

1 AN ACT relating to gubernatorial appointments and declaring an emergency.

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

3 ➔Section 1. KRS 63.080 is amended to read as follows:

4 (1) Except as provided in subsection (2) of this section and otherwise provided by law,  
5 any person appointed by the Governor, either with or without the advice and  
6 consent of the Senate, may be removed from office by the Governor for any cause  
7 the Governor deems sufficient, by an order of the Governor entered in the executive  
8 journal removing the officer.

9 (2) **Except as provided in subsections (3) and (4) of this section,** members of the board  
10 of trustees of the University of Kentucky, the board of trustees of the University of  
11 Louisville, members of the board of regents respectively of Eastern Kentucky  
12 University, Western Kentucky University, Morehead State University, Kentucky  
13 State University, Northern Kentucky University, Murray State University, and the  
14 Kentucky Community and Technical College System, and members of the  
15 Kentucky Board of Education and the Council on Postsecondary Education shall not  
16 be removed except for cause.

17 (3) **For a board or council specified in subsection (2) of this section that is required**  
18 **by law to have proportional representation in its membership based on residence,**  
19 **political affiliation, gender, minority racial composition, or professional**  
20 **qualifications, the Governor or other appointing authority may remove any**  
21 **member of the board or council and replace him or her with another individual**  
22 **in order to bring the membership into compliance with the statutory proportional**  
23 **representation requirement for the board or council, provided that the Governor**  
24 **or other appointing authority shall:**

25 (a) **Remove the fewest number of members necessary to bring the membership**  
26 **into compliance with the proportional representation requirement for the**  
27 **board or council;**

- 1        (b) Identify the order in which the current members were appointed and,  
2        beginning with the most recently appointed member who may be removed  
3        and replaced to bring the membership into compliance with the  
4        proportional representation requirement, remove the member or members  
5        according to the length of their tenure on the board or council;
- 6        (c) Provide any member proposed to be removed with the following:
- 7            1. Written notice, at least seven (7) days prior to the member's removal  
8            from the board or council, stating the statutory proportional  
9            representation requirement that the member does not satisfy; and
- 10          2. An opportunity during the seven (7) day notice period for the member  
11          to provide evidence to the Governor or other appointing authority that  
12          the member does satisfy the proportional representation requirement  
13          or that another member on the board or council who also does not  
14          satisfy the requirement has a shorter tenure than the member  
15          proposed to be removed;
- 16        (d) Replace any removed member with only those individuals who will bring the  
17        board or council into compliance with the proportional representation  
18        requirement; and
- 19        (e) Appoint any new member in the same manner as provided by law for the  
20        member being removed and to fill the remainder of the removed member's  
21        unexpired term.
- 22        (4) For a board or council specified in subsection (2) of this section, the Governor  
23        may, by executive order, remove all appointed members of the board or council  
24        and replace the entire appointed membership upon a written finding of fact by  
25        the Governor that the board or council is no longer functioning according to its  
26        statutory mandate as specified in the enabling statutes applicable to each board  
27        or council.

1       ➔Section 2. KRS 156.029 is amended to read as follows:

- 2       (1) There is hereby established a Kentucky Board of Education, which shall consist of  
3       eleven (11) members appointed by the Governor and confirmed by the Senate and  
4       the House of Representatives of the General Assembly, with the president of the  
5       Council on Postsecondary Education serving as an ex officio nonvoting member.  
6       Seven (7) members shall represent each of the Supreme Court districts as  
7       established by KRS 21A.010, and four (4) members shall represent the state at  
8       large. Each of the appointed members shall serve for a four (4) year term, *unless a*  
9       *member is removed by the Governor for cause or pursuant to subsection (3) or (4)*  
10      *of Section 1 of this Act,* except the initial appointments shall be as follows: the  
11      seven (7) members representing Supreme Court districts shall serve a term which  
12      shall expire on April 14, 1994; and the four (4) at-large members shall serve a term  
13      which shall expire on April 14, 1992. Subsequent appointments shall be submitted  
14      to the Senate and to the House of Representatives for confirmation in accordance  
15      with KRS 11.160. Each appointment by the Governor shall be agreed upon by both  
16      chambers in order for the person to be confirmed. Each confirmed appointee shall  
17      take office on April 15.
- 18      (2) Appointments shall be made without reference to occupation, political affiliation, or  
19      similar consideration. No member at the time of his appointment or during the term  
20      of his service shall be engaged as a professional educator. Pursuant to KRS 63.080,  
21      a member shall not be removed except for cause.
- 22      (3) A vacancy in the membership of the board shall be filled by the Governor for the  
23      unexpired term with the consent of the Senate and the House of Representatives. In  
24      the event that the General Assembly is not in session at the time of the appointment,  
25      the consent of the Senate and the House of Representatives shall be obtained during  
26      the time the General Assembly next convenes.
- 27      (4) At the first regular meeting of the board in each fiscal year, a chairperson shall be

1 elected from its voting membership.

2 (5) The members shall be reimbursed for actual and necessary expenses incurred in the  
3 performance of their duties.

4 (6) The commissioner of education shall serve as the executive secretary to the board.

5 (7) The primary function of the board shall be to develop and adopt policies and  
6 administrative regulations, with the advice of the Local Superintendents Advisory  
7 Council, by which the Department of Education shall be governed in planning,  
8 coordinating, administering, supervising, operating, and evaluating the educational  
9 programs, services, and activities within the Department of Education which are  
10 within the jurisdiction of the board.

11 **(8) The inability of the board to hold regular meetings, to elect a chairperson, to**  
12 **establish a quorum, or to reach consensus among its members in order to carry**  
13 **out its primary function to develop and adopt policies and administrative**  
14 **regulations by which the Department of Education shall be governed, or to**  
15 **otherwise perform its duties under KRS 156.070 shall be cause for the Governor**  
16 **to remove all appointed members of the board and replace the entire appointed**  
17 **membership pursuant to subsection (4) of Section 1 of this Act.**

18 ➔Section 3. KRS 164.011 is amended to read as follows:

19 (1) There is hereby created and established a Council on Postsecondary Education in  
20 Kentucky as an agency, instrumentality, and political subdivision of the  
21 Commonwealth and a public body corporate and politic having all powers, duties,  
22 and responsibilities as are provided to it by law, appointed for a term set by law  
23 pursuant to Section 23 of the Constitution of Kentucky. The council shall be  
24 composed of the commissioner of education, a faculty member, a student member,  
25 and thirteen (13) citizen members appointed by the Governor. The citizen members  
26 shall be confirmed by the Senate under KRS 11.160, and the commissioner of  
27 education shall serve as a nonvoting ex officio member. Citizen council members

1 shall be selected from a list of nominees provided to the Governor under the  
2 nominating process set forth in KRS 164.005. If the General Assembly is not in  
3 session at the time of the appointment, persons appointed shall serve prior to  
4 confirmation, but the Governor shall seek the consent of the Senate at the next  
5 regular session or at an intervening extraordinary session if the matter is included in  
6 the call of the General Assembly.

- 7 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary  
8 Education Nominating Committee shall submit nominations to the Governor as set  
9 forth in KRS 164.005. On making appointments to the council, the Governor shall  
10 assure broad geographical and political representation; assure equal representation  
11 of the two (2) sexes, inasmuch as possible; assure no less than proportional  
12 representation of the two (2) leading political parties of the Commonwealth based  
13 on the state's voter registration and the political affiliation of each appointee as of  
14 December 31 of the year preceding the date of his or her appointment; and assure  
15 that appointments reflect the minority racial composition of the Commonwealth. In  
16 filling vacancies to the council, the Governor shall act so as to provide, inasmuch as  
17 possible, equal representation of the two (2) sexes by appointing a member of the  
18 sex that is the lesser represented at the time of the appointment. If the remaining  
19 membership already has an equal number of males and females, the Governor may  
20 appoint a member of either sex. No more than two (2) members of the council shall  
21 hold an undergraduate degree from any one (1) Kentucky university, and no more  
22 than three (3) voting members of the council shall reside in any one (1) judicial  
23 district of the Kentucky Supreme Court as of the date of the appointment. However,  
24 change in residency after the date of appointment shall not affect the ability to serve.
- 25 (3) One (1) member shall be a full-time faculty member employed at a state institution  
26 of postsecondary education. The faculty member shall be appointed to a four (4)  
27 year term by the Governor from a list of three (3) nominees selected and submitted

1 by majority vote of the ten (10) faculty members who serve as faculty  
2 representatives of the boards of trustees and boards of regents of the nine (9)  
3 postsecondary education institutions.

4 (4) One (1) member shall be enrolled as a full-time student at a state institution of  
5 postsecondary education and shall be selected annually in the following manner: not  
6 later than June 1 of each year the eight (8) student body presidents of the four (4)  
7 year state public institutions of higher education, the two (2) student members to the  
8 Kentucky Community and Technical College System, and one (1) student body  
9 president representing the members of the Association of Independent Kentucky  
10 Colleges and Universities shall elect by majority vote three (3) nominees to submit  
11 to the Governor. From this list of nominees, the Governor shall appoint a student  
12 member.

13 (5) In filling any vacancies, the Governor shall ensure the continuing representation  
14 upon the council of the broad constituencies as set forth in subsection (2) of this  
15 section. Vacancies on the council shall be filled for the unexpired term in  
16 accordance with the procedures established for the original appointments.

17 (6) Each citizen member shall serve a term of six (6) years unless removed by the  
18 Governor for cause or pursuant to subsection (3) or (4) of Section 1 of this Act,  
19 except the initial appointments shall be as follows:

20 (a) Two (2) appointments shall expire December 31, 1997;

21 (b) Three (3) appointments shall expire December 31, 1998;

22 (c) Two (2) appointments shall expire December 31, 1999;

23 (d) Two (2) appointments shall expire December 31, 2000;

24 (e) Two (2) appointments shall expire December 31, 2001; and

25 (f) Two (2) appointments shall expire December 31, 2002.

26 (7) Any person, other than the chief state school officer, holding either an elective or  
27 appointive state office or who is a member of the governing board of any state

1 university in Kentucky, shall be ineligible for membership or appointment on the  
2 council during his term.

3 (8) The members of the council shall elect the chair and the vice chair of the council  
4 from among the council's membership, and the chair and vice chair shall serve at  
5 the pleasure of the council. The vice chair shall serve as chair in the absence of the  
6 chair.

7 (9) The council shall meet at least quarterly and at other times upon the call of the chair  
8 or a majority of the council.

9 (10) A quorum shall be a majority of the appointive membership of the council.

10 (11) A quorum shall be required to organize and conduct the business of the council,  
11 except that an affirmative vote of eight (8) or more appointive members of the  
12 entire council shall be required to dismiss from employment the president of the  
13 council, and to adopt or amend the state strategic postsecondary education agenda.

14 (12) New appointees to the council shall not serve more than two (2) consecutive terms.  
15 Appointees after May 30, 1997, who previously served on the Council of Higher  
16 Education may serve two (2) additional full consecutive terms.

17 (13) New appointees to the council shall complete an orientation and education program  
18 set forth in KRS 164.020(25) to be eligible for appointment to a second term.

19 **(14) The inability of the council to hold at least quarterly meetings, to elect a chair**  
20 **and vice chair, to establish a quorum, or to reach consensus among its members**  
21 **in order to carry out its primary function to organize and conduct the business of**  
22 **the council, or to otherwise perform its duties under KRS 164.020 shall be cause**  
23 **for the Governor to remove all appointed members of the council and replace the**  
24 **entire appointed membership pursuant to subsection (4) of Section 1 of this Act.**

25 ➔Section 4. KRS 164.131 is amended to read as follows:

26 (1) (a) The government of the University of Kentucky is vested in a board of trustees  
27 appointed for a term set by law pursuant to Section 23 of the Constitution of

1 Kentucky.

2 (b) All appointed and elected persons shall be required to attend and complete an  
3 orientation and education program prescribed by the council under KRS  
4 164.020(25), as a condition of their service and eligibility for appointment or  
5 election to a second term.

6 (c) The board shall periodically evaluate the institution's progress in  
7 implementing its missions, goals, and objectives to conform to the strategic  
8 agenda. Officers and officials shall be held accountable for the status of the  
9 institution's progress.

10 (d) Board members may be removed by the Governor *under the following*  
11 *circumstances:*

12 *1.* For cause, which shall include neglect of duty or malfeasance in office,  
13 after being afforded a hearing with counsel before the council and a  
14 finding of fact by the council; *or*

15 *2. Pursuant to subsections (3) or (4) of Section 1 of this Act.*

16 (e) The board shall consist of sixteen (16) members appointed by the Governor,  
17 two (2) members of the faculty of the University of Kentucky, one (1) member  
18 of the University of Kentucky nonteaching personnel, and one (1) member of  
19 the student body of the University of Kentucky. The voting members of the  
20 board shall select a chairperson annually.

21 (2) (a) The terms of the appointed members shall be for six (6) years and until their  
22 successors are appointed and qualified, *unless a member is removed by the*  
23 *Governor for cause or pursuant to subsection (3) or (4) of Section 1 of this*  
24 *Act*; except the initial appointments shall be as follows:

- 25 1. Two (2) members shall serve one (1) year terms;
- 26 2. Two (2) members shall serve two (2) year terms, one (1) of whom shall  
27 be a graduate of the university, selected from a list of three (3) names



- 1 submitted by the alumni of the university according to rules established  
2 by the board of trustees;
- 3 3. Three (3) members shall serve three (3) year terms;
- 4 4. Three (3) members shall serve four (4) year terms, one (1) of whom  
5 shall be a graduate of the university, selected as under subparagraph 2.  
6 of this subsection;
- 7 5. Three (3) members shall serve five (5) year terms; and
- 8 6. Three (3) members shall serve six (6) year terms, one (1) of whom shall  
9 be a graduate of the university, selected as under subparagraph 2. of this  
10 subsection.
- 11 (b) 1. Three (3) of the appointments shall be graduates of the university and  
12 may include one (1) graduate of the institution who resides outside the  
13 Commonwealth;
- 14 2. Three (3) shall be representative of agricultural interests; and
- 15 3. Ten (10) shall be other distinguished citizens representative of the  
16 learned professions and may include one (1) who resides outside of  
17 Kentucky.
- 18 (c) The Governor shall make the appointments so as to reflect proportional  
19 representation of the two (2) leading political parties of the Commonwealth  
20 based on the state's voter registration and the political affiliation of each  
21 appointee as of December 31 of the year preceding the date of his or her  
22 appointment, and to reflect no less than proportional representation of the  
23 minority racial composition of the Commonwealth.
- 24 (d) Appointments to fill vacancies shall be made for the unexpired term in the  
25 same manner as provided for the original appointments.
- 26 (3) The two (2) University of Kentucky faculty members shall be of the rank of  
27 assistant professor or above. They shall be elected by secret ballot by all University

1 of Kentucky faculty members of the rank of assistant professor or above. Faculty  
2 members shall serve for terms of three (3) years and until their successors are  
3 elected and qualified. Faculty members shall be eligible for reelection, but they shall  
4 be ineligible to continue to serve as members of the board of trustees if they cease  
5 to be members of the faculty of the university. Elections to fill vacancies shall be for  
6 the unexpired term in the same manner as provided for original elections.

7 (4) The nonteaching personnel member shall be any full-time staff member, excluding  
8 the president, vice-presidents, academic deans, and academic department  
9 chairpersons. The staff member shall represent all nonteaching university  
10 employees including but not limited to building facilities and clerical personnel.  
11 The staff member shall be elected by secret ballot by the nonteaching employees.  
12 The staff member shall serve a term of three (3) years and until a successor is  
13 elected and qualified. The staff member shall be eligible for reelection, but a staff  
14 member who ceases being an employee of the university shall not be eligible to  
15 continue to serve as a member of the board. Elections to fill vacancies shall be for  
16 the unexpired term and shall be held in the same manner as provided for the original  
17 election.

18 (5) The student member shall be the president of the student body of the university  
19 during the appropriate academic year and may be an out-of-state resident if  
20 applicable. If the student member does not maintain his position as student body  
21 president or his status as a full-time student at any time during that academic year, a  
22 special election shall be held to select a full-time student. The student member shall  
23 serve for a term of one (1) year beginning with the first meeting of the fiscal year  
24 which contains that academic year.

25 (6) The number of student and employee trustees of the University of Kentucky elected  
26 to the board shall not exceed four (4).

27 (7) Unless specifically approved by the board of trustees under the provisions of KRS

1 164.367, no member of the administrative staff of the university shall be directly or  
 2 indirectly interested in any contract with the university for the sale of property,  
 3 materials, supplies, equipment, or services, with exception of compensation to the  
 4 two (2) faculty members, and the one (1) nonteaching personnel member.

5 (8) New appointees of the board shall not serve more than two (2) consecutive terms.  
 6 Board members serving as of May 30, 1997, may be reappointed at the end of their  
 7 existing terms and may serve two (2) additional full consecutive terms.

8 **(9) The inability of the board to hold regular meetings, to elect a chairperson**  
 9 **annually, to establish a quorum, or to reach consensus among its members in**  
 10 **order to carry out its primary function to periodically evaluate the institution's**  
 11 **progress in implementing its missions, goals, and objectives to conform to the**  
 12 **strategic agenda shall be cause for the Governor to remove all appointed**  
 13 **members of the board and replace the entire appointed membership pursuant to**  
 14 **subsection (4) of Section 1 of this Act.**

15 ➔Section 5. KRS 164.180 is amended to read as follows:

16 **(1)** The board of trustees may elect a vice chairman and such other officers as it deems  
 17 wise, and may make such bylaws, rules and regulations consistent with this chapter  
 18 as it deems proper.

19 **(2) If the board of trustees adopts bylaws, rules or regulations pursuant to subsection**  
 20 **(1) of this section, those bylaws, rules or regulations shall reference the member**  
 21 **removal and replacement provisions of Section 1 of this Act.**

22 ➔Section 6. KRS 164.321 is amended to read as follows:

23 (1) Eastern Kentucky University, Morehead State University, Murray State University,  
 24 Western Kentucky University, Kentucky State University, Northern Kentucky  
 25 University, and the Kentucky Community and Technical College System shall each  
 26 be governed by a board of regents appointed for a term set by law pursuant to  
 27 Section 23 of the Constitution of Kentucky.

- 1 (a) Each board of the comprehensive universities shall consist of eight (8)  
2 members appointed by the Governor, one (1) member of the teaching faculty,  
3 one (1) member of the university nonteaching personnel, and one (1) member  
4 of the student body of the respective university or college. The members of the  
5 board shall select a chairperson annually.
- 6 (b) The board of the Kentucky Community and Technical College System shall  
7 consist of eight (8) members appointed by the Governor, two (2) members of  
8 the teaching faculty, two (2) members of the nonteaching personnel, and two  
9 (2) members of the student body.
- 10 1. No more than three (3) appointed members of the board shall reside in  
11 any one (1) judicial district of the Kentucky Supreme Court as of the  
12 date of the appointment.
- 13 2. A change in residency of a gubernatorial appointee after the date of  
14 appointment shall not affect the appointee's ability to serve or eligibility  
15 for reappointment, except an appointee who assumes residency outside  
16 the fifty (50) United States shall become immediately ineligible to serve.  
17 The Council on Postsecondary Education shall notify the appointee of  
18 his or her ineligibility to serve.
- 19 3. In making initial appointments, the Governor shall act so as to provide  
20 equal representation of the two (2) sexes. In filling vacancies, the  
21 Governor shall act so as to provide, inasmuch as possible, equal  
22 representation of the two (2) sexes by appointing a member of the sex  
23 that is the lesser represented at the time of the appointment. If the  
24 remaining membership already has an equal number of males and  
25 females, the Governor may appoint a member of either sex.
- 26 (2) The terms of appointed members shall be for six (6) years and until their successors  
27 are appointed and qualified, unless a member is removed by the Governor for

1 cause or pursuant to subsection (3) or (4) of Section 1 of this Act, except the  
2 initial appointments to the board of regents for the Kentucky Community and  
3 Technical College System shall be as follows:

- 4 (a) One (1) member shall serve a one (1) year term;  
5 (b) One (1) member shall serve a two (2) year term;  
6 (c) Two (2) members shall serve three (3) year terms;  
7 (d) One (1) member shall serve a four (4) year term;  
8 (e) One (1) member shall serve a five (5) year term; and  
9 (f) Two (2) members shall serve six (6) year terms.

10 New appointees of a board of regents shall not serve for more than two (2)  
11 consecutive terms. Board members serving as of May 30, 1997, may be reappointed  
12 at the end of their existing terms and may serve two (2) additional full consecutive  
13 terms.

- 14 (3) The gubernatorial appointments may include one (1) graduate of the respective  
15 institution who resides outside the Commonwealth. Not more than two (2)  
16 appointed members of any board shall be residents of one (1) county. The  
17 appointments shall reflect the proportional representation of the two (2) leading  
18 political parties of the Commonwealth based on the state's voter registration and the  
19 political affiliation of each appointee as of December 31 of the year preceding the  
20 date of his or her appointment. Membership on the board shall reflect no less than  
21 proportional representation of the minority racial composition of the  
22 Commonwealth. Membership on the board shall not be incompatible with any state  
23 office. A change in residency after the date of appointment shall not affect a  
24 member's ability to serve nor shall it prevent a member's eligibility for  
25 reappointment, except a member who assumes residency outside the fifty (50)  
26 United States shall become immediately ineligible to serve. The Council on  
27 Postsecondary Education shall notify the appointee of his or her ineligibility to

1 serve.

2 (4) Appointments to fill vacancies shall be made in the same manner and within the  
3 same time after the occurrence of the vacancy as regular appointments. The person  
4 appointed shall hold the position for the unexpired term only.

5 (5) Each member of the board shall serve for the term for which the member is  
6 appointed and until a successor is appointed and qualified, unless a member is  
7 removed by the Governor for cause or pursuant to subsection (3) or (4) of Section  
8 1 of this Act.

9 (6) (a) The faculty member of a comprehensive university shall be a teaching or  
10 research member of the faculty of his or her respective university of the rank  
11 of assistant professor or above. The faculty member shall be elected by secret  
12 ballot by all faculty members of his or her university of the rank of instructor,  
13 assistant professor, or above. The faculty member shall serve for a term of  
14 three (3) years and until his successor is elected and qualified. The faculty  
15 member shall be eligible for reelection, but he or she shall not be eligible to  
16 continue to serve as a member of the board if he or she ceases being a member  
17 of the teaching staff of the university. Elections to fill vacancies shall be for  
18 the unexpired term in the same manner as provided for the original election.

19 (b) The faculty members of the Kentucky Community and Technical College  
20 System shall be represented by one (1) faculty member elected from the  
21 community colleges and one (1) faculty member elected from the technical  
22 institutions to serve three (3) year terms and until their successors are named.  
23 The faculty representative of each branch shall be elected by means of a  
24 process established by the board. The faculty members may be reelected but  
25 shall not serve more than two (2) consecutive terms. A faculty member shall  
26 be ineligible to continue to serve as a member of the board if he or she ceases  
27 to be a member of the faculty at one (1) of the institutions within the system.

1 Elections to fill vacancies shall be for the unexpired term in the same manner  
2 as provided for the original election. These two (2) members shall collectively  
3 have one (1) vote which may be cast one-half (1/2) vote by each member.

4 (7) (a) The nonteaching personnel member in a comprehensive university shall be  
5 any full-time staff member excluding the president, vice presidents, academic  
6 deans, and academic department chairpersons. He or she shall represent all  
7 nonteaching university employees including, but not limited to, building  
8 facilities and clerical personnel. The member shall be elected by secret ballot  
9 by the nonteaching employees. The nonteaching personnel member shall serve  
10 a term of three (3) years and until a successor is elected and qualified. The  
11 nonteaching personnel member shall be eligible for reelection, but he or she  
12 shall not be eligible to continue to serve as a member of the board if he or she  
13 ceases being an employee of the university. Elections to fill vacancies shall be  
14 for the unexpired term in the same manner as provided for the original  
15 election.

16 (b) The nonteaching personnel members in the Kentucky Community and  
17 Technical College System shall be any full-time staff member excluding a  
18 president, chancellor, vice president, academic dean, academic department  
19 chair, or other administrator. They shall represent all nonteaching employees  
20 in their respective branch institutions including, but not limited to, support  
21 and clerical personnel. One (1) member shall be a representative from the  
22 community colleges and one (1) member shall be a representative from the  
23 technical institutions. They shall serve three (3) year terms and until their  
24 successors are named. These two (2) members shall collectively have one (1)  
25 vote which may be cast one-half (1/2) vote by each member. The nonteaching  
26 personnel members of each branch shall be elected by means of a process  
27 established by the board. A nonteaching personnel member may be reelected

1 but shall not serve more than two (2) consecutive terms. A nonteaching  
2 employee shall be ineligible to continue to serve as a member of the board if  
3 that employee ceases to be a nonteaching employee at one (1) of the  
4 institutions within the system. Elections to fill vacancies shall be for the  
5 unexpired term in the same manner as provided for the original election.

6 (8) (a) The student member on a comprehensive university board shall be the  
7 president of the student body of the university during the appropriate  
8 academic year and may be an out-of-state resident if applicable. If the student  
9 member does not maintain his or her position as student body president or  
10 status as a full-time student at any time during that academic year, a special  
11 election shall be held to select a full-time student member. The student  
12 member shall serve for a term of one (1) year beginning with the first meeting  
13 of the fiscal year which contains that academic year.

14 (b) Two (2) full-time student members shall be elected to the board of regents for  
15 the Kentucky Community and Technical College System. One (1) shall  
16 represent students of the community colleges and one (1) shall represent the  
17 technical institutions. The student members shall be elected by means of a  
18 process established by the board. The student members shall serve one (1)  
19 year terms beginning with the first meeting of the fiscal year that contains the  
20 academic year. If the student member does not maintain his or her status as a  
21 full-time student, a special election shall be held to fill the vacancy. The two  
22 (2) members shall collectively have one (1) vote which may be cast one-half  
23 (1/2) vote by each member.

24 (9) All appointed and elected persons shall be required to attend and complete an  
25 orientation and education program prescribed by the council under KRS  
26 164.020(25), as a condition of their service and eligibility for appointment or  
27 election to a second term.



1 (10) Board members may be removed by the Governor under the following  
 2 circumstances:

3 (a) For cause, which shall include neglect of duty or malfeasance in office, after  
 4 being afforded a hearing with counsel before the Council on Postsecondary  
 5 Education and a finding of fact by the council; or

6 (b) Pursuant to subsections (3) or (4) of Section 1 of this Act.

7 (11) The inability of the board or boards of the comprehensive universities or  
 8 Kentucky Community and Technical College System to hold quarterly meetings,  
 9 to elect a chairperson annually, to establish a quorum, or to reach consensus  
 10 among its members in order to carry out its primary function to periodically  
 11 evaluate the institution's or system's progress in implementing its missions, goals,  
 12 and objectives to conform to the strategic agenda, or to otherwise perform its  
 13 duties under Section 7 of this Act shall be cause for the Governor to remove all  
 14 appointed members of the board or boards and replace the entire appointed  
 15 membership pursuant to subsection (4) of Section 1 of this Act.

16 ➔Section 7. KRS 164.350 is amended to read as follows:

17 (1) The government of each of the state universities and the Kentucky Community and  
 18 Technical College System is vested in its respective board of regents. Each board of  
 19 regents, when its members have been appointed and qualified, shall constitute a  
 20 body corporate, with the usual corporate powers, and with all immunities, rights,  
 21 privileges, and franchises usually attaching to the governing bodies of educational  
 22 institutions. Each board may:

23 (a) Receive grants of money and expend the same for the use and benefit of the  
 24 university or college;

25 (b) Adopt bylaws, rules, and regulations for the government of its members,  
 26 officers, agents, and employees, and enforce obedience to such rules, provided  
 27 that any adopted bylaws, rules, or regulations shall reference the member

1                    **removal and replacement provisions of Section 1 of this Act:**

- 2            (c) Require such reports from the president, officers, faculty, and employees as it  
3            deems necessary and proper from time to time;
- 4            (d) Determine the number of divisions, departments, bureaus, offices, and  
5            agencies needed for the successful conduct of the affairs of the university or  
6            college; and
- 7            (e) Grant diplomas and confer degrees upon the recommendation of the president  
8            and faculty.
- 9    (2) Each board of regents shall periodically evaluate the institution's progress in  
10       implementing its missions, goals, and objectives to conform to the strategic agenda.  
11       Officers and officials shall be held accountable for the status of the institution's  
12       progress.
- 13    (3) In addition to the duties required in subsections (1) and (2) of this section, the board  
14       of regents for the Kentucky Community and Technical College System, upon  
15       recommendation of the president of the system, shall:
- 16       (a) Develop and implement guidelines for the preparation of biennial budget  
17       requests by the administrators of the colleges within the system. The  
18       guidelines shall define the processes for review and approval by the boards of  
19       directors for the colleges;
- 20       (b) Adopt a biennial budget request for the Kentucky Community and Technical  
21       College System upon the recommendation of the president of the system;
- 22       (c) Adopt an allocation process for distributing funds to the colleges within the  
23       system;
- 24       (d) Consider recommendations from the boards of directors of the colleges to  
25       improve the overall budget planning and allocation processes;
- 26       (e) Designate each college with a name;
- 27       (f) Encourage and accept donations of land and funds to be used in the

1 acquisition, construction, or operations of colleges in the system. The board  
 2 may commemorate donations from private persons or corporations with  
 3 suitable memorials; and

4 (g) Accept federal grants when deemed appropriate to be used in the acquisition,  
 5 construction, or operations of colleges in the system.

6 The board of regents shall assure that the budget planning and implementation  
 7 processes are consistent with the adopted strategic agenda and biennial budget and  
 8 with the missions of the institutions within the system.

9 ➔Section 8. KRS 164.821 is amended to read as follows:

10 (1) The government of the University of Louisville is vested in a board of trustees  
 11 appointed for a term set by law pursuant to Section 23 of the Constitution of  
 12 Kentucky. The board shall consist of seventeen (17) members appointed by the  
 13 Governor; one (1) member of the teaching faculty of the University of Louisville  
 14 who shall be the chief executive of the ranking unit of faculty government; a  
 15 member of the permanent staff of the University of Louisville who shall be the chief  
 16 executive of the staff senate; and a student member who shall be the president of the  
 17 student body during the appropriate academic year.

18 (a) All appointed and elected persons shall be required to attend and complete an  
 19 orientation and education program prescribed by the council under KRS  
 20 164.020(25), as a condition of their service and eligibility for appointment or  
 21 election to a second term.

22 (b) Board members may be removed by the Governor *under the following*  
 23 *circumstances:*

24 *1.* For cause, which shall include neglect of duty or malfeasance in office,  
 25 after being afforded a hearing with counsel before the Council on  
 26 Postsecondary Education and a finding of fact by the council; *or*

27 *2. Pursuant to subsections (3) or (4) of Section 1 of this Act.*

- 1 (c) New appointees to the board shall not serve more than two (2) consecutive  
2 terms. Board members serving as of May 30, 1997, may be reappointed at the  
3 end of their existing terms and may serve two (2) additional full consecutive  
4 terms.
- 5 (2) If the student member does not maintain his position as student body president or  
6 his status as a full-time student at any time during that academic year a special  
7 election shall be held to select a full-time student member. The student member  
8 shall serve for a term of one (1) year beginning with the first meeting of the fiscal  
9 year which contains that academic year.
- 10 (3) The faculty member, staff member, and student body member shall cease to be  
11 eligible for membership on the board of trustees upon termination of their  
12 respective relationships with the university, and vacancies occurring for this reason  
13 shall be filled for the remainder of the respective terms in the same manner. The  
14 voting members of the board shall select a chairperson annually.
- 15 (4) The gubernatorial appointments shall serve a term of six (6) years and until their  
16 successors are appointed and qualified, unless a member is removed by the  
17 Governor for cause or pursuant to subsection (3) or (4) of Section 1 of this Act,  
18 except the initial terms shall be as follows:
- 19 (a) Two (2) members shall serve one (1) year terms;  
20 (b) Three (3) members shall serve two (2) year terms;  
21 (c) Three (3) members shall serve three (3) year terms, one (1) of whom shall be a  
22 graduate of the university, selected from a list of three (3) names submitted by  
23 the alumni of the university in the manner and according to rules prescribed  
24 by the board of trustees;  
25 (d) Three (3) members shall serve four (4) year terms;  
26 (e) Three (3) members shall serve five (5) year terms; and  
27 (f) Three (3) members shall serve six (6) year terms, one (1) of whom shall be a

1 graduate of the university, selected as under paragraph (c) of this subsection.

2 (5) The Governor shall make his at-large appointments so as to divide the citizen  
3 representation upon the board to reflect proportional representation of the two (2)  
4 leading political parties in the Commonwealth based on the state's voter registration  
5 and the political affiliation of each appointee as of December 31 of the year  
6 preceding the date of his or her appointment, and shall reflect no less than  
7 proportional representation of the minority racial composition of the  
8 Commonwealth. The membership may include one (1) graduate of the institution  
9 who resides outside the Commonwealth, but he shall not be reimbursed for out-of-  
10 state travel.

11 (6) Vacancies among the citizen members of the board occurring by death, resignation,  
12 or any other cause shall be filled by appointments made by the Governor for the  
13 expiration of the term, subject to the qualifications set forth in this section.

14 (7) Unless specifically approved by the board of trustees under the provisions of KRS  
15 164.367, no member of the teaching or administrative staff of the university shall be  
16 directly or indirectly interested in any contract with the university for the sale of  
17 property, materials, supplies, equipment, or services, with the exception of  
18 compensation to the faculty, staff, and student members.

19 (8) The inability of the board to hold regular meetings, to elect a chairperson  
20 annually, to establish a quorum, or to reach consensus among its members in  
21 order to carry out its primary function to periodically evaluate the institution's  
22 progress in implementing its missions, goals, and objectives to conform to the  
23 strategic agenda, or to otherwise perform its duties under Section 9 of this Act  
24 shall be cause for the Governor to remove all appointed members of the board  
25 and replace the entire appointed membership pursuant to subsection (4) of  
26 Section 1 of this Act.

27 ➔Section 9. KRS 164.830 is amended to read as follows:

- 1 (1) The board of trustees of the University of Louisville shall constitute a body  
2 corporate, with the usual corporate powers, and shall possess all the authorities,  
3 immunities, rights, privileges, and franchises usually attaching to the governing  
4 bodies of Kentucky public higher educational institutions. Powers of the board shall  
5 include the following:
- 6 (a) Appointment of a president, all faculty members, and other personnel and  
7 determination of the compensation, duties, and official relations of each. No  
8 relative of a board of trustee member shall be employed by the university.
- 9 (b) Suspension or removal of the president, officers, faculty, agents, or other  
10 personnel that it is authorized to appoint, except that no president, professor,  
11 or teacher shall be removed except for incompetence, neglect of or refusal to  
12 perform his duty, or for immoral conduct and that the removal shall be made  
13 in accordance with procedures established by law for state institutions.
- 14 (c) Election of a vice chairperson and any other officers as it deems wise,  
15 including the annual election of a six (6) member executive committee which  
16 shall have the powers that the board delegates to it and shall operate under the  
17 rules the board shall establish under its authority to make bylaws, rules, and  
18 regulations consistent with this chapter. The committee shall have one (1)  
19 member representing the students, faculty, and nonteaching personnel with the  
20 group alternating each year. The initial appointment to the executive  
21 committee after May 30, 1997, shall be a faculty member, to be followed by a  
22 student and a nonteaching personnel, respectively.
- 23 (d) Receipt, retention, and administration, on behalf of the university, subject to  
24 the conditions attached, all revenues accruing from endowments,  
25 appropriations, allotments, grants or bequests, and all types of property.
- 26 (e) Requirement of reports from the president, officers, faculty, and employees as  
27 it deems necessary and proper from time to time.

1 (f) Granting degrees to graduates of the university, prescription of conditions  
2 upon which postgraduate honors may be obtained, and conferment of  
3 honorary degrees.

4 (g) The board shall periodically evaluate the institution's progress in  
5 implementing its missions, goals, and objectives to conform to the strategic  
6 agenda. Officers and officials shall be held accountable for the status of the  
7 institution's progress.

8 **(f) The board may adopt bylaws, rules, and regulations for the government of**  
9 **its members, officers, agents, and employees, and enforce obedience to such**  
10 **rules, provided that any adopted bylaws, rules, or regulations shall**  
11 **reference the member removal and replacement provisions of Section 1 of**  
12 **this Act.**

13 (2) The provisions of KRS 164.030, 164.200, and 164.410, shall be applicable to the  
14 University of Louisville except where inconsistent with the purposes of KRS  
15 164.810 to 164.870.

16 ➔Section 10. The General Assembly finds and declares that one or more of the  
17 boards or councils specified in Section 1 of this Act has a current membership that is not  
18 in compliance with statutory proportional representation requirements, or that one or  
19 more of the boards or councils has a history of appointments being made that do not meet  
20 those statutory requirements. Additionally, the General Assembly finds and declares that  
21 one or more of the boards or councils specified in Section 1 of this Act has a current  
22 membership that is no longer functioning according to its statutory mandate, or that one  
23 or more of the boards and councils has a history of failing to function according to its  
24 statutory mandate. Therefore, the General Assembly further finds and declares that the  
25 Governor or other appointing authority shall have the power to remove certain members  
26 of a board or council and replace those members with new appointees, consistent with  
27 and as specified in Sections 1 to 9 of this Act.

1           ➔Section 11. Because the membership of a number of boards or councils are  
2 currently not in compliance with the proportional representation requirements provided  
3 by law, an emergency is declared to exist, and this Act takes effect upon its passage and  
4 approval by the Governor or upon its otherwise becoming a law.