

1 AN ACT relating to the Council on Postsecondary Education.

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

3 ➔Section 1. KRS 164.011 is amended to read as follows:

4 (1) There is hereby created and established a Council on Postsecondary Education in  
5 Kentucky as an agency, instrumentality, and political subdivision of the  
6 Commonwealth and a public body corporate and politic having all powers, duties,  
7 and responsibilities as are provided to it by law, appointed for a term set by law  
8 pursuant to Section 23 of the Constitution of Kentucky. The council shall be  
9 composed of the commissioner of education, a faculty member, a student member,  
10 and thirteen (13) citizen members appointed by the Governor. The citizen members  
11 shall be confirmed by the Senate under KRS 11.160, and the commissioner of  
12 education shall serve as a nonvoting ex officio member. Citizen council members  
13 shall be selected from a list of nominees provided to the Governor under the  
14 nominating process set forth in KRS 164.005. If the General Assembly is not in  
15 session at the time of the appointment, persons appointed shall serve prior to  
16 confirmation, but the Governor shall seek the consent of the Senate at the next  
17 regular session or at an intervening extraordinary session if the matter is included in  
18 the call of the General Assembly.

19 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary  
20 Education Nominating Committee shall submit nominations to the Governor as set  
21 forth in KRS 164.005. On making appointments to the council, the Governor shall  
22 ensure broad geographical and political representation; ensure equal representation  
23 of the two (2) sexes, inasmuch as possible; ensure no less than proportional  
24 representation of the two (2) leading political parties of the Commonwealth based  
25 on the state's voter registration and the political affiliation of each appointee as of  
26 December 31 of the year preceding the date of his or her appointment; and ensure  
27 that appointments reflect the minority racial composition of the Commonwealth

1 based on the total minority racial population using the most recent census or  
2 estimate data from the United States Census Bureau. If the determination of  
3 proportional minority representation does not result in a whole number of minority  
4 members, it shall be rounded up to the next whole number. A particular political  
5 affiliation shall not be a prerequisite to appointment to the council generally;  
6 however, if any person is appointed to the council that does not represent either of  
7 the two (2) leading political parties of the Commonwealth, the proportional  
8 representation by political affiliation requirement shall be determined and satisfied  
9 based on the total number of members on the council less any members not  
10 affiliated with either of the two (2) leading political parties. In filling vacancies to  
11 the council, the Governor shall act so as to provide, inasmuch as possible, equal  
12 representation of the two (2) sexes by appointing a member of the sex that is the  
13 lesser represented at the time of the appointment. If the remaining membership  
14 already has an equal number of males and females, the Governor may appoint a  
15 member of either sex. No more than two (2) members of the council shall hold an  
16 undergraduate degree from any one (1) Kentucky university, and no more than three  
17 (3) voting members of the council shall reside in any one (1) judicial district of the  
18 Kentucky Supreme Court as of the date of the appointment. However, change in  
19 residency after the date of appointment shall not affect the ability to serve.

20 (3) One (1) member shall be a full-time faculty member employed at a state institution  
21 of postsecondary education. The faculty member shall be appointed to a four (4)  
22 year term by the Governor from a list of three (3) nominees selected and submitted  
23 by majority vote of the ten (10) faculty members who serve as faculty  
24 representatives of the boards of trustees and boards of regents of the nine (9)  
25 postsecondary education institutions.

26 (4) One (1) member shall be enrolled as a full-time student at a state institution of  
27 postsecondary education and shall be selected annually in the following manner: not

1 later than June 1 of each year the eight (8) student body presidents of the four (4)  
2 year state public institutions of higher education, the two (2) student members to the  
3 Kentucky Community and Technical College System, and one (1) student body  
4 president representing the members of the Association of Independent Kentucky  
5 Colleges and Universities shall elect by majority vote three (3) nominees to submit  
6 to the Governor. From this list of nominees, the Governor shall appoint a student  
7 member.

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

12 (6) Each citizen member shall serve a term of six (6) years unless removed by the  
13 Governor for cause, except the initial appointments shall be as follows:

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

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

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

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

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

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

20 (7) Any person, other than the chief state school officer, holding either an elective or  
21 appointive state office or who is a member of the governing board of any state  
22 university in Kentucky, shall be ineligible for membership or appointment on the  
23 council during his term.

24 (8) The members of the council shall elect the chair and the vice chair of the council  
25 from among the council's membership, and the chair and vice chair shall serve at  
26 the pleasure of the council. The vice chair shall serve as chair in the absence of the  
27 chair.

- 1 (9) The council shall meet at least quarterly and at other times upon the call of the chair  
2 or a majority of the council. *The agenda of each meeting shall include a public*  
3 *comment period that allows for at least thirty (30) minutes of public comment on*  
4 *issues related to the powers and duties of the council.*
- 5 (10) A quorum shall be a majority of the appointive membership of the council.
- 6 (11) A quorum shall be required to organize and conduct the business of the council,  
7 except that an affirmative vote of eight (8) or more appointive members of the  
8 entire council shall be required to dismiss from employment the president of the  
9 council, and to adopt or amend the state strategic postsecondary education agenda.
- 10 (12) New appointees to the council shall not serve more than two (2) consecutive terms.
- 11 (13) New appointees to the council shall complete an orientation and education program  
12 set forth in KRS 164.020(25) to be eligible for appointment to a second term.