shall consist of seven (7) members appointed by the Governor as follows:

(a) One (1) member from the state at-large shall serve a term of one (1) year, but he or she, should the Governor reappoint him or her, or his or her successor shall thereafter be appointed to a term of four (4) years.

(b) Two (2) members shall be attorneys experienced in the practice of workers' compensation, one (1) of whom customarily represents claimants, and one (1) of whom customarily represents employers. Both shall serve terms of two (2) years, but they, should the Governor reappoint them, or their successors shall thereafter be appointed to terms of four (4) years.

(c) (1) One (1) member of the political party having the largest number of registered voters and one (1) member of the political party having the second largest number of registered voters shall serve a term of three (3) years.

(i) Thereafter, in the event a vacancy is created, whether voluntarily or otherwise, the vacant seat shall be filled by an appointee from the same political party for a term of four (4) years.

(2) One (1) member of the political party having the largest number of registered voters and one (1) member of the political party having the second largest number of registered voters shall serve a term of four (4) years.

(i) Thereafter, in the event a vacancy is created, whether voluntarily or otherwise, the vacant seat shall be filled by an appointee from the same political party for a term of four (4) years.

(d) Notwithstanding the provisions of paragraphs III(a)-(c) of this Order, at least three (3) members of the Commission shall be individuals who directly derive no earned income from the workers' compensation program. In order to satisfy the requirement of this paragraph, and notwithstanding the Governor's general authority to remove any member pursuant to KRS 63.080(1), the Governor shall remove any existing member of the Commission who directly derives earned income from the workers' compensation program and replace that member with an

individual who does not derive earned income from the workers' compensation program.

(e) At the first meeting to occur in each calendar year, the members shall select a Chairman of the Commission who shall then serve as Chairman for the duration of that calendar year.

IV. Any member appointed to fill a vacancy occurring for any reason other than by expiration of a term shall be appointed for the remainder of the unexpired term. No person, however, shall be appointed to serve a term of four (4) years more than twice, regardless of whether those terms fall consecutively or non-consecutively.

V. The Commission shall meet as often as necessary to perform its statutory responsibilities, including, but not limited to, the mandates enumerated in KRS 342.213(5)(a). A majority of the members of the Commission shall constitute a quorum for the transaction of business.

VI. Members shall be reimbursed from funds collected pursuant to KRS 342.122 for necessary expenses in the manner and amounts prescribed for state employees by KRS 45.101 and the administrative regulations promulgated under the authority of that statute. In addition, each member of the Commission shall be paid at a rate of one hundred dollars ($100.00) per day for each meeting attended, and these expenses shall be financed from funds collected pursuant to KRS 342.122.

VII. Except as otherwise provided, the Commission shall have exclusive control and direction over all duties, functions, and responsibilities previously exercised by the Kentucky Workers' Compensation Nominating Commission as it existed prior to the filing of this Order. All authority, functions, and responsibilities vested in the Kentucky Workers' Compensation Nominating Commission as it existed prior to the filing of this Order are transferred to the newly created Commission, which shall utilize that authority, function, and responsibility to carry out the functions of the Commission. All duties, functions, responsibilities, records, equipment, staff, and supporting budgets of the Kentucky Workers' Compensation Nominating Commission as it existed prior to the filing of this Order and all functions, rights, powers, duties, and obligations set forth in KRS Chapter 342 concerning the Kentucky Workers' Compensation Nominating Commission and other relevant provisions of law are hereby transferred to the newly created Commission.

VIII. The Finance and Administration Cabinet, Labor Cabinet, Personnel Cabinet and the Governor's Office of Policy and Management shall take all necessary action to effectuate the provisions of this Order.

MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2016-256
May 9, 2016

IX. I hereby appoint the following to serve as a member of the Commission, to serve for a term expiring May 6, 2017:

Mark Flores, 2272 Chamblee Lane,
Lexington, Kentucky 40513.

X. Further, I hereby appoint the following to serve as members of the Commission, to serve a term expiring May 6, 2018:

Megan E. Mersch, 1069 Altavia Avenue,
Park Hills, Kentucky 41011; and

Joshua W. Davis, 2527 Top Hill Road,
Louisville, Kentucky 40206.

XI. Further, I hereby appoint the following to serve as members of the Commission, to serve a term expiring May 6, 2019:

Jordan Tong, 8141 Oakridge Court,
Owensboro, Kentucky 42303; and

Victoria E. Boggs, 1722 Gresham Road,
Louisville, Kentucky 40205.

XII. Further, I hereby appoint the following to serve as members of the Commission, to serve a term expiring May 6, 2020:

Louis D. Kelly, 28 Edwards Avenue,
Florence, Kentucky 41042; and

Runan S. Pendergrast, 2413 Danby Woods Circle,
Lexington, Kentucky 40509.

Please issue commissions to them.

MATTHEW G. BEVIN, Governor
Commonwealth of Kentucky

ALISON LUNDERGAN GRIMES
Secretary of State

REORGANIZATION PLAN

This Reorganization modifies the membership of the Workers' Compensation Nominating Commission for members appointed to serve a term of four (4) years. However, the total membership of the Workers' Compensation Nominating Commission will remain at seven (7). This Reorganization also establishes term limits.

This reorganization is for administrative purposes with no resulting personnel or fiscal impact. Moreover, this reorganization will not result in any increased expenditures to Kentucky state government.