

1 AN ACT relating to public postsecondary education institutions.

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

3 ➔Section 1. KRS 164.020 is amended to read as follows:

4 The Council on Postsecondary Education in Kentucky shall:

- 5 (1) Develop and implement the strategic agenda with the advice and counsel of the  
6 Strategic Committee on Postsecondary Education. The council shall provide for and  
7 direct the planning process and subsequent strategic implementation plans based on  
8 the strategic agenda as provided in KRS 164.0203;
- 9 (2) Revise the strategic agenda and strategic implementation plan with the advice and  
10 counsel of the committee as set forth in KRS 164.004;
- 11 (3) Develop a system of public accountability related to the strategic agenda by  
12 evaluating the performance and effectiveness of the state's postsecondary system.  
13 The council shall prepare a report in conjunction with the accountability reporting  
14 described in KRS 164.095, which shall be submitted to the committee, the  
15 Governor, and the General Assembly by December 1 annually. This report shall  
16 include a description of contributions by postsecondary institutions to the quality of  
17 elementary and secondary education in the Commonwealth;
- 18 (4) Review, revise, and approve the missions of the state's universities and the  
19 Kentucky Community and Technical College System. The Council on  
20 Postsecondary Education shall have the final authority to determine the compliance  
21 of postsecondary institutions with their academic, service, and research missions;
- 22 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively  
23 provide for an integrated system of postsecondary education. The council shall  
24 guard against inappropriate and unnecessary conflict and duplication by promoting  
25 transferability of credits and easy access of information among institutions;
- 26 (6) Engage in analyses and research to determine the overall needs of postsecondary  
27 education and adult education in the Commonwealth;

1 (7) Develop plans that may be required by federal legislation. The council shall for all  
2 purposes of federal legislation relating to planning be considered the "single state  
3 agency" as that term may be used in federal legislation. When federal legislation  
4 requires additional representation on any "single state agency," the Council on  
5 Postsecondary Education shall establish advisory groups necessary to satisfy federal  
6 legislative or regulatory guidelines;

7 (8) (a) Determine tuition and mandatory student fees and approve the minimum  
8 qualifications for admission to the state postsecondary educational system.

9 1. Tuition and mandatory student fees shall not be increased for any  
10 program more than five percent (5%) a year for incoming resident  
11 students and seven percent (7%) a year for any nonresident students  
12 without approval from the General Assembly.

13 2. Tuition and mandatory student fees at the University of Louisville,  
14 University of Kentucky, or a comprehensive university shall not be  
15 increased for a resident student's continued enrollment in a program  
16 of study for at least four (4) years from the date of enrollment, upon  
17 the student's graduation from a program, or upon the termination of  
18 the student's enrollment in the program, whichever is sooner.

19 3. If a resident student remains enrolled in a program at the University  
20 of Louisville, University of Kentucky, or a comprehensive university  
21 after four (4) years, the tuition and mandatory student fees charged to  
22 the student for any subsequent term in the program shall not exceed  
23 the amount of tuition and mandatory student fees for an incoming  
24 resident student in the same program that term.

25 4. An institution shall notify any nonresident student or continuing  
26 resident student of any increase of tuition or mandatory student fees at  
27 least four (4) months prior to the effective date of the increase.

1           **5. An increase to tuition and mandatory student fees for any program**  
2                           **shall be determined by the council or approved by a governing board**  
3                           **no later than March 1 of the preceding school year.**

4           **6. For the purposes of this paragraph:**

5                   **a. "Mandatory student fee" means any fee or cost assessed to all**  
6                           **students enrolled in an institution or program of study that is not**  
7                           **tuition, including but not limited to any student recreation or**  
8                           **activity fee, student government fee, student health plan,**  
9                           **mandatory meal plan, facility fee, or technology fee; and**

10                   **b. "Program" means an institution's undergraduate program or a**  
11                           **specific graduate program. A student shall not be deemed to**  
12                           **have switched programs upon switching from one**  
13                           **undergraduate major to another.**

14           **(b)** In defining residency, the council shall classify a student as having Kentucky  
15                   residency if the student met the residency requirements at the beginning of his  
16                   or her last year in high school and enters a Kentucky postsecondary education  
17                   institution within two (2) years of high school graduation. In determining the  
18                   tuition for non-Kentucky residents, the council shall consider the fees required  
19                   of Kentucky students by institutions in adjoining states, the resident fees  
20                   charged by other states, the total actual per student cost of training in the  
21                   institutions for which the fees are being determined, and the ratios of  
22                   Kentucky students to non-Kentucky students comprising the enrollments of  
23                   the respective institutions, and other factors the council may in its sole  
24                   discretion deem pertinent, except that the Kentucky Community and  
25                   Technical College System may assess a mandatory student fee not to exceed  
26                   eight dollars (\$8) per credit hour to be used exclusively for debt service on  
27                   amounts not to exceed seventy-five percent (75%) of the total projects cost of

1 the Kentucky Community and Technical College System agency bond projects  
2 included in 2014 Ky. Acts ch. 117, Part II, J., 11.

3 ~~(c)~~~~(b)~~ The Kentucky Community and Technical College System mandatory fee  
4 established in this subsection shall only be used for debt service on agency  
5 bond projects.

6 ~~(d)~~~~(e)~~ Any fee established as provided by this subsection shall cease to be  
7 assessed upon the retirement of the project bonds for which it services debt.

8 ~~(e)~~~~(d)~~ Prior to the issuance of any bonds, the Kentucky Community and  
9 Technical College System shall certify in writing to the secretary of the  
10 Finance and Administration Cabinet that sufficient funds have been raised to  
11 meet the local match equivalent to twenty-five percent (25%) of the total  
12 project cost;

13 (9) Devise, establish, and periodically review and revise policies to be used in making  
14 recommendations to the Governor for consideration in developing  
15 recommendations to the General Assembly for appropriations to the universities,  
16 the Kentucky Community and Technical College System, and to support strategies  
17 for persons to maintain necessary levels of literacy throughout their lifetimes. The  
18 council has sole discretion, with advice of the Strategic Committee on  
19 Postsecondary Education and the executive officers of the postsecondary education  
20 system, to devise policies that provide for allocation of funds among the universities  
21 and the Kentucky Community and Technical College System;

22 (10) Lead and provide staff support for the biennial budget process as provided under  
23 KRS Chapter 48, in cooperation with the committee;

24 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all  
25 capital construction projects covered by KRS 45.750(1)(f), including real  
26 property acquisitions, and regardless of the source of funding for projects or  
27 acquisitions. Approval of capital projects and real property acquisitions shall

1 be on a basis consistent with the strategic agenda and the mission of the  
2 respective universities and the Kentucky Community and Technical College  
3 System.

4 (b) The organized groups that are establishing community college satellites as  
5 branches of existing community colleges in the counties of Laurel, Leslie, and  
6 Muhlenberg, and that have substantially obtained cash, pledges, real property,  
7 or other commitments to build the satellite at no cost to the Commonwealth,  
8 other than operating costs that shall be paid as part of the operating budget of  
9 the main community college of which the satellite is a branch, are authorized  
10 to begin construction of the satellite on or after January 1, 1998;

11 (12) Require reports from the executive officer of each institution it deems necessary for  
12 the effectual performance of its duties;

13 (13) Ensure that the state postsecondary system does not unnecessarily duplicate services  
14 and programs provided by private postsecondary institutions and shall promote  
15 maximum cooperation between the state postsecondary system and private  
16 postsecondary institutions. Receive and consider an annual report prepared by the  
17 Association of Independent Kentucky Colleges and Universities stating the  
18 condition of independent institutions, listing opportunities for more collaboration  
19 between the state and independent institutions and other information as appropriate;

20 (14) Establish course credit, transfer, and degree components as required in KRS  
21 164.2951;

22 (15) Define and approve the offering of all postsecondary education technical, associate,  
23 baccalaureate, graduate, and professional degree, certificate, or diploma programs in  
24 the public postsecondary education institutions. The council shall expedite wherever  
25 possible the approval of requests from the Kentucky Community and Technical  
26 College System board of regents relating to new certificate, diploma, technical, or  
27 associate degree programs of a vocational-technical and occupational nature.

- 1 Without the consent of the General Assembly, the council shall not abolish or limit  
2 the total enrollment of the general program offered at any community college to  
3 meet the goal of reasonable access throughout the Commonwealth to a two (2) year  
4 course of general studies designed for transfer to a baccalaureate program. This  
5 does not restrict or limit the authority of the council, as set forth in this section, to  
6 eliminate or make changes in individual programs within that general program;
- 7 (16) Eliminate, in its discretion, existing programs or make any changes in existing  
8 academic programs at the state's postsecondary educational institutions, taking into  
9 consideration these criteria:
- 10 (a) Consistency with the institution's mission and the strategic agenda;  
11 (b) Alignment with the priorities in the strategic implementation plan for  
12 achieving the strategic agenda;  
13 (c) Elimination of unnecessary duplication of programs within and among  
14 institutions; and  
15 (d) Efforts to create cooperative programs with other institutions through  
16 traditional means, or by use of distance learning technology and electronic  
17 resources, to achieve effective and efficient program delivery;
- 18 (17) Ensure the governing board and faculty of all postsecondary education institutions  
19 are committed to providing instruction free of discrimination against students who  
20 hold political views and opinions contrary to those of the governing board and  
21 faculty;
- 22 (18) Review proposals and make recommendations to the Governor regarding the  
23 establishment of new public community colleges, technical institutions, and new  
24 four (4) year colleges;
- 25 (19) Postpone the approval of any new program at a state postsecondary educational  
26 institution, unless the institution has met its equal educational opportunity goals, as  
27 established by the council. In accordance with administrative regulations

- 1 promulgated by the council, those institutions not meeting the goals shall be able to  
2 obtain a temporary waiver, if the institution has made substantial progress toward  
3 meeting its equal educational opportunity goals;
- 4 (20) Ensure the coordination, transferability, and connectivity of technology among  
5 postsecondary institutions in the Commonwealth including the development and  
6 implementation of a technology plan as a component of the strategic agenda;
- 7 (21) Approve the teacher education programs in the public institutions that comply with  
8 standards established by the Education Professional Standards Board pursuant to  
9 KRS 161.028;
- 10 (22) Constitute the representative agency of the Commonwealth in all matters of  
11 postsecondary education of a general and statewide nature which are not otherwise  
12 delegated to one (1) or more institutions of postsecondary learning. The  
13 responsibility may be exercised through appropriate contractual relationships with  
14 individuals or agencies located within or without the Commonwealth. The authority  
15 includes but is not limited to contractual arrangements for programs of research,  
16 specialized training, and cultural enrichment;
- 17 (23) Maintain procedures for the approval of a designated receiver to provide for the  
18 maintenance of student records of the public institutions of higher education and the  
19 colleges as defined in KRS 164.945, and institutions operating pursuant to KRS  
20 165A.310 which offer collegiate level courses for academic credit, which cease to  
21 operate. Procedures shall include assurances that, upon proper request, subject to  
22 federal and state laws and regulations, copies of student records shall be made  
23 available within a reasonable length of time for a minimum fee;
- 24 (24) Monitor and transmit a report on compliance with KRS 164.351 to the director of  
25 the Legislative Research Commission for distribution to the Health and Welfare  
26 Committee;
- 27 (25) (a) Develop in cooperation with each public university and the Kentucky

1 Community and Technical College System a comprehensive orientation and  
2 education program for new members of the council and the governing boards  
3 and continuing education opportunities for all council and board members.  
4 For new members of the council and institutional governing boards, the  
5 council shall:

- 6 1. Ensure that the orientation and education program comprises six (6)  
7 hours of instruction time and includes but is not limited to information  
8 concerning the roles of the council and governing board members, the  
9 strategic agenda and the strategic implementation plan, and the  
10 respective institution's mission, budget and finances, strategic plans and  
11 priorities, institutional policies and procedures, board fiduciary  
12 responsibilities, legal considerations including open records and open  
13 meetings requirements, ethical considerations arising from board  
14 membership, and the board member removal and replacement provisions  
15 of KRS 63.080;
  - 16 2. Establish delivery methods by which the orientation and education  
17 program can be completed in person or electronically by new members  
18 within one (1) year of their appointment or election;
  - 19 3. Provide an annual report to the Governor and Legislative Research  
20 Commission of those new board members who do not complete the  
21 required orientation and education program; and
  - 22 4. Invite governing board members of private colleges and universities  
23 licensed by the Council on Postsecondary Education to participate in the  
24 orientation and education program described in this subsection;
- 25 (b) Offer, in cooperation with the public universities and the Kentucky  
26 Community and Technical College System, continuing education  
27 opportunities for all council and governing board members; and



- 1 (c) Review and approve the orientation programs of each public university and  
2 the Kentucky Community and Technical College System for their governing  
3 board members to ensure that all programs and information adhere to this  
4 subsection;
- 5 (26) Develop a financial reporting procedure to be used by all state postsecondary  
6 education institutions to ensure uniformity of financial information available to state  
7 agencies and the public;
- 8 (27) Select and appoint a president of the council under KRS 164.013;
- 9 (28) Employ consultants and other persons and employees as may be required for the  
10 council's operations, functions, and responsibilities;
- 11 (29) Promulgate administrative regulations, in accordance with KRS Chapter 13A,  
12 governing its powers, duties, and responsibilities as described in this section;
- 13 (30) Prepare and present by January 31 of each year an annual status report on  
14 postsecondary education in the Commonwealth to the Governor, the Strategic  
15 Committee on Postsecondary Education, and the Legislative Research Commission;
- 16 (31) Consider the role, function, and capacity of independent institutions of  
17 postsecondary education in developing policies to meet the immediate and future  
18 needs of the state. When it is found that independent institutions can meet state  
19 needs effectively, state resources may be used to contract with or otherwise assist  
20 independent institutions in meeting these needs;
- 21 (32) Create advisory groups representing the presidents, faculty, nonteaching staff, and  
22 students of the public postsecondary education system and the independent colleges  
23 and universities;
- 24 (33) Develop a statewide policy to promote employee and faculty development in state  
25 and locally operated secondary area technology centers through the waiver of tuition  
26 for college credit coursework in the public postsecondary education system. Any  
27 regular full-time employee of a state or locally operated secondary area technology

1 center may, with prior administrative approval of the course offering institution,  
2 take a maximum of six (6) credit hours per term at any public postsecondary  
3 institution. The institution shall waive the tuition up to a maximum of six (6) credit  
4 hours per term. The employee shall complete the Free Application for Federal  
5 Student Aid to determine the level of need and eligibility for state and federal  
6 financial aid programs. The amount of tuition waived shall not exceed the cost of  
7 tuition at the institution less any state or federal grants received, which shall be  
8 credited first to the student's tuition;

9 (34) Participate with the Kentucky Department of Education, the Kentucky Board of  
10 Education, and postsecondary education institutions to ensure that academic content  
11 requirements for successful entry into postsecondary education programs are  
12 aligned with high school content standards and that students who master the high  
13 school academic content standards shall not need remedial courses. The council  
14 shall monitor the results on an ongoing basis;

15 (35) Cooperate with the Kentucky Department of Education and the Education  
16 Professional Standards Board in providing information sessions to selected  
17 postsecondary education content faculty and teacher educators of the high school  
18 academic content standards as required under KRS 158.6453(2)(1);

19 (36) Cooperate with the Office of the Kentucky Center for Statistics and ensure the  
20 participation of the public institutions as required in KRS 151B.133;

21 (37) Pursuant to KRS 63.080, review written notices from the Governor or from a board  
22 of trustees or board of regents concerning removal of a board member or the entire  
23 appointed membership of a board, investigate the member or board and the conduct  
24 alleged to support removal, and make written recommendations to the Governor and  
25 the Legislative Research Commission as to whether the member or board should be  
26 removed; and

27 (38) Exercise any other powers, duties, and responsibilities necessary to carry out the

1 purposes of this chapter. Nothing in this chapter shall be construed to grant the  
 2 Council on Postsecondary Education authority to disestablish or eliminate any  
 3 college of law which became a part of the state system of higher education through  
 4 merger with a state college.

5 ➔Section 2. KRS 164.131 is amended to read as follows:

- 6 (1) (a) The government of the University of Kentucky is vested in a board of trustees  
 7 appointed for a term set by law pursuant to Section 23 of the Constitution of  
 8 Kentucky.
- 9 (b) All appointed and elected persons shall be required to attend and complete an  
 10 orientation and education program prescribed by the council under KRS  
 11 164.020(25), as a condition of their service and eligibility for appointment or  
 12 election to a second term.
- 13 (c) The board shall periodically evaluate the institution's progress in  
 14 implementing its missions, goals, and objectives to conform to the strategic  
 15 agenda. Officers and officials shall be held accountable for the status of the  
 16 institution's progress.
- 17 (d) Board members may be removed by the Governor under the following  
 18 circumstances:
- 19 1. For cause, pursuant to KRS 63.080(2); or
  - 20 2. Pursuant to KRS 63.080(3) or (4).
- 21 (e) The board shall consist of:
- 22 1. Sixteen (16) members appointed by the Governor, subject to  
 23 confirmation by the Senate;~~;~~
  - 24 2. Two (2) members of the faculty of the University of Kentucky;~~;~~
  - 25 3. One (1) member of the University of Kentucky nonteaching  
 26 personnel;~~;~~ and
  - 27 4. Three (3) members~~one (1) member~~ of the student body of the

1 University of Kentucky.

2 a. One (1) shall be the elected student body president;

3 b. One (1) shall be another full-time student elected by the entire  
4 student body; and

5 c. One (1) shall be a full-time graduate student elected by the  
6 graduate student body. [~~The members appointed by the Governor~~  
7 ~~shall be subject to confirmation by the Senate.~~]

8 (f) The [~~voting~~] members of the board shall select a chairperson annually.

9 (2) (a) The terms of the appointed members shall be for six (6) years and until their  
10 successors are appointed and qualified, unless a member is removed by the  
11 Governor pursuant to KRS 63.080(2), (3), or (4) [~~, except the initial~~  
12 ~~appointments shall be as follows:~~

13 1. ~~Two (2) members shall serve one (1) year terms;~~

14 2. ~~Two (2) members shall serve two (2) year terms, one (1) of whom shall~~  
15 ~~be a graduate of the university, selected from a list of three (3) names~~  
16 ~~submitted by the alumni of the university according to rules established~~  
17 ~~by the board of trustees;~~

18 3. ~~Three (3) members shall serve three (3) year terms;~~

19 4. ~~Three (3) members shall serve four (4) year terms, one (1) of whom~~  
20 ~~shall be a graduate of the university, selected as under subparagraph 2.~~  
21 ~~of this subsection;~~

22 5. ~~Three (3) members shall serve five (5) year terms; and~~

23 6. ~~Three (3) members shall serve six (6) year terms, one (1) of whom shall~~  
24 ~~be a graduate of the university, selected as under subparagraph 2. of this~~  
25 ~~subsection].~~

26 (b) 1. Three (3) of the appointments shall be graduates of the university and  
27 may include one (1) graduate of the institution who resides outside the

1 Commonwealth;

2 2. Three (3) of the appointments shall be representative of agricultural  
3 interests; and

4 3. Ten (10) of the appointments shall be other distinguished citizens  
5 representative of the learned professions and may include one (1) who  
6 resides outside of Kentucky.

7 (c) The Governor shall make the appointments so as to reflect proportional  
8 representation of the two (2) leading political parties of the Commonwealth  
9 based on the state's voter registration and the political affiliation of each  
10 appointee as of December 31 of the year preceding the date of his or her  
11 appointment, and to reflect no less than proportional representation of the  
12 minority racial composition of the Commonwealth based on the total minority  
13 racial population using the most recent census or estimate data from the  
14 United States Census Bureau. If the determination of proportional minority  
15 representation does not result in a whole number of minority members, it shall  
16 be rounded up to the next whole number. A particular political affiliation shall  
17 not be a prerequisite to appointment to the board generally; however, if any  
18 person is appointed to the board that does not represent either of the two (2)  
19 leading political parties of the Commonwealth, the proportional representation  
20 by political affiliation requirement shall be determined and satisfied based on  
21 the total number of members on the board less any members not affiliated  
22 with either of the two (2) leading political parties.

23 (d) Appointments to fill vacancies shall be made for the unexpired term in the  
24 same manner as provided for the original appointments.

25 (3) The two (2) University of Kentucky faculty members shall be of the rank of  
26 assistant professor or above. They shall be elected by secret ballot by all University  
27 of Kentucky faculty members of the rank of assistant professor or above. Faculty

1 members shall serve for terms of three (3) years and until their successors are  
 2 elected and qualified. Faculty members shall be eligible for reelection, but they shall  
 3 be ineligible to continue to serve as members of the board of trustees if they cease  
 4 to be members of the faculty of the university. Elections to fill vacancies shall be for  
 5 the unexpired term in the same manner as provided for original elections.

6 (4) The nonteaching personnel member shall be any full-time staff member, excluding  
 7 the president, vice-presidents, academic deans, and academic department  
 8 chairpersons. The staff member shall represent all nonteaching university  
 9 employees, including but not limited to building facilities and clerical personnel.  
 10 The staff member shall be elected by secret ballot by the nonteaching employees.  
 11 The staff member shall serve a term of three (3) years and until a successor is  
 12 elected and qualified. The staff member shall be eligible for reelection, but a staff  
 13 member who ceases being an employee of the university shall not be eligible to  
 14 continue to serve as a member of the board. Elections to fill vacancies shall be for  
 15 the unexpired term and shall be held in the same manner as provided for the original  
 16 election.

17 (5) (a) The student members~~[member]~~ shall serve a one (1) year term beginning on  
 18 July 1 after being elected and sworn in as student members of the  
 19 board~~[student body president]~~ and ending on the following June 30.

20 (b) If a~~[the]~~ student member does not maintain ~~[the position of student body~~  
 21 ~~president or]~~ the status of a full-time student at any time during that academic  
 22 year, a special election shall be held to select a new full-time student member.  
 23 The newly elected student member shall serve for the remainder of the  
 24 unexpired term.

25 (6) The number of student and employee trustees of the University of Kentucky elected  
 26 to the board shall not exceed six (6)~~[four (4)]~~.

27 (7) Unless specifically approved by the board of trustees under the provisions of KRS

1 164.367, no member of the administrative staff of the university shall be directly or  
 2 indirectly interested in any contract with the university for the sale of property,  
 3 materials, supplies, equipment, or services, with exception of compensation to the  
 4 two (2) faculty members~~[,]~~ and the one (1) nonteaching personnel member.

5 (8) New appointees of the board shall not serve more than two (2) consecutive terms.

6 (9) The inability of the board to hold regular meetings, to elect a chairperson annually,  
 7 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an  
 8 annual evaluation of the president of the university, or to carry out its primary  
 9 function to periodically evaluate the institution's progress in implementing its  
 10 mission, goals, and objectives to conform to the strategic agenda shall be cause for  
 11 the Governor to remove all appointed members of the board and replace the entire  
 12 appointed membership pursuant to KRS 63.080(4).

13 ➔Section 3. KRS 164.821 is amended to read as follows:

14 (1) (a) The government of the University of Louisville is vested in a board of trustees  
 15 appointed for a term set by law pursuant to Section 23 of the Constitution of  
 16 Kentucky. The board shall consist of:

17 1. Ten (10) members appointed by the Governor, **subject to confirmation**  
 18 **by the Senate.** At least one (1) of **these members**~~[whom]~~ shall be a  
 19 graduate of the university;

20 2. **Two (2) members**~~[One (1) member]~~ of the teaching faculty of the  
 21 University of Louisville,~~[who]~~

22 a. **One (1)** shall be the chief executive of the ranking unit of faculty  
 23 government; **and**

24 b. **One (1) shall be shall be of the rank of assistant professor or**  
 25 **above who is elected by secret ballot by all University of**  
 26 **Louisville faculty members of the rank of assistant professor or**  
 27 **above;**

1           **3.** One (1) member of the permanent staff of the University of Louisville  
2           who shall be the chief executive of the staff senate; and

3           **4. Three (3)**~~one (1)~~ student **members**~~member who shall be~~

4           **a. One (1) shall be** the president of the student body during the  
5           appropriate academic year;

6           **b. One (1) shall be another full-time student elected by the entire**  
7           **student body; and**

8           **c. One (1) shall be a full-time graduate student elected by the**  
9           **graduate student body.** ~~[-The members appointed by the Governor~~  
10           ~~shall be subject to confirmation by the Senate.]~~

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

15           **(c)**~~(b)~~ Board members may be removed by the Governor under the following  
16           circumstances:

- 17           1. For cause, pursuant to KRS 63.080(2); or
- 18           2. Pursuant to KRS 63.080(3) or(4).

19           **(d)**~~(e)~~ New appointees to the board shall not serve more than two (2)  
20           consecutive terms.

21           (2) **(a)** The student **members**~~member~~ shall serve a one (1) year term beginning on  
22           July 1 after being elected and sworn in as **student members of the**  
23           **board**~~student body president~~ and ending on the following June 30.

24           **(b)** If **a**~~the~~ student member does not maintain ~~[-the position of student body~~  
25           ~~president or -]~~ the status of a full-time student at any time during that academic  
26           year, a special election shall be held to select a **new** full-time student member.  
27           The **newly** elected student member shall serve for the remainder of the



1 unexpired term.

2 (3) The faculty members~~[member]~~ and staff member shall serve one (1) year terms and  
3 cease to be eligible for membership on the board of trustees upon termination of  
4 their respective relationships with, or leadership positions within, the university,  
5 and vacancies occurring for this reason shall be filled for the remainder of the  
6 respective terms in the same manner.

7 (4) The gubernatorial appointments shall serve a term of six (6) years and until their  
8 successors are appointed and qualified, unless a member is removed by the  
9 Governor pursuant to KRS 63.080(2), (3), or (4)~~], except the initial terms shall be as~~  
10 ~~follows:~~

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

12 ~~(b) Two (2) members shall serve two (2) year terms;~~

13 ~~(c) Two (2) members shall serve three (3) year terms;~~

14 ~~(d) Two (2) members shall serve four (4) year terms;~~

15 ~~(e) One (1) member shall serve a five (5) year term; and~~

16 ~~(f) One (1) member shall serve a six (6) year term].~~

17 (5) The Governor shall make his at-large appointments so as to divide the appointed  
18 representation upon the board to reflect:

19 (a) The proportional representation of the two (2) leading political parties in the  
20 Commonwealth based on the state's voter registration and the political  
21 affiliation of each appointee as of December 31 of the year preceding the date  
22 of his or her appointment. A particular political affiliation shall not be a  
23 prerequisite to appointment to the board generally; however, if any person is  
24 appointed to the board that does not represent either of the two (2) leading  
25 political parties of the Commonwealth, the proportional representation by  
26 political affiliation requirement shall be determined and satisfied based on the  
27 total number of members on the board less any members not affiliated with

1           either of the two (2) leading political parties; and

2           (b) No less than the proportional representation of the minority racial composition  
3           of the Commonwealth based on the total minority racial population using the  
4           most recent census or estimate data from the United States Census Bureau. If  
5           the determination of proportional minority representation does not result in a  
6           whole number of minority members, it shall be rounded up to the next whole  
7           number.

8           (6) Vacancies among the appointed members of the board occurring by death,  
9           resignation, or any other cause, other than expiration of a term, shall be filled by  
10          appointments made by the Governor for the remainder of the unexpired term,  
11          subject to the qualifications set forth in this section.

12          (7) Unless specifically approved by the board of trustees under the provisions of KRS  
13          164.367, no member of the teaching or administrative staff of the university shall be  
14          directly or indirectly interested in any contract with the university for the sale of  
15          property, materials, supplies, equipment, or services, with the exception of  
16          compensation to the faculty, staff, and student members.

17          (8) The inability of the board to hold regular meetings, to elect a chairperson annually,  
18          to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an  
19          annual evaluation of the president of the university, to carry out its primary function  
20          to periodically evaluate the institution's progress in implementing its mission, goals,  
21          and objectives to conform to the strategic agenda, or to otherwise perform its duties  
22          under KRS 164.830 shall be cause for the Governor to remove all appointed  
23          members of the board and replace the entire appointed membership pursuant to  
24          KRS 63.080(4).

25          ➔Section 4. KRS 164.321 is amended to read as follows:

26          (1) Eastern Kentucky University, Morehead State University, Murray State University,  
27          Western Kentucky University, Kentucky State University, Northern Kentucky

1 University, and the Kentucky Community and Technical College System shall each  
 2 be governed by a board of regents appointed for a term set by law pursuant to  
 3 Section 23 of the Constitution of Kentucky.

4 (a) Each board of the comprehensive universities shall consist of:

5 1. Eight (8) members appointed by the Governor ***and subject to***  
 6 ***confirmation by the Senate;***~~;~~

7 2. ***Two (2) members***~~[One (1) member]~~ of the teaching faculty;~~;~~

8 3. One (1) member of the university nonteaching personnel;~~;~~ and

9 4. ***Three (3) members***~~[one (1) member]~~ of the student body of the  
 10 respective university or college.

11 a. ***One (1) shall be the president of the student body during the***  
 12 ***appropriate academic year;***

13 b. ***One (1) shall be another full-time student elected by the entire***  
 14 ***student body; and***

15 c. ***One (1) shall be a full-time graduate student elected by the***  
 16 ***graduate student body***~~[The members appointed by the Governor~~  
 17 ~~shall be subject to confirmation by the Senate].~~

18 (b) The members of the board shall select a chairperson annually.

19 (c)~~(b)~~ The board of the Kentucky Community and Technical College System  
 20 shall consist of eight (8) members appointed by the Governor, two (2)  
 21 members of the teaching faculty, two (2) members of the nonteaching  
 22 personnel, and ***four (4)***~~[two (2)]~~ members of the student body. The members  
 23 appointed by the Governor shall be subject to confirmation by the Senate.

24 1. No more than three (3) appointed members of the board shall reside in  
 25 any one (1) judicial district of the Kentucky Supreme Court as of the  
 26 date of the appointment.

27 2. A change in residency of a gubernatorial appointee after the date of

1 appointment shall not affect the appointee's ability to serve or eligibility  
 2 for reappointment, except an appointee who assumes residency outside  
 3 the fifty (50) United States shall become immediately ineligible to serve.  
 4 The Council on Postsecondary Education shall notify the appointee of  
 5 his or her ineligibility to serve.

6 3. In making initial appointments, the Governor shall act so as to provide  
 7 equal representation of the two (2) sexes. In filling vacancies, the  
 8 Governor shall act so as to provide, inasmuch as possible, equal  
 9 representation of the two (2) sexes by appointing a member of the sex  
 10 that is the lesser represented at the time of the appointment. If the  
 11 remaining membership already has an equal number of males and  
 12 females, the Governor may appoint a member of either sex.

13 (2) The terms of appointed members shall be for six (6) years and until their successors  
 14 are appointed and qualified, unless a member is removed by the Governor pursuant  
 15 to KRS 63.080(2), (3), or (4). ~~[-, except the initial appointments to the board of~~  
 16 ~~regents for the Kentucky Community and Technical College System shall be as~~  
 17 ~~follows:~~

18 ~~(a) One (1) member shall serve a one (1) year term;~~

19 ~~(b) One (1) member shall serve a two (2) year term;~~

20 ~~(c) Two (2) members shall serve three (3) year terms;~~

21 ~~(d) One (1) member shall serve a four (4) year term;~~

22 ~~(e) One (1) member shall serve a five (5) year term; and~~

23 ~~(f) Two (2) members shall serve six (6) year terms.~~

24 ~~—]New appointees of a board of regents shall not serve for more than two (2)~~  
 25 ~~consecutive terms.~~

26 (3) The gubernatorial appointments may include one (1) graduate of the respective  
 27 institution who resides outside the Commonwealth. Not more than two (2)

1 appointed members of any board shall be residents of one (1) county. The  
2 appointments shall reflect the proportional representation of the two (2) leading  
3 political parties of the Commonwealth based on the state's voter registration and the  
4 political affiliation of each appointee as of December 31 of the year preceding the  
5 date of his or her appointment. A particular political affiliation shall not be a  
6 prerequisite to appointment to any board generally; however, if any person is  
7 appointed to a board that does not represent either of the two (2) leading political  
8 parties of the Commonwealth, the proportional representation by political affiliation  
9 requirement shall be determined and satisfied based on the total number of members  
10 on the board less any members not affiliated with either of the two (2) leading  
11 political parties. Membership on the board shall reflect no less than proportional  
12 representation of the minority racial composition of the Commonwealth based on  
13 the total minority racial population using the most recent census or estimate data  
14 from the United States Census Bureau. If the determination of proportional minority  
15 representation does not result in a whole number of minority members, it shall be  
16 rounded up to the next whole number. Membership on the board shall not be  
17 incompatible with any state office. A change in residency after the date of  
18 appointment shall not affect a member's ability to serve nor shall it prevent a  
19 member's eligibility for reappointment, except a member who assumes residency  
20 outside the fifty (50) United States shall become immediately ineligible to serve.  
21 The Council on Postsecondary Education shall notify the appointee of his or her  
22 ineligibility to serve.

23 (4) Appointments to fill vacancies shall be made in the same manner and within the  
24 same time after the occurrence of the vacancy as regular appointments. The person  
25 appointed shall hold the position for the unexpired term only.

26 (5) Each member of the board shall serve for the term for which the member is  
27 appointed and until a successor is appointed and qualified, unless a member is

1 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).

2 (6) (a) The faculty ~~members~~[member] of a comprehensive ~~universities~~[university]  
3 shall be ~~a~~ teaching or research ~~members~~[member] of the faculty of ~~their~~[his  
4 ~~or her~~] respective university of the rank of assistant professor or above. The  
5 faculty ~~members~~[member] shall be elected by secret ballot by all faculty  
6 members of ~~the~~[his or her] university of the rank of instructor, assistant  
7 professor, or above. The faculty ~~members~~[member] shall serve for a term of  
8 three (3) years and until ~~a~~[his] successor is elected and qualified. The faculty  
9 ~~members~~[member] shall be eligible for reelection, but ~~he or she~~]shall not be  
10 eligible to continue to serve as a member of the board if ~~the member~~[he or  
11 ~~she~~] ceases being a member of the teaching staff of the university. Elections to  
12 fill vacancies shall be for the unexpired term in the same manner as provided  
13 for the original election.

14 (b) The faculty members of the Kentucky Community and Technical College  
15 System shall be represented by one (1) faculty member elected from the  
16 community colleges and one (1) faculty member elected from the technical  
17 institutions to serve three (3) year terms and until their successors are named.  
18 The faculty representative of each branch shall be elected by means of a  
19 process established by the board. The faculty members may be reelected but  
20 shall not serve more than two (2) consecutive terms. A faculty member shall  
21 be ineligible to continue to serve as a member of the board if he or she ceases  
22 to be a member of the faculty at one (1) of the institutions within the system.  
23 Elections to fill vacancies shall be for the unexpired term in the same manner  
24 as provided for the original election. ~~[These two (2) members shall~~  
25 ~~collectively have one (1) vote which may be cast one half (1/2) vote by each~~  
26 ~~member.]~~

27 (7) (a) The nonteaching personnel member in a comprehensive university shall be

1 any full-time staff member excluding the president, vice presidents, academic  
2 deans, and academic department chairpersons. He or she shall represent all  
3 nonteaching university employees including, but not limited to, building  
4 facilities and clerical personnel. The member shall be elected by secret ballot  
5 by the nonteaching employees. The nonteaching personnel member shall serve  
6 a term of three (3) years and until a successor is elected and qualified. The  
7 nonteaching personnel member shall be eligible for reelection, but he or she  
8 shall not be eligible to continue to serve as a member of the board if he or she  
9 ceases being an employee of the university. Elections to fill vacancies shall be  
10 for the unexpired term in the same manner as provided for the original  
11 election.

12 (b) The nonteaching personnel members in the Kentucky Community and  
13 Technical College System shall be any full-time staff member excluding a  
14 president, chancellor, vice president, academic dean, academic department  
15 chair, or other administrator. They shall represent all nonteaching employees  
16 in their respective branch institutions including, but not limited to, support  
17 and clerical personnel. One (1) member shall be a representative from the  
18 community colleges and one (1) member shall be a representative from the  
19 technical institutions. They shall serve three (3) year terms and until their  
20 successors are named. ~~[These two (2) members shall collectively have one (1)~~  
21 ~~vote which may be cast one-half (1/2) vote by each member.]~~ The nonteaching  
22 personnel members of each branch shall be elected by means of a process  
23 established by the board. A nonteaching personnel member may be reelected  
24 but shall not serve more than two (2) consecutive terms. A nonteaching  
25 employee shall be ineligible to continue to serve as a member of the board if  
26 that employee ceases to be a nonteaching employee at one (1) of the  
27 institutions within the system. Elections to fill vacancies shall be for the

1 unexpired term in the same manner as provided for the original election.

2 (8) (a) The student ~~members~~~~[member]~~ on a comprehensive university board shall  
3 serve a one (1) year term beginning on July 1 after being elected and sworn in  
4 as student members of the board~~[student body president]~~ and ending on the  
5 following June 30. If ~~a~~~~[the]~~ student member does not maintain ~~[the position as~~  
6 ~~student body president or ]~~ the status as a full-time student at any time during  
7 that academic year, a special election shall be held to select a new full-time  
8 student member. The newly elected student member shall serve for the  
9 remainder of the unexpired term.

10 (b) Four (4)~~[Two (2)]~~ full-time student members shall be elected to the board of  
11 regents for the Kentucky Community and Technical College System. Two  
12 (2)~~[One (1)]~~ shall be elected by~~[represent]~~ students of the community colleges  
13 and two (2)~~[one (1)]~~ shall be elected by students of~~[represent]~~ the technical  
14 institutions. ~~[The student members shall be elected by means of a process~~  
15 ~~established by the board.]~~ The student members shall serve one (1) year terms  
16 beginning on July 1 after being elected and sworn in as a student member of  
17 the board and ending on the following June 30. If ~~a~~~~[the]~~ student member does  
18 not maintain the status as a full-time student, a special election shall be held to  
19 fill the vacancy for the remainder of the unexpired term. ~~[The two (2)~~  
20 ~~members shall collectively have one (1) vote which may be cast one half (1/2)~~  
21 ~~vote by each member.]~~

22 (9) All appointed and elected persons shall be required to attend and complete an  
23 orientation and education program prescribed by the council under KRS  
24 164.020(25), as a condition of their service and eligibility for appointment or  
25 election to a second term.

26 (10) Board members may be removed by the Governor under the following  
27 circumstances:



1 (a) For cause, pursuant to KRS 63.080(2); or

2 (b) Pursuant to KRS 63.080(3) or (4).

3 (11) The inability of the board or boards of the comprehensive universities or Kentucky  
4 Community and Technical College System to hold quarterly meetings, to elect a  
5 chairperson annually, to establish a quorum, to adopt an annual budget, to set tuition  
6 rates, to conduct an annual evaluation of the president of the university or system, to  
7 carry out its primary function to periodically evaluate the university's or system's  
8 progress in implementing its mission, goals, and objectives to conform to the  
9 strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be  
10 cause for the Governor to remove all appointed members of the board or boards and  
11 replace the entire appointed membership pursuant to KRS 63.080(4).

12 ➔Section 5. This Act may be cited as the Kentucky Student Tuition Protection  
13 and Accountability Act.

14 ➔Section 6. This Act takes effect July 1, 2024.