

1 AN ACT relating to postsecondary education.

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

3 ➔Section 1. KRS 164.001 is amended to read as follows:

4 As used in this chapter, unless the context requires otherwise:

5 (1) "Administrator" means the chief executive officer of the institution;

6 (2) "Adult basic education" means instruction in mathematics, science, social studies,  
7 reading, language arts, and related areas to enable individuals to better function in  
8 society;

9 (3) "Benchmarks" means objective measures developed where applicable or practical  
10 by the Council on Postsecondary Education to judge the performance of the  
11 postsecondary education system and progress toward the goals as stated in KRS  
12 164.003(2);

13 (4) "Board" or "governing board" means the board of trustees for the University of  
14 Kentucky or the University of Louisville, the board of regents for a comprehensive  
15 university, or the board of regents for the Kentucky Community and Technical  
16 College System;

17 (5) "Board of regents" means the governing board of each comprehensive university  
18 and the Kentucky Community and Technical College System;

19 (6) ~~["Committee" means the Strategic Committee on Postsecondary Education created~~  
20 ~~in KRS 164.004;~~

21 ~~(7)~~ "Comprehensive university" means the following public institutions: Eastern  
22 Kentucky University, Kentucky State University, Morehead State University,  
23 Murray State University, Northern Kentucky University, and Western Kentucky  
24 University;

25 ~~(7)~~~~(8)~~ "Council" means the Council on Postsecondary Education created in KRS  
26 164.011;

27 ~~(8)~~~~(9)~~ "Customized training" means training in specific academic areas, work

1 processes, or technical skills that are designed to serve a specific industry or  
2 industries to upgrade worker skills;

3 ~~(9)~~~~(10)~~ "Goals" means the six (6) goals specified in KRS 164.003(2);

4 ~~(10)~~~~(11)~~ "Independent institution" means a nonpublic postsecondary education  
5 institution in Kentucky whose instruction is not solely sectarian in nature, is  
6 accredited by a regional accrediting association recognized by the United States  
7 Department of Education, and is licensed by the Council on Postsecondary  
8 Education;

9 ~~(11)~~~~(12)~~ "Institution" means a university, college, community college, health  
10 technology center, vocational-technical school, technical institute, technical college,  
11 technology center, or the Kentucky Community and Technical College System;

12 ~~(12)~~~~(13)~~ "Kentucky Community and Technical College System" means the system  
13 composed of public community and technical colleges, including those  
14 postsecondary institutions operated by the former Cabinet for Workforce  
15 Development and those community colleges in the University of Kentucky  
16 Community College System on May 30, 1997.

17 The system also includes institutions created by the board of regents for the  
18 Kentucky Community and Technical College System and approved by the General  
19 Assembly;

20 ~~(13)~~~~(14)~~ "Literacy" means an individual's ability to read, write, and speak in English  
21 and compute and solve problems at levels of proficiency necessary to function on  
22 the job and in society to achieve one's goals and develop one's knowledge and  
23 potential;

24 ~~(14)~~~~(15)~~ "Lower division academic course" means any academic course offered for  
25 college or university credit that is designated as a freshman or sophomore level  
26 academic course;

27 ~~(15)~~~~(16)~~ "Nonteaching personnel" means any employee who is a full-time staff

1 member, excluding a president, chancellor, vice president, academic dean,  
2 academic department chair, or administrator;

3 (16)~~[(17)]~~ "Postsecondary education system" means the following public institutions:  
4 University of Kentucky, University of Louisville, Eastern Kentucky University,  
5 Kentucky State University, Morehead State University, Murray State University,  
6 Northern Kentucky University, Western Kentucky University, and the Kentucky  
7 Community and Technical College System;

8 (17)~~[(18)]~~ ~~"P 16 council" or "council of partners" means a local or state council that is~~  
9 ~~composed of educators from public and private preschools, elementary, secondary,~~  
10 ~~and postsecondary education institutions, local board of education members, and~~  
11 ~~may include community and business representatives that have voluntarily~~  
12 ~~organized themselves for the purpose of improving the alignment and quality of the~~  
13 ~~education continuum from preschool through postsecondary education as well as~~  
14 ~~student achievement at all levels;~~

15 ~~[(19)]~~ "Public" means operated with state support;

16 (18)~~[(20)]~~ "Relative" means a person's father, mother, brother, sister, husband, wife, son,  
17 daughter, aunt, uncle, son-in-law, or daughter-in-law;

18 (19)~~[(21)]~~ ~~"Remedial education" means any program, course, or activity that is designed~~  
19 ~~specifically for students who have basic deficiencies in reading, written or oral~~  
20 ~~communication, mathematics, study skills, or other skills necessary to do beginning~~  
21 ~~postsecondary work as defined by the institution;~~

22 ~~[(22)]~~ "Standardized degree program" means a program, approved by the Council on  
23 Postsecondary Education, that consists of specific competencies, curriculum, and  
24 performance requirements regardless of the providing institution;

25 (20)~~[(23)]~~ "Strategic agenda" means the state strategic postsecondary education agenda  
26 described in KRS 164.0203;

27 (21)~~[(24)]~~ "Technical institution" means an educational institution that offers

1 certificates, diplomas, or technical degrees in technical or occupational-related  
 2 programs, including a facility called a vocational-technical school, technical  
 3 institute, health technology center, technology center, technical college, or similar  
 4 designation; and

5 ~~(22)~~~~(25)~~ "Learning outcomes" means the knowledge, skills, and abilities that students  
 6 have attained as a result of their involvement in a particular set of educational  
 7 experiences.

8 ➔Section 2. KRS 164.013 is amended to read as follows:

9 (1) The Council on Postsecondary Education shall set the qualifications for the position  
 10 of president of the council. ~~Except for the first president appointed under~~  
 11 ~~subsection (2) of this section,~~ The council may employ a search firm and conduct a  
 12 nationwide search for candidates. Any search firm employed by the council shall  
 13 consider, interview, and propose three (3) or more candidates for the position of  
 14 president. The council may seek additional names from the search firm or from  
 15 other sources.

16 (2) ~~In the selection of candidates for the first president of the Council on~~  
 17 ~~Postsecondary Education, the Strategic Committee on Postsecondary Education~~  
 18 ~~shall serve as a search committee, employing a search firm for assistance. The~~  
 19 ~~committee shall recommend three (3) candidates to be considered by the council~~  
 20 ~~and shall repeat this process until it finds a satisfactory person to appoint as the first~~  
 21 ~~president of the council.~~

22 (3) ~~The president shall possess an excellent academic and administrative background,~~  
 23 have strong communication skills, have significant experience and an established  
 24 reputation as a professional in the field of postsecondary education, and shall not  
 25 express, demonstrate, or appear to have an institutional or regional bias in his or her  
 26 actions.

27 ~~(3)~~~~(4)~~ The president shall be the primary advocate for postsecondary education and

1 advisor to the Governor and the General Assembly on matters of postsecondary  
2 education in Kentucky. As the primary advocate for postsecondary education, the  
3 president shall work closely with the ~~committee and the~~ elected leadership of the  
4 Commonwealth to ensure that they are fully informed about postsecondary  
5 education issues and that the council fully understands the goals for postsecondary  
6 education that the General Assembly has established in KRS 164.003(2).

7 ~~(4)~~~~(5)~~ The president may design and develop for review by the council new  
8 statewide initiatives in accordance with the strategic agenda.

9 ~~(5)~~~~(6)~~ (a) The council shall set the salary of the president at an amount no greater  
10 than the salary the president was receiving on January 1, 2012.

11 (b) The salary of the president shall be exempt from state employee salary  
12 limitations as set forth in KRS 64.640.

13 ~~(6)~~~~(7)~~ The president shall be accorded a contract to serve for a term not to exceed  
14 five (5) years, which is renewable at the pleasure of the council.

15 ~~(7)~~~~(8)~~ The president shall determine the staffing positions and organizational  
16 structure necessary to carry out the responsibilities of the council and may employ  
17 staff. All personnel positions of the Council on Higher Education, as of May 30,  
18 1997, with the exception of the position of executive director, shall be transferred to  
19 the Council on Postsecondary Education. All personnel shall be transferred at the  
20 same salary and benefit levels. Notwithstanding the provisions of KRS 11A.040,  
21 any person employed by the Council on Higher Education prior to May 30, 1997,  
22 may accept immediate employment with any governmental entity or any  
23 postsecondary education organization or institution in the Commonwealth and may  
24 carry out the employment duties assigned by that entity, organization, or institution.

25 ~~(8)~~~~(9)~~ The president shall be responsible for the day-to-day operations of the council  
26 and shall report and submit annual reports on the strategic implementation plan of  
27 the strategic agenda, carry out policy and program directives of the council, prepare

1 and submit to the council for its approval the proposed budget of the council, and  
 2 perform all other duties and responsibilities assigned by state law.

3 ~~(9)~~~~(10)~~ With approval of the council, the president may enter into agreements with  
 4 any state agency or political subdivision of the state, any state postsecondary  
 5 education institution, or any other person or entity to enlist staff assistance to  
 6 implement the duties and responsibilities under KRS 164.020.

7 ~~(10)~~~~(11)~~ The president shall be reimbursed for all actual and necessary expenses  
 8 incurred in the performance of all assigned duties and responsibilities.

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

10 The Council on Postsecondary Education in Kentucky shall:

- 11 (1) Develop and implement the strategic agenda~~[with the advice and counsel of the~~  
 12 ~~Strategic Committee on Postsecondary Education]~~. The council shall provide for  
 13 and direct the planning process and subsequent strategic implementation plans  
 14 based on the strategic agenda as provided in KRS 164.0203;
- 15 (2) Revise the strategic agenda and strategic implementation plan~~[with the advice and~~  
 16 ~~counsel of the committee as set forth in KRS 164.004]~~;
- 17 (3) Develop a system of public accountability related to the strategic agenda by  
 18 evaluating the performance and effectiveness of the state's postsecondary system.  
 19 The council shall prepare a report in conjunction with the accountability reporting  
 20 described in KRS 164.095, which shall be submitted to ~~[the committee,]the~~  
 21 Governor~~[,]~~ and the General Assembly by December 1 annually. This report shall  
 22 include a description of contributions by postsecondary institutions to the quality of  
 23 elementary and secondary education in the Commonwealth;
- 24 (4) Review, revise, and approve the missions of the state's universities and the  
 25 Kentucky Community and Technical College System. The Council on  
 26 Postsecondary Education shall have the final authority to determine the compliance  
 27 of postsecondary institutions with their academic, service, and research missions;

- 1 (5) Establish and ensure that all postsecondary institutions in Kentucky cooperatively  
2 provide for an integrated system of postsecondary education. The council shall  
3 guard against inappropriate and unnecessary conflict and duplication by promoting  
4 transferability of credits and easy access of information among institutions;
- 5 (6) Engage in analyses and research to determine the overall needs of postsecondary  
6 education and adult education in the Commonwealth;
- 7 (7) Develop plans that may be required by federal legislation. The council shall for all  
8 purposes of federal legislation relating to planning be considered the "single state  
9 agency" as that term may be used in federal legislation. When federal legislation  
10 requires additional representation on any "single state agency," the Council on  
11 Postsecondary Education shall establish advisory groups necessary to satisfy federal  
12 legislative or regulatory guidelines;
- 13 (8) (a) Determine tuition and approve the minimum qualifications for admission to  
14 the state postsecondary educational system. In defining residency, the council  
15 shall classify a student as having Kentucky residency if the student met the  
16 residency requirements at the beginning of his or her last year in high school  
17 and enters a Kentucky postsecondary education institution within two (2)  
18 years of high school graduation. In determining the tuition for non-Kentucky  
19 residents, the council shall consider the fees required of Kentucky students by  
20 institutions in adjoining states, the resident fees charged by other states, the  
21 total actual per student cost of training in the institutions for which the fees  
22 are being determined, and the ratios of Kentucky students to non-Kentucky  
23 students comprising the enrollments of the respective institutions, and other  
24 factors the council may in its sole discretion deem pertinent, except that the  
25 Kentucky Community and Technical College System may assess a mandatory  
26 student fee not to exceed eight dollars (\$8) per credit hour to be used  
27 exclusively for debt service on amounts not to exceed seventy-five percent

- 1 (75%) of the total projects cost of the Kentucky Community and Technical  
2 College System agency bond projects included in 2014 Ky. Acts ch. 117, Part  
3 II, J., 11.
- 4 (b) The Kentucky Community and Technical College System mandatory fee  
5 established in this subsection shall only be used for debt service on agency  
6 bond projects.
- 7 (c) Any fee established as provided by this subsection shall cease to be assessed  
8 upon the retirement of the project bonds for which it services debt.
- 9 (d) Prior to the issuance of any bonds, the Kentucky Community and Technical  
10 College System shall certify in writing to the secretary of the Finance and  
11 Administration Cabinet that sufficient funds have been raised to meet the  
12 local match equivalent to twenty-five percent (25%) of the total 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  
21 universities 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  
14 services and programs provided by private postsecondary institutions and shall  
15 promote 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  
24 in the public postsecondary education institutions. The council shall expedite  
25 wherever possible the approval of requests from the Kentucky Community and  
26 Technical College System board of regents relating to new certificate, diploma,  
27 technical, or associate degree programs of a vocational-technical and occupational

1 nature. Without the consent of the General Assembly, the council shall not abolish  
2 or limit the total enrollment of the general program offered at any community  
3 college to meet the goal of reasonable access throughout the Commonwealth to a  
4 two (2) year course of general studies designed for transfer to a baccalaureate  
5 program. This does not restrict or limit the authority of the council, as set forth in  
6 this section, to eliminate or make changes in individual programs within that  
7 general program;

8 (16) Eliminate, in its discretion, existing programs or make any changes in existing  
9 academic programs at the state's postsecondary educational institutions, taking into  
10 consideration these criteria:

11 (a) Consistency with the institution's mission and the strategic agenda;

12 (b) Alignment with the priorities in the strategic implementation plan for  
13 achieving the strategic agenda;

14 (c) Elimination of unnecessary duplication of programs within and among  
15 institutions; and

16 (d) Efforts to create cooperative programs with other institutions through  
17 traditional means, or by use of distance learning technology and electronic  
18 resources, to achieve effective and efficient program delivery;

19 (17) Ensure the governing board and faculty of all postsecondary education institutions  
20 are committed to providing instruction free of discrimination against students who  
21 hold political views and opinions contrary to those of the governing board and  
22 faculty;

23 (18) Review proposals and make recommendations to the Governor regarding the  
24 establishment of new public community colleges, technical institutions, and new  
25 four (4) year colleges;

26 (19) ~~Postpone the approval of any new program at a state postsecondary educational~~  
27 ~~institution, unless the institution has met its equal educational opportunity goals, as~~

1       ~~established by the council. In accordance with administrative regulations~~  
2       ~~promulgated by the council, those institutions not meeting the goals shall be able to~~  
3       ~~obtain a temporary waiver, if the institution has made substantial progress toward~~  
4       ~~meeting its equal educational opportunity goals;~~

5       ~~(20)~~ Ensure the coordination, transferability, and connectivity of technology among  
6       postsecondary institutions in the Commonwealth including the development and  
7       implementation of a technology plan as a component of the strategic agenda;

8       (20)~~(21)~~ Approve the teacher education programs in the public institutions that comply  
9       with standards established by the Education Professional Standards Board pursuant  
10      to KRS 161.028;

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

18      (22)~~(23)~~ Maintain procedures for the approval of a designated receiver to provide for  
19      the maintenance of student records of the public institutions of higher education and  
20      the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS  
21      165A.310 which offer collegiate level courses for academic credit, which cease to  
22      operate. Procedures shall include assurances that, upon proper request, subject to  
23      federal and state laws and regulations, copies of student records shall be made  
24      available within a reasonable length of time for a minimum fee;

25      (23)~~(24)~~ Monitor and transmit a report on compliance with KRS 164.351 to the  
26      director of the Legislative Research Commission for distribution to the Interim  
27      Joint Committee on Families and Children;

1 ~~(24)~~<sup>(25)</sup> (a) Develop in cooperation with each public university and the Kentucky  
2 Community and Technical College System a comprehensive orientation and  
3 education program for new members of the council and the governing boards  
4 and continuing education opportunities for all council and board members.  
5 For new members of the council and institutional governing boards, the  
6 council shall:

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

26 (b) Offer, in cooperation with the public universities and the Kentucky  
27 Community and Technical College System, continuing education

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

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

11 ~~(33)~~~~(34)~~ Participate with the Kentucky Department of Education, the Kentucky Board  
12 of Education, and postsecondary education institutions to ensure that academic  
13 content requirements for successful entry into postsecondary education programs  
14 are aligned with high school content standards and that students who master the  
15 high school academic content standards shall not need remedial courses. The  
16 council shall monitor the results on an ongoing basis;

17 ~~(34)~~~~(35)~~ Cooperate with the Kentucky Department of Education and the Education  
18 Professional Standards Board in providing information sessions to selected  
19 postsecondary education content faculty and teacher educators of the high school  
20 academic content standards as required under KRS 158.6453(2)(1);

21 ~~(35)~~~~(36)~~ Cooperate with the Office of the Kentucky Center for Statistics and ensure the  
22 participation of the public institutions as required in KRS 151B.133;

23 ~~(36)~~~~(37)~~ Pursuant to KRS 63.080, review written notices from the Governor or from a  
24 board of trustees or board of regents concerning removal of a board member or the  
25 entire appointed membership of a board, investigate the member or board and the  
26 conduct alleged to support removal, and make written recommendations to the  
27 Governor and the Legislative Research Commission as to whether the member or

1 board should be removed; and

2 ~~(37)~~~~(38)~~ Exercise any other powers, duties, and responsibilities necessary to carry out  
3 the purposes of this chapter. Nothing in this chapter shall be construed to grant the  
4 Council on Postsecondary Education authority to disestablish or eliminate any  
5 college of law which became a part of the state system of higher education through  
6 merger with a state college.

7 ➔Section 4. KRS 164.0211 is amended to read as follows:

8 (1) **The Board of Student Body Presidents is hereby created as an advisory board and**  
9 **shall be attached to the Council on Postsecondary Education for administration**  
10 **and organization purposes.**

11 **(2) The board shall consist of** the student body president of each four (4) year public  
12 university, ~~the~~ two (2) student regents to be designated by the board of regents of  
13 the Kentucky Community and Technical College System, and one (1) student body  
14 president representing the members of the Association of Independent Kentucky  
15 Colleges and Universities ~~shall serve on an advisory board to be known as the~~  
16 ~~Board of Student Body Presidents~~. The student body president representing the  
17 independent colleges and universities shall be selected under a process established  
18 by the Association of Independent Kentucky Colleges and Universities.

19 ~~(3)~~~~(2)~~ The Board of Student Body Presidents shall advise the legislative and  
20 executive branches regarding postsecondary education issues and concerns of  
21 students.

22 ~~(4)~~~~(3)~~ At least once each year, the Board of Student Body Presidents shall meet with  
23 the Council on Postsecondary Education and the Advisory Conference of  
24 Presidents.

25 ~~(5)~~~~(4)~~ The Board of Student Body Presidents shall submit the names of three (3)  
26 nominees to the Governor for consideration in the appointment of a student member  
27 to the Council on Postsecondary Education pursuant to KRS 164.011.

1           ➔Section 5. KRS 164.321 is amended to read as follows:

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

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

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

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

21           2. A change in residency of a gubernatorial appointee after the date of  
22           appointment shall not affect the appointee's ability to serve or eligibility  
23           for reappointment, except an appointee who assumes residency outside  
24           the fifty (50) United States shall become immediately ineligible to serve.  
25           The Council on Postsecondary Education shall notify the appointee of  
26           his or her ineligibility to serve.

27           3. In making initial appointments, the Governor shall act so as to provide

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

7 (2) The terms of appointed members shall be for 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). ~~It, except the initial~~  
 10 ~~appointments to the board of regents for the Kentucky Community and~~  
 11 ~~Technical College System shall be as follows:~~

- 12 ~~(a) One (1) member shall serve a one (1) year term;~~
- 13 ~~(b) One (1) member shall serve a two (2) year term;~~
- 14 ~~(c) Two (2) members shall serve three (3) year terms;~~
- 15 ~~(d) One (1) member shall serve a four (4) year term;~~
- 16 ~~(e) One (1) member shall serve a five (5) year term; and~~
- 17 ~~(f) Two (2) members shall serve six (6) year terms.~~

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

20 (3) The gubernatorial appointments may include one (1) graduate of the respective  
 21 institution who resides outside the Commonwealth. Not more than two (2)  
 22 appointed members of any board shall be residents of one (1) county. The  
 23 appointments shall reflect the proportional representation of the two (2) leading  
 24 political parties of the Commonwealth based on the state's voter registration and the  
 25 political affiliation of each appointee as of December 31 of the year preceding the  
 26 date of his or her appointment. A particular political affiliation shall not be a  
 27 prerequisite to appointment to any board generally; however, if any person is

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

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

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

23 (6) (a) The faculty member of a comprehensive university shall be a teaching or  
24 research member of the faculty of his or her respective university of the rank  
25 of assistant professor or above. The faculty member shall be elected by secret  
26 ballot by all faculty members of his or her university of the rank of instructor,  
27 assistant professor, or above. The faculty member shall serve for a term of

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

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

18 (7) (a) The nonteaching personnel member in a comprehensive university shall be  
19 any full-time staff member excluding the president, vice presidents, academic  
20 deans, and academic department chairpersons. He or she shall represent all  
21 nonteaching university employees including, but not limited to, building  
22 facilities and clerical personnel. The member shall be elected by secret ballot  
23 by the nonteaching employees. The nonteaching personnel member shall  
24 serve a term of three (3) years and until a successor is elected and qualified.  
25 The nonteaching personnel member shall be eligible for reelection, but he or  
26 she shall not be eligible to continue to serve as a member of the board if he or  
27 she ceases being an employee of the university. Elections to fill vacancies

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

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

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

27 (b) Two (2) full-time student members shall be elected to the board of regents for

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

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

15 (10) Board members may be removed by the Governor under the following  
16 circumstances:

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

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

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

1       ➔Section 6. KRS 15.257 is amended to read as follows:

2       (1) The Office of the Attorney General shall, within ninety (90) days of June 20, 2005,  
3       and thereafter, within ninety (90) days of the effective date of any legislation  
4       amending the provisions of the Open Meetings Act or the Open Records Act,  
5       distribute to all county judge/executives, mayors, county attorneys, city attorneys,  
6       superintendents of public school districts, presidents of each of the state public  
7       postsecondary education institutions identified in KRS 161.220(4)(b) or  
8       164.001(12) or (16)~~[(13) or (17)]~~, and attorneys of public school districts and public  
9       postsecondary education institutions throughout Kentucky written information  
10      prepared by the Office of the Attorney General that explains the procedural and  
11      substantive provisions of the Open Meetings Act, KRS 61.805 to 61.850, and the  
12      Open Records Act, KRS 61.870 to 61.884, together with the information required  
13      by KRS 171.223 to be prepared by the Department for Libraries and Archives  
14      concerning proper retention and management of public records. This distribution  
15      may be by electronic means.

16      (2) All superintendents of public school districts and the presidents of each of the state  
17      public postsecondary education institutions identified in KRS 161.220(4)(b) or  
18      164.001(12) or (16)~~[(13) or (17)]~~ shall be responsible for designating and  
19      submitting the names and addresses of the attorneys to whom this information shall  
20      be disseminated to the Office of the Attorney General.

21      ➔Section 7. KRS 164.011 is amended to read as follows:

22      (1) There is hereby created and established a Council on Postsecondary Education in  
23      Kentucky as an agency, instrumentality, and political subdivision of the  
24      Commonwealth and a public body corporate and politic having all powers, duties,  
25      and responsibilities as are provided to it by law, appointed for a term set by law  
26      pursuant to Section 23 of the Constitution of Kentucky. The council shall be  
27      composed of the commissioner of education, a faculty member, a student member,

1 and thirteen (13) citizen members appointed by the Governor. The citizen members  
2 shall be confirmed by the Senate under KRS 11.160, and the commissioner of  
3 education shall serve as a nonvoting ex officio member. Citizen council members  
4 shall be selected from a list of nominees provided to the Governor under the  
5 nominating process set forth in KRS 164.005. If the General Assembly is not in  
6 session at the time of the appointment, persons appointed shall serve prior to  
7 confirmation, but the Governor shall seek the consent of the Senate at the next  
8 regular session or at an intervening extraordinary session if the matter is included in  
9 the call of the General Assembly.

10 (2) By no later than thirty (30) days after May 30, 1997, the Governor's Postsecondary  
11 Education Nominating Committee shall submit nominations to the Governor as set  
12 forth in KRS 164.005. On making appointments to the council, the Governor shall  
13 ensure broad geographical and political representation; ensure equal representation  
14 of the two (2) sexes, inasmuch as possible; ensure no less than proportional  
15 representation of the two (2) leading political parties of the Commonwealth based  
16 on the state's voter registration and the political affiliation of each appointee as of  
17 December 31 of the year preceding the date of his or her appointment; and ensure  
18 that appointments reflect the minority racial composition of the Commonwealth  
19 based on the total minority racial population using the most recent census or  
20 estimate data from the United States Census Bureau. If the determination of  
21 proportional minority representation does not result in a whole number of minority  
22 members, it shall be rounded up to the next whole number. A particular political  
23 affiliation shall not be a prerequisite to appointment to the council generally;  
24 however, if any person is appointed to the council that does not represent either of  
25 the two (2) leading political parties of the Commonwealth, the proportional  
26 representation by political affiliation requirement shall be determined and satisfied  
27 based on the total number of members on the council less any members not

1 affiliated with either of the two (2) leading political parties. In filling vacancies to  
2 the council, the Governor shall act so as to provide, inasmuch as possible, equal  
3 representation of the two (2) sexes by appointing a member of the sex that is the  
4 lesser represented at the time of the appointment. If the remaining membership  
5 already has an equal number of males and females, the Governor may appoint a  
6 member of either sex. No more than two (2) members of the council shall hold an  
7 undergraduate degree from any one (1) Kentucky university, and no more than  
8 three (3) voting members of the council shall reside in any one (1) judicial district  
9 of the Kentucky Supreme Court as of the date of the appointment. However, change  
10 in residency after the date of appointment shall not affect the ability to serve.

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

17 (4) One (1) member shall be enrolled as a full-time student at a state institution of  
18 postsecondary education and shall be selected annually in the following manner:  
19 not later than June 1 of each year the eight (8) student body presidents of the four  
20 (4) year state public institutions of higher education, the two (2) student members to  
21 the Kentucky Community and Technical College System, and one (1) student body  
22 president representing the members of the Association of Independent Kentucky  
23 Colleges and Universities shall elect by majority vote three (3) nominees to submit  
24 to the Governor. From this list of nominees, the Governor shall appoint a student  
25 member.

26 (5) In filling any vacancies, the Governor shall ensure the continuing representation  
27 upon the council of the broad constituencies as set forth in subsection (2) of this

1 section. Vacancies on the council shall be filled for the unexpired term in  
2 accordance with the procedures established for the original appointments.

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

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

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

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

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

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

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

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

15 (8) The members of the council shall elect the chair and the vice chair of the council  
16 from among the council's membership, and the chair and vice chair shall serve at  
17 the pleasure of the council. The vice chair shall serve as chair in the absence of the  
18 chair.

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

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

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

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

27 (13) New appointees to the council shall complete an orientation and education program

1 set forth in KRS 164.020~~(24)~~~~(25)~~ to be eligible for appointment to a second term.

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

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

- 1           1. Two (2) members shall serve one (1) year terms;
- 2           2. Two (2) members shall serve two (2) year terms, one (1) of whom shall
- 3           be a graduate of the university, selected from a list of three (3) names
- 4           submitted by the alumni of the university according to rules established
- 5           by the board of trustees;
- 6           3. Three (3) members shall serve three (3) year terms;
- 7           4. Three (3) members shall serve four (4) year terms, one (1) of whom
- 8           shall be a graduate of the university, selected as under subparagraph 2.
- 9           of this subsection;
- 10          5. Three (3) members shall serve five (5) year terms; and
- 11          6. Three (3) members shall serve six (6) year terms, one (1) of whom shall
- 12          be a graduate of the university, selected as under subparagraph 2. of this
- 13          subsection.
- 14          (b) 1. Three (3) of the appointments shall be graduates of the university and
- 15          may include one (1) graduate of the institution who resides outside the
- 16          Commonwealth;
- 17          2. Three (3) shall be representative of agricultural interests; and
- 18          3. Ten (10) shall be other distinguished citizens representative of the
- 19          learned professions and may include one (1) who resides outside of
- 20          Kentucky.
- 21          (c) The Governor shall make the appointments so as to reflect proportional
- 22          representation of the two (2) leading political parties of the Commonwealth
- 23          based on the state's voter registration and the political affiliation of each
- 24          appointee as of December 31 of the year preceding the date of his or her
- 25          appointment, and to reflect no less than proportional representation of the
- 26          minority racial composition of the Commonwealth based on the total minority
- 27          racial population using the most recent census or estimate data from the

1 United States Census Bureau. If the determination of proportional minority  
2 representation does not result in a whole number of minority members, it shall  
3 be rounded up to the next whole number. A particular political affiliation shall  
4 not be a prerequisite to appointment to the board generally; however, if any  
5 person is appointed to the board that does not represent either of the two (2)  
6 leading political parties of the Commonwealth, the proportional representation  
7 by political affiliation requirement shall be determined and satisfied based on  
8 the total number of members on the board less any members not affiliated  
9 with either of the two (2) leading political parties.

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

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

20 (4) The nonteaching personnel member shall be any full-time staff member, excluding  
21 the president, vice-presidents, academic deans, and academic department  
22 chairpersons. The staff member shall represent all nonteaching university  
23 employees, including but not limited to building facilities and clerical personnel.  
24 The staff member shall be elected by secret ballot by the nonteaching employees.  
25 The staff member shall serve a term of three (3) years and until a successor is  
26 elected and qualified. The staff member shall be eligible for reelection, but a staff  
27 member who ceases being an employee of the university shall not be eligible to

1 continue to serve as a member of the board. Elections to fill vacancies shall be for  
2 the unexpired term and shall be held in the same manner as provided for the  
3 original election.

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

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

12 (7) Unless specifically approved by the board of trustees under the provisions of KRS  
13 164.367, no member of the administrative staff of the university shall be directly or  
14 indirectly interested in any contract with the university for the sale of property,  
15 materials, supplies, equipment, or services, with exception of compensation to the  
16 two (2) faculty members, and the one (1) nonteaching personnel member.

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

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

25 ➔Section 9. KRS 164.2843 is amended to read as follows:

26 Each institution of the postsecondary education system, as defined in KRS 164.001~~[(17)]~~,  
27 that provides in-state tuition for nonresident children of graduates may provide the same

1 in-state tuition for nonresident siblings of graduates.

2 ➔Section 10. KRS 164.465 is amended to read as follows:

3 (1) The presidents of state postsecondary education institutions identified in KRS  
4 161.220(4)(b) or 164.001(12 or 16)[~~(13) or (17)~~] shall distribute the written  
5 information provided by the Office of the Attorney General and the Department for  
6 Libraries and Archives under KRS 15.257 and 171.223 to each board of regents or  
7 governing board member of their university. Distribution shall be accomplished  
8 within sixty (60) days of receiving the written information from the Office of the  
9 Attorney General and the Department for Libraries and Archives. Distribution to  
10 newly appointed members shall be accomplished within sixty (60) days of their  
11 appointment. The distribution may be by electronic means.

12 (2) The presidents of state public postsecondary education institutions, as identified in  
13 subsection (1) of this section, shall require signatory proof that each board of  
14 regents or governing board member has received the written information as  
15 required under subsection (1) of this section, shall maintain documentation of  
16 receipt on file, and shall certify to the Office of the Attorney General that the  
17 written information has been distributed as required.

18 ➔Section 11. KRS 164.821 is amended to read as follows:

19 (1) The government of the University of Louisville is vested in a board of trustees  
20 appointed for a term set by law pursuant to Section 23 of the Constitution of  
21 Kentucky. The board shall consist of ten (10) members appointed by the Governor,  
22 at least one (1) of whom shall be a graduate of the university; one (1) member of  
23 the teaching faculty of the University of Louisville who shall be the chief executive  
24 of the ranking unit of faculty government; one (1) member of the permanent staff of  
25 the University of Louisville who shall be the chief executive of the staff senate; and  
26 one (1) student member who shall be the president of the student body during the  
27 appropriate academic year. The members appointed by the Governor shall be

1 subject to confirmation by the Senate.

2 (a) All appointed and elected persons shall be required to attend and complete an  
3 orientation and education program prescribed by the council under KRS  
4 164.020~~(24)~~~~(25)~~, as a condition of their service and eligibility for  
5 appointment or election to a second term.

6 (b) Board members may be removed by the Governor under the following  
7 circumstances:

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

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

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

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

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

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

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

- 1       ~~(b) Two (2) members shall serve two (2) year terms;~~  
2       ~~(c) Two (2) members shall serve three (3) year terms;~~  
3       ~~(d) Two (2) members shall serve four (4) year terms;~~  
4       ~~(e) One (1) member shall serve a five (5) year term; and~~  
5       ~~(f) One (1) member shall serve a six (6) year term].~~

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

8       (a) The proportional representation of the two (2) leading political parties in the  
9       Commonwealth based on the state's voter registration and the political  
10       affiliation of each appointee as of December 31 of the year preceding the date  
11       of his or her appointment. A particular political affiliation shall not be a  
12       prerequisite to appointment to the board generally; however, if any person is  
13       appointed to the board that does not represent either of the two (2) leading  
14       political parties of the Commonwealth, the proportional representation by  
15       political affiliation requirement shall be determined and satisfied based on the  
16       total number of members on the board less any members not affiliated with  
17       either of the two (2) leading political parties; and

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

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

1 (7) Unless specifically approved by the board of trustees under the provisions of KRS  
2 164.367, no member of the teaching or administrative staff of the university shall be  
3 directly or indirectly interested in any contract with the university for the sale of  
4 property, materials, supplies, equipment, or services, with the exception of  
5 compensation to the faculty, staff, and student members.

6 (8) 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, to carry out its primary function  
9 to periodically evaluate the institution's progress in implementing its mission, goals,  
10 and objectives to conform to the strategic agenda, or to otherwise perform its duties  
11 under KRS 164.830 shall be cause for the Governor to remove all appointed  
12 members of the board and replace the entire appointed membership pursuant to  
13 KRS 63.080(4).

14 ➔Section 12. The following KRS sections are repealed:

15 164.004 Strategic Committee on Postsecondary Education.

16 164.0285 Definitions for KRS 164.0285 to 164.0288.

17 164.0286 STEM Initiative Task Force -- Purpose -- Membership -- Steering committee  
18 oversight and coordination -- Administrative attachment -- Contracting -- Funding.

19 164.0287 Duties of STEM Initiative Task Force -- Strategic plan -- Business plan.

20 164.0288 Kentucky STEM Initiative fund.

21 164.033 Local P-16 councils.