

### **342.1224 Board of directors of funding commission.**

- (1) The commission shall be governed by a board of directors consisting of seven (7) members. The seven (7) members shall include the secretary of the Education and Labor Cabinet or a designee, the secretary of the Cabinet for Economic Development or a designee, the secretary of the Finance and Administration Cabinet or a designee, and four (4) members who shall be appointed by the Governor.
- (2) The four (4) appointed members shall include:
  - (a) One (1) member, selected from a list of three (3) submitted by the secretary of the Education and Labor Cabinet, who shall represent labor;
  - (b) One (1) member, selected from a list of three (3) submitted by the secretary for economic development, who shall represent employers; provided, however, that these three (3) members shall represent employers who purchase workers' compensation coverage for their employees from insurance companies writing workers' compensation insurance in the Commonwealth;
  - (c) One (1) member, selected from a list of three (3) submitted by the insurance advisory organization having jurisdiction over Kentucky, who shall represent insurance companies writing workers' compensation insurance in the Commonwealth; and
  - (d) One (1) member, selected from a list of three (3) submitted by the associations representing self-insured employers in the Commonwealth.
- (3) The members of the board of directors shall serve a term of four (4) years, except that the initial terms of the members shall be staggered as follows:
  - (a) The initial member appointed by the Governor to represent labor shall serve a term of one (1) year. Thereafter, such member shall serve a term of four (4) years;
  - (b) The initial member appointed by the Governor to represent employers shall serve a term of two (2) years. Thereafter, such member shall serve a term of four (4) years;
  - (c) The initial member appointed by the Governor to represent insurance companies shall serve a term of four (4) years. Thereafter, such member shall serve a term of four (4) years; and
  - (d) The initial member appointed by the Governor to represent self-insured employers shall serve a term of three (3) years. Thereafter, such member shall serve a term of four (4) years.
- (4) The board of directors shall annually elect from among its members a chairman, a vice chairman, and a secretary-treasurer. The board of directors may also elect or appoint, and prescribe the duties of, other officers as the board of directors deems necessary or advisable.
- (5) The board of directors shall appoint an executive director to administer, manage, and direct the affairs and business of the commission, and other staff persons to carry out the affairs and business of the commission, subject in each instance to the policies, control, and directions of the board of directors. The board of directors shall fix the compensation of all such persons and shall

pay such compensation out of the funds of the commission.

- (6) Notwithstanding any other law, the Governor, pursuant to an executive order, may cause the employees of the commission to be eligible to participate in the Kentucky Retirement System and the Kentucky Public Employees Deferred Compensation System.
- (7) A majority of the board of directors of the commission shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. The majority shall be determined by excluding any existing vacancies from the total number of directors.
- (8) The board of directors of the Kentucky Workers' Compensation Funding Commission are hereby determined to be officers and agents of the Commonwealth of Kentucky and, as such, shall enjoy the same immunities from suit for the performance of their official acts as do other officers of the Commonwealth of Kentucky.

**Effective:** July 1, 2022

**History:** Amended 2022 Ky. Acts ch. 236, sec. 155, effective July 1, 2022. -- Amended 2010 Ky. Acts ch. 24, sec. 1789, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 124, sec. 3, effective April 4, 2006. -- Amended 2005 Ky. Acts ch. 85, sec. 683, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 105, sec. 20, effective July 13, 2004. -- Amended 1988 Ky. Acts ch. 437, Pt. II, M, sec. 58, effective April 15, 1988. Created 1987 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 64, effective October 26, 1987.

**Legislative Research Commission Note** (1987) Although the number of members of the funding commission was reduced from 17 to 7 by House Floor Amendment, due to a clerical error, the number of members for whom staggered terms of office were provided was not reduced. The Reviser of Statutes, pursuant to KRS 7.136, has made changes to reflect this reduction.