

1 AN ACT relating to the Kentucky Authority for Educational Television and  
2 declaring an emergency.

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

4 ➔Section 1. KRS 168.040 is amended to read as follows:

5 (1) The authority shall consist of nine (9) members, as follows:

6 The chief state school officer, ex officio, who shall initially serve as temporary  
7 chairman and shall call and preside over the organizational meeting or meetings  
8 until the members of the authority shall elect a chairman from among their number;  
9 a member of the staff or personnel of the department elected by the board upon  
10 recommendation of the chief state school officer as being qualified to serve as  
11 liaison and coordinator between the authority and the department on matters of  
12 curriculum, and his or her term shall be the same as that of the chief state school  
13 officer by whom he or she is recommended, but terminable by the board in the  
14 event he or she is transferred to other duties in the department, and automatically  
15 terminated in the event of his or her severance from the department for any reason;  
16 **the president of the Council on Postsecondary Education, ex officio; a member of**  
17 **the staff or personnel of the council elected by the council upon recommendation**  
18 **from the president, and his or her term shall be the same as of the president of**  
19 **the Council on Postsecondary Education by whom he or she is recommended, but**  
20 **terminable by the council in the event he or she is transferred to other duties in**  
21 **the council, and automatically terminated in the event of his or her severance**  
22 **from the council for any reason;** ~~a representative of the University of Kentucky~~  
23 ~~and a representative of the state universities to be elected by the Council on~~  
24 ~~Postsecondary Education;~~ and five (5) additional members appointed by the  
25 Governor who ~~need possess no special or prescribed qualifications except that~~  
26 ~~they~~ shall be citizens of Kentucky. **Gubernatorial appointments shall be**  
27 **submitted to the Senate for confirmation in accordance with KRS 11.160.**

- 1 (2) None of the gubernatorial appointments shall have been employees of the state  
 2 executive branch within one (1) year prior to his or her appointment and no more  
 3 than two (2) shall represent the same Supreme Court district. The Governor shall  
 4 make the appointments to reflect, inasmuch as possible, equal representation of  
 5 the two (2) sexes; reflect no less than proportional representation of the two (2)  
 6 leading political parties of the Commonwealth based on the state's voter  
 7 registration; and reflect the minority racial composition of the Commonwealth.
- 8 (3) Upon the effective date of this Act~~[Effective at 11:59 p.m. on June 30, 1994],~~ all  
 9 terms of gubernatorial appointees to the authority shall expire, and the terms of the  
 10 members representing the University of Kentucky and the state universities prior  
 11 to the effective date of this Act shall expire. The Governor shall appoint~~[Effective~~  
 12 ~~July 1, 1994,]~~ five (5) members~~[appointees]~~ nominated pursuant to KRS 164.005.  
 13 Gubernatorial appointees whose terms expire under this subsection may be  
 14 considered for reappointment as long as the prescribed qualifications prevail~~[and~~  
 15 ~~appointed by the Governor shall become members of the authority].~~
- 16 ➔Section 2. KRS 168.050 is amended to read as follows:
- 17 (1) ~~[Effective July 1, 1994,]~~The terms of the members other than the chief state school  
 18 officer,~~[and]~~ the member appointed from the staff or personnel of the department,  
 19 the president of the Council on Postsecondary Education, and the member  
 20 appointed from the staff or personnel of the council shall be for four (4) years,  
 21 except that the terms for gubernatorial appointments made as described in  
 22 subsection (3) of Section 1 of this Act shall be~~[originally,]~~ two (2) members for a  
 23 term of four (4) years; two (2) members for a term of three (3) years;~~[two (2)~~  
 24 ~~members for a term of two (2) years;]~~ and one (1) member for a term of two (2)  
 25 years~~[one (1) year],~~ to be determined by the Governor.~~[ Thereafter the terms shall~~  
 26 ~~be for four (4) years.]~~
- 27 (2) In addition to vacancies from death or resignation, vacancies shall occur upon

1 removal of permanent residence from the Commonwealth; in the case of the elected  
 2 member representing the department and the board, by change of assignment or by  
 3 severance from relationship with the department or the board for any reason; and, in  
 4 the case of the elected member representing the council, by change of assignment  
 5 or by severance from relationship with the council for any reason~~cases of the~~  
 6 ~~members representing the University of Kentucky and the state colleges, by~~  
 7 ~~termination of the member's membership on the council for any reason~~. Vacancies  
 8 during the term of any member shall be filled for the unexpired portion of the term  
 9 only; and vacancies of ~~elect~~~~ed or~~ appointed members by reason of the expiration  
 10 of the term shall be for terms of four (4) years each~~, in the same manner as the~~  
 11 ~~initial election or appointment, as the case may be~~.

12 (3) ~~Elect~~~~ed or~~ Appointed members shall be eligible for ~~re~~~~election or~~ reappointment  
 13 for any number of terms, as long as the prescribed qualifications prevail.

14 ➔Section 3. KRS 168.060 is amended to read as follows:

15 (1) The authority shall meet not less frequently than quarterly, and otherwise as often  
 16 as necessary for the orderly conduct of its affairs. If it sees fit to do so, it may  
 17 establish in its bylaws, or by resolution, four (4) or more fixed dates for regular  
 18 meetings at one (1) or more specified places, in which event any proper business  
 19 may come before the authority on such occasions, and it shall not be necessary that  
 20 the members be given notice thereof unless the chairman shall deem it necessary or  
 21 desirable that the day, place, or hour be changed, whereupon notice to such effect  
 22 shall be mailed to each member by the chairman or secretary, by ordinary first-class  
 23 mail, postage prepaid, not less than one (1) week in advance. Regular meetings may  
 24 be adjourned to convene again at another time and place, if the facts are shown in a  
 25 motion or resolution adopted by a majority of those present and entered upon the  
 26 minutes; and if such be done, the adjourned session shall constitute a continuation  
 27 of the regular session without notice to absent members; but the motion or

1 resolution of adjournment may specify that every reasonable effort be made to give  
2 such notice to absent members as time and circumstances may permit, whereupon  
3 the secretary (or in his or her absence the chairman or any designated member)  
4 shall make such effort and report the same and the success or failure thereof as to  
5 each member, at the occasion of the adjourned session of the regular meeting.  
6 Special meetings may be called by the chairman, vice chairman, secretary, or any  
7 two (2) members upon notice of the time, place and business to be transacted,  
8 similarly given; and special meetings may be adjourned in like manner as in the  
9 case of regular meetings, except that the matters considered shall be limited to such  
10 as are set forth in the notice of the special meeting.

11 (2) Any member may waive notice orally or in writing at any time before, at, or after  
12 any meeting; and the presence of a member at any meeting shall constitute a waiver  
13 of notice unless such member tenders at such meeting a written protest on the  
14 ground of want of sufficient notice.

15 (3) Five (5) or more members shall constitute a quorum for the transaction of business  
16 at any meeting, and a majority vote thereof shall be sufficient to transact any  
17 business properly before the meeting. Any lesser number may adjourn to reconvene  
18 at another time for failure to muster a quorum.

19 ~~(4) Immediately upon receiving notice of the election or appointment of all other~~  
20 ~~members, the chief state school officer shall call a meeting for organizational~~  
21 ~~purposes, to be held at Frankfort, Kentucky, at a time and place set forth in a~~  
22 ~~written notice mailed to each member, as set forth above. At this meeting, the chief~~  
23 ~~state school officer shall preside as temporary chairman, and ]The authority shall~~  
24 elect from among the members a chairman, a vice chairman, a secretary, and a  
25 treasurer, and define the duties thereof; or it may combine the office of treasurer  
26 with any other office of the authority or with any position created pursuant to KRS  
27 168.080.

1           ➔Section 4. KRS 168.070 is amended to read as follows:

2   ~~[At such organizational meeting, or at any subsequent meeting, ]~~The authority may elect  
3   an executive committee, not less than three (3) in number, of which the chairman or vice  
4   chairman of the authority shall be a member and the presiding officer. The powers of the  
5   executive committee to transact business between meetings of the authority shall be  
6   defined, and may be limited, but it shall not be provided that actions of the executive  
7   committee within its defined powers and limitations are subject to review, or not final  
8   and binding as actions of the authority. The executive committee shall preserve minutes  
9   of its proceedings, and file a written copy thereof with the secretary at or before the next  
10   ensuing regular meeting of the authority.

11           ➔Section 5. Whereas the General Assembly has made changes to the  
12   representation requirements of the Kentucky Authority for Educational Television in  
13   Section 1 of this Act that are important to ensuring public confidence in the Board, an  
14   emergency is declared to exist, and this Act takes effect upon its passage and approval by  
15   the Governor or upon its otherwise becoming a law.