

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 164.020 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 approve the minimum qualifications for admission to
8 the state postsecondary educational system. In defining residency, the council
9 shall classify a student as having Kentucky residency if the student met the
10 residency requirements at the beginning of his or her last year in high school
11 and enters a Kentucky postsecondary education institution within two (2)
12 years of high school graduation. In determining the tuition for non-Kentucky
13 residents, the council shall consider the fees required of Kentucky students by
14 institutions in adjoining states, the resident fees charged by other states, the
15 total actual per student cost of training in the institutions for which the fees
16 are being determined, and the ratios of Kentucky students to non-Kentucky
17 students comprising the enrollments of the respective institutions, and other
18 factors the council may in its sole discretion deem pertinent, except that the
19 Kentucky Community and Technical College System may assess a mandatory
20 student fee not to exceed eight dollars (\$8) per credit hour to be used
21 exclusively for debt service on amounts not to exceed seventy-five percent
22 (75%) of the total projects cost of the Kentucky Community and Technical
23 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part
24 II, J., 11.
- 25 (b) The Kentucky Community and Technical College System mandatory fee
26 established in this subsection shall only be used for debt service on agency
27 bond projects.

- 1 (c) Any fee established as provided by this subsection shall cease to be assessed
2 upon the retirement of the project bonds for which it services debt.
- 3 (d) Prior to the issuance of any bonds, the Kentucky Community and Technical
4 College System shall certify in writing to the secretary of the Finance and
5 Administration Cabinet that sufficient funds have been raised to meet the
6 local match equivalent to twenty-five percent (25%) of the total project cost;
- 7 (9) Devise, establish, and periodically review and revise policies to be used in making
8 recommendations to the Governor for consideration in developing
9 recommendations to the General Assembly for appropriations to the universities,
10 the Kentucky Community and Technical College System, and to support strategies
11 for persons to maintain necessary levels of literacy throughout their lifetimes. The
12 council has sole discretion, with advice of the Strategic Committee on
13 Postsecondary Education and the executive officers of the postsecondary education
14 system, to devise policies that provide for allocation of funds among the
15 universities and the Kentucky Community and Technical College System;
- 16 (10) Lead and provide staff support for the biennial budget process as provided under
17 KRS Chapter 48, in cooperation with the committee;
- 18 (11) (a) Except as provided in paragraph (b) of this subsection, review and approve all
19 capital construction projects covered by KRS 45.750(1)(f), including real
20 property acquisitions, and regardless of the source of funding for projects or
21 acquisitions. Approval of capital projects and real property acquisitions shall
22 be on a basis consistent with the strategic agenda and the mission of the
23 respective universities and the Kentucky Community and Technical College
24 System.
- 25 (b) The organized groups that are establishing community college satellites as
26 branches of existing community colleges in the counties of Laurel, Leslie, and
27 Muhlenberg, and that have substantially obtained cash, pledges, real property,

1 or other commitments to build the satellite at no cost to the Commonwealth,
2 other than operating costs that shall be paid as part of the operating budget of
3 the main community college of which the satellite is a branch, are authorized
4 to begin construction of the satellite on or after January 1, 1998;

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

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

14 (14) Establish course credit, transfer, and degree components as required in KRS
15 164.2951;

16 (15) Define and approve the offering of all postsecondary education technical, associate,
17 baccalaureate, graduate, and professional degree, certificate, or diploma programs
18 in the public postsecondary education institutions. The council shall expedite
19 wherever possible the approval of requests from the Kentucky Community and
20 Technical College System board of regents relating to new certificate, diploma,
21 technical, or associate degree programs of a vocational-technical and occupational
22 nature. Without the consent of the General Assembly, the council shall not abolish
23 or limit the total enrollment of the general program offered at any community
24 college to meet the goal of reasonable access throughout the Commonwealth to a
25 two (2) year course of general studies designed for transfer to a baccalaureate
26 program. This does not restrict or limit the authority of the council, as set forth in
27 this section, to eliminate or make changes in individual programs within that

- 1 general program;
- 2 (16) Eliminate, in its discretion, existing programs or make any changes in existing
- 3 academic programs at the state's postsecondary educational institutions, taking into
- 4 consideration these criteria:
- 5 (a) Consistency with the institution's mission and the strategic agenda;
- 6 (b) Alignment with the priorities in the strategic implementation plan for
- 7 achieving the strategic agenda;
- 8 (c) Elimination of unnecessary duplication of programs within and among
- 9 institutions; and
- 10 (d) Efforts to create cooperative programs with other institutions through
- 11 traditional means, or by use of distance learning technology and electronic
- 12 resources, to achieve effective and efficient program delivery;
- 13 (17) Ensure the governing board and faculty of all postsecondary education institutions
- 14 are committed to providing instruction free of discrimination against students who
- 15 hold political views and opinions contrary to those of the governing board and
- 16 faculty;
- 17 (18) Review proposals and make recommendations to the Governor regarding the
- 18 establishment of new public community colleges, technical institutions, and new
- 19 four (4) year colleges;
- 20 (19) ~~Postpone the approval of any new program at a state postsecondary educational~~
- 21 ~~institution, unless the institution has met its equal educational opportunity goals, as~~
- 22 ~~established by the council. In accordance with administrative regulations~~
- 23 ~~promulgated by the council, those institutions not meeting the goals shall be able to~~
- 24 ~~obtain a temporary waiver, if the institution has made substantial progress toward~~
- 25 ~~meeting its equal educational opportunity goals;~~
- 26 ~~(20)~~ Ensure the coordination, transferability, and connectivity of technology among
- 27 postsecondary institutions in the Commonwealth including the development and

1 implementation of a technology plan as a component of the strategic agenda;

2 ~~(20)~~~~(21)~~ Approve the teacher education programs in the public institutions that comply
3 with standards established by the Education Professional Standards Board pursuant
4 to KRS 161.028;

5 ~~(21)~~~~(22)~~ Constitute the representative agency of the Commonwealth in all matters of
6 postsecondary education of a general and statewide nature which are not otherwise
7 delegated to one (1) or more institutions of postsecondary learning. The
8 responsibility may be exercised through appropriate contractual relationships with
9 individuals or agencies located within or without the Commonwealth. The authority
10 includes but is not limited to contractual arrangements for programs of research,
11 specialized training, and cultural enrichment;

12 ~~(22)~~~~(23)~~ Maintain procedures for the approval of a designated receiver to provide for
13 the maintenance of student records of the public institutions of higher education and
14 the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS
15 165A.310 which offer collegiate level courses for academic credit, which cease to
16 operate. Procedures shall include assurances that, upon proper request, subject to
17 federal and state laws and regulations, copies of student records shall be made
18 available within a reasonable length of time for a minimum fee;

19 ~~(23)~~~~(24)~~ Monitor and transmit a report on compliance with KRS 164.351 to the
20 director of the Legislative Research Commission for distribution to the Interim
21 Joint Committee on Families and Children;

22 ~~(24)~~~~(25)~~ (a) Develop in cooperation with each public university and the Kentucky
23 Community and Technical College System a comprehensive orientation and
24 education program for new members of the council and the governing boards
25 and continuing education opportunities for all council and board members.
26 For new members of the council and institutional governing boards, the
27 council shall:

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

- 1 education institutions to ensure uniformity of financial information available to
2 state agencies and the public;
- 3 ~~(26)~~~~(27)~~ Select and appoint a president of the council under KRS 164.013;
- 4 ~~(27)~~~~(28)~~ Employ consultants and other persons and employees as may be required for
5 the council's operations, functions, and responsibilities;
- 6 ~~(28)~~~~(29)~~ Promulgate administrative regulations, in accordance with KRS Chapter 13A,
7 governing its powers, duties, and responsibilities as described in this section;
- 8 ~~(29)~~~~(30)~~ Prepare and present by January 31 of each year an annual status report on
9 postsecondary education in the Commonwealth to the Governor, the Strategic
10 Committee on Postsecondary Education, and the Legislative Research Commission;
- 11 ~~(30)~~~~(31)~~ Consider the role, function, and capacity of independent institutions of
12 postsecondary education in developing policies to meet the immediate and future
13 needs of the state. When it is found that independent institutions can meet state
14 needs effectively, state resources may be used to contract with or otherwise assist
15 independent institutions in meeting these needs;
- 16 ~~(31)~~~~(32)~~ Create advisory groups representing the presidents, faculty, nonteaching staff,
17 and students of the public postsecondary education system and the independent
18 colleges and universities;
- 19 ~~(32)~~~~(33)~~ Develop a statewide policy to promote employee and faculty development in
20 state and locally operated secondary area technology centers through the waiver of
21 tuition for college credit coursework in the public postsecondary education system.
22 Any regular full-time employee of a state or locally operated secondary area
23 technology center may, with prior administrative approval of the course offering
24 institution, take a maximum of six (6) credit hours per term at any public
25 postsecondary institution. The institution shall waive the tuition up to a maximum
26 of six (6) credit hours per term. The employee shall complete the Free Application
27 for Federal Student Aid to determine the level of need and eligibility for state and

1 federal financial aid programs. The amount of tuition waived shall not exceed the
2 cost of tuition at the institution less any state or federal grants received, which shall
3 be credited first to the student's tuition;

4 ~~(33)~~~~(34)~~ Participate with the Kentucky Department of Education, the Kentucky Board
5 of Education, and postsecondary education institutions to ensure that academic
6 content requirements for successful entry into postsecondary education programs
7 are aligned with high school content standards and that students who master the
8 high school academic content standards shall not need remedial courses. The
9 council shall monitor the results on an ongoing basis;

10 ~~(34)~~~~(35)~~ Cooperate with the Kentucky Department of Education and the Education
11 Professional Standards Board in providing information sessions to selected
12 postsecondary education content faculty and teacher educators of the high school
13 academic content standards as required under KRS 158.6453(2)(1);

14 ~~(35)~~~~(36)~~ Cooperate with the Office of the Kentucky Center for Statistics and ensure the
15 participation of the public institutions as required in KRS 151B.133;

16 ~~(36)~~~~(37)~~ Pursuant to KRS 63.080, review written notices from the Governor or from a
17 board of trustees or board of regents concerning removal of a board member or the
18 entire appointed membership of a board, investigate the member or board and the
19 conduct alleged to support removal, and make written recommendations to the
20 Governor and the Legislative Research Commission as to whether the member or
21 board should be removed; and

22 ~~(37)~~~~(38)~~ Exercise any other powers, duties, and responsibilities necessary to carry out
23 the purposes of this chapter. Nothing in this chapter shall be construed to grant the
24 Council on Postsecondary Education authority to disestablish or eliminate any
25 college of law which became a part of the state system of higher education through
26 merger with a state college.

27 ➔Section 2. KRS 164.011 is amended to read as follows:

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

16 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary
17 Education Nominating Committee shall submit nominations to the Governor as set
18 forth in KRS 164.005. On making appointments to the council, the Governor shall
19 ensure broad geographical and political representation; ensure equal representation
20 of the two (2) sexes, inasmuch as possible; ensure no less than proportional
21 representation of the two (2) leading political parties of the Commonwealth based
22 on the state's voter registration and the political affiliation of each appointee as of
23 December 31 of the year preceding the date of his or her appointment; and ensure
24 that appointments reflect the minority racial composition of the Commonwealth
25 based on the total minority racial population using the most recent census or
26 estimate data from the United States Census Bureau. If the determination of
27 proportional minority representation does not result in a whole number of minority

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

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

23 (4) One (1) member shall be enrolled as a full-time student at a state institution of
24 postsecondary education and shall be selected annually in the following manner:
25 not later than June 1 of each year the eight (8) student body presidents of the four
26 (4) year state public institutions of higher education, the two (2) student members to
27 the Kentucky Community and Technical College System, and one (1) student body

1 president representing the members of the Association of Independent Kentucky
2 Colleges and Universities shall elect by majority vote three (3) nominees to submit
3 to the Governor. From this list of nominees, the Governor shall appoint a student
4 member.

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

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

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

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

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

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

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

16 ~~(f) Two (2) appointments shall expire December 31, 2002].~~

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

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

25 (9) The council shall meet at least quarterly and at other times upon the call of the chair
26 or a majority of the council.

27 (10) A quorum shall be a majority of the appointive membership of the council.

1 (11) A quorum shall be required to organize and conduct the business of the council,
2 except that an affirmative vote of eight (8) or more appointive members of the
3 entire council shall be required to dismiss from employment the president of the
4 council, and to adopt or amend the state strategic postsecondary education agenda.

5 (12) New appointees to the council shall not serve more than two (2) consecutive terms.

6 (13) New appointees to the council shall complete an orientation and education program
7 set forth in KRS 164.020~~(24)~~~~(25)~~ to be eligible for appointment to a second term.

8 ➔Section 3. KRS 164.131 is amended to read as follows:

9 (1) (a) The government of the University of Kentucky is vested in a board of trustees
10 appointed for a term set by law pursuant to Section 23 of the Constitution of
11 Kentucky.

12 (b) All appointed and elected persons shall be required to attend and complete an
13 orientation and education program prescribed by the council under KRS
14 164.020~~(24)~~~~(25)~~, as a condition of their service and eligibility for
15 appointment or election to a second term.

16 (c) The board shall periodically evaluate the institution's progress in
17 implementing its missions, goals, and objectives to conform to the strategic
18 agenda. Officers and officials shall be held accountable for the status of the
19 institution's progress.

20 (d) Board members may be removed by the Governor under the following
21 circumstances:

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

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

24 (e) The board shall consist of sixteen (16) members appointed by the Governor,
25 two (2) members of the faculty of the University of Kentucky, one (1)
26 member of the University of Kentucky nonteaching personnel, and one (1)
27 member of the student body of the University of Kentucky. The members

1 appointed by the Governor shall be subject to confirmation by the Senate. The
2 voting members of the board shall select a chairperson annually.

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

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

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

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

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

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

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

20 (b) 1. Three (3) of the appointments shall be graduates of the university and
21 may include one (1) graduate of the institution who resides outside the
22 Commonwealth;

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

24 3. Ten (10) shall be other distinguished citizens representative of the
25 learned professions and may include one (1) who resides outside of
26 Kentucky.

27 (c) The Governor shall make the appointments so as to reflect proportional

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

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

18 (3) The two (2) University of Kentucky faculty members shall be of the rank of
19 assistant professor or above. They shall be elected by secret ballot by all University
20 of Kentucky faculty members of the rank of assistant professor or above. Faculty
21 members shall serve for terms of three (3) years and until their successors are
22 elected and qualified. Faculty members shall be eligible for reelection, but they
23 shall be ineligible to continue to serve as members of the board of trustees if they
24 cease to be members of the faculty of the university. Elections to fill vacancies shall
25 be for the unexpired term in the same manner as provided for original elections.

26 (4) The nonteaching personnel member shall be any full-time staff member, excluding
27 the president, vice-presidents, academic deans, and academic department

1 chairpersons. The staff member shall represent all nonteaching university
2 employees, including but not limited to building facilities and clerical personnel.
3 The staff member shall be elected by secret ballot by the nonteaching employees.
4 The staff member shall serve a term of three (3) years and until a successor is
5 elected and qualified. The staff member shall be eligible for reelection, but a staff
6 member who ceases being an employee of the university shall not be eligible to
7 continue to serve as a member of the board. Elections to fill vacancies shall be for
8 the unexpired term and shall be held in the same manner as provided for the
9 original election.

10 (5) The student member shall serve a one (1) year term beginning on July 1 after being
11 elected and sworn in as student body president and ending on the following June
12 30. If the student member does not maintain the position of student body president
13 or the status of a full-time student at any time during that academic year, a special
14 election shall be held to select a full-time student member. The elected student
15 member shall serve for the remainder of the unexpired term.

16 (6) The number of student and employee trustees of the University of Kentucky elected
17 to the board shall not exceed four (4).

18 (7) Unless specifically approved by the board of trustees under the provisions of KRS
19 164.367, no member of the administrative staff of the university shall be directly or
20 indirectly interested in any contract with the university for the sale of property,
21 materials, supplies, equipment, or services, with exception of compensation to the
22 two (2) faculty members, and the one (1) nonteaching personnel member.

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

24 (9) The inability of the board to hold regular meetings, to elect a chairperson annually,
25 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
26 annual evaluation of the president of the university, or to carry out its primary
27 function to periodically evaluate the institution's progress in implementing its

1 mission, goals, and objectives to conform to the strategic agenda shall be cause for
2 the Governor to remove all appointed members of the board and replace the entire
3 appointed membership pursuant to KRS 63.080(4).

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

5 (1) Eastern Kentucky University, Morehead State University, Murray State University,
6 Western Kentucky University, Kentucky State University, Northern Kentucky
7 University, and the Kentucky Community and Technical College System shall each
8 be governed by a board of regents appointed for a term set by law pursuant to
9 Section 23 of the Constitution of Kentucky.

10 (a) Each board of the comprehensive universities shall consist of eight (8)
11 members appointed by the Governor, one (1) member of the teaching faculty,
12 one (1) member of the university nonteaching personnel, and one (1) member
13 of the student body of the respective university or college. The members
14 appointed by the Governor shall be subject to confirmation by the Senate. The
15 members of the board shall select a chairperson annually.

16 (b) The board of the Kentucky Community and Technical College System shall
17 consist of eight (8) members appointed by the Governor, two (2) members of
18 the teaching faculty, two (2) members of the nonteaching personnel, and two
19 (2) members of the student body. The members appointed by the Governor
20 shall be subject to confirmation by the Senate.

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

24 2. A change in residency of a gubernatorial appointee after the date of
25 appointment shall not affect the appointee's ability to serve or eligibility
26 for reappointment, except an appointee who assumes residency outside
27 the fifty (50) United States shall become immediately ineligible to serve.

1 The Council on Postsecondary Education shall notify the appointee of
2 his or her ineligibility to serve.

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

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

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

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

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

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

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

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

21 (b) New appointees of a board of regents shall not serve for more than two (2)
22 consecutive terms.

23 (3) The gubernatorial appointments may include one (1) graduate of the respective
24 institution who resides outside the Commonwealth. Not more than two (2)
25 appointed members of any board shall be residents of one (1) county. The
26 appointments shall reflect the proportional representation of the two (2) leading
27 political parties of the Commonwealth based on the state's voter registration and the

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

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

23 (5) Each member of the board shall serve for the term for which the member is
24 appointed and until a successor is appointed and qualified, unless a member is
25 removed by the Governor pursuant to KRS 63.080(2), (3), or (4).

26 (6) (a) The faculty member of a comprehensive university shall be a teaching or
27 research member of the faculty of his or her respective university of the rank

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

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

21 (7) (a) The nonteaching personnel member in a comprehensive university shall be
22 any full-time staff member excluding the president, vice presidents, academic
23 deans, and academic department chairpersons. He or she shall represent all
24 nonteaching university employees including, but not limited to, building
25 facilities and clerical personnel. The member shall be elected by secret ballot
26 by the nonteaching employees. The nonteaching personnel member shall
27 serve a term of three (3) years and until a successor is elected and qualified.

1 The nonteaching personnel member shall be eligible for reelection, but he or
2 she shall not be eligible to continue to serve as a member of the board if he or
3 she ceases being an employee of the university. Elections to fill vacancies
4 shall be for the unexpired term in the same manner as provided for the
5 original election.

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

23 (8) (a) The student member on a comprehensive university board shall serve a one
24 (1) year term beginning on July 1 after being elected and sworn in as student
25 body president and ending on the following June 30. If the student member
26 does not maintain the position as student body president or the status as a full-
27 time student at any time during that academic year, a special election shall be

1 held to select a full-time student member. The elected student member shall
2 serve for the remainder of the unexpired term.

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

14 (9) All appointed and elected persons shall be required to attend and complete an
15 orientation and education program prescribed by the council under KRS
16 164.020(24)~~(25)~~, as a condition of their service and eligibility for appointment or
17 election to a second term.

18 (10) Board members may be removed by the Governor under the following
19 circumstances:

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

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

22 (11) The inability of the board or boards of the comprehensive universities or Kentucky
23 Community and Technical College System to hold quarterly meetings, to elect a
24 chairperson annually, to establish a quorum, to adopt an annual budget, to set
25 tuition rates, to conduct an annual evaluation of the president of the university or
26 system, to carry out its primary function to periodically evaluate the university's or
27 system's progress in implementing its mission, goals, and objectives to conform to

1 the strategic agenda, or to otherwise perform its duties under KRS 164.350 shall be
2 cause for the Governor to remove all appointed members of the board or boards and
3 replace the entire appointed membership pursuant to KRS 63.080(4).

4 ➔Section 5. KRS 164.821 is amended to read as follows:

5 (1) The government of the University of Louisville is vested in a board of trustees
6 appointed for a term set by law pursuant to Section 23 of the Constitution of
7 Kentucky. The board shall consist of ten (10) members appointed by the Governor,
8 at least one (1) of whom shall be a graduate of the university; one (1) member of
9 the teaching faculty of the University of Louisville who shall be the chief executive
10 of the ranking unit of faculty government; one (1) member of the permanent staff of
11 the University of Louisville who shall be the chief executive of the staff senate; and
12 one (1) student member who shall be the president of the student body during the
13 appropriate academic year. The members appointed by the Governor shall be
14 subject to confirmation by the Senate.

15 (a) All appointed and elected persons shall be required to attend and complete an
16 orientation and education program prescribed by the council under KRS
17 164.020~~(24)~~~~(25)~~, as a condition of their service and eligibility for
18 appointment or election to a second term.

19 (b) Board members may be removed by the Governor under the following
20 circumstances:

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

23 (c) New appointees to the board shall not serve more than two (2) consecutive
24 terms.

25 (2) The student member shall serve a one (1) year term beginning on July 1 after being
26 elected and sworn in as student body president and ending on the following June
27 30. If the student member does not maintain the position of student body president

1 or the status of a full-time student at any time during that academic year, a special
2 election shall be held to select a full-time student member. The elected student
3 member shall serve for the remainder of the unexpired term.

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

9 (4) The gubernatorial appointments shall serve a term of 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 terms shall be as~~
12 ~~follows:~~

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

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

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

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

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

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

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

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

- 1 political affiliation requirement shall be determined and satisfied based on the
2 total number of members on the board less any members not affiliated with
3 either of the two (2) leading political parties; and
- 4 (b) No less than the proportional representation of the minority racial composition
5 of the Commonwealth based on the total minority racial population using the
6 most recent census or estimate data from the United States Census Bureau. If
7 the determination of proportional minority representation does not result in a
8 whole number of minority members, it shall be rounded up to the next whole
9 number.
- 10 (6) Vacancies among the appointed members of the board occurring by death,
11 resignation, or any other cause, other than expiration of a term, shall be filled by
12 appointments made by the Governor for the remainder of the unexpired term,
13 subject to the qualifications set forth in this section.
- 14 (7) Unless specifically approved by the board of trustees under the provisions of KRS
15 164.367, no member of the teaching or administrative staff of the university shall be
16 directly or indirectly interested in any contract with the university for the sale of
17 property, materials, supplies, equipment, or services, with the exception of
18 compensation to the faculty, staff, and student members.
- 19 (8) The inability of the board to hold regular meetings, to elect a chairperson annually,
20 to establish a quorum, to adopt an annual budget, to set tuition rates, to conduct an
21 annual evaluation of the president of the university, to carry out its primary function
22 to periodically evaluate the institution's progress in implementing its mission, goals,
23 and objectives to conform to the strategic agenda, or to otherwise perform its duties
24 under KRS 164.830 shall be cause for the Governor to remove all appointed
25 members of the board and replace the entire appointed membership pursuant to
26 KRS 63.080(4).