

CHAPTER 56**(HB 223)**

AN ACT relating to the Kentucky Community and Technical College System.

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

Section 1. KRS 164.005 is amended to read as follows:

- (1) There is established the Governor's Postsecondary Education Nominating Committee which shall consist of seven (7) members representing each of the Supreme Court districts who shall be appointed by the Governor with the consent of the House of Representatives and the Senate. If the General Assembly is not in session at the time of appointment, the consent of the General Assembly shall be obtained during the time the General Assembly next convenes.
- (2)
 - (a) In order to be eligible to serve on the Governor's Postsecondary Education Nominating Committee, a member at the time of appointment shall have no conflict of interest pursuant to KRS 45A.340. In addition, no member shall 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 during his *or her* tenure on the committee. No more than two (2) persons holding an undergraduate degree from the same institution of higher education shall be members of the committee.
 - (b) The Governor shall make the appointments so as to reflect, inasmuch as possible, equal representation of the two (2) sexes and no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and to assure that appointments reflect the minority racial composition of the Commonwealth. In filling vacancies to the committee, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.
 - (c) In selecting the members of the committee, the Governor shall solicit recommendations from each of the following:
 1. Advisory Conference of Presidents;
 2. Council on Postsecondary Education Student Advisory Committee;
 3. Associations representing faculty from universities, technical institutions, and community colleges;
 4. Associations representing university, technical institutions, and community college alumni;
 5. Postsecondary education advocacy groups;
 6. The Kentucky Board of Education;
 7. Associations representing business and civic interests; and
 8. Associations representing independent, nonprofit colleges and universities.

- (3) (a) Members of the committee representing Supreme Court districts shall serve six (6) year terms and until a successor is appointed, except the initial appointments shall be as follows:
1. Two (2) members shall serve a two (2) year term;
 2. Two (2) members shall serve a four (4) year term; and
 3. Three (3) members shall serve a six (6) year term.
- (b) The terms of the original appointees shall expire on April 14 in the year designated for the term, and the terms of each member appointed thereafter shall begin on April 15. Appointments shall be submitted to the Senate and to the House of Representatives for confirmation by February 1 in each year that a regular session of the General Assembly convenes. Each appointment shall be consented to by both chambers in order for the person to be confirmed. At the first regular meeting of the committee each fiscal year, a chairperson shall be selected by the membership.
- (4) The members of the committee may be reimbursed for actual and necessary expenditures incurred in the performance of their duties. The expenses of the committee shall be paid out of the appropriation for the Governor's office.
- (5) (a) The committee shall be responsible for submitting three (3) nominations from which the Governor shall select each gubernatorial appointment to a university *or Kentucky Community and Technical College System* governing board made pursuant to KRS 164.131, 164.321, and 164.821 and to the Council on Postsecondary Education pursuant to KRS 164.011~~], except for the four (4) members of the Kentucky Community and Technical College System who shall be nominated by the board of trustees of the University of Kentucky under KRS 164.321].~~ The committee shall not make recommendations for alumni, faculty, and staff appointments made pursuant to KRS 164.131 and 164.821 and the student appointments made pursuant to KRS 164.131, 164.321, and 164.821. If more than one (1) equivalent gubernatorial appointment is being made to a governing board or the Council on Postsecondary Education at the same time, the committee shall submit a number of nominees equal to three (3) times the number of vacancies. The committee shall provide to the Governor, inasmuch as possible, an equal number of male and female nominees. If the Governor needs nominees of a particular sex in order to make an appointment, the committee shall only provide nominees of that sex. The Governor shall select the appointees from among the nominees.
- (b) The committee shall be responsible for submitting three (3) nominations from which the Governor shall select each gubernatorial appointment to the Kentucky Authority for Educational Television made pursuant to KRS 168.040, the Kentucky Higher Education Assistance Authority pursuant to KRS 164.746, and the Kentucky Higher Education Student Loan Corporation pursuant to KRS 164A.050. If more than one (1) appointment is being made at the same time, the committee shall submit a number of nominees equal to three (3) times the number of vacancies. The Governor shall select the appointees from among the nominees.
- (c) Nominations shall be made thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. The Governor shall make the appointment within sixty (60) days following receipt of the nominations. If the

Governor does not make the appointment within sixty (60) days, the committee shall select one (1) of the nominees to serve.

- (6) In making its nominations, the committee shall consider the needs of the respective institutions, locate potential appointees, review candidates' qualifications and references, conduct interviews, and carry out other search and screening activities as necessary.
- (7) The Governor's office staff shall provide support services for the committee.

Section 2. KRS 164.321 is amended to read as follows:

- (1) Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University, Kentucky State University, Northern Kentucky University, and the Kentucky Community and Technical College System shall each be governed by a board of regents appointed for a term set by law pursuant to Section 23 of the Constitution of Kentucky.
 - (a) Each board of the regional universities shall consist of eight (8) members appointed by the Governor, one (1) member of the teaching faculty, one (1) member of the university nonteaching personnel, and one (1) member of the student body of the respective university or college. The members of the board shall select a chairperson annually.
 - (b) The board of the Kentucky Community and Technical College System shall consist of eight (8) members appointed by the Governor, two (2) members of the teaching faculty, two (2) members of the nonteaching personnel, and two (2) members of the student body.
 - 1. ~~Four (4) members shall be appointed by the Governor from three (3) nominations for each of four (4) appointments, recommended by the board of trustees of the University of Kentucky. The Governor may request additional nominations at his discretion.~~
 - 2. ~~Four (4) members shall be appointed by the Governor from nominations by the Governor's Postsecondary Nominating Committee, under KRS 164.005.~~
 - 3. ~~No more than three (3) appointed members of the board shall reside in any one (1) judicial district of the Kentucky Supreme Court as of the date of the appointment.~~
 - 2. ~~4.~~ A change in residency of a gubernatorial appointee after the date of appointment shall not affect the appointee's ability to serve. In making initial appointments, the Governor shall act so as to provide equal representation of the two (2) sexes. In filling vacancies, the Governor shall act so as to provide, inasmuch as possible, equal representation of the two (2) sexes by appointing a member of the sex that is the lesser represented at the time of the appointment. If the remaining membership already has an equal number of males and females, the Governor may appoint a member of either sex.
- (2) The terms of appointed members shall be for six (6) years and until their successors are appointed and qualified, except the initial appointments to the board of regents for the Kentucky Community and Technical College System shall be as follows:
 - (a) One (1) member shall serve a one (1) year term;

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

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

- (3) The gubernatorial appointments may include one (1) graduate of the respective institution who resides outside the Commonwealth. Not more than two (2) appointed members of any board shall be residents of one (1) county. The appointments shall reflect the proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration. Membership on the board shall reflect no less than proportional representation of the minority racial composition of the Commonwealth. Membership on the board shall not be incompatible with any state office. A change in residency after the date of appointment shall not affect a member's ability to serve nor shall it prevent a member's eligibility for reappointment.
- (4) Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.
- (5) Each member of the board shall serve for the term for which *the member*~~he~~ is appointed and until ~~a~~~~his~~ successor is appointed and qualified.
- (6)
 - (a) The faculty member shall be a teaching or research member of the faculty of his *or her* respective university or college of the rank of assistant professor or above. *The faculty member*~~He~~ shall be elected by secret ballot by all faculty members of his *or her* university or college of the rank of assistant professor or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he *or she* shall not be eligible to continue to serve as a member of the board if he *or she* ceases being a member of the teaching staff of the university or college. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
 - (b) The faculty members of the Kentucky Community and Technical College System shall be represented by one (1) faculty member elected from the community colleges and one (1) faculty member elected from the technical institutions to serve three (3) year terms and until their successors are named. The faculty *representative*~~representatives~~ of each branch shall be elected by means of a process established by the board. The faculty members may be reelected but shall not serve more than two (2) consecutive terms. A faculty member shall be ineligible to continue to serve as a member of the board if he *or she* ceases to be a member of the faculty at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.

- (7) (a) The nonteaching personnel member in a regional university shall be any full-time staff member excluding the president, vice presidents, academic deans, and academic department chairpersons. He *or she* shall represent all nonteaching university employees including, but not limited to, building facilities and clerical personnel. **The member**~~[He]~~ shall be elected by secret ballot by the nonteaching employees. The nonteaching personnel member shall serve a term of three (3) years and until ~~a~~~~his~~ successor is elected and qualified. The nonteaching personnel member shall be eligible for reelection, but he *or she* shall not be eligible to continue to serve as a member of the board if he *or she* ceases being an employee of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
- (b) The nonteaching personnel members in the Kentucky Community and Technical College System shall be any full-time staff member excluding a president, chancellor, vice president, academic dean, academic department chair, or other administrator. They shall represent all nonteaching employees in their respective branch institutions including, but not limited to, support and clerical personnel. One (1) member shall be a representative from the community colleges and one (1) member shall be a representative from the technical institutions. They shall serve three (3) year terms and until their successors are named. These two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member. The nonteaching personnel members of each branch shall be elected by means of a process established by the board. A nonteaching personnel member may be reelected but shall not serve more than two (2) consecutive terms. A nonteaching employee shall be ineligible to continue to serve as a member of the board if that employee ceases to be a nonteaching employee at one (1) of the institutions within the system. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for the original election.
- (8) (a) The student member on a regional university board shall be the president of the student body of the university during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain his *or her* position as student body president or~~[his]~~ status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.
- (b) Two (2) full-time student members shall be elected to the board of regents for the Kentucky Community and Technical College System. One (1) shall represent students of the community colleges and one (1) shall represent the technical institutions. The student members shall be elected by means of a process established by the board. The student members shall serve one (1) year terms beginning with the first meeting of the fiscal year that contains the academic year. If the student member does not maintain his or her status as a full-time student, a special election shall be held to fill the vacancy. The two (2) members shall collectively have one (1) vote which may be cast one-half (1/2) vote by each member.
- (9) All persons appointed after May 30, 1997, shall be required to attend and complete an orientation program prescribed by the council under KRS 164.020, as a condition of their service.

(10) Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the Council on Postsecondary Education and a finding of fact by the council.

~~[(11) The initial board of the Kentucky Community and Technical College System shall be appointed by July 31, 1997:~~

~~(a) By not later than thirty (30) days after May 30, 1997, the Governor's Postsecondary Nominating Committee shall submit nominations to the Governor as set forth in subsection (1) of this section for initial appointments to the board.~~

~~(b) By June 10, 1997, the board of trustees for the University of Kentucky shall submit nominations to the Governor, as set forth in subsection (1) of this section, for initial appointments to the board. For any subsequent appointment to be made from nominations from the board of trustees, the board of trustees shall forward nominations thirty (30) days prior to the expiration of a term or as soon as practicable following an unforeseen vacancy. If the Governor needs nominees of a particular sex in order to make an appointment, the board of trustees shall only provide nominees of that sex.]~~

Section 3. KRS 164.350 is amended to read as follows:

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

- (a) Receive grants of money and expend the same for the use and benefit of the university or college;
- (b) Adopt bylaws, rules, and regulations for the government of its members, officers, agents, and employees, and enforce obedience to such rules;
- (c) Require such reports from the president, officers, faculty, and employees as it deems necessary and proper from time to time;
- (d) Determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the university or college; and
- (e) Grant diplomas and confer degrees upon the recommendation of the president and faculty.

(2) Each board of regents shall periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda. Officers and officials shall be held accountable for the status of the institution's progress.

(3) In addition to the duties required in subsections (1) and (2) of this section, the board of regents for the Kentucky Community and Technical College System, upon recommendation of the president of the system, shall:

- (a) Develop and implement guidelines for the preparation of biennial budget requests by the administrators of the *colleges within the system* ~~[Technical Institutions' Branch and the University of Kentucky Community College System]~~. The guidelines ~~[pertaining to~~

- ~~community colleges~~ shall define the processes for review and approval by the boards of directors for the ~~{community} colleges~~;
- (b) Adopt a biennial budget request for ~~{each branch of}~~ the Kentucky Community and Technical College System upon the recommendation of the ~~{chancellor for the respective branch and the}~~ president of the system~~[-~~
- ~~1. The board of regents shall submit the biennial budget request for the Technical Institutions' Branch to the Council on Postsecondary Education for its action.~~
 - ~~2. The board of regents shall transmit the biennial budget request for the University of Kentucky Community College System to the board of trustees of the University of Kentucky for consideration. The board of trustees shall review the biennial budget request for the University of Kentucky Community College System and shall transmit the biennial budget request for the University of Kentucky Community College System, along with recommendations to the council for its action.~~
 - ~~3. The biennial budget request for the University of Kentucky, adopted by the board of trustees, shall identify the amount of funds by source and related purpose in the biennial budget request for administering the University of Kentucky Community College System except for the Lexington Community College.~~
 - ~~4. All funds that are appropriated to the University of Kentucky for administering the Community College System, except for the Lexington Community College, shall be transferred and allotted to the board of regents];~~
- (c) Adopt an allocation process for distributing ~~{the}~~ funds ~~{appropriated to the Technical Institutions' Branch and the University of Kentucky Community College System by the General Assembly}~~ to the *colleges* ~~{institutions}~~ within the system; ~~{and}~~
- (d) Consider recommendations from the boards of directors of the ~~{community}~~ colleges to improve the overall budget planning and allocation processes;
- (e) *Designate each college with a name;*
- (f) *Encourage and accept donations of land and funds to be used in the acquisition, construction, or operations of colleges in the system. The board may commemorate donations from private persons or corporations with suitable memorials; and*
- (g) *Accept federal grants when deemed appropriate to be used in the acquisition, construction, or operations of colleges in the system.*

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

Section 4. KRS 164.580 is amended to read as follows:

- (1) The Kentucky Community and Technical College System is established. The Kentucky Community and Technical College System shall provide:
- (a) A general two (2) year academic curriculum with credits transferable to two (2) year and four (4) year colleges and universities;
 - (b) Technical and semiprofessional programs of two (2) years or less;

- (c) Within a two (2) year college curriculum, courses in general education, including adult education, not necessarily intended for transfer nor technically oriented; and
 - (d) Services to Kentucky's employers and the general public to provide continuing education and customized training for purposes of improving the knowledge and skills of Kentucky workers and citizens in all regions of the state.
- (2) The Kentucky Community and Technical College System shall be responsive to the needs of students and employers in all regions of the Commonwealth with accessible education and training to support the lifelong learning needs of Kentucky citizens in order to:
- (a) Increase the basic academic and literacy skills of adults through adult basic education and remedial education services;
 - (b) Increase the technical skills and professional expertise of Kentucky workers through associate and technical degrees, diploma, and certificate programs;
 - (c) Increase the access for students to complete the prebaccalaureate associate degree in arts or associate degree in science for ease of transfer to four (4) year institutions;
 - (d) Enhance the relationship of credentials between secondary and postsecondary programs which permit secondary students to enter programs through early admission, advanced placement, or dual enrollment;
 - (e) Facilitate transfers of credit between certificate, diploma, technical, and associate degree programs;
 - (f) Develop a pool of educated citizens to support the expansion of existing business and industry and the recruitment of new business and industry;
 - (g) Enhance the flexibility and adaptability of Kentucky workers in an ever- changing and global economy through continuing education and customized training for business and industry;
 - (h) Promote the cultural and economic well-being of the communities throughout Kentucky; and
 - (i) Improve the quality of life for Kentucky's citizens.
- (3) Students attending *a college*~~[the University of Kentucky Community College System]~~ under the administration of the board of regents for the Kentucky Community and Technical College System may pursue *three (3)*~~[four (4)]~~ kinds of degree programs:
- (a) Associate degree programs approved by the board of trustees as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System~~]. These programs shall be periodically reviewed by a process established by the board of trustees of the University of Kentucky. A report shall be forwarded to the chancellor of the University of Kentucky Community College System, the board of regents, and the board of trustees. If the board of trustees finds that a degree program does not meet its prescribed standards of quality and the institution does not correct the deficiencies within a two (2) year period, the board of trustees may recommend to the Council on Postsecondary Education that the program no longer bear the name of the University of Kentucky. The board of trustees of the University of Kentucky shall confer degrees and award diplomas for these programs];~~

- (b) ~~New associate degree programs to be awarded in the name of the University of Kentucky. These degree programs shall be reviewed and approved by the board of regents prior to submission to the University of Kentucky board of trustees for approval. The programs shall be offered only after the approval of the Council on Postsecondary Education. The board of trustees shall confer degrees and award diplomas for these programs;~~
- (e) Associate degree programs developed by the Kentucky Community and Technical College System, approved by the board of regents and the Council on Postsecondary Education. The board of regents shall confer degrees and award diplomas for the approved programs; and
- (c) ~~(d)~~ Joint degree programs developed between the ~~University of~~ Kentucky Community *and Technical* College System and ~~the Technical Institutions' Branch or~~ other institutions.
- (4) ~~{Degrees shall be conferred upon community college students and their diplomas awarded by the } University of Kentucky *Community College System students who were officially enrolled on or before June 30, 1999, in associate degree programs approved by the* board of trustees *of*. If the regional accrediting agency for the community colleges in the process of completing its substantive change process review determines that the organizational structure of the Kentucky Community and Technical College System and its board of regents does not meet the requirements for accrediting individual community colleges and for granting of degrees by} the University of Kentucky *and who complete the associate degree programs on or before June 30, 2004, shall have their degrees conferred by the University of Kentucky board of trustees. The degrees for all other students enrolled shall be awarded by the* board of *regents for* ~~{trustees, then}~~ the Kentucky Community and Technical College System ~~{board of regents and the board of trustees shall initiate corrective actions within thirty (30) days of notification from the accrediting agency or within the time table specified by the accrediting agency to alleviate the problem}.~~~~
- (5) The board of regents for the Kentucky Community and Technical College System shall expedite, whenever possible, action on requests for any new technical or associate degree program of a vocational-technical or occupational nature.
- (6) The *Kentucky Community and Technical College System* ~~{University of Kentucky Community}~~ college faculty *senates* ~~{senate}~~ shall have the primary responsibility for determining academic policy and curricula development that shall be recommended ~~{through the chancellor}~~ to the president of the Kentucky Community and Technical College System ~~{and to the board of regents for approval}~~.
- (7) The Technical Institutions' Branch through its faculty and accrediting procedures may develop ~~{technical}~~ degree programs that shall be considered for approval by the board of regents and the Council on Postsecondary Education. A graduate of a program within three (3) years of the program becoming an accredited ~~{technical}~~ degree program shall receive all or partial credit toward the degree, based on criteria established by the institution and approved by the board of regents. The board of regents shall confer degrees and award diplomas for these programs.

Section 5. KRS 164.600 is amended to read as follows:

- (1) As used in this section, *unless the context requires otherwise*:

- (a) *"Chief executive officer" means a president or the head administrator of a college within the Kentucky Community and Technical College System;*
 - (b) *"College" means a community college, a technical college, or a community and technical college within the system;*
 - (c) *"President" means the chief executive officer of the system;*
 - (d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; *and*
 - (e) *"System" means the Kentucky Community and Technical College System.*
- (2) There shall be a board of directors for each community college *or community and technical college* under the Kentucky Community and Technical College System, except as provided in KRS 165.160. *The board of regents may designate that a local board of directors serve more than one college.* Each board of directors shall:
- (a) Recommend one (1) candidate for ~~the community~~ college *chief executive officer* ~~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 *chief executive officer* ~~president~~ and advise the ~~president~~ ~~chancellor~~ of his or her performance. The president has final authority for the appointment and termination of the ~~community~~ college *chief executive officer* ~~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 *chief executive officer* ~~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 ten (10) members, seven (7) of whom shall be appointed by the Governor from nominees of the respective ~~community~~ college nominating commission established under KRS 164.602 for a term set by law pursuant to Section 23 of the Constitution of Kentucky. The other three (3) board members shall be one (1) member of the teaching faculty, one (1) member of the staff, 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. The faculty member 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 staff member shall be a classified or midmanagement employee who does not hold faculty rank and who does not hold an upper administrative position. The staff member shall be elected by secret ballot of all full-time staff members of the ~~{community}~~ college. Staff members shall serve for terms of three (3) years and until their successors are elected and qualified. Staff members shall be eligible for reelection, but shall be ineligible to continue to serve as members of the boards if they cease to be members of the staff of the ~~{community}~~ college. An election to fill a vacancy for an unexpired term shall be held in the same manner as an election to an original full term.
- (7) The student member shall be *elected by secret ballot from* the ~~{president of the}~~ student body of the ~~{community}~~ college *to serve a term of one (1) year.* ~~{If}~~ The ~~{president of the}~~ student *member shall be* ~~{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}.~~
- (8) *If a board of directors is designated by the board of regents to serve more than one college as permitted under subsection (2) of this section, the board of regents shall define procedures for the selection of the faculty, staff, and student representatives to the board of directors to ensure that there is opportunity for all colleges to be represented.*
- (9) The members of the board of directors shall receive no compensation for their services but shall be paid for their actual and necessary expenses.
- ~~(10)~~~~(9)~~ 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.

~~{(10) 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 6. KRS 164.602 is amended to read as follows:

- (1) There shall be a nominating commission for each ~~{community}~~ college board of directors *required under Section 5 of this Act* 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 7. KRS 164A.575 is amended to read as follows:

- (1) The governing boards of each institution may elect to purchase interest in real property, contractual services, rentals of all types, supplies, materials, equipment, printing, and services, except that competitive bids may not be required for:
- (a) Contractual services where no competition exists;
 - (b) Food, clothing, equipment, supplies, or other materials to be used in laboratory and experimental studies;
 - (c) Instructional materials available from only one (1) source;
 - (d) Where rates are fixed by law or ordinance;
 - (e) Library books;
 - (f) Commercial items that are purchased for resale;
 - (g) Professional, technical, scientific, or artistic services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725;
 - (h) All other commodities, equipment, and services which, in the reasonable discretion of the board, are available from only one (1) source; and

- (i) Interests in real property.
- (2) Nothing in this section shall deprive the boards from negotiating with vendors who maintain a General Services Administration price agreement with the United States of America or any agency thereof, provided, however, that no contract executed under this provision shall authorize a price higher than is contained in the contract between General Services Administration and the vendor affected.
- (3) The governing board shall require the institution to take and maintain inventories of plant and equipment.
- (4) The governing board shall establish procedures to identify items of common general usage among all departments to foster volume purchasing. It shall establish and enforce schedules for purchasing supplies, materials, and equipment.
- (5) The governing board shall have power to salvage, to exchange, and to condemn supplies, equipment, and real property.
- (6) Upon the approval of the secretary of the Finance and Administration Cabinet, the governing board may purchase or otherwise acquire all real property determined to be needed for the institution's use. The amount paid shall not exceed the appraised value as determined by a qualified appraiser or the value set by the eminent domain procedure. Any real property acquired under this section shall be in name of the Commonwealth for the use and benefit of the institution.
- (7) The governing board shall sell or otherwise dispose of all real or personal property of the institution which is not needed or has become unsuitable for public use, or would be more suitable consistent with the public interest for some other use, as determined by the board. The determination of the board shall be set forth in an order, and shall be reached only after review of a written request by the institution desiring to dispose of the property. Such request shall describe the property and state the reasons why the institution believes disposal should be effected. All instruments required by law to be recorded which convey any interest in any such real property so disposed of shall be executed and signed by the appropriate officer of the board. Unless the board deems it in the best interest of the institution to proceed otherwise, all such real or personal property shall be sold either by invitation of sealed bids or by public auction; provided, however, that the selling price of any interest in real property shall not be less than the appraised value thereof as determined by the Finance and Administration Cabinet or the Transportation Cabinet for such requirements of that department.
- (8) Real property or any interest therein may, subject to the provisions of KRS Chapter 45A, be purchased, leased, or otherwise acquired from any officer or employee of any board of the institution, based upon a written application by the grantor or lessor approved by the board, that the employee has not either himself or through any other person influenced or attempted to influence either the board requesting the purchase of the property. In any case in which such an acquisition is consummated, the said request and finding shall be recorded and kept by the Secretary of State along with the other documents recorded pursuant to the provisions of KRS Chapter 56.
- (9) For capital construction projects, the bidding may be on a total design-bid basis, a package system commonly referred to as "turnkey," or construction management, whichever in the judgment of the board offers the lowest real cost to the taxpayer. Bids shall be reviewed by

the institution's engineering staff to assure quality and value, and compliance with bid procedures. All specifications shall be written to promote competition.

- (10) The governing board shall attempt in every practicable way to insure the institution's supplying its real needs at the lowest possible cost. To accomplish this the board may enter into cooperative agreements with other public or private institutions of education or health care.
- (11) The governing board shall have control and supervision over all purchases of energy consuming equipment, supplies, and related equipment purchased or acquired by the institution, and shall designate by regulation the manner in which an energy consuming item will be purchased so as to promote energy conservation and acquisition of energy efficient products.
- (12) The governing board may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency must be fully explained, in writing, by the vice president responsible for business affairs and such explanation must be approved by the university president. The letter and approval shall be filed with the record of all such purchases. Where practical, standard specifications shall be followed in making emergency purchases. A good faith effort shall be made to effect a competitively established price for emergency purchases.
- (13) The acquisition and disposition of real property for the *colleges under the jurisdiction of the Kentucky Community and Technical College board of regents that are the property of the University of Kentucky* ~~Community College System and capital construction projects under KRS 45.750(1)(f) on real property for the use of the University of Kentucky Community College System~~ shall be approved by the Kentucky Community and Technical College System board of regents, which shall transmit the action to the University of Kentucky board of trustees for approval.

Section 8. The following KRS sections are repealed:

- 164.581 President of Kentucky Community and Technical College System -- Chancellors of Community College System and Technical Institutions' Branch.
- 164.5815 President's biennial report.
- 164.595 Powers of board of regents for the Kentucky Community and Technical College System.
- 164.597 Northern Community College to be operated by Northern Kentucky University -- Programs.

Approved March 12, 2003