

CHAPTER 214

(HB 40)

AN ACT relating to reorganization.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *There shall be a nominating commission for each community college board of directors to provide names of nominees to the Governor for appointment to the board of directors.*
- (2) *(a) Each nominating commission shall be composed of five (5) members appointed by the Governor who shall reside in the service area of the community college at the time of their appointment. Commission members shall have no conflict of interest in accordance with KRS 45A.340 or have a relative employed by a public postsecondary institution, the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority, the Kentucky Higher Education Student Loan Corporation, or the Kentucky Authority for Educational Television.*
 - (b) *Members of the nominating commission shall serve four (4) year terms, or until a successor shall be appointed, except the initial appointments shall be as follows:*
 1. *One (1) member shall serve a one (1) year term;*
 2. *Two (2) members shall serve a two (2) year term;*
 3. *One (1) member shall serve a three (3) year term; and*
 4. *One (1) member shall serve a four (4) year term.*
- (3) *The Governor shall appoint commission members who reflect, inasmuch as possible, equal representation of the two (2) sexes and in the context of the total membership of all of the commissions, shall approximate the proportional representation of the two (2) leading political parties and the minority racial composition of the state.*
- (4) *(a) The nominating commission shall submit to the Governor the names of three (3) nominees for each position on the board of directors who meet the eligibility criteria for membership under KRS 164.600.*
 - (b) *In the selection of the nominees, the nominating commission shall consider the needs of the respective community college, locate potential appointees, review candidates' qualifications and references, conduct interviews, and carry out other search and screening activities as necessary. The commission shall consider the goals for diversity of membership as set out in subsection (3) of this section.*
 - (c) *Each appointment to the board of directors shall be made thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. The Governor may reject all names of nominees and request the submission of three (3) additional names for consideration.*
- (5) *The members of the commissions shall be reimbursed for actual and necessary expenditures incurred in the performance of their duties.*

- (6) *The nominating commissions shall be attached to the Kentucky Community and Technical College System and the Governor's office staff shall provide staffing and administrative assistance.*

Section 2. KRS 164.600 is amended to read as follows:

- (1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.
- (2) There shall be a board of directors for each community college under the Kentucky Community and Technical College System, except as provided in KRS 165.160. Each board of directors shall:
 - (a) Recommend one (1) candidate for the community college president from three (3) candidates provided by the president of the Kentucky Community and Technical College System. The president shall have the authority to make the final appointment and shall not be bound by the recommendation from the board of directors;
 - (b) Evaluate the community college president and advise the chancellor of his or her performance. The president has final authority for the appointment and termination of the community college president;
 - (c) Approve budget requests for recommendation to the Kentucky Community and Technical College System;
 - (d) Adopt and amend an annual operating budget and submit it to the board of regents of the Kentucky Community and Technical College System for approval as to the compliance with its guidelines;
 - (e) Approve and implement a strategic plan that is developed in coordination with local employers, civic leaders, campus constituents, and other postsecondary institutions in the region and that is consistent with the strategic agenda of the General Assembly.
- (3) The president of each community college shall have full authority and discretion regarding the use and management of the budget approved by the board of regents for the Kentucky Community and Technical College System under KRS 164.350.
- (4) Each board of directors shall consist of nine (9) members, seven (7) of whom shall be appointed by the Governor *from nominees of the respective community college nominating commission established under Section 1 of this Act* for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The other two (2) board members shall be one (1) member of the teaching faculty and one (1) member of the student body. An appointed member's term shall be six (6) years.
- (5) The faculty member shall be on the teaching or research faculty of the community college. He shall be elected by secret ballot of all full-time faculty members of the community college. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the boards if they cease to be members of the teaching staff of the community college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original election.

- (6) The student member shall be the president of the student body of the community college. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.
- (7) The members of the board of directors shall receive no compensation for their services but shall be paid for their actual and necessary expenses.
- (8) No citizen member of the board of directors shall *have a conflict of interest in accordance with KRS 45A.340 or* be a relative of any employee of the community college under its jurisdiction. A person who is a member of the board on July 15, 1998, who is a relative of an employee of the community college may finish out the appointed term of office but the member may not be reappointed.
- (9) The board of regents of the Kentucky Community and Technical College System may extend this type of local governance authority to each postsecondary technical institution under its control, subject to review and approval by the Council on Postsecondary Education.

Section 3. The General Assembly hereby confirms Executive Order 98-636, dated May 28, 1998 and Executive Order 98-1591, dated December 2, 1998, to the extent they are not otherwise confirmed or superseded by this Act.

Approved March 29, 2000