

1 AN ACT relating to public postsecondary education governance and declaring an
2 emergency.

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

4 ➔Section 1. KRS 164.821 is amended to read as follows:

5 (1) The government of the University of Louisville is vested in a board of trustees
6 appointed for a term set by law pursuant to Section 23 of the Constitution of
7 Kentucky. The board shall consist of ***ten (10)***~~seventeen (17)~~ members appointed
8 by the Governor, ***at least one (1) of whom shall be a graduate of the university;***
9 one (1) member of the teaching faculty of the University of Louisville who shall be
10 the chief executive of the ranking unit of faculty government; ***one (1)***~~fa~~ member of
11 the permanent staff of the University of Louisville who shall be the chief executive
12 of the staff senate; and ***one (1)***~~fa~~ student member who shall be the president of the
13 student body during the appropriate academic year.

14 (a) All appointed and elected persons shall be required to attend and complete an
15 orientation and education program prescribed by the council under KRS
16 164.020(25), as a condition of their service and eligibility for appointment or
17 election to a second term.

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

22 (c) New appointees to the board shall not serve more than two (2) consecutive
23 terms. ~~{Board members serving as of May 30, 1997, may be reappointed at the~~
24 ~~end of their existing terms and may serve two (2) additional full consecutive~~
25 ~~terms.}~~

26 (2) ***The student member shall serve a one (1) year term that shall begin upon being***
27 ***elected and sworn in as student body president.*** If the student member does not

1 maintain ~~the~~^{his} position ~~of~~^{as} student body president or ~~the~~^{his} status ~~of~~^{as} a
 2 full-time student at any time during that academic year, a special election shall be
 3 held to select a full-time student member. The ***elected*** student member shall serve
 4 for ***the remainder of the unexpired term***~~[a term of one (1) year beginning with the~~
 5 ~~first meeting of the fiscal year which contains that academic year].~~

6 (3) The faculty member ~~and~~^[,] staff member~~[, and student body member]~~ shall ***serve***
 7 ***one (1) year terms and*** cease to be eligible for membership on the board of trustees
 8 upon termination of their respective relationships with, ***or leadership positions***
 9 ***within,*** the university, and vacancies occurring for this reason shall be filled for the
 10 remainder of the respective terms in the same manner.~~[The voting members of the~~
 11 ~~board shall select a chairperson annually.]~~

12 (4) The gubernatorial appointments shall serve a term of six (6) years and until their
 13 successors are appointed and qualified, except the initial terms shall be as follows:

14 (a) Two (2) members shall serve one (1) year terms;

15 (b) ***Two (2)***~~[Three (3)]~~ members shall serve two (2) year terms;

16 (c) ***Two (2)***~~[Three (3)]~~ members shall serve three (3) year terms~~[, one (1) of~~
 17 ~~whom shall be a graduate of the university, selected from a list of three (3)~~
 18 ~~names submitted by the alumni of the university in the manner and according~~
 19 ~~to rules prescribed by the board of trustees];~~

20 (d) ***Two (2)***~~[Three (3)]~~ members shall serve four (4) year terms;

21 (e) ***One (1) member***~~[Three (3) members]~~ shall serve ***a*** five (5) year ***term***~~[terms];~~
 22 and

23 (f) ***One (1) member***~~[Three (3) members]~~ shall serve ***a*** six (6) year ***term***~~[terms,~~
 24 ~~one (1) of whom shall be a graduate of the university, selected as under~~
 25 ~~paragraph (c) of this subsection].~~

26 (5) The Governor shall make his at-large appointments so as to divide the
 27 ***appointed***~~[citizen]~~ representation upon the board to reflect:

1 determination of the compensation, duties, and official relations of each. No
2 relative of a board of trustee member shall be employed by the university.

3 (b) Suspension or removal of the president, officers, faculty, agents, or other
4 personnel that it is authorized to appoint, except that no president, professor,
5 or teacher shall be removed except for incompetence, neglect of or refusal to
6 perform his duty, or for immoral conduct and that the removal shall be made
7 in accordance with procedures established by law for state institutions.

8 (c) Election of a chairperson, a vice chairperson to act in the absence or
9 temporary disability of the chairperson, and any other officers as it deems
10 wise, including the annual election of a six (6) member executive committee
11 which shall have the powers that the board delegates to it and shall operate
12 under the rules the board shall establish under its authority to make bylaws,
13 rules, and regulations consistent with this chapter. The committee shall have
14 one (1) member representing the students, faculty, and nonteaching personnel
15 with the group alternating each year. The initial appointment to the executive
16 committee after the effective date of this Act ~~May 30, 1997~~, shall be a faculty
17 member, to be followed by a student and a nonteaching personnel,
18 respectively.

19 (d) Receipt, retention, and administration, on behalf of the university, subject to
20 the conditions attached, all revenues accruing from endowments,
21 appropriations, allotments, grants or bequests, and all types of property.

22 (e) Requirement of reports from the president, officers, faculty, and employees as
23 it deems necessary and proper from time to time.

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

27 (g) The board shall periodically evaluate the institution's progress in

1 implementing its missions, goals, and objectives to conform to the strategic
2 agenda. Officers and officials shall be held accountable for the status of the
3 institution's progress.

4 (2) **Board members shall receive no compensation for serving on the board, but shall**
5 **be reimbursed for travel expenses for attending meetings and performing other**
6 **official functions, consistent with the reimbursement policy for state employees.**
7 **Board members who reside outside the Commonwealth shall not be reimbursed**
8 **for out-of-state travel expenses.**

9 (3) The provisions of KRS 164.030, 164.200, and 164.410, shall be applicable to the
10 University of Louisville except where inconsistent with the purposes of KRS
11 164.810 to 164.870.

12 ➔Section 3. Upon the effective date of this Act, all authority, functions, and
13 responsibilities vested in the former board of trustees of the University of Louisville shall
14 be transferred to the newly recreated and established board of trustees of the University of
15 Louisville, which shall utilize the authority, functions, and responsibilities to carry out the
16 duties of the board. The board of trustees of the University of Louisville as it existed prior
17 to the issuance of Executive Order 2016-338, dated June 17, 2016, is hereby abolished.
18 All duties, functions, responsibilities, records, equipment, staff, and supporting budgets
19 of the former board of trustees of the University of Louisville and all functions, rights,
20 powers, duties, and obligations as set forth in the Kentucky Revised Statutes and other
21 relevant provisions of the law are hereby transferred to the newly recreated and
22 established board.

23 ➔Section 4. Upon the effective date of this Act, members appointed to serve on
24 the board of trustees of the University of Louisville pursuant to Executive Order 2016-
25 391, dated June 29, 2016, and Executive Order 2016-512, dated July 12, 2016, shall
26 continue to serve on the board as constituted under this Act. The terms of service shall
27 continue until the expiration date of their terms of service under said orders of

1 appointment.

2 ➔Section 5. Notwithstanding KRS 12.028(5), the General Assembly confirms
3 Executive Order 2016-338, dated June 17, 2016, Executive Order 2016-391, dated June
4 29, 2016, and Executive Order 2016-512, dated July 12, 2016, to the extent it is not
5 otherwise confirmed or superseded by this Act.

6 ➔Section 6. Whereas the effective governance of public postsecondary
7 institutions is critical to Kentucky's economy, an emergency is declared to exist, and this
8 Act takes effect upon its passage and approval by the Governor or upon its otherwise
9 becoming a law.