

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 a representative of the University of Kentucky *elected by and from the University*
17 *of Kentucky board of trustees;*~~and~~ a representative of *higher education*~~[the state~~
18 ~~universities to be]~~ elected by *and from* the Council on Postsecondary Education;
19 and five (5) additional members appointed by the Governor who~~[need possess no~~
20 ~~special or prescribed qualifications except that they]~~ shall be citizens of Kentucky.

21 ***Gubernatorial appointments shall be submitted to the Senate for confirmation in***
22 ***accordance with KRS 11.160.***

23 (2) ***Of the five (5) gubernatorial appointments, at least one (1) shall represent early***
24 ***childhood education, at least one (1) shall represent elementary and secondary***
25 ***education, and at least one (1) shall represent adult education. None of the***
26 ***gubernatorial appointments shall have been employees of the state executive***
27 ***branch within one (1) year prior to his or her appointment and no more than two***

1 (2) shall represent the same Supreme Court district. The Governor shall make the
 2 appointments to reflect, inasmuch as possible, equal representation of the two (2)
 3 sexes; reflect no less than proportional representation of the two (2) leading
 4 political parties of the Commonwealth based on the state's voter registration; and
 5 reflect the minority racial composition of the Commonwealth.

6 (3) Upon the effective date of this Act~~[Effective at 11:59 p.m. on June 30, 1994],~~ all
 7 terms of gubernatorial appointees to the authority shall expire and the term of the
 8 council member representing the University of Kentucky shall expire. The
 9 Governor shall appoint~~[Effective July 1, 1994,]~~ five (5) members~~[appointees]~~
 10 nominated pursuant to KRS 164.005, and the University of Kentucky board of
 11 trustees shall elect one (1) member. Gubernatorial appointees whose terms expire
 12 under this subsection may be considered for reappointment as long as the
 13 prescribed qualifications prevail~~[appointed by the Governor shall become~~
 14 ~~members of the authority].~~

15 ➔Section 2. KRS 168.050 is amended to read as follows:

16 (1) ~~[Effective July 1, 1994,]~~The terms of the members other than the chief state school
 17 officer and the member appointed from the staff or personnel of the department
 18 shall be for four (4) years, except that the terms for gubernatorial appointments
 19 made as described in subsection (3) of Section 1 of this Act shall be~~[originally,]~~
 20 two (2) members for a term of four (4) years; two (2) members for a term of three
 21 (3) years;~~[two (2) members for a term of two (2) years;]~~ and one (1) member for a
 22 term of two (2) years~~[one (1) year],~~ to be determined by the Governor.~~[Thereafter~~
 23 ~~the terms shall be for four (4) years.]~~

24 (2) In addition to vacancies from death or resignation, vacancies shall occur upon
 25 removal of permanent residence from the Commonwealth; in the case of the elected
 26 member representing the department and the board, by change of assignment or by
 27 severance from relationship with the department or the board for any reason; ~~and,~~

1 in the case~~[cases]~~ of the member~~[members]~~ representing the University of
2 Kentucky, by termination of the member's membership on the board of trustees
3 for any reason; and, in the case of the member representing higher education~~[~~
4 ~~and the state colleges]~~, by termination of the member's membership on the council
5 for any reason. Vacancies during the term of any member shall be filled for the
6 unexpired portion of the term only; and vacancies of elected or appointed members
7 by reason of the expiration of the term shall be for terms of four (4) years each, in
8 the same manner as the initial election or appointment, as the case may be.

9 (3) Elected or appointed members shall be eligible for reelection or reappointment for
10 any number of terms, as long as the prescribed qualifications prevail.

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

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

1 shall make such effort and report the same and the success or failure thereof as to
2 each member, at the occasion of the adjourned session of the regular meeting.
3 Special meetings may be called by the chairman, vice chairman, secretary, or any
4 two (2) members upon notice of the time, place and business to be transacted,
5 similarly given; and special meetings may be adjourned in like manner as in the
6 case of regular meetings, except that the matters considered shall be limited to such
7 as are set forth in the notice of the special meeting.

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

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

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

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

26 ~~[At such organizational meeting, or at any subsequent meeting,]~~The authority may elect
27 an executive committee, not less than three (3) in number, of which the chairman or vice

1 chairman of the authority shall be a member and the presiding officer. The powers of the
2 executive committee to transact business between meetings of the authority shall be
3 defined, and may be limited, but it shall not be provided that actions of the executive
4 committee within its defined powers and limitations are subject to review, or not final
5 and binding as actions of the authority. The executive committee shall preserve minutes
6 of its proceedings, and file a written copy thereof with the secretary at or before the next
7 ensuing regular meeting of the authority.

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