

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 ***the following*** nine (9) members~~[, as follows]:~~

6 ***(a) The commissioner of education or his or her designee***~~[chief state school~~
7 ~~officer, ex officio], who shall [initially]serve as temporary chairman and shall~~
8 ~~call and preside over any[the] organizational meeting or meetings until the~~
9 ~~members of the authority [shall]elect a ***chair***[chairman] from among their~~
10 ~~number;~~

11 ***(b) An employee of the department, selected by the commissioner of the***
12 ***department and the chair of the authority, whose***~~[A member of the staff or~~
13 ~~personnel of the department elected by the board upon recommendation of the~~
14 ~~chief state school officer as being qualified to serve as liaison and coordinator~~
15 ~~between the authority and the department on matters of curriculum, and his]~~
16 ~~term shall be the same as that of the ***commissioner***[chief state school officer~~
17 ~~by whom he is recommended], but terminable by the board in the event he ***or***~~
18 ***she*** is transferred to other duties in the department, and automatically
19 terminated in the event of his ***or her*** severance from the department for any
20 reason;

21 ***(c) [a representative of the University of Kentucky and a representative of the***
22 ~~state universities to be elected by]The ***president of the*** Council on~~
23 ~~Postsecondary Education ***or his or her designee***;~~

24 ***(d) An employee of the Council on Postsecondary Education, selected by the***
25 ***president of the council and chair of the authority whose term shall be the***
26 ***same as that of the president, but terminable by the council in the event he***
27 ***or she is transferred to other duties in the council, and automatically***

1 terminated in the event of his or her severance from the council for any
2 reason;

3 (e) A member of the arts community with at least five (5) years of experience in
4 a profession pertaining to arts and culture, appointed by the Governor upon
5 recommendation of the executive director of the authority, and confirmed
6 by the Senate pursuant to KRS 11.160 for each appointment and
7 reappointment; and

8 (f) Four (4)[Five (5)] additional members appointed by the Governor and
9 confirmed by the Senate pursuant to KRS 11.160 for each appointment and
10 reappointment[who need possess no special or prescribed qualifications
11 except that they shall be citizens of Kentucky].

12 (2) Appointments made by the Governor shall reflect inasmuch as possible:

13 (a) Equal representation of the two (2) sexes;

14 (b) Proportional representation of the two (2) leading political parties based on
15 voter registration; and

16 (c) The minority racial composition of the Commonwealth.

17 (3) The Governor shall not appoint:

18 (a) Any member who has been an employee of the executive branch of state
19 government within one (1) year of his or her appointment; and

20 (b) More than two (2) representatives from the same Supreme Court district.

21 (4)[(2)] On the effective date of this Act[Effective at 11:59 p.m. on June 30, 1994], all
22 terms of gubernatorial appointees to the authority who do not meet the
23 requirements for appointment in subsection (3) of this section on the effective
24 date of this Act shall expire. All other appointees shall remain on the authority for
25 the remainder of their unexpired terms. All new appointments and
26 reappointments shall meet the requirements of subsections (1)(f), (2), and (3) of
27 this section[Effective July 1, 1994, five (5) appointees nominated pursuant to KRS

1 ~~164.005 and appointed by the Governor shall become members of the authority].~~

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

3 (1) ~~[Effective July 1, 1994,]~~The terms of the members **appointed under subsection**
 4 **(1)(e) and (f) of Section 1 of this Act**~~[other than the chief state school officer and~~
 5 ~~the member appointed from the staff or personnel of the department]~~ shall be **for**
 6 **four (4) years**~~[originally, two (2) members for a term of four (4) years; two (2)~~
 7 ~~members for a term of three (3) years; two (2) members for a term of two (2) years;~~
 8 ~~and one (1) member for a term of one (1) year, to be determined by the Governor.~~
 9 ~~Thereafter the terms shall be for four (4) years].~~

10 (2) In addition to vacancies from death or resignation, vacancies shall occur upon:

11 **(a)** Removal of permanent residence from the Commonwealth;

12 **(b)** In the case of **a**~~[the elected]~~ member representing the department~~[and the~~
 13 ~~board]~~, by change of assignment or by severance from relationship with the
 14 department~~[or the board]~~ for any reason; and~~[,]~~

15 **(c)** In the **case of a member representing the council, by change of assignment**
 16 **or by severance from relationship with the council for any reason**~~[cases of~~
 17 ~~the members representing the University of Kentucky and the state colleges,~~
 18 ~~by termination of the member's membership on the council for any reason].~~

19 Vacancies during the term of any member shall be filled for the unexpired portion
 20 of the term only; and vacancies of~~[elected or]~~ appointed members by reason of the
 21 expiration of the term shall be for terms of four (4) years each~~[, in the same manner~~
 22 ~~as the initial election or appointment, as the case may be].~~

23 (3) ~~[Elected or]~~Appointed members shall be eligible for~~[reelection or]~~ reappointment
 24 for any number of terms, as long as the prescribed qualifications prevail.

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

26 (1) The authority shall meet not less frequently than quarterly, and otherwise as often
 27 as necessary for the orderly conduct of its affairs. If it sees fit to do so, it may

1 establish in its bylaws, or by resolution, four (4) or more fixed dates for regular
2 meetings at one (1) or more specified places, in which event any proper business
3 may come before the authority on such occasions, and it shall not be necessary that
4 the members be given notice thereof unless the chair~~[chairman]~~ shall deem it
5 necessary or desirable that the day, place, or hour be changed, whereupon notice to
6 such effect shall be mailed to each member by the chair~~[chairman]~~ or secretary, by
7 ordinary first-class mail, postage prepaid, not less than one (1) week in advance.
8 Regular meetings may be adjourned to convene again at another time and place, if
9 the facts are shown in a motion or resolution adopted by a majority of those present
10 and entered upon the minutes; and if such be done, the adjourned session shall
11 constitute a continuation of the regular session without notice to absent members;
12 but the motion or resolution of adjournment may specify that every reasonable
13 effort be made to give such notice to absent members as time and circumstances
14 may permit, whereupon the secretary, ~~{~~for in his or her absence the
15 chair~~[chairman]~~ or any designated member, ~~}~~ shall make such effort and report the
16 same and the success or failure thereof as to each member, at the occasion of the
17 adjourned session of the regular meeting. Special meetings may be called by the
18 chair~~[chairman]~~, vice chair~~[chairman]~~, secretary, or any two (2) members upon
19 notice of the time, place and business to be transacted, similarly given; and special
20 meetings may be adjourned in like manner as in the case of regular meetings,
21 except that the matters considered shall be limited to such as are set forth in the
22 notice of the special meeting.

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

27 (3) Five (5) or more members shall constitute a quorum for the transaction of business

1 at any meeting, and a majority vote thereof shall be sufficient to transact any
2 business properly before the meeting. Any lesser number may adjourn to reconvene
3 at another time for failure to muster a quorum.

4 (4) ~~Immediately upon receiving notice of the election or appointment of all other~~
5 ~~members, the chief state school officer shall call a meeting for organizational~~
6 ~~purposes, to be held at Frankfort, Kentucky, at a time and place set forth in a~~
7 ~~written notice mailed to each member, as set forth above. At this meeting, the chief~~
8 ~~state school officer shall preside as temporary chairman, and]~~The authority shall
9 elect from among the members a ***chair***~~[chairman]~~, a vice ***chair***~~[chairman]~~, a
10 secretary, and a treasurer, and define the duties thereof; or it may combine the
11 office of treasurer with any other office of the authority or with any position created
12 pursuant to KRS 168.080.

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

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

23 ➔Section 5. Whereas changes to the qualifications and representation
24 requirements of the membership of the Kentucky Authority for Educational Television
25 are necessary in order to ensure public confidence in the authority, an emergency is
26 declared to exist, and this Act takes effect upon its passage and approval by the Governor
27 or upon its otherwise becoming a law.