

1 AN ACT relating to Senate confirmation of appointees.

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

3 ➔Section 1. KRS 7A.110 is amended to read as follows:

- 4 (1) The Capital Planning Advisory Board of the Kentucky General Assembly shall
5 consist of sixteen (16) members. The manner of appointment and terms of the
6 members of the board shall be as follows:
- 7 (a) Four (4) members shall be appointed by the Governor to represent the
8 executive branch of state government. These members shall serve for a term
9 of four (4) years and until their successors are appointed.
- 10 (b) Four (4) members shall be appointed by the Chief Justice of the Supreme
11 Court to represent the judicial branch of state government. These members
12 shall serve for a term of four (4) years and until their successors are
13 appointed.
- 14 (c) Four (4) members shall represent the legislative branch of state government
15 and shall be appointed and serve as follows:
- 16 1. The Speaker of the House of Representatives shall appoint two (2)
17 members, each of whom shall serve while a member of the House for
18 the term for which he has been elected, and one (1) of whom shall be
19 designated co-chair; and
- 20 2. The President of the Senate shall appoint two (2) members, each of
21 whom shall serve while a member of the Senate for the term for which
22 he has been elected, and one (1) of whom shall be designated co-chair.
- 23 (d) Four (4) public members shall be appointed from the Commonwealth at large,
24 one (1) by the Governor, one (1) by the Chief Justice, one (1) by the President
25 of the Senate, and one (1) by the Speaker of the House of Representatives.
26 The public members shall serve for a term of four (4) years and until their
27 successors are appointed.

1 (e) All members appointed by the Governor shall be subject to Senate
2 confirmation in accordance with KRS 11.160 for each appointment or
3 reappointment.

4 (2) Any vacancy on the board shall be filled in the same manner as the original
5 appointment.

6 (3) The co-chairs shall have joint responsibilities for board meeting agendas and
7 presiding at board meetings.

8 (4) On an alternating basis, each co-chair shall have the first option to set the monthly
9 meeting date. A monthly meeting may be canceled by agreement of both co-chairs.
10 The board shall meet at least twice during each calendar year.

11 (5) Members of the board shall be entitled to reimbursement for expenses incurred in
12 the performance of their duties.

13 (6) A majority of the entire membership of the Capital Planning Advisory Board shall
14 constitute a quorum, and all actions of the board shall be by vote of a majority of its
15 entire membership.

16 ➔Section 2. KRS 7A.220 is amended to read as follows:

17 (1) The Public Pension Oversight Board shall be composed of the following twenty-
18 three (23) members:

19 (a) 1. Four (4) members of the General Assembly appointed by the Speaker of
20 the House of Representatives, each of whom shall serve while a member
21 of the House for the term for which he or she has been elected, one (1)
22 of whom shall be the chair or a vice chair of the House Standing
23 Committee on Appropriations and Revenue; and

24 2. Two (2) members of the General Assembly appointed by the Speaker of
25 the House of Representatives, each of whom shall serve while a member
26 of the House for the term for which he or she has been elected, and who
27 each shall be selected to ensure representation on the board by House

1 members of the General Assembly is in closer proportion to the
2 representation of each political party in the House of Representatives.

3 Of the members appointed pursuant to this paragraph, the Speaker shall
4 designate one (1) as co-chair of the board;

- 5 (b) 1. Four (4) members of the General Assembly appointed by the President
6 of the Senate, each of whom shall serve while a member of the Senate
7 for the term for which he or she has been elected, one (1) of whom shall
8 be the chair or a vice chair of the Senate Standing Committee on
9 Appropriations and Revenue; and
- 10 2. Two (2) members of the General Assembly appointed by the President
11 of the Senate, each of whom shall serve while a member of the Senate
12 for the term for which he or she has been elected, and who each shall be
13 selected to ensure representation on the board by Senate members of the
14 General Assembly is in closer proportion to the representation of each
15 political party in the Senate.

16 Of the members appointed pursuant to this paragraph, the President shall
17 designate one (1) as co-chair of the board;

18 (c) Two (2) members of the General Assembly appointed by the Minority Floor
19 Leader of the Senate, who shall serve while a member of the Senate for the
20 term for which he or she has been elected;

21 (d) Two (2) members of the General Assembly appointed by the Minority Floor
22 Leader of the House of Representatives, who shall serve while a member of
23 the House for the term for which he or she has been elected;

24 (e) One (1) individual appointed by the Speaker of the House of Representatives,
25 who shall be certified as a chartered financial analyst (CFA) with at least ten
26 (10) years of investment experience or who shall possess at least ten (10)
27 years of retirement experience as defined by subsection (2) of this section;

- 1 (f) One (1) individual appointed by the President of the Senate, who shall be
2 certified as a chartered financial analyst (CFA) with at least ten (10) years of
3 investment experience or who shall possess at least ten (10) years of
4 retirement experience as defined by subsection (2) of this section;
- 5 (g) The state budget director or his or her designee;
- 6 (h) The Auditor of Public Accounts or his or her designee;
- 7 (i) The Attorney General or his or her designee; and
- 8 (j) Two (2) individuals appointed by the Governor, one (1) of whom shall be
9 certified as a chartered financial analyst (CFA) with at least ten (10) years of
10 investment experience and one (1) of whom shall possess at least ten (10)
11 years of retirement experience as defined by subsection (2) of this section.

12 **Members appointed by the Governor shall be subject to Senate confirmation**
13 **in accordance with KRS 11.160 for each appointment or reappointment.**

- 14 (2) For purposes of this section, "retirement experience" means:
- 15 (a) Experience in retirement or pension plan management;
- 16 (b) A certified public accountant with relevant experience in retirement or
17 pension plan accounting;
- 18 (c) An actuary with relevant experience in retirement or pension plan consulting;
- 19 (d) An attorney licensed to practice law in the Commonwealth of Kentucky with
20 relevant experience in retirement or pension plans; or
- 21 (e) A current or former university professor whose primary area of emphasis is
22 economics or finance.
- 23 (3) Individuals appointed under subsection (1)(e), (f), and (j) of this section shall not:
- 24 (a) Be a member of the General Assembly;
- 25 (b) Be employed by a state agency of the Commonwealth of Kentucky or
26 receiving a contractual payment for services rendered to a state agency of the
27 Commonwealth of Kentucky that would conflict with his or her service to the

1 board; or

2 (c) Serve more than three (3) consecutive four (4) year terms on the board.

3 (4) Any vacancy which may occur in the membership of the board shall be filled by the
4 appointing authority who made the original appointment.

5 (5) Individuals appointed under subsection (1)(e), (f), and (j) of this section shall serve
6 a term of four (4) years.

7 ➔Section 3. KRS 7B.030 is amended to read as follows:

8 (1) The board of the Kentucky Long-Term Policy Research Center shall consist of
9 twenty-one (21) members, including ten (10) members selected from state
10 government and eleven (11) at-large members selected from the private and civic
11 sectors, universities, and local governments.

12 (a) State government members shall be appointed as follows:

13 1. Two (2) members of the House of Representatives shall be appointed by
14 the Speaker of the House of Representatives and one (1) member of the
15 minority party in the House of Representatives shall be appointed by the
16 Minority Floor Leader in the House of Representatives. Two (2)
17 members of the Senate shall be appointed by the President of the Senate
18 and one (1) member of the minority party in the Senate shall be
19 appointed by the Minority Floor Leader in the Senate; and

20 2. Four (4) members from the executive branch shall be appointed by the
21 Governor.

22 **3. Members appointed or reappointed by the Governor shall be subject to**
23 **confirmation by the Senate in accordance with KRS 11.160.**

24 (b) At-large members shall be appointed as follows:

25 1. Five (5) members shall be appointed by the Legislative Research
26 Commission; and

27 2. Six (6) members shall be appointed by the Governor and confirmed by

1 the House of Representatives and the Senate;

2 3. Persons appointed may serve prior to confirmation, but shall continue to
3 serve only if confirmed at the next regular session, or special session if
4 the matter is included in the call therefor of the General Assembly;

5 4. The provisions of KRS 11.160 shall apply to Senate and House of
6 Representatives confirmation of at-large members appointed by the
7 Governor.

8 (2) Board members shall serve four (4) year terms, except initial appointments shall be
9 for terms as follows:

10 (a) The Legislative Research Commission shall initially appoint two (2)
11 legislators for terms of two (2) years, two (2) legislators for terms of three (3)
12 years and two (2) legislators for terms of four (4) years; and shall initially
13 appoint one (1) at-large member for a two (2) year term, two (2) at-large
14 members for three (3) year terms, and two (2) at-large members for four (4)
15 year terms.

16 (b) The Governor shall initially appoint two (2) members from the executive
17 branch for terms of two (2) years, one (1) for a three (3) year term, and one
18 (1) for a four (4) year term, and shall initially appoint two (2) at-large
19 members for terms of two (2) years, two (2) for three (3) year terms, and two
20 (2) for four (4) year terms.

21 (3) Members of the board shall meet the same age and state residency requirements as
22 provided in Section 32 of the Kentucky Constitution for members of the House of
23 Representatives, shall represent the cultural diversity of Kentucky, and shall have
24 demonstrated an interest in the well-being and development of the Commonwealth.

25 (4) The chair shall be elected annually by the board and shall alternate between the
26 members selected from state government and the at-large members. If the chair is a
27 member selected from state government, the vice chair shall be an at-large member,

1 and if the chair is an at-large member, the vice chair shall be a member selected
2 from state government.

3 (5) Board members who miss three (3) consecutive meetings may be removed from the
4 board by a majority vote of the board at any regularly scheduled meeting in which a
5 quorum is present. The position shall then be declared vacant and shall be filled in
6 the same manner as it was originally appointed.

7 (6) If vacancies are not filled by the original appointing authority within thirty (30)
8 days of the occurrence of the vacancy, the board may fill the vacancy.

9 (7) A majority of the entire membership of the board shall constitute a quorum, and all
10 actions of the board shall be by vote of a majority of its entire membership.

11 ➔Section 4. KRS 11.026 is amended to read as follows:

12 (1) As used in this section, "state curator" means the director of the Division of Historic
13 Properties within the Department for Facilities and Support Services in the Finance
14 and Administration Cabinet with responsibilities for the preservation, restoration,
15 acquisition, and conservation of all decorations, objects of art, chandeliers, china,
16 silver, statues, paintings, furnishings, accouterments, and other aesthetic materials
17 that have been acquired, donated, loaned, and otherwise obtained by the
18 Commonwealth of Kentucky for the Executive Mansion, the Old Governor's
19 Mansion, the Vest Lindsey House, the New State Capitol, and other historic
20 properties under the control of the Finance and Administration Cabinet.

21 (2) The Historic Properties Advisory Commission is established to provide continuing
22 attention to the maintenance, furnishings, and repairs of the Executive Mansion,
23 Old Governor's Mansion, the Vest Lindsey House, and New State Capitol. The
24 commission shall be attached to the Finance and Administration Cabinet for
25 administrative purposes.

26 (3) The commission shall consist of fourteen (14) members, one (1) of whom shall be
27 the director of the Kentucky Heritage Council. It is recommended that one (1) shall

1 be the state curator, one (1) shall be the executive director of the Kentucky
2 Historical Society, one (1) shall be a resident of Franklin County with experience in
3 restoration, one (1) shall be the director of the Executive Mansion, one (1) shall be
4 the director of the Old Governor's Mansion, and the remainder of the membership
5 shall be selected from the state-at-large from persons with experience in historical
6 restoration.

7 (4) The officers of the commission shall consist of a chairman, who shall be appointed
8 by the Governor, and a secretary, who shall be responsible for the keeping of the
9 records and administering the directions of the commission. The state curator of the
10 Commonwealth of Kentucky shall serve as the secretary of the commission. A
11 member of the Governor's family may serve as an honorary, nonvoting member of
12 the commission. A simple majority of the membership shall constitute a quorum for
13 the transaction of business by the commission.

14 (5) The public members of the commission shall be appointed by the Governor and
15 shall serve terms of four (4) years except that of the members initially appointed,
16 two (2) members shall serve terms of one (1) year; two (2) members shall serve
17 terms of two (2) years; one (1) member shall serve a term of three (3) years; and
18 one (1) member shall serve a term of four (4) years. The executive director of the
19 Historical Society and director of the Executive Mansion shall serve on the
20 commission in an ex officio capacity. The persons holding the offices of executive
21 director of the Historical Society, director of the Executive Mansion, director of the
22 Kentucky Heritage Council, and state curator shall serve terms concurrent with
23 holding their respective offices.

24 (6) Each commission member shall be reimbursed for his necessary travel and other
25 expenses actually incurred in the discharge of his duties on the commission.

26 **(7) Appointed members shall be subject to Senate confirmation in accordance with**
27 **KRS 11.160 for each appointment or reappointment.**

1 ~~(8)~~~~(7)~~ There is established in the State Treasury a historic properties endowment
2 trust fund which shall be administered by the director of the Division of Historic
3 Properties under the supervision of the Commissioner of the Department for
4 Facilities and Support Services. The fund may receive state appropriations, gifts,
5 grants, and federal funds and shall be disbursed by the State Treasurer upon warrant
6 of the secretary of finance and administration. The fund shall be used for carrying
7 out the functions of the Division of Historic Properties. The Division of Historic
8 Properties may publish written material pertaining to historic properties of the state
9 and charge and collect a reasonable fee for any such publications. The proceeds
10 shall be deposited to the credit of the fund and after paying the costs of publication,
11 the balance of the proceeds shall be used for purposes specified in KRS 11.027.

12 ~~(9)~~~~(8)~~ In addition to the historic properties endowment trust fund, there shall be
13 established in the State Treasury a separate and distinct endowment trust fund
14 known as the Ida Lee Willis-Vest Lindsey House endowment trust fund, which
15 shall be jointly administered by the director of the Kentucky Heritage Council and
16 the director of the Division of Historic Properties under the supervision of the
17 commissioner of the Department for Facilities and Support Services. The fund may
18 receive state appropriations, gifts, grants, and federal funds and shall be disbursed
19 by the State Treasurer upon warrant of the secretary of finance and administration.
20 The fund shall be used solely for the benefit of, or related to, the Vest Lindsey
21 House, including but not limited to building maintenance and repairs, structural
22 restoration or renovation, acquisition and maintenance of furnishings or
23 decorations, and the development of interpretative materials regarding the historical
24 and architectural significance of the Vest Lindsey House and its relation to other
25 sites in the North Frankfort area. The creation of the Ida Lee Willis-Vest Lindsey
26 House endowment trust fund is intended to be a supplemental source of funds and
27 in no way restricts the expenditure of funds from the historic properties endowment

1 trust fund or any state fund for the benefit of the Vest Lindsey House.

2 ➔Section 5. KRS 11A.060 is amended to read as follows:

3 (1) The Executive Branch Ethics Commission is hereby established.

4 (2) The commission shall be composed of seven (7) members, two (2) of whom shall
5 be appointed by the Governor, subject to Senate confirmation in accordance with

6 KRS 11.160 for each appointment or reappointment. Each of the following shall
7 appoint one (1) member of the commission:

8 (a) Treasurer;

9 (b) Auditor of Public Accounts;

10 (c) Commissioner of Agriculture;

11 (d) Secretary of State; and

12 (e) Attorney General.

13 (3) On July 14, 2022, the terms of the existing members of the commission shall
14 terminate and seven (7) new initial members shall be appointed by the officials
15 listed under subsection (2) of this section. Members of the commission shall serve
16 staggered terms of four (4) years. Of the initial members appointed as provided in
17 this section, one (1) member shall serve a term of one (1) year and shall be
18 appointed by the Treasurer, one (1) member shall serve a term of two (2) years and
19 shall be appointed by the Auditor of Public Accounts, two (2) members shall serve
20 a term of three (3) years, one (1) of whom shall be appointed by the Governor and
21 one (1) of whom shall be appointed by the Commissioner of Agriculture, and three
22 (3) members shall be appointed for terms of four (4) years, one (1) of whom shall
23 be appointed by the Governor, one (1) of whom shall be appointed by the Secretary
24 of State, and one (1) of whom shall be appointed by the Attorney General.
25 Thereafter, all appointments shall be for staggered terms of four (4) years.

26 (4) The commission shall every two (2) years elect from its membership a chair and
27 vice chair. In the absence of the chair or in the event of a vacancy in that position,

1 the vice chair shall serve as chair.

2 (5) A member of the commission shall receive one hundred dollars (\$100) per day for
3 attending meetings and shall be reimbursed for actual and necessary expenses
4 incurred in the performance of duties.

5 (6) All members shall be registered voters of the state.

6 (7) Members of the commission shall be removed by the appointing authority who
7 appointed him or her for cause only, including substantial neglect of duty and
8 inability to discharge the powers and duties of office.

9 (8) A quorum shall consist of four (4) or more members. An affirmative vote of four
10 (4) or more members shall be necessary for commission action.

11 (9) The commission shall meet at the call of the chair or a majority of its members.

12 (10) The commission shall be attached to the Finance and Administration Cabinet for
13 administrative purposes only.

14 (11) The commission shall not be reorganized except by statute.

15 ➔Section 6. KRS 11.200 is amended to read as follows:

16 (1) There is created the Commission on Small Business Innovation and Advocacy. The
17 commission shall be a separate administrative body of state government within the
18 meaning of KRS 12.010(8).

19 (2) It shall be the purpose of the Commission on Small Business Innovation and
20 Advocacy to:

21 (a) Address matters of small business as it relates to government affairs;

22 (b) Promote a cooperative and constructive relationship between state agencies
23 and the small business community to ensure coordination and implementation
24 of statewide strategies that benefit small business in the Commonwealth;

25 (c) Coordinate and educate the small business community of federal, state, and
26 local government initiatives of value and importance to the small business
27 community;

- 1 (d) Create a process by which the small business community is consulted in the
2 development of public policy as it affects their industry sector;
- 3 (e) Aid the small business community in navigating the regulatory process, when
4 that process becomes cumbersome, time consuming, and bewildering to the
5 small business community; and
- 6 (f) Advocate for the small business, as necessary when regulatory
7 implementation is overly burdensome, costly, and harmful to the success and
8 growth of small businesses in the Commonwealth.
- 9 (3) The Commission on Small Business Innovation and Advocacy shall consist of
10 thirteen (13) members:
- 11 (a) Two (2) members representing each congressional district; and
12 (b) One (1) at-large member.
- 13 (4) All members shall be appointed by the Governor for a term of four (4) years,
14 subject to Senate confirmation in accordance with KRS 11.160 for each
15 appointment or reappointment, except that the original appointments shall be
16 staggered so that three (3) appointments shall expire at one (1) year, three (3)
17 appointments shall expire at two (2) years, and three (3) appointments shall expire
18 at three (3) years, and four (4) appointments shall expire at four (4) years from the
19 dates of initial appointment.
- 20 (5) The Governor shall appoint the chair and vice chair of the commission from the
21 appointed membership, subject to Senate confirmation in accordance with KRS
22 11.160 for each appointment or reappointment.
- 23 (6) The commission shall meet quarterly and at other times upon call of the chair or a
24 majority of the commission.
- 25 (7) A quorum shall be a majority of the membership of the commission.
- 26 (8) Members of the commission shall serve without compensation but shall be
27 reimbursed for their necessary travel expenses actually incurred in the discharge of

1 their duties on the commission, subject to Finance and Administration Cabinet
2 administrative regulations.

3 (9) The executive director of the Office of Entrepreneurship and Innovation shall be the
4 administrative head and chief executive officer of the commission. The secretary of
5 the Cabinet for Economic Development shall have authority to hire staff, contract
6 for services, expend funds, and operate the normal business activities of the
7 commission.

8 (10) The Commission on Small Business Innovation and Advocacy shall be
9 administratively attached to the Office of Entrepreneurship and Innovation within
10 the Cabinet for Economic Development.

11 ➔Section 7. KRS 12.550 is amended to read as follows:

12 (1) The Governor's Council on Wellness and Physical Activity is hereby established
13 and authorized to operate the Governor's Wellness and Physical Activity Program,
14 Inc. for the purpose of establishing and implementing a health, wellness, and fitness
15 program for Kentucky and to promote a healthy lifestyle for all citizens of the
16 Commonwealth. The Governor's Council on Wellness and Physical Activity shall
17 be attached to the Department for Public Health for administrative purposes.

18 (a) The ex officio members of the Governor's Council on Wellness and Physical
19 Activity shall be as follows:

- 20 1. The Governor or the Governor's designee from the executive cabinet;
- 21 2. The secretary of the Cabinet for Health and Family Services or
22 designee;
- 23 3. The secretary of the Personnel Cabinet or designee;
- 24 4. The secretary of the Education and Labor Cabinet;
- 25 5. The Senate co-chair of the Interim Joint Committee on Health Services
26 of the General Assembly; and
- 27 6. The House co-chair of the Interim Joint Committee on Health Services

1 of the General Assembly.

- 2 (b) In addition to the ex officio members, the Governor shall appoint five (5)
3 council members to serve three (3) year terms on the Governor's Council on
4 Wellness and Physical Activity. Members appointed by the Governor may be
5 reappointed by the Governor to serve successive terms. In making
6 appointments, the Governor shall attempt to include individuals from different
7 geographic regions of the Commonwealth of Kentucky. The Governor shall
8 make appointments to fill vacancies as they occur. Each appointment after the
9 initial appointment shall be for a three (3) year term unless the appointment is
10 to fill the unexpired portion of a term. *All appointments or reappointments*
11 *made by the Governor shall be subject to Senate confirmation in*
12 *accordance with KRS 11.160.*
- 13 (c) The Governor or, if so designated by the Governor, the chairman of the
14 council shall have the authority to hire, fire, and manage all personnel of the
15 Governor's Wellness and Physical Activity Program, Inc., including the
16 executive director.
- 17 (d) The council shall administer funds appropriated or gifts, donations, or funds
18 received from any source. The council may expend funds in its discretion to
19 carry out the intent of KRS 12.020, 12.023, and 12.550.
- 20 (e) The council shall closely coordinate with the Department for Public Health to
21 establish policies and procedures.
- 22 (f) The council shall select from its membership a chairman and any other
23 officers it considers essential. The council may have committees and
24 subcommittees as determined by the council.
- 25 (g) The council shall make recommendations to the Governor and secretary of the
26 Cabinet for Health and Family Services.
- 27 (h) The council shall meet quarterly or more often as necessary for the conduct of

1 its business. A majority of the members shall constitute a quorum for the
2 transaction of business. Members' designees shall have voting privileges at
3 committee meetings.

4 (i) Members of the council shall serve without compensation but shall be
5 reimbursed for their necessary travel expenses actually incurred in the
6 discharge of their duties on the council, subject to Finance and Administration
7 Cabinet administrative regulations.

8 (j) The council may establish working groups as necessary.

9 (k) The council shall establish the Governor's Wellness and Physical Activity
10 Program, Inc. pursuant to the requirements in KRS 12.020, 12.023, and
11 12.550.

12 (2) Funds appropriated for purposes of the program shall not lapse at the end of the
13 fiscal year.

14 (3) (a) The Governor's Wellness and Physical Activity Program, Inc. shall follow
15 standard accounting practices and shall submit the following financial reports
16 to the Office of the Governor, the Finance and Administration Cabinet, and
17 the Legislative Research Commission:

18 1. Quarterly reports of expenditures of state funds, submitted on or before
19 the thirtieth day after the end of each quarter in the corporation's fiscal
20 year;

21 2. Annual reports of receipts and expenditures for the Governor's Wellness
22 and Physical Activity Program, Inc., submitted on or before the sixtieth
23 day after the end of the fiscal year of the corporation; and

24 3. The report of an annual financial audit conducted by an independent
25 auditor, submitted on or before September 1 of each year.

26 (b) The Governor's Wellness and Physical Activity Program, Inc. shall file
27 quarterly reports with the Office of the Governor and the Legislative Research

1 Commission. The report shall include a detail of the operations of the program
2 for the preceding year. The report shall include information concerning the
3 participant demographics, number of incentives distributed, and program
4 outcomes according to such measures of success as the board may adopt.

5 ➔Section 8. KRS 15.315 is amended to read as follows:

6 The Kentucky Law Enforcement Council is hereby established as an independent
7 administrative body of state government to be made up as follows:

8 (1) The Attorney General of Kentucky, the commissioner of the Department of
9 Kentucky State Police, the commissioner of the Department of Criminal Justice
10 Training, the chief of police of the Louisville Metro Police Department, the chief of
11 police of the Lexington-Fayette Urban County Division of Police, the chief of
12 police of the Bowling Green Police Department, the director of the Southern Police
13 Institute of the University of Louisville, the dean of the College of Justice and
14 Safety of Eastern Kentucky University, the president of the Kentucky Peace
15 Officers Association, the president of the Kentucky Association of Chiefs of Police,
16 the Kentucky president of the Fraternal Order of Police, the president of the
17 Kentucky Women's Law Enforcement Network, and the president of the Kentucky
18 Sheriffs' Association shall be ex officio members of the council, as full voting
19 members of the council by reason of their office. The United States attorneys for
20 the Eastern and Western Districts of Kentucky may confer and designate a local law
21 enforcement liaison who shall serve on the council in an advisory capacity only
22 without voting privileges. Each ex officio member may designate in writing a
23 person to represent him or her and to vote on his or her behalf. Designees of the
24 Department of Kentucky State Police, Department of Criminal Justice Training,
25 Louisville Metro Police Department, Bowling Green Police Department, and the
26 Lexington-Fayette Urban County Division of Police shall be the head of the
27 agency's training division or the agency's deputy chief or deputy commissioner;

1 (2) Twelve (12) members shall be appointed by the Governor for terms of four (4)
2 years from the following classifications: a city manager or mayor from a list of
3 three (3) names submitted by the Kentucky League of Cities, a county
4 judge/executive from a list of three (3) names submitted by the Kentucky
5 Association of Counties, three (3) Kentucky sheriffs, a member of the Kentucky
6 State Bar Association, five (5) chiefs of police, and a citizen of Kentucky not
7 coming within the foregoing classifications. No person shall serve beyond the time
8 he or she holds the office or employment by reason of which he or she was initially
9 eligible for appointment. Vacancies shall be filled in the same manner as the
10 original appointment and the successor shall be appointed for the unexpired term.
11 Any member may be appointed for additional terms;

12 **(3) Members appointed by the Governor shall be subject to Senate confirmation in**
13 **accordance with KRS 11.160 for each appointment or reappointment;**

14 ~~(4)~~~~(3)~~ No member may serve on the council with the dual membership as the
15 representative of more than one (1) of the aforementioned groups or the holder of
16 more than one (1) of the aforementioned positions. In the event that an existing
17 member of the council assumes a position entitling him to serve on the council in
18 another capacity, the Governor shall appoint an additional member from the group
19 concerned to prevent dual membership; and

20 ~~(5)~~~~(4)~~ Membership on the council does not constitute a public office, and no
21 member shall be disqualified from holding public office by reason of his
22 membership.

23 ➔Section 9. KRS 15A.063 is amended to read as follows:

24 (1) The Juvenile Justice Oversight Council is created for the purpose of providing
25 independent review of the state juvenile justice system and providing
26 recommendations to the General Assembly. The council shall actively review the
27 implementation of all juvenile justice reforms enacted by the General Assembly,

1 collect and review performance measurement data, and continue to review the
2 juvenile justice system for changes that improve public safety, hold youth
3 accountable, provide better outcomes for children and families, and control juvenile
4 justice costs.

5 (2) (a) The membership of the council shall include the following:

- 6 1. The secretary of the Justice and Public Safety Cabinet, ex officio;
- 7 2. The commissioner of the Department for Behavioral Health,
8 Developmental and Intellectual Disabilities, ex officio;
- 9 3. The commissioner of the Department for Community Based Services, ex
10 officio;
- 11 4. The commissioner of the Department of Juvenile Justice, ex officio;
- 12 5. The commissioner of the Department of Education, ex officio;
- 13 6. The director of the Administrative Office of the Courts, ex officio;
- 14 7. The Public Advocate, ex officio;
- 15 8. The Senate chair of the Committee on Judiciary, nonvoting ex officio;
- 16 9. The House chair of the Committee on Judiciary, nonvoting ex officio;
- 17 10. One (1) member of the Senate appointed by the President of the Senate,
18 and one (1) member of the minority party in the Senate appointed by the
19 Minority Floor Leader in the Senate, who shall serve as ex officio,
20 nonvoting members for the duration of the terms for which they were
21 elected;
- 22 11. One (1) member of the House of Representatives appointed by the
23 Speaker of the House of Representatives, and one (1) member of the
24 minority party in the House of Representatives appointed by the
25 Minority Floor Leader in the House of Representatives, who shall serve
26 as ex officio, nonvoting members for the duration of the terms for which
27 they were elected; and

- 1 12. Five (5) at-large members appointed by the Governor, *subject to Senate*
2 *confirmation in accordance with KRS 11.160 for each appointment or*
3 *reappointment,* as follows:
- 4 a. One (1) member representing public schools or an education group
5 or organization;
 - 6 b. One (1) District Judge nominated by the Chief Justice of the
7 Kentucky Supreme Court;
 - 8 c. One (1) member representing law enforcement;
 - 9 d. One (1) member of the County Attorneys' Association nominated
10 by the Attorney General; and
 - 11 e. One (1) member representing community-based organizations,
12 whether for-profit or nonprofit, with experience in programs for
13 juveniles, including substance abuse prevention and treatment,
14 case management, mental health, or counseling.
- 15 (b) The chairs of the House and Senate Judiciary Committees shall serve as co-
16 chairs.
- 17 (c) At-large members shall be appointed by August 1, 2022, shall serve a term of
18 two (2) years, and may be reappointed.
- 19 (d) Each ex officio member, except for legislative members, may designate a
20 proxy by written notice to the council prior to call of order of each meeting,
21 and the proxy shall be entitled to participate as a full voting member.
- 22 (e) Except as otherwise provided by law, members shall not be compensated for
23 being members of the council but shall be reimbursed for ordinary travel
24 expenses, including meals and lodging, incurred while performing council
25 business.
- 26 (f) The council shall meet at least quarterly. A quorum, consisting of a majority
27 of the membership of the council, shall be required for the transaction of

1 business. Meetings shall be held at the call of the chair, or upon the written
2 request of two (2) members to the chair.

3 (3) The council shall:

- 4 (a) Review the implementation of the reforms enacted by the General Assembly;
5 (b) Review performance measures and recommend modifications;
6 (c) Review all policies to confirm implementation as established by legislation
7 enacted by the General Assembly and administrative regulations promulgated
8 thereunder;
9 (d) Review the fiscal incentive program established pursuant to KRS 15A.062;
10 (e) Collect and review performance data and recommend any additional
11 performance measures needed to identify outcomes in the juvenile justice
12 system;
13 (f) Review the information received from the Department of Education pursuant
14 to KRS 156.095, and determine whether any action is necessary, including
15 additional performance measures, funding, or legislation;
16 (g) Continue review of juvenile justice areas determined appropriate by the
17 council, including:
18 1. Status offense reform;
19 2. Necessary training for school resource officers as defined in KRS
20 158.441, in juvenile justice best practices, research, and impacts on
21 recidivism and long-term outcomes;
22 3. Graduated sanctions protocols in public schools, including their current
23 use and their development statewide;
24 4. A minimum age of criminal responsibility;
25 5. Competency;
26 6. Reforms to the family resource and youth service centers in the Cabinet
27 for Health and Family Services;

- 1 7. Population levels in Department of Juvenile Justice facilities, and the
2 potential for closure of facilities while maintaining staffing ratios
3 necessary to comply with applicable accreditation standards; and
- 4 8. Whether juvenile court hearings should be open to the public;
- 5 (h) Review and make recommendations regarding:
- 6 1. The structure and staffing of the Department of Juvenile Justice;
- 7 2. Training of juvenile justice staff;
- 8 3. The adequacy of current programs and facilities operated by the
9 Department of Juvenile Justice;
- 10 4. Best practices in juvenile justice programs and facilities; and
- 11 5. Other topics as determined by the council; and
- 12 (i) Report by December 1, 2023, and by December 1 of each year thereafter, to
13 the Interim Joint Committee on Judiciary and the Governor and make
14 recommendations to the General Assembly for any additional legislative
15 changes the council determines appropriate.
- 16 (4) The council shall be attached to the Legislative Research Commission for
17 administrative purposes.
- 18 (5) The council shall terminate on July 1, 2030, unless the General Assembly extends
19 the term of the council.
- 20 ➔Section 10. KRS 15A.065 is amended to read as follows:
- 21 (1) The Department of Juvenile Justice shall be headed by a commissioner and shall
22 develop and administer programs for:
- 23 (a) Prevention of juvenile crime;
- 24 (b) Identification of juveniles at risk of becoming status or public offenders and
25 development of early intervention strategies for these children, and, except for
26 adjudicated youth, participation in prevention programs shall be voluntary;
- 27 (c) Providing educational information to law enforcement, prosecution, victims,

- 1 defense attorneys, the courts, the educational community, and the public
2 concerning juvenile crime, its prevention, detection, trial, punishment, and
3 rehabilitation;
- 4 (d) The operation of or contracting for the operation of postadjudication treatment
5 facilities and services for children adjudicated delinquent or found guilty of
6 public offenses or as youthful offenders;
- 7 (e) The operation or contracting for the operation, and the encouragement of
8 operation by others, including local governments, volunteer organizations,
9 and the private sector, of programs to serve predelinquent and delinquent
10 youth;
- 11 (f) Utilizing outcome-based planning and evaluation of programs to ascertain
12 which programs are most appropriate and effective in promoting the goals of
13 this section;
- 14 (g) Conducting research and comparative experiments to find the most effective
15 means of:
- 16 1. Preventing delinquent behavior;
- 17 2. Identifying predelinquent youth;
- 18 3. Preventing predelinquent youth from becoming delinquent;
- 19 4. Assessing the needs of predelinquent and delinquent youth;
- 20 5. Providing an effective and efficient program designed to treat and
21 correct the behavior of delinquent youth and youthful offenders;
- 22 6. Assessing the success of all programs of the department and those
23 operated on behalf of the department and making recommendations for
24 new programs, improvements in existing programs, or the modification,
25 combination, or elimination of programs as indicated by the assessment
26 and the research; and
- 27 (h) Seeking funding from public and private sources for demonstration projects,

1 normal operation of programs, and alterations of programs.

2 (2) The Department of Juvenile Justice may contract, with or without reimbursement,
3 with a city, county, or urban-county government, for the provision of probation,
4 diversion, and related services by employees of the contracting local government.

5 (3) The Department of Juvenile Justice may contract for the provision of services,
6 treatment, or facilities which the department finds in the best interest of any child,
7 or for which a similar service, treatment, or facility is either not provided by the
8 department or not available because the service or facilities of the department are at
9 their operating capacity and unable to accept new commitments. The department
10 shall, after consultation with the Finance and Administration Cabinet, promulgate
11 administrative regulations to govern at least the following aspects of this
12 subsection:

13 (a) Bidding process; and

14 (b) Emergency acquisition process.

15 (4) The Department of Juvenile Justice shall develop programs to:

16 (a) Ensure that youth in state-operated or contracted residential treatment
17 programs have access to an ombudsman to whom they may report program
18 problems or concerns;

19 (b) Review all treatment programs, state-operated or contracted, for their quality
20 and effectiveness; and

21 (c) Provide mental health services to committed youth according to their needs.

22 (5) (a) The Department of Juvenile Justice shall have an advisory board appointed by
23 the Governor, which shall serve as the advisory group under the Juvenile
24 Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, as
25 amended, and which shall provide a formulation of and recommendations for
26 meeting the requirements of this section not less than annually to the
27 Governor, the Justice and Public Safety Cabinet, the Department of Juvenile

1 Justice, the Cabinet for Health and Family Services, the Interim Joint
2 Committees on Judiciary and on Appropriations and Revenue of the
3 Legislative Research Commission when the General Assembly is not in
4 session, and the Judiciary and the Appropriations and Revenue Committees of
5 the House of Representatives and the Senate when the General Assembly is in
6 session. The advisory board shall develop program criteria for early juvenile
7 intervention, diversion, and prevention projects, develop statewide priorities
8 for funding, and make recommendations for allocation of funds to the
9 Commissioner of the Department of Juvenile Justice. The advisory board shall
10 review grant applications from local juvenile delinquency prevention councils
11 and include in its annual report the activities of the councils. The advisory
12 board shall meet not less than quarterly.

13 (b) The advisory board shall be chaired by a private citizen member appointed by
14 the Governor and shall serve a term of two (2) years and thereafter be elected
15 by the board. The members of the board shall be appointed to staggered terms
16 and thereafter to four (4) year terms. The membership of the advisory board
17 shall consist of no fewer than fifteen (15) persons and no more than thirty-
18 three (33) persons who have training, experience, or special knowledge
19 concerning the prevention and treatment of juvenile delinquency or the
20 administration of juvenile justice. **All members appointed by the Governor**
21 **shall be subject to Senate confirmation in accordance with KRS 11.160 for**
22 **each appointment or reappointment.** A majority of the members shall not be
23 full-time employees of any federal, state, or local government, and at least
24 one-fifth (1/5) of the members shall be under the age of twenty-four (24)
25 years at the time of appointment. On July 15, 2002, any pre-existing
26 appointment of a member to the Juvenile Justice Advisory Board and the
27 Juvenile Justice Advisory Committee shall be terminated unless that member

1 has been re-appointed subsequent to January 1, 2002, in which case that
2 member's appointment shall continue without interruption. The membership
3 of the board shall include the following:

- 4 1. Three (3) current or former participants in the juvenile justice system;
- 5 2. An employee of the Department of Juvenile Justice;
- 6 3. An employee of the Cabinet for Health and Family Services;
- 7 4. A person operating alternative detention programs;
- 8 5. An employee of the Department of Education;
- 9 6. An employee of the Department of Public Advocacy;
- 10 7. An employee of the Administrative Office of the Courts;
- 11 8. A representative from a private nonprofit organization with an interest in
12 youth services;
- 13 9. A representative from a local juvenile delinquency prevention council;
- 14 10. A member of the Circuit Judges Association;
- 15 11. A member of the District Judges Association;
- 16 12. A member of the County Attorneys Association;
- 17 13. A member of the County Judge/Executives Association;
- 18 14. A person from the business community not associated with any other
19 group listed in this paragraph;
- 20 15. A parent not associated with any other group listed in this paragraph;
- 21 16. A youth advocate not associated with any other group listed in this
22 paragraph;
- 23 17. A victim of a crime committed by a person under the age of eighteen
24 (18) not associated with any other group listed in this paragraph;
- 25 18. A local school district special education administrator not associated
26 with any other group listed in this paragraph;
- 27 19. A peace officer not associated with any other group listed in this

1 paragraph; and

2 20. A college or university professor specializing in law, criminology,
3 corrections, psychology, or similar discipline with an interest in juvenile
4 corrections programs.

5 (c) Failure of any member to attend three (3) meetings within a calendar year
6 shall be deemed a resignation from the board. The board chair shall notify the
7 Governor of any vacancy and submit recommendations for appointment.

8 (6) The Department of Juvenile Justice shall, in cooperation with the Department of
9 Public Advocacy, develop a program of legal services for juveniles committed to
10 the department who are placed in state-operated residential treatment facilities and
11 juveniles in the physical custody of the department who are detained in a state-
12 operated detention facility, who have legal claims related to the conditions of their
13 confinement involving violations of federal or state statutory or constitutional
14 rights. This system may utilize technology to supplement personal contact. The
15 Department of Juvenile Justice shall promulgate an administrative regulation to
16 govern at least the following aspects of this subsection:

17 (a) Facility access;

18 (b) Scheduling; and

19 (c) Access to residents' records.

20 (7) The Department of Juvenile Justice may, if space is available and conditioned upon
21 the department's ability to regain that space as needed, contract with another state or
22 federal agency to provide services to youth of that agency.

23 ➔Section 11. KRS 15A.075 is amended to read as follows:

24 (1) The Criminal Justice Council is hereby created within the Justice and Public Safety
25 Cabinet.

26 (2) The council shall undertake such research and other activities as may be authorized
27 or directed by:

- 1 (a) The secretary of the Justice and Public Safety Cabinet; or
- 2 (b) The General Assembly.
- 3 (3) The membership of the council shall consist of:
- 4 (a) The secretary of the Justice and Public Safety Cabinet, ex officio;
- 5 (b) The Attorney General or his or her designee;
- 6 (c) The chair of the Judiciary Committee of the House of Representatives,
- 7 nonvoting ex officio;
- 8 (d) The chair of the Judiciary Committee of the Senate, nonvoting ex officio;
- 9 (e) The director of the Administrative Office of the Courts, ex officio;
- 10 (f) The public advocate, ex officio;
- 11 (g) The president of the Kentucky Association of Criminal Defense Lawyers or
- 12 his or her designee;
- 13 (h) The commissioner of the Department for Behavioral Health, Developmental
- 14 and Intellectual Disabilities, ex officio;
- 15 (i) The commissioner of the Department of Kentucky State Police or his or her
- 16 designee;
- 17 (j) The commissioner of the Department of Corrections, ex officio;
- 18 (k) The commissioner of the Department of Juvenile Justice, ex officio; and
- 19 (l) Six (6) at-large members appointed by the Governor, **subject to Senate**
- 20 **confirmation in accordance with KRS 11.160 for each appointment or**
- 21 **reappointment**, as follows:
- 22 1. One (1) District Judge and one (1) Circuit Judge nominated by the Chief
- 23 Justice of the Kentucky Supreme Court;
- 24 2. One (1) member representing law enforcement;
- 25 3. One (1) member of the County Attorneys' Association;
- 26 4. One (1) member of the Commonwealth Attorneys' Association; and
- 27 5. One (1) member representing community-based organizations, whether for-

1 profit or nonprofit, with experience in programs such as substance abuse
2 prevention and treatment, case management, mental health, or counseling.

3 (4) The chairs of the House and Senate Judiciary Committees shall serve as co-chairs.

4 (5) At-large members shall be appointed by August 1, 2017, and shall serve a term of
5 two (2) years, and may be reappointed.

6 (6) Each ex officio member, except for legislative members, may designate a proxy by
7 written notice to the council prior to call of order of each meeting, and the proxy
8 shall be entitled to participate as a full voting member.

9 (7) Each member of the council shall have one (1) vote. Members of the council shall
10 serve without compensation but shall be reimbursed for their expenses actually and
11 necessarily incurred in the performance of their duties. The council shall meet at
12 least quarterly. Meetings shall be held at the call of the chair, or upon the written
13 request of two (2) members to the chair.

14 (8) A simple majority of the members of the council shall constitute a quorum for the
15 conduct of business at a meeting.

16 (9) The council is authorized to establish committees and appoint additional persons
17 who may not be members of the council, as necessary to effectuate its purposes.

18 (10) The council's administrative functions shall be performed by the executive director
19 of the Office of Legislative and Intergovernmental Services, appointed by the
20 secretary of the Justice and Public Safety Cabinet and supported by the
21 administrative, clerical, and other staff as allowed by budgetary limitations and as
22 needed to fulfill the council's role and mission and to coordinate its activities.

23 ➔Section 12. KRS 15A.340 is amended to read as follows:

24 (1) As used in this section and KRS 15A.342 and 15A.344, "KY-ASAP" means the
25 Kentucky Agency for Substance Abuse Policy.

26 (2) The Office of Drug Control Policy shall administer an endowment from interest
27 generated through funds appropriated or gifts, donations, or funds received from

1 any source. The Office of Drug Control Policy may expend endowment principal, if
2 necessary in its discretion, to carry out the purposes of this section and KRS
3 15A.342 and 15A.344. These expenditures from the endowment principal are
4 hereby appropriated for this purpose.

5 (3) (a) The Office of Drug Control Policy shall oversee the activities specified in this
6 section and KRS 15A.342 and 15A.344 and provide administrative support to
7 the seventeen (17) member KY-ASAP Board, which is created to oversee the
8 activities of KY-ASAP. Membership of the board shall be appointed by the
9 Governor, subject to Senate confirmation in accordance with KRS 11.160
10 for each appointment or reappointment, and shall consist of the following:

- 11 1. One (1) member representing the Kentucky Family Resource Youth
12 Services Coalition, or a designee;
- 13 2. One (1) member representing the Kentucky Health Department
14 Association, or a designee;
- 15 3. The secretary of the Cabinet for Health and Family Services, or
16 designee;
- 17 4. The secretary of the Justice and Public Safety Cabinet, or a designee;
- 18 5. One (1) member representing the Division of Behavioral Health within
19 the Department for Behavioral Health, Developmental and Intellectual
20 Disabilities, Cabinet for Health and Family Services, or a designee;
- 21 6. The commissioner of the Department for Public Health, Cabinet for
22 Health and Family Services, or a designee;
- 23 7. The commissioner of the Department of Alcoholic Beverage Control, or
24 a designee;
- 25 8. The commissioner of the Department of Education;
- 26 9. The director of the Administrative Office of the Courts, or a designee;
- 27 10. One (1) member representing the Kentucky Association of Regional

- 1 Programs, or a designee;
- 2 11. One (1) member representing the Kentucky Heart Association, or a
- 3 designee;
- 4 12. One (1) member representing the Kentucky Lung Association, or a
- 5 designee;
- 6 13. One (1) member representing the Kentucky Cancer Society, or a
- 7 designee;
- 8 14. Two (2) members representing local tobacco addiction and substance
- 9 abuse advisory and coordination boards; and
- 10 15. Two (2) members representing private community-based organizations,
- 11 whether for-profit or nonprofit, with experience in programs involving
- 12 smoking cessation or prevention or alcohol or substance abuse
- 13 prevention and treatment.
- 14 (b) Members shall serve for a term of four (4) years, may be reappointed, and
- 15 may serve no more than two (2) consecutive terms. Members shall not be
- 16 compensated but shall receive reimbursement for expenses incurred while
- 17 performing board business.
- 18 (c) The board shall meet at least quarterly. A quorum of nine (9) members shall
- 19 be required for the transaction of business. Meetings shall be held at the call
- 20 of the chair, or upon the written request of two (2) members to the chair.
- 21 (d) The board shall:
- 22 1. Oversee deposits and expenditures from the endowment;
- 23 2. Request, in its discretion, an audit relating to the expenditure of
- 24 endowment funds;
- 25 3. Receive quarterly reports from the commissioner of the Department of
- 26 Alcoholic Beverage Control regarding KY-ASAP's activities;
- 27 4. Progress toward development and implementation of the strategic plan;

- 1 5. Recommend to KY-ASAP the most efficient means for using public
- 2 funds to coordinate, supplement, and support high quality and ongoing
- 3 programs of all public agencies and private service providers related to
- 4 smoking cessation and prevention and alcohol and substance abuse
- 5 prevention and treatment;
- 6 6. Recommend matters for review and analysis by KY-ASAP; and
- 7 7. Perform other duties as necessary for the oversight of KY-ASAP.

8 (4) The Office of Drug Control Policy and KY-ASAP shall promote the
9 implementation of research-based strategies that target Kentucky's youth and adult
10 populations.

11 (5) The Office of Drug Control Policy and KY-ASAP shall vigorously pursue the
12 philosophy that tobacco in the hands of Kentucky's youth is a drug abuse problem
13 because of the addictive qualities of nicotine, and because tobacco is the most
14 prevalent gateway drug that leads to later and escalated drug and alcohol abuse.

15 ➔Section 13. KRS 17.556 is amended to read as follows:

16 The board shall consist of the members named in subsections (1) and (2) of this section:

- 17 (1) (a) The commissioner of the Department of Corrections, or the commissioner's
- 18 designee;
- 19 (b) The commissioner of the Department of Juvenile Justice, or the
- 20 commissioner's designee;
- 21 (c) The program administrator of the Sex Offender Treatment Program created
- 22 pursuant to KRS 197.400; and
- 23 (d) The commissioner of the Department for Behavioral Health, Developmental
- 24 and Intellectual Disabilities, or the commissioner's designee.

25 (2) The following members, appointed by the Governor, **shall be subject to Senate**
26 **confirmation in accordance for each appointment or reappointment:**

- 27 (a) One (1) probation and parole officer;

- 1 (b) Four (4) mental health professionals licensed or certified pursuant to KRS
2 Chapter 309, 311, 314, 319, or 335 who demonstrated expertise in working
3 with sex offenders;
- 4 (c) One (1) professional working in an agency which provides services to adult or
5 child victims of sex offenses; and
- 6 (d) One (1) representative of an advocacy group with a demonstrated interest in
7 the welfare of victims of sex offenses.
- 8 (3) The Governor shall appoint the first chair of the board who shall serve for a term of
9 two (2) years after which the chair shall be elected by the members of the board.
- 10 (4) The probation and parole officer and the members identified in subsection (2) of
11 this section shall serve for the remainder of the term of office of the Governor
12 during whose incumbency they were appointed, unless removed sooner for cause,
13 but they shall remain on the board until their successors are appointed or until they
14 are reappointed.
- 15 (5) No member appointed pursuant to subsection (4) of this section may be represented
16 by a designee.
- 17 (6) No member appointed pursuant to subsection (4) of this section shall serve more
18 than four (4) years unless reappointed.
- 19 (7) All members identified under subsection (1) of this section shall serve during their
20 terms of office.
- 21 (8) All members of the board shall be reimbursed for their necessary travel and other
22 expenses actually incurred in the discharge of their duties on the board.
- 23 (9) The board shall be empowered to create committees for the purpose of carrying out
24 its statutory duties.
- 25 (10) The board shall be attached to the Department of Corrections for administrative
26 purposes.
- 27 ➔Section 14. KRS 18A.245 is amended to read as follows:

- 1 (1) The authority shall be administered by a board of trustees composed of seven (7)
2 members, who shall be as follows:
- 3 (a) Secretary, Finance and Administration Cabinet, ex officio;
 - 4 (b) Secretary of personnel, ex officio;
 - 5 (c) The state controller, ex officio;
 - 6 (d) The State Treasurer, ex officio; and
 - 7 (e) 1. Three (3) at-large members appointed by the Governor, who do not have
8 a conflict of interest as provided by KRS 18A.262, one (1) of whom
9 shall have at least five (5) years of investment or banking experience
10 and one (1) of whom shall be a representative of a nonstate government
11 employer.
- 12 2. The at-large members appointed by the Governor shall be subject to
13 Senate confirmation in accordance with KRS 11.160 for each
14 appointment or reappointment.
- 15 (2) The members of the board appointed by the Governor shall serve for a period of
16 four (4) years and the ex officio members of the board shall serve only for the
17 period of their term of office. Each ex officio member may designate a proxy by
18 written notice to the authority prior to call of order of each meeting, and the proxy
19 shall be entitled to participate as a full voting member.
- 20 (3) Any vacancy which may occur shall be filled in the same manner provided for the
21 selection of the particular member for a full term. Vacancies shall be filled for the
22 unexpired term only.
- 23 (4) Membership on the board of trustees shall not be incompatible with any other office
24 unless a constitutional incompatibility exists, and no member shall be subject to
25 removal from office, except upon conviction of a felony, or of a misdemeanor
26 involving moral turpitude.
- 27 (5) Board members who do not otherwise receive a salary or compensation from the

1 State Treasury shall receive a per diem of one hundred dollars (\$100) for each day
2 they are in session or on official duty, and they shall be reimbursed for their actual
3 and necessary expenses in accordance with state administrative regulations and
4 standards applicable to state employees.

5 (6) The board shall meet at least once in each quarter of the year, and may meet in
6 special session upon the call of the chairman. It shall elect a chairman and a vice
7 chairman. A majority of the members shall constitute a quorum, and all actions
8 taken by the board shall be by affirmative vote of a majority of the members
9 present.

10 (7) The authority shall be attached to the Personnel Cabinet for administrative purposes
11 only. The board may take but is not limited to the following actions:

12 (a) Appoint such employees as it deems necessary and fix the compensation for
13 all employees of the board, subject to the approval of the secretary. The
14 authority shall be headed by an executive director who shall be appointed by
15 the board of directors of the authority without the limitations imposed by KRS
16 12.040 and KRS Chapter 18A. The executive director of the authority and
17 employees appointed by the board shall serve at its will and pleasure. All
18 other staff of the authority shall be employed under KRS 18A.005 to
19 18A.200;

20 (b) Require such employees as it thinks proper to execute bonds for the faithful
21 performance of their duties;

22 (c) Establish a system of accounting;

23 (d) Contract for such services as may be necessary for the operation or
24 administration of deferred compensation plans authorized in KRS 18A.230 to
25 18A.275, including annual audits;

26 (e) Do all things, take all actions, and adopt plans for participation consistent with
27 federal law and with the provisions of KRS 18A.230 to 18A.275, including

1 but not limited to:

- 2 1. Amending the board's plan for the Kentucky Public Employees 401(k)
3 Deferred Compensation Plan or the Kentucky Employees 457 Deferred
4 Compensation Plan, or both such plans, to adopt, maintain, and
5 terminate a deemed IRA program under Internal Revenue Code Section
6 408;
- 7 2. Amending the board's plan for the Kentucky Public Employees 401(k)
8 Deferred Compensation Plan to adopt, maintain, and terminate a
9 qualified Roth contribution program under Internal Revenue Code
10 Section 402A; and
- 11 3. Adopting, maintaining, and terminating an Internal Revenue Code
12 Section 403(b) plan for qualified employees; and
- 13 (f) Contract with persons or companies duly licensed by the state of Kentucky
14 and applicable federal regulatory agencies, at the cost of the trust fund or
15 individual participant accounts, to provide investment advice and financial
16 planning to participants in the plans, with respect to their selection of
17 investments. The board may promulgate administrative regulations for
18 provision of financial planning to participants in the plans.
- 19 (8) The Attorney General, or an assistant designated by him, may act as legal adviser
20 and attorney for the board. The board may also appoint legal counsel in accordance
21 with KRS Chapter 12.
- 22 (9) The board shall prepare an annual financial report showing all receipts,
23 disbursements, assets, and liabilities and shall submit a copy to the Governor and
24 the Legislative Research Commission. All board meetings and records shall be open
25 for inspection by the public.

26 ➔Section 15. KRS 26A.090 is amended to read as follows:

27 As used in KRS 26A.090 to 26A.115, unless the context otherwise requires:

- 1 (1) "Operating costs allowance" means compensation equivalent to the annual expenses
2 borne by the unit of government for utilities, janitorial service, rent, insurance, and
3 necessary maintenance, repair, and upkeep of the court facility which do not
4 increase the permanent value or expected life of the court facility, but keeps it in
5 efficient operating condition, and, at the election of the Administrative Office of the
6 Courts, capital costs of interior or mechanical renovations for the benefit of the
7 court.
- 8 (2) "Use allowance" means compensation equal to four percent (4%) annually of the
9 total original capital costs and the cost of capitalized renovation of the court facility,
10 except that if indebtedness has been incurred in respect to such capital costs at an
11 interest rate equal to or greater than seven percent (7%), compensation shall be at a
12 rate of eight percent (8%) annually of that portion of the capital costs for which the
13 rate applies. For refinanced projects constructed or renovated prior to July 1, 1994,
14 the use allowance payment shall not change for the term of the original bond issue,
15 unless there is a change in the space occupied. For court facilities renovated or
16 constructed after July 1, 1994, "use allowance" means the court's proportional share
17 of the annual principal and interest cost in connection with the renovation or
18 construction, but not to exceed eight percent (8%) annually of capital costs, or, if
19 there is no debt, four percent (4%) annually of capital costs. Beginning with court
20 facility construction or renovation projects authorized by the 2000 Regular Session
21 of the General Assembly, "use allowance" means the court's proportional share of
22 the annual principal and interest costs in connection with the construction or
23 renovation of the facility, not to exceed the authorized annual use allowance.
- 24 (3) "Capital costs" means the costs borne by the unit of government, excluding grants,
25 conditioned by the grantor agency specifically for court facility construction or
26 renovation, for acquisition of property and for construction and capitalized
27 renovation including interest accruing during construction or renovation, but no

1 other interest of each court facility. If capital costs are not documented, reasonable
2 estimates provided by qualified appraisers will suffice. After July 14, 2000, capital
3 costs, for the purpose of computing the maximum annual use allowance, shall not
4 exceed the project scope as authorized by the General Assembly in the judicial
5 branch budget or as increased and approved under KRS 26A.164.

6 (4) "Capitalized renovation" means all remodeling involving the structural or
7 mechanical systems, except for remodeling that involves substantial demolition of
8 the original structure. Remodeling involving substantial demolition of the original
9 structure shall constitute construction resulting in a new court facility.

10 (5) "Unit of government" means a county, city, urban-county government, special
11 district, or corporate entity created for the purpose of constructing or holding title to
12 a court facility.

13 (6) "Court facility" means the land and buildings owned or operated by a unit of
14 government in which space for the court of justice is provided. Judges' benches,
15 jury and witness boxes, and fixed seating shall be considered as permanent building
16 fixtures.

17 (7) "Court facilities standards committee" means a committee consisting of the Chief
18 Justice or his designee; one (1) judge each of the Court of Appeals, the Circuit
19 Court, and the District Court appointed by the Supreme Court; the president of the
20 Circuit Clerks' Association; the chairmen of the House and Senate Judiciary
21 Committees of the General Assembly; the secretary of the Finance and
22 Administration Cabinet; the director of the Administrative Office of the Courts; and
23 a county judge/executive appointed by the Governor, subject to Senate
24 confirmation in accordance with KRS 11.160 for each appointment or
25 reappointment. Each appointed member shall serve for a term of four (4) years
26 from the date of his appointment or until he vacates the office in respect to which he
27 was appointed, whichever is earlier.

1 ➔Section 16. KRS 31.015 is amended to read as follows:

- 2 (1) (a) The Public Advocacy Commission shall consist of the following members,
3 none of whom shall be a prosecutor, law enforcement official, or judge, who
4 shall serve terms of four (4) years, except the initial terms shall be established
5 as hereafter provided:
- 6 1. Two (2) members appointed by the Governor;
 - 7 2. One (1) member appointed by the Governor. This member shall be a
8 child advocate or a person with substantial experience in the
9 representation of children;
 - 10 3. Two (2) members appointed by the Kentucky Supreme Court;
 - 11 4. Three (3) members, who are licensed to practice law in Kentucky and
12 have substantial experience in the representation of persons accused of
13 crime, appointed by the Governor from a list of three (3) persons
14 submitted to him or her for each individual vacancy by the board of
15 governors of the Kentucky Bar Association;
 - 16 5. The dean, ex officio, of each of the law schools in Kentucky or his or
17 her designee; and
 - 18 6. One (1) member appointed by the Governor from a list of three (3)
19 persons submitted to him or her by the joint advisory boards of the
20 Protection and Advocacy Division of the Department of Public
21 Advocacy.
- 22 (b) Any member of the commission serving prior to July 15, 2002, shall serve
23 until the expiration of his or her current term of office. Subsequent
24 appointments shall be for a term of four (4) years from the date of expiration
25 of the term for which his or her predecessor was appointed.
- 26 (c) **Any member appointed or reappointed by the Governor shall be subject to**
27 **Senate confirmation in accordance with KRS 11.160 for each appointment**

1 or reappointment.

- 2 (2) At the first meeting of the commission, a drawing by lot shall be conducted to
3 determine the length of each original member's term. Initially there shall be four (4)
4 two (2) year terms, four (4) three (3) year terms, and four (4) four (4) year terms.
5 Vacancies in the membership of the commission shall be filled in the same manner
6 as original appointments. Appointments to fill vacancies occurring before the
7 expiration of a term shall be for the remainder of the unexpired term.
- 8 (3) The commission shall first meet at the call of the Governor and thereafter as the
9 commission shall determine on a regular basis, but at least quarterly, and shall be
10 presided over by a chairperson elected by its members for a one (1) year term. A
11 majority of commission members shall constitute a quorum, and decisions shall
12 require the majority vote of those present; except that a recommendation to the
13 Governor pertaining to the appointment, renewal of the appointment, or removal of
14 the public advocate shall require a majority vote of the commission. Each member
15 of the commission shall have one (1) vote, and voting by proxy shall be prohibited.
- 16 (4) The public advocate shall, upon appointment or renewal, be an ex officio member
17 of the commission without the power to vote, shall serve as secretary of the
18 commission, and shall be entitled to attend and participate in all meetings of the
19 commission except discussions relating to renewal of his or her term or his or her
20 removal.
- 21 (5) Commission members shall be reimbursed for reasonable and necessary expenses
22 incurred while engaged in carrying out the duties of the commission and shall
23 receive one hundred dollars (\$100) per day for each meeting attended unless
24 prohibited by law from receiving such compensation.
- 25 (6) The commission shall:
- 26 (a) Receive applications, interview, and recommend to the Governor three (3)
27 attorneys as nominees for appointment as the public advocate;

- 1 (b) Assist the public advocate in drawing up procedures for the selection of his or
2 her staff;
- 3 (c) Review the performance of the public advocacy system and provide general
4 supervision of the public advocate;
- 5 (d) Assist the Department of Public Advocacy in ensuring its independence
6 through public education regarding the purposes of the public advocacy
7 system; and
- 8 (e) Review and adopt an annual budget prepared by the public advocate for the
9 system and provide support for budgetary requests to the General Assembly.
- 10 (7) In no event shall the commission or its members interfere with the discretion,
11 judgment, or advocacy of employees of the Department of Public Advocacy in their
12 handling of individual cases.

13 ➔Section 17. KRS 36.472 is amended to read as follows:

- 14 (1) (a) The military family assistance trust fund board is hereby created for the
15 purpose of administering the trust fund created under KRS 36.470. The board
16 shall be attached to the Department of Military Affairs for administrative
17 purposes. The board shall be composed of seven (7) members as follows:
- 18 1. Four (4) members, expert in military family matters, at least one (1) of
19 whom shall be a member of the Kentucky National Guard, appointed by
20 the Governor, *subject to Senate confirmation in accordance with KRS*
21 *11.160 for each appointment or reappointment;*
- 22 2. One (1) member, expert in military family matters, appointed by the
23 President of the Senate;
- 24 3. One (1) member, expert in military family matters, appointed by the
25 Speaker of the House of Representatives; and
- 26 4. The adjutant general, who shall serve as a nonvoting member.
- 27 (b) Appointments referred to in paragraph (a) of this subsection shall be made

1 within sixty (60) days of April 25, 2006.

2 (2) The adjutant general, or a majority of the board members, shall arrange for the first
3 board meeting as soon as possible after all board members are appointed, but no
4 later than June 15, 2006.

5 (3) Appointed board members shall serve without compensation but may receive
6 reimbursement for their actual and necessary expenses incurred in the performance
7 of their duties.

8 (4) The term of each appointed member shall be four (4) years, except any person
9 serving on the board prior to July 15, 2012, shall serve until the expiration of his or
10 her current term. The subsequent appointments shall be for terms as follows:

11 (a) The Governor shall appoint two (2) members to a term of two (2) years and
12 two (2) members to a term of three (3) years; the President of the Senate and
13 the Speaker of the House of Representatives shall each appoint one (1)
14 member to a term of four (4) years; and

15 (b) Upon expiration of the terms established in paragraph (a) of this subsection,
16 all appointments shall be for a term of four (4) years.

17 (5) An appointed member whose term has expired may continue to serve until a
18 successor is appointed and qualifies. A member who is appointed to an unexpired
19 term shall serve the rest of the term and until a successor is appointed and qualifies.
20 A member may serve two (2) consecutive four (4) year terms and shall not be
21 reappointed for four (4) years after the completion of those terms.

22 (6) A majority of the full membership of the board shall constitute a quorum.

23 (7) (a) Except as provided in paragraph (b) of this subsection, at the first meeting, the
24 board shall elect, by majority vote, a president who shall preside at all
25 meetings and coordinate the functions and activities of the board. The
26 president shall be elected or reelected each calendar year thereafter.

27 (b) The adjutant general shall not serve as the president of the board.

1 (8) The board shall meet at least two (2) times annually but may meet more frequently,
2 as deemed necessary, subject to call by the president or by request of a majority of
3 the board members.

4 ➔Section 18. KRS 39E.030 is amended to read as follows:

- 5 (1) The commission shall be composed of not more than twenty-five (25) members,
6 including:
- 7 (a) The director of the Division of Emergency Management of the Department of
8 Military Affairs, who shall serve as chair;
 - 9 (b) The executive director of the Department of Military Affairs, who shall serve
10 as vice chair and shall serve as chair in the absence of the chair;
 - 11 (c) The executive director of the Kentucky Fire Commission or the executive
12 director's designee; and
 - 13 (d) Representatives of the Energy and Environment Cabinet, the state fire
14 marshal, the Department of Kentucky State Police, the Office of the Attorney
15 General, the Department of Agriculture, affected industry, local government,
16 health services, environmental interests, and other persons who have technical
17 expertise in the emergency response field as the Governor deems appropriate.
- 18 (2) Members of the commission shall be appointed by the Governor, **and shall be**
19 **subject to Senate confirmation in accordance with KRS 11.160 for each**
20 **appointment or reappointment**. All appointments shall be for a term of two (2)
21 years. Members shall serve until their successors are appointed and qualified and
22 shall be eligible for reappointment.
- 23 (3) The commission shall meet not less than semi-annually, or as convened by the
24 chair, vice chair, or upon written petition of a majority of commission members to
25 the chair or vice chair.
- 26 (4) If a member misses three (3) consecutive meetings of the full commission or three
27 (3) meetings in two (2) consecutive years, the position shall be declared vacant by

1 the commission. In these cases, the Governor shall make an appointment to fill the
2 unexpired term.

3 (5) The presence of a simple majority of currently appointed members shall constitute a
4 quorum and actions taken at these meetings shall be considered as actions of the full
5 commission.

6 (6) Members of the commission shall not receive a salary for serving on the
7 commission, but travel and per diem may be paid if funds are appropriated or
8 otherwise made available for these purposes.

9 ➔Section 19. KRS 40.305 is amended to read as follows:

10 (1) There is created a board to be known as the Governor's Advisory Board for
11 Veterans' Affairs, which shall be attached to the Department of Veterans' Affairs.

12 (2) The board shall be composed of the following:

13 (a) Seven (7) members appointed by the Governor, two (2) of whom shall be
14 recommended by the Joint Executive Council of Veterans Organizations of
15 Kentucky;

16 (b) The executive director of the Kentucky Commission on Military Affairs; and

17 (c) The adjutant general of the Commonwealth.

18 (3) All board members appointed by the Governor shall serve until their successors are
19 appointed, and all appointments shall be for three (3) years. It is further provided
20 that the appointments shall be veterans with service during time of war or hostilities
21 wherein American troops were engaged in conflict with an armed enemy. If
22 practicable, the Governor, in making appointments to the board, shall give due
23 consideration to a fair representation on the board of nationally recognized veterans'
24 organizations active in Kentucky, based on size of the membership of such
25 organizations in this state. The state headquarters of each major veterans'
26 organization may, from time to time, submit a list of not more than three (3) names
27 to the Governor from which list original appointments may be made and vacancies

1 filled in his discretion. *All members appointed or reappointed by the Governor*
2 *shall be subject to Senate confirmation in accordance with KRS 11.160.*

3 (4) Members of the board shall meet at least quarterly at the Department of Veterans'
4 Affairs, and at such other times as the chairman may designate, and the members
5 shall decide as to the specific meeting date.

6 (5) Members of the board shall be paid for the actual expenses incurred upon
7 attendance of meetings of the board subject to the Finance and Administration
8 Cabinet regulations.

9 (6) At its first meeting the members of the board shall select a chairman, vice chairman,
10 and secretary from among the appointed members.

11 (7) The Department of Veterans' Affairs shall provide administrative support to the
12 board.

13 (8) The board shall advise the commissioner of the Department of Veterans' Affairs
14 and the Governor on the administration of veterans' services programs.

15 (9) The commissioner shall advise the Governor on matters relating to veterans' affairs.

16 (10) The commissioner and the board shall advise the General Assembly on matters
17 relating to veterans' affairs and the administration of veterans' services programs.

18 ➔Section 20. KRS 40.560 is amended to read as follows:

19 (1) There shall be a board of review consisting of nine (9) persons who are residents
20 and qualified voters of the Commonwealth, appointed by the Governor without
21 limitation as to political affiliation, religion, race, sex, or past or present service in
22 the Armed Forces, except that six (6) members of this board shall be veterans. The
23 name of said board shall be "The Vietnam Veterans' Bonus Board of Review." The
24 Governor shall designate a chairman and a secretary from among the membership.

25 *All members appointed by the Governor shall be subject to Senate confirmation*
26 *in accordance with KRS 11.160 for each appointment or reappointment.*

27 (2) Three (3) members and no more shall constitute a board of review, and shall by

1 concurrence of two (2) members decide any claim which comes before the board in
2 the manner provided in KRS 40.520. The chairman of the board shall designate
3 three (3) members to consider and decide each claim, having due regard for
4 availability for service so that delay may be avoided.

5 (3) The chairman and secretary shall devote their full time to the affairs of the board
6 and shall receive compensation at the rate to be fixed in accordance with personnel
7 standards fixed by the commissioner of personnel until the functions of the board
8 are performed and the board is dissolved as hereinafter provided. Other members of
9 the board shall be compensated fifty dollars (\$50) per diem, but only for actual time
10 served in considering and deciding claims for veterans' bonuses pursuant to
11 designation by the chairman. All members of the board shall be reimbursed for
12 necessary travel to and from their places of residence, and in performance of duties
13 pursuant to assignment, at the rate of eighteen cents (\$0.18) per mile.

14 (4) Each claim coming before the board shall promptly be considered and decided by
15 the three (3) members designated for that purpose. In every case, the board shall
16 either affirm the decision of the administrator, or determine that a veterans' bonus
17 should be paid, and to what persons and in what amounts. No written opinions or
18 recitations of reasons for any decision need be made. A statement of the decision
19 made shall be signed by at least two (2) of the three (3) members designated to
20 decide the claim, and upon concurrence of two (2) members, a decision shall be
21 final and not subject to reconsideration.

22 (5) When, after the thirty-first day of January, 1992, the board of review shall have
23 decided all cases coming before it for decision, the chairman shall report such fact
24 to the Governor in writing. The Governor shall thereupon declare that the board of
25 review is dissolved, and shall so notify the members, and the functions and duties of
26 the board shall be deemed to have been fully performed.

27 ➔Section 21. KRS 41.410 is amended to read as follows:

1 (1) The Commonwealth Council on Developmental Disabilities is created within the
2 Department of the Treasury.

3 (2) The Commonwealth Council on Developmental Disabilities is established to
4 comply with the requirements of the Developmental Disabilities Assistance and Bill
5 of Rights Act of 2000 and any subsequent amendment to that act.

6 (3) (a) The members of the Commonwealth Council on Developmental Disabilities
7 shall be appointed by the Governor to serve as advocates for persons with
8 developmental disabilities. The council shall be composed of twenty-six (26)
9 members. **All members appointed by the Governor shall be subject to Senate**
10 **confirmation in accordance with KRS 11.160 for each appointment or**
11 **reappointment.**

12 (b) Ten (10) members shall be representatives of: the principal state agencies
13 administering funds provided under the Rehabilitation Act of 1973 as
14 amended; the state agency that administers funds provided under the
15 Individuals with Disabilities Education Act (IDEA); the state agency that
16 administers funds provided under the Older Americans Act of 1965 as
17 amended; the single state agency designated by the Governor for
18 administration of Title XIX of the Social Security Act for persons with
19 developmental disabilities; higher education training facilities, each
20 university-affiliated program or satellite center in the Commonwealth; and the
21 protection and advocacy system established under Public Law 101-496. These
22 members shall represent the following:

- 23 1. Office of Vocational Rehabilitation;
- 24 2. Division of Blind Services within the Office of Vocational
25 Rehabilitation;
- 26 3. Department of Education;
- 27 4. Department for Aging and Independent Living;

- 1 5. Department for Medicaid Services;
- 2 6. Department of Public Advocacy, Protection and Advocacy Division;
- 3 7. University-affiliated programs;
- 4 8. Local and nongovernmental agencies and private nonprofit groups
- 5 concerned with services for persons with developmental disabilities;
- 6 9. Department for Behavioral Health, Developmental and Intellectual
- 7 Disabilities; and
- 8 10. Department for Public Health, Division of Maternal and Child Health.

9 (c) At least sixty percent (60%) of the members of the council shall be composed
10 of persons with developmental disabilities or the parents or guardians of
11 persons, or immediate relatives or guardians of persons with mentally
12 impairing developmental disabilities, who are not managing employees or
13 persons with ownership or controlling interest in any other entity that receives
14 funds or provides services under the Developmental Disabilities Assistance
15 and Bill of Rights Act of 2000 as amended and who are not employees of a
16 state agency that receives funds or provides services under this section. Of
17 these members, five (5) members shall be persons with developmental
18 disabilities, and five (5) members shall be parents or guardians of children
19 with developmental disabilities or immediate relatives or guardians of adults
20 with mentally impairing developmental disabilities who cannot advocate for
21 themselves. Six (6) members shall be a combination of individuals in these
22 two (2) groups, and at least one (1) of these members shall be an immediate
23 relative or guardian of an institutionalized or previously institutionalized
24 person with a developmental disability or an individual with a developmental
25 disability who resides in an institution or who previously resided in an
26 institution.

27 (d) Members not representing principal state agencies shall be appointed for a

1 term of three (3) years. Members shall serve no more than two (2) consecutive
2 three (3) year terms. Members shall serve until their successors are appointed
3 or until they are removed for cause.

4 (e) The council shall elect its own chair, adopt bylaws, and operate in accordance
5 with its bylaws. Members of the council who are not state employees shall be
6 reimbursed for necessary and actual expenses. The Department of the
7 Treasury shall provide personnel adequate to ensure that the council has the
8 capacity to fulfill its responsibilities. The council shall be headed by an
9 executive director. If the executive director position becomes vacant, the
10 council shall be responsible for the recruitment and hiring of a new executive
11 director.

12 (4) The Commonwealth Council on Developmental Disabilities shall:

13 (a) Develop and implement the state plan as required by Part B of the
14 Developmental Disabilities Assistance and Bill of Rights Act of 2000, as
15 amended, with a goal of development of a coordinated consumer and family
16 centered focus and direction, including the specification of priority services
17 required by that plan;

18 (b) Monitor, review, and evaluate, not less often than annually, the
19 implementation and effectiveness of the state plan in meeting the plan's
20 objectives;

21 (c) To the maximum extent feasible, review and comment on all state plans that
22 relate to persons with developmental disabilities;

23 (d) Submit to the Department of the Treasury and the Secretary of the United
24 States Department of Health and Human Services any periodic reports on its
25 activities as required by the United States Department of Health and Human
26 Services and keep records and afford access as the Department of the
27 Treasury finds necessary to verify the reports;

- 1 (e) Serve as an advocate for individuals with developmental disabilities and
2 conduct programs, projects, and activities that promote systematic change and
3 capacity building;
- 4 (f) Examine, not less than once every five (5) years, the provision of and need for
5 federal and state priority areas to address, on a statewide and comprehensive
6 basis, urgent needs for services, supports, and other assistance for individuals
7 with developmental disabilities and their families; and
- 8 (g) Prepare, approve, and implement a budget that includes amounts paid to the
9 state under the Developmental Disabilities Assistance and Bill of Rights Act
10 of 2000, as amended, to fund all programs, projects, and activities under that
11 Act.

12 ➔Section 22. KRS 42.500 is amended to read as follows:

- 13 (1) There shall be a State Investment Commission composed of:
- 14 (a) The State Treasurer who shall be chairman;
- 15 (b) The secretary of the Finance and Administration Cabinet;
- 16 (c) The state controller; and
- 17 (d) Two (2) persons appointed by the Governor.
- 18 (2) (a) The individuals appointed by the Governor shall be selected as follows: one
19 (1) to be selected from a list of five (5) submitted to the Governor by the
20 Kentucky Bankers Association, and one (1) to be selected from a list of five
21 (5) submitted to the Governor by the Independent Community Bankers
22 Association; and
- 23 (b) The individuals appointed by the Governor shall be subject to Senate
24 confirmation in accordance with KRS 11.160 for each appointment or
25 reappointment.
- 26 (3) The State Investment Commission shall meet at least quarterly to review investment
27 performance and conduct other business. This provision shall not prohibit the

1 commission from meeting more frequently as the need arises.

2 (4) The State Treasurer and secretary of the Finance and Administration Cabinet shall
3 each have the authority to designate, by an instrument in writing over his or her
4 signature and filed with the secretary of the commission as a public record of the
5 commission, an alternate with full authority to:

6 (a) Attend in the member's absence, for any reason, any properly convened
7 meeting of the commission; and

8 (b) Participate in the consideration of, and vote upon, business and transactions of
9 the commission.

10 Each alternate shall be a person on the staff of the appointing member or in the
11 employ of the appointing member's state agency or department.

12 (5) Any designation of an alternate may, at the appointing member's direction:

13 (a) Be limited upon the face of the appointing instrument to be effective for only
14 a specific meeting or specified business;

15 (b) Be shown on the face of the appointing instrument to be a continuing
16 designation, for a period of no more than four (4) years, whenever the
17 appointing member is unable to attend; or

18 (c) Be revoked at any time by the appointing member in an instrument in writing,
19 over his or her signature, filed with the secretary of the commission as a
20 public record of the commission.

21 (6) Any person transacting business with, or materially affected by, the business of the
22 commission may accept and rely upon a joint certificate of the secretary of the
23 commission and any member of the commission concerning the designation of any
24 alternate, the time and scope of the designation, and, if it is of a continuing nature,
25 whether and when the designation has been revoked. The joint certificate shall be
26 made and delivered to the person requesting it within a reasonable time after it has
27 been requested in writing, with acceptable identification of the business or

1 transaction to which it refers and the requesting person's interest in the business or
2 transaction.

3 (7) Any three (3) persons who are members of the commission or alternates authorized
4 under subsections (4) and (5) of this section shall constitute a quorum and may, by
5 majority vote, transact any business of the commission. Any three (3) members of
6 the commission may call a meeting.

7 (8) The provisions of KRS 61.070 shall not apply to members of the commission.

8 (9) The commission shall have authority and may, if in its opinion the cash in the State
9 Treasury is in excess of the amount required to meet current expenditures, invest
10 any and all of the excess cash in:

11 (a) Obligations and contracts for future delivery of obligations backed by the full
12 faith and credit of the United States or a United States government agency,
13 including but not limited to:

- 14 1. United States Treasury;
- 15 2. Export-Import Bank of the United States;
- 16 3. Farmers Home Administration;
- 17 4. Government National Mortgage Corporation; and
- 18 5. Merchant Marine bonds;

19 (b) Obligations of any corporation of the United States government or
20 government-sponsored enterprise, including but not limited to:

- 21 1. Federal Home Loan Mortgage Corporation;
- 22 2. Federal Farm Credit Banks:
 - 23 a. Bank for Cooperatives;
 - 24 b. Federal Intermediate Credit Banks; and
 - 25 c. Federal Land Banks;
- 26 3. Federal Home Loan Banks;
- 27 4. Federal National Mortgage Association; and

- 1 5. Tennessee Valley Authority obligations;
- 2 (c) Collateralized or uncollateralized certificates of deposit, issued by banks rated
- 3 in one (1) of the three (3) highest categories by a nationally recognized
- 4 statistical rating organization or other interest-bearing accounts in depository
- 5 institutions chartered by this state or by the United States, except for shares in
- 6 mutual savings banks;
- 7 (d) Bankers acceptances for banks rated in the highest short-term category by a
- 8 nationally recognized statistical rating organization;
- 9 (e) Commercial paper rated in the highest short-term category by a nationally
- 10 recognized statistical rating organization;
- 11 (f) Securities issued by a state or local government, or any instrumentality or
- 12 agency thereof, in the United States, and rated in one (1) of the three (3)
- 13 highest long-term categories by a nationally recognized statistical rating
- 14 organization;
- 15 (g) United States denominated corporate, Yankee, and Eurodollar securities,
- 16 excluding corporate stocks, issued by foreign and domestic issuers, including
- 17 sovereign and supranational governments, rated in one (1) of the three (3)
- 18 highest long-term categories by a nationally recognized statistical rating
- 19 organization;
- 20 (h) Asset-backed securities rated in the highest category by a nationally
- 21 recognized statistical rating organization;
- 22 (i) Shares of mutual funds, each of which shall have the following
- 23 characteristics:
- 24 1. The mutual fund shall be an open-end diversified investment company
- 25 registered under Federal Investment Company Act of 1940, as amended;
- 26 2. The management company of the investment company shall have been
- 27 in operation for at least five (5) years;

- 1 3. The mutual fund shall be rated in the highest category by a nationally
2 recognized statistical rating organization;
- 3 4. All of the securities in the mutual fund shall be eligible investments
4 pursuant to this section; and
- 5 (j) State and local delinquent property tax claims which upon purchase shall
6 become certificates of delinquency secured by interests in real property not to
7 exceed twenty-five million dollars (\$25,000,000) in the aggregate. For any
8 certificates of delinquency that have been exonerated pursuant to KRS
9 132.220(5), the Department of Revenue shall offset the loss suffered by the
10 Finance and Administration Cabinet against subsequent local distributions to
11 the affected taxing districts as shown on the certificate of delinquency.
- 12 (10) The State Investment Commission shall promulgate administrative regulations for
13 the investment and reinvestment of state funds in shares of mutual funds, and the
14 regulations shall specify:
- 15 (a) The long and short term goals of any investment;
- 16 (b) The specification of moneys to be invested;
- 17 (c) The amount of funds which may be invested per instrument;
- 18 (d) The qualifications of instruments; and
- 19 (e) The acceptable maturity of investments.
- 20 (11) Any investment in obligations and securities pursuant to subsection (9) of this
21 section shall satisfy this section if these obligations are subject to repurchase
22 agreements, provided that delivery of these obligations is taken either directly or
23 through an authorized custodian.
- 24 (12) (a) Income earned from investments made pursuant to this section shall accrue to
25 the credit of the investment income account of the general fund, except that
26 interest from investments of excess cash in the road fund shall be credited to
27 the surplus account of the road fund and interest from investments of excess

1 cash in the game and fish fund shall be credited to the game and fish fund,
2 interest earned from investments of imprest cash funds and funds in the trust
3 and revolving fund for each state public university shall be credited to the
4 appropriate institutional account, and interest earned from the investment of
5 funds accumulated solely by means of contributions and gifts shall not be
6 diverted to any purpose other than that stipulated by the donor, when the
7 donor shall have designated the use to which the interest shall be placed.

8 (b) Except as otherwise provided by law, or by the obligations and covenants
9 contained in resolutions and trust indentures adopted or entered into for state
10 bond issues, interest earned from the investment of moneys appropriated to
11 the capital construction accounts, trust and agency accounts, and trust and
12 agency revolving accounts shall accrue to the capital construction investment
13 income account.

14 (c) If there is a revenue shortfall, as defined in KRS 48.010, of five percent (5%)
15 or less, the secretary of the Finance and Administration Cabinet, upon the
16 recommendation of the state budget director, may direct the transfer of excess
17 unappropriated capital construction investment income to the general fund
18 investment income account. The amount of the transfer shall not exceed the
19 amount of the shortfall in general fund revenues.

20 (d) If the capital construction investment income is less than that amount
21 appropriated by the General Assembly, the secretary of the Finance and
22 Administration Cabinet may, upon recommendation of the state budget
23 director, direct the transfer of excess unappropriated general fund investment
24 income to the capital construction investment income account. The transfer of
25 general fund investment income revenues to the capital construction
26 investment income account shall be made only when the actual general fund
27 revenues are in excess of the enacted estimates under KRS 48.120 and shall

1 be limited to the amount of the excess general fund revenues. The amount of
2 the transfer shall not exceed the amount of the shortfall in the capital
3 construction fund revenues.

4 (13) The authority granted by this section to the State Investment Commission shall not
5 extend to any funds that are specifically provided by law to be invested by some
6 other officer or agency of the state government.

7 (14) The authority granted by this section to the State Investment Commission shall only
8 be exercised pursuant to the administrative regulations mandated by KRS 42.525.

9 (15) Each member of the State Investment Commission shall post bond for his or her
10 acts or omissions as a member thereof identical in amount and kind to that posted
11 by the State Treasurer.

12 ➔Section 23. KRS 42.732 is amended to read as follows:

13 (1) There is hereby created the Kentucky Information Technology Advisory Council to:

14 (a) Advise the executive director of the Commonwealth Office of Technology on
15 approaches to coordinating information technology solutions among libraries,
16 public schools, local governments, universities, and other public entities;

17 (b) Advise the executive director of the Commonwealth Office of Technology on
18 coordination among and across the organizational units of the executive
19 branch of state government to prepare for, respond to, and prevent attacks;
20 and

21 (c) Provide a forum for the discussion of emerging technologies that enhance
22 electronic accessibility to various publicly funded sources of information and
23 services.

24 (2) The Kentucky Information Technology Advisory Council shall consist of:

25 (a) The state budget director or a designee;

26 (b) The state librarian or a designee;

27 (c) One (1) representative from the public universities to be appointed by the

- 1 Governor from a list of three (3) persons submitted by the Council on
2 Postsecondary Education;
- 3 (d) Three (3) citizen members from the private sector with information
4 technology knowledge and experience appointed by the Governor;
- 5 (e) Two (2) representatives of local government appointed by the Governor;
- 6 (f) One (1) representative from the area development districts appointed by the
7 Governor from a list of names submitted by the executive directors of the area
8 development districts;
- 9 (g) One (1) member of the media appointed by the Governor;
- 10 (h) The executive director of the Kentucky Authority for Educational Television;
- 11 (i) The chair of the Public Service Commission or a designee;
- 12 (j) Two (2) members of the Kentucky General Assembly, one (1) from each
13 chamber, selected by the Legislative Research Commission;
- 14 (k) One (1) representative of the Administrative Office of the Courts;
- 15 (l) One (1) representative from the public schools system appointed by the
16 Governor;
- 17 (m) One (1) representative of the Kentucky Chamber of Commerce;
- 18 (n) The executive director of the Commonwealth Office of Technology; and
- 19 (o) The executive director of the Kentucky Communications Network Authority
20 or designee.
- 21 (3) Appointed members of the council shall serve for a term of two (2) years. Members
22 who serve by virtue of an office shall serve on the council while they hold the
23 office.
- 24 **(4) All members appointed by the Governor shall be subject to Senate confirmation**
25 **in accordance with KRS 11.160 for each appointment or reappointment.**
- 26 ~~(5)~~~~(4)~~ Vacancies on the council shall be filled in the same manner as the original
27 appointments. If a nominating organization changes its name, its successor

1 organization having the same responsibilities and purposes shall be the nominating
2 organization.

3 ~~(6)~~~~(5)~~ Members shall receive no compensation but shall receive reimbursement for
4 actual and necessary expenses in accordance with travel and subsistence
5 requirements established by the Finance and Administration Cabinet.

6 ➔Section 24. KRS 42.738 is amended to read as follows:

7 (1) The executive director shall establish and implement a statewide public safety
8 interoperability plan. This plan shall include the development of required
9 architecture and standards that will insure that new or upgraded Commonwealth
10 public safety communications systems will interoperate. The Kentucky Wireless
11 Interoperability Executive Committee shall be responsible for the evaluation and
12 recommendation of all wireless communications architecture, standards, and
13 strategies. The executive director shall provide direction, stewardship, leadership,
14 and general oversight of information technology and information resources. The
15 executive director shall report by September 15 annually to the Interim Joint
16 Committee on Seniors, Veterans, Military Affairs, and Public Protection and the
17 Interim Joint Committee on State Government on progress and activity by agencies
18 of the Commonwealth to comply with standards to achieve public safety
19 communications interoperability.

20 (2) The Kentucky Wireless Interoperability Executive Committee shall serve as the
21 advisory body for all wireless communications strategies presented by agencies of
22 the Commonwealth and local governments. All state agencies in the
23 Commonwealth shall present all project plans for primary wireless public safety
24 voice or data communications systems for review and recommendation by the
25 committee, and the committee shall forward the plans to the executive director for
26 final approval. Local government entities shall present project plans for primary
27 wireless public safety voice or data communications systems for review and

- 1 recommendation by the Kentucky Wireless Interoperability Executive Committee.
- 2 (3) The committee shall develop funding and support plans that provide for the
3 maintenance of and technological upgrades to the public safety shared
4 infrastructure, and shall make recommendations to the executive director, the
5 Governor's Office for Policy and Management, and the General Assembly.
- 6 (4) The executive director shall examine the project plans for primary wireless public
7 safety voice or data communications systems of state agencies as required by
8 subsection (2) of this section, and shall determine whether they meet the required
9 architecture and standards for primary wireless public safety voice or data
10 communications systems.
- 11 (5) The Kentucky Wireless Interoperability Executive Committee shall consist of
12 twenty (20) members as follows:
- 13 (a) A person knowledgeable in the field of wireless communications appointed by
14 the executive director who shall serve as chair;
- 15 (b) The executive director of the Office of Infrastructure Services,
16 Commonwealth Office of Technology;
- 17 (c) The executive director of Kentucky Educational Television, or the executive
18 director's designee;
- 19 (d) The information technology lead of the Transportation Cabinet;
- 20 (e) The information technology lead of the Justice and Public Safety Cabinet;
- 21 (f) The information technology lead of the Department of Kentucky State Police;
- 22 (g) The commissioner of the Department of Fish and Wildlife Resources, or the
23 commissioner's designee;
- 24 (h) The information technology lead of the Energy and Environment Cabinet;
- 25 (i) The director of the Division of Emergency Management, Department of
26 Military Affairs;
- 27 (j) The executive director of the Kentucky Office of Homeland Security;

- 1 (k) The information technology lead of the Department for Public Health, Cabinet
2 for Health and Family Services;
- 3 (l) A representative from an institution of postsecondary education appointed by
4 the Governor from a list of three (3) names submitted by the president of the
5 Council on Postsecondary Education;
- 6 (m) The executive director of the Center for Rural Development, or the executive
7 director's designee;
- 8 (n) A representative from a municipal government to be appointed by the
9 Governor from a list of three (3) names submitted by the Kentucky League of
10 Cities;
- 11 (o) A representative from a county government to be appointed by the Governor
12 from a list of three (3) names submitted by the Kentucky Association of
13 Counties;
- 14 (p) A representative from a municipal police department to be appointed by the
15 Governor from a list of three (3) names submitted by the Kentucky
16 Association of Chiefs of Police;
- 17 (q) A representative from a local fire department to be appointed by the Governor
18 from a list of three (3) names submitted by the Kentucky Association of Fire
19 Chiefs;
- 20 (r) A representative from a county sheriff's department to be appointed by the
21 Governor from a list of three (3) names submitted by the Kentucky Sheriffs'
22 Association;
- 23 (s) A representative from a local Emergency Medical Services agency to be
24 appointed by the Governor from a list of three (3) names submitted by the
25 Kentucky Board of Emergency Medical Services; and
- 26 (t) A representative from a local 911 dispatch center to be appointed by the
27 Governor from a list of three (3) names submitted by the Kentucky Chapter of

1 the National Emergency Number Association/Association of Public Safety
2 Communications Officials.

3 (6) Appointed members of the committee shall serve for a two (2) year term. Members
4 who serve by virtue of an office shall serve on the committee while they hold that
5 office.

6 **(7) Members appointed by the Governor shall be subject to Senate confirmation in**
7 **accordance with KRS 11.160 for each appointment or reappointment.**

8 ~~(8)(7)~~ The committee shall meet quarterly, or as often as necessary for the conduct
9 of its business. A majority of the members shall constitute a quorum for the
10 transaction of business. Members' designees shall have voting privileges at
11 committee meetings.

12 ~~(9)(8)~~ The committee shall be attached to the Commonwealth Office of Technology
13 for administrative purposes only. Members shall not be paid and shall not be
14 reimbursed for travel expenses.

15 ~~(10)(9)~~ The Public Safety Working Group is hereby created for the primary purpose
16 of fostering cooperation, planning, and development of the public safety frequency
17 spectrum as regulated by the Federal Communications Commission, including the
18 700 MHz public safety band. The group shall endeavor to bring about a seamless,
19 coordinated, and integrated public safety communications network for the safe,
20 effective, and efficient protection of life and property. The Public Safety Working
21 Group membership and other working group memberships deemed necessary shall
22 be appointed by the chair of the Kentucky Wireless Interoperability Executive
23 Committee.

24 ~~(11)(10)~~ The committee may establish additional working groups as determined by the
25 committee.

26 ➔Section 25. KRS 42.740 is amended to read as follows:

27 (1) There is hereby established a Geographic Information Advisory Council, attached

1 to the Commonwealth Office of Technology for administrative purposes, to advise
2 the executive director of the Commonwealth Office of Technology on issues
3 relating to geographic information and geographic information systems.

4 (2) The council shall recommend policies and procedures that assist state and local
5 jurisdictions in developing, deploying, and leveraging geographic information
6 resources and geographic information systems technology for the purpose of
7 improving public administration.

8 (3) The council shall closely coordinate with users of geographic information systems
9 to recommend policies and procedures that ensure the maximum use of geographic
10 information by minimizing the redundancy of geographic information and
11 geographic information resources, as well as to ensure that the geographic
12 information clearinghouse maintained by the Division of Geographic Information
13 Systems meets the needs of all state agencies.

14 (4) (a) The Geographic Information Advisory Council shall consist of twenty-five
15 (25) members and one (1) legislative liaison. The members shall be
16 knowledgeable in the use and application of geographic information systems
17 technology and shall have sufficient authority within their organizations to
18 influence the implementation of council recommendations.

19 (b) The council shall consist of:

- 20 1. The secretary of the Transportation Cabinet or his or her designee;
- 21 2. The secretary of the Cabinet for Health and Family Services or his or
22 her designee;
- 23 3. The director of the Kentucky Geological Survey or his or her designee;
- 24 4. The secretary of the Finance and Administration Cabinet or his or her
25 designee;
- 26 5. The executive director of the Commonwealth Office of Technology or
27 her or his designee, who shall serve as chair;

- 1 6. The secretary of the Economic Development Cabinet or his or her
2 designee;
- 3 7. The commissioner of the Department for Local Government or his or
4 her designee;
- 5 8. The secretary of the Justice and Public Safety Cabinet or his or her
6 designee;
- 7 9. One (1) member appointed by the Governor from a list of three (3)
8 persons submitted by the president of the Council on Postsecondary
9 Education;
- 10 10. The adjutant general of the Department of Military Affairs or his or her
11 designee;
- 12 11. The commissioner of the Department of Education or his or her
13 designee;
- 14 12. The secretary of the Energy and Environment Cabinet or his or her
15 designee;
- 16 13. The Commissioner of the Department of Agriculture or his or her
17 designee;
- 18 14. The secretary of the Tourism, Arts and Heritage Cabinet or his or her
19 designee;
- 20 15. The executive director of the Office of Property Valuation or his or her
21 designee;
- 22 16. One (1) member appointed by the Governor from a list of six (6)
23 persons submitted by the president of the Kentucky League of Cities;
- 24 17. One (1) member appointed by the Governor from a list of six (6)
25 persons submitted by the president of the Kentucky Association of
26 Counties;
- 27 18. One (1) member appointed by the Governor from a list of three (3)

- 1 persons submitted by the president of the Kentucky Chapter of the
2 American Planning Association;
- 3 19. One (1) member appointed by the Governor from a list of three (3)
4 persons submitted by the president of the Kentucky Association of
5 Professional Surveyors;
- 6 20. One (1) member appointed by the Governor from a list of three (3)
7 persons submitted by the president of the Kentucky Society of
8 Professional Engineers;
- 9 21. One (1) member appointed by the Governor from a list of three (3)
10 persons submitted by the chairman of the Kentucky Board of Registered
11 Geologists;
- 12 22. One (1) member appointed by the Governor from a list of three (3)
13 persons submitted by the president of the Council of Area Development
14 Districts;
- 15 23. One (1) member appointed by the Governor from a list of three (3)
16 persons submitted by the president of the Kentucky Association of
17 Mapping Professionals;
- 18 24. One (1) member appointed by the Governor from a list of three (3)
19 persons submitted by the executive director of the Kentucky Property
20 Valuation Administrators Association; and
- 21 25. The executive director of the Kentucky Office of Homeland Security.
- 22 (c) The council shall have one (1) nonvoting legislative liaison, to be appointed
23 by the Legislative Research Commission.
- 24 **(d) All members appointed by the Governor shall be subject to Senate**
25 **confirmation in accordance with KRS 11.160 for each appointment or**
26 **reappointment.**
- 27 (5) The council may have committees and subcommittees as determined by the council

- 1 or an executive committee, if an executive committee exists.
- 2 (6) A member of the council shall not:
- 3 (a) Be an officer, employee, or paid consultant of a business entity that has, or of
4 a trade association for business entities that have, a substantial interest in the
5 geographic information industry and is doing business in the Commonwealth;
- 6 (b) Own, control, or have, directly or indirectly, more than ten percent (10%)
7 interest in a business entity that has a substantial interest in the geographic
8 information industry;
- 9 (c) Be in any manner connected with any contract or bid for furnishing any
10 governmental body of the Commonwealth with geographic information
11 systems, the computers on which they are automated, or a service related to
12 geographic information systems;
- 13 (d) Be a person required to register as a lobbyist because of activities for
14 compensation on behalf of a business entity that has, or on behalf of a trade
15 association of business entities that have, substantial interest in the geographic
16 information industry;
- 17 (e) Accept or receive money or another thing of value from an individual, firm, or
18 corporation to whom a contract may be awarded, directly or indirectly, by
19 rebate, gift, or otherwise; or
- 20 (f) Be liable to civil action or any action performed in good faith in the
21 performance of duties as a council member.
- 22 (7) Those council members specified in subsection (4)(a) of this section who serve by
23 virtue of an office shall serve on the board while they hold that office.
- 24 (8) Appointed members of the council shall serve for a term of four (4) years.
25 Vacancies in the membership of the council shall be filled in the same manner as
26 the original appointments. If a nominating organization changes its name, its
27 successor organization having the same responsibilities and purposes shall be the

1 nominating organization.

2 (9) The council shall have no funds of its own, and council members shall not receive
3 compensation of any kind from the council.

4 (10) A majority of the members shall constitute a quorum for the transaction of business.
5 Members' designees shall have voting privileges at council meetings.

6 ➔Section 26. KRS 45.001 is amended to read as follows:

7 (1) The Capital Development Committee is created. The committee shall ensure the
8 proper coordination of state government initiatives which impact the City of
9 Frankfort and Franklin County government and are unique to the seat of state
10 government.

11 (2) The committee shall meet at least semiannually at a time and place announced by
12 the chairperson.

13 (3) The membership of the committee shall consist of the following members or their
14 designees:

15 (a) The mayor of the city of Frankfort;

16 (b) The county judge/executive of Franklin County;

17 (c) The secretary of the Finance and Administration Cabinet;

18 (d) The secretary of the Tourism, Arts and Heritage Cabinet;

19 (e) The secretary of the Education and Labor Cabinet;

20 (f) The commissioner of the Kentucky Department of Tourism;

21 (g) The chairman of the Frankfort/Franklin County Tourist and Convention
22 Commission;

23 (h) A citizen at large, who is a resident of Franklin County, appointed by the
24 Franklin County judge/executive; and

25 (i) A citizen at large, who is a resident of Frankfort, appointed by the mayor of
26 the city of Frankfort.

27 The citizen-at-large members of the committee shall be appointed to a term of four

1 (4) years each.

2 (4) The Governor shall appoint the chairperson of the committee **who shall be subject**
3 **to Senate confirmation in accordance with KRS 11.160 for each appointment or**
4 **reappointment.**

5 (5) Members of the committee shall serve without compensation.

6 (6) The Finance and Administration Cabinet shall provide administrative support to the
7 committee.

8 ➔Section 27. KRS 56.777 is amended to read as follows:

9 (1) A High-Performance Buildings Advisory Committee is hereby created and shall be
10 administratively staffed by the cabinet.

11 (2) The committee shall consist of sixteen (16) members and shall include:

12 (a) A representative of the cabinet designated by the secretary;

13 (b) A representative of the Tourism, Arts and Heritage Cabinet designated by the
14 secretary;

15 (c) A representative of the Department of Education designated by the
16 commissioner;

17 (d) A representative of the Council on Postsecondary Education designated by the
18 president;

19 (e) A representative of the Office of Energy Policy designated by the executive
20 director; and

21 (f) A representative appointed by the Governor, **subject to Senate confirmation**
22 **in accordance with KRS 11.160 for each appointment or reappointment,**

23 from each of the following:

24 1. The design and construction industry involved in public works
25 contracting;

26 2. The Kentucky Chapter of the U. S. Green Building Council;

27 3. The University of Kentucky College of Design;

- 1 4. The Kentucky Forest Industries Association;
 - 2 5. The Kentucky Society of the American Institute of Architects;
 - 3 6. The American Society of Heating, Refrigerating, and Air-Conditioning
 - 4 Engineers;
 - 5 7. The Associated General Contractors of Kentucky;
 - 6 8. The West Kentucky Construction Association;
 - 7 9. The Kentucky Manufactured Housing Institute;
 - 8 10. The Kentucky Ready Mixed Concrete Association; and
 - 9 11. The Plantmix Asphalt Industry of Kentucky.
- 10 (3) The representative of the cabinet shall serve as the chairperson of the committee.
- 11 All appointments shall be for a term of two (2) years. Committee members shall
- 12 serve until their successors are appointed and shall be eligible for reappointment.
- 13 (4) The committee shall meet at least monthly or as convened by the chairperson.
- 14 (5) The members of the committee shall receive reimbursement for the cost of travel to
- 15 and from the meetings and any costs necessarily incurred in carrying out their
- 16 duties.
- 17 (6) The committee shall:
- 18 (a) Consult with architects, engineers, builders, energy and conservation
- 19 organizations, and other interested stakeholders, and make recommendations
- 20 to the cabinet regarding:
- 21 1. Standards and benchmarks developed under existing high-performance
 - 22 building programs, including the ENERGY STAR rating system, Green
 - 23 Globes rating system, and Leadership in Energy and Environmental
 - 24 Design (LEED) Green Building rating system; and
 - 25 2. Standards and guidelines developed and adopted by the U.S. Green
 - 26 Building Council, the American Society of Heating, Refrigerating and
 - 27 Air-Conditioning Engineers, and the Illuminating Engineering Society

- 1 of North America partnership concerning the design of sustainable
2 buildings to balance environmental responsibility, resource efficiency,
3 occupant comfort and well-being, and community sensitivity;
- 4 (b) Assist the cabinet in the review of state building projects to ensure that
5 building performance and efficiency are maximized to the extent
6 economically feasible using a life-cycle cost analysis;
- 7 (c) Assist the cabinet in developing a process of documentation of the attainment
8 of high-performance building standards; and
- 9 (d) Assist the cabinet in conducting an ongoing professional development
10 program for state and local building designers, construction companies,
11 school districts, building managers, and the general public on high-
12 performance building design, construction, maintenance, and operation.
- 13 (7) Prior to the implementation of KRS 56.770 to 56.784, the cabinet shall promulgate
14 administrative regulations pursuant to KRS Chapter 13A necessary to implement
15 this section. The cabinet shall consider the recommendations made by the High-
16 Performance Buildings Advisory Committee pursuant to subsection (6) of this
17 section and shall establish the criteria for the high-performance building standards
18 and the benchmarks by which the high-performance building standards will be
19 measured. At a minimum, the cabinet shall:
- 20 (a) Include the standards for site selection and management, water efficiency,
21 energy conservation, waste reduction, material and resource use, and indoor
22 air quality; and
- 23 (b) Require that each high-performance building be designed, constructed, or
24 renovated so that it is capable of being rated as an ENERGY STAR building
25 in accordance with the criteria and rating system adopted by the United States
26 Environmental Protection Agency and in effect at the time the building is
27 designed or, in the case of leased buildings, at the time the lease is entered

1 into on or after July 1, 2018.

2 (8) In developing the criteria for the high-performance building standards, the cabinet
3 shall consider and encourage the use of:

4 (a) Locally grown lumber from forest lands implementing sustainable practices
5 established by the American Tree Farm System's Sustainable Forest Initiative
6 or the Kentucky Forest Stewardship Program established under KRS 149.330
7 to 149.355;

8 (b) Building materials manufactured with recycled content within the
9 Commonwealth; and

10 (c) Renewable energy sources.

11 ➔Section 28. KRS 58.500 is amended to read as follows:

12 (1) (a) A Churchill Downs authority is hereby created, initially consisting of three (3)
13 prominent citizens and residents of Kentucky to be appointed by the
14 Governor, one (1) of whom is an owner and breeder of Thoroughbred horses,
15 and all of whom have no official connection with the government of the
16 Commonwealth or Churchill Downs. The foregoing members shall serve as
17 such until the acquisition of Churchill Downs, its real estate, franchises,
18 rights, privileges and other properties by the authority as an agency of the
19 Commonwealth.

20 (b) Upon the completion of such acquisition, the then members of the authority
21 shall be replaced by other members thereof as follows: nine (9) persons to be
22 appointed by the Governor, who are residents or owners of real estate located
23 in the Commonwealth and who are of outstanding character, business
24 experience and at least six (6) of whom have knowledge of racing and the
25 affairs of Churchill Downs, and not less than three (3) of whom shall be
26 residents of Jefferson County. The Governor shall initially appoint nine (9)
27 persons having such qualifications, two (2) each for staggered terms ranging

1 from one (1) to four (4) years as he may designate and one (1) person for a
2 term of four (4) years.

3 (c) As such terms expire, the then remaining members of the authority, by
4 majority vote, shall select and submit to the Governor for his consideration
5 the names of three (3) qualified nominees to fill each vacancy, one (1) of
6 whom may be a member whose term has expired, from which the Governor
7 shall appoint, for a four (4) year term, a member to fill the vacancy.

8 After all members of the authority appointed as aforesaid have been appointed for a
9 four (4) year term following the expiration of their initial staggered terms, the
10 procedure outlined above shall be continued in filling vacancies of members of the
11 authority as they occur through the expiration of terms.

12 (d) When and if any member dies, resigns or becomes incapacitated, the then
13 remaining members of the authority, by majority vote, shall select and submit
14 to the Governor for his consideration the names of three (3) qualified
15 nominees to fill such vacancy, from which the Governor shall appoint a
16 member to fill the vacancy for the unexpired term.

17 (e) All members appointed by the Governor shall be subject to Senate
18 confirmation in accordance with KRS 11.160 for each appointment or
19 reappointment.

20 ~~(f)(e)~~ The members shall be a body corporate constituting a public
21 corporation, governmental agency and instrumentality of the Commonwealth
22 by the name of "The Churchill Downs Authority" (herein sometimes referred
23 to as the "authority"), with the perpetual succession and with power in that
24 name to contract and be contracted with, to acquire and convey property, sue
25 and be sued, to have and use a corporate seal, and exercise, in addition to the
26 powers and functions specifically stated in KRS 58.500 to 58.590, all of the
27 usual powers of private corporations to the extent that the same are not

1 inconsistent with specifically enumerated powers or limitations upon public
2 corporations.

3 (2) The members of the authority shall receive no compensation for their services in
4 that capacity, but shall be entitled to reimbursement for all reasonable expenses
5 necessarily incurred in the performance of their duties.

6 (3) A majority of the members of the authority shall constitute a quorum for the
7 transaction of business, and in the absence of a quorum, one (1) or more members
8 may adjourn from time to time until a quorum is convened.

9 (4) From among its members, the authority shall annually elect a chairman and a vice
10 chairman, each to serve for a term of one (1) year and until his successor is elected
11 and accepts his election.

12 (5) The authority shall elect a president, a secretary and a treasurer, each of whom shall
13 serve for a term of years fixed by contract or an annual term, all terminable for
14 cause deemed sufficient by the authority, and each of whom shall receive such
15 compensation as may be determined by the authority. These officers shall not be
16 members of the authority, but the president and the secretary shall attend all
17 meetings of the authority. The treasurer shall give bond to the authority and the
18 Commonwealth conditioned upon his faithful accounting for all funds coming into
19 his custody from time to time, the same to be in such amount as the authority may
20 prescribe, with corporate surety given by a surety company qualified to do business
21 in the Commonwealth, the premium therefor to be paid by the authority. The
22 authority shall establish and maintain an office at Churchill Downs, and the
23 secretary of the authority shall at all times maintain therein complete records of all
24 of the authority's actions and proceedings, which shall constitute public records
25 open to inspection at reasonable times.

26 ➔Section 29. KRS 65.028 is amended to read as follows:

27 (1) As used in this section:

- 1 (a) "Best value" has the same meaning as in KRS 65.025;
- 2 (b) "Cabinet" means the Finance and Administration Cabinet;
- 3 (c) "Local government" means a city, county, charter county, urban-county
4 government, consolidated local government, unified local government, or
5 local school district of the Commonwealth;
- 6 (d) "Private partner" has the same meaning as in KRS 65.025; and
- 7 (e) "Public-private partnership" has the same meaning as in KRS 65.025.
- 8 (2) A public-private partnership delivery method may be utilized by a local government
9 as provided in this section and administrative regulations promulgated thereunder.
10 Contracts using this method shall be awarded by competitive negotiation on the
11 basis of best value, and shall in all cases take effect only if executed by the
12 legislative body of the local government, which in the case of a school district shall
13 be the local board of education. The provisions of KRS 65.025(2) to (4) shall not
14 apply to public-private partnerships utilized by local governments.
- 15 (3) A local government utilizing a public-private partnership shall continue to be
16 responsible for oversight of any function that is delegated to or otherwise performed
17 by a private partner.
- 18 (4) A public-private partnership shall not be used to circumvent any requirements or
19 restrictions placed upon any local government pursuant to any provision of the
20 Kentucky Revised Statutes.
- 21 (5) All public-private partnership agreements executed by a local government or any of
22 its agencies under this section shall be approved by the legislative body of the local
23 government, which in the case of a school district shall be the local board of
24 education, at a public meeting, and shall include at a minimum the following
25 provisions:
- 26 (a) 1. Property owned by a local government shall not be sold, conveyed, or
27 disposed of in any way at any time; and

- 1 2. Leases issued by a local government to any party shall not be transferred
2 in any way by that party;
3 without the specific and express written consent of the legislative body, which
4 in the case of a school district shall be the local board of education, of the
5 local government;
- 6 (b) Require the private partner to provide or cause to be provided performance
7 and payment bonds on the design and construction portion of the agreement as
8 required under KRS 45A.435 and maintenance bonds, warranties, guarantees,
9 and letters of credit in connection with the private partner's other activities
10 under the agreement, in the forms and amounts satisfactory to the local
11 government and in amounts necessary to provide adequate protection to the
12 local government;
- 13 (c) Review and approval of plans and specifications for the project by the local
14 government;
- 15 (d) Inspection of the project by the local government to ensure that the private
16 partner's actions are acceptable to the local government in accordance with the
17 agreement;
- 18 (e) Maintenance of public liability insurance or self-insurance, in form and
19 amount satisfactory to the local government and reasonably sufficient to
20 insure coverage of tort liability to the public and employees and to enable the
21 continued operation of the project;
- 22 (f) Reimbursement to be paid to the local government for services provided by
23 the local government;
- 24 (g) Filing of appropriate financial statements by the private partner on a periodic
25 basis;
- 26 (h) Policies and procedures governing the rights and responsibilities of the local
27 government and the private partner in the event the public-private partnership

- 1 agreement is terminated or there is a material default by the private partner.
2 These policies and procedures shall include conditions governing assumption
3 of the duties and responsibilities of the private partner by the local
4 government, and the transfer or purchase of property or other interests of the
5 private partner by the local government;
- 6 (i) Any fees or payments as may be established by agreement of the private
7 partner and the local government;
- 8 (j) A detailed description of all duties and requirements of the private partner;
- 9 (k) The ability of a private partner or partners to quickly respond to the needs
10 presented in the request for proposal, and the importance of economic
11 development opportunities represented by the qualifying project. In evaluating
12 proposals, preference shall be given to a plan that includes the involvement of
13 small businesses as subcontractors, to the extent that small businesses can
14 provide services in a competitive manner, unless any preference interferes
15 with the qualification for federal or other funds; and
- 16 (l) Any other information necessary to properly address the life cycle of the
17 agreement, including the disposition of assets if or when the public-private
18 partnership agreement is terminated or otherwise concludes.
- 19 (6) (a) On or before December 31, 2016, the secretary of the Finance and
20 Administration Cabinet shall promulgate administrative regulations setting
21 forth criteria to be used by a local government employing a public-private
22 partnership for a particular project, and establishing a process for public-
23 private partnership procurement undertaken by local governments consistent
24 with this section. Prior to submission of the proposed administrative
25 regulations pursuant to the regulatory process required by KRS Chapter 13A,
26 the proposed administrative regulations shall be approved by the Kentucky
27 Local Government Public-Private Partnership Board established by subsection

- 1 (11) of this section.
- 2 (b) The secretary shall consult with design-builders, construction managers,
3 contractors, design professionals including engineers and architects, and other
4 appropriate professionals during the development of these administrative
5 regulations.
- 6 (c) The secretary shall have the authority to contract with a consultant, pursuant
7 to KRS 45A.695, to assist the cabinet and the Kentucky Local Government
8 Public-Private Partnership Board with the review process required in
9 subsection (12) of this section. The secretary may, through administrative
10 regulation, impose a reasonable fee on the private partner to defray the cost of
11 the review required in subsection (12) of this section, including any expenses
12 or fees incurred in contracting with a consultant.
- 13 (d) If the secretary fails to timely promulgate administrative regulations pursuant
14 to this subsection, local governments may then act pursuant to this section
15 including compliance with the process outlined in subsection (12) of this
16 section, in the absence of administrative regulations.
- 17 (7) A request for proposal for a local government project utilizing a public-private
18 partnership shall include at a minimum:
- 19 (a) The parameters of the proposed public-private partnership agreement;
- 20 (b) The duties and responsibilities to be performed by the private partner or
21 partners;
- 22 (c) The methods of oversight to be employed by the local government;
- 23 (d) The duties and responsibilities that are to be performed by the local
24 government and any other partners to the contract;
- 25 (e) The evaluation factors and the relative weight of each to be used in the
26 scoring of awards; and
- 27 (f) Other information required by a local government to evaluate the proposals

1 submitted by respondents and the overall proposed public-private partnership.

2 (8) A private entity desiring to be a private partner shall demonstrate to the satisfaction
3 of the local government that it is capable of performing any duty, responsibility, or
4 function it may be authorized or directed to perform as part of the public-private
5 partnership agreement.

6 (9) When a request for proposal for a project utilizing a public-private partnership is
7 issued, the local government shall transmit a copy of the request for proposal to the
8 cabinet and to the Department for Local Government.

9 (10) A request for proposal or other solicitation may be canceled, or all proposals may
10 be rejected, if it is determined in writing that the action is taken in the best interest
11 of the local government and approved by the legislative body, which in the case of a
12 school district shall be the local board of education.

13 (11) (a) There is established within the cabinet the Kentucky Local Government
14 Public-Private Partnership Board, composed of eleven (11) members as
15 follows:

- 16 1. The secretary of the cabinet, or the secretary's designee;
- 17 2. Two (2) individuals appointed by the Kentucky League of Cities, both
18 of whom shall have experience in municipal financial operations;
- 19 3. Two (2) individuals appointed by the Kentucky Association of Counties,
20 both of whom shall have experience in county financial operations, one
21 (1) to be recommended by the Kentucky County Judge/Executive
22 Association and one (1) to be recommended by the Kentucky County
23 Magistrates and Commissioners Association;
- 24 4. The commissioner of the Department for Local Government, or the
25 commissioner's designee;
- 26 5. The executive director of the Office of Financial Management within the
27 cabinet, or the executive director's designee;

- 1 6. The Auditor of Public Accounts, or the Auditor's designee;
- 2 7. One (1) citizen member appointed by the Governor, subject to Senate
3 confirmation in accordance with KRS 11.160 for each appointment or
4 reappointment, who shall have experience and knowledge in local
5 government debt and financial operations; and
- 6 8. Two (2) members of the Kentucky General Assembly, one (1) appointed
7 by the President of the Senate and one (1) appointed by the Speaker of
8 the House of Representatives, each of whom shall serve in a nonvoting
9 ex officio capacity and shall not be considered for purposes of
10 determining a quorum.
- 11 (b) Members of the board shall begin their terms on August 1, 2016, and shall
12 serve for a term of four (4) years.
- 13 (c) Board members appointed under paragraph (a)2. and 3. of this subsection may
14 send a designee with similar experience to meetings for which they are
15 unavailable.
- 16 (d) Vacancies occurring in the term of any member shall be filled in the same
17 manner as the original appointment.
- 18 (e) The members of the board shall receive no compensation for their services.
- 19 (f) The secretary of the cabinet, or the secretary's designee, shall serve as chair of
20 the board and the members shall elect a vice chair from among the
21 membership of the board. The vice chair may preside over meetings of the
22 board in the absence of the chair.
- 23 (g) The board shall meet at least once per year, and as needed for the timely
24 consideration of proposed projects. A majority of the members of the board
25 shall constitute a quorum.
- 26 (h) The secretary of the cabinet shall be responsible for providing staff support
27 and maintaining complete records of the board's actions and proceedings, as

1 public records open to inspection.

2 (12) (a) Upon the initial issuance of a public-private partnership agreement having a
3 total contractual value that equals or exceeds thirty percent (30%) of the
4 general fund revenues received by the local government in the immediately
5 preceding fiscal year, the local government shall submit the agreement to the
6 cabinet for the sole purpose of making an evaluation to the Kentucky Local
7 Government Public-Private Partnership Board of the following:

- 8 1. Whether the agreement meets the requirements of subsection (5) of this
9 section;
- 10 2. An analysis of the overall project's economic and financial viability
11 within the scope of available or proposed financing arrangements and
12 expected revenues; and
- 13 3. Whether the agreement adheres to the procurement process required by
14 subsection (2) of this section.

15 Public-private partnership agreements having a total contractual value that is
16 less than thirty percent (30%) of the general fund revenues received by the
17 local government in the immediately preceding fiscal year shall not be
18 required to be submitted to the cabinet or the Kentucky Local Government
19 Public-Private Partnership Board.

20 (b) The local government shall submit any information required by the cabinet,
21 relating to the agreement and its procurement, to enable the cabinet to conduct
22 this evaluation.

23 (c) The cabinet shall acknowledge receipt of the agreement within thirty (30)
24 days, and after evaluation thereof shall, within ninety (90) days of its receipt,
25 forward the results of its evaluation separately to each individual member of
26 the Kentucky Local Government Public-Private Partnership Board. The full
27 board shall meet within sixty (60) days of the issuance of the cabinet's

1 evaluation to consider the evaluation provided by the cabinet and approve or
2 disapprove the proposed agreement. If the board disapproves the project, the
3 board shall provide specific reasons for its disapproval. If the board approves
4 the project, the cabinet shall return the agreement to the local government
5 legislative body, which in the case of a school district shall be the local board
6 of education, for final execution thereof. No public-private partnership
7 agreement issued by a local government that is subject to evaluation by the
8 cabinet and review and approval by the Kentucky Local Government Public-
9 Private Partnership Board pursuant to paragraph (a) of this subsection shall
10 take effect unless and until it is approved by the Kentucky Local Government
11 Public-Private Partnership Board pursuant to this subsection and is found by
12 the board to meet the requirements of this section and to be economically
13 viable as provided in this subsection.

14 (d) If an agreement is not approved by the board, the local government submitting
15 the agreement may modify the agreement and resubmit it for reconsideration
16 in accordance with this section.

17 (13) The Commonwealth shall bear no liability for public-private partnership
18 agreements approved pursuant to subsection (12) of this section.

19 (14) Upon approval and execution of a public-private partnership agreement, the local
20 government shall transmit a copy of the agreement to the Department for Local
21 Government.

22 (15) The Auditor of Public Accounts may periodically review public-private partnership
23 agreements executed by a local government pursuant to this section, and any
24 actions undertaken by private partners and local governments thereunder, to
25 evaluate compliance with the agreement and this section.

26 (16) Multiple local governments, acting in accordance with KRS 65.210 to 65.300, may
27 jointly enter into a public-private partnership pursuant to this section. Public-private

1 partnership agreements involving multiple local governments shall only be required
2 to be submitted to the cabinet for evaluation and to the Kentucky Local
3 Government Public-Private Partnership Board for review and approval, as provided
4 by subsection (12) of this section, if the total contractual value equals or exceeds
5 thirty percent (30%) of the combined general fund revenues received in the
6 immediately preceding fiscal year by all local governments participating in the
7 agreement.

- 8 (17) (a) A person or business may submit an unsolicited proposal to a local
9 government, which may receive the unsolicited proposal.
- 10 (b) Within ninety (90) days of receiving an unsolicited proposal, a local
11 government may elect to consider further action on the proposal, at which
12 point the local government shall provide public notice of the proposal
13 pursuant to KRS Chapter 424 or electronically on the website of the local
14 government, and shall:
- 15 1. Provide specific information regarding the proposed nature, timing, and
16 scope of the unsolicited proposal, except that trade secrets, financial
17 records, or other records of the person or business making the proposal
18 shall not be posted unless otherwise agreed to by the local government
19 and the person or business; and
 - 20 2. Provide for a notice period of at least thirty (30) days and no more than
21 ninety (90) days for the submission of competing proposals.
- 22 (c) Upon the end of the notice period provided under paragraph (b)2. of this
23 subsection, the local government may consider the unsolicited proposal and
24 any competing proposals received. If the local government determines it is in
25 the best interest of the local government to implement some or all of the
26 concepts contained within the unsolicited proposal or competing proposals
27 received by it, the local government may begin an open, competitive

1 procurement process to do so pursuant to this section.

2 (d) An unsolicited proposal shall be deemed rejected if no written response is
3 received from the local government within ninety (90) days after submission,
4 during which time the governmental body has not taken any action on the
5 proposal under paragraph (b) of this subsection.

6 ➔Section 30. KRS 65.360 is amended to read as follows:

7 (1) The authority shall be governed by a board composed of one (1) member appointed
8 by each unit of local government that is a party to the agreement, one (1) member
9 appointed by the superintendent of schools of the county school district or of the
10 independent school district, and one (1) member appointed by the Governor,
11 subject to Senate confirmation in accordance with KRS 11.160 for each
12 appointment or reappointment.

13 (2) Each member shall serve at the pleasure of the respective appointing authority for a
14 term of four (4) years and shall serve without compensation. The members shall be
15 residents of the county and may be employees of the parties and shall serve without
16 additional compensation. Any vacancy shall be filled in the same manner as the
17 original appointment.

18 ~~(3)~~~~(2)~~ The board of the authority shall meet as required, and three (3) members shall
19 constitute a quorum. Approval by a majority of the membership shall be necessary
20 for any action to be taken by the authority. All meetings shall be open to the public,
21 except as otherwise permitted by KRS 61.810, and a written record shall be
22 maintained of all meetings. A chairman shall be elected from among the members,
23 and he shall execute all deeds, leases, and contracts of the authority when
24 authorized by the board.

25 ~~(4)~~~~(3)~~ The authority may employ its own staff or may utilize employees of the
26 parties, as determined by the agreement.

27 ➔Section 31. KRS 65.503 is amended to read as follows:

- 1 (1) The West End Opportunity Partnership shall be governed by a board. The board
2 shall initially consist of the following members:
- 3 (a) One (1) member appointed by the Governor for a term of two (2) years;
- 4 (b) One (1) member appointed by the mayor of a consolidated local government
5 for a term of two (2) years;
- 6 (c) One (1) member of the legislative council of the consolidated local
7 government appointed by its members for a term of three (3) years;
- 8 (d) A representative of the University of Louisville appointed by its board of
9 trustees for a term of three (3) years;
- 10 (e) A representative of Simmons College of Kentucky appointed by its board of
11 trustees for a term of three (3) years; and
- 12 (f) 1. The following shall be appointed by the Governor, subject to Senate
13 confirmation in accordance with KRS 11.160 for each appointment or
14 reappointment:
- 15 a. One (1) member from the NAACP of Louisville;
- 16 b. One (1) member from OneWest in Louisville;
- 17 c. One (1) member from Louisville Urban League;
- 18 d. One (1) member from the Federal Reserve Bank in Louisville;
- 19 e. One (1) member from the Volunteers of America Mid States in
20 Louisville;
- 21 f. One (1) member from a locally based foundation with assets over
22 one hundred million dollars (\$100,000,000); and
- 23 g. One (1) member from a bank with local assets greater than one
24 billion dollars (\$1,000,000,000).
- 25 2. The initial appointments of the members described in subparagraph 1. of
26 this paragraph shall be for terms as follows:
- 27 a. Two (2) members for a term of one (1) year;

- 1 b. Two (2) members for a term of two (2) years;
- 2 c. Two (2) members for a term of three (3) years; and
- 3 d. One (1) member for a term of four (4) years.
- 4 (2) The board shall include in its bylaws a process for appointing one (1) member from
- 5 each of the nine (9) neighborhoods in the development area as additional members.
- 6 The process shall:
- 7 (a) Ensure the nine (9) members are each from a different neighborhood;
- 8 (b) Require that, at all times, at least one (1) of the nine (9) members representing
- 9 the neighborhoods shall be between the ages of eighteen (18) and thirty (30)
- 10 at the time of appointment or reappointment; and
- 11 (c) Provide that the initial appointment of the members be for terms as follows:
- 12 1. Four (4) members for a term of two (2) years; and
- 13 2. Five (5) members for a term of three (3) years.
- 14 (3) If a member appointed under subsection (1) of this section is unable or unwilling to
- 15 serve on the board, the board may substitute an appointed member by majority vote
- 16 to serve on the board for the remainder of the appointee's term. The board shall
- 17 identify an entity that is located in or has a history of service to the West End
- 18 Opportunity Partnership area from which a potential substitute appointee can be
- 19 selected.
- 20 (4) After expiration of the term limits provided in subsections (1) and (2) of this
- 21 section, the board shall self-perpetuate. The overall makeup of the board shall
- 22 remain the same unless an institution ceases to exist or changes corporate form. All
- 23 successors of the representatives described in subsection (1) of this section shall
- 24 serve four (4) year terms and all successors of the representatives described in
- 25 subsection (2) of this section shall serve three (3) year terms. No individual shall
- 26 serve more than two (2) consecutive terms.
- 27 (5) The head of economic development for the consolidated local government, or his or

1 her designee, and the secretary of the Cabinet for Economic Development, or his or
2 her designee, shall be nonvoting, ex officio members of the West End Opportunity
3 Partnership.

4 (6) The membership of the board shall not exceed twenty-one (21) voting members.

5 (7) The majority of the board's membership shall reflect the racial majority of the
6 residents living in the development area.

7 (8) A chair of the board shall be selected annually from its members and shall have
8 responsibility for board meeting agendas and presiding at board meetings.

9 (9) Members of the board shall be entitled only to reimbursement from the West End
10 Opportunity Partnership for actual expenses incurred in the performance of their
11 duties as board members.

12 (10) A majority of the entire voting members of the board shall constitute a quorum, and
13 all actions of the board shall be by vote of a majority of its entire voting
14 membership.

15 (11) A member of the board shall abstain from action on an official decision in which he
16 or she has or may have a personal or private interest, or if the member is affiliated
17 with any party conducting business with the West End Opportunity Partnership,
18 shall disclose the existence of that personal or private interest or affiliation in
19 writing to the other members of the board on the same day on which the member
20 becomes aware that the interest or affiliation exists or that an official decision may
21 be under consideration by the board. The member which has or may have a
22 personal or private interest or affiliation shall be absent from all meetings and votes
23 in relation to the matter.

24 (12) As a prerequisite to service, each appointee to the board and each member of the
25 West End Louisville Advisory Council established in KRS 65.506 shall participate
26 in a board-sanctioned training program on the topics of community and economic
27 development, finance, equity and community engagement, gentrification, and the

1 implications of these concepts.

2 ➔Section 32. KRS 65.7623 is amended to read as follows:

- 3 (1) There is hereby created the Kentucky 911 Services Board, the "board," consisting
4 of seven (7) members as follows:
- 5 (a) The executive director of the Office of Homeland Security;
 - 6 (b) The secretary of the Public Protection Cabinet;
 - 7 (c) One (1) elected city official of a city government appointed by the Kentucky
8 League of Cities;
 - 9 (d) One (1) elected county official of a county government appointed by the
10 Kentucky Association of Counties;
 - 11 (e) One (1) director of a certified PSAP operated by a local government entity or
12 a consolidated group of local government entities who previously served on
13 the 911 Services Advisory Council and is not an elected official, to be
14 appointed jointly by the Kentucky Association of Public-Safety
15 Communications Officials and the Kentucky Emergency Number
16 Association;
 - 17 (f) One (1) member representative of a county or city government appointed by
18 the Governor from a list of three (3) names submitted by the Kentucky
19 League of Cities or Kentucky Association of Counties. The Kentucky League
20 of Cities and the Kentucky Association of Counties shall alternate in
21 providing a list of names to the Governor every two (2) years, and the selected
22 member representative shall serve for a two (2) year term and may be an
23 elected city or county official; and
 - 24 (g) One (1) member appointed by the Governor, subject to Senate confirmation
25 in accordance with KRS 11.160 for each appointment or reappointment,
26 who shall be employed by or representative of the interest of CMRS
27 providers. The member representing the interests of CMRS providers shall

1 serve for a two (2) year term, and shall alternate between representing a Tier I
2 provider and a Tier III provider.

3 (2) The executive director of the Office of Homeland Security and secretary of the
4 Public Protection Cabinet shall serve by virtue of their offices. The members
5 appointed under subsection (1)(c) to (e) of this section shall be appointed for a term
6 of four (4) years and until their successors are appointed and qualified. Members
7 appointed under subsection (1)(f) and (g) of this section shall serve for a term of
8 two (2) years. Members appointed under subsection (1)(c) to (g) of this section may
9 only serve as long as the appointee holds the office or position he or she held at the
10 time of his or her appointment. Any vacancy on the board shall be filled in the same
11 manner as the original appointment and shall be for the remainder of the unexpired
12 term.

13 (3) No member of the board shall be held to be a public officer by reason of
14 membership on the board. The elected city and county officials appointed under
15 subsection (1) of this section shall each serve on the board in an ex officio voting
16 capacity by virtue of their respective elected offices as long as they continue to
17 occupy their local elected positions during their term as a board member. Their
18 duties as members of the board shall be an extension of their duties as local elected
19 officials and their service on the board shall not constitute the holding of a separate
20 and distinct public office apart from their respective local elected positions.

21 (4) The executive director of the Office of Homeland Security shall serve as chair and
22 preside over meetings of the board, which shall be conducted at least four (4) times
23 each year. In the absence of the executive director of the Office of Homeland
24 Security, the board may be chaired by any other member of the board selected by
25 the remaining members. The board shall be subject to the provisions of the
26 Kentucky Open Meetings Act, KRS 61.805 to 61.850. The board shall establish a
27 regular meeting schedule for each calendar year. The board shall hold at least two

- 1 (2) meetings per calendar year in congressional districts other than the one in which
2 Frankfort is located, and shall rotate its traveling meeting locations among the
3 congressional districts before holding another traveling meeting in the same
4 congressional district. A majority of the members appointed to the board shall
5 constitute a quorum.
- 6 (5) In addition to the administrator appointed by the executive director of the Office of
7 Homeland Security under KRS 65.7625, the Office of Homeland Security shall
8 provide staff services, office space, and other resources necessary to conduct its
9 affairs. The board shall be attached to the Office of Homeland Security for
10 administrative purposes but shall operate as an independent entity within state
11 government.
- 12 (6) The board members shall serve without compensation but shall be reimbursed in
13 accordance with KRS 45.101 for expenses incurred in connection with their official
14 duties as members of the board.
- 15 (7) All administrative costs and expenses incurred in the operation of the board,
16 including payments under subsections (5) and (6) of this section and KRS 65.7625,
17 shall be paid as reimbursement to the Office of Homeland Security from that
18 portion of the CMRS fund that is authorized under KRS 65.7631(2) to be used by
19 the board for administrative purposes. Expenses for personnel, equipment, or
20 facilities that serve multiple functions or purposes shall be prorated. Only those
21 costs for services directly involved in the coordination and administration of duties
22 related to the CMRS emergency telecommunications function shall be eligible for
23 payment using the funds provided in KRS 65.7631(2).
- 24 (8) Prior to June 1 of each year, the Office of Homeland Security shall submit a budget
25 detailing all projected administrative and operational expenses for the subsequent
26 fiscal year to be used by the board in establishing the board's budget for the
27 upcoming fiscal year.

1 (9) The board shall be advised by a permanent advisory council with members
2 appointed by the executive director of the Office of Homeland Security. The
3 members of the advisory council shall represent the interests of the 911 community
4 and shall, at a minimum, include a representative from each of the following
5 organizations:

- 6 (a) 1. The Department of Kentucky State Police;
7 2. The Kentucky Sheriffs' Association;
8 3. The Kentucky Association of Chiefs of Police;
9 4. The Kentucky Fire Chiefs Association;
10 5. The Kentucky Ambulance Providers Association;
11 6. The Kentucky League of Cities;
12 7. The Kentucky Association of Counties;
13 8. The Department of Criminal Justice Training; and
14 9. The Kentucky Board of Emergency Medical Services;
- 15 (b) The Kentucky Association of Public-Safety Communications Officials and the
16 Kentucky Emergency Number Association, each appointed by the executive
17 director of the Office of Homeland Security from a list of three (3) names
18 submitted by both organizations; and
- 19 (c) Any other members selected by the executive director who are familiar with
20 PSAPs, public finances, shared governmental services, emergency
21 management, community crisis response preparation, or the interests of 911
22 service stakeholders.

23 ➔Section 33. KRS 91A.370 is amended to read as follows:

- 24 (1) Except in a county containing a consolidated local government, the commission
25 established pursuant to KRS 91A.350(1) shall be composed of nine (9) members to
26 be appointed by the mayor of the largest city in the county, the county
27 judge/executive and the Governor of the Commonwealth.

- 1 (2) Except in a county containing a consolidated local government, the mayor of the
2 largest city in the county shall appoint three (3) commissioners in the following
3 manner:
- 4 (a) One (1) commissioner from a list submitted by the local city hotel and motel
5 association;
 - 6 (b) One (1) commissioner from a list submitted by the chamber of commerce of
7 the largest city in the county; and
 - 8 (c) One (1) commissioner from a list submitted by the local restaurant association
9 or associations.
- 10 (3) Except in a county containing a consolidated local government, the county
11 judge/executive shall, with the approval of the fiscal court, appoint three (3)
12 commissioners in the following manner:
- 13 (a) One (1) commissioner from a list submitted by the local county hotel and
14 motel association, provided that if only one (1) local hotel and motel
15 association exists which covers both the city and county, then the local hotel
16 and motel association shall submit a list to the county judge/executive;
 - 17 (b) One (1) commissioner from a list submitted by the board of directors of the
18 largest incorporated Thoroughbred horse racing concern in the county, which
19 list shall contain only directors, officers, or employees of that corporation; and
 - 20 (c) One (1) commissioner who is a resident of the county and who has an active
21 interest in the convention and tourist industry.
- 22 (4) Except in a county containing a consolidated local government, the Governor shall
23 appoint three (3) commissioners in the following manner:
- 24 (a) One (1) commissioner from a list submitted by the State Fair Board;
 - 25 (b) One (1) commissioner from a list submitted by the local countywide air board;
26 and
 - 27 (c) One (1) commissioner shall be appointed, in those counties not containing a

1 consolidated local government, who is a resident of the county. In those
2 counties containing a consolidated local government, one (1) commissioner
3 shall be appointed who is a resident of the area comprising the consolidated
4 local government.

5 (5) Vacancies shall be filled in the manner that original appointments are made.

6 (6) When a list as provided in subsections (2) and (3) of this section contains less than
7 three (3) names or when a selection from such list is not made, the appointing
8 authority shall request in writing the submission of a new list of names.

9 (7) Except in a county containing a consolidated local government, the commissioners
10 shall be appointed for a term of three (3) years, provided that in making the initial
11 appointments, the mayor, county judge/executive, and Governor of the
12 Commonwealth shall each appoint one (1) commissioner for a term of one (1) year,
13 one (1) commissioner for a term of two (2) years, and one (1) commissioner for a
14 term of three (3) years.

15 (8) Upon the establishment of a consolidated local government in a county where a city
16 of the first class and a county containing such city have had in effect a cooperative
17 compact pursuant to KRS 79.310 to 79.330, the commission shall have ten (10)
18 members. Six (6) members of the commission shall be appointed by the mayor of
19 the consolidated local government pursuant to the provisions of KRS 67C.139 for a
20 term of three (3) years. The Governor of the Commonwealth shall appoint three (3)
21 members of the commission for a term of three (3) years. The president and chief
22 executive officer of the Kentucky State Fair Board shall be a member of the
23 commission and shall serve by virtue of his or her position. Incumbent members
24 upon the establishment of the consolidated local government shall continue to serve
25 as members of the board for the time remaining of their current term of
26 appointment.

27 (9) The commission shall elect from its membership a chairman and a treasurer, and

1 may employ such personnel and make such contracts as are necessary to effectively
2 carry out the purposes of KRS 91A.345 to 91A.394. Such contracts may include but
3 shall not be limited to the procurement of promotional services, advertising
4 services, and other services and materials relating to the promotion of tourist and
5 convention business; provided, contracts of the type enumerated shall be made only
6 with persons, organizations, and firms with experience and qualifications for
7 providing promotional services and materials such as advertising firms, chambers
8 of commerce, publishers, and printers.

9 (10) The books of the commission shall be audited by an independent auditor who shall
10 make a report to the commission, to the organizations submitting names from which
11 commission members are selected, and to the mayor of a city or a consolidated
12 local government, the county judge/executive in counties not containing a
13 consolidated local government, and the Governor of the Commonwealth.

14 (11) Commission members appointed by the Governor shall serve at the pleasure of the
15 Governor. Commission members appointed by the mayor of a city or a consolidated
16 local government or the county judge/executive may be removed as provided by
17 KRS 65.007.

18 (12) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

19 **(13) All commissioners appointed by the Governor shall be subject to Senate**
20 **confirmation in accordance with KRS 11.160 for each appointment or**
21 **reappointment.**

22 ➔Section 34. KRS 95A.020 is amended to read as follows:

23 (1) As used in this section, "chief fire officer" means an individual who plays an
24 essential role in the administrative structure of his or her fire department.

25 (2) There is hereby created the Kentucky Fire Commission, hereinafter called
26 "commission," which shall be attached to the Kentucky Community and Technical
27 College System for administrative purposes only.

- 1 (3) (a) The commission shall include male, female, and racial minority
2 representation.
- 3 (b) No more than three (3) appointed members shall reside in the same
4 congressional district.
- 5 (4) The commission shall be composed of fourteen (14) members, residents of the State
6 of Kentucky, and appointed by the Governor. These members should be persons
7 well qualified by experience or education in the field of fire protection or related
8 fields. All members appointed by the Governor shall be subject to Senate
9 confirmation in accordance with KRS 11.160 for each appointment or
10 reappointment.
- 11 (5) The membership of the commission shall include:
- 12 (a) One (1) member of a fire department formed under KRS Chapter 75 or 273
13 who is:
- 14 1. Not a chief fire officer;
- 15 2. Not a career employee of any department other than the one from which
16 he or she is nominated; and
- 17 3. Selected from a list of at least three (3) names submitted by the
18 Kentucky Firefighters Association;
- 19 (b) One (1) member of a volunteer fire department who is:
- 20 1. Not a chief fire officer;
- 21 2. Not a career employee of any fire department other than the one from
22 which he or she is nominated; and
- 23 3. Selected from a list of at least three (3) names submitted by the
24 Kentucky Firefighters Association;
- 25 (c) One (1) member of a fire department formed under KRS Chapter 95 selected
26 from a list of at list three (3) names submitted by the Kentucky Professional
27 Firefighters;

- 1 (d) One (1) chief fire officer of a paid fire department selected from a list of at
2 least three (3) names submitted by the Kentucky Association of Fire Chiefs;
- 3 (e) One (1) licensed physician with experience in emergency medicine;
- 4 (f) A chief fire officer of a volunteer fire department who is not a career member
5 of any other department, selected from a list of at least three (3) names
6 submitted by the Kentucky Association of Fire Chiefs;
- 7 (g) One (1) member of a fire department formed under KRS Chapter 67 or 75, or
8 a fire department in a county containing an urban county government created
9 pursuant to KRS Chapter 67A, who is selected from a list of at least three (3)
10 names submitted by the Kentucky Professional Firefighters;
- 11 (h) The director of Homeland Security or his or her designee;
- 12 (i) One (1) mayor or other officer of a Kentucky city providing fire services
13 under KRS Chapter 95 selected from a list of at least three (3) names
14 submitted by the Kentucky League of Cities;
- 15 (j) One (1) county judge/executive or other officer of a Kentucky county selected
16 from a list of at least three (3) names submitted by the Kentucky Association
17 of Counties;
- 18 (k) One (1) representative of a Kentucky building, industry, or safety association;
- 19 (l) One (1) representative of the general public who is not an employee of any
20 government or governmental agency;
- 21 (m) The state fire marshal or his or her designee; and
- 22 (n) One (1) officer of a fire-based emergency medical service selected from a list
23 of at least three (3) names submitted by the executive director of the Kentucky
24 Board of Emergency Medical Services.
- 25 (6) The vice president of administrative services of the Kentucky Community and
26 Technical College System, president of the Kentucky Firefighters Association,
27 president of the Kentucky Professional Firefighters, and president of the Kentucky

1 Association of Fire Chiefs, or their designees, shall serve as nonvoting ex officio
2 members of the commission.

3 (7) The members of the commission who are firefighters shall possess a minimum of
4 five (5) years of fire service experience and shall be certified with the following:

5 (a) One hundred fifty (150) hours of training for volunteer firefighters; or

6 (b) Four hundred (400) hours of training for professional firefighters.

7 (8) The Kentucky Firefighters Association, Kentucky Professional Firefighters,
8 Kentucky Association of Fire Chiefs, Kentucky Board of Emergency Medical
9 Services Association, Kentucky League of Cities, and Kentucky Association of
10 Counties shall submit their lists of nominees by November 15 of each year as
11 vacancies occur.

12 (9) The Governor shall appoint members of the commission to staggered terms not to
13 exceed four (4) years. However, initial appointments shall be appointed as follows:

14 (a) Four (4) members shall serve for two (2) year terms ending November 30,
15 2021;

16 (b) Five (5) members shall serve three (3) year terms ending November 30, 2022;
17 and

18 (c) Five (5) members shall serve four (4) year terms ending November 30, 2023.

19 (10) After the expiration of the initial appointments, appointive members shall be
20 appointed for a term of four (4) years. Any member chosen by the Governor to fill a
21 vacancy created otherwise than by expiration of term shall be appointed for the
22 unexpired term of the member he or she is chosen to succeed.

23 (11) When vacancies occur other than by expiration of term and nominations are
24 required, the Governor may request a new list or select an appointee from a
25 previously submitted list. Appointive members shall not serve more than two (2)
26 consecutive four (4) year terms.

27 (12) A majority of the voting members appointed to the commission shall constitute a

1 quorum. The commission shall:

2 (a) Meet at least four (4) times per year upon call of the chair, or upon the written
3 request of any five (5) members; and

4 (b) Annually elect a chair, vice chair, and secretary in accordance with KRS
5 95A.030.

6 (13) A member of the commission who misses three (3) regular meetings, without the
7 approval of the chairman, in one (1) year shall be deemed to have resigned from the
8 commission and his or her position shall be deemed to be vacant. As used in this
9 subsection, a "year" begins when the first meeting is missed and ends three hundred
10 sixty-five (365) days later or when the third meeting is missed, whichever occurs
11 first. The Governor shall appoint a similarly qualified person to fill the vacancy
12 within ninety (90) days of the vacancy occurring. The failure of a commission
13 member to attend a special or emergency meeting shall not result in any penalty. A
14 person removed under this subsection shall not be reappointed to the commission
15 for at least ten (10) years after removal.

16 (14) Members of the commission shall receive no compensation for their services but
17 shall be allowed their actual and necessary expenses incurred in the performance of
18 their functions.

19 ➔Section 35. KRS 100.133 is amended to read as follows:

20 (1) Before a planning unit may engage in planning operations, a planning commission
21 shall be appointed for the unit in conformance with an adopted agreement.

22 (2) A planning commission shall consist of at least five (5), but not more than twenty
23 (20) members.

24 (3) The Governor shall have the privilege of appointing a member to the commission to
25 which the capital city belongs in addition to the number of members specified for
26 that planning commission. *All members appointed by the Governor shall be*
27 *subject to confirmation by the Senate in accordance with KRS 11.160 for each*

1 **appointment or reappointment.**

- 2 (4) Where extraterritorial jurisdiction is exercised for subdivision regulations or other
3 regulations, the county judge/executive of each affected county may appoint a
4 member to the planning commission of the planning unit exercising such
5 jurisdiction in addition to the number of members specified for that planning
6 commission.
- 7 (5) At least two-thirds (2/3) of the members of every planning commission shall be
8 citizen members.
- 9 (6) A regional planning commission shall include at least one (1) citizen member from
10 each joint planning unit who is also a member of the joint planning commission.
- 11 (7) If one (1) city only joins with one (1) county, then each shall have equal
12 representation.
- 13 (8) Except as provided in KRS 100.137, at least one (1) of the county representatives of
14 the planning commission of a joint planning unit containing a county with an
15 unincorporated area population exceeding one thousand (1,000) persons shall be a
16 resident of the unincorporated area of that county.
- 17 (9) Whenever this chapter requires a city without its consent to belong to a joint
18 planning unit, then KRS 100.137 shall apply.
- 19 ➔Section 36. KRS 136.658 is amended to read as follows:
- 20 (1) The Local Distribution Fund Oversight Committee is hereby created and
21 administratively attached to and staffed by the department. The oversight
22 committee shall consist of nine (9) members appointed by the Governor, **subject to**
23 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
24 **reappointment,** and shall be representative of local government and state
25 government officials. The Governor shall receive recommendations for four (4)
26 members each from the Kentucky Association of Counties and the Kentucky
27 League of Cities from which the Governor shall select two (2) members each. The

1 Governor shall receive recommendations for two (2) members each from the
2 Kentucky School Board Association, the Kentucky Superintendents Association,
3 and the Kentucky School Administrators Association from which the Governor
4 shall select one (1) member each. One (1) member shall be appointed by the
5 Governor to represent the interests of special districts other than school districts.
6 The remaining member shall be the commissioner of the Department for Local
7 Government, who shall serve as chairperson of the oversight committee. The
8 members shall serve for a term of three (3) years. Five (5) members of the oversight
9 committee shall constitute a quorum. A member may be removed for cause in
10 accordance with procedures established by the oversight committee and shall serve
11 without salary but shall be reimbursed for expenses in the same manner as state
12 employees. Any vacancy occurring on the oversight committee shall be filled by the
13 Governor for the unexpired term.

- 14 (2) The duties of the oversight committee shall be:
- 15 (a) To monitor the department's implementation and distribution of funds from
16 the gross revenues and excise tax fund and the state baseline and local growth
17 fund and to report its findings to the commissioner of the department; and
 - 18 (b) To act as a finder of fact for the commissioner of the department in disputes in
19 and between political subdivisions, school districts, special districts, and
20 sheriff departments, and between political subdivisions, school districts,
21 special districts, and sheriff departments, and the department regarding the
22 implementation and distribution of funds from the gross revenues and excise
23 tax fund and the state baseline and local growth fund.
- 24 (3) The department shall provide the oversight committee with an annual report
25 reflecting the amounts distributed to each participating political subdivision, school
26 district, special district, or sheriff department.
- 27 (4) Any political subdivision, school district, special district, or sheriff department may

1 file a complaint and request a hearing with the oversight committee on a form
2 prescribed by the committee. The oversight committee shall give notice to any
3 political subdivision, school district, special district, or sheriff department that may
4 be affected by the complaint. Any political subdivision, school district, special
5 district, or sheriff department intending to respond to the complaint shall do so in
6 writing within thirty (30) days of notice of the complaint.

7 (5) In conducting its business:

8 (a) The oversight committee shall give due notice of the times and places of its
9 hearings;

10 (b) The parties shall be entitled to be heard, to present evidence, and to examine
11 and cross-examine witnesses;

12 (c) The oversight committee shall act by majority vote;

13 (d) The oversight committee shall adopt and publish rules of procedure and
14 practice regarding its hearings; and

15 (e) The oversight committee shall make written findings and recommendations to
16 the commissioner of the department.

17 (6) The commissioner of the department shall review the findings and
18 recommendations of the oversight committee and issue a final ruling within sixty
19 (60) days of receipt of the recommendations.

20 (7) The parties in the dispute shall have the rights and duties to appeal any final ruling
21 to the Board of Tax Appeals under KRS 49.220.

22 (8) Nothing contained in this section shall prevent at any time a written compromise of
23 any matter or matters in dispute, if otherwise lawful, by the parties to the hearing
24 process.

25 ➔Section 37. KRS 146.560 is amended to read as follows:

26 (1) There is hereby established a Kentucky Heritage Land Conservation Fund Board,
27 referred to hereafter as "the board," which shall administer the Kentucky Heritage

1 Land Conservation fund established in KRS 146.570 and shall review and approve
2 all grants payable from the fund. The board shall consist of the following members:

- 3 (a) The commissioner of the Department of Parks or a designee;
- 4 (b) The executive director of the Office of Kentucky Nature Preserves or a
5 designee;
- 6 (c) The commissioner of the Department for Natural Resources or a designee;
- 7 (d) The commissioner of the Department of Fish and Wildlife Resources or a
8 designee;
- 9 (e) One (1) person appointed by the Governor, from two (2) persons nominated
10 by the League of Kentucky Sportsmen;
- 11 (f) One (1) person appointed by the Governor, from two (2) persons recognized
12 for their expertise in natural resource issues and nominated by the Kentucky
13 Academy of Sciences;
- 14 (g) One (1) person appointed by the Governor, from three (3) persons nominated,
15 one (1) by the Kentucky Farm Bureau, one (1) by the Commissioner of the
16 Department of Agriculture, and one (1) by the Kentucky Association of
17 Conservation Districts;
- 18 (h) One (1) person appointed by the Governor, from four (4) persons nominated,
19 one (1) by the Kentucky Audubon Council, one (1) by the Cumberland
20 Chapter of the Sierra Club, one (1) by the Kentucky Chapter of the Nature
21 Conservancy, and one (1) by the Kentucky Conservation Committee; and
- 22 (i) One (1) person appointed by the Governor with at least five (5) years of
23 experience in natural resources land acquisition.

24 The board shall receive staff support from the Office of Kentucky Nature Preserves.
25 Board members shall serve terms of three (3) years and they may be reappointed. A
26 vacancy in an unexpired term shall be filled for the unexpired portion of the term in
27 the same manner as the original appointment to that term. **Members appointed by**

1 *the Governor shall be subject to Senate confirmation in accordance with KRS*
2 *11.160 for each appointment or reappointment.* The Governor shall appoint a
3 chairperson for the board, selected from seated members of the board.

4 (2) The cabinet may promulgate upon recommendation of the board in accordance with
5 the provisions of KRS Chapter 13A administrative regulations as are deemed
6 necessary for application for funds from the agencies and private, nonprofit land
7 trust organizations identified in KRS 146.570, review and approval of proposed
8 projects, and review and approval of grants. Grants shall be made in amounts, for
9 purposes, and to the agencies and private, nonprofit land trust organizations
10 identified in KRS 146.570 as meet the priorities for acquisition which are:

- 11 (a) Natural areas that possess unique features such as habitat for rare and
12 endangered species;
- 13 (b) Areas important to migratory birds;
- 14 (c) Areas that perform important natural functions that are subject to alteration or
15 loss; or
- 16 (d) Areas to be preserved in their natural state for public use, outdoor recreation
17 and education.

18 The cabinet may promulgate administrative regulations, upon recommendation of
19 the board and in accordance with the provisions of KRS Chapter 13A, on
20 acquisition based on these priorities and property costs seeking to maximize the
21 greatest public benefit by taking advantage of those priority areas available below
22 fair market value and where public or private funds are available on a matching
23 basis. Additionally, private, nonprofit land trust organizations, in order to be
24 eligible to receive grants, shall match dollar-for-dollar any funds approved by the
25 board. The board shall expend the whole or any part of the principal and interest as
26 needed. KRS 146.550 to 146.570 shall not allow the use of condemnation powers
27 and shall only allow acquisition of land from willing sellers.

1 ➔Section 38. KRS 147A.200 is amended to read as follows:

- 2 (1) The Department for Local Government is authorized and directed to apply for and
3 receive federal funds to be placed in a state account called the gas system
4 restoration and development project account, and to provide staff to administer said
5 funds. The funds in this account may be used in any gas system restoration or
6 development project approved by the Gas System Restoration and Development
7 Project Account Review Board.
- 8 (2) A Gas System Restoration and Development Project Account Review Board is
9 established and shall consist of eight (8) members appointed by the Governor,
10 subject to Senate confirmation in accordance with KRS 11.160 for each
11 appointment or reappointment. The board shall be chaired by the commissioner of
12 the Department for Local Government and shall include representatives of the
13 Public Service Commission, state fire marshal, Department for Local Government,
14 Kentucky Infrastructure Authority, banking and finance industry, commercial or
15 industrial consumers, Kentucky Gas Association, and low-income or minority
16 group consumers. Members shall be reimbursed for necessary expenses in attending
17 meetings.
- 18 (3) The review board shall meet as necessary and shall establish rules for conducting its
19 business. The review board shall consider applications for loans from the account
20 and approve or disapprove loan applications. No loan shall be considered unless the
21 applicant has complied with all construction and securities requirements of the
22 Public Service Commission. In reviewing loan applications, the review board may
23 request the testimony of the county judge/executive of an affected county and any
24 other witnesses deemed appropriate.

25 ➔Section 39. KRS 147A.330 is amended to read as follows:

- 26 (1) There is hereby established the Endow Kentucky Commission, which shall be
27 responsible for the planning, implementation, and direction of a strategic and

- 1 collaborative philanthropic partnership to focus on building endowment funds that
2 will address community needs through community foundations.
- 3 (2) The commission shall be attached to the Department for Local Government for
4 administrative purposes.
- 5 (3) The duties of the commission shall include but not be limited to the following:
- 6 (a) Explore opportunities for funding for the community endowment fund
7 established by KRS 147A.315;
- 8 (b) Consult and advise the Governor and the agencies, departments, boards, and
9 commissions of the Commonwealth, as well as local governments, on matters
10 pertaining to philanthropy;
- 11 (c) Provide technical assistance to qualified community foundations and affiliate
12 community foundations; and
- 13 (d) Review and certify community foundations pursuant to KRS 147A.325.
- 14 (4) The membership of the commission shall consist of:
- 15 (a) The secretary of the Cabinet for Economic Development, or his or her
16 designee;
- 17 (b) One (1) citizen member engaged in private rural development philanthropy, or
18 who represents private rural development philanthropic interests, to be
19 appointed by the Governor;
- 20 (c) One (1) representative of each community foundation that is organized or
21 operating in the Commonwealth and in compliance with the national
22 standards for community foundations established by the National Council on
23 Foundations, to be appointed by the Governor; and
- 24 (d) One (1) representative from the area development districts appointed by the
25 Governor from a list of names submitted by the executive directors of the area
26 development districts.
- 27 (5) The Governor shall appoint members for a term of two (2) years, and any member

1 may be reappointed, subject to Senate confirmation in accordance with KRS
2 11.160 for each appointment or reappointment. The members shall designate the
3 chair of the commission from among the membership.

4 (6) Members shall serve without compensation, but shall be reimbursed for their actual
5 expenses incurred in the performance of commission duties in accordance with
6 KRS 45.101 and administrative regulations promulgated thereunder.

7 (7) The commission shall meet upon the call of the chair, but not less than twice each
8 year.

9 ➔Section 40. KRS 148.260 is amended to read as follows:

10 (1) There is hereby created and established an agency of state government to be known
11 as the Kentucky Horse Park Commission, which shall constitute a separate
12 administrative body of state government within the meaning of KRS 12.010(8) and
13 under the provisions of KRS 12.015 shall be attached to the Tourism, Arts and
14 Heritage Cabinet solely for administrative purposes.

15 (2) The commission shall be composed of the following eighteen (18) members:

16 (a) The secretary of the Tourism, Arts and Heritage Cabinet or designee;

17 (b) The secretary of the Finance and Administration Cabinet or designee;

18 (c) The Commissioner of Agriculture or designee;

19 (d) The mayor of Lexington or designee;

20 (e) The Scott County judge/executive or designee;

21 (f) The dean of the University of Kentucky College of Agriculture, Food and
22 Environment or designee; and

23 (g) Twelve (12) members appointed by the Governor, subject to Senate
24 confirmation in accordance with KRS 11.160 for each appointment or
25 reappointment, who possess the ability to provide broad management
26 expertise and direction in the operation of the Kentucky Horse Park and, to
27 the extent possible, represent the diverse interests of the Kentucky horse

1 industry, four (4) or more of whom represent the equine industry and four (4)
2 or more of whom are active in industry, tourism, or commerce. The members
3 of the commission appointed under this paragraph shall serve no more than
4 three (3) consecutive four (4) year terms.

5 (3) Members serving under subsection (2)(a) to (f) of this section shall serve as ex
6 officio members with full voting rights, except as provided in subsection (4) of this
7 section.

8 (4) The Governor shall designate one (1) member of the commission to serve as
9 chairperson and one (1) member of the commission to serve as vice chairperson,
10 both of whom shall serve at the pleasure of the Governor, subject to Senate
11 confirmation in accordance with KRS 11.160 for each appointment or
12 reappointment. The chairperson shall generally serve as a nonvoting member, but
13 shall vote when there is a tie among the other members. The vice chairperson shall
14 preside over meetings in the absence of the chairperson, and shall retain the right to
15 vote unless serving in the capacity of chairperson.

16 (5) If a vacancy occurs on the commission, the unexpired term shall be filled pursuant
17 to the requirements and procedures for the original appointment.

18 (6) The commission shall meet quarterly, and the chairperson shall preside over the
19 meetings. The chairperson may call special meetings of the commission upon a
20 request of the majority of the members of the commission, or upon request of the
21 Governor.

22 (7) Members shall be reimbursed only for expenses incurred in the discharge of official
23 business, subject to regulations established by the Finance and Administration
24 Cabinet. All expenses reimbursed to members shall be paid from operating funds of
25 the Kentucky Horse Park.

26 (8) The commission shall establish and maintain an office at the Kentucky Horse Park
27 for the transaction of its business and shall not establish any branch office. The

1 commission may hold meetings at any other place when the convenience of the
2 commission requires.

3 (9) The commission shall be authorized to adopt bylaws providing for the call of its
4 meetings, which shall be held at least quarterly, and for its operating procedures. A
5 quorum of the commission shall consist of ten (10) members, and a quorum of
6 members present at any duly-called meeting may act upon any matter before it for
7 consideration. Each member shall have one (1) vote.

8 (10) The Governor may establish an advisory committee to advise in the administration,
9 development, and operation of the Kentucky Horse Park or other functions,
10 activities, and programs provided for or authorized by KRS 148.258 to 148.320.

11 ➔Section 41. KRS 148.562 is amended to read as follows:

12 (1) The authority shall be governed by a board of directors consisting of thirteen (13)
13 members as follows:

14 (a) Secretary of the Tourism, Arts and Heritage Cabinet, or his or her designee;

15 (b) Secretary of the Transportation Cabinet, or his or her designee;

16 (c) Secretary of the Education and Labor Cabinet, or his or her designee;

17 (d) Secretary of the Finance and Administration Cabinet, or his or her designee;

18 (e) Three (3) members appointed by the Governor, subject to Senate
19 confirmation in accordance with KRS 11.160 for each appointment or
20 reappointment, one (1) to be a representative of the Kentucky Arts Council,
21 and two (2) to be at-large members; and

22 (f) Six (6) members appointed by the mayor of the city of Berea to include two
23 (2) representatives of Berea city government, two (2) representatives of Berea
24 College recommended by the president of Berea College, one (1)
25 representative of Eastern Kentucky University recommended by the president
26 of Eastern Kentucky University, and one (1) at-large member.

27 (2) Members shall serve for staggered terms of four (4) years beginning August 1,

1 2000, except that of the initial appointments:

2 (a) One (1) appointment by the Governor and two (2) appointments by the mayor
3 of the city of Berea shall each serve a term of four (4) years;

4 (b) Two (2) appointments by the mayor of the city of Berea and one (1)
5 appointment by the Governor shall each serve a term of three (3) years;

6 (c) One (1) appointment by the Governor and one (1) appointment by the mayor
7 of the city of Berea shall each serve a term of two (2) years; and

8 (d) One (1) appointment by the mayor of the city of Berea shall serve a term of
9 one (1) year.

10 (3) The Governor shall appoint a chair from among the members of the board, **subject**
11 **to Senate confirmation in accordance with KRS 11.160 for each appointment or**
12 **reappointment.**

13 (4) A quorum of the board shall consist of seven (7) members, with a majority of
14 members present authorized to act upon any matter legally before the authority.

15 (5) A member may be removed by the appointing authority only for neglect of duty,
16 misfeasance, or malfeasance, and after being afforded an opportunity for a hearing
17 in accordance with KRS Chapter 13B, relating to administrative hearings.

18 ➔Section 42. KRS 148.570 is amended to read as follows:

19 (1) The Kentucky Center for African-American Heritage is hereby created to educate
20 the public and to preserve and research the cultural heritage of African-Americans
21 by establishing a center to showcase the contributions of Kentucky African-
22 Americans to the Commonwealth, the nation, and the world. In addition to exhibit
23 space, the center shall provide performance space for activities, such as but not
24 limited to plays, poetry readings, and concerts.

25 (2) The Kentucky Center for African-American Heritage shall be governed by a board
26 of directors who represent various African-American heritage interests. The board
27 shall also reflect significant membership from the African-American community.

1 On June 8, 2011, the board of directors of the African-American Heritage
2 Foundation, Inc., the secretary of the Tourism, Arts and Heritage Cabinet or his or
3 her designee, and the chair of the Kentucky African-American Heritage
4 Commission shall be the initial board of directors of the center, and shall serve four
5 (4) year terms. Upon the expiration of the four (4) year term of the initial board of
6 directors, the membership of the board of directors shall be as follows:

- 7 (a) The secretary of the Tourism, Arts and Heritage Cabinet or the secretary's
8 designee;
- 9 (b) The chair of the Kentucky African-American Heritage Commission;
- 10 (c) One (1) member from an institution of higher learning;
- 11 (d) One (1) member who is an expert in African-American history;
- 12 (e) One (1) member from the arts community;
- 13 (f) Four (4) members with expertise in Kentucky, United States, or world history
14 with an emphasis on the African-American experience. Of the four (4)
15 members required by this paragraph, there shall be one (1) from central
16 Kentucky, one (1) from northern Kentucky, one (1) from western Kentucky,
17 and one (1) from eastern Kentucky;
- 18 (g) One (1) member at large with expertise in Kentucky, United States, or world
19 history with an emphasis on the African-American experience;
- 20 (h) Five (5) members from the metro Louisville area. The mayor of Louisville
21 shall submit five (5) separate lists of three (3) names for each of the
22 appointments provided for in this paragraph. One (1) member shall be
23 appointed from each list of names. At least one (1) of the members appointed
24 from the mayor's lists shall have experience in Kentucky, United States, or
25 world history with an emphasis on the African-American experience; and
- 26 (i) Ten (10) members from the public at large.
- 27 (3) Members listed in subsection (2)(c) to (i) of this section shall be appointed by the

1 Governor, and shall be subject to Senate confirmation in accordance with KRS
2 11.160 for each appointment or reappointment. Twelve (12) of the Governor's
3 initial appointees shall serve two (2) year terms. Eleven (11) of the Governor's
4 initial appointees shall serve four (4) year terms. Subsequent appointments by the
5 Governor shall be for four (4) year terms, and members may be reappointed for
6 subsequent terms. Any vacancy shall be filled by appointment of the Governor for
7 the remainder of the unexpired term.

8 (4) Board members shall serve without compensation but may be reimbursed for actual
9 and necessary expenses incurred in the performance of their duties.

10 (5) The board shall elect by a majority vote a chair, a vice chair, and any other officers
11 deemed necessary.

12 (6) The board shall meet at least three (3) times per year. Notice of the time and
13 location of each meeting shall be provided in writing to each member at least ten
14 (10) days in advance of the meeting.

15 (7) A majority of the members shall constitute a quorum.

16 (8) Committees may be formed at the direction of the chair.

17 (9) The Kentucky Center for African-American Heritage may seek and accept grants or
18 raise funds from any available source, public or private, to accomplish its
19 responsibilities and achieve its objectives.

20 (10) The Kentucky Center for African-American Heritage shall be attached for
21 administrative purposes to the Tourism, Arts and Heritage Cabinet, whose
22 responsibilities shall include but are not limited to designating a staff person to
23 coordinate board needs and providing other staff and services requested by the
24 board to achieve its objectives under KRS 148.572.

25 ➔Section 43. KRS 148.585 (Effective until January 1, 2027) is amended to read
26 as follows:

27 (1) As used in this section:

1 (a) "Commission" means the Harrodsburg Sestercentennial Commission
2 established in subsection (2) of this section; and

3 (b) "Sestercentennial" means the two hundred fiftieth anniversary of the founding
4 of Harrodsburg on June 16, 1774.

5 (2) The Harrodsburg Sestercentennial Commission is hereby established to plan,
6 encourage, develop, and coordinate events and other activities related to the two
7 hundred fiftieth anniversary of Harrodsburg in 2024. To accomplish its charge, the
8 commission shall:

9 (a) Ensure that adequate way-finding signage and mapping is accomplished to
10 mark and identify Old Fort Harrod State Park;

11 (b) Educate citizens of the Commonwealth and the nation about the stories of
12 pioneers and Native Americans in the early days of westward settlement and
13 the impact Harrodsburg and settlements of its nature had on Kentucky and
14 American history;

15 (c) Plan and implement events for a year-long sestercentennial commemoration
16 in the year 2024 of the founding of Harrodsburg and whatever events in the
17 immediately preceding and following years are deemed appropriate by the
18 commission, including any battlefield commemorations if funds are available;

19 (d) Assist local governments and their representatives with planning, preparation,
20 and grant applications for sestercentennial events and projects;

21 (e) Coordinate federal, state, local, and nonprofit organizations' sestercentennial
22 activities occurring in Kentucky;

23 (f) Coordinate events and activities with parties, commissions, and organizations
24 wishing to participate in the 2024 commemoration;

25 (g) Act as a point of contact for national organizations wishing to distribute
26 information to state and local groups about grant opportunities, meetings, and
27 national events related to the settlement of Harrodsburg and sestercentennial

- 1 activities;
- 2 (h) Seek funding sources such as foundations, line item appropriations, federal
3 grants, philanthropic organizations, and lineage societies;
- 4 (i) Create press, print, and electronic contacts that generate stories on a continual
5 basis;
- 6 (j) Encourage and contract new publications and create a call for papers on
7 Harrodsburg, Fort Harrod, James Harrod, or other participating or involved
8 parties, and how the history of this early frontier settlement impacted
9 American history;
- 10 (k) Organize symposiums and other methodologies to investigate genealogy
11 relative to Harrodsburg;
- 12 (l) Create higher and lower educational programs;
- 13 (m) Perform other duties necessary to educate Kentuckians on the history of
14 Harrodsburg and early frontier settlements and on the Commonwealth's role
15 in early westward expansion;
- 16 (n) Evaluate the existing infrastructure of Old Fort Harrod State Park, provide
17 recommendations for what infrastructure should be in place for the successful
18 undertaking of appropriate events and activities in accordance with this
19 section, and coordinate with state and local bodies to make necessary
20 infrastructure improvements; and
- 21 (o) Coordinate planning for the sestercentennial with the nonprofit organization
22 Harrodsburg 250th, Inc., this organization having been established by the
23 local governments of Harrodsburg and Mercer County to serve as the point of
24 contact for local planning for the sestercentennial.
- 25 (3) The commission shall consist of the following eleven (11) members:
- 26 (a) The secretary of the Education and Labor Cabinet or his or her designee;
- 27 (b) The secretary of the Transportation Cabinet or his or her designee;

- 1 (c) Two (2) members from the Tourism, Arts and Heritage Cabinet, appointed by
2 the secretary of the cabinet;
- 3 (d) One (1) member from the Kentucky Heritage Council, appointed by the state
4 historic preservation officer;
- 5 (e) One (1) member of the Kentucky Humanities Council, appointed by the chair
6 of the council;
- 7 (f) One (1) member of Harrodsburg 250th, Inc., recommended by the chair of
8 that organization and appointed by the Governor;
- 9 (g) One (1) member of the Friends of Fort Harrod, recommended by the leader of
10 that organization and appointed by the Governor; and
- 11 (h) Three (3) citizen members appointed by the Governor, one (1) of whom shall
12 be designated as the chair.

13 **(4) All members appointed by the Governor shall be subject to Senate confirmation**
14 **in accordance with KRS 11.160 for each appointment or reappointment.**

15 ~~(5)(4)~~ The Harrodsburg Sestercentennial Commission shall be attached to the
16 Kentucky Historical Society for administrative purposes only.

17 ~~(6)(5)~~ This section shall expire on January 1, 2027.

18 ➔Section 44. KRS 148.586 (Effective until January 1, 2025) is amended to read
19 as follows:

20 (1) The Kentucky State Parks Centennial Commission is established to plan and
21 implement events to celebrate the one hundredth anniversary of the state parks
22 system in 2024. To accomplish its charge, the commission shall:

- 23 (a) Assist local governments and organizations with planning, preparation, and
24 grant applications for parks centennial events and projects;
- 25 (b) Coordinate events and activities with parties, commissions, and organizations
26 wishing to participate in the centennial celebration;
- 27 (c) Seek funding sources such as foundations, line item appropriations, federal

1 grants, and philanthropic organizations;

2 (d) Establish press, print, and electronic contacts that generate stories on a
3 continual basis; and

4 (e) Perform other duties necessary to highlight Kentucky's parks system during
5 its one hundredth year.

6 (2) The Kentucky State Parks Centennial Commission shall consist of the following
7 nine (9) members:

8 (a) The secretary of the Tourism, Arts and Heritage Cabinet or his or her
9 designee;

10 (b) One (1) additional member from the Tourism, Arts and Heritage Cabinet,
11 appointed by the secretary;

12 (c) One (1) member from the Kentucky Historical Society, appointed by the
13 executive director of the society;

14 (d) One (1) member from the Kentucky Heritage Council, appointed by the state
15 historic preservation officer;

16 (e) Three (3) members selected by the secretary of the Tourism, Arts and
17 Heritage Cabinet who work in onsite park leadership; and

18 (f) Two (2) citizen members, one (1) of whom shall be designated as the chair
19 and appointed by the Governor, *subject to Senate confirmation in*
20 *accordance with KRS 11.160 for each appointment or reappointment.*

21 (3) The Kentucky State Parks Centennial Commission shall be attached to the
22 Kentucky Tourism, Arts and Heritage Cabinet for administrative purposes only.

23 (4) This section shall expire on January 1, 2025.

24 ➔Section 45. KRS 148.587 (Effective until January 1, 2027) is amended to read
25 as follows:

26 (1) As used in this section:

27 (a) "Commission" means the Kentucky Sestercentennial Commission established

1 in subsection (2) of this section; and

2 (b) "Sestercentennial" means the two hundred fiftieth anniversary of historic
3 events from 1774 to 1776 that include the founding of Harrodsburg in 1774,
4 the opening of Boone Trace in 1775, the genesis of westward movement, and
5 the important events tied to our nation's founding in 1776.

6 (2) The Kentucky Sestercentennial Commission is hereby established to plan and
7 implement events to celebrate the two hundred fiftieth anniversary of Old Fort
8 Harrod in 2024, culminating with the Declaration of Independence in 1776. To
9 accomplish its charge, the commission shall:

10 (a) Elect a chair of the commission and have the authority to form subcommittees
11 and working groups that include non-commission members in order to plan,
12 develop, and coordinate specific activities;

13 (b) Plan, encourage, develop, and coordinate the commemoration of the two
14 hundred fiftieth anniversary of the founding of the United States and
15 recognize Kentucky's integral role in that event and the impact of its people
16 on the nation's past, present, and future;

17 (c) Ensure that adequate way-finding signage and mapping is accomplished to
18 mark and identify the relevant points of interest and routes involved in the
19 founding of Kentucky and the opening of the west;

20 (d) Educate citizens of the Commonwealth and the nation about the stories of
21 pioneers, African Americans, and Native Americans in the early days of
22 westward settlement and the impact Fort Harrod and Fort Boonesborough had
23 on Kentucky and American history;

24 (e) Plan and implement events for a three (3) year sestercentennial
25 commemoration of the years 2024 to 2026 and following years deemed
26 appropriate by the commission, including any battlefield commemorations if
27 funds are available;

- 1 (f) Assist local governments with planning, preparation, and grant applications
2 for sesstercentennial events and projects;
- 3 (g) Coordinate federal, state, local, and nonprofit organizations' sesstercentennial
4 activities occurring in Kentucky;
- 5 (h) Coordinate events and activities with parties, commissions, and organizations
6 wishing to participate in the commemoration;
- 7 (i) Seek funding sources such as foundations, line item appropriations, federal
8 grants, philanthropic organizations, and lineage societies;
- 9 (j) Establish press, print, and electronic contacts that generate stories on a
10 continual basis;
- 11 (k) Encourage and contract new publications and create a call for papers on how
12 the history of this early frontier settlement impacted American history;
- 13 (l) Organize symposiums and other methodologies to investigate genealogy
14 relative to the events involved in the founding of Kentucky and opening of the
15 west;
- 16 (m) Create higher and lower educational programs; and
- 17 (n) Perform other duties necessary to educate Kentuckians on the history of early
18 frontier settlements and on the Commonwealth's role in early westward
19 expansion and to highlight the importance of the years 1774 to 1776 to
20 Kentucky history.
- 21 (3) The commission shall consist of the following fourteen (14) members:
- 22 (a) The secretary of the Education and Labor Cabinet or his or her designee;
- 23 (b) One (1) member from the Tourism, Arts and Heritage Cabinet appointed by
24 the secretary of the cabinet;
- 25 (c) One (1) member from the Kentucky Heritage Council, appointed by the state
26 historic preservation officer;
- 27 (d) One (1) member from the Kentucky Humanities Council, appointed by the

- 1 chair of the council;
- 2 (e) One (1) member of the Friends of Fort Harrod, recommended by the leader of
3 that organization and appointed by the Governor, subject to Senate
4 confirmation in accordance with KRS 11.160 for each appointment or
5 reappointment;
- 6 (f) Three (3) citizen members appointed by the Governor, one (1) of whom shall
7 be designated as the chair, subject to Senate confirmation in accordance with
8 KRS 11.160 for each appointment or reappointment;
- 9 (g) The commissioner of the Department of Parks or his or her designee;
- 10 (h) The president of Friends of Boone Trace, Inc. or his or her designee;
- 11 (i) The president of the Fort Boonesborough Foundation, or his or her designee;
- 12 (j) One (1) member from the Kentucky African American Heritage Commission
13 appointed by the chair of that commission;
- 14 (k) One (1) member of the Kentucky Native American Heritage Commission
15 appointed by the chair of that commission; and
- 16 (l) One (1) member of the Kentucky Historical Society appointed by the
17 executive director of the society.
- 18 (4) The Kentucky Sestercentennial Commission shall be attached to the Kentucky
19 Historical Society for administrative purposes only.
- 20 (5) This section shall expire on January 1, 2027.
- 21 ➔Section 46. KRS 148.850 is amended to read as follows:
- 22 (1) The Tourism Development Finance Authority is created within the Tourism, Arts
23 and Heritage Cabinet. The authority shall consist of nine (9) members appointed by
24 the Governor, at least one (1) of whom shall represent individuals with professional
25 experience in financial management or economic development. Appointed
26 members shall be subject to Senate confirmation in accordance with KRS 11.160
27 for each appointment or reappointment. The members of the authority shall serve

1 without compensation but shall be entitled to reimbursement for their necessary
2 expenses incurred in performing their duties. Of the members initially appointed to
3 the authority, two (2) members shall be appointed for terms of one (1) year, three
4 (3) members shall be appointed for terms of two (2) years, and two (2) members
5 shall be appointed for terms of three (3) years. Thereafter, the members of the
6 authority shall be appointed for terms of four (4) years.

7 (2) The Governor shall appoint one (1) member as chairperson of the Tourism
8 Development Finance Authority, subject to Senate confirmation in accordance
9 with KRS 11.160 for each chairperson appointment or reappointment. The
10 members of the authority may elect other officers as they deem necessary.

11 (3) No member of the Tourism Development Finance Authority shall either directly or
12 indirectly be a party to, or be in any manner interested in, any contract or agreement
13 with the authority for any matter, cause, or thing that creates any liability or
14 indebtedness against the authority.

15 (4) The Tourism Development Finance Authority shall have the powers necessary to
16 carry out the purposes of this section, KRS 139.536, and KRS 148.851 to 148.860,
17 including but not limited to the power to:

18 (a) Employ fiscal consultants, attorneys, appraisers, and other agents on behalf of
19 the authority whom the authority deems necessary or convenient for the
20 preparation and administration of agreements and documents necessary or
21 incidental to any project. The fees for the services provided by persons
22 employed on behalf of the authority shall be paid by the beneficiary of a loan
23 under this program directly to the person providing consultation, advisory,
24 legal, or other services; and

25 (b) Impose and collect fees and charges in connection with any transaction and
26 provide for reasonable penalties for delinquent payment of fees and charges.

27 ➔Section 47. KRS 149.350 is amended to read as follows:

- 1 (1) There is hereby established a Forestry Best Management Practices Board consisting
2 of thirteen (13) members for the purposes of updating Kentucky's forest practice
3 guidelines for water quality management and the Division of Forestry's
4 administrative regulations regarding timber harvesting operations, and supervising
5 the implementation of forestry best management practices and timber harvesting
6 operations regulations by the Division of Forestry. The offices of the board shall be
7 maintained at a place designated by the board.
- 8 (2) The initial appointments to the board shall be made within one (1) year of July 15,
9 1998, and the appointments shall be for staggered terms to assure continuity. The
10 Governor shall appoint members to the board, subject to confirmation by the
11 Senate in accordance with KRS 11.160 for each appointment or reappointment,
12 representing the following:
- 13 (a) Five (5) members who are farmers or woodland owners with at least fifty (50)
14 acres of woodland and who are actively engaged in woodland management:
- 15 1. One (1) of these members from a list of three (3) persons nominated by
16 the Kentucky Woodland Owners Association;
 - 17 2. One (1) of these members from a list of three (3) persons nominated by
18 the Kentucky Department of Agriculture;
 - 19 3. One (1) of these members from a list of three (3) persons nominated by
20 the Kentucky Farm Bureau Federation; and
 - 21 4. Two (2) of these members shall be farmers at large;
- 22 (b) One (1) logger in good standing;
- 23 (c) One (1) member of the Department of Forestry of the University of Kentucky;
- 24 (d) One (1) member of the Kentucky Division of Forestry;
- 25 (e) Three (3) members of a Kentucky wood industry; and
- 26 (f) Two (2) members at large who are woodland owners.
- 27 (3) Except for initial staggered appointments, board memberships shall be for a period

1 of four (4) years, and members may be appointed to no more than two (2) full
2 consecutive terms. Appointments to the board shall be made consistent with
3 subsection (2) of this section.

4 (4) The chair of the board shall be chosen from the members selected to meet the
5 criteria in subsection (2) of this section.

6 (5) The board shall review existing forestry best management practices within one (1)
7 year after establishment of the board and shall conduct periodic reviews for
8 rewriting the best management practices regulations no sooner than every five (5)
9 years thereafter.

10 (6) The board shall oversee implementation of best management practice education and
11 enforcement by the Division of Forestry.

12 (7) The board shall meet at least once a year for the purpose of conducting its oversight
13 responsibilities.

14 (8) The board shall be attached to the division for administrative purposes. The division
15 shall provide funds necessary for board meetings, travel expenses, and other
16 administrative support, including but not limited to staff assistance at meetings,
17 report preparation, and record keeping.

18 (9) The board shall present its findings and recommendations to the Office of the
19 Governor and the Legislative Research Commission when the board deems
20 appropriate or when the Office of the Governor specifically requests a report. The
21 board shall provide a summary report of its findings and recommendations to the
22 Office of the Governor every five (5) years and to the Legislative Research
23 Commission, if deemed appropriate.

24 ➔Section 48. KRS 151.113 is amended to read as follows:

25 (1) The Kentucky Water Resources Board is hereby created for the purposes of
26 assisting the cabinet in the implementation of KRS 151.110 and 151.112. The board
27 shall be attached to the cabinet for administrative purposes.

- 1 (2) The Kentucky Water Resources Board shall:
- 2 (a) Assist the cabinet in conducting research and developing recommendations to
- 3 enhance the quality of water resources accessible for agricultural production
- 4 in the state;
- 5 (b) Research emerging water resources issues, including the adequacy of water
- 6 supplies available for agricultural production and in rural Kentucky;
- 7 (c) Examine potential actions to address deficiencies in water supplies identified
- 8 by the board;
- 9 (d) Make recommendations for developing new and reliable water sources for key
- 10 areas of farm production in Kentucky;
- 11 (e) Develop and provide the cabinet with recommendations regarding water use
- 12 efficiency for all agricultural water uses;
- 13 (f) Develop recommendations for a strategy to promote water conservation in
- 14 agricultural uses;
- 15 (g) Develop and provide recommendations to the cabinet, the Department of
- 16 Agriculture, and the Soil and Water Conservation Commission regarding on-
- 17 farm and rural community drought and water assessment, monitoring, and
- 18 improvements for agricultural purposes; and
- 19 (h) Request technical assistance from the following groups in order to establish a
- 20 process for the collection and coordination of data on surface and ground
- 21 water availability, water quality, the presence of point and nonpoint sources of
- 22 pollution, instream flow, water withdrawal and use, flood damage and storm
- 23 water management, and the identification and assessment of future data needs:
- 24 1. Kentucky Geological Survey;
- 25 2. United States Geological Survey;
- 26 3. Kentucky Water Resources Institute;
- 27 4. Interagency Technical Advisory Committee on Groundwater;

1 5. Soil and Water Conservation Commission; and

2 6. Any other water group the board deems necessary.

3 (3) The Kentucky Water Resources Board shall consist of eleven (11) members as
4 follows:

5 (a) The secretary of the cabinet or the secretary's designee, who shall serve as
6 chair;

7 (b) The Commissioner of the Kentucky Department of Agriculture or the
8 Commissioner's designee, who shall serve as vice chair;

9 (c) The dean of the University of Kentucky College of Agriculture, Food, and
10 Environment or the dean's designee;

11 (d) Six (6) members appointed by the Governor, **subject to Senate confirmation**
12 **in accordance with KRS 11.160 for each appointment or reappointment,** as
13 follows:

14 1. One (1) member selected from a list of three (3) submitted by the
15 Kentucky Association of Conservation Districts, who shall serve an
16 initial term of four (4) years;

17 2. One (1) member selected from a list of three (3) submitted by the
18 Kentucky Chamber of Commerce, who shall serve an initial term of four
19 (4) years;

20 3. One (1) member selected from a list of three (3) submitted by the
21 Kentucky County Judge/Executive Association, who shall serve an
22 initial term of three (3) years;

23 4. One (1) member selected from a list of three (3) submitted by the
24 Kentucky Farm Bureau, who shall serve an initial term of three (3)
25 years;

26 5. One (1) member selected from a list of three (3) submitted by the
27 Kentucky League of Cities, who shall serve an initial term of two (2)

1 years; and

2 6. One (1) member selected from a list of three (3) submitted by the
3 Kentucky Rural Water Association, who shall serve an initial term of
4 two (2) years; and

5 (e) The board shall have two (2) nonvoting liaisons who are members of the
6 General Assembly, one (1) of whom shall be a member of the House of
7 Representatives appointed by the Speaker of the House of Representatives,
8 and one (1) of whom shall be a member of the Senate appointed by the
9 President of the Senate.

10 (4) Members appointed under subsection (3)(d) of this section shall serve a term of four
11 (4) years and may be reappointed. A person appointed to fill a vacancy occurring
12 prior to the expiration of a term shall be appointed for the remainder of that term.

13 (5) (a) The Kentucky Water Resources Board shall meet at the call of the chair, and
14 members shall not receive compensation for serving on the board.

15 (b) Six (6) members shall constitute a quorum for the purposes of conducting
16 business.

17 ➔Section 49. KRS 151.613 is amended to read as follows:

18 (1) Members of a Stream Restoration and Mitigation Authority established under KRS
19 151.610 to 151.615 shall reside or have a real property interest in the given
20 watershed and shall serve as ex officio members of the 2020 water management
21 planning councils established under KRS 151.601(1) that lie within a given
22 watershed.

23 (2) Each authority shall be composed of the following members appointed by the
24 Governor, **subject to Senate confirmation in accordance with KRS 11.160 for**
25 **each appointment or reappointment:**

26 (a) If there is a sewer utility or utilities serving all or a portion of the HUC 10
27 watershed, one (1) representative of these utilities;

- 1 (b) If there is a water utility or utilities serving all or a portion of the HUC 10
2 watershed, one (1) representative of these utilities;
- 3 (c) Two (2) representatives of conservation organizations, with one (1) selected
4 from a local watershed organization, if possible;
- 5 (d) Three (3) representatives of business or industries with facilities or operations
6 located within the watershed, selected to provide representation from
7 development, manufacturing, and extractive industry sectors, if possible;
- 8 (e) Two (2) representatives from the local governments whose jurisdictional
9 boundaries include all or a portion of the watershed, with one (1) representing
10 the largest incorporated municipality in the watershed if any, and the other
11 representing county government; or in the absence of an incorporated
12 municipality whose jurisdictional boundaries include all or a portion of the
13 watershed, two (2) representatives of county government;
- 14 (f) One (1) representative of the Soil and Water Conservation District in which
15 the watershed is located;
- 16 (g) One (1) representative of an organization representing aquatic recreation
17 interests;
- 18 (h) One (1) representative of the agricultural land use sector; and
- 19 (i) One (1) representative of a nonprofit organization managing grants affecting
20 all or any portion of the watershed, in order to support local efforts by
21 schools, local governments, nonprofit organizations, and volunteers to
22 accomplish the goals of improving water quality, addressing solid waste
23 problems, and promoting environmental awareness and education.
- 24 (3) Members shall serve four (4) year terms, except the first members of the authority
25 shall serve for terms of years as follows:
- 26 (a) Four (4) members shall serve for a term of four (4) years;
- 27 (b) Four (4) members shall serve for a term of three (3) years; and

- 1 (c) The remaining members shall serve for a term of two (2) years.
- 2 (4) Members of the authority may be reappointed. A vacancy in an unexpired term
3 shall be filled for the unexpired portion of the term in the same manner as the
4 original appointment to that term.
- 5 (5) Members of the authority shall serve without pay but may be reimbursed by the
6 authority, as fiscal resources allow, for reasonable expenses incurred to carry out
7 their work.
- 8 (6) Each authority shall elect officers to serve annual terms, adopt bylaws, and establish
9 an annual budget and, when appropriate, may establish advisory committees and
10 policies it deems necessary for the authority's operation.
- 11 (7) The authority may remove any member at the member's request or due to poor
12 attendance at meetings.
- 13 (8) Any organization meeting the following conditions may become a Stream
14 Restoration and Mitigation Authority for the purposes of KRS 151.610 to 151.615:
- 15 (a) The organization was created as an instrumentality of one (1) or more local
16 governments pursuant to KRS Chapter 65 or 273 for the purposes of planning
17 and implementing stream restoration and water quality enhancement projects
18 on a watershed basis;
- 19 (b) The organization was established prior to January 1, 2008;
- 20 (c) The organization has adopted a resolution by majority vote to become a
21 Stream Restoration and Mitigation Authority, and has informed the water
22 service coordinator or coordinators in the watershed; and
- 23 (d) The membership of the organization's governing body has been expanded to
24 include representatives as identified under subsection (2) of this section. The
25 terms of office for existing members of Stream Restoration and Mitigation
26 Authorities established under this subsection shall continue in the same
27 manner until the date that the term expires. New members shall be appointed

1 in the manner prescribed under subsections (2), (3), and (4) of this section,
2 except that newly appointed members shall serve four (4) year terms.

3 ➔Section 50. KRS 151.710 is amended to read as follows:

- 4 (1) The Governor shall appoint members to the Kentucky River Authority, created to
5 carry out the essential public purpose of protecting the health and welfare of the
6 people of the Commonwealth as declared in KRS 151.700.
- 7 (2) The Governor shall appoint the secretaries of the Finance and Administration
8 Cabinet and the Energy and Environment Cabinet and ten (10) other persons as the
9 members of the authority. The secretaries may designate alternates. All
10 appointments and reappointments by the Governor shall be subject to Senate
11 confirmation in accordance with KRS 11.160. Of the ten (10) persons, one (1)
12 shall be a registered engineer, one (1) an expert in water quality, one (1) a mayor,
13 and one (1) a county judge/executive. The mayor and the county judge/executive
14 shall be officers from counties which obtain the major portion of their water supply
15 from the Kentucky River. Five (5) members shall reside in a county adjacent to the
16 main stem of the Kentucky River, one (1) of the five (5) members residing in
17 counties adjacent to locks and dams one (1) through four (4); and one (1) member
18 shall reside in a county adjacent to either the North Fork, Middle Fork, or South
19 Fork of the Kentucky River. Of the twelve (12) members, only one (1) may be an
20 employee of the Energy and Environment Cabinet.
- 21 (3) Of the ten (10) members first appointed, two (2) shall continue in office for terms of
22 one (1) year, two (2) for terms of two (2) years, three (3) for terms of three (3)
23 years, and three (3) for terms of four (4) years, as the Governor designates. At the
24 expiration of the original terms and for all succeeding terms, the Governor shall
25 appoint a successor to the authority for a term of four (4) years in each case.
26 Members may be reappointed. Members appointed and reappointed by the
27 Governor shall be subject to Senate confirmation in accordance with KRS 11.160

- 1 *for each appointment or reappointment.* A vacancy in an unexpired term shall be
2 filled for the unexpired portion of the term in the same manner as the original
3 appointment to that term. Any member whose term has expired may continue to
4 serve and vote until his or her successor is appointed and qualified.
- 5 (4) Each member shall receive as compensation one hundred dollars (\$100) per day for
6 attending a meeting of the authority.
- 7 (5) Any member who misses three (3) consecutive meetings of the authority shall be
8 deemed to have vacated the office. The authority shall declare the office vacant and
9 the office shall be filled as provided by subsections (2) and (3) of this section.
- 10 (6) The authority annually shall elect one (1) of its members as chairman. A quorum
11 for the transaction of business shall be seven (7) members, and a majority of the
12 members present at a meeting may take action on any matter legally before the
13 authority.
- 14 (7) Members shall be paid their necessary travel expenses incurred in attending
15 meetings and in the performance of their official duties, in addition to the per diem
16 compensation of one hundred dollars (\$100).
- 17 (8) The authority shall meet at least quarterly, and may meet upon the call of the
18 chairman.
- 19 (9) The chairman shall be paid necessary travel expenses and a one hundred dollar
20 (\$100) per diem compensation for conducting official business of the authority.
- 21 (10) The authority shall be attached for administrative purposes to the Finance and
22 Administration Cabinet, and the cabinet shall provide the necessary personnel to
23 provide administrative services for the authority.
- 24 (11) The necessary travel expenses and per diem compensation of the members of the
25 authority in attending meetings and in the performance of their official duties shall
26 be paid by the authority.
- 27 (12) The authority shall promulgate administrative regulations necessary to carry out its

1 duties, and shall report annually to the Governor and the Legislative Research
2 Commission.

3 ➔Section 51. KRS 151.810 is amended to read as follows:

4 (1) There is created the Office of State Geographer. The state geographer shall be
5 appointed by the Governor, ~~and~~ shall serve for a term of one (1) year, **and shall be**
6 **subject to Senate confirmation in accordance with KRS 11.160.** No one (1) person
7 shall be appointed state geographer for two (2) terms in succession nor shall the
8 state geographer be from the same institution of higher education as the person
9 immediately preceding him as state geographer. The state geographer shall serve
10 without compensation.

11 (2) The state geographer shall be a person who holds a graduate degree in geography
12 from an accredited college or university and who has demonstrated a professional
13 knowledge of Kentucky geography through his teaching or research activities.

14 (3) To the extent funds permit, the state geographer shall:

- 15 (a) Utilize the facilities of geography departments of major universities in the
16 state;
- 17 (b) Advise state officials and agencies on geographic matters;
- 18 (c) Serve as a resource for teachers of geography and for publishers of geography
19 textbooks and atlases;
- 20 (d) Assist state and local officials with boundary studies;
- 21 (e) Advise state and local agencies on mapping and cartographic programs;
- 22 (f) Assist state and local officials with planning, zoning and land-use studies;
- 23 (g) Cooperate with other states in exchanging geographic information; and
- 24 (h) Compile, analyze and disseminate geographic information necessary to
25 perform the foregoing duties.

26 ➔Section 52. KRS 151B.212 (Effective July 1, 2024) is amended to read as
27 follows:

- 1 (1) For the purposes of KRS 151B.211 to 151B.214, "competitive integrated
2 employment" means work that is performed on a full-time or part-time basis for
3 which an individual is:
- 4 (a) Earning compensation at or above minimum wage and comparable to the
5 customary rate paid by the employer to employees without disabilities
6 performing similar duties and with similar training and experience;
 - 7 (b) Receiving the same level of benefits provided to other employees without
8 disabilities in similar positions;
 - 9 (c) Working at a location where the employee interacts with other individuals
10 without disabilities; and
 - 11 (d) Receiving opportunities for advancement when appropriate similar to other
12 employees without disabilities in similar positions.
- 13 (2) The Employment First Council is hereby established within the Office of
14 Vocational Rehabilitation as an advisory council to the executive and legislative
15 branches of government on matters pertaining to increasing meaningful
16 opportunities for competitive integrated employment for citizens with a disability
17 seeking employment, regardless of their level of disability.
- 18 (3) The Employment First Council shall be composed of twenty-eight (28) members.
19 Members of the council shall be appointed by the Governor, subject to Senate
20 confirmation in accordance with KRS 11.160 for each appointment or
21 reappointment, in a manner that is geographically and culturally representative of
22 the population of the Commonwealth and shall include:
- 23 (a) One (1) representative from the Office of Vocational Rehabilitation;
 - 24 (b) One (1) representative from the Kentucky Workforce Innovation Board;
 - 25 (c) One (1) representative from the Department of Education;
 - 26 (d) One (1) representative from the Office of Career and Technical Education;
 - 27 (e) One (1) representative from the Department for Medicaid Services;

- 1 (f) One (1) representative from the Department for Behavioral Health,
2 Developmental and Intellectual Disabilities;
- 3 (g) One (1) representative from the Commonwealth Council on Developmental
4 Disabilities;
- 5 (h) One (1) representative from Kentucky Protection and Advocacy;
- 6 (i) One (1) representative from the Education and Labor Cabinet, Disability
7 Determination Services;
- 8 (j) One (1) representative from the Division of Behavioral Health;
- 9 (k) One (1) representative from the Kentucky Autism Training Center;
- 10 (l) One (1) representative from the Department for Behavioral Health,
11 Developmental and Intellectual Disabilities, Office of Autism;
- 12 (m) One (1) representative from the University of Kentucky Human Development
13 Institute;
- 14 (n) Two (2) representatives from a state vocational rehabilitation provider
15 agency;
- 16 (o) One (1) representative from the Statewide Council for Vocational
17 Rehabilitation;
- 18 (p) One (1) representative from the Kentucky Chamber of Commerce;
- 19 (q) One (1) representative from the Council of State Governments;
- 20 (r) Four (4) representatives each having at least one (1) of the following
21 qualifications:
- 22 1. A physical or mental impairment that substantially limits one (1) or
23 more major life activity;
- 24 2. A history or record of such an impairment; or
- 25 3. A person who is perceived by others as having such an impairment;
- 26 (s) Two (2) representatives who have an immediate family member with a
27 disability; and

1 (t) Four (4) representatives of business, industry, and labor.

2 (4) After the initial appointments, members of the Employment First Council shall
3 serve terms of three (3) years. Members shall be eligible to succeed themselves and
4 shall serve until their successor is appointed.

5 (5) Members of the Employment First Council shall not be paid for their service as
6 council members, and shall not be reimbursed for any expenses involved in
7 attending council meetings.

8 (6) The Employment First Council shall elect a chair, a vice chair, and a legislative
9 liaison from its council members who shall serve in those capacities until replaced.
10 The legislative liaison shall communicate with the legislative and executive branch
11 about the council's progress and ensure that the work of the council is separate and
12 distinct from the work of the Statewide Council for Vocational Rehabilitation.

13 (7) A majority of council members shall constitute a quorum for the purposes of
14 conducting business. The council shall be subject to the provisions of the Kentucky
15 Open Records Act, as set forth in KRS 61.870 to 61.884.

16 (8) The Employment First Council shall meet quarterly, upon the call of the chair, or at
17 the request of the secretary of the Education and Labor Cabinet. The council shall
18 receive assistance in carrying out its administrative functions from the Department
19 of Workforce Development and shall be attached to the Education and Labor
20 Cabinet for administrative purposes.

21 ➔Section 53. KRS 151B.245 is amended to read as follows:

22 (1) The Statewide Council for Vocational Rehabilitation is hereby created within the
23 Office of Vocational Rehabilitation to accomplish the purposes and functions
24 enumerated in 29 U.S.C. secs. 701 et seq. Members of the council shall be
25 appointed by the Governor pursuant to the guidelines in this section. When
26 appointing members of the council, the Governor shall consider, to the greatest
27 extent practicable, the extent to which minority populations are represented on the

1 council. All members appointed by the Governor shall be subject to Senate
2 confirmation in accordance with KRS 11.160 for each appointment or
3 reappointment.

- 4 (2) The Statewide Council for Vocational Rehabilitation shall consist of the following
5 members which shall serve for the following staggered initial terms but their
6 successors shall serve for a term of three (3) years:
- 7 (a) One (1) representative of the Statewide Independent Living Council, who
8 shall be the chair or other designee of the Statewide Independent Living
9 Council and who shall serve an initial term of two (2) years;
 - 10 (b) One (1) representative of a parent training and information center established
11 pursuant to Section 682(a) of the Individuals with Disabilities Education Act
12 who shall serve an initial term of one (1) year;
 - 13 (c) One (1) representative of the Client Assistance Program established under 34
14 C.F.R. pt. 370, who shall be designated by the employee of the Education and
15 Labor Cabinet responsible for overseeing the Client Assistance Program and
16 who shall serve an initial term of one (1) year;
 - 17 (d) One (1) representative of community rehabilitation program service providers
18 who shall serve an initial term of three (3) years;
 - 19 (e) Four (4) representatives of business, industry, and labor who shall each serve
20 an initial term of three (3) years;
 - 21 (f) One (1) representative of a disability group that includes individuals with
22 physical, cognitive, sensory, and mental disabilities who shall serve an initial
23 term of two (2) years;
 - 24 (g) One (1) representative of a disability group that includes individuals with
25 disabilities who have difficulty representing themselves or are unable due to
26 their disabilities to represent themselves who shall serve an initial term of two
27 (2) years;

- 1 (h) One (1) current or former applicant for or recipient of vocational
2 rehabilitation services who shall serve for an initial term of one (1) year;
- 3 (i) One (1) representative of the state educational agency responsible for the
4 public education of students with disabilities who are eligible to receive
5 services under Part B of the Individuals with Disabilities Education Act who
6 shall serve for an initial term of one (1) year;
- 7 (j) One (1) representative of the Kentucky Workforce Innovation Board who
8 shall serve an initial term of one (1) year;
- 9 (k) One (1) representative from the Kentucky Council for the Blind who shall
10 serve an initial term of three (3) years;
- 11 (l) One (1) representative from the National Federation for the Blind from
12 Kentucky who shall serve an initial term of three (3) years;
- 13 (m) One (1) representative from the Bluegrass Council of the Blind who shall
14 serve an initial term of three (3) years;
- 15 (n) One (1) representative from the State Committee of Blind Vendors who shall
16 serve an initial term of one (1) year;
- 17 (o) One (1) qualified vocational rehabilitation counselor with knowledge of and
18 experience with vocational rehabilitation programs who serves as an ex
19 officio, nonvoting member of the council if employed by the designated state
20 agency and who shall serve an initial term of two (2) years; and
- 21 (p) The executive director of the Office of Vocational Rehabilitation as an ex
22 officio, nonvoting member of the council.
- 23 (3) The members of the council shall not be compensated for their service on the
24 council. Council members shall be reimbursed for their necessary expenses
25 pursuant to KRS 12.029.
- 26 (4) Including the initial appointment, and with the exception of the individuals set out
27 in paragraphs (c) and (p) of subsection (2) of this section, members shall serve no

1 more than two (2) successive terms. A member appointed to fill a vacancy
2 occurring prior to the end of the term for which the predecessor was appointed shall
3 be appointed for the remainder of the predecessor's term.

4 (5) A chair shall be selected by the members of the council from among the voting
5 members of the council, subject to the veto power of the Governor.

6 (6) No member of the council shall cast a vote on any matter that would provide direct
7 financial benefit to the member or the member's organization or otherwise give the
8 appearance of a conflict of interest under state law.

9 (7) A majority of the members of the council shall be individuals with disabilities who
10 meet the requirements of 34 C.F.R. sec. 361.5(c)(28) and who are not employed by
11 the designated state unit.

12 (8) The council shall convene at least four (4) meetings a year in locations determined
13 by the council to be necessary to conduct council business. The meetings shall be
14 publicly announced, open, and accessible to the general public, including
15 individuals with disabilities, unless there is a valid reason for an executive session
16 under the Open Meetings Act, KRS 61.805 to 61.850.

17 ➔Section 54. KRS 151B.455 is amended to read as follows:

18 (1) The Kentucky Assistive Technology Loan Corporation is created and established as
19 an independent de jure municipal corporation and political subdivision of the
20 Commonwealth of Kentucky to perform essential governmental and public
21 functions for the purpose of improving the quality of life for disabled persons who
22 are residents of the Commonwealth of Kentucky by providing the ability to obtain
23 low-interest loans to qualified borrowers for the acquisition of assistive technology.

24 (2) The corporation shall be governed by a board of directors consisting of seven (7)
25 members as follows:

26 (a) The secretary of the Education and Labor Cabinet or the secretary's
27 designated representative;

- 1 (b) One (1) attorney with lending expertise;
- 2 (c) One (1) representative of a financial lending institution; and
- 3 (d) Four (4) public members with a knowledge of assistive technology
- 4 representing a range of disabilities.
- 5 (3) All board members shall be residents of the Commonwealth of Kentucky and all,
- 6 with the exception of the secretary or the secretary's designee, shall be appointed by
- 7 the Governor. Each public member shall be an individual with a disability, a parent
- 8 of an individual with a disability, or a legal representative of an individual with a
- 9 disability. In making appointments the Governor shall seek recommendations from
- 10 disability-related associations and organizations representing the categories of
- 11 disabilities for which appointments are being made. **All members shall be subject**
- 12 **to Senate confirmation in accordance with KRS 11.160 for each appointment or**
- 13 **reappointment.**
- 14 (4) For initial appointments to the board, two (2) public members shall be appointed for
- 15 terms of four (4) years each, two (2) public members for terms of three (3) years
- 16 each, the attorney member for a term of two (2) years, and the member representing
- 17 a financial lending institution for a term of one (1) year. All succeeding terms shall
- 18 be for a period of four (4) years each, and each appointee shall serve for the
- 19 appointed term and until a successor has been appointed and has duly qualified. No
- 20 person shall serve more than two (2) successive full terms.
- 21 (5) If a vacancy on the board occurs, the Governor shall appoint a replacement who
- 22 shall hold office during the remainder of the term vacated.
- 23 (6) The Governor may remove any board member in case of incompetency, neglect of
- 24 duties, gross immorality, or malfeasance in office, and may upon removal declare
- 25 the position vacant and appoint a person to fill the vacancy as provided in other
- 26 cases of vacancy. If a board member is so removed, he or she may appeal. Upon
- 27 appeal an administrative hearing shall be conducted in accordance with KRS

1 Chapter 13B.

2 ➔Section 55. KRS 152.212 is amended to read as follows:

3 The Governor shall appoint three (3) persons to represent Kentucky on the Southern
4 States Energy Board. One (1) member shall be chosen from a list of three (3) state
5 representatives submitted by the Speaker of the House of Representatives; one (1) shall
6 be chosen from a list of three (3) state senators submitted by the President of the Senate,
7 and one (1) shall be appointed by the Governor to represent his office on the board. The
8 member appointed to represent the Governor shall serve at his pleasure, **and shall be**
9 **subject to Senate confirmation in accordance with KRS 11.160 for each appointment**
10 **or reappointment.** The members appointed from the General Assembly shall serve a term
11 of two (2) years and until a successor has been appointed in the manner prescribed above,
12 except that if a member loses his seat in the General Assembly the Governor shall, in
13 consultation with the Speaker of the House of Representatives or the President of the
14 Senate, respectively, appoint a successor for the remainder of his term.

15 ➔Section 56. KRS 152.713 is amended to read as follows:

16 (1) For purposes of this section, "renewable energy" has the same meaning as in KRS
17 154.20-400.

18 (2) The Center for Renewable Energy Research and Environmental Stewardship is
19 hereby created.

20 (3) The Center for Renewable Energy Research and Environmental Stewardship shall:

21 (a) Provide leadership, research, support, and policy development in renewable
22 energy;

23 (b) Advance the goal of renewable energy;

24 (c) Promote technologies, practices, and programs that increase efficiency in
25 energy utilization in homes, businesses, and public buildings;

26 (d) Emphasize energy policies that would result in cost-conscious, responsible
27 development of Kentucky's energy resources and a commitment to

- 1 environmental quality;
- 2 (e) Promote partnerships among the state's postsecondary education institutions,
3 private industry, and nonprofit organizations to actively pursue federal
4 research and development resources that are dedicated to renewable energy;
- 5 (f) Promote the continued development of public-private partnerships dedicated
6 to promoting energy efficiency through education and outreach;
- 7 (g) Establish research priorities with approval of the board of directors created in
8 subsection (4) of this section, relating to renewable energy, and develop
9 procedures and processes for awarding research grants to eligible recipients as
10 defined by the board and to the extent that funding is available;
- 11 (h) Collaborate with the Office of Energy Policy to avoid duplication of efforts,
12 provide appropriate data and information, and support the implementation of
13 Kentucky's comprehensive energy strategy; and
- 14 (i) Carry out other activities to further the efficient and environmentally
15 responsible use of renewable energy.
- 16 (4) (a) There is hereby created a governing board of directors to provide policy
17 direction, establish a strategic research agenda and operating policies, and
18 provide financial and operational oversight for the Center for Renewable
19 Energy Research and Environmental Stewardship. The initial board shall be
20 appointed within sixty (60) days following July 15, 2008.
- 21 (b) The board shall consist of thirteen (13) members:
- 22 1. One (1) member to represent the Office of Energy Policy as designated
23 by its executive director;
- 24 2. Three (3) members representing postsecondary education interests who
25 shall be appointed by the Governor;
- 26 3. One (1) member to be designated by the governing body of the
27 Kentucky Science and Technology Corporation;

- 1 4. One (1) member from an energy conservation organization who shall be
2 appointed by the Governor;
- 3 5. The secretary of the Economic Development Cabinet or the secretary's
4 designee;
- 5 6. One (1) member who shall be a recognized consumer advocate to be
6 appointed by the Governor;
- 7 7. Three (3) members to represent companies that are focused on
8 renewable energy who shall be appointed by the Governor;
- 9 8. One (1) member who shall represent environmental interests to be
10 appointed by the Governor; and
- 11 9. One (1) member who shall be selected to represent local government
12 interests to be appointed by the Governor.
- 13 (c) The members appointed by the Governor shall serve two (2) year terms, ~~and~~
14 may be reappointed, **and shall be subject to Senate confirmation in**
15 **accordance with KRS 11.160 for each appointment or reappointment.** The
16 members representing specific agencies shall serve for as long as the
17 respective agencies determine appropriate.
- 18 (5) The board shall:
- 19 (a) Adopt operating procedures, including a meeting schedule;
- 20 (b) Meet at least quarterly;
- 21 (c) Select a chair and co-chair annually who may be reelected, not to exceed three
22 (3) consecutive terms;
- 23 (d) Establish working groups or subcommittees of the board as the board
24 determines is needed;
- 25 (e) Establish qualifications and job descriptions, set the compensation and
26 benefits, and employ staff as it determines necessary to carry out its
27 responsibilities under this section; and

1 (f) Provide an annual program and financial report to the Legislative Research
2 Commission within ninety (90) days of the close of each fiscal year.

3 ➔Section 57. KRS 153.180 is amended to read as follows:

4 (1) There is hereby established a nonprofit foundation to be known as the Kentucky
5 Foundation for the Arts. The purpose of the foundation shall be to enhance the
6 stability of Kentucky's arts organizations and to ensure Kentuckians have access to
7 the arts through the support of an endowment fund.

8 (2) Funding for the foundation shall be obtained through state appropriations, gifts,
9 grants, and any other funds from the public and private sectors. The foundation
10 board shall have the authority to solicit, accept, and receive contributions from the
11 public and private sectors to match public funding. Moneys in the foundation fund
12 shall not lapse to the general fund at the end of the fiscal year. Moneys in the
13 foundation fund shall be invested by the Office of Financial Management
14 established in KRS 42.0201 consistent with the provisions of KRS Chapter 42, and
15 interest income earned shall be credited to the foundation fund. The foundation
16 board may use the investment income for the purpose of awarding matching grants
17 to nonprofit arts organizations to carry out the following programs:

18 (a) The Performing Arts and Visual Arts Touring Subsidy Program shall support
19 tours and exhibitions for the education and enjoyment of audiences
20 throughout the state; and

21 (b) The Institutional Stabilization Program shall provide operating funds to
22 achieve short-term or long-term stability of arts organizations.

23 (3) The foundation shall be governed by a board of trustees consisting of six (6)
24 members appointed by the Governor on recommendations from the Kentucky Arts
25 Council. **Appointed board members shall be subject to Senate confirmation in**
26 **accordance with KRS 11.160 for each appointment or reappointment.** For the
27 initial appointments, the Governor shall appoint two (2) members to serve two (2)

1 year terms; two (2) members to serve three (3) year terms; and two (2) members to
2 serve four (4) year terms. Thereafter, the Governor shall make all appointments for
3 a term of four (4) years. The board shall elect by majority vote a chair and other
4 officers deemed necessary. Board members shall not receive any compensation for
5 their services, but may be reimbursed in accordance with the provisions of KRS
6 49.040 and 45.101 for actual and necessary expenses incurred in the performance of
7 their duties.

8 (4) The foundation board shall perform duties and responsibilities deemed necessary to
9 fulfill the purposes of this section. The foundation board shall establish by
10 administrative regulation procedures for administration of the foundation, eligibility
11 criteria for the award of grants, appropriate matching contributions from grant
12 recipients, and evaluation and reporting requirements.

13 (5) The foundation shall be attached to the Office of the Secretary of the Tourism, Arts
14 and Heritage Cabinet for administrative purposes only. The Kentucky Arts Council
15 shall provide to the foundation by agreement staff support and office facilities for
16 which reasonable charges and fees may be levied against the foundation fund.

17 (6) The foundation board shall submit an annual report to the Governor and the
18 Legislative Research Commission listing the sources of funds acquired and
19 expended.

20 ➔Section 58. KRS 153.215 is amended to read as follows:

21 (1) There is established the Kentucky Arts Council (hereinafter referred to as "the
22 council") which shall perform functions pursuant to KRS 153.210 to 153.235.

23 (2) The purpose of the council shall be to develop and promote a broadly conceived
24 state policy of support for the arts in Kentucky pursuant to KRS 153.210 to
25 153.235.

26 (3) The Governor shall appoint members to the council, **and those members shall be**
27 **subject to Senate confirmation under KRS 11.160 for each appointment or**

1 **reappointment.** The council shall consist of not more than fifteen (15) members
2 who have an interest in the arts and have the ability and experience to provide broad
3 expertise in operation of the council. Members shall reflect the diverse interests of
4 the arts community to the extent such diversity is possible. At least one (1) member
5 shall represent each of the following areas: education, economic development, and
6 workforce development. The Governor shall appoint three (3) members for a term
7 to expire on November 18, 2017; five (5) members for a term to expire on
8 November 18, 2018; four (4) members for a term to expire on November 18, 2019;
9 and three (3) members for a term to expire on November 18, 2020. Thereafter the
10 Governor shall make all appointments for a term of four (4) years. Members may be
11 reappointed to one (1) additional four (4) year term.

12 (4) Council members shall not receive any compensation for their services, but may be
13 reimbursed in accordance with the provisions of KRS Chapters 44 and 45 for actual
14 and necessary expenses incurred in the performance of their duties under KRS
15 153.210 to 153.235.

16 (5) From the council membership the Governor shall appoint a chair and a vice chair of
17 the council who shall serve at the pleasure of the Governor, **subject to Senate**
18 **confirmation in accordance with KRS 11.160 for each appointment or**
19 **reappointment.** The council may elect by majority vote other officers deemed
20 necessary. The chair shall not be represented by a proxy. Should the chair be
21 unavailable, the vice chair shall serve in the chair's stead.

22 (6) The council shall meet at the call of the chair, but not less often than three (3) times
23 during each calendar year. A majority of the members appointed to the council shall
24 constitute a quorum.

25 (7) The council shall be attached to the Tourism, Arts and Heritage Cabinet as a
26 department within the meaning of KRS Chapter 12.

27 (8) The council shall be headed by an executive director appointed by the secretary of

1 the Tourism, Arts and Heritage Cabinet and confirmed by majority vote of the
2 council.

3 ➔Section 59. KRS 153.380 is amended to read as follows:

- 4 (1) There is established the Kentucky Oral History Commission, hereinafter referred to
5 as "the commission," which shall be attached to the Kentucky Historical Society as
6 a branch of the Oral History and Educational Outreach Division.
- 7 (2) The commission, through funds made available from the State Treasury and from
8 public or private foundations or other sources, shall coordinate, promote, and assist
9 in the development of oral history programs across the state and shall otherwise
10 implement programs which result in the accumulation of taped interviews and other
11 supporting data which preserve the multifaceted history of the Commonwealth.
- 12 (3) The commission shall consist of twelve (12) voting members, ten (10) appointed by
13 the Governor, and the members appointed by the Governor shall be subject to
14 Senate confirmation in accordance with KRS 11.160 for each appointment or
15 reappointment. The commissioner of the Department for Libraries and Archives
16 and the executive director of the Kentucky Historical Society shall serve as ex
17 officio members. Commission members shall serve without compensation but shall
18 be reimbursed for actual and necessary expenses incurred in the performance of
19 their duties.
- 20 (4) After initial appointments, commission members shall be appointed for a four (4)
21 year term, except that of the members appointed after July 15, 1998, three (3)
22 members appointed to fill the terms expiring July 15, 1999, shall serve until
23 February 15, 2000; two (2) members appointed to fill the terms expiring July 15,
24 2000, shall serve until February 15, 2001; three (3) members appointed to fill the
25 terms expiring July 15, 2001, shall serve until February 15, 2002; and two (2)
26 members appointed to fill the terms expiring July 2, 2002, and July 15, 2002, shall
27 serve until February 15, 2003; and subsequent appointments shall be for four (4)

1 year staggered terms ending on February 15. Upon the expiration of terms or in
2 case of vacancies, terms shall be filled by the Governor.

3 (5) The commission shall, upon the appointment of its members, organize and elect
4 officers from its membership. The commission shall choose, by a majority vote, a
5 chairperson and a vice chairperson annually. The commission shall meet upon call
6 of the chairman or by a majority of the members of the commission, but no less
7 than twice each year. A majority of the voting members of the commission shall
8 constitute a quorum for the purpose of conducting the business of the commission.

9 (6) The commission shall serve in an advisory capacity to oral history activities at the
10 Kentucky Historical Society and shall be the final grant approval authority for all
11 funds collected by or appropriated to the commission.

12 (7) The Kentucky Historical Society shall hire staff, expend funds, and operate the
13 normal business activities required by the commission, which shall include the duty
14 to provide:

- 15 (a) Office space;
- 16 (b) Administrative support;
- 17 (c) Telephone and other utilities;
- 18 (d) Storage or processing of oral history tapes; and
- 19 (e) Other activities of a support nature.

20 ➔Section 60. KRS 153.410 is amended to read as follows:

21 (1) The Kentucky Center for the Arts Corporation is hereby established, and shall
22 consist of nineteen (19) members representing metropolitan Louisville and
23 Kentucky to be appointed by the Governor, **subject to Senate confirmation under**
24 **KRS 11.160 for each appointment or reappointment. The Governor** ~~[who]~~ shall
25 also designate a chairman, **who shall be subject to Senate confirmation in**
26 **accordance with KRS 11.160 for each appointment or reappointment.** Initial
27 terms shall be staggered; thereafter, members shall be appointed to four (4) year

1 terms.

2 (2) Members may be removed by the Governor only for cause after being afforded
3 notice, a hearing with counsel before the Governor or his designee, and a finding of
4 fact by the Governor. A copy of charges, transcript of the record of the hearings,
5 and findings of fact shall be filed with the Secretary of State.

6 (3) The Kentucky Center for the Arts Corporation shall be a body corporate with full
7 corporate powers. A quorum of the corporation shall consist of ten (10) members,
8 with a majority of members present authorized to act upon any matter legally before
9 the corporation. Full minutes and records shall be kept of all meetings of the
10 corporation and all official actions shall be recorded.

11 (4) The corporation may enact bylaws concerning the election of other officers, the
12 creation of an executive committee with full authority to act between regular
13 meetings, and the designation of alternates for members with full voting authority.

14 (5) The corporation shall be attached to the Tourism, Arts and Heritage Cabinet for
15 administrative purposes.

16 ➔Section 61. KRS 154.1-705 is amended to read as follows:

17 (1) There shall be created by KRS 154.1-700 to 154.1-745 the Kentucky Peace Corps
18 Governing Board consisting of nine (9) members appointed by the Governor to
19 staggered terms not to exceed four (4) years. Three (3) of these appointees shall be
20 from 501c charitable corporations; one (1) shall represent local government; one (1)
21 shall represent labor; one (1) shall represent the business community; and three (3)
22 shall be employed by state agencies performing work related to the corps' purposes.

23 **All members appointed by the Governor shall be subject to Senate confirmation**
24 **in accordance with KRS 11.160 for each appointment or reappointment.**

25 (2) At least one (1) member of the board appointed pursuant to the provisions of
26 subsection (1) of this section shall be from each congressional district. No more
27 than two (2) members shall be from the same congressional district.

- 1 (3) The board shall annually elect one (1) of its members chairman and one (1) of its
2 members vice chairman.
- 3 (4) The board shall meet at such time and place as shall be specified by the call of its
4 chairman. At least one (1) meeting shall be held each month.
- 5 (5) All meetings of the board shall be open to the public as provided in KRS 61.810 to
6 61.850.
- 7 (6) At least seven (7) days in advance of each regular meeting of the board, notice shall
8 be given in writing to each member by the director, which shall include, at the least,
9 a tentative agenda. Five (5) members shall constitute a quorum for the transaction
10 of business. The board shall keep records and minutes of its business and official
11 actions.
- 12 (7) All records of the board shall be public records and open to public inspection as
13 provided in KRS 61.872 to 61.884.
- 14 (8) Board members shall not receive any compensation for their services, but may be
15 reimbursed in accordance with the provisions of KRS Chapters 44 and 45 and KRS
16 18A.200 for actual and necessary expenses incurred in the performance of their
17 duties as prescribed by KRS 154.1-710 and 154.1-715.
- 18 ➔Section 62. KRS 154.10-010 is amended to read as follows:
- 19 (1) (a) The Kentucky Economic Development Partnership, a board governing the
20 Cabinet for Economic Development, is created and established, performing
21 essential governmental and public functions and purposes essential to
22 improving and promoting the health and general welfare of the people of the
23 Commonwealth through sustainable economic development, as prescribed in
24 KRS 154.1-020.
- 25 (b) The board shall have reorganization powers and authority as prescribed in
26 KRS 12.028 and shall constitute an administrative body as defined in KRS
27 12.010, but it and the cabinet shall not be subject to reorganization by the

1 Governor, KRS Chapter 12 notwithstanding.

2 (c) The board shall serve as the governing body of the cabinet and shall exercise
3 all powers and authorities conferred upon it by statute, including, but not
4 limited to, the following functions:

5 1. Strategic planning;

6 2. Finance;

7 3. Business assistance;

8 4. Marketing and promotion;

9 5. Community development;

10 6. Workforce development;

11 7. Innovation; and

12 8. All economic development powers and authorities not specifically
13 conferred by statute to another agency or authority of state government.

14 (2) The board shall consist of fourteen (14) voting members and two (2) nonvoting
15 members. The fourteen (14) voting members shall consist of the Governor, the
16 secretary of the Finance and Administration Cabinet, the secretary of the Public
17 Protection Cabinet, the secretary of the Energy and Environment Cabinet, the
18 secretary of the Education and Labor Cabinet, the Commissioner of Agriculture or
19 his or her designee, and eight (8) private sector members who shall be appointed by
20 the Governor. **Members appointed by the Governor shall be subject to Senate**
21 **confirmation in accordance with KRS 11.160 for each appointment or**
22 **reappointment.** The secretary of the Governor's Executive Cabinet shall serve as a
23 voting member upon the absence of the Governor. The secretary of the Education
24 and Cabinet for Economic Development and the secretary of the Tourism, Arts and
25 Heritage Cabinet shall serve as nonvoting members.

26 (3) The governing bodies of each of the following organizations shall nominate two (2)
27 persons from each of the six (6) Congressional districts of the Commonwealth and

1 two (2) persons from the state at large, as candidates for appointment as private
2 sector members to the board:

3 (a) The Kentucky Association for Economic Development;

4 (b) The Kentucky Association of Manufacturers;

5 (c) The Kentucky State AFL-CIO;

6 (d) The Kentucky Farm Bureau Federation;

7 (e) The Kentucky Chamber of Commerce; and

8 (f) The National Federation of Independent Businesses/Kentucky.

9 (4) The Governor shall select the original eight (8) private sector members from the
10 aggregation of the lists provided pursuant to subsection (3) of this section, with at
11 least one (1) appointment being chosen from each organization's list and at least one
12 (1) appointment being chosen from each Congressional district. Appointments to
13 vacancies shall be made in the same manner as prescribed in this subsection and
14 subsection (3) of this section, except that there is no requirement that the vacancy
15 be filled from the same organization's list as the original appointment.

16 (5) All appointments shall be for four (4) years.

17 (6) In making appointments to the board, the Governor shall assure broad geographical
18 representation, as well as representation from the major sectors of Kentucky's
19 economy by leading executives with a knowledge of the problems of large and
20 small businesses, local economic development, and the transfer of research and
21 development from the laboratory to the marketplace. In filling vacancies, the
22 Governor shall assure the continuous representation on the board of broad
23 constituencies of Kentucky's economy, including manufacturing and agriculture.

24 (7) Vacancies on the board which may occur from time to time shall be filled as
25 follows:

26 (a) Any vacancy which occurs shall be filled for the unexpired term in
27 accordance with the procedures established in subsections (3) and (4) of this

1 section.

2 (b) If any private sector member misses more than two (2) consecutive meetings
3 of the board, then that position shall be declared vacant and filled in
4 accordance with this section.

5 (8) The board shall meet semiannually and at other times upon call of the chairman or a
6 majority of the board.

7 (9) A quorum shall be a majority of the voting membership of the board.

8 (10) A quorum shall be required to organize and conduct the business of the board,
9 except that an affirmative vote of eight (8) or more members of the entire board
10 shall be required to terminate the employment of the cabinet's secretary, and to
11 adopt or amend the strategic plan.

12 (11) Private sector members shall serve without compensation but shall be reimbursed
13 for all reasonable, necessary, and actual expenses.

14 (12) All existing duties, responsibilities, functions, personnel, programs, funds,
15 obligations, records, and real and personal property of the Cabinet for Economic
16 Development, as of July 14, 1992, shall be under the authority and control of the
17 board.

18 (13) The Cabinet for Economic Development shall give prompt notice to the
19 Commissioner of Agriculture when the cabinet receives information about an
20 agriculture-related economic development opportunity, including but not limited to
21 the following:

22 (a) Agricultural production;

23 (b) Food or beverage processing; or

24 (c) An economic activity that uses agricultural products as inputs.

25 ➔Section 63. KRS 154.12-203 is amended to read as follows:

26 (1) There is created the Kentucky Commission on Military Affairs. The commission
27 shall be a separate administrative body of state government within the meaning of

1 KRS Chapter 12.

- 2 (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
- 3 (a) Address matters of military significance to Kentucky;
- 4 (b) Maintain a cooperative and constructive relationship between state agencies
5 and the military entities in Kentucky, as necessary to ensure coordination and
6 implementation of unified, comprehensive, statewide strategies involved with,
7 or affected by, the military;
- 8 (c) Advise the Governor, the General Assembly, the Kentucky congressional
9 delegation, and other appropriate government officials on all matters in which
10 the military services and the Commonwealth have mutual interests, needs, and
11 concerns;
- 12 (d) Take action to promote and optimize state and Department of Defense
13 initiatives that will improve the military value of Kentucky's National Guard,
14 active, and reserve military force structure and installations, and improve the
15 quality of life for military personnel residing in the Commonwealth;
- 16 (e) Coordinate, as necessary, the state's interest in future Department of Defense
17 base closure and restructuring activities;
- 18 (f) Recommend state, federal, and local economic development projects which
19 would promote, foster, and support economic progress through military
20 presence in the Commonwealth;
- 21 (g) Promote and assist the private sector in developing spin-off investments,
22 employment, and educational opportunities associated with high-technology
23 programs and activities at Kentucky's military installations;
- 24 (h) Recommend to the Kentucky Economic Development Partnership the long-
25 range options and potential for the defense facilities located in Kentucky;
- 26 (i) Develop strategies to encourage military personnel to retire and relocate in
27 Kentucky and promote those leaving the military as a viable quality

- 1 workforce for economic development and industrial recruitment; and
- 2 (j) Allocate available grant money to qualified applicants to further the purposes
- 3 of paragraphs (a) to (i) of this subsection.
- 4 (3) The Kentucky Commission on Military Affairs shall consist of:
- 5 (a) The Governor or a designated representative;
- 6 (b) The secretary of the Cabinet for Economic Development or a designated
- 7 representative;
- 8 (c) The adjutant general of the Commonwealth or a designated representative;
- 9 (d) The executive director of the Office of Homeland Security or a designated
- 10 representative;
- 11 (e) The secretaries of the following cabinets or their designees:
- 12 1. Finance and Administration;
- 13 2. Justice and Public Safety;
- 14 3. Energy and Environment;
- 15 4. Transportation;
- 16 5. Health and Family Services;
- 17 6. Personnel;
- 18 7. Education and Labor;
- 19 8. Public Protection; and
- 20 9. Tourism, Arts and Heritage;
- 21 (f) The Attorney General or a designated representative;
- 22 (g) The commissioner of the Department of Veterans' Affairs or a designated
- 23 representative;
- 24 (h) The executive director of the Kentucky Commission on Military Affairs or a
- 25 designated representative;
- 26 (i) The chairperson of the Kentucky Committee for Employer Support of the
- 27 Guard and Reserve;

- 1 (j) Kentucky's Civilian Aides to the Secretary of the United States Army;
- 2 (k) The chairperson of the Senate Veterans, Military Affairs, and Public
3 Protection Committee and the chairperson of the House of Representatives
4 Veterans, Military Affairs, and Public Safety Committee;
- 5 (l) The Chief Justice or a designated representative;
- 6 (m) The commander or the designee of the commander of each of the following as
7 nonvoting, ex officio members:
- 8 1. U.S. Army Cadet Command;
 - 9 2. U.S. Army Human Resources Command;
 - 10 3. U.S. Army Recruiting Command;
 - 11 4. 84th Training Command;
 - 12 5. One Hundredth Division (Institutional Training);
 - 13 6. 101st Airborne Division;
 - 14 7. Blue Grass Army Depot;
 - 15 8. Fort Campbell Garrison;
 - 16 9. Fort Knox Garrison;
 - 17 10. 11th Theatre Aviation Command, U.S. Army Reserve;
 - 18 11. U.S. Army Corps of Engineers, Louisville District;
 - 19 12. Adjutant General of the U.S. Army;
 - 20 13. U.S. Coast Guard Sector Ohio Valley;
 - 21 14. First Army Division East;
 - 22 15. 1st Theater Sustainment Command; and
 - 23 16. Fifth (V) Corps; and
- 24 (n) Five (5) at-large members appointed by the Governor, who shall be residents
25 of counties significantly impacted by military installations. **Members**
26 **appointed by the Governor shall be subject to Senate confirmation in**
27 **accordance with KRS 11.160 for each appointment or reappointment.**

- 1 (4) The terms of the five (5) at-large members shall be staggered so that two (2)
2 appointments shall expire at two (2) years, one (1) appointment shall expire at three
3 (3) years, and two (2) appointments shall expire at four (4) years, from the dates of
4 initial appointment.
- 5 (5) (a) The commission shall establish an executive committee consisting of the
6 secretary of the Cabinet for Economic Development, the adjutant general of
7 the Commonwealth, the commissioner of the Department of Veterans' Affairs,
8 the executive director of the Kentucky Commission on Military Affairs, and
9 the five (5) at-large members. The chair and vice chair of the Kentucky
10 Commission on Military Affairs shall be appointed by the Governor from
11 among the members of the executive committee, and shall be subject to
12 Senate confirmation in accordance with KRS 11.160 for each appointment
13 or reappointment.
- 14 (b) The chair and vice chair of the commission shall also serve as chair and vice
15 chair of the executive committee.
- 16 (c) The executive committee shall serve as the search committee for an executive
17 director of the commission and shall have any other authority the commission
18 delegates to it.
- 19 (6) The commission shall meet one (1) time each year, and may meet at other times on
20 call of the chair, to establish the commission's goals and to review issues identified
21 and recommendations made by the executive committee. A majority of the
22 members shall constitute a quorum for the transaction of the commission's business.
23 Members' designees shall have voting privileges at commission meetings.
- 24 (7) Members of the commission shall serve without compensation, but shall be
25 reimbursed for their necessary travel expenses actually incurred in the discharge of
26 their duties on the commission, subject to Finance and Administration Cabinet
27 administrative regulations.

- 1 (8) The commission may establish committees or work groups composed of
2 commission members and citizens as necessary to advise the commission in
3 carrying out its responsibilities, duties, and powers. Citizen members of committees
4 or work groups shall not have a vote.
- 5 (9) The commission may promulgate necessary administrative regulations as prescribed
6 by KRS Chapter 13A.
- 7 (10) The commission may adopt bylaws and operating policies necessary for its efficient
8 and effective operation.
- 9 (11) There shall be an executive director, who shall be the administrative head and chief
10 executive officer of the commission, recommended by the executive committee,
11 approved by the commission, and appointed by the Governor. The executive
12 director shall have authority to hire staff, contract for services, expend funds, and
13 operate the normal business activities of the commission.
- 14 (12) The Kentucky Commission on Military Affairs and its executive committee shall be
15 an independent agency attached to the Office of the Governor.
- 16 ➔Section 64. KRS 154.12-205 is amended to read as follows:
- 17 (1) There is hereby created an independent, de jure corporation of the Commonwealth
18 with all the general corporate powers incidental thereto which shall be known as the
19 "Bluegrass State Skills Corporation." The corporation shall be a political
20 subdivision of the state and shall be attached to the Cabinet for Economic
21 Development.
- 22 (2) The corporation is created and established to improve and promote the employment
23 opportunities of the citizens of the Commonwealth by creating and expanding
24 programs of skills training and education which meet the needs of qualified
25 companies.
- 26 (3) The corporation shall be governed by a board of directors consisting of seventeen
27 (17) members, including the following five (5) ex officio members: the

1 commissioner of the Department of Workforce Development or his or her designee,
2 the secretary of the Cabinet for Economic Development, the secretary of the
3 Education and Labor Cabinet, the president of the Council on Postsecondary
4 Education, and the president of the Kentucky Community and Technical College
5 System. The twelve (12) other members shall be appointed by the Governor,
6 including persons having knowledge and experience in business and industry, skills
7 training, education, and minority employment; and at least one (1) of the twelve
8 (12) members shall be appointed to represent labor organizations. **Members**
9 **appointed by the Governor shall be subject to Senate confirmation in accordance**
10 **with KRS 11.160 for each appointment or reappointment.** Each member appointed
11 by the Governor shall serve for a term of four (4) years, except that in making the
12 initial appointments, the Governor shall appoint three (3) members to serve for one
13 (1) year, three (3) members to serve for two (2) years, three (3) members to serve
14 for three (3) years, and three (3) members to serve for four (4) years. All succeeding
15 appointments shall be for a term of four (4) years.

16 (4) In the event of a vacancy, the Governor may appoint a replacement member who
17 shall hold office during the remainder of the term so vacated.

18 (5) Any member may be removed from his appointment by the Governor for cause.

19 (6) The Governor shall designate a member of the board as its chairman.

20 (7) Members of the board of directors of the corporation, except for ex officio
21 members, shall be entitled to compensation for their services in the amount of one
22 hundred dollars (\$100) for each regular or special called meeting of the corporation,
23 and all members shall be entitled to reimbursement for any actual and necessary
24 expenses incurred in the performance of their duties.

25 (8) The board of directors of the corporation shall annually elect a vice chairman, a
26 secretary, and a treasurer. The secretary shall keep a record of the proceedings of
27 the corporation and shall be custodian of all books, documents, and papers filed

1 with the corporation, and its official seal.

2 (9) The Cabinet for Economic Development shall provide staff and support services to
3 the corporation and shall direct and supervise its administrative affairs and general
4 management subject to the policies, control, and direction of the board.

5 (10) All officers and employees of the corporation having access to its funding shall give
6 bond to the corporation, at its expense, in the amount and with the surety as the
7 board may prescribe.

8 ➔Section 65. KRS 154.40-030 is amended to read as follows:

9 (1) The corporation shall be governed by a board of directors consisting of seven (7)
10 members appointed as follows:

11 (a) Three (3) members appointed by the Governor, subject to Senate
12 confirmation in accordance with KRS 11.160 for each appointment or
13 reappointment;

14 (b) Two (2) members appointed by the county judge/executive of Pike County;
15 and

16 (c) Two (2) members appointed by the mayor of Pikeville.

17 Initial appointments shall be for a term expiring November 1, 2003. Thereafter,
18 members shall serve terms of four (4) years beginning November 1, 2003. After a
19 membership term expires, members shall serve until new members are appointed to
20 replace them.

21 (2) A member may be removed by his or her appointing authority as set forth in
22 subsection (1) of this section, for misfeasance or malfeasance and after being
23 afforded notice, an opportunity for a hearing under KRS Chapter 13B, and a finding
24 of facts. A copy of charges, transcripts of the records of hearings, and findings of
25 fact shall be filed with the Secretary of State.

26 (3) Members of the board shall serve without compensation, but shall be reimbursed
27 for actual and necessary travel expenses incurred in the performance of their duties.

1 The reimbursement shall be in accordance with administrative regulations
2 promulgated under KRS Chapter 13A by the Finance and Administration Cabinet.

3 ➔Section 66. KRS 154.90-010 is amended to read as follows:

4 (1) The Northern Kentucky Convention Center Corporation is hereby established to
5 develop and manage the Northern Kentucky Convention Center. The corporation
6 shall be attached to the Tourism, Arts and Heritage Cabinet for administrative
7 purposes. The corporation shall be directed by a board consisting of seven (7)
8 members appointed as follows:

9 (a) The county judge/executives of Kenton, Campbell and Boone Counties, with
10 the approval of their respective fiscal courts, shall each appoint one (1)
11 member to the board. An appointee under this subsection shall have
12 demonstrated successful business experience in a field related to the
13 convention business;

14 (b) The mayor of the city within which the convention center is located shall
15 appoint one (1) member, with the approval of the city commission; and

16 (c) The Governor shall appoint three (3) members, who shall be subject to
17 Senate confirmation in accordance with KRS 11.160 for each appointment
18 or reappointment.

19 (d) One (1) of the initial appointees of the Governor shall have a one (1) year
20 term, one (1) shall have a two (2) year term, and one (1) shall have a three (3)
21 year term. All other appointments, and all subsequent appointments by the
22 Governor, shall be for four (4) year terms.

23 (e) Members may be removed by the appointing authority only for cause and
24 after being afforded notice, a hearing, and a finding of fact by the appointing
25 authority. A copy of charges, transcript of the record of the hearings, and
26 findings of fact shall be filed with the Secretary of State.

27 (2) The Northern Kentucky Convention Center Corporation shall be a body corporate

1 with full corporate powers. A quorum of the corporation shall consist of four (4)
2 members, with a majority of members present authorized to act upon any matter
3 legally before the corporation. Minutes and records shall be kept of all meetings of
4 the corporation and all official actions shall be recorded.

5 (3) The corporation may enact bylaws concerning the election of officers and other
6 administrative procedures it deems necessary.

7 ➔Section 67. KRS 156.840 is amended to read as follows:

8 (1) The Kentucky Technical Education Personnel Board is hereby established to
9 conduct personnel appeals from certified and equivalent employees in the Office of
10 Career and Technical Education under KRS 156.800 to 156.860. Appeals shall be
11 conducted in accordance with the provisions established in KRS Chapter 13B. The
12 board shall be attached to the Department of Education for administrative purposes.

13 (2) The Kentucky Technical Education Personnel Board shall be composed of five (5)
14 voting members, three (3) of whom shall be selected from employees within the
15 Department of Education, except no member shall be an employee within the
16 Office of Career and Technical Education. The remaining two (2) members shall be
17 teachers employed by the Office of Career and Technical Education's Area
18 Technology Centers. The election of the teacher representatives may be conducted
19 by written ballot, Internet balloting, intranet balloting, or electronic mail. The
20 teacher candidates may be present when the balloting is tallied. All votes cast shall
21 be tallied by an independent entity.

22 (a) The Governor shall appoint the two (2) members elected by the teachers
23 employed by the Office of Career and Technical Education's Area
24 Technology Centers and the three (3) members selected from employees
25 within the Department of Education. All members shall be appointed by the
26 Governor to four (4) year terms, and each term shall end on June 30 of the
27 fourth year. *All members appointed by the Governor shall be subject to*

1 *Senate confirmation in accordance with KRS 11.160 for each appointment*
2 *or reappointment.*

3 (b) Terms of new members or reappointed members shall begin on July 1 of the
4 year beginning their term. If a vacancy occurs during a term, the Governor
5 shall appoint a replacement to serve the remainder of the unexpired term
6 within thirty (30) days of the vacancy. The Governor shall select a
7 replacement from the group where the vacancy occurred. The manner of
8 selection for the replacement shall be the same as the manner of the original
9 selection.

10 (c) The members shall possess an understanding of the personnel system
11 established in KRS 156.800 to 156.860.

12 (d) A chair shall be elected annually by members of the board.

13 (3) The board shall meet as necessary to comply with time frames for conducting
14 personnel appeals under KRS Chapter 13B and KRS 156.800 to 156.860, and at
15 other times as deemed necessary by the chair of the board. For meetings of the
16 board, a majority of the voting members shall be present to constitute a quorum for
17 the transaction of business.

18 (4) The Office of Career and Technical Education shall provide administrative,
19 budgetary and support staff services for the board.

20 (5) Pursuant to KRS 156.010, employees of the Department of Education who serve as
21 members of the board shall not receive additional salary for serving as members on
22 the board. However, upon approval of the commissioner of education, board
23 members shall be entitled to reimbursement of actual and necessary expenses
24 incurred while performing their duties as an active member of the board.

25 (6) During personnel appeals conducted by the board, both parties shall be given the
26 opportunity to have a representative present at each step of the process.

27 ➔Section 68. KRS 157.617 is amended to read as follows:

- 1 (1) An independent corporate agency and instrumentality of the Commonwealth is
2 hereby created and established with all the general corporate powers incidental
3 thereto. The corporation shall be known as "The School Facilities Construction
4 Commission" and shall be endowed with perpetual succession and with the power
5 to contract and to be contracted with, to sue and be sued, to have and to use a
6 corporate seal, to adopt bylaws and regulations, subject to the provisions of KRS
7 Chapter 13A, for the orderly conduct of its affairs.
- 8 (2) The commission shall consist of the secretary of the Finance and Administration
9 Cabinet and eight (8) members appointed by the Governor, subject to Senate
10 confirmation in accordance with KRS 11.160 for each appointment or
11 reappointment. The members shall possess a knowledge of long-term debt
12 financing or school facility planning and construction. Appointment shall become
13 effective on January 1 and end on December 31, except the initial appointments
14 shall become effective when made by the Governor. Members shall serve staggered
15 six (6) year terms, except when making the initial appointments three (3) members
16 shall be appointed for six (6) year terms, three (3) members shall be appointed for
17 four (4) year terms, and two (2) members shall be appointed for two (2) year terms.
18 The Governor shall appoint a chairman and vice chairman for the first year;
19 thereafter a chairman and vice chairman shall be elected annually by the
20 membership. The commission may elect other officers it considers necessary and
21 shall employ a director and staff necessary to manage the program.
- 22 (3) If any of the officers of the commission whose signatures or facsimiles thereof
23 appear on any bonds of the commission, or on any other instruments or documents
24 pertaining to the functions of the commission, shall cease to be such officers before
25 delivery of the bonds, or before the effective date or occasion of such instruments
26 or documents, the signatures, and facsimiles thereof, shall nevertheless be valid for
27 all purposes the same as if the officers had remained in office until such delivery or

1 effective date or occasion.

2 (4) Officers, employees, and agents of the commission having custody of money shall
3 at all times be bonded to the maximum amount reasonably anticipated to be held at
4 any one (1) time; and each bond shall have good corporate surety, provided by a
5 surety company authorized to do business in the Commonwealth, to be approved in
6 each instance by the commission. Premiums for such surety shall be paid from the
7 budgeted funds of the commission.

8 (5) The commission shall at all times keep and maintain books of record and account
9 reflecting accurately all its financial transactions. The commission shall be audited
10 annually and shall submit a written report of its activities to the Governor. A copy
11 of each report shall be filed with the Legislative Research Commission.

12 (6) Moneys received by the commission as rentals under any lease, and from the sale of
13 bonds are declared not to be funds of the Commonwealth, but shall be corporate
14 funds of the commission to be held, administered, invested, and disbursed as trust
15 funds under the terms, provisions, pledges, covenants, and agreements set forth in
16 its leases and bond resolutions and bonds.

17 (7) The commission and all of its transactions, activities, and proceedings in the
18 authorization and issuance of its bonds, execution of leases, acceptance of
19 conveyances of property, transaction of conveyances of property, and otherwise,
20 shall be exempt from all provisions relating to custodianship by the Secretary of
21 State of title documents, leases, abstracts of title, maps, and other records as
22 provided in KRS 56.020 and 56.320. Conveyances of property to or by the
23 commission shall not be deemed to be conveyances to or by the Commonwealth,
24 and title to any property acquired by the commission shall be held by the
25 commission in its own name.

26 (8) The Finance and Administration Cabinet shall provide technical assistance to the
27 commission in the issuance of bonds.

1 ➔Section 69. KRS 157.910 is amended to read as follows:

- 2 (1) There is hereby established the Kentucky Environmental Education Council,
3 referred to hereafter as the council, to provide leadership and planning for
4 environmental education for the population of Kentucky through the cooperative
5 efforts of educators, government agencies, businesses, and public interests. The
6 council shall be an independent agency and be attached to the Education and Labor
7 Cabinet for administrative purposes.
- 8 (2) The nine (9) member council shall be appointed to four (4) year terms by the
9 Governor and be composed of a balance of education, government, industry, and
10 environmental interests. Members appointed by the Governor shall **be subject to**
11 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
12 **reappointment, and** have the authority to carry out the provisions of KRS 157.900
13 to 157.915.
- 14 (3) The council shall hire an executive director, environmental education specialists,
15 and clerical staff to carry out the functions and duties of the council.
- 16 (4) The council members shall receive no compensation, but shall be reimbursed for
17 actual expenses incurred in accordance with state procedures and policies.
- 18 (5) The council membership shall elect a chairperson to serve a one (1) year term.

19 ➔Section 70. KRS 157.921 is amended to read as follows:

- 20 (1) The Kentucky Geographic Education Board is established to provide leadership and
21 planning for geography education for the population of Kentucky through the
22 efforts of elementary, secondary, and postsecondary educators, government
23 agencies, and public interests. The board shall be an independent agency and be
24 attached to the Education and Labor Cabinet for administrative purposes.
- 25 (2) The twelve (12) member board shall be appointed to two (2) year terms, initially
26 appointed by the Governor, and composed of the following members:
- 27 (a) Three (3) representatives from postsecondary institutions;

- 1 (b) One (1) representative from the Council for Social Sciences;
- 2 (c) Six (6) representatives from elementary and secondary schools;
- 3 (d) One (1) representative of the Department of Education; and
- 4 (e) One (1) representative of the Council on Postsecondary Education.
- 5 (3) The board shall select from its membership a chair and establish bylaws, including
- 6 bylaws governing board membership and length of terms. Upon expiration of the
- 7 initial appointments and adoption of bylaws governing membership and length of
- 8 terms by the board, the board shall be self-perpetuating, and the appointment and
- 9 length of terms shall be made in accordance with the board's bylaws. Vacancies that
- 10 occur before the expiration of the initial appointments shall be filled by the
- 11 Governor for the remaining term of the vacancy.

12 **(4) All members appointed by the Governor shall be subject to Senate confirmation**

13 **in accordance with KRS 11.160 for each appointment or reappointment.**

14 ~~(5)~~[(4)] The board members shall receive no compensation but shall be reimbursed for

15 actual expenses incurred in accordance with state procedures and policies.

16 ➔Section 71. KRS 158.442 is amended to read as follows:

17 (1) The General Assembly hereby authorizes the establishment of the Center for School

18 Safety. The center's mission shall be to serve as the central point for data analysis;

19 research; dissemination of information about successful school safety and school

20 security programs, best practices, training standards, research results, and new

21 programs; and, in collaboration with the Department of Education and others, to

22 provide technical assistance for safe schools.

23 (2) To fulfill its mission, the Center for School Safety shall:

- 24 (a) Establish a clearinghouse for information and materials concerning school
- 25 violence prevention;
- 26 (b) Provide program development and implementation expertise and technical
- 27 support to schools, law enforcement agencies, and communities, which may

- 1 include coordinating training for administrators, teachers, students, parents,
2 and other community representatives;
- 3 (c) Analyze the data collected in compliance with KRS 158.444;
- 4 (d) Research and evaluate school safety programs so schools and communities are
5 better able to address their specific needs;
- 6 (e) Administer a school safety grant program for local districts as directed by the
7 General Assembly;
- 8 (f) Promote the formation of interagency efforts to address discipline and safety
9 issues within communities throughout the state in collaboration with other
10 postsecondary education institutions and with local juvenile delinquency
11 prevention councils;
- 12 (g) Prepare and disseminate information regarding best practices in creating safe
13 and effective schools;
- 14 (h) Advise the Kentucky Board of Education on administrative policies and
15 administrative regulations relating to school safety and security;
- 16 (i) Beginning July 1, 2020 and by July 1 of each subsequent year, provide an
17 annual report to the Governor, the Kentucky Board of Education, and the
18 Interim Joint Committee on Education regarding the status of school safety in
19 Kentucky, including the number and placement of school resource officers
20 working in school districts in Kentucky and the source of funding and method
21 of employment for each position in accordance with KRS 158.4414;
- 22 (j) Develop and implement a school safety coordinator training program based on
23 national and state best practices in collaboration with the Kentucky
24 Department of Education for school safety coordinators appointed pursuant to
25 KRS 158.4412. The training shall be approved by the board of directors of the
26 Center for School Safety and include instruction on at least the following:
- 27 1. Policies and procedures for conducting emergency response drills using

- 1 an all-hazards approach including hostage and active shooter situations;
- 2 2. Identification and response to threats to school safety and security; and
- 3 3. Preparing for, conducting, and reviewing school security risk
- 4 assessments in accordance with KRS 158.4410; and
- 5 (k) Award a school safety coordinator certificate of completion to a school safety
- 6 coordinator upon satisfactory completion of the training program.
- 7 (3) The Center for School Safety shall be governed by a board of directors consisting of
- 8 fifteen (15) members. Members shall consist of:
- 9 (a) The commissioner or a designee of the Department of Education;
- 10 (b) The secretary or a designee of the Cabinet for Health and Family Services;
- 11 (c) The commissioner or a designee of the Department for Behavioral Health,
- 12 Developmental and Intellectual Disabilities;
- 13 (d) The commissioner or a designee of the Department of Kentucky State Police;
- 14 (e) The commissioner or a designee of the Department of Criminal Justice
- 15 Training;
- 16 (f) The executive director or a designee of the Kentucky Office of Homeland
- 17 Security;
- 18 (g) A representative which shall be appointed by the Governor from one (1) list
- 19 of three (3) names submitted by the Kentucky League of Cities, *subject to*
- 20 *Senate confirmation in accordance with KRS 11.160 for each appointment*
- 21 *or reappointment;*
- 22 (h) A representative which shall be appointed by the Governor from one (1) list
- 23 of three (3) names submitted by the Kentucky School Boards Association,
- 24 *subject to Senate confirmation in accordance with KRS 11.160 for each*
- 25 *appointment or reappointment;*
- 26 (i) A representative which shall be appointed by the Governor from one (1) list
- 27 of three (3) names submitted by the Kentucky Association of School

- 1 Superintendents, subject to Senate confirmation in accordance with KRS
2 11.160 for each appointment or reappointment;
- 3 (j) A representative which shall be appointed by the Governor from one (1) list
4 of three (3) names submitted by the Kentucky Association of School Resource
5 Officers, subject to Senate confirmation in accordance with KRS 11.160 for
6 each appointment or reappointment;
- 7 (k) A representative which shall be appointed by the Governor from one (1) list
8 of three (3) names submitted by the Kentucky Education Association, subject
9 to Senate confirmation in accordance with KRS 11.160 for each
10 appointment or reappointment;
- 11 (l) A representative which shall be appointed by the Governor from one (1) list
12 of three (3) names submitted by the Kentucky School Nurses Association,
13 subject to Senate confirmation in accordance with KRS 11.160 for each
14 appointment or reappointment;
- 15 (m) A representative which shall be appointed by the Governor from one (1) list
16 of three (3) names submitted by the Kentucky Association for Psychology in
17 the Schools, subject to Senate confirmation in accordance with KRS 11.160
18 for each appointment or reappointment;
- 19 (n) A representative which shall be appointed by the Governor from one (1) list
20 of three (3) names submitted by the Kentucky School Counselor Association,
21 subject to Senate confirmation in accordance with KRS 11.160 for each
22 appointment or reappointment; and
- 23 (o) A representative which shall be appointed by the Governor from one (1) list
24 of three (3) names submitted by the Kentucky Parent Teacher Association,
25 subject to Senate confirmation in accordance with KRS 11.160 for each
26 appointment or reappointment.
- 27 (4) Notwithstanding KRS 12.028, the Center for School Safety and its board of

1 directors shall not be subject to reorganization by the Governor.

2 ➔Section 72. KRS 158.6452 is amended to read as follows:

3 (1) A School Curriculum, Assessment, and Accountability Council is hereby created to
4 study, review, and make recommendations concerning Kentucky's system of setting
5 academic standards, assessing learning, identifying academic competencies and
6 deficiencies of individual students, holding schools accountable for learning, and
7 assisting schools to improve their performance. The council shall advise the
8 Kentucky Board of Education and the Legislative Research Commission on issues
9 related to the development and communication of the academic expectations and
10 core content for assessment, the development and implementation of the statewide
11 assessment and accountability program, recognition of high performing schools,
12 imposition of sanctions, and assistance for schools to improve their performance
13 under KRS 158.6453, 158.6455, 158.782, and 158.805.

14 (2) The School Curriculum, Assessment, and Accountability Council shall be
15 composed of seventeen (17) voting members appointed by the Governor, subject to
16 Senate confirmation in accordance with KRS 11.160 for each appointment or
17 reappointment. On making appointments to the council, the Governor shall assure
18 broad geographical representation and representation of elementary, middle, and
19 secondary school levels; assure equal representation of the two (2) sexes, inasmuch
20 as possible; and assure that appointments reflect the minority racial composition of
21 the Commonwealth. The members shall serve terms of two (2) years with no
22 member serving more than two (2) consecutive terms, except that seven (7) of the
23 initial appointments shall be for four (4) year terms. The members shall be
24 appointed as follows:

25 (a) Two (2) parents from recommendations submitted by organizations
26 representing school councils and parents;

27 (b) Two (2) teachers from recommendations submitted by organizations

- 1 representing teachers;
- 2 (c) Two (2) superintendents from recommendations submitted by organizations
- 3 representing superintendents;
- 4 (d) Two (2) principals from organizations representing school administrators;
- 5 (e) Two (2) local school board members from recommendations submitted by
- 6 organizations representing school boards;
- 7 (f) Two (2) school district assessment coordinators from recommendations
- 8 submitted by organizations representing district assessment coordinators;
- 9 (g) Two (2) employers in the state from recommendations submitted by
- 10 organizations representing business and industry;
- 11 (h) Two (2) university professors with expertise in assessment and measurement;
- 12 and
- 13 (i) One (1) at-large member.
- 14 (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair
- 15 annually from its membership.
- 16 (4) The members shall be remunerated for actual and necessary expenses incurred
- 17 while attending meetings of the council or while serving as representative of the
- 18 council.
- 19 (5) The School Curriculum, Assessment, and Accountability Council shall meet at least
- 20 four (4) times each year at times and places as it determines by resolution.
- 21 (6) The School Curriculum, Assessment, and Accountability Council shall be attached
- 22 to the Department of Education for administrative purposes. It shall be provided
- 23 appropriate staff and resources to conduct its work.
- 24 ➔Section 73. KRS 158.648 is amended to read as follows:
- 25 (1) The State Advisory Council for Gifted and Talented Education is hereby created
- 26 and attached to the Kentucky Department of Education. The council's purpose is to
- 27 make recommendations regarding the provisions of services for gifted and talented

1 students in Kentucky's education system.

2 (a) The council shall be composed of nineteen (19) voting members who shall be
3 appointed by the Governor, subject to Senate confirmation in accordance
4 with KRS 11.160 for each appointment or reappointment, and three (3)
5 nonvoting, ex officio members. The members shall be appointed representing
6 various constituencies as follows:

- 7 1. Four (4) members shall be teachers within local school districts
8 representing elementary, middle, and high school levels with at least one
9 (1) full-time teacher of gifted and talented students and one (1) full-time
10 teacher who teaches in a regular classroom;
- 11 2. Four (4) members shall be parents of students in local school districts,
12 including two (2) parents of students identified as gifted and talented
13 and at least one (1) who serves or has served on a school council;
- 14 3. Three (3) members shall be from postsecondary education institutions,
15 including one (1) from an independent college or university;
- 16 4. One (1) member shall be a superintendent of a local school district;
- 17 5. Two (2) members shall be principals, including one (1) from an
18 elementary or middle school and one (1) from a high school;
- 19 6. Two (2) members shall be coordinators of gifted and talented programs
20 and services in local school districts;
- 21 7. One (1) member shall be a local board of education member;
- 22 8. One (1) member shall represent the visual and performing arts; and
- 23 9. One (1) member shall be appointed from the private business sector.

24 (b) The three (3) nonvoting ex officio members shall be: the state consultant for
25 gifted and talented education in the Kentucky Department of Education, a
26 staff person designated by the executive secretary of the Education
27 Professional Standards Board, and a staff person designated by the president

1 of the Council on Postsecondary Education. Vacancies shall be filled by the
2 Governor as they occur in a manner consistent with the provisions for initial
3 appointment.

4 (c) Each board member shall serve a three (3) year term or until a successor is
5 appointed, except that for initial appointments to the board, three (3) of the
6 members shall be appointed to serve a one (1) year term, eight (8) of the
7 members shall be appointed to serve a two (2) year term, and eight (8) of the
8 members shall be appointed to serve a three (3) year term. A member may be
9 reappointed but may not serve more than two (2) consecutive terms.

10 (2) The council shall advise the commissioner of education, the Kentucky Board of
11 Education, and the Education Professional Standards Board concerning the
12 development of administrative regulations and education policy regarding gifted
13 and talented students. The commissioner of education and the executive secretary
14 for the Education Professional Standards Board shall submit proposed
15 administrative regulations and educational policies relating to gifted and talented
16 education and other administrative regulations that impact gifted and talented
17 students for review by the advisory council prior to seeking approval of the
18 appropriate board.

19 (3) As the advisory council considers issues relating to gifted and talented students, it
20 shall seek dialogue with other agencies and organizations, including the Parent
21 Teachers Association, the Governor's Scholars Program, the Governor's School for
22 the Arts, the Governor's School for Entrepreneurs Program, the Kentucky
23 Association of School Councils, the Kentucky Association for Gifted Education, the
24 Kentucky School Boards Association, the Kentucky Association of School
25 Administrators, and the Kentucky Council for Exceptional Children.

26 (4) The advisory council shall annually elect a chair from its membership, establish
27 meeting operational procedures, and meet at least two (2) times annually.

1 (5) The Department of Education shall provide staff and administrative support and
2 shall administer the funds appropriated to support the expenses of the council.

3 (6) The members of the advisory council shall serve without compensation but shall be
4 reimbursed for necessary expenses in the same manner as state employees.

5 ➔Section 74. KRS 158.6485 is amended to read as follows:

6 (1) The Governor's School for Entrepreneurs Program is established as a statewide
7 summer experiential education program for creative and enterprising students to
8 enhance the next generation of business and economic leaders and enrich future
9 economic development across the Commonwealth. The Governor's School for
10 Entrepreneurs Program shall be attached to the Office of the Secretary in the
11 Education and Labor Cabinet for administrative purposes.

12 (2) As used in this section, "entrepreneurship education organization" means a not-for-
13 profit organization that has:

14 (a) Received tax-exempt status from the United States Internal Revenue Service;

15 (b) Registered with the Office of the Kentucky Secretary of State;

16 (c) A statewide mission to generate interest and knowledge in entrepreneurship;
17 and

18 (d) A history of operating education programs focused on entrepreneurship.

19 (3) (a) The Governor or the Governor's designee from the executive cabinet, the
20 commissioner of education, the president of the Council on Postsecondary
21 Education, and the secretary of the Education and Labor Cabinet shall serve
22 as ex officio members of an advisory board to the Governor's School for
23 Entrepreneurs Program. In addition, the Governor shall appoint five (5)
24 members to the advisory board as provided in paragraph (b) of this
25 subsection, *each of whom shall be subject to Senate confirmation in*
26 *accordance with KRS 11.160 for each appointment or reappointment.*

27 (b) By July 31, 2016, the Governor shall appoint five (5) initial members of the

1 advisory board to serve as follows:

- 2 1. One (1) shall be appointed to serve a three (3) year term;
- 3 2. Two (2) shall be appointed to serve a (2) year term; and
- 4 3. Two (2) shall be appointed to serve a (1) year term.

5 Members appointed by the Governor may be reappointed by the Governor to serve
6 successive terms. In making gubernatorial appointments, the Governor shall
7 consider recommendations and information on business and entrepreneurial
8 experience provided by a nominating committee of the board and shall attempt to
9 promote geographic balance on the board. The Governor shall make appointments
10 to fill gubernatorial vacancies as they occur. Each appointment after the initial
11 appointment shall be for a three (3) year term unless the appointment is to fill the
12 unexpired portion of a term.

13 (4) The Education and Labor Cabinet shall contract with an entrepreneurship education
14 organization to administer and operate the statewide Governor's School for
15 Entrepreneurs Program created in this section. The Education and Labor Cabinet
16 shall approve the contract application criteria, the process for submission of a
17 contract application, and the structure and type of evaluation criteria used in the
18 contract application review process.

19 (5) The annual appropriation for the statewide Governor's School for Entrepreneurs
20 Program from the general fund shall be transmitted to an entrepreneurship
21 education organization on July 1 of each year to facilitate the operation of the
22 summer program. Funds shall be used only for the purposes of the statewide
23 Governor's School for Entrepreneurs Program and, notwithstanding KRS 45.229,
24 shall not lapse at the end of the fiscal year.

25 (6) (a) The entrepreneurship education organization shall follow standard accounting
26 practices and shall submit the following financial reports to the Office of the
27 Secretary of the Education and Labor Cabinet, the Finance and

- 1 Administration Cabinet, and the Legislative Research Commission:
- 2 1. Quarterly reports of expenditures of state funds for the Governor's
3 School for Entrepreneurs Program, submitted on or before the thirtieth
4 day after the end of each quarter in the organization's fiscal year;
 - 5 2. Annual reports of receipts and expenditures for the Governor's School
6 for Entrepreneurs Program, submitted on or before the sixtieth day after
7 the end of the fiscal year of the organization; and
 - 8 3. The report of an annual financial compilation or review conducted by an
9 independent accounting firm, submitted on or before September 1 of
10 each year.
- 11 (b) On or before March 1 of each year, the entrepreneurship education
12 organization shall file a report detailing the operations of the Governor's
13 School for Entrepreneurs Program for the preceding year with the Office of
14 the Secretary of the Education and Labor Cabinet, the Finance and
15 Administration Cabinet, and the Legislative Research Commission. The report
16 shall include information concerning the program, student and faculty
17 demographics, and program outcomes according to such measures of success
18 as the advisory board to the statewide Governor's School for Entrepreneurs
19 Program, in collaboration with the entrepreneurship education organization,
20 may develop.
- 21 (c) Nothing in this section shall prevent the entrepreneurship education
22 organization from soliciting program support, cooperation, and funds from
23 private businesses, foundations, industries, and government agencies with an
24 interest in technological innovations, economic development, and
25 entrepreneurial education. Funds may be solicited, accepted, received, and
26 expended from public and private sources for the purpose of implementing
27 this section.

1 (7) The entrepreneurship education organization may perform other programs and
2 initiatives pertaining to its mission so long as all funds appropriated for the
3 statewide Governor's School for Entrepreneurs Program are restricted solely for the
4 design, development, and operation of the statewide Governor's School for
5 Entrepreneurs Program.

6 ➔Section 75. KRS 158.794 is amended to read as follows:

7 (1) The Reading Diagnostic and Intervention Grant Steering Committee is hereby
8 created for the purpose of advising the Kentucky Board of Education and the
9 Department of Education concerning the implementation and administration of
10 universal screeners, reading diagnostic assessments, and a statewide professional
11 development program for early literacy. The committee shall be composed of
12 fourteen (14) members, including the commissioner of education or the
13 commissioner's designee and the following members, to be appointed by the
14 Governor **and subject to Senate confirmation in accordance with KRS 11.160 for**
15 **each appointment or reappointment:**

- 16 (a) Four (4) elementary school teachers with a specialty or background in reading
17 and literacy or reading intervention;
- 18 (b) One (1) elementary school parent;
- 19 (c) One (1) elementary school principal;
- 20 (d) One (1) elementary special education teacher;
- 21 (e) One (1) postsecondary educator who trains and prepares elementary reading
22 teachers;
- 23 (f) One (1) speech-language pathologist;
- 24 (g) One (1) elementary librarian or certified media specialist;
- 25 (h) One (1) elementary reading intervention teacher;
- 26 (i) One (1) teacher with experience assisting children who are deaf or hearing-
27 impaired; and

- 1 (j) One (1) private sector member with reading intervention experience.
- 2 (2) Each member of the committee, other than the commissioner of education or the
3 commissioner's designee, shall serve for a term of three (3) years or until a
4 successor is appointed, except that upon initial appointment, five (5) members shall
5 serve a one (1) year term, four (4) members shall serve a two (2) year term, and
6 four (4) members shall serve a three (3) year term.
- 7 (3) A majority of the full authorized membership shall constitute a quorum.
- 8 (4) The committee shall elect, by majority vote, a chair, who shall be the presiding
9 officer of the committee, preside at all meetings, and coordinate the functions and
10 activities of the committee. The chair shall be elected or reelected each calendar
11 year.
- 12 (5) The committee shall be attached to the Department of Education for administrative
13 purposes.
- 14 (6) The committee shall:
- 15 (a) Identify needs, trends, and issues in schools throughout the state regarding
16 reading and literacy programs;
- 17 (b) Make recommendations regarding the content of administrative regulations to
18 be promulgated by the Kentucky Board of Education under KRS 158.792;
- 19 (c) Advise the Kentucky Board of Education and the Department of Education
20 regarding costs and effectiveness of various reading intervention programs;
21 and
- 22 (d) Advise the Department of Education on:
- 23 1. Suggested universal screeners for reading to be administered to students
24 in kindergarten through grade three (3) as required by KRS 158.791;
- 25 2. Suggested criteria for reading diagnostic assessments to be administered
26 to students in kindergarten through grade three (3) as required by KRS
27 158.791; and

1 3. The development, implementation, and outcomes of a statewide
2 professional development program to include early literacy skills
3 instruction and student engagement.

4 ➔Section 76. KRS 158.796 is amended to read as follows:

5 (1) The Governor's Scholars Program is established to implement an enrichment
6 program for academically gifted students to enhance the next generation of civic
7 and economic leaders and create models of educational excellence. Governor's
8 Scholars Program, Inc. is authorized to operate the Governor's Scholars Program.
9 The Governor's Scholars Program shall be attached to the Office of the Secretary in
10 the Education and Labor Cabinet for administrative purposes.

11 (2) (a) The Governor or the Governor's designee from the executive cabinet, the
12 commissioner of education, and the president of the Council on Postsecondary
13 Education shall serve as ex officio voting members of the board of directors
14 of Governor's Scholars Program, Inc. In addition, the Governor shall appoint
15 five (5) members of the board as provided in paragraph (b) of this subsection,
16 *subject to Senate confirmation in accordance with KRS 11.160 for each*
17 *appointment or reappointment.* Other board members of Governor's Scholars
18 Program, Inc. shall be selected in the manner set forth in the articles of
19 incorporation and bylaws of the corporation.

20 (b) After June 20, 2005, the Governor shall appoint board members as follows:

- 21 1. In 2005, the Governor shall appoint two (2) board members to serve
22 three (3) year terms;
- 23 2. In 2006, the Governor shall appoint two (2) members to serve three (3)
24 year terms; and
- 25 3. In 2007, the Governor shall appoint one (1) member to serve a three (3)
26 year term.

27 Members appointed by the Governor may be reappointed by the Governor to

1 serve successive terms. In making gubernatorial appointments, the Governor
2 shall consider recommendations and information provided by the nominating
3 committee of the board and shall attempt to promote geographic balance on
4 the board. One (1) of the gubernatorial appointees shall be designated by the
5 board to serve on the committee that functions as the executive committee of
6 Governor's Scholars Program, Inc. The Governor shall make appointments to
7 fill gubernatorial vacancies as they occur. Each appointment after the initial
8 appointment shall be for a three (3) year term unless the appointment is to fill
9 the unexpired portion of a term.

10 (c) The board of directors shall have the authority to hire, fire, and manage all
11 program personnel, including the executive director.

12 (3) The annual appropriation for the Governor's Scholars Program from the general
13 fund shall be transmitted to Governor's Scholars Program, Inc. on July 1 of each
14 year to facilitate the operation of the summer program. Funds shall be used only for
15 the purposes of the Governor's Scholars Program and shall not lapse at the end of
16 the fiscal year.

17 (4) (a) Governor's Scholars Program, Inc. shall follow standard accounting practices
18 and shall submit the following financial reports to the Office of the Governor,
19 the Finance and Administration Cabinet, and the Legislative Research
20 Commission:

21 1. Quarterly reports of expenditures of state funds, submitted on or before
22 the thirtieth day after the end of each quarter in the corporation's fiscal
23 year;

24 2. Annual reports of receipts and expenditures for the Governor's Scholars
25 Program, submitted on or before the sixtieth day after the end of the
26 fiscal year of the corporation; and

27 3. The report of an annual financial audit conducted by an independent

1 auditor, submitted on or before September 1 of each year.

2 (b) On or before March 1 of each year, Governor's Scholars Program, Inc. shall
3 file with the Office of the Governor, the Finance and Administration Cabinet,
4 and the Legislative Research Commission a report detailing the operations of
5 the Governor's Scholars Program for the preceding year. The report shall
6 include information concerning the summer program, student and faculty
7 demographics, and program outcomes according to such measures of success
8 as the board may adopt.

9 ➔Section 77. KRS 160.158 is amended to read as follows:

10 (1) A state Council for Community Education shall be established for the purpose of
11 advising the commissioner of education and the Department of Education on issues
12 relating to community education programs and making recommendations for the
13 funding of local community education programs.

14 (2) The council shall have a membership of fifteen (15) persons, appointed by the
15 Governor **and subject to Senate confirmation in accordance with KRS 11.160 for**
16 **each appointment or reappointment.** Membership may include, but not be limited
17 to, representatives of the following groups:

- 18 (a) Civic organizations;
19 (b) Community-based organizations;
20 (c) Community education organizations;
21 (d) Local government;
22 (e) Local school district administrators;
23 (f) Parent organizations;
24 (g) Postsecondary education;
25 (h) School boards; and
26 (i) Teachers.

27 (3) In the event of a vacancy on the council, the Kentucky Community Education

1 Association and the commissioner or his or her designee for community education
2 shall work jointly to create a list of at least three (3) nominees to present to the
3 Governor for consideration. If more than one (1) vacancy exists on the council at
4 the same time, the committee shall submit a number of nominees equal to three (3)
5 times the number of vacancies. The Governor may select the appointee from among
6 the nominees.

7 (4) The commissioner of education or the commissioner's designee shall convene the
8 first meeting of the council for the purpose of establishing the bylaws of the council
9 and electing officers to include: chairman, vice chairman, and secretary. The
10 council shall schedule all subsequent meetings.

11 (5) The council shall not meet more than four (4) times annually. Members may be
12 reimbursed for expenses but shall not receive a per diem allowance.

13 ➔Section 78. KRS 163.506 is amended to read as follows:

14 (1) The Commission on the Deaf and Hard of Hearing shall consist of:

15 (a) Seven (7) members appointed by the Governor as follows:

- 16 1. One (1) audiologist chosen from a list of three (3) names submitted by
17 the Kentucky Speech and Hearing Association;
- 18 2. Three (3) hard of hearing or deaf persons chosen from a list of six (6)
19 names submitted by the Kentucky Association of the Deaf;
- 20 3. One (1) deaf or hard of hearing person chosen from a list of three (3)
21 names submitted by the Kentucky Chapter of the Alexander Graham
22 Bell Association for the Deaf, the initial appointment to be for a one (1)
23 year term;
- 24 4. One (1) hard of hearing or deaf person chosen from a list of three (3)
25 names submitted by the Kentucky members of Self Help for Hard of
26 Hearing People, the initial appointment to be for a two (2) year term;
27 and

- 1 5. One (1) deaf, late-deafened, or hard of hearing person chosen from a list
2 of three (3) names submitted by the American Association of Retired
3 Persons, the initial appointment to be for a two (2) year term;
- 4 (b) One (1) representative of the Cabinet for Health and Family Services
5 appointed by the secretary;
- 6 (c) The secretary of the Education and Labor Cabinet or his designee;
- 7 (d) The president of the Kentucky Association for the Deaf or his designee;
- 8 (e) The president of the Kentucky Registry of Interpreters for the Deaf or his
9 designee; and
- 10 (f) Three (3) persons appointed by the Commission on the Deaf and Hard of
11 Hearing as constituted in subsections (1)(a) through (1)(e) of this section,
12 appointed as follows:
- 13 1. One (1) parent of a hard of hearing or deaf child;
- 14 2. One (1) representative of a public or private organization providing
15 consistent services to the deaf and hard of hearing; and
- 16 3. One (1) member at large.
- 17 (2) All members shall serve three (3) year terms except state officials or their designees
18 who shall serve during their terms of office. Of the members appointed pursuant to
19 subsection (1)(a)2. through (1)(a)5. and subsection (1)(f) of this section, no more
20 than three (3) of those members shall have terms beginning in the same year. Any
21 person who is a member of the commission on July 13, 1990, shall serve until he
22 resigns or until his term expires.
- 23 **(3) All members appointed by the Governor shall be subject to Senate confirmation**
24 **in accordance with KRS 11.160 for each appointment or reappointment.**
- 25 ~~(4)~~(3) Each member of the commission shall be reimbursed for his necessary travel
26 and other expenses actually incurred in the discharge of his duties.
- 27 ➔Section 79. KRS 164.357 is amended to read as follows:

- 1 (1) There is established as a separate administrative body of state government the
2 Governmental Services Center at Kentucky State University which shall be attached
3 to the Personnel Cabinet for administrative purposes. The center shall be governed
4 by the Governmental Services Center Authority.
- 5 (2) The authority shall consist of the president of Kentucky State University, who shall
6 be chairman, the secretary of the Finance and Administration Cabinet, the secretary
7 of the Personnel Cabinet, two (2) members appointed by the Governor, each of
8 whom shall serve as ex officio voting members of the authority, and two (2) other
9 voting members to be appointed by the chairman of the authority. **Members**
10 **appointed by the Governor shall be subject to Senate confirmation in accordance**
11 **with KRS 11.160 for each appointment or reappointment.** Appointed members
12 shall be citizens and residents of the Commonwealth of Kentucky. The initial term
13 of one (1) of the members appointed by the chairman shall be for two (2) years, and
14 the initial term of the other appointed member shall be for a term of four (4) years;
15 thereafter, all appointments shall be for terms of four (4) years, but appointed
16 members shall be removable at will by the chairman of the authority.
- 17 (3) The Governmental Services Center at Kentucky State University, under direction of
18 the authority, shall be responsible for the development, coordination, content,
19 approval, and implementation of all training, employee development, and related
20 programs conducted for and on behalf of all program cabinets, departments,
21 administrative bodies, and program managers of the state government. The center
22 shall conduct, or cause to be conducted, ongoing management training programs for
23 all program managers and supervisors within the executive branch of state
24 government. The organizational units whose supervisors and managers received
25 training at the center shall share the cost of the training on a pro rata basis. The
26 center shall encourage the enrollment of state employees in academic courses and
27 programs at Kentucky State University. If desired academic courses are not

1 available at the university, and cannot feasibly be developed by the university, other
2 universities and community colleges within the Commonwealth shall be utilized.

3 The authority shall determine the appropriateness of all such programs.

4 (4) The authority may employ an executive director and other employees necessary to
5 perform the functions of the center in accordance with the provisions of KRS
6 Chapter 18A. The executive director or any staff member of the center may hold
7 concurrently with their employment by the center, and subject to the provisions of
8 KRS 164.360 and 164.365, faculty appointments of appropriate rank at Kentucky
9 State University.

10 (5) Members of the authority who are not either state or university employees shall be
11 reimbursed for their actual expenses in attending meetings for the authority.

12 ➔Section 80. KRS 164.476 is amended to read as follows:

13 (1) The "Lung Cancer Research Fund" is created and shall receive funds each year
14 from the Kentucky health care improvement fund in the amount specified in KRS
15 304.17B-003(5)(b). The lung cancer research fund shall be used to finance the Lung
16 Cancer Research Project described in subsection (5) of this section. No revenues
17 from the lung cancer research fund shall be allocated until the board has adopted the
18 strategic plan described in subsections (5) and (6) of this section.

19 (2) A research consortium between the University of Kentucky and the University of
20 Louisville is created and shall be known as the Governance Board of the Lung
21 Cancer Research Project. The consortium shall be attached to the Council on
22 Postsecondary Education for administrative purposes.

23 (3) The board shall consist of nine (9) members appointed by the Governor, *subject to*
24 *Senate confirmation in accordance with KRS 11.160 for each appointment or*
25 *reappointment*, as follows:

26 (a) Two (2) members shall be from the faculty of the School of Medicine at the
27 University of Kentucky;

- 1 (b) Two (2) members shall be from the faculty of the School of Medicine at the
2 University of Louisville;
- 3 (c) Two (2) members shall be from the Council on Postsecondary Education; and
- 4 (d) Three (3) members shall be from the state at large, one (1) of whom shall be
5 appointed chair by the Governor.
- 6 (4) Except as provided in paragraphs (a) to (d) of this subsection, the terms of the
7 members shall be for four (4) years and until their successors are appointed and
8 confirmed. A vacancy on the board shall be filled for the remainder of the
9 unexpired term in the same manner as the original appointment. Members may be
10 reappointed. The initial appointments shall be for staggered terms, as follows:
- 11 (a) Two (2) members shall be appointed for one (1) year;
- 12 (b) Two (2) members shall be appointed for two (2) years;
- 13 (c) Two (2) members shall be appointed for three (3) years; and
- 14 (d) Three (3) members shall be appointed for four (4) years.
- 15 (5) The Governance Board of the Lung Cancer Research Project shall develop and
16 oversee the implementation of a twenty (20) year strategic plan that utilizes the
17 resources of both the University of Louisville and the University of Kentucky in
18 establishing the Lung Cancer Research Project. The Lung Cancer Research Project
19 shall be a joint program to:
- 20 (a) Develop an expertise in the area of lung cancer research with an immediate
21 focus on early detection and epidemiology and with an ultimate goal of
22 eradication of lung cancer;
- 23 (b) Establish a statewide clinical trial network to make university-based clinical
24 trials available to the community physician in order to bring the most
25 innovative cancer treatments to all Kentuckians in need of these treatments;
- 26 (c) Leverage the resources earmarked for the Lung Cancer Research Project
27 toward the certification of the cancer program at the University of Kentucky

1 and the University of Louisville by the National Cancer Institute as a cancer
2 center; and

3 (d) Undertake other initiatives consistent with the strategic plan.

4 (6) The strategic plan shall identify both short-term and long-term goals and the
5 appropriate oversights to measure progress toward achievement of those goals; it
6 shall be updated every two (2) years.

7 (7) The Governance Board of the Lung Cancer Research Project shall submit an annual
8 report to the Governor and the Legislative Research Commission by September 1
9 each year for the preceding fiscal year, outlining its activities and expenditures.

10 (8) The Auditor of Public Accounts, on an annual basis, shall conduct a thorough
11 review of all expenditures from the lung cancer research fund and, if necessary in
12 the opinion of the Auditor, the operations of the Lung Cancer Research Project and
13 the lung cancer research fund.

14 ➔Section 81. KRS 164.600 is amended to read as follows:

15 (1) As used in this section, unless the context requires otherwise:

16 (a) "Chief executive officer" means a president or the head administrator of a
17 college within the Kentucky Community and Technical College System;

18 (b) "College" means a community college, a technical college, or a community
19 and technical college within the system;

20 (c) "President" means the chief executive officer of the system;

21 (d) "Relative" means father, mother, brother, sister, husband, wife, son, daughter,
22 aunt, uncle, son-in-law, and daughter-in-law; and

23 (e) "System" means the Kentucky Community and Technical College System.

24 (2) There shall be a board of directors for each community college or community and
25 technical college under the Kentucky Community and Technical College System,
26 except as provided in KRS 165.160. The board of regents may designate that a local
27 board of directors serve more than one college. Each board of directors shall:

- 1 (a) Recommend one (1) candidate for college chief executive officer from three
2 (3) candidates provided by the president. The president shall have the
3 authority to make the final appointment and shall not be bound by the
4 recommendation from the board of directors;
- 5 (b) Evaluate the college chief executive officer and advise the president of his or
6 her performance. The president has final authority for the appointment and
7 termination of the college chief executive officer;
- 8 (c) Approve budget requests for recommendation to the Kentucky Community
9 and Technical College System;
- 10 (d) Adopt and amend an annual operating budget and submit it to the board of
11 regents for approval as to the compliance with its guidelines;
- 12 (e) Approve a strategic plan that is developed in coordination with local
13 employers, civic leaders, campus constituents, and other postsecondary
14 institutions in the region and that is consistent with the strategic agenda of the
15 General Assembly.
- 16 (3) The chief executive officer of each college shall have full authority and discretion
17 regarding the use and management of the budget approved by the board of regents
18 for the Kentucky Community and Technical College System under KRS 164.350.
- 19 (4) Each board of directors shall consist of ten (10) members, seven (7) of whom shall
20 be appointed by the Governor from nominees of the respective college nominating
21 commission established under KRS 164.602 for a term set by law pursuant to
22 Section 23 of the Constitution of Kentucky. **Members appointed by the Governor**
23 **shall be subject to Senate confirmation in accordance with KRS 11.160 for each**
24 **appointment or reappointment.** The other three (3) board members shall be one (1)
25 member of the teaching faculty, one (1) member of the staff, and one (1) member of
26 the student body. An appointed member's term shall be six (6) years.
- 27 (5) The faculty member shall be on the teaching or research faculty of the college. The

1 faculty member shall be elected by secret ballot of all full-time faculty members of
2 the college. Faculty members shall serve for terms of three (3) years and until their
3 successors are elected and qualified. Faculty members shall be eligible for
4 reelection, but they shall be ineligible to continue to serve as members of the boards
5 if they cease to be members of the teaching staff of the college. Elections to fill
6 vacancies shall be for the unexpired term in the same manner as provided for
7 original election.

8 (6) The staff member shall be a classified or midmanagement employee who does not
9 hold faculty rank and who does not hold an upper administrative position. The staff
10 member shall be elected by secret ballot of all full-time staff members of the
11 college. Staff members shall serve for terms of three (3) years and until their
12 successors are elected and qualified. Staff members shall be eligible for reelection,
13 but shall be ineligible to continue to serve as members of the boards if they cease to
14 be members of the staff of the college. An election to fill a vacancy for an
15 unexpired term shall be held in the same manner as an election to an original full
16 term.

17 (7) The student member shall be elected by secret ballot from the student body of the
18 college to serve a term of one (1) year. The student member shall be a full-time
19 student who maintains permanent residency in the Commonwealth of Kentucky.

20 (8) If a board of directors is designated by the board of regents to serve more than one
21 college as permitted under subsection (2) of this section, the board of regents shall
22 define procedures for the selection of the faculty, staff, and student representatives
23 to the board of directors to ensure that there is opportunity for all colleges to be
24 represented.

25 (9) The members of the board of directors shall receive no compensation for their
26 services but shall be paid for their actual and necessary expenses.

27 (10) No citizen member of the board of directors shall have a conflict of interest in

1 accordance with KRS 45A.340 or be a relative of any employee of the college
2 under its jurisdiction. A person who is a member of the board on July 15, 1998,
3 who is a relative of an employee of the college may finish out the appointed term of
4 office but the member may not be reappointed.

5 ➔Section 82. KRS 164.602 is amended to read as follows:

6 (1) There shall be a nominating commission for each college board of directors
7 required under KRS 164.600 to provide names of nominees to the Governor for
8 appointment to the board of directors.

9 (2) (a) Each nominating commission shall be composed of five (5) members
10 appointed by the Governor, subject to Senate confirmation in accordance
11 with KRS 11.160 for each appointment or reappointment, who shall reside in
12 the service area of the college at the time of their appointment. Commission
13 members shall have no conflict of interest in accordance with KRS 45A.340
14 or have a relative employed by a public postsecondary institution, the Council
15 on Postsecondary Education, the Kentucky Higher Education Assistance
16 Authority, the Kentucky Higher Education Student Loan Corporation, or the
17 Kentucky Authority for Educational Television.

18 (b) Members of the nominating commission shall serve four (4) year terms, or
19 until a successor shall be appointed, except the initial appointments shall be as
20 follows:

- 21 1. One (1) member shall serve a one (1) year term;
- 22 2. Two (2) members shall serve a two (2) year term;
- 23 3. One (1) member shall serve a three (3) year term; and
- 24 4. One (1) member shall serve a four (4) year term.

25 (3) The Governor shall appoint commission members who reflect, inasmuch as
26 possible, equal representation of the two (2) sexes and in the context of the total
27 membership of all of the commissions, shall approximate the proportional

1 representation of the two (2) leading political parties and the minority racial
2 composition of the state.

3 (4) (a) The nominating commission shall submit to the Governor the names of three
4 (3) nominees for each position on the board of directors who meet the
5 eligibility criteria for membership under KRS 164.600.

6 (b) In the selection of the nominees, the nominating commission shall consider
7 the needs of the respective college, locate potential appointees, review
8 candidates' qualifications and references, conduct interviews, and carry out
9 other search and screening activities as necessary. The commission shall
10 consider the goals for diversity of membership as set out in subsection (3) of
11 this section.

12 (c) Each appointment to the board of directors shall be made thirty (30) days
13 prior to the expiration of a term or as soon as practicable following an
14 unforeseen vacancy. The Governor may reject all names of nominees and
15 request the submission of three (3) additional names for consideration.

16 (5) The members of the commissions shall be reimbursed for actual and necessary
17 expenditures incurred in the performance of their duties.

18 (6) The nominating commissions shall be attached to the Kentucky Community and
19 Technical College System and the Governor's office staff shall provide staffing and
20 administrative assistance.

21 ➔Section 83. KRS 164.746 is amended to read as follows:

22 (1) The authority shall be governed, all of its powers shall be exercised, and its duties
23 and functions shall be performed by a board of directors.

24 (a) Subject to paragraph (b) of this subsection, voting members of the board shall
25 consist of:

26 1. Seven (7) members who shall be appointed from the general public
27 residing in the Commonwealth of Kentucky by the Governor from

1 nominees submitted by the Governor's Postsecondary Education
2 Nominating Committee under KRS 164.005;~~and~~

3 2. Eight (8) members of the board of directors of the Kentucky Higher
4 Education Student Loan Corporation appointed by the Governor
5 pursuant to KRS 164A.050(3)(a)1., who shall serve terms of office on
6 the authority board of directors coextensive with their respective terms
7 of office on the Kentucky Higher Education Student Loan Corporation
8 board of directors; and

9 3. All members appointed by the Governor shall be subject to Senate
10 confirmation in accordance with KRS 11.160 for each appointment or
11 reappointment.

12 (b) Upon resignation or expiration of the term of an appointed member of the
13 board of the authority or the Kentucky Higher Education Student Loan
14 Corporation, that member's position shall be abolished to reduce the combined
15 number of appointed members of the boards of the authority and the Kentucky
16 Higher Education Student Loan Corporation to ten (10) members.

17 (c) In addition, the president of the Council on Postsecondary Education, the
18 president of the Association of Independent Kentucky Colleges and
19 Universities, the State Treasurer, the commissioner of education, and the
20 secretary of the Finance and Administration Cabinet, or their designees who
21 shall be another official of the same cabinet or agency, shall serve as voting
22 ex officio members.

23 (d) The term of office of appointed members shall be four (4) years. Each
24 member shall serve for the term for which he is appointed and, except as
25 provided in paragraph (b) of this subsection, shall serve until his successor is
26 appointed.

27 (2) Subject to paragraph (b) of subsection (1) of this section, appointments to fill

1 vacancies on the board shall be made in the same manner as regular appointments.
2 The person appointed shall hold the position for the unexpired portion of the term
3 only.

4 (3) The board shall elect from its voting membership a chair, chair-elect, and secretary-
5 treasurer who shall each serve for a term of one (1) year. At the conclusion of the
6 chair's term of office, the chair-elect shall become the chair for the succeeding year
7 and the board shall elect from its voting membership a new chair-elect.

8 (4) Board members, except officers or employees of the state, shall receive
9 compensation for their services, in the amount of one hundred dollars (\$100) per
10 day, and may be reimbursed for actual and necessary expenses incurred in the
11 performance of their duties under KRS 164.740 to 164.785.

12 (5) The board shall provide for the holding of regular meetings and special meetings.

13 (a) A majority of the voting members shall constitute a quorum for the
14 transaction of any business, special meetings shall be called by the chair in
15 accordance with KRS 61.823, and either the chair or the chair-elect shall be
16 present for the transaction of any business.

17 (b) In lieu of personal attendance by members of the board of directors at the
18 same location, the board of directors may conduct meetings by teleconference
19 or other available technological means suitable for conducting its business.
20 Meetings of the board shall be open and accessible to the public in accordance
21 with KRS 61.805 to 61.850, and any alternate method of conducting a
22 meeting in lieu of personal attendance shall ensure public access.

23 (6) The board shall adopt bylaws and policies governing its internal affairs and the
24 conduct of its business, and shall adopt administrative regulations pursuant to KRS
25 Chapter 13A, not inconsistent with law, in connection with the administration of the
26 authority's programs and the performance of its functions and duties.

27 (7) The board may:

1 (a) Appoint such officers and employees as necessary and may fix their
2 compensation, and shall prescribe their duties notwithstanding personnel
3 limits established by KRS 18A.010 or the biennial budget and its related
4 documents; and

5 (b) Adopt the provisions of KRS 45A.345 to 45A.460, pursuant to KRS 45A.343.

6 ➔Section 84. KRS 164A.050 is amended to read as follows:

7 (1) There is hereby created and established an independent de jure municipal
8 corporation and political subdivision of the Commonwealth of Kentucky which
9 shall be a body corporate and politic to be known and identified as the Kentucky
10 Higher Education Student Loan Corporation.

11 (2) The Kentucky Higher Education Student Loan Corporation is created and
12 established as an independent de jure municipal corporation and political
13 subdivision of the Commonwealth of Kentucky to perform essential governmental
14 and public functions and purposes in improving and otherwise promoting the
15 educational opportunities of the citizens and inhabitants of the Commonwealth of
16 Kentucky and other qualified students by a program of financing, making, and
17 purchasing of student loans.

18 (3) (a) Subject to paragraph (b) of this subsection, the corporation shall be governed
19 by a board of directors consisting of:

20 1. Eight (8) voting members chosen from the general public residing in the
21 Commonwealth of Kentucky; and

22 2. Seven (7) voting members of the board of directors of the Kentucky
23 Higher Education Assistance Authority appointed by the Governor
24 pursuant to KRS 164.746(1)(a)1., who shall serve terms of office on the
25 corporation board of directors coextensive with their respective terms of
26 office on the Kentucky Higher Education Assistance Authority board of
27 directors.

- 1 (b) Upon resignation or expiration of the term of an appointed member of the
2 board of the corporation and the Kentucky Higher Education Assistance
3 Authority, that member's position shall be abolished to reduce the combined
4 number of appointed members of the boards of the corporation and the
5 Kentucky Higher Education Assistance Authority to ten (10) members.
- 6 (c) In addition, the president of the Council on Postsecondary Education, the
7 secretary of the Finance and Administration Cabinet, the president of the
8 Association of Independent Kentucky Colleges and Universities, the State
9 Treasurer, and the commissioner of education, or their designees who shall be
10 another official of the same cabinet or agency, shall serve as ex officio voting
11 members.
- 12 (4) The Governor shall appoint directors according to subsection (3)(a)1. of this section
13 from nominees submitted by the Governor's Higher Education Nominating
14 Committee under KRS 164.005 to take office and to exercise all powers thereof
15 immediately. **All members appointed by the Governor shall be subject to Senate**
16 **confirmation in accordance with KRS 11.160 for each appointment or**
17 **reappointment.** The terms shall be staggered and shall be for a period of four (4)
18 years each. Each director shall serve for the appointed term and, except as provided
19 in subsection (3)(b) of this section, shall serve until a successor has been appointed
20 and has duly qualified.
- 21 (5) Except as provided in subsection (3)(b) of this section, in the event of a vacancy,
22 the Governor may appoint a replacement director from nominees submitted by the
23 Governor's Higher Education Nominating Committee under KRS 164.005 who
24 shall hold office during the remainder of the term so vacated.
- 25 (6) The Governor may remove any director from the general public in case of
26 incompetency, neglect of duties, gross immorality, or malfeasance in office; and
27 may thereupon declare such office vacant and may appoint a person to fill such

- 1 vacancy as provided in other cases of vacancy.
- 2 (7) The board shall elect from its voting membership a chair, chair-elect, and secretary-
3 treasurer. The executive director of the Kentucky Higher Education Assistance
4 Authority shall serve as executive director of the corporation.
- 5 (8) The executive director shall administer, manage, and direct the affairs and business
6 of the corporation, subject to the policies, control, and direction of the board of
7 directors of the corporation. The secretary-treasurer of the corporation shall keep a
8 record of the proceedings of the corporation and shall be custodian of all books,
9 documents, and papers filed with the corporation, the minute book or journal of the
10 corporation, and its official seal. The secretary-treasurer may copy all minutes and
11 other records and documents of the corporation and give certificates under the
12 official seal of the corporation to the effect that such copies are true copies and all
13 persons dealing with the corporation may rely upon such certificates.
- 14 (9) A majority of the board of directors of the corporation shall constitute a quorum for
15 the purpose of conducting its business and exercising its powers and for all other
16 purposes notwithstanding the existence of any vacancies in respect of the board of
17 directors.
- 18 (10) Official actions may be taken by the corporation at meetings duly called by the
19 chair upon three (3) days' written notice to each director or upon the concurrence of
20 at least a majority of the directors. In lieu of personal attendance by members of the
21 board of directors at the same location, the board of directors may conduct meetings
22 by teleconference or other available technological means suitable for conducting its
23 business. Meetings of the board shall be open and accessible to the public in
24 accordance with KRS 61.805 to 61.850, and any alternate method of conducting a
25 meeting in lieu of personal attendance shall ensure public access.
- 26 (11) Directors, except officers or employees of the state, shall receive one hundred
27 dollars (\$100) compensation per day for their services and shall be entitled to

1 payment of any reasonable and necessary expense actually incurred in discharging
2 their duties under this chapter.

3 (12) Recognizing that the corporation and the Kentucky Higher Education Assistance
4 Authority are governed by identical boards of directors and managed by a common
5 executive director and otherwise share staff functions, the two (2) organizations
6 shall provide technical, clerical, and administrative assistance to each other and for
7 the Asset Resolution Corporation, the Kentucky Educational Savings Plan Trust,
8 and the Commonwealth postsecondary education prepaid tuition trust fund, together
9 with necessary office space and personnel, and shall assist each other in all ways by
10 the performance of any and all actions which may be useful or beneficial in the
11 performance of their public functions.

12 (13) The corporation shall enter into contracts with the Kentucky Higher Education
13 Assistance Authority, the Asset Resolution Corporation, the Kentucky Educational
14 Savings Plan Trust, and the Commonwealth postsecondary education prepaid
15 tuition trust fund as may be proper and appropriate in respect to services which may
16 include but not be limited to the servicing and collection of student loans or to
17 facilitate the common administration, operation, and management of the contracting
18 entities.

19 ➔Section 85. KRS 165A.340 is amended to read as follows:

20 (1) The Kentucky Commission on Proprietary Education is hereby created as an
21 independent agency of the Commonwealth and shall be attached to the Education
22 and Labor Cabinet for administrative purposes. The commission shall be composed
23 of the following members:

24 (a) Two (2) members who are representative of privately owned postsecondary
25 educational institutions licensed by the commission and appointed by the
26 Governor, subject to Senate confirmation in accordance with KRS 11.160
27 for each appointment or reappointment, from a list of seven (7) names

- 1 submitted by the Kentucky Association of Career Colleges and Schools;
- 2 (b) Two (2) members who are representative of privately owned postsecondary
3 technical schools licensed by the commission and appointed by the Governor,
4 subject to Senate confirmation in accordance with KRS 11.160 for each
5 appointment or reappointment, from a list of seven (7) names submitted by
6 the Kentucky Association of Career Colleges and Schools;
- 7 (c) Four (4) members who are representative of the public at large with a
8 background in education, business, or industry in Kentucky and appointed by
9 the Governor, subject to Senate confirmation in accordance for KRS 11.160
10 for each appointment or reappointment;
- 11 (d) The secretary of the Education and Labor Cabinet, or the secretary's designee;
- 12 (e) The president of the Council on Postsecondary Education, or the president's
13 designee; and
- 14 (f) The commissioner of education, or the commissioner's designee.
- 15 (2) Terms of appointed members shall be four (4) years or until successors are duly
16 appointed and qualified. A vacancy on the commission shall be filled for the
17 remainder of the unexpired term in the same manner as the original appointment.
18 An appointed member shall not serve more than two (2) consecutive full terms,
19 except that a member may be reappointed after a break in service of one (1) full
20 term.
- 21 (3) The commission shall employ and fix the compensation of an executive director,
22 who shall be its secretary and principal executive officer. The executive director
23 shall have a background in the regulation of commerce, business, or education, and
24 shall be responsible for:
- 25 (a) Organizing and staffing meetings of the commission;
- 26 (b) Establishing policies to ensure retention of original licensing documentation;
- 27 (c) Ensuring that minutes and other financial, procedural, complaint, and

- 1 operational records are securely maintained and archived;
- 2 (d) Internal and external correspondence and communication;
- 3 (e) Submitting reports and strategic agenda items for review and approval;
- 4 (f) Assisting the commission in the promulgation of administrative regulations;
- 5 (g) Carrying out policy and program directives of the commission;
- 6 (h) Preparing budget submissions;
- 7 (i) Ensuring that formal complaints are provided to the complaint committee and
- 8 arranging for independent investigations as needed;
- 9 (j) Ensuring that an independent audit of the commission's finances is conducted
- 10 biennially;
- 11 (k) Ensuring that formal written agreements are executed for the procurement of
- 12 administrative and legal services;
- 13 (l) Formalizing office policies and procedures relating to licensing and financial
- 14 operations;
- 15 (m) Developing and implementing a process for monitoring expenditures and
- 16 reconciling on a monthly basis commission and student protection fund
- 17 receipts reported in the Enhanced Management Administrative Reporting
- 18 System (EMARS); and
- 19 (n) Other activities necessary to ensure that the commission meets its designated
- 20 duties and responsibilities.
- 21 (4) The commission shall have full authority to employ and fix the compensation for
- 22 any personnel, including counsel, as it may deem necessary to effectively
- 23 administer and enforce the provisions of this chapter. The commission shall obtain
- 24 office space, furniture, stationery, and any other proper supplies and conveniences
- 25 reasonably necessary to carry out the provisions of this chapter.
- 26 (5) The commission shall annually elect a chairperson. The chairperson shall not be a
- 27 school representative appointed pursuant to subsection (1)(a) or (b) of this section.

- 1 (6) (a) The commission shall promulgate administrative regulations in accordance
2 with KRS Chapter 13A to establish:
- 3 1. Commission operating and accountability procedures;
 - 4 2. Requirements for each licensed institution to publicly disclose according
5 to standardized protocols, both in print and Web-based materials,
6 information about:
 - 7 a. Any information that the schools are required to report by the
8 federal Higher Education Opportunity Act, Pub. L. No. 110-315,
9 using the Integrated Postsecondary Education Data System
10 (IPEDS) of the National Center for Educational Statistics as a
11 condition of participating in Title IV federal financial aid
12 programs;
 - 13 b. The job placement rate of program graduates in the field of study
14 and the types of jobs for which graduates are eligible;
 - 15 c. Articulation agreements with other postsecondary educational
16 institutions and the rights and responsibilities of students regarding
17 transfer of credits;
 - 18 d. The complaint procedures available to students; and
 - 19 e. The existence of the student protection fund created in KRS
20 165A.450, and procedures for students to file a claim, including
21 but not limited to the documentation required for submission of a
22 claim;
 - 23 3. Quality standards and compliance monitoring schedules of traditional
24 programs, correspondence courses, and Web-based, distance learning
25 courses offered over the Internet;
 - 26 4. Advertising requirements for schools issued a license, including no
27 distribution of materials containing untrue, deceptive, or misleading

- 1 statements and no representation that the commission is an accrediting
2 agency for the school or its programs;
- 3 5. A schedule for reviewing advertisements and recruitment materials and
4 practices of member institutions to ensure compliance with this chapter;
- 5 6. An equitable structure of licensure and renewal fees, to be paid by
6 licensed schools, necessary to carry out the provisions and purposes of
7 this chapter and to support adequate staffing of commission
8 responsibilities. The fee structure shall be based on the gross revenue of
9 licensed schools, number of students enrolled, and whether the school is
10 located within the state or outside the state; and
- 11 7. The method for calculating placement rates that are to be disclosed
12 pursuant to this subsection.
- 13 (b) The commission shall have the authority to promulgate other administrative
14 regulations, in cooperation with the Kentucky Department of Education and
15 the Council on Postsecondary Education, as it deems necessary for the proper
16 administration of this chapter.
- 17 (7) The commission shall hold meetings at least four (4) times a year and as frequently
18 as it deems necessary at the times and places within this state as the commission
19 may designate. The majority of the members shall constitute a quorum, and all
20 meetings shall be conducted in accordance with the Open Meetings Act, KRS
21 61.805 to 61.850.
- 22 (8) The commission may sue and be sued in its own name.
- 23 (9) Commission members shall receive a per diem of one hundred dollars (\$100) for
24 attendance at each commission meeting and may be reimbursed for ordinary travel
25 and other expenses while engaged in the business of the commission.
- 26 (10) The commission shall administer and enforce the provisions of this chapter
27 pertaining to the conduct, operation, maintenance, and establishment of proprietary

1 education institutions, and the activities of agents thereof when acting as such.

2 (11) The commission shall have the power to subpoena witnesses and school records as
3 it deems necessary.

4 (12) The commission chairperson shall appoint a complaint committee and designate its
5 chairperson. The chairperson of the complaint committee shall not be employed by,
6 have ownership interest in, or be otherwise affiliated with a licensed institution.
7 School representatives appointed pursuant to subsection (1)(a) or (b) of this section
8 shall not constitute a majority of the committee's membership. A committee
9 member shall not vote on a matter in which a conflict of interest exists. The
10 committee shall review each formal complaint and, if evidence supports an alleged
11 violation of this chapter or any administrative regulation promulgated thereunder,
12 the committee shall:

13 (a) Authorize an investigative report;

14 (b) Participate in informal procedures to resolve complaints;

15 (c) Ensure timely correspondence to parties involved in complaints; and

16 (d) After review of all evidence and investigative reports, make recommendations
17 for the disposition of complaints to the full commission.

18 (13) No later than November 30, 2013, and annually thereafter, the commission shall
19 provide a status report on the requirements of this section to the Interim Joint
20 Committee on Licensing and Occupations and the Interim Joint Committee on
21 Education. The report shall include a summary of the data, including school
22 performance information, relating to the requirements of subsection (6)(a) of this
23 section.

24 ➔Section 86. KRS 171.240 is amended to read as follows:

25 (1) In the Department for Libraries and Archives there shall be a state board for the
26 certification of librarians, composed of:

27 (a) The state librarian; and

1 **(b)** Five (5) members appointed by the Governor, **subject to Senate confirmation**
 2 **in accordance with KRS 11.160 for each appointment or reappointment,**
 3 from a list submitted by the board of directors of the Kentucky Library
 4 Association **as follows:**

5 **1.** Two (2) members shall be full-time professional librarians in active
 6 public library work;

7 **2.** Two (2) shall be public library trustees; and

8 **3.** One (1) shall be a professional librarian from a department or school of
 9 library science in a state university.

10 (2) The term of office of each appointive member shall be four (4) years. The first
 11 appointive member of the board shall be appointed for terms beginning July 1,
 12 1938; one (1) for a term of one (1) year; one (1) for a term of two (2) years; one (1)
 13 for a term of three (3) years; and two (2) for terms of four (4) years. Vacancies shall
 14 be filled by appointment for the unexpired terms in the same manner as original
 15 appointments are made. The members shall receive reimbursement for actual and
 16 necessary expenses incurred in attending meetings.

17 (3) The board shall hold at least one (1) meeting each year at a time fixed by the board,
 18 and such special meetings as may be determined by the board. A chairman and
 19 secretary shall be elected at each annual meeting to serve during the ensuing year.

20 ➔Section 87. KRS 171.3801 is amended to read as follows:

21 (1) There is established the Kentucky Heritage Council (hereinafter referred to as "the
 22 council") which shall perform the functions specified in KRS 171.381.

23 (2) The membership of the council shall consist of not more than sixteen (16) members
 24 who have an interest in the preservation and protection of Kentucky's heritage. On
 25 or before September 15, 1982, the Governor shall appoint not more than four (4)
 26 members for a term of one (1) year, not more than four (4) members for a term of
 27 two (2) years, not more than four (4) members for a term of three (3) years, and not

1 more than four (4) members for a term of four (4) years. Thereafter, the Governor
2 shall make all appointments for a term of four (4) years. *All members appointed by*
3 *the Governor shall be subject to Senate confirmation in accordance with KRS*
4 *11.160 for each appointment or reappointment.*

5 (3) Council members shall receive no compensation for their services but may be
6 reimbursed for actual and necessary expenses incurred in the performance of their
7 duties.

8 (4) From the council membership the Governor shall appoint a chairman and a vice
9 chairman of the council, *subject to Senate confirmation in accordance with KRS*
10 *11.160 for each appointment or reappointment.* The council may elect by majority
11 vote other officers deemed necessary.

12 (5) The council shall meet at the call of the chairman, but not less often than twice
13 during each calendar year. A majority of the members appointed to the council shall
14 constitute a quorum.

15 (6) The council shall be attached to the Tourism, Arts and Heritage Cabinet for
16 administrative purposes.

17 (7) The Heritage Council shall include a heritage division, whose duties shall include
18 providing staff services needed by the Heritage Council in order to perform its
19 duties under KRS 171.381, including but not limited to preserving and protecting
20 buildings, sites and other landmarks associated with the archaeological, cultural,
21 economic, military, national, political and social aspects of Kentucky's history.

22 (8) The heritage division shall be headed by a director appointed by the Governor from
23 a list of three (3) nominees submitted by the Heritage Council, *subject to Senate*
24 *confirmation in accordance with KRS 11.160 for each appointment or*
25 *reappointment;* and the Heritage Council and the heritage division shall not be
26 subject to reorganization.

27 ➔Section 88. KRS 171.384 is amended to read as follows:

1 (1) There is hereby established the Kentucky Historic Preservation Review Board,
2 which shall aid and advise the heritage division in the selection of historic sites and
3 all duties pursuant to Public Law 89-665, as amended, and regulations issued
4 pursuant thereto.

5 (2) The board shall be composed of eleven (11) members appointed by the Governor
6 **and subject to Senate confirmation in accordance with KRS 11.160 for each**
7 **appointment or reappointment**; one (1) of whom shall be a professionally
8 recognized historian; one (1) an architect; and one (1) an archaeologist. Each board
9 member shall receive twenty-five dollars (\$25) per diem and necessary expenses for
10 performance of his duties.

11 ➔Section 89. KRS 171.385 is amended to read as follows:

12 (1) In order to preserve, augment and engender the historic qualities of Washington,
13 Mason County, Kentucky, there is hereby created the Washington, Kentucky
14 Historic Township Commission to devise a plan and undertake the general
15 restoration and development of Washington, Kentucky, as a late eighteenth and
16 early nineteenth century frontier town.

17 (2) The Washington, Kentucky Historic Township Commission, hereinafter referred to
18 as the commission, shall consist of eleven (11) members to be appointed by the
19 Governor from among the citizens of Washington and Mason County. **Members**
20 **shall be subject to confirmation of the Senate in accordance with KRS 11.160 for**
21 **each appointment or reappointment.** The commission shall elect one (1) of its
22 members chairman and one (1) of its members vice chairman.

23 ➔Section 90. KRS 171.420 is amended to read as follows:

24 (1) The State Libraries, Archives, and Records Commission is hereby created and shall
25 be a seventeen (17) member body constituted as follows:

26 (a) The state librarian or his or her designee, who shall be the chairperson of the
27 commission;

- 1 (b) The secretary of the Education and Labor Cabinet or his or her designee, who
2 shall serve as vice chairperson;
- 3 (c) The Auditor of Public Accounts or his or her designee;
- 4 (d) The state law librarian or his or her designee;
- 5 (e) The director of the Legislative Research Commission or his or her designee;
- 6 (f) The Attorney General or his or her designee;
- 7 (g) The executive director of the Kentucky Military Heritage Commission or a
8 designee of the commission;
- 9 (h) The executive director of the Commonwealth Office of Technology or his or
10 her designee;
- 11 (i) The president of the Kentucky Association of School Librarians or his or her
12 designee;
- 13 (j) The executive director of the Kentucky Historical Society or his or her
14 designee;
- 15 (k) The executive director of the Kentucky Library Association or his or her
16 designee;
- 17 (l) The president of the Council on Postsecondary Education or his or her
18 designee;
- 19 (m) Four (4) citizens at large appointed by the Governor, *subject to Senate*
20 *confirmation in accordance with KRS 11.160 for each appointment or*
21 *reappointment*, including one (1) member representing library users with
22 disabilities, one (1) member representing disadvantaged persons, and two (2)
23 members representing library users; and
- 24 (n) One (1) member, who shall not be an elected official, appointed by the
25 Governor, *subject to Senate confirmation in accordance with KRS 11.160*
26 *for each appointment or reappointment*, from a list of three (3) persons, with
27 one (1) name submitted by each of the presidents of the Kentucky League of

1 Cities, the Kentucky Association of Counties, and the Kentucky Association
2 of School Administrators.

3 (2) Vacancies for appointed members shall be filled by the Governor in the same
4 manner as initial appointments are made. All appointed members shall serve for a
5 term of three (3) years, except when making the appointments under subsection (3)
6 of this section, two (2) shall be for a term of three (3) years, two (2) for two (2)
7 years, and one (1) for one (1) year.

8 (3) On July 14, 2018, all terms of gubernatorial appointees made prior to July 14, 2018,
9 shall expire, and the Governor shall appoint five (5) members to the commission in
10 accordance with paragraphs (m) and (n) of subsection (1) of this section.

11 (4) The commission shall be the state advisory council on libraries and shall advise the
12 Department for Libraries and Archives on matters relating to federal and state
13 library development issues, archives and records management, federal and state
14 funding, public library standards, and other federal and state library service issues.
15 The commission shall have the authority to review and approve schedules for
16 retention and destruction of records submitted by state and local agencies. In all
17 cases, the commission shall determine questions which relate to destruction of
18 public records, and their decision shall be binding on the parties concerned and
19 final, except that the commission may reconsider or modify its actions upon the
20 agreement of a simple majority of the membership present and voting.

21 ➔Section 91. KRS 171.800 is amended to read as follows:

22 (1) The Kentucky African-American Heritage Commission is hereby established to
23 perform the functions specified in KRS 171.805.

24 (2) The membership of the commission shall consist of three (3) ex officio members
25 and seventeen (17) members who derive from geographically diverse areas of the
26 state and who represent various heritage interests as follows:

27 (a) The secretary of the Tourism, Arts and Heritage Cabinet, or the secretary's

- 1 designee to serve ex officio;
- 2 (b) The president of Kentucky State University, or the president's designee to
- 3 serve ex officio;
- 4 (c) The director of the Kentucky Heritage Council, or the director's designee to
- 5 serve ex officio;
- 6 (d) Four (4) members from institutions of higher education;
- 7 (e) One (1) member from the preservation community;
- 8 (f) One (1) member from the arts community; and
- 9 (g) Eleven (11) members from the public-at-large.
- 10 (3) Appointed members shall be appointed by the Governor and shall serve for terms of
- 11 four (4) years. Any vacancies shall be filled by appointment of the Governor for the
- 12 remainder of the unexpired term. **All members appointed by the Governor shall be**
- 13 **subject to Senate confirmation in accordance with KRS 11.160 for each**
- 14 **appointment or reappointment.**
- 15 (4) Commission members shall receive no compensation for their services but may be
- 16 reimbursed for actual and necessary expenses incurred in the performance of their
- 17 duties.
- 18 (5) From the commission membership, the Governor shall appoint a chairman and a
- 19 vice chairman of the commission. The commission may elect by majority vote other
- 20 officers deemed necessary.
- 21 (6) The commission shall meet at the call of the chairman, but not less often than three
- 22 times during each calendar year. A majority of the members appointed to the
- 23 commission shall constitute a quorum.
- 24 (7) The commission shall be attached to the Kentucky Heritage Council for
- 25 administrative purposes.
- 26 (8) The commission may accept grants or raise funds from any available source, public
- 27 or private, to accomplish its duties and responsibilities. Committees may be formed

1 at the discretion of the chairman.

2 (9) The African-American Heritage Program is established as a branch within the
3 Kentucky Heritage Division, whose responsibilities shall include providing staff
4 services needed to perform its duties under KRS 171.805.

5 ➔Section 92. KRS 171.820 is amended to read as follows:

6 (1) The Kentucky Native American Heritage Commission is hereby established to
7 promote, in partnership with the Tourism, Arts and Heritage Cabinet, awareness of
8 significant Native American influences within the historical and cultural
9 experiences of Kentucky.

10 (2) The membership of the commission shall consist of seventeen (17) members who
11 derive from geographically diverse areas of the state and who represent various
12 heritage interests as follows:

13 (a) The secretary of the Tourism, Arts and Heritage Cabinet, or the secretary's
14 designee;

15 (b) Three (3) members from institutions of higher learning;

16 (c) Two (2) members from the preservation or archeological communities;

17 (d) One (1) member from the arts community; and

18 (e) Ten (10) members from the public at large, eight (8) of whom shall be of
19 Native American heritage.

20 (3) Members listed in paragraphs (b) to (e) of subsection (2) of this section shall be
21 appointed by the Governor, ~~and~~ shall serve for terms of four (4) years, **and shall**
22 **be subject to Senate confirmation in accordance with KRS 11.160 for each**
23 **appointment or reappointment.** Any vacancy shall be filled by appointment of the
24 Governor for the remainder of the unexpired term.

25 (4) Commission members shall receive no compensation for their services but may be
26 reimbursed for actual and necessary expenses incurred in the performance of their
27 duties.

- 1 (5) From the commission membership, the Governor shall appoint a chair and vice
2 chair of the commission, subject to Senate confirmation in accordance with KRS
3 11.160 for each appointment or reappointment. The commission may elect by
4 majority vote other officers deemed necessary.
- 5 (6) The commission shall meet at least three (3) times per year. Notice of the time and
6 location of each meeting shall be provided in writing to each member at least ten
7 (10) days in advance of the meeting.
- 8 (7) A majority of the members present shall constitute a quorum.
- 9 (8) Committees may be formed at the discretion of the chair.
- 10 (9) The commission may seek and accept grants or raise funds from any available
11 source, public or private, to accomplish its duties and responsibilities.
- 12 (10) The commission shall be attached for administrative purposes to the Kentucky
13 Heritage Council, whose responsibilities shall include but not be limited to
14 designating a staff person to coordinate commission staff needs and providing other
15 staff and services as needed for the commission to perform its duties under KRS
16 171.822.
- 17 ➔Section 93. KRS 174.125 is amended to read as follows:
- 18 (1) There is hereby created a Kentucky Bicycle and Bikeway Commission within the
19 Transportation Cabinet. The commission shall consist of seven (7) members
20 appointed by the Governor, subject to Senate confirmation in accordance with
21 KRS 11.160 for each appointment or reappointment. Members of the commission
22 shall receive necessary travel expenses. The members of the commission shall elect
23 a chairman who shall serve a two (2) year term. Initially, three (3) members shall be
24 appointed for two (2) years, and four (4) members for four (4) years. Each
25 appointment thereafter shall be for four (4) years. Upon the resignation of a member
26 in midterm, the Governor shall appoint a replacement for the remainder of the
27 unexpired term. The Governor shall make appointments to the commission with a

1 view to represent each of the state's geographical regions and to various types of
2 bicycle users and interests.

3 (2) The commission shall meet in various sections of the state on a quarterly basis, and
4 at other times as may be necessary to fulfill its duties. A majority of the members
5 shall constitute a quorum for the transaction of business. The commission shall be
6 provided with adequate staff as determined by the secretary, and this staff shall be
7 responsible for maintaining the minutes of the meetings, researching bicycle and
8 bikeway related topics, and other activities for the commission as may be consistent
9 with the commission's role within the cabinet.

10 (3) The commission shall have the following duties:

11 (a) To represent the interests of bicyclists in advising the secretary on all matters
12 pertaining to bicycles, bikeways, and their use, extent, and location;

13 (b) Assist the bicycle and bikeway program in the exercise of its duties within the
14 cabinet;

15 (c) Promote the best interests of the bicycling public, within the context of the
16 total transportation system, to governing officials and the public at large.

17 (4) The secretary shall study bicycle and bikeway needs and potentials and shall report
18 the findings to the legislature on an annual basis.

19 (5) The secretary shall adopt administrative regulations to implement the purposes of
20 KRS 174.120 and this section.

21 (6) Initial appointments to the commission shall be made no later than August 1, 1994.

22 ➔Section 94. KRS 174.200 is amended to read as follows:

23 (1) The Water Transportation Advisory Board is established as an advisory body to the
24 executive and legislative branches of government on matters pertaining to water
25 transportation.

26 (2) The Water Transportation Advisory Board shall be composed of seven (7)
27 members, to be appointed as follows:

- 1 (a) Four (4) members representing the Commonwealth's public riverports, to be
2 appointed by the Governor from a list of eight (8) nominees supplied by the
3 Kentucky Association of Riverports, and shall be subject to Senate
4 confirmation in accordance with KRS 11.160 for each appointment or
5 reappointment. The Governor shall give consideration to including a
6 representative from each river containing an operating public riverport;
- 7 (b) Two (2) at-large members, to be appointed by the Governor from the private
8 sector associated with the waterways industry, who shall be subject to Senate
9 confirmation in accordance with KRS 11.160 for each appointment or
10 reappointment; and
- 11 (c) One (1) member representing Kentuckians for Better Transportation, to be
12 appointed by the Governor from a list of three (3) nominees supplied by that
13 organization, who shall be subject to Senate confirmation in accordance
14 with KRS 11.160 for each appointment or reappointment.
- 15 (3) After the initial appointments, members of the Water Transportation Advisory
16 Board shall serve terms of four (4) years. Members shall be eligible to succeed
17 themselves and shall serve until their successor is appointed.
- 18 (4) Members of the Water Transportation Advisory Board shall not be paid for their
19 service as board members, and shall not be reimbursed for any expenses involved in
20 attending board meetings.
- 21 (5) The Water Transportation Advisory Board shall elect a chair and a vice chair from
22 its members who shall serve in those capacities until replaced. A majority of the
23 board shall constitute a quorum for the purposes of conducting business. The board
24 shall be subject to the provisions of the Kentucky Open Records Act, KRS 61.870
25 to 61.884.
- 26 (6) The Water Transportation Advisory Board shall meet biennially, or when called by
27 the chair, or at the request of the secretary of the Transportation Cabinet. The board

1 shall receive assistance in carrying out its administrative functions from the
2 Transportation Cabinet and shall be attached to the Transportation Cabinet for
3 administrative purposes.

4 ➔Section 95. KRS 175B.015 is amended to read as follows:

5 (1) The Kentucky Public Transportation Infrastructure Authority is hereby established
6 as an independent de jure municipal corporation and political subdivision of the
7 Commonwealth constituting a governmental agency and instrumentality of the
8 Commonwealth. The General Assembly hereby finds and declares that in carrying
9 out its functions, powers, and duties as prescribed in this chapter, the state authority
10 will be performing essential public and government functions that improve the
11 public welfare and prosperity of the people of the Commonwealth by promoting the
12 availability of and enhancing accessibility to improved transportation services
13 within the Commonwealth.

14 (2) (a) The state authority shall be composed of the following eleven (11) voting
15 members:

- 16 1. The secretary of the Finance and Administration Cabinet, or the
17 secretary's designee;
- 18 2. The secretary of the Transportation Cabinet;
- 19 3. A representative of the Kentucky Association of Counties, to be
20 appointed by the Governor;
- 21 4. A representative of the Kentucky County Judges/Executive Association,
22 to be appointed by the Governor;
- 23 5. A representative of the Kentucky League of Cities, to be appointed by
24 the Governor; and
- 25 6. Six (6) citizen members to be appointed by the Governor and confirmed
26 by the Senate in accordance with KRS 11.160, at least two (2) of whom
27 shall be familiar with road and bridge design or the financing and

- 1 administration of transportation infrastructure projects; and
- 2 (b) Each Kentucky member who shares duties as a presiding officer of a bi-state
3 authority pursuant to KRS 175B.030(4)(a)3. shall serve as a nonvoting ex
4 officio member.
- 5 (3) The ex officio members shall serve for the term of their respective offices.
- 6 (4) Members appointed pursuant to subsection (2)(a)3. to 6. of this section shall begin
7 their terms on October 1, 2009, and shall be appointed for a term of four (4) years;
8 however, in making initial appointments, the members appointed pursuant to
9 subsection (2)(a)6. of this section shall include two (2) members for a term of two
10 (2) years, two (2) members for a term of three (3) years, and two (2) members for a
11 term of four (4) years. **Members appointed by the Governor shall be subject to**
12 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
13 **reappointment.**
- 14 (5) Vacancies occurring during the term of any member shall be filled in the same
15 manner as the original appointment.
- 16 (6) The members of the state authority shall receive no compensation for their services,
17 but shall be entitled to reimbursement for all reasonable expenses necessary and
18 incidental to the performance of their duties and functions as members of the state
19 authority.
- 20 (7) (a) Members of the state authority shall be considered public servants subject to
21 KRS Chapter 11A.
- 22 (b) The following individuals or entities shall be prohibited from entering into
23 any contract or agreement with the state authority:
- 24 1. Any member of the state authority, a project authority, or a bi-state
25 authority;
- 26 2. Any spouse, child, stepchild, parent, stepparent, or sibling of a member
27 of the state authority, a project authority, or a bi-state authority; and

- 1 3. Any corporation, limited liability entity, or other business entity of
2 which a person identified in subparagraph 1. or 2. of this paragraph is an
3 owner, member, or partner or has any other ownership interest.
- 4 (8) (a) The chairman of the state authority shall be the secretary of the Transportation
5 Cabinet.
- 6 (b) The members of the state authority shall elect a vice chairman and a secretary
7 from the membership.
- 8 (9) The Finance and Administration Cabinet shall provide fiscal consultant services to
9 the state authority.
- 10 (10) The state authority shall hold its initial meeting no later than November 1, 2009,
11 and shall meet as needed thereafter, with adequate notice at the call of the chair. A
12 quorum of at least fifty percent (50%) of the members of the state authority must be
13 present for the state authority to take any action. At least eight (8) members shall
14 vote in the affirmative for the state authority to approve a new project. All other
15 business shall be approved by a majority vote of the members present.
- 16 (11) (a) The state authority shall be attached for administrative purposes to the
17 Transportation Cabinet. The state authority shall establish and maintain an
18 office, and the secretary of the state authority shall maintain complete records
19 of the state authority's actions and proceedings as public records open to
20 inspection.
- 21 (b) The state authority shall employ staff as needed in the conduct of its duties
22 and functions, and shall fix their compensation.
- 23 (12) The state authority may promulgate administrative regulations in accordance with
24 KRS Chapter 13A as needed:
- 25 (a) Establishing collection and enforcement procedures, including fines, charges,
26 assessments, and other enforcement mechanisms, for the violation of KRS
27 175B.040(4), and for violation of any administrative regulation promulgated

1 under this subsection;

2 (b) Establishing an appeals process by which a person may contest a violation of
3 KRS 175B.040(4), or a violation of any administrative regulation
4 promulgated under this subsection, by way of an administrative hearing to be
5 conducted in accordance with KRS Chapter 13B;

6 (c) Relating to any matters necessary to the efficient administration of tolls when
7 implemented for a project developed under this chapter; and

8 (d) To fulfill any other requirements of this chapter.

9 (13) The state authority shall comply with applicable provisions of KRS Chapter 45A in
10 the development of a project and the procurement of goods and services.

11 (14) The records of the state authority shall be considered open records pursuant to KRS
12 61.870 to 61.884.

13 (15) The meetings of the state authority shall be considered open meetings pursuant to
14 KRS 61.805 to 61.850.

15 ➔Section 96. KRS 176.410 is amended to read as follows:

16 (1) Except as provided by KRS 176.400, at the request of citizens or organizations of a
17 county or multicounty region, the Heritage Division of the Kentucky Heritage
18 Council shall certify to the Governor the creation of a county or multicounty
19 covered wooden bridge authority for that county or multicounty region.

20 (2) (a) An authority shall consist of members appointed as follows:

21 1. The Governor shall appoint one (1) member from each participating
22 county, unless the authority has only one (1) participating county, in
23 which case the Governor shall appoint three (3) members from the
24 participating county; and

25 2. The fiscal court of each participating county shall submit to the
26 Governor a list of three (3) candidates, and the Governor shall appoint
27 one (1) member from each list unless the authority has two (2) or fewer

1 participating counties, in which case the Governor shall appoint two (2)
2 members from each list.

3 **(b) Members appointed by the Governor shall be subject to Senate confirmation**
4 **in accordance with KRS 11.160 for each appointment or reappointment.**

5 ~~(c)~~ The members of an authority shall hold office for terms of four (4) years
6 and until their successors are appointed and qualify except that the terms of
7 office of the members first appointed shall be staggered. An authority may
8 elect by majority voice officers deemed necessary by its members. A majority
9 of the members shall constitute a quorum. An authority shall meet at the call
10 of its chairman, but at least twice during each calendar year.

11 (3) An authority shall be dedicated to the preservation, restoration, and maintenance of
12 all covered wooden bridges in the county or multicounty region for which it is
13 created.

14 (a) For covered wooden bridges not open to vehicular traffic, the duties and
15 functions of an authority shall be to:

16 1. Review, recommend, and administer projects and programs to insure the
17 proper preservation, restoration, and maintenance of covered wooden
18 bridges in the county or multicounty region for which it is created.

19 2. Advise, consult, and cooperate with state, local, and national officials
20 and agencies, and with the Heritage Division of the Kentucky Heritage
21 Council as provided by KRS 176.400 and 176.410, to accomplish the
22 purposes for which the authority is established.

23 (b) For covered wooden bridges open to vehicular traffic, the duties and functions
24 of an authority shall be to:

25 1. Make recommendations to the Transportation Cabinet and local officials
26 on the proper preservation, restoration, and maintenance of covered
27 wooden bridges in the county or multicounty region for which it is

1 created.

2 2. Advise, consult, and cooperate with state, local, and national officials
3 and agencies to accomplish the purposes for which the authority is
4 established.

5 (4) An authority may:

6 (a) Accept grants or other funds or property from any source, public or private;

7 (b) Enter into such contractual relationships as may be necessary;

8 (c) Acquire real property, by gift or devise or by purchase pursuant to the
9 provisions of KRS 45A.045, and hold the same in the name of the
10 Commonwealth for the use and benefit of the authority;

11 (d) Adopt rules and regulations necessary to the performance of its duties and
12 functions.

13 (5) Members of an authority may be reimbursed in accordance with the provisions of
14 KRS Chapters 44 and 45 for actual and reasonable expenses incurred in the
15 furtherance of the authority's activities.

16 (6) The receipt, control, and expenditure of funds shall be subject to the general
17 provisions of the Kentucky Revised Statutes governing financial administration of
18 state agencies.

19 (7) (a) For covered wooden bridges not open to vehicular traffic, each authority shall
20 develop a program for the preservation, restoration, and maintenance of those
21 covered wooden bridges in the county or multicounty region for which it was
22 established. It shall select the bridges to be preserved, restored, or maintained
23 within a biennium and shall prepare estimates of the cost of preservation,
24 restoration, or maintenance within that biennium.

25 (b) The program developed by an authority shall be submitted to the Heritage
26 Division of the Kentucky Heritage Council. Upon approval by the division,
27 the authority shall submit its program as its biennial budget request.

- 1 (c) When an appropriation is made to an authority to fund its program for the
2 preservation, restoration, and maintenance of covered wooden bridges, title to
3 all covered wooden bridges to be preserved, restored, or maintained under its
4 authority shall be transferred to the authority. Preservation, restoration, and
5 maintenance of covered wooden bridges shall comply with the program
6 approved by the Heritage Division of the Kentucky Heritage Council and
7 shall be administered by the authority. Each authority is authorized to enter
8 into any agreement or contract necessary to implement an approved and
9 funded program.
- 10 (8) For covered wooden bridges open to vehicular traffic, each authority shall develop
11 a biennial list of recommendations for the preservation, restoration, and
12 maintenance of those covered wooden bridges in the county or multicounty region
13 for which it was created. This list shall be submitted biennially to the
14 Transportation Cabinet and all fiscal courts within the authority's jurisdiction.
- 15 (9) There is established the covered wooden bridge authority for the counties of
16 Bracken, Fleming, Lewis, Mason, and Robertson as a pilot project.
- 17 ➔Section 97. KRS 176.500 is amended to read as follows:
- 18 (1) The Mississippi River Parkway Commission of Kentucky is hereby established to
19 serve as the local coordinating agency for the development of the Great River Road
20 along the Mississippi River from Canada to the Gulf of Mexico. The commission
21 shall be attached to the Office of the Secretary of the Tourism, Arts and Heritage
22 Cabinet for administrative purposes.
- 23 (2) The commission shall consist of the following ten (10) members:
- 24 (a) Four (4) citizen members, appointed by the Governor, **subject to Senate**
25 **confirmation in accordance with KRS 11.160 for each appointment or**
26 **reappointment.** and consisting of one (1) member from each of the four (4)
27 counties that border the Mississippi River, who shall serve a term of four (4)

1 years and may serve until a successor is appointed;~~;~~

2 **(b)** Four (4) members shall be the respective county judges/executive of Ballard,
3 Carlisle, Fulton, and Hickman Counties in Kentucky;~~;~~

4 **(c)** Other members shall be the secretary of the Tourism, Arts and Heritage
5 Cabinet or his designee; and the secretary of the Transportation Cabinet, or
6 his designee; **and**~~;~~

7 **(d)** The commission shall annually elect a chairman and shall meet quarterly or
8 upon call of the chairman with ten (10) days' written notice. Six (6) members
9 present shall constitute a quorum for the official conduct of business. The
10 commission may enter into contracts with the Purchase Area Development
11 District to provide administrative services.

12 (3) Members shall receive no compensation but shall be reimbursed according to state
13 regulations for actual and necessary expenses incurred in conducting commission
14 business.

15 (4) The commission shall assure that the proper direction is taken in developing a
16 corridor of scenic, historical, and archaeological significance through the Kentucky
17 counties of Ballard, Carlisle, Hickman, and Fulton.

18 ➔Section 98. KRS 176.506 is amended to read as follows:

19 (1) The Motorcycle Advisory Commission for Highway Safety shall be composed of
20 seven (7) members, appointed as follows:

21 (a) One (1) representative of the Office of Project Delivery and Preservation
22 within the Kentucky Transportation Cabinet's Department of Highways,
23 appointed by the Governor;

24 (b) One (1) representative of the Office of Project Development within the
25 Kentucky Transportation Cabinet's Department of Highways, appointed by
26 the Governor;

27 (c) One (1) representative of the Department of Kentucky State Police, appointed

- 1 by the Governor;
- 2 (d) Two (2) representatives of the Kentucky Motorcycle Association, to be
3 appointed by the Governor from a list of five (5) nominees selected by the
4 association;
- 5 (e) One (1) member of the Kentucky Motorcycle Safety Education Advisory
6 Commission, appointed by the Governor; and
- 7 (f) One (1) representative of the Kentucky Association of Highway Contractors,
8 to be appointed by the Governor from a list of five (5) nominees selected by
9 the association.
- 10 (2) Members of the Motorcycle Advisory Commission for Highway Safety shall serve
11 a term of four (4) years. Sitting members shall be eligible to succeed themselves.
12 **All members appointed by the Governor shall be subject to Senate confirmation**
13 **in accordance with KRS 11.160 for each appointment or reappointment.**
- 14 (3) Commission members shall receive no compensation for their services and shall not
15 be compensated for expenses incurred from travel or in connection with the
16 performance of their duties as commission members.
- 17 (4) The commission shall elect its chair and vice chair from its membership.
- 18 (5) The commission shall meet quarterly or upon the call of the chair or the request of
19 the secretary of the Transportation Cabinet.
- 20 (6) A majority of the members of the commission constitutes a quorum and the
21 commission may make recommendations only at meetings where a quorum is
22 present.
- 23 (7) The commission shall keep a record of its meetings and recommendations.
- 24 (8) For administrative purposes, the commission shall be attached to the Office of
25 Highway Safety within the Department of Highways.
- 26 ➔Section 99. KRS 176.5067 is amended to read as follows:
- 27 (1) The Motorcycle Safety Education Commission is established as an independent

- 1 body to help foster the growth and development of the motorcycle safety education
2 program established under KRS 15A.350.
- 3 (2) The Motorcycle Safety Education Commission shall be composed of seven (7)
4 members, appointed as follows:
- 5 (a) One (1) representative of the Department of Kentucky State Police, appointed
6 by the Governor;
- 7 (b) One (1) representative of the Transportation Cabinet, appointed by the
8 Governor;
- 9 (c) One (1) instructor in the motorcycle safety education program, appointed by
10 the Governor;
- 11 (d) Two (2) members of the Kentucky Motorcycle Association, to be appointed
12 by the Governor from a list of five (5) nominees selected by the association;
- 13 (e) One (1) member appointed by the Governor from a list of three (3) nominees
14 selected by the President of the Senate; and
- 15 (f) One (1) member appointed by the Governor from a list of three (3) nominees
16 selected by the Speaker of the House of Representatives.
- 17 (3) Members of the Motorcycle Safety Education Commission shall serve a term of
18 four (4) years. Sitting members shall be eligible to succeed themselves. **Members**
19 **appointed by the Governor shall be subject to Senate confirmation in accordance**
20 **with KRS 11.160 for each appointment or reappointment.**
- 21 (4) Commission members shall receive no compensation for their services and shall not
22 be compensated for expenses incurred from travel or in connection with the
23 performance of their duties as commission members.
- 24 (5) The commission shall elect its chair and vice chair from its membership.
- 25 (6) The commission shall meet quarterly or upon the call of the chair or the request of
26 the secretary of the Transportation Cabinet.
- 27 (7) The commission may take action only at meetings where a quorum is present.

1 (8) The commission shall keep a record of its meetings and recommendations.

2 (9) The commission shall be attached to the Office of Highway Safety within the
3 Department of Highways for administrative purposes.

4 ➔Section 100. KRS 177.375 is amended to read as follows:

5 (1) There is created a Kentucky Transportation Center Advisory Board, hereinafter in
6 KRS 177.375 to 177.380 called the transportation center board or the board, to
7 assist in policy formulation for and to provide direction to the Kentucky
8 Transportation Center which is located at the University of Kentucky. The board
9 shall consist of nine (9) members appointed by the Governor, subject to Senate
10 confirmation in accordance with KRS 11.160 for each appointment or
11 reappointment.

12 (2) Of the nine (9) members, three (3) members shall be ex officio and include the
13 secretary of the Transportation Cabinet, the state highway engineer and the dean of
14 the College of Engineering at the University of Kentucky. In addition, it is
15 recommended that three (3) of the nine (9) appointments be made in the following
16 manner:

17 (a) One (1) member appointed from a list of three (3) names submitted by the
18 executive board of the Kentucky Association of Counties;

19 (b) One (1) member appointed from a list of three (3) names submitted by the
20 executive board of the Kentucky County Judges' Association; and

21 (c) One (1) member appointed from a list of three (3) names submitted by the
22 executive board of the Kentucky Municipal League.

23 Initial appointments made pursuant to paragraphs (a), (b) and (c) of this subsection
24 shall be for a period of one (1) year. The remaining appointments shall be for two
25 (2) years except that ex officio members shall serve the same terms as that of their
26 respective offices. Ex officio members and regular members shall have the same
27 powers and voting privileges. Each appointment thereafter shall be for a period of

1 two (2) years.

2 (3) The Governor shall designate one (1) member of the board as chairman, subject to
3 Senate confirmation in accordance with KRS 11.160 for each appointment or
4 reappointment, whose term shall be for two (2) years with said two (2) years being
5 consistent with the biennium budget period. The members shall serve without pay,
6 but shall be reimbursed for reasonable expenses from the center's budget.

7 (4) Meetings of the board shall be held at least semiannually but may be held more
8 frequently as deemed necessary subject to call by the chairman or by request of a
9 majority of the board members. Board meetings shall concern, among other things,
10 policy matters relating to the transportation center's technical assistance and
11 research programs, financial plans, and such other matters as necessary to carry out
12 the intent of KRS 177.375 to 177.380.

13 (5) Five (5) members of the board shall constitute a quorum for doing business. Each
14 member shall have one (1) vote and a majority vote of the members present shall
15 control on all questions. Each regular and ex officio member may designate a proxy
16 by written notice to the chairman prior to call to order of each meeting and such
17 proxy shall be entitled to cast the member's vote.

18 ➔Section 101. KRS 183.132 is amended to read as follows:

19 (1) Any urban-county government, city, or county, or city and county acting jointly, or
20 any combination of two (2) or more cities, counties, or both, may establish a
21 nonpartisan air board composed of six (6) members or, under subsection (7) of this
22 section, of eleven (11), twelve (12), or thirteen (13) members. Any city other than
23 the first class and county jointly or an urban-county government established
24 pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten
25 (10) members. Any existing six (6) member board, including a board established in
26 an urban-county government, may be expanded to ten (10) members by action of
27 the government entity or entities that established the six (6) member board.

- 1 (2) Any city of the first class, jointly with the county containing the city or a
2 consolidated local government, may establish or maintain a nonpartisan air board.
3 Membership of the board shall be appointed in accordance with subsection (9) or
4 (14) of this section. Any air board established or maintained in a county containing
5 a city of the first class or consolidated local government shall be composed of
6 eleven (11) members.
- 7 (3) In the case where a nonpartisan air board composed of six (6) members is created
8 by cities, counties, or both, those cities, counties, or both may pass ordinances and
9 adjust any existing memorandum of agreement to allow a state university which
10 operates an aviation degree program approved by the Council on Postsecondary
11 Education under KRS 164.020 to be a constituent party to the air board. In that
12 case, the board shall be eight (8) members in total, and the university shall nominate
13 for appointment two (2) members to the air board as set out in subsection (6) of this
14 section.
- 15 (4) The board shall be a body politic and corporate with the usual corporate attributes,
16 and in its corporate name may sue and be sued, contract and be contracted with, and
17 do all things reasonable or necessary to effectively carry out the duties prescribed
18 by statute. The board shall constitute a legislative body for the purposes of KRS
19 183.630 to 183.740.
- 20 (5) The members of an air board composed of six (6) members shall be appointed as
21 follows:
- 22 (a) If the air board is established by a city, the members shall be appointed by the
23 mayor of the city;
- 24 (b) If the air board is established as a joint city-county air board, the members
25 shall be appointed jointly by the mayor of the city and the county
26 judge/executive;
- 27 (c) If a combination of cities, counties, or both, establishes a joint air board, the

1 mayors and county judges/executive involved shall jointly choose six (6)
2 members and shall jointly choose successors;

3 (d) If the air board is established by an urban-county government, the mayor of
4 the urban-county government or an officer of the urban-county government
5 designated by the mayor shall serve as one (1) member of the board. The
6 remaining five (5) members shall be appointed by the mayor. One (1) of the
7 members appointed by the mayor shall live within a three (3) mile radius of
8 the airport.

9 (6) If an air board is composed of eight (8) members that are a combination of cities,
10 counties, or both, and an eligible state university as set out in subsection (3) of this
11 section, then the mayors, county judges/executive, and university board of regents
12 involved shall jointly choose eight (8) members and shall jointly choose successors.
13 In making the appointment for the university, the president of the university shall
14 submit for confirmation the name of the individual and the university's board of
15 regents shall confirm his or her nomination before the individual's name is
16 submitted for joint appointment.

17 (7) If the air board is established by a county, the members shall be appointed by the
18 county judge/executive, except that in the event that an airport is located outside the
19 boundary of the county establishing the airport board, the voting members of the air
20 board are appointed as follows:

21 (a) One (1) member appointed by the Governor of the Commonwealth, *subject to*
22 *Senate confirmation in accordance with KRS 11.160 for each appointment*
23 *or reappointment;*

24 (b) Ten (10), eleven (11), or twelve (12) members appointed from the following
25 jurisdictions located within a twenty (20) mile radius of the airport operations:

26 1. Eight (8) members appointed by the judge/executive of the county
27 establishing the air board, with the approval of the county fiscal court. If

- 1 the air board is located within a metropolitan statistical area, as defined
2 by the United States Bureau of the Census, the county judge/executive,
3 with the approval of the county fiscal court, may choose to appoint two
4 (2) of these members as follows:
- 5 a. One (1) member may be appointed following nomination by the
6 chief executive officer of the largest city within the metropolitan
7 statistical area;
 - 8 b. One (1) member may be appointed following nomination by the
9 chief executive officer of the county containing the largest city
10 within the metropolitan statistical area, if that county does not
11 already have representation on the board; and
 - 12 c. The county judge/executive of the county establishing the air
13 board may choose whether to invite the chief executive officers
14 identified in subdivisions a. and b. of this subparagraph to
15 nominate members. If the county judge/executive does invite a
16 chief executive officer to make a nomination and the chief
17 executive officer makes a nomination, the county judge/executive
18 may choose whether to appoint that nominee or to appoint another
19 person instead;
- 20 2. Two (2) members appointed by the county judge/executive of the county
21 containing the majority of territory encompassing the airport. This
22 appointment shall be made with the approval of both the fiscal court of
23 the county containing the majority of territory encompassing the airport
24 and the fiscal court of the county establishing the air board; and
- 25 3. One (1) or two (2) additional members, if there are any counties within
26 the prescribed geographic limits that do not otherwise have an
27 appointment to the air board. If there is one (1) such county, this

1 appointment shall be made by the county judge/executive of that county,
2 with the approval of that county's fiscal court. If there are two (2) or
3 more such counties, these appointments shall be made by the county
4 judges/executive of the two (2) counties among them having the largest
5 population, and the appointments shall receive the approval of those
6 respective counties' fiscal courts and the fiscal court of the county
7 establishing the air board; and

8 (c) Board members of any air board established prior to June 24, 2015, that is
9 operating an airport that is located outside the boundary of the county
10 establishing the airport board shall serve out the remainder of their terms.
11 Additional voting members shall assume their offices on the July 1 following
12 June 24, 2015, and be appointed as follows:

- 13 1. The member appointed by the Governor shall be appointed for an initial
14 term of one (1) year;
- 15 2. One (1) member from the county containing the majority of territory
16 encompassing the airport shall be appointed for an initial term of two (2)
17 years;
- 18 3. One (1) member from the county containing the majority of territory
19 encompassing the airport shall be appointed for an initial term of three
20 (3) years;
- 21 4. One (1) member from the county establishing the airport board shall be
22 appointed for an initial term of four (4) years; and
- 23 5. If there are any, the members from the counties that are not otherwise
24 represented on the air board within the prescribed geographic limit shall
25 be appointed for an initial term of four (4) years.

26 Thereafter, their replacements shall serve a full four (4) year term. All
27 members may be reappointed for subsequent terms. The majority of all air

1 board appointees shall be residents of the county establishing the air board.

2 (8) The members of an air board composed of ten (10) members in a city other than a
3 city of the first class and county jointly other than an urban-county government
4 established pursuant to KRS Chapter 67A shall be appointed as follows:

5 (a) Five (5) members shall be appointed by the mayor of the city, without
6 approval of the legislative body;

7 (b) Five (5) members shall be appointed by the county judge/executive without
8 approval of the other members of the fiscal court.

9 (9) An air board consisting of eleven (11) members and established jointly by a city of
10 the first class and the county containing the first class city shall be composed of
11 members as follows:

12 (a) The mayor of the city of the first class;

13 (b) The county judge/executive of the county containing the city of the first class;

14 (c) Three (3) members appointed by the mayor of the city of the first class;

15 (d) Three (3) members appointed by the county judge/executive of the county,
16 with the approval of the fiscal court;

17 (e) Two (2) members, who shall be residents of the county containing a city of
18 the first class or of counties contiguous thereto, appointed by the Governor,
19 **and subject to Senate confirmation in accordance with KRS 11.160 for each**
20 **appointment or reappointment;** and

21 (f) One (1) member, who shall be a member of the executive board of an
22 incorporated alliance of incorporated neighborhood associations and cities
23 with a population of less than three thousand (3,000) based upon the most
24 recent federal decennial census which represents citizens living within a five
25 (5) mile radius of airport operations, appointed by the Governor. If more than
26 one (1) incorporated alliance exists, the Governor shall select the appointee
27 from the executive boards of any of the incorporated alliances. If no alliances

1 exist, the Governor shall appoint a citizen of the county who resides within a
2 five (5) mile radius of airport operations.

3 (10) An air board consisting of eleven (11) members and established or maintained by a
4 consolidated local government upon its establishment shall be composed of
5 members as follows:

6 (a) The mayor of the consolidated local government;

7 (b) Seven (7) members appointed by the mayor of the consolidated local
8 government;

9 (c) Two (2) members who shall be residents of the county containing the
10 consolidated local government or residents of counties contiguous to the
11 county containing the consolidated local government, appointed by the
12 Governor, and subject to Senate confirmation in accordance with KRS
13 11.160 for each appointment or reappointment; and

14 (d) One (1) member who shall be a member of the executive board of an
15 incorporated alliance of incorporated neighborhood associations and cities
16 with a population of less than three thousand (3,000) based upon the most
17 recent federal decennial census which represents citizens living within a five
18 (5) mile radius of airport operations, appointed by the Governor, and subject
19 to Senate confirmation in accordance with KRS 11.160 for each
20 appointment or reappointment. If more than one (1) incorporated alliance
21 exists, the Governor shall select the appointee from the executive boards of
22 any of the incorporated alliances. If no alliances exist, the Governor shall
23 appoint a citizen of the county who resides within a five (5) mile radius of
24 airport operations.

25 (11) The members of an air board composed of ten (10) members established by an
26 urban-county government shall be composed of the mayor of the urban-county
27 government or an officer of the urban-county government designated by the mayor.

1 The remaining nine (9) members shall be appointed by the mayor. Two (2) of the
2 members appointed by the mayor shall live within a three (3) mile radius of the
3 airport.

4 (12) Members of the board composed of six (6) members, or eight (8) members as set
5 out in subsection (3) of this section, shall serve for a term of four (4) years each and
6 until their successors are appointed and qualified. The initial appointments shall be
7 made so that two (2) members are appointed for two (2) years, two (2) members for
8 three (3) years, and two (2) members for four (4) years. The initial terms of the
9 members nominated by a state university and jointly appointed by the cities and
10 county comprising the air board under subsection (3) of this section shall be one (1)
11 appointee serving a two (2) year term and one (1) appointee serving a four (4) year
12 term. Upon expiration of the staggered terms, successors shall be appointed for a
13 term of four (4) years.

14 (13) Members of the board composed of ten (10) members in a city other than a city of
15 the first class and county jointly shall serve for a term of four (4) years each and
16 until their successors are appointed and qualified. The initial appointments made by
17 the mayor and the county judge/executive shall be made so that one (1) member is
18 appointed for two (2) years, two (2) members are appointed for three (3) years, and
19 two (2) members are appointed for four (4) years. If an existing six (6) member
20 board is being increased to a ten (10) member board, initial appointments of the
21 four (4) new members shall be made so that the mayor and the county
22 judge/executive, or the mayor if the board is established by an urban-county
23 government, each appoint one (1) member for two (2) years and one (1) member for
24 four (4) years. Upon expiration of the initial terms, successors shall be appointed
25 for a term of four (4) years. In the case of a board established by an urban-county
26 government, the term of the mayor for the urban-county government, or the officer
27 of the urban-county government designated by the mayor, shall be coextensive with

1 the term of the mayor.

2 (14) Members of an air board composed of eleven (11) members and established or
3 maintained jointly by a city of the first class and the county containing a city of the
4 first class shall serve for a term of three (3) years each and until their successors are
5 appointed and qualified. The terms of the mayor and the county judge/executive
6 shall be coextensive with their terms of office. The mayor and the county
7 judge/executive shall each make their initial appointments to a board established
8 jointly by a city of the first class and the county containing a city of the first class so
9 that one (1) member is appointed for one (1) year, one (1) member is appointed for
10 two (2) years, and one (1) member is appointed for three (3) years. The Governor
11 shall make the initial appointments so that one (1) member is appointed for two (2)
12 years and one (1) member is appointed for three (3) years. Upon the expiration of
13 the initial terms, successors shall be appointed for a term of four (4) years. **All**
14 **members appointed by the Governor shall be subject to Senate confirmation in**
15 **accordance with KRS 11.160 for each appointment or reappointment.**

16 (15) Members of an air board composed of eleven (11) members in a county that has
17 established a consolidated local government in a county containing a former city of
18 the first class shall serve until their successors are appointed and qualified. The
19 terms of office on the air board of the mayor of the previously existing city of the
20 first class and the county judge/executive of this county shall expire upon the
21 establishment of a consolidated local government. Upon the establishment of a
22 consolidated local government, if the consolidated local government maintains the
23 previously existing air board, the incumbent members, except the mayor of the
24 previously existing city of the first class and the county judge/executive of that
25 county, shall continue to serve as members of the board for the time remaining of
26 their current terms of appointment. The Governor shall appoint members pursuant
27 to subsection (10)(c) and (d) of this section. The mayor of the consolidated local

1 government shall serve on the board for a term which shall be coextensive with his
2 or her term of office. Incumbent members shall be eligible for reappointment upon
3 the expiration of their terms. The terms of all other board members shall be for four
4 (4) years. Upon the establishment of a consolidated local government and
5 maintenance of a previously existing air board, any incumbent member whose term
6 had expired but who had continued to serve because the member's successor had
7 not been appointed, shall continue to serve until a successor is appointed.
8 Successors shall be appointed by the mayor or the Governor as provided by law
9 within sixty (60) days after the establishment of the consolidated local government.
10 As the terms of the previously serving members of an air board being maintained by
11 a consolidated local government expire, the mayor of the consolidated local
12 government and the Governor shall respectively make their new appointments.

13 (16) Members of the board shall serve without compensation but shall be allowed any
14 reasonable expenses incurred by them in the conduct of the affairs of the board. The
15 board shall, upon the appointment of its members, organize and elect officers. The
16 board, except for a board composed of eleven (11) members, shall choose a
17 chairman and vice chairman who shall serve for terms of one (1) year. Where the
18 board is composed of eleven (11) members and established jointly by a city of the
19 first class and the county containing a city of the first class, the mayor of the city of
20 the first class and the county judge/executive shall jointly appoint the chairman
21 from among the membership of the board. Where the board is composed of eleven
22 (11) members and is in a county containing a consolidated local government, the
23 mayor shall appoint the chairman from among the membership of the board. The
24 board shall also choose a secretary-treasurer who may or may not be a member of
25 the board. The board may fix a salary for the secretary-treasurer and the secretary-
26 treasurer shall execute an official bond to be set and approved by the board, and the
27 cost of the bond shall be paid by the board.

- 1 (17) The board may employ necessary counsel, agents, and employees to carry out its
2 work and functions and prescribe rules and regulations as it deems necessary.
- 3 (18) The secretary-treasurer shall keep the minutes of all meetings of the board and shall
4 also keep a set of books showing the receipts and expenditures of the board. The
5 secretary-treasurer shall preserve on file duplicate vouchers for all expenditures and
6 shall present to the board, upon request, complete reports of all financial
7 transactions and the financial condition of the board. The books and vouchers shall
8 at all times be subject to examination by the legislative body or bodies by whom the
9 board was created. The secretary-treasurer shall transmit at least once annually a
10 detailed report of all acts and doings of the board to the legislative body or bodies
11 by whom the board was created.
- 12 (19) In the event that a joint air board is created by cities, counties, or both, and has
13 authorized an eligible state university to become party to the air board under
14 subsection (3) of this section, and thereafter a city, county, or state university
15 desires to withdraw from participation, then the remaining participants may jointly
16 choose a successor member or members of the board. A local government or state
17 university wanting to withdraw from participation in the board shall not be entitled
18 to return of any moneys or property advanced to the board.
- 19 (20) A quorum for the transacting of the business of a six (6) member board shall consist
20 of four (4) members, an eight (8) member board shall consist of five (5) members, a
21 ten (10) member board shall consist of six (6) members, and an eleven (11) member
22 board shall consist of six (6) members. Meetings of the board may be called by the
23 chairman or by four (4) members. In case of tie voting by the board, the issue shall
24 be deemed to have failed passage.
- 25 (21) A board member may be replaced by the appointing authority upon a showing to
26 the authority of misconduct as a board member or upon conviction of a felony. A
27 board member shall not hold any official office with the appointing authority,

1 except for the mayor of a city of the first class and the county judge/executive on a
2 board made up of eleven (11) members and established jointly by a city of the first
3 class and the county containing a city of the first class, or the mayor of an urban-
4 county government or a consolidated local government, or an officer of the urban-
5 county government designated by the mayor on a board established by an urban-
6 county government.

7 ➔Section 102. KRS 183.862 is amended to read as follows:

8 (1) Such commission shall consist of six (6) members and the secretary of the
9 Transportation Cabinet or in his absence his designated representative who shall be
10 the ex officio chairman of such commission. The ex officio chairman of the
11 commission shall not be entitled to vote on any commission action unless there is a
12 tie vote at which time the ex officio chairman may cast the deciding vote. The
13 members of such commission shall be appointed by the Governor for a term of four
14 (4) years, **and shall be subject to Senate confirmation in accordance with KRS**
15 **11.160 for each appointment or reappointment.** The members shall serve for a
16 term of four (4) years, and until their successors are appointed, provided however
17 that the first two (2) members appointed shall serve for a term of two (2) years; the
18 next two (2) for three (3) years; and the final two (2) for four (4) years. Upon the
19 expiration of the first terms, successors shall be appointed for a term of four (4)
20 years.

21 (2) Each member shall be a person experienced in and familiar with the field of
22 aeronautics.

23 (3) Members of the commission shall receive fifty dollars (\$50) for each day in actual
24 session and shall be reimbursed for travel expenses and other reasonable expenses
25 incident to performance of their duties.

26 ➔Section 103. KRS 190.058 is amended to read as follows:

27 (1) The Motor Vehicle Commission is hereby created as an agency of the

1 Commonwealth to carry out the functions and duties conferred upon it by this
2 section.

3 (2) The commission shall consist of twelve (12) members, eleven (11) of whom shall
4 be appointed by the Governor **and subject to Senate confirmation in accordance**
5 **with KRS 11.160 for each appointment or reappointment.**~~[, and]~~ The twelfth shall
6 be the commissioner of the Department of Vehicle Regulation. The appointed
7 members shall be:

- 8 (a) One (1) representative of an automobile manufacturer;
9 (b) One (1) representative of automobile wholesalers;
10 (c) One (1) representative of consumers who shall have no direct financial
11 interest in the industry;
12 (d) Four (4) new motor vehicle dealers, but no more than two (2) shall represent
13 the same automobile manufacturer as a franchise dealer; and
14 (e) Four (4) used motor vehicle dealers.

15 (3) In addition to the requirements of membership on the commission in subsection (2),
16 the following requirements shall apply to the composition of the commission:

- 17 (a) No more than seven (7) members shall be from the same political party; and
18 (b) From the eight (8) members specified in subsection (2)(d) and (e), seven (7)
19 shall be from separate Supreme Court districts.

20 (4) Each member shall serve for a term of three (3) years. The staggered terms of
21 membership dating from the gubernatorial appointments of July 15, 1982, shall
22 remain in effect.

23 (5) (a) Members of the commission shall qualify by taking the constitutional oath of
24 office which shall, with the certificate of appointment, be evidence of the
25 authority of the member to act.

26 (b) Each member of the commission shall be entitled to two hundred dollars
27 (\$200) per day for each day actually engaged in the duties of the office,

1 including time spent in necessary travel to and from meetings and otherwise,
2 together with all travel and other necessary expenses incurred while
3 performing official duties.

4 (6) The commission shall hold a regular annual meeting in September of each year and
5 elect a chairman and vice chairman to serve for the ensuing year. The commission
6 shall have regular meetings as the majority of the members specifies and special
7 meetings at the request of any five (5) members. Reasonable notice of all meetings
8 shall be given as commission administrative regulations prescribe.

9 (7) A member of the commission shall not participate in the deliberations of the
10 commission and shall not vote on any matter before the commission in which the
11 member has a financial interest or is an interested party. A member shall voluntarily
12 disqualify himself or herself from deliberating or voting upon matters that affect the
13 member but shall not be required to disqualify from matters of general interest
14 affecting the member, the member's employer, or a business unit in which the
15 member has a financial interest as a member of a class of persons to be affected by
16 an administrative regulation or order of the commission.

17 (8) A majority of the commissioners, excluding any disqualified commissioner, shall
18 constitute a quorum for the transaction of any business, for the performance of any
19 duty, or for the exercise of any power of the commission. A vacancy in the
20 commission, whether due to disqualification or otherwise, shall not impair the right
21 of the remaining commissioners to exercise all the powers of the commission.

22 (9) The commission shall employ an executive director who shall be the chief
23 administrative officer of the commission. He shall maintain all minutes of the
24 commission proceedings and shall be custodian of the files and records of the
25 commission. The executive director shall employ the staff authorized by the
26 commission. The commission may, by interagency contract, utilize assistance of
27 any state agency.

- 1 (10) The commission shall deposit all moneys received by it from license fees paid
2 under this law with the State Treasurer, who shall keep them in a separate fund to
3 be known as the "Motor Vehicle Commission Fund." The commission may use this
4 fund for salaries, wages, per diem, professional and consulting fees, grants, loans,
5 contracts, travel expenses, equipment, office rent and expenses, and other necessary
6 expenses incurred in carrying out its duties under this section as provided by
7 legislative appropriation. Notwithstanding KRS 45.229, at the close of each
8 biennium, the unexpended balance remaining in the motor vehicle commission fund
9 shall not lapse but shall be carried forward to the next biennium.
- 10 (11) The commission shall administer the provisions of this section, establish the
11 qualifications of manufacturers and dealers, and ensure that the distribution and sale
12 of new motor vehicles are conducted as provided in this chapter and under the
13 commission's administrative regulations.
- 14 (12) The commission may issue orders and make determinations necessary to carry out
15 the provisions of KRS 190.010 to 190.080. The orders shall set forth the findings on
16 which the order is based, and the reason for the particular action taken. All orders
17 shall be signed by the chairman or vice chairman and attested by the executive
18 director.
- 19 (13) The commission may hold hearings that shall be conducted in accordance with KRS
20 Chapter 13B. A member of the commission shall not participate in the deliberations
21 of the commission and shall not vote on any matter if the member has been
22 disqualified on any of the grounds under KRS 13B.040.
- 23 (14) The commission may cause legal proceedings to be instituted to enforce the
24 provisions of this section and its administrative regulations, orders, and decisions. If
25 it appears from any investigation of a possible violation of any other law or
26 administrative regulation that a violation of the provisions of KRS 190.010 to
27 190.080 may have occurred, the matter shall be referred to the commission to

1 determine whether proceedings under KRS 190.010 to 190.080 are appropriate. The
2 commission may make contracts and execute instruments necessary or convenient
3 to the exercise of its power or performance of its duties.

4 (15) The availability of administrative procedures under this section shall not preclude
5 the utilization of other remedies for violation of the provisions of this chapter which
6 are available to the affected parties, including actions for injunctive relief.

7 ➔Section 104. KRS 194A.115 is amended to read as follows:

8 (1) The Statewide Independent Living Council is hereby created and attached to the
9 Cabinet for Health and Family Services in accordance with 42 U.S.C. sec. 3515e
10 for administrative purposes to accomplish the purposes enumerated in 29 U.S.C.
11 sec. 796d (Title VII, Part A, Section 705 of the Rehabilitation Act Amendments of
12 1998). Members of the council shall be appointed by the Governor from
13 recommendations submitted by the Department for Aging and Independent Living
14 consistent with the federal mandate to include a majority of individuals with
15 disabilities representing geographical and disability diversity, as well as
16 representatives from identified service providers and other entities. The
17 composition, qualifications, and terms of service of the council shall conform to the
18 federal law. All members appointed by the Governor shall be subject to Senate
19 confirmation in accordance with KRS 11.160 for each appointment or
20 reappointment.

21 (2) (a) Except as provided in paragraph (b) of this subsection, any vacancy occurring
22 in the membership of the Statewide Independent Living Council shall be filled
23 in the same manner as the original appointment. The vacancy shall not affect
24 the power of the remaining members of the council.

25 (b) The Governor may delegate the authority to fill a vacancy to the remaining
26 voting members of the council.

27 (3) Each member of the Statewide Independent Living Council may receive a per diem

1 of one hundred dollars (\$100), not to exceed six hundred dollars (\$600) annually,
2 for each regular or special meeting attended if the member is not employed or must
3 forfeit wages from other employment. Each member may have travel expenses
4 approved at the established state rate and expenses reimbursed at the established
5 state agency rate for services such as personal assistance, child care, and drivers for
6 attendance at council meetings, and in the performance of duties authorized by the
7 Statewide Independent Living Council. The per diem and expenses shall be paid out
8 of the federal funds appropriated under 29 U.S.C. ch. 16.

9 ➔Section 105. KRS 194A.572 is amended to read as follows:

10 Serve Kentucky shall initially consist of twenty-five (25) voting members who shall be
11 appointed by the Governor **and subject to Senate confirmation in accordance with KRS**
12 **11.160 for each appointment or reappointment.** Membership on Serve Kentucky shall
13 be for a three (3) year term, with the exception that initially one third (1/3) of the
14 members shall serve for a term of one (1) year, one-third (1/3) of the members shall serve
15 for a term of two (2) years, and one-third (1/3) of the members shall serve for a term of
16 three (3) years. After the first six (6) months of operations, the Governor reserves the
17 option to request Serve Kentucky to submit recommendations for any additional
18 members deemed necessary to balance Serve Kentucky's perspective, provided that Serve
19 Kentucky's membership does not exceed twenty-five (25). Serve Kentucky shall annually
20 select from its membership a chair to serve for a term of one (1) year.

21 ➔Section 106. KRS 194A.603 is amended to read as follows:

22 (1) The Alzheimer's Disease and Related Disorders Advisory Council is created. The
23 council shall report directly to the office.

24 (2) The council shall be composed of the following fifteen (15) members:

25 (a) The secretary of the Cabinet for Health and Family Services or his or her
26 designee;

27 (b) The commissioner of the Department for Aging and Independent Living or his

- 1 or her designee;
- 2 (c) The commissioner of the Department for Public Health or his or her designee;
- 3 (d) The commissioner of the Department for Medicaid Services or his or her
4 designee;
- 5 (e) The state long-term care ombudsman or his or her designee;
- 6 (f) The executive director of the Area Agencies on Aging or his or her designee;
- 7 (g) One (1) individual who is the family caregiver of an individual living with
8 Alzheimer's disease or another dementia, appointed by the Governor from a
9 list of names of qualified persons submitted by any interested parties;
- 10 (h) One (1) individual who represents the residential long-term care industry,
11 appointed by the Governor from a list of names of qualified persons submitted
12 by any interested parties;
- 13 (i) One (1) individual who represents providers of adult day care services,
14 appointed by the Governor from a list of names of qualified persons submitted
15 by any interested parties;
- 16 (j) One (1) individual who represents the home care providers, appointed by the
17 Governor from a list of names of qualified persons submitted by any
18 interested parties;
- 19 (k) One (1) individual employed by and representing an organization that
20 advocates solely on behalf of physicians, appointed by the Governor from a
21 list of names of qualified persons submitted by any interested parties;
- 22 (l) One (1) individual employed by and representing an organization that
23 advocates solely on behalf of nurses, appointed by the Governor from a list of
24 names of qualified persons submitted by any interested parties;
- 25 (m) One (1) individual who conducts research regarding Alzheimer's disease or
26 other dementias, appointed by the Governor from a list of names of qualified
27 persons submitted by any interested parties;

1 (n) One (1) individual who represents an organization that advocates solely on
2 behalf of individuals living with Alzheimer's disease or other dementias,
3 appointed by the Governor from a list of names of qualified persons submitted
4 by any interested parties; and

5 (o) One (1) individual representing a statewide organization that advocates on
6 behalf of Kentuckians aged fifty (50) or older, appointed by the Governor
7 from a list of names of qualified persons submitted by any interested parties.

8 **(3) All members appointed by the Governor shall be subject to Senate confirmation**
9 **in accordance with KRS 11.160 for each appointment or reappointment.**

10 ~~(4)~~~~(3)~~ Members who are not state employees shall be reimbursed for necessary and
11 actual expenses.

12 ~~(5)~~~~(4)~~ The council shall meet at least quarterly and at other such times as it
13 determines necessary to perform its duties. A majority of the members shall
14 constitute a quorum for the transaction of the council's business.

15 ~~(6)~~~~(5)~~ The council shall:

16 (a) Elect its own chairperson and establish other officers and subcommittees as
17 needed to execute the duties of the council;

18 (b) Adopt bylaws and operate under its bylaws;

19 (c) Starting on July 1, 2021, and repeating every four (4) years after that date,
20 submit an updated Kentucky Alzheimer's and Related Dementias State Plan to
21 the Governor for his or her approval and thereafter make it available to the
22 General Assembly. If the council determines that amendments need to be
23 made to the state plan, an amended Kentucky Alzheimer's and Related
24 Dementia State Plan may be presented to the Governor for review and
25 approval;

26 (d) Starting on July 1, 2021, and repeating every year after that date, submit an
27 annual report on the implementation progress of the Kentucky Alzheimer's

1 and Related Dementias State Plan to the Governor. This annual report shall
2 include a summary of the progress toward implementation of the state plan
3 and recommendations for amendments to the state plan; and

4 (e) Serve in an advisory capacity to the Governor, the General Assembly, the
5 cabinet and all other state agencies on matters relating to the Kentucky
6 Alzheimer's and Related Dementias State Plan. The council shall review and
7 make recommendations regarding progress towards the goals of the state plan
8 and on progress in implementing resources and services to serve individuals
9 with dementia and related diseases across Kentucky in the future.

10 ~~(Z)(6)~~ Members shall serve for a term of two (2) years and may be reappointed. All
11 subsequent appointments or reappointments shall be for terms of two (2) years. If
12 an appointee resigns or is otherwise unable to complete the appointed term, the
13 Governor shall appoint a new individual whose expertise or experience satisfies the
14 vacated position within ninety (90) days.

15 ➔Section 107. KRS 194A.624 is amended to read as follows:

16 (1) The Advisory Council on Autism Spectrum Disorders is hereby created and shall be
17 attached to the Office of Autism within the Cabinet for Health and Family Services
18 for administrative purposes.

19 (2) The Advisory Council on Autism Spectrum Disorders shall consist of the following
20 members appointed by the Governor, subject to Senate confirmation in
21 accordance with KRS 11.160 for each appointment or reappointment:

22 (a) One (1) representative from the Department for Public Health;

23 (b) One (1) representative from the Department for Medicaid Services;

24 (c) One (1) representative from the Department for Community Based Services;

25 (d) One (1) representative from the Department of Public Advocacy;

26 (e) One (1) representative from the Department of Education;

27 (f) One (1) representative from the Department of Juvenile Justice;

- 1 (g) One (1) representative from the Department for Behavioral Health,
2 Developmental and Intellectual Disabilities;
- 3 (h) One (1) representative from the Office for Children with Special Health Care
4 Needs;
- 5 (i) One (1) parent or youth representative from the Commonwealth Council on
6 Developmental Disabilities;
- 7 (j) One (1) representative from the Kentucky Autism Training Center;
- 8 (k) One (1) representative from the Office of Vocational Rehabilitation;
- 9 (l) One (1) representative from the University of Louisville;
- 10 (m) One (1) representative from the University of Kentucky Human Development
11 Institute;
- 12 (n) One (1) representative from the University of Kentucky;
- 13 (o) One (1) representative from the Center for Autism Spectrum Evaluation,
14 Service, and Research;
- 15 (p) One (1) representative from the Education Professional Standards Board;
- 16 (q) One (1) pediatrician representative;
- 17 (r) One (1) representative from the Weisskopf Child Evaluation Center;
- 18 (s) One (1) representative from the First Steps Program;
- 19 (t) One (1) representative from the Arc of Kentucky;
- 20 (u) The director of the Office of Autism;
- 21 (v) At least one (1) consumer representative, an adult with a diagnosis on the
22 autism spectrum; and
- 23 (w) Five (5) citizen-at-large members.
- 24 (3) The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the
25 representatives appointed by the Governor from the University of Kentucky and the
26 University of Louisville.
- 27 (4) The Advisory Council on Autism Spectrum Disorders may invite individuals who

1 are not members to serve on committees and workgroups.

2 (5) Appointed members of the Advisory Council on Autism Spectrum Disorders shall
3 serve without compensation, but shall be reimbursed for actual expenses incurred in
4 the performance of duties in accordance with KRS 45.101 and administrative
5 regulations promulgated thereunder. Members of the council shall initially be
6 appointed to serve staggered terms and thereafter shall be appointed to serve a term
7 of four (4) years.

8 (6) The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance
9 and Administration Cabinet, and the Office of the State Budget Director shall take
10 all necessary actions to effectuate this section.

11 (7) The Advisory Council on Autism Spectrum Disorders shall be responsible for:

12 (a) Promoting the vision for Kentucky's services and supports to persons on the
13 autism spectrum and their families and advocating for improved quality and
14 evidence-based practices for persons on the autism spectrum and their
15 families;

16 (b) Promoting the early screening, identification, early intervention, and
17 appropriate use of evidence-based practices and standards of care for persons
18 on the autism spectrum across the lifespan;

19 (c) Strengthening state, regional, and local level collaboration and coordination
20 with families, self-advocates, support groups, and state agencies to further
21 coordinate, develop, and enhance the service delivery system for persons on
22 the autism spectrum across the lifespan;

23 (d) Gathering and analyzing research and data to assess the quality and
24 availability of programs and services for persons on the autism spectrum and
25 providing recommendations on assessments, interventions, and treatment
26 modalities across the lifespan;

27 (e) Developing recommendations for:

- 1 1. Increasing participation in existing federal, state, and local programs
- 2 that serve children, youth, and adults on the autism spectrum;
- 3 2. Enhancing the current professional development and planning for future
- 4 workforce development to incorporate research and evidence-based
- 5 practices;
- 6 3. Establishing standards of care and undertaking efforts to ensure
- 7 promotion of these standards statewide; and
- 8 4. Promoting the development of services and supports to transition youth
- 9 and adults on the autism spectrum;
- 10 (f) Assessing the capacity and effectiveness of institutes of higher education in
- 11 the state toward supporting the development of the workforce for persons on
- 12 the autism spectrum;
- 13 (g) Requesting and utilizing federal, state, and private funds, including funds
- 14 from philanthropic sources;
- 15 (h) Improving procedures for ensuring accountability and measuring success of
- 16 programs that receive state, federal, and philanthropic funds;
- 17 (i) Obtaining reports and issuing progress updates on state and federally funded
- 18 services that impact the quality of Kentucky's system of care for persons on
- 19 the autism spectrum;
- 20 (j) Completing a biennial report with the Office of Autism and submitting it to
- 21 the Commonwealth Council on Developmental Disabilities, the Governor, and
- 22 the Legislative Research Commission. The first report shall be due on or
- 23 before September 30, 2017, and subsequent reports shall be due each
- 24 September 30 in odd-numbered years thereafter; and
- 25 (k) Other duties and responsibilities as designated by the Governor.

26 ➔Section 108. KRS 194A.735 is amended to read as follows:

- 27 (1) Subject to sufficient funding, the Cabinet for Health and Family Services and the

1 Justice and Public Safety Cabinet, in consultation with any other state agency as
2 appropriate, shall develop and implement the Homelessness Prevention Project,
3 which offers institutional discharge planning on a voluntary basis to:

- 4 (a) Persons with serious mental illness, persons between the ages of eighteen (18)
5 and twenty-five (25) who may be at risk of developing serious mental illness
6 who are being released from a mental health facility operated or contracted by
7 the cabinet, or persons with a history of multiple utilizations of health care,
8 mental health care, or judicial systems;
- 9 (b) Persons who are being released after serving out a sentence from any state-
10 operated prison or persons who are being paroled from any state-operated
11 prison; or
- 12 (c) Persons who will be aging out of foster care or who have aged out of foster
13 care.
- 14 (2) The primary goal of the project shall be to prepare a limited number of persons in a
15 foster home under supervision by the Cabinet for Health and Family Services, state-
16 operated prisons under supervision by the Justice and Public Safety Cabinet, and
17 mental health facilities operated or contracted by the Cabinet for Health and Family
18 Services for return or reentry into the community, and to offer information about
19 any necessary linkage of the person to needed community services and supports.
- 20 (a) The project shall be jointly supported by each of the cabinets and managed
21 under the direction of the Cabinet for Health and Family Services, Department
22 for Behavioral Health, Developmental and Intellectual Disabilities, Division
23 of Behavioral Health.
- 24 (b) Subject to sufficient funding as provided by an executive branch budget bill,
25 the Division of Behavioral Health shall select the Homelessness Prevention
26 Project sites. These sites shall be in addition to and integrated with the site
27 located in and serving Jefferson County and the site located in a community

1 mental health center serving Clinton, Cumberland, McCreary, and Wayne
2 Counties.

3 (c) Within thirty (30) days of July 15, 2016, the cabinets shall supply the project
4 director at each site with the collection of information on available
5 employment, social, housing, educational, medical, mental health, and other
6 community services in the county. The information shall include but not be
7 limited to the service area of each public and private provider of services, the
8 capacity of each provider to render services to persons served by the project,
9 the fees of each provider, contact names and telephone numbers for each
10 provider, and an emergency contact for each provider.

11 (d) Within thirty (30) days of July 15, 2016, the cabinets and directors shall begin
12 a program of education for each of the cabinet and foster home and mental
13 health and appropriate state-operated prison facility staff who will participate
14 in the development of a discharge plan for volunteer participants under this
15 section.

16 (3) The project shall operate on a voluntary basis. Persons eligible for discharge or
17 completing their sentence or who are being paroled from any state-operated prison
18 shall be offered the opportunity to participate in the project. This offer shall be
19 made at least six (6) months prior to discharge. There shall be a cap on the number
20 of persons served in each Homelessness Prevention Project office, to be determined
21 by available funding and staffing requirements.

22 (a) The staff member designated as the homelessness prevention coordinator for
23 each foster home or mental health facility shall maintain a file for each
24 volunteer participant in the foster home or mental health facility, relating to
25 the participant's employment, social, housing, educational, medical, and
26 mental health needs. This file shall be updated from time to time as
27 appropriate and pursuant to an administrative regulation promulgated by the

1 cabinet in accordance with KRS Chapter 13A that establishes standards for
2 the discharge summary. The staff member designated as the homelessness
3 prevention coordinator for the appropriate state-operated prison participating
4 in the project shall maintain a file containing appropriate forms completed and
5 updated by each person voluntarily participating in the project, relating to the
6 information provided under subsection (6) of this section. All applicable
7 privacy and confidentiality laws shall be followed in assembling and
8 maintaining this file.

9 (b) Six (6) months prior to the expected date of discharge, the discharge
10 coordinator for each foster home and mental health and state-operated prison
11 facility shall contact the homelessness prevention director for the appropriate
12 site where the volunteer participant chooses to locate following discharge
13 about the pending release of the volunteer participant who is eligible for
14 discharge from a foster home or mental health facility, who will have served
15 out his or her sentence in a state-operated prison facility, or who is being
16 paroled from any state-operated prison that is participating in the project. The
17 director shall visit the home or facility, as appropriate, to assist with the
18 preparation of the final comprehensive discharge plan.

19 (c) The homelessness prevention director from the site where the participant
20 chooses to locate and the discharge coordinator for each participating foster
21 home and mental health and state-operated prison facility shall work together
22 to develop a final comprehensive discharge plan that addresses the
23 employment, health care, educational, housing, and other needs of the person
24 to be released, subject to the consent of the person and the funding and
25 staffing capabilities of the director. Information provided by the coordinator
26 may include and be limited to, subject to the staffing and funding capabilities
27 of the coordinator, information provided by the person to be released on a

1 form or forms made available by the foster home or mental health or state-
2 operated prison facility. The discharge plan shall contain but not be limited to
3 the following:

- 4 1. Estimated discharge date from the foster home, state-operated prison
5 facility, or mental health facility, or identification by a social service
6 provider of a person who meets the criteria listed in subsection (1) of
7 this section;
- 8 2. Educational background of the person to be released, including any
9 classes completed or skills obtained by the person while in the foster
10 home, state-operated prison facility, or mental health facility;
- 11 3. The person's medical and mental health needs;
- 12 4. Other relevant social or family background information;
- 13 5. A listing of previous attempts to arrange for post-release residence,
14 employment, medical and mental health services, housing, education,
15 and other community-based services for the person; and
- 16 6. Other available funding and public programs that may reimburse any
17 services obtained from a provider listed in the discharge plan. Every
18 effort shall be made in the discharge plan to refer the person to a
19 provider that has agreed to an arranged public or private funding
20 arrangement.

21 No discharge plan shall be completed unless the written consent, consistent
22 with state and federal privacy laws, to compile the information and prepare
23 the plan has been given by the person eligible for release who has volunteered
24 to participate in the project.

- 25 (4) The homelessness prevention director from the site where the participant chooses to
26 locate shall assist with the completion of a final comprehensive discharge plan that
27 may include but need not be limited to the following:

- 1 (a) Availability of appropriate housing, including but not limited to a twenty-four
2 (24) month transitional program, supportive housing, or halfway house.
3 Planning discharge to an emergency shelter is not appropriate to meet the
4 housing needs of the person being discharged from foster care, a state-
5 operated prison facility, or a mental health facility;
- 6 (b) Access to appropriate treatment services for participants who require follow-
7 up treatment;
- 8 (c) Availability of appropriate employment opportunities, including assessment
9 of vocational skills and job training; and
- 10 (d) Identification of appropriate opportunities to further education.
- 11 (5) Discharge planning shall be individualized, comprehensive, and coordinated with
12 community-based services.
- 13 (a) Each discharge plan shall create a continuous, coordinated, and seamless
14 system that is designed to meet the needs of the person.
- 15 (b) Staff of the foster home or facility and staff of community-based services
16 providers shall be involved in the planning.
- 17 (c) Each facility shall utilize, wherever possible, community-based services
18 within the facility to establish familiarity of the person residing in the facility
19 with the community services.
- 20 (6) The Department of Corrections shall, through an administrative regulation
21 promulgated in accordance with KRS Chapter 13A, develop a discharge plan that
22 addresses the education; employment, technical, and vocational skills; and housing,
23 medical, and mental health needs of a person who is to be released after serving out
24 his or her sentence in a state-operated prison facility participating in the project.
- 25 (7) Appropriate data about discharge placements and follow-up measures shall be
26 collected and analyzed. The analysis shall be included in the interim and final
27 reports of the project specified in subsection (8) of this section.

- 1 (8) Each homelessness prevention director shall have regular meetings with appropriate
2 state cabinet and agency staff to review the project and make recommendations for
3 the benefit of the project. Each director shall be assisted by a local advisory council
4 composed of local providers of services and consumer advocates who are familiar
5 with homelessness prevention issues. Priority for membership on the advisory
6 council shall be given to existing resources and regional mental health and
7 substance abuse advisory councils at the discretion of the director.
- 8 (9) Each cabinet shall collect data about the discharge plans, referrals, costs of services,
9 and rate of recidivism related to the homelessness prevention project, and shall
10 submit an annual report to the Governor and the Legislative Research Commission
11 no later than October 1 that summarizes the data and contains recommendations for
12 the improvement of the project. The annual report also shall be forwarded to the
13 Kentucky Interagency Council on Homelessness.
- 14 (10) (a) The Kentucky Interagency Council on Homelessness is hereby established to
15 plan, develop, coordinate, and implement programs for the purpose of
16 improving the well-being of homeless Kentuckians. The council shall be
17 attached to the Homeless and Housing Coalition of Kentucky for
18 administrative purposes.
- 19 (b) The council shall include but not be limited to the following members:
- 20 1. The secretary of the Cabinet for Health and Family Services;
 - 21 2. The executive director of the Homeless and Housing Coalition of
22 Kentucky;
 - 23 3. The chief executive officer of the Kentucky Housing Corporation;
 - 24 4. The commissioner of the Kentucky Department of Veterans' Affairs;
 - 25 5. The secretary of the Justice and Public Safety Cabinet;
 - 26 6. The secretary of the Education and Labor Cabinet;
 - 27 7. The secretary of the Transportation Cabinet;

- 1 8. The executive director of the Administrative Office of the Courts;
- 2 9. The state budget director;
- 3 10. A representative from the Kentucky Housing Association, representing
- 4 public housing authorities, appointed by the Governor for a two (2) year
- 5 term; and
- 6 11. An individual who has previously experienced homelessness and
- 7 addiction, appointed by the Governor for a two (2) year term.
- 8 (c) The chair of the council shall be appointed by the Governor for a two (2) year
- 9 term and the vice chair shall be elected by the members of the council for a
- 10 two (2) year term. **All members appointed by the Governor shall be subject**
- 11 **to Senate confirmation in accordance with KRS 11.160 for each**
- 12 **appointment or reappointment.**
- 13 (d) Members of the council who are not state employees shall be reimbursed for
- 14 actual expenses incurred in the performance of their duties in accordance with
- 15 KRS 45.101 and administrative regulations promulgated thereunder.
- 16 (e) The council shall have the following functions and duties:
- 17 1. To serve as the single statewide homeless planning and policy
- 18 development resource for the Commonwealth of Kentucky;
- 19 2. To review, update, and recommend changes to Kentucky's Ten-Year
- 20 Plan to End Homelessness and monitor its implementation;
- 21 3. To serve as a state clearinghouse for information on services and
- 22 housing options for the homeless population;
- 23 4. To conduct other activities as appropriate and necessary; and
- 24 5. To report to the Governor and General Assembly as requested.
- 25 ➔Section 109. KRS 196.701 is amended to read as follows:
- 26 (1) To develop and implement a statewide strategic plan for the state and community
- 27 corrections programs, the Kentucky State Corrections Commission is created and is

1 attached to the Office of the Secretary of the Justice and Public Safety Cabinet. The
2 commission shall consist of twenty-three (23) members as follows:

- 3 (a) The secretary of the Justice and Public Safety Cabinet or his or her designee
4 in writing;
- 5 (b) The commissioner of the Department of Corrections or his or her designee in
6 writing;
- 7 (c) The deputy commissioner of the Office of Community Services and Facilities;
- 8 (d) The deputy commissioner of the Office of Adult Institutions;
- 9 (e) The director of the Division of Parole Board Support or his or her designee in
10 writing;
- 11 (f) The executive director of the Office of Legislative and Intergovernmental
12 Services of the Justice and Public Safety Cabinet or his or her designee in
13 writing;
- 14 (g) Two (2) Circuit Court Judges appointed by the Chief Justice;
- 15 (h) A county judge/executive appointed by the Governor;
- 16 (i) A county jailer appointed by the Governor;
- 17 (j) A Commonwealth's attorney appointed by the Governor;
- 18 (k) A practicing attorney appointed by the Governor;
- 19 (l) A victim, as that term is defined in KRS 49.280, appointed by the Governor;
- 20 (m) Four (4) service providers from the field of mental health, substance abuse
21 treatment, or vocational and educational training, appointed by the Governor;
- 22 (n) A public member who is qualified to express the views of organized labor,
23 appointed by the Governor;
- 24 (o) A public member who is qualified to express the views of business and
25 industry, appointed by the Governor;
- 26 (p) The public advocate or his or her designee in writing; and
- 27 (q) Three (3) at-large members appointed by the Governor.

1 (2) All members appointed by the Governor pursuant to subsection (1) of this section
2 shall be subject to Senate confirmation in accordance with KRS 11.160 for each
3 appointment or reappointment.

4 ~~(3)~~ The terms of those members appointed by the appointing authority shall be
5 three (3) years. These members shall serve at the pleasure of the appointing
6 authority and shall be eligible for reappointment. The appointed members may be
7 removed for cause. All others serve during their terms of office. If there is a
8 vacancy, the appointing authority shall immediately make an appointment effective
9 for the unexpired term.

10 ~~(4)~~ The chairperson of the commission shall be the secretary of justice and public
11 safety. The commissioner of the Department of Corrections shall serve as the vice
12 chairperson who shall preside and exercise the functions of the chairperson during
13 absence or disability of the chairperson.

14 ~~(5)~~ Regular meetings of the commission shall be held at least once every four (4)
15 months at a place, day, and hour determined by the commission. Special meetings
16 shall be held when needed as determined by the chairperson. If five (5) or more
17 members of the commission request in writing that the chairperson call a special
18 meeting, then the chairperson shall call a special meeting.

19 ~~(6)~~ Members of the commission shall receive reimbursement for necessary
20 expenses for attendance at official commission meetings or public hearings. The
21 administrative functions of the commission shall be performed by a full-time
22 employee of the department who is selected by the commissioner. All public
23 members of the commission shall, in addition to expenses, receive twenty-five
24 dollars (\$25) per day for attending each meeting.

25 ➔Section 110. KRS 198B.032 is amended to read as follows:

26 (1) The Housing, Buildings and Construction Advisory Committee is established
27 within the department and shall be composed of the following seventeen (17) voting

1 members:

2 (a) The commissioner of the department or the commissioner's designee;

3 (b) The state fire marshal or a representative of the state fire marshal's office;

4 (c) The director of the Building Code Enforcement Division within the
5 department; and

6 (d) Fourteen (14) members appointed by the Governor:

7 1. At least one (1) of whom shall be a licensed heating, ventilation, and air
8 conditioning contractor;

9 2. At least one (1) of whom shall be a licensed plumber;

10 3. At least one (1) of whom shall be a licensed elevator mechanic or
11 elevator contractor;

12 4. At least one (1) of whom shall be a licensed electrician;

13 5. At least one (1) of whom shall be a licensed engineer;

14 6. At least one (1) of whom shall be a licensed architect;

15 7. At least one (1) of whom shall be a manufactured or mobile home
16 retailer or certified installer; and

17 8. The remaining seven (7) of whom shall have experience in the housing,
18 building, or construction industries.

19 (2) Each committee member appointed under subsection (1)(d) of this section shall
20 serve a term of three (3) years, except that initial appointments shall be staggered
21 by the Governor. A member appointed to fill a vacancy occurring other than by
22 expiration of a term shall be appointed for the remainder of the unexpired term. **All**
23 **members appointed by the Governor shall be subject to Senate confirmation in**
24 **accordance with KRS 11.160 for each appointment or reappointment.**

25 (3) The commissioner or the commissioner's designee shall serve as chair of the
26 committee. The committee shall annually elect a member to serve as vice chair.

27 (4) The committee shall meet at least quarterly, and a majority of the members of the

1 committee shall constitute a quorum for the transaction of business. If a vote on a
2 matter before the committee results in a tie, the commissioner or the commissioner's
3 designee shall cast an additional deciding vote.

4 (5) Committee members who are not full-time state government employees shall be
5 compensated for their time when attending committee meetings or performing
6 official duties as directed by the committee at the rate of fifty dollars (\$50) per day.
7 Members of the committee shall be reimbursed for all expenses paid or incurred in
8 the discharge of official business consistent with the reimbursement policy for state
9 employees.

10 (6) The committee shall provide ongoing advice and input to the department, but shall
11 not become directly involved in the licensing or regulation of housing, buildings,
12 and construction matters by the department.

13 (7) The department shall give the committee thirty (30) days to review and comment on
14 a proposed administrative regulation before the regulation is promulgated,
15 amended, or repealed, except in the case of an emergency administrative regulation.

16 ➔Section 111. KRS 198B.704 is amended to read as follows:

17 (1) (a) There is hereby created an independent agency of state government to be
18 known as the Kentucky Board of Home Inspectors, which shall be attached to
19 the Department of Professional Licensing for administrative purposes. The
20 board shall consist of five (5) members, each appointed by the Governor,
21 **subject to Senate confirmation in accordance with KRS 11.160 for each**
22 **appointment or reappointment.** Each board member shall serve a term of
23 three (3) years. The board shall annually select one (1) of its members to serve
24 as chair and one (1) of its members to serve as vice chair to act in the chair's
25 absence. The board shall designate either a board member or a member of the
26 board's administrative staff to serve as secretary to the board.

27 (b) Any member appointed to fill a vacancy occurring other than by expiration of

1 a term shall be appointed for the remainder of the unexpired term.

2 (c) No more than three (3) members of the same political party shall serve on the
3 board at the same time.

4 (d) No member of the board shall reside in the same county as another member.
5 The members of the board shall be residents of Kentucky.

6 (e) 1. A majority of the board shall constitute a quorum for the transaction of
7 business. The affirmative vote of a majority of the members is necessary
8 for the board to take official action.

9 2. If the chair and vice chair are absent from a meeting of the board when a
10 quorum exists, the members who are present may elect a presiding
11 officer who shall serve as acting chair until the conclusion of the
12 meeting or until the arrival of the chair or vice chair.

13 (f) No member may serve on the board for more than six (6) consecutive years. A
14 member may serve on the board for six (6) consecutive years on more than
15 one (1) occasion if that person is not a member of the board for at least two
16 (2) years between periods of board service.

17 (2) The five (5) members of the board shall be chosen as follows:

18 (a) Three (3) members shall:

19 1. Have been actively engaged in performing home inspections in
20 Kentucky for at least five (5) years immediately before the member's
21 appointment to the board, or have completed no less than one hundred
22 (100) fee-paid inspections per year over the last five (5) years; and

23 2. Be licensed by the board as a home inspector;

24 (b) One (1) member shall represent the public at large and shall not be associated
25 with the home inspection, home building, or real estate business other than as
26 a consumer; and

27 (c) One (1) member shall be a real estate professional licensed under KRS

1 Chapter 324 who has been actively engaged in selling, trading, exchanging,
2 optioning, leasing, renting, managing, or listing residential real estate in
3 Kentucky for at least five (5) years immediately before the member's
4 appointment to the board. This member shall be selected from a list of three
5 (3) names submitted to the Governor from the Kentucky Association of
6 Realtors. When a vacancy occurs in this member position, the Kentucky
7 Association of Realtors shall have sixty (60) days after the vacancy occurs to
8 submit a list of three (3) names to the Governor to fill the vacancy. The
9 Governor may reject the list of three (3) names and request that the Kentucky
10 Association of Realtors submit a new list of three (3) names within sixty (60)
11 days of the Governor's request. If the Kentucky Association of Realtors fails
12 to timely submit this list to the Governor, the Governor may immediately
13 appoint a qualified person to fill this vacancy.

14 (3) A board member shall be automatically removed from the board and a vacancy
15 shall occur when the board member:

- 16 (a) Ceases to be a resident of the Commonwealth of Kentucky;
17 (b) Displays incompetence, neglect of duty, or unprofessional conduct;
18 (c) Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere
19 to this code shall be determined by official action of the board;
20 (d) Enters a plea of guilty to, or has been found guilty of, a felony and the time
21 for appeal has passed or the judgment of conviction has been finally affirmed
22 on appeal; or
23 (e) Misses three (3) consecutive meetings or misses more than twenty-five
24 percent (25%) of the meetings held over the previous twelve (12) month
25 period.

26 (4) Voting members of the board shall be compensated no more than three hundred
27 dollars (\$300) per day for official business, subject to an annual maximum of six

1 thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and
2 incurred in the discharge of official business consistent with the reimbursement
3 policy for state employees. With the approval of the executive director of the
4 Kentucky Real Estate Authority within the Department of Professional Licensing,
5 board members and board staff may attend and travel to and from meetings and
6 events relevant to the board or the industry the board represents.

7 (5) The board shall meet at least quarterly each calendar year upon the call of the chair
8 or the written request of a majority of the members of the board.

9 (6) The chair shall establish the date, time, and place for each meeting.

10 ➔Section 112. KRS 199.8983 is amended to read as follows:

11 (1) There is hereby created the Kentucky Child Care Advisory Council to be composed
12 of eighteen (18) members. The members appointed by the Governor shall serve a
13 term of three (3) years. The appointed members of the council shall be
14 geographically and culturally representative of the population of the
15 Commonwealth. For administrative purposes, the council shall be attached to the
16 department. The members shall be as follows:

17 (a) The commissioner of the department, or designee;

18 (b) Four (4) members appointed by the Governor representing child-care center
19 providers licensed pursuant to this chapter, *subject to Senate confirmation in*
20 *accordance with KRS 11.160 for each appointment or reappointment;*

21 (c) Two (2) members appointed by the Governor representing family child-care
22 home providers licensed pursuant to this chapter, *subject to Senate*
23 *confirmation in accordance with KRS 11.160 for each appointment or*
24 *reappointment;*

25 (d) Three (3) members appointed by the Governor, *subject to Senate*
26 *confirmation in accordance with KRS 11.160 for each appointment or*
27 *reappointment,* who are parents, de facto custodians, guardians, or legal

- 1 custodians of children receiving services from child-care centers or family
2 child-care homes licensed pursuant to this chapter;
- 3 (e) Three (3) members appointed by the Governor, subject to Senate
4 confirmation in accordance with KRS 11.160 for each appointment or
5 reappointment, from the private sector who are knowledgeable about
6 education, health, and development of children;
- 7 (f) The director of the Division of Child Care within the department, or designee,
8 as a nonvoting ex officio member;
- 9 (g) The commissioner of education, Education and Labor Cabinet, or designee, as
10 a nonvoting ex officio member;
- 11 (h) The executive director of the Governor's Office of Early Childhood, or
12 designee, as a nonvoting ex officio member;
- 13 (i) The commissioner of the Department for Public Health within the cabinet, or
14 designee, as a nonvoting ex officio member; and
- 15 (j) The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting
16 ex officio member;
- 17 (2) The council shall have two (2) co-chairpersons. One (1) co-chairperson shall be the
18 commissioner of the department, or designee, and one (1) co-chairperson shall be
19 elected by the voting members of the council.
- 20 (3) Members shall serve until a successor has been appointed. If a vacancy on the
21 council occurs, the Governor shall appoint a replacement for the remainder of the
22 unexpired term.
- 23 (4) Members shall serve without compensation but shall be reimbursed for reasonable
24 and necessary expenses in accordance with state travel expenses and reimbursement
25 administrative regulations.
- 26 (5) The council shall meet at least quarterly and at other times upon call of the co-
27 chairpersons.

1 (6) The council shall advise the cabinet on matters affecting the operations, funding,
2 and licensing of child-care centers and family child-care homes. The council shall
3 provide input and recommendations for ways to improve quality, access, and
4 outcomes.

5 (7) The council shall make an annual report by December 1 that provides summaries
6 and recommendations to address the availability, affordability, accessibility, and
7 quality of child care in the Commonwealth. A copy of the annual report shall be
8 provided to the secretary, the Governor, and the Legislative Research Commission.

9 ➔Section 113. KRS 200.505 is amended to read as follows:

10 There is hereby created a State Interagency Council for Services and Supports to
11 Children and Transition-Age Youth. The chairperson of the council shall be designated
12 by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for
13 each appointment or reappointment, and shall establish procedures for the council's
14 internal procedures.

15 (1) This council shall be composed of the following:

16 (a) Members who shall serve by virtue of their positions: the commissioner of the
17 Department of Education, the commissioner of the Department for Behavioral
18 Health, Developmental and Intellectual Disabilities, the commissioner of the
19 Department for Community Based Services, the commissioner of the
20 Department for Public Health, the commissioner of the Department for
21 Medicaid Services, the commissioner of the Department of Juvenile Justice,
22 the director of the Division of Family Resource and Youth Services Centers,
23 the executive director of the Office for Children with Special Health Care
24 Needs, the executive officer of the Department of Family and Juvenile
25 Services of the Administrative Office of the Courts, the chair of the
26 Subcommittee for Equity and Justice for all Youth of the Juvenile Justice
27 Advisory Board, the executive director of the Kentucky Housing Corporation,

1 the executive director of the Kentucky Office of Vocational Rehabilitation,
2 and the president of the Council on Postsecondary Education, or their
3 designees;

4 (b) The chairperson of the council shall appoint one (1) parent of a child or
5 transition-age youth with a behavioral health need, who is a consumer of
6 services and supports within the system of care to serve as a member of the
7 council, and one (1) parent who meets the same criteria to serve as the parent
8 member's alternate to serve in the absence of the parent member. For each
9 appointment to be made, the State Interagency Council for Services and
10 Supports to Children and Transition-Age Youth shall vote on nominations
11 submitted by members. The nominee receiving the most votes shall be
12 appointed. Appointees shall serve a term of two (2) years and may be
13 reappointed to additional two (2) year terms. If the child of the parent member
14 or alternate parent member ceases to be a consumer of services and supports
15 within the system of care during the term of appointment, the member shall be
16 eligible to serve out the remainder of the term of appointment. The alternate
17 parent member may attend and participate in all council meetings but shall
18 vote only in the absence of the parent member. The parent member and
19 alternate parent member shall receive no compensation in addition to that
20 which they may already receive as service providers or state employees who
21 are required to attend as part of their duties, but the parent member and
22 alternate parent member shall be reimbursed for expenses incurred through
23 the performance of their duties as council members if it is outside the scope of
24 their job duties;

25 (c) The chairperson of the council shall appoint one (1) youth between the ages of
26 sixteen (16) and twenty-five (25), who has a behavioral health disorder and
27 who is receiving or has received services to address mental health, substance

1 use, or co-occurring mental health and substance use disorder, to serve as a
2 member of the council, and one (1) youth who meets the same criteria to serve
3 as the youth member's alternate in the absence of the youth member. For each
4 appointment to be made, the State Interagency Council for Services and
5 Supports to Children and Transition-Age Youth shall vote on nominations
6 submitted by members. The nominee receiving the most votes shall be
7 appointed. Appointees shall serve a term of two (2) years and may be
8 reappointed to additional two (2) year terms, and the youth member and the
9 youth member's alternate shall be eligible to serve out the remainder of their
10 term of appointment regardless of age. The alternate youth member may
11 attend and participate in all council meetings but shall vote only in the
12 absence of the youth member. The youth member and alternate youth member
13 shall receive no compensation in addition to that which they may already
14 receive as service providers or state employees who are required to attend as
15 part of their duties, but the youth member and alternate youth member shall be
16 reimbursed for expenses incurred through the performance of their duties as
17 council members if it is outside the scope of their job duties;

- 18 (d) The chairperson of the council shall appoint one (1) member of a nonprofit
19 family organization representing consumers of services and supports within
20 the system of care whose membership, leadership, and governance include
21 parents, primary caregivers, or children or transition-age youth with serious
22 emotional, behavioral, or mental health needs, to serve as a member of the
23 council. For each appointment to be made, the chair shall publicly post on the
24 State Interagency Council for Services and Supports to Children and
25 Transition-Age Youth Web site a solicitation for letters of interest from
26 qualified organizations and submit all qualified responses to a vote of the full
27 membership. The organization which receives the most votes shall designate a

1 representative to serve a term of two (2) years, and may be reappointed to
2 additional two (2) year terms. The family organization member shall receive
3 no compensation in addition to that which the member may already receive as
4 an employee who is required to attend as part of his or her duties, but shall be
5 reimbursed for expenses incurred through the performance of duties as a
6 council member if it is outside the scope of his or her job duties; and

7 (e) At the end of a term, a member shall continue to serve until a successor is
8 appointed.

9 (2) The State Interagency Council for Services and Supports to Children and
10 Transition-Age Youth shall:

11 (a) Make recommendations annually to the Governor and the Legislative
12 Research Commission regarding the system of care for children and
13 transition-age youth with or at risk of behavioral health needs;

14 (b) Direct each regional interagency council to:

15 1. Operate as the regional locus of accountability for the system of care;
16 and

17 2. Participate in family accountability, intervention, and response teams
18 established pursuant to KRS 605.035;

19 (c) Assess the effectiveness of regional councils in serving as the locus of
20 accountability for the system of care for children and transition-age youth
21 with or at risk of behavioral health needs;

22 (d) Meet at least monthly and maintain records of meetings; and

23 (e) Develop a comprehensive array of services and supports to meet the needs of
24 children and transition-age youth with or at risk of developing behavioral
25 health needs.

26 (3) Agencies represented on the state council shall adopt interagency agreements as
27 necessary to advance the system of care.

1 (4) The State Interagency Council for Services and Supports to Children and
2 Transition-Age Youth may promulgate administrative regulations necessary to
3 comply with the requirements of KRS 200.501 to 200.509.

4 ➔Section 114. KRS 200.560 is amended to read as follows:

5 (1) There is hereby created a Hemophilia Advisory Committee for the purpose of
6 acting in an advisory capacity to the Office for Children with Special Health Care
7 Needs regarding the hemophilia treatment program. The committee shall consist of
8 nine (9) members. The executive director of the Office for Children with Special
9 Health Care Needs shall be an ex officio member. The other eight (8) members of
10 the committee shall be appointed by the Governor, subject to Senate confirmation
11 in accordance with KRS 11.160 for each appointment or reappointment, and shall
12 hold office for a term of four (4) years and until their successors are appointed and
13 qualify, except that of those members initially appointed the terms shall be as
14 follows: two (2) members shall be appointed for one (1) year, two (2) for two (2)
15 years, two (2) for three (3) years, and two (2) for four (4) years. Appointments shall
16 be made one (1) from a list of three (3) nominees submitted by the following
17 organizations: the Kentuckiana Chapter of the National Hemophilia Foundation, the
18 Kentucky Medical Association, the Kentucky Pharmacists Association, and the
19 Kentucky Hospital Association. The other four (4) appointive members shall be
20 citizens residing within the Commonwealth who are hemophiliacs, parents of
21 hemophiliacs, or health care providers interested in hemophilia.

22 (2) Each appointive member of the committee shall serve without compensation but
23 shall be entitled to reimbursement for his actual and necessary expenses in carrying
24 out his duties.

25 (3) Vacancies shall be filled for the unexpired term in the same manner as original
26 appointments, maintaining representations as set out in subsection (1) of this
27 section.

1 (4) The committee shall elect a chairman, vice chairman, and secretary from among its
2 members at its first regular meeting in each fiscal year and shall adopt rules
3 governing its proceedings. The committee shall hold a meeting at least once every
4 three (3) months and such other special or regular meetings as may be desired.

5 ➔Section 115. KRS 200.658 is amended to read as follows:

6 (1) There is hereby created the Kentucky Early Intervention System Interagency
7 Coordinating Council to be comprised of twenty-five (25) members to be appointed
8 by the Governor to serve a term of three (3) years, and subject to Senate
9 confirmation in accordance with KRS 11.160 for each appointment or
10 reappointment. The members of the council shall be geographically and culturally
11 representative of the population of the Commonwealth and conform to the
12 requirements of federal law and regulations. For administrative purposes, the
13 council shall be attached to the Early Childhood Advisory Council. Pursuant to
14 federal law and regulations, the membership shall be as follows:

15 (a) At least five (5) members shall be the parents, including minority parents, of a
16 child with a disability who is twelve (12) years of age or less, with at least one
17 (1) being the parent of a child six (6) years of age or less. Each parent shall
18 have knowledge of or experience with programs for infants and toddlers with
19 disabilities;

20 (b) At least five (5) members shall be public or private providers of early
21 intervention services to infants and toddlers with disabilities;

22 (c) At least one (1) member shall be a member of the Kentucky General
23 Assembly;

24 (d) At least one (1) member shall be representative of an entity responsible for
25 personnel preparation and may include personnel from an institution of higher
26 education or preservice training organization;

27 (e) At least one (1) member shall be the commissioner or individual serving in a

- 1 position of equivalent authority, or the designee, from the Department for
2 Public Health;
- 3 (f) At least one (1) member shall be the commissioner or individual serving in a
4 position of equivalent authority, or the designee, from the Department for
5 Medicaid Services;
- 6 (g) At least one (1) member shall be the commissioner or individual serving in a
7 position of equivalent authority, or the designee, from the Department for
8 Behavioral Health, Developmental and Intellectual Disabilities;
- 9 (h) At least one (1) member shall be the commissioner or individual serving in a
10 position of equivalent authority, or the designee, from the Department for
11 Community Based Services;
- 12 (i) At least one (1) member shall be the commissioner or designee of the
13 Department of Education;
- 14 (j) At least one (1) member shall be the commissioner or designee of the
15 Department of Insurance;
- 16 (k) At least one (1) member shall be a representative of the Office for Children
17 with Special Health Care Needs;
- 18 (l) At least one (1) member shall be a representative for the Head Start program;
19 and
- 20 (m) At least one (1) member shall be a representative of the Education of
21 Homeless Children and Youth program.
- 22 (2) In matters concerning the Kentucky Early Intervention System, the council shall
23 advise and assist the cabinet in areas, including but not limited to the following:
- 24 (a) Development and implementation of the statewide system and the
25 administrative regulations promulgated pursuant to KRS 200.650 to 200.676;
- 26 (b) Achieving the full participation, coordination, and cooperation of all
27 appropriate entities in the state, including, but not limited to, individuals,

- 1 departments, and agencies, through the promotion of interagency agreements;
- 2 (c) Establishing a process to seek information from service providers, service
3 coordinators, parents, and others concerning the identification of service
4 delivery problems and the resolution of those problems;
- 5 (d) Resolution of disputes, to the extent deemed appropriate by the cabinet;
- 6 (e) Provision of appropriate services for children from birth to three (3) years of
7 age;
- 8 (f) Identifying sources of fiscal and other support services for early intervention
9 programs;
- 10 (g) Preparing applications to Part C of the Federal Individuals with Disabilities
11 Education Act (IDEA) and any amendments to the applications;
- 12 (h) Transitioning of infants and toddlers with disabilities and their families from
13 the early intervention system to appropriate services provided under Part B of
14 the Federal Individuals with Disabilities Education Act (IDEA) operated by
15 the state Department of Education; and
- 16 (i) Developing performance measures to assess the outcomes for children
17 receiving services.
- 18 (3) The council shall prepare no later than December 30 of each year an annual report
19 on the progress toward and any barriers to full implementation of the Kentucky
20 Early Intervention System for infants and toddlers with disabilities and their
21 families. The report shall include recommendations concerning the Kentucky Early
22 Intervention System, including recommendations of ways to improve quality and
23 cost effectiveness, and shall be submitted to the Governor, Legislative Research
24 Commission, and the Secretary of the United States Department of Education.
- 25 (4) No member of the council shall cast a vote on any matter which would provide
26 direct financial benefit to that member or otherwise give the appearance of the
27 existence of a conflict of interest.

1 ➔Section 116. KRS 200.700 is amended to read as follows:

2 (1) The Early Childhood Advisory Council is established as a public agency and
3 political subdivision of the Commonwealth with all powers, duties, and
4 responsibilities conferred upon it by statute and essential to perform its functions
5 including but not limited to employing other persons, consultants, attorneys, and
6 agents. The council shall be attached to the Education and Labor Cabinet for
7 administrative purposes and shall establish necessary advisory councils. The
8 secretary of the Education and Labor Cabinet or the secretary's designee shall be the
9 appointing authority for the council pursuant to KRS Chapter 18A. The council
10 shall have the ability to make expenditures from the early childhood development
11 fund and shall ensure that expenditures made from the early childhood development
12 fund are in conformance with its duties as established by the General Assembly.

13 (2) The council shall be headed by an executive director appointed by the Governor
14 pursuant to KRS 12.040. The executive director shall report to the secretary of the
15 Education and Labor Cabinet or the secretary's designee.

16 (3) The council shall consist of the following twenty-six (26) members:

17 (a) The state director of Head Start Collaboration;

18 (b) The secretary of the Education and Labor Cabinet or designee;

19 (c) The secretary of the Cabinet for Health and Family Services or designee;

20 (d) One (1) nonvoting ex officio member from the House of Representatives who
21 shall be appointed by and serve at the pleasure of the Speaker of the House;

22 (e) One (1) nonvoting ex officio member from the Senate who shall be appointed
23 by and serve at the pleasure of the President of the Senate;

24 (f) Six (6) private sector members knowledgeable about the health, mental health,
25 education, and development of prenatal to school entry children who shall be
26 appointed by the Governor, subject to Senate confirmation in accordance
27 with KRS 11.160 for each appointment or reappointment. One (1) private

- 1 sector member shall be appointed from each congressional district;
- 2 (g) Seven (7) citizens at large of the Commonwealth who shall be appointed by
3 the Governor, subject to Senate confirmation in accordance with KRS
4 11.160 for each appointment or reappointment;
- 5 (h) One (1) early childhood development advocate who shall be appointed by the
6 Governor, subject to Senate confirmation in accordance with KRS 11.160
7 for each appointment or reappointment;
- 8 (i) One (1) member representing higher education with expertise in early
9 childhood who shall be appointed by the Governor, subject to Senate
10 confirmation in accordance with KRS 11.160 for each appointment or
11 reappointment; and
- 12 (j) Six (6) members appointed by the Governor, subject to Senate confirmation
13 in accordance with KRS 11.160 for each appointment or reappointment,
14 including one (1) member from a Head Start program located in the state, one
15 (1) member from a local education agency, one (1) member from the state
16 agency responsible for education, one (1) member from the state agency
17 responsible for child care, one (1) member from the state agency responsible
18 for Part C of the Individuals with Disabilities Education Act (IDEA), and one
19 (1) member from the state agency for health and mental health.
- 20 (4) (a) The initial terms of the private sector and citizen-at-large members of the
21 council shall be for:
- 22 1. One (1) year for five (5) of the initial terms;
23 2. Two (2) years for five (5) of the initial terms;
24 3. Three (3) years for six (6) of the initial terms; and
25 4. Four (4) years for five (5) of the initial appointments.
- 26 (b) All succeeding appointments shall be for four (4) years from the expiration
27 date of the preceding appointment. The private and citizen-at-large members

- 1 shall serve no more than two (2) full successive terms. A term shall expire on
2 June 30 in the appropriate year.
- 3 (c) Members shall serve until a successor has been appointed. If a vacancy on the
4 council occurs, the Governor shall appoint a replacement for the remainder of
5 the unexpired term except for the members appointed by the Speaker of the
6 House and President of the Senate.
- 7 (d) The members and nonmember appointees of the council shall comply with the
8 gift and conflict of interest statutes in KRS Chapter 11A. Any conflict of
9 interest issue shall be submitted to the Executive Branch Ethics Commission
10 for resolution.
- 11 (e) The Governor shall appoint the chair of the council from the private sector or
12 citizen-at-large membership, subject to Senate confirmation in accordance
13 with KRS 11.160 for each appointment or reappointment.
- 14 (f) The chair may appoint nonmembers of the council to committees or
15 workgroups.
- 16 (5) Private sector and citizen-at-large members and nonmembers appointed to a
17 committee or workgroup shall serve without compensation but shall be reimbursed
18 for reasonable and necessary expenses in accordance with state travel expenses and
19 reimbursement administrative regulations.
- 20 (6) In making appointments to the council, the Governor shall assure broad
21 geographical, ethnic, and gender diversity representation from the major sectors of
22 Kentucky's early childhood development community. In filling vacancies, the
23 Governor shall attempt to assure the continuing representation on the council of
24 broad constituencies of Kentucky's early childhood development community.
- 25 (7) The council shall meet at least quarterly and at other times upon call of the chair or
26 a majority of the council.
- 27 (8) Members of the council shall serve on a voluntary basis and be reimbursed for their

1 expenses in accordance with state travel expense and reimbursement administrative
2 regulations.

3 ➔Section 117. KRS 205.540 is amended to read as follows:

4 (1) An Advisory Council for Medical Assistance shall be established in the state
5 government. The council shall consist of twenty-two (22) members. The secretary
6 for health and family services shall be an ex officio member. The other twenty-one
7 (21) members of the council shall be appointed by the Governor, subject to Senate
8 confirmation in accordance with KRS 11.160 for each appointment or
9 reappointment, and shall hold office for a term of four (4) years and until their
10 successors are appointed and qualify, except that the members appointed to fill the
11 first vacancy occurring for a term beginning on July 1, 1960, shall be as follows:
12 Two (2) members shall be appointed for one (1) year, two (2) for two (2) years, two
13 (2) for three (3) years, and three (3) for four (4) years, and the respective terms of
14 the first members shall be designated by the Governor at the time of their
15 appointments. Upon the expiration of the respective terms of the members first
16 appointed, the term of each successor shall be for four (4) years and until his
17 successor is appointed and qualified. Thirteen (13) of the appointments shall be
18 made one (1) from each list of three (3) nominees submitted by the following
19 organizations: the Kentucky State Medical Association; the Kentucky Dental
20 Association; the Kentucky Hospital Association; the Kentucky Medical Equipment
21 Suppliers Association; the Kentucky Pharmacists Association; the Kentucky
22 Association of Health Care Facilities; the Kentucky Nurses' Association; the State
23 Board of Podiatry; the Kentucky Home Care Association; the Kentucky Optometric
24 Association; the Kentucky Primary Care Association; the Kentucky Association of
25 Hospice and Palliative Care; and the Kentucky Association of Homes and Services
26 for the Aging, Inc. The other eight (8) appointive members shall be healthcare
27 advocates knowledgeable about health care and the healthcare industry, and shall

1 include three (3) medical assistance recipients; one (1) representative of a
2 recognized consumer advocacy group representing the elderly; one (1)
3 representative of a recognized consumer advocacy group representing persons
4 reentering society following incarceration; and three (3) representatives of
5 recognized consumer advocacy groups whose membership includes low-income
6 persons, children and youth, women, minorities, and disabled persons.

7 (2) Each appointive member of the council shall serve without compensation but each
8 council member not otherwise compensated for his or her time or expenses shall be
9 entitled to reimbursement for his or her actual and necessary expenses in carrying
10 out his or her duties with reimbursement for expenses being made in accordance
11 with state regulations relating to travel reimbursement.

12 (3) Vacancies shall be filled for the unexpired term in the same manner as original
13 appointments, maintaining representations as set out in subsection (1) of this
14 section.

15 (4) The council shall elect a chairman, vice chairman, and secretary from among its
16 members at its first regular meeting in each fiscal year and shall adopt rules
17 governing its proceedings. The council shall hold a meeting at least once every
18 three (3) months and such other special or regular meetings as may be desired.

19 (5) The eight (8) appointive members who are healthcare advocates shall not have a
20 fiduciary relationship or interest in any health-care facility or service.

21 ➔Section 118. KRS 205.564 is amended to read as follows:

22 (1) The Pharmacy and Therapeutics Advisory Committee is established and attached to
23 the Department for Medicaid Services for administrative purposes.

24 (2) The committee shall have fifteen (15) members, as follows:

25 (a) Thirteen (13) voting members who shall be physicians currently participating
26 in the Medicaid program who may legally prescribe a broad range of
27 scheduled and nonscheduled drugs, as categorized by the U.S. Drug

1 Enforcement Administration, or pharmacists who dispense prescriptions to
2 Medicaid recipients, as follows:

- 3 1. Three (3) licensed, practicing family practice physicians;
- 4 2. Two (2) licensed, practicing physicians who are pediatricians;
- 5 3. One (1) licensed, practicing physician who is an
6 obstetrician/gynecologist or gynecologist;
- 7 4. One (1) licensed, practicing internal medicine physician who is a
8 primary care provider;
- 9 5. One (1) licensed, practicing physician from any medical specialty;
- 10 6. Two (2) licensed, practicing physicians who are psychiatrists, one (1)
11 who is a practicing psychiatrist in a community mental health center and
12 one (1) from either the School of Medicine, University of Louisville, or
13 the College of Medicine, University of Kentucky; and
- 14 7. Three (3) licensed, practicing pharmacists; and

15 (b) Two (2) nonvoting members, as follows:

- 16 1. The medical director of the department; and
- 17 2. A representative of the department's pharmacy program, as designated
18 by the commissioner.

19 (3) (a) One (1) voting committee member shall be appointed, and may be
20 reappointed, by the Governor, subject to Senate confirmation in accordance
21 with KRS 11.160 for each appointment or reappointment, from a list of three
22 (3) nominees received from the President of the Senate, ~~and~~

23 (b) One (1) voting committee member shall be appointed, and may be
24 reappointed, by the Governor from a list of three (3) nominees received from
25 the Speaker of the House of Representatives.

26 (c) The remaining eleven (11) voting committee members shall be appointed, and
27 may be reappointed, by the Governor from a list of nominees submitted by the

1 department, subject to Senate confirmation in accordance with KRS 11.160
2 for each appointment or reappointment. Terms of the voting committee
3 members shall be three (3) years with no members serving more than two (2)
4 consecutive terms, except that a member may continue to serve his or her term
5 until a successor is appointed.

- 6 (4) The Pharmacy and Therapeutics Advisory Committee shall:
- 7 (a) Act in an advisory capacity to the Governor, the secretary of the Cabinet for
8 Health and Family Services, and the Medicaid commissioner on the
9 development and administration of an outpatient drug formulary;
 - 10 (b) Perform drug reviews and make recommendations to the commissioner
11 regarding specific drugs or drug classes to be placed on prior authorization or
12 otherwise restricted, as determined through a process established by the
13 cabinet;
 - 14 (c) Provide for an appeals process to be utilized by a person or entity that
15 disagrees with recommendations of the committee;
 - 16 (d) Establish bylaws or rules for the conduct of committee meetings; and
 - 17 (e) Function in accordance with the Kentucky Open Meetings Law and the
18 Kentucky Open Records Law.
- 19 (5) Voting members of the committee shall elect a chair and vice chair by majority
20 vote. A quorum shall consist of eight (8) voting members of the committee.
- 21 (6) The committee shall meet every other month for a total of at least six (6) times per
22 calendar year or upon the call of the chair, the commissioner, the secretary of the
23 Cabinet for Health and Family Services, or the Governor. The Department for
24 Medicaid Services shall post the agenda on its Web site no later than fourteen (14)
25 days prior to the date of a regularly scheduled meeting and no later than seventy-
26 two (72) hours prior to the date of a specially called meeting. Options, including
27 any recommendations, by the department for drug review or drug review placement

- 1 shall be posted on the department's Web site no later than seven (7) days prior to
2 the date of the next regularly scheduled meeting and as soon as practicable prior to
3 the date of the next specially called meeting.
- 4 (7) Members of the committee shall receive no compensation for service, but shall
5 receive necessary and actual travel expenses associated with attending meetings.
- 6 (8) Any recommendation of the committee to the commissioner shall be posted to the
7 Web site of the Department for Medicaid Services within seven (7) days of the date
8 of the meeting at which the recommendation was made.
- 9 (9) A recommendation of the committee shall be submitted to the commissioner for a
10 final determination. If the commissioner does not accept the recommendation of the
11 committee, the commissioner shall present the basis for the final determination at
12 the next scheduled meeting of the committee. The commissioner shall act on the
13 committee's recommendation within thirty (30) days of the date that the
14 recommendation was posted on the Web site.
- 15 (10) Any interested party may request and may be permitted to make a presentation to
16 the board on any item under consideration by the board. The Cabinet for Health and
17 Family Services shall, by administrative regulation promulgated under KRS
18 Chapter 13A, establish requirements for any presentation made to the board.
- 19 (11) The commissioner's final determination shall be posted on the Web site of the
20 Department for Medicaid Services.
- 21 (12) Any appeal from a decision of the commissioner shall be made in accordance with
22 KRS Chapter 13B, except that the time for filing an appeal shall be within thirty
23 (30) days of the date of the posting of the commissioner's final determination on the
24 Web site of the Department for Medicaid Services.
- 25 (13) The Cabinet for Health and Family Services shall promulgate an administrative
26 regulation in accordance with KRS Chapter 13A to implement the provisions of this
27 section.

1 ➔Section 119. KRS 205.590 is amended to read as follows:

- 2 (1) The following technical advisory committees shall be established for the purpose of
3 acting in an advisory capacity to the Advisory Council for Medical Assistance with
4 respect to the administration of the medical assistance program and in performing
5 the function of peer review:
- 6 (a) A Technical Advisory Committee on Physician Services consisting of five (5)
7 physicians appointed by the council of the Kentucky State Medical
8 Association;
- 9 (b) A Technical Advisory Committee on Hospital Care consisting of five (5)
10 hospital administrators appointed by the board of trustees of the Kentucky
11 Hospital Association;
- 12 (c) A Technical Advisory Committee on Dental Care consisting of five (5)
13 dentists appointed by the Kentucky Dental Association;
- 14 (d) A Technical Advisory Committee on Nursing Service consisting of five (5)
15 nurses appointed by the board of directors of the Kentucky State Association
16 of Registered Nurses;
- 17 (e) A Technical Advisory Committee on Nursing Home Care consisting of six (6)
18 members of which five (5) members shall be appointed by the Kentucky
19 Association of Health Care Facilities, and one (1) member shall be appointed
20 by the Kentucky Association of Nonprofit Homes and Services for the Aging,
21 Inc.;
- 22 (f) A Technical Advisory Committee on Optometric Care consisting of five (5)
23 members appointed by the Kentucky Optometric Association;
- 24 (g) A Technical Advisory Committee on Podiatric Care consisting of five (5)
25 podiatrists appointed by the Kentucky Podiatry Association;
- 26 (h) A Technical Advisory Committee on Primary Care consisting of five (5)
27 primary care providers, two (2) of whom shall represent licensed health

- 1 maintenance organizations, appointed by the Governor, subject to Senate
2 confirmation in accordance with KRS 11.160 for each appointment or
3 reappointment, until such time as an association of primary care providers is
4 established, whereafter the association shall appoint the members;
- 5 (i) A Technical Advisory Committee on Home Health Care consisting of five (5)
6 members appointed by the board of directors of the Kentucky Home Health
7 Association;
- 8 (j) A Technical Advisory Committee on Consumer Rights and Client Needs
9 consisting of seven (7) members, with one (1) member to be appointed by
10 each of the following organizations: the American Association of Retired
11 Persons Kentucky, the Family Resource Youth Services Coalition of
12 Kentucky, the Kentucky Association of Community Health Workers, the
13 Kentucky Legal Services Corporation, the Arc of Kentucky, the Department
14 of Public Advocacy, and the National Association of Social Workers-
15 Kentucky Chapter;
- 16 (k) A Technical Advisory Committee on Behavioral Health consisting of seven
17 (7) members, with one (1) member to be appointed by each of the following
18 organizations: the Kentucky Mental Health Coalition, the Kentucky
19 Association of Regional Programs, the National Alliance on Mental Illness
20 (NAMI) Kentucky, a statewide mental health consumer organization, the
21 People Advocating Recovery (PAR), the Brain Injury Association of
22 America-Kentucky Chapter, and the Kentucky Brain Injury Alliance;
- 23 (l) A Technical Advisory Committee on Children's Health consisting of ten (10)
24 members, with one (1) member to be appointed by each of the following
25 organizations: the Kentucky Chapter of the American Academy of Pediatrics,
26 the Kentucky PTA, the Kentucky Psychological Association, the Kentucky
27 School Nurses Association, the Kentucky Association for Early Childhood

1 Education, the Family Resource and Youth Services Coalition of Kentucky,
2 the Kentucky Youth Advocates, the Kentucky Association of Hospice and
3 Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky
4 Children's Health Insurance Program appointed by the Kentucky Head Start
5 Association, and a pediatric dentist appointed by the Kentucky Dental
6 Association;

7 (m) A Technical Advisory Committee on Intellectual and Developmental
8 Disabilities consisting of nine (9) members, one (1) of whom shall be a
9 consumer who participates in a nonresidential community Medicaid waiver
10 program, one (1) of whom shall be a consumer who participates in a
11 residential community Medicaid waiver program, one (1) of whom shall be a
12 consumer representative of a family member who participates in a community
13 Medicaid waiver program, and one (1) of whom shall be a consumer
14 representative of a family member who resides in an ICF/ID facility that
15 accepts Medicaid payments, all of whom shall be appointed by the Governor,
16 *subject to Senate confirmation in accordance with KRS 11.160 for each*
17 *appointment or reappointment*; one (1) member shall be appointed by the
18 Arc of Kentucky; one (1) member shall be appointed by the Commonwealth
19 Council on Developmental Disabilities; one (1) member shall be appointed by
20 the Kentucky Association of Homes and Services for the Aging; and two (2)
21 members shall be appointed by the Kentucky Association of Private
22 Providers, one (1) of whom shall be a nonprofit provider and one (1) of whom
23 shall be a for-profit provider;

24 (n) A Technical Advisory Committee on Therapy Services consisting of six (6)
25 members, two (2) of whom shall be occupational therapists and shall be
26 appointed by the Kentucky Occupational Therapists Association, two (2) of
27 whom shall be physical therapists and shall be appointed by the Kentucky

1 Physical Therapy Association, and two (2) of whom shall be speech therapists
2 and shall be appointed by the Kentucky Speech-Language-Hearing
3 Association;

4 (o) A Technical Advisory Committee on Pharmacy consisting of seven (7)
5 members, two (2) of whom shall be Kentucky licensed pharmacists who own
6 fewer than ten (10) pharmacies in the Commonwealth and shall be appointed
7 by the Kentucky Independent Pharmacy Alliance, two (2) of whom shall be
8 Kentucky licensed pharmacists and shall be appointed by the Kentucky
9 Pharmacy Association, and one (1) member to be appointed by each of the
10 following organizations: the Kentucky Hospital Association, the Kentucky
11 Primary Care Association, and the National Association of Chain Drug
12 Stores;

13 (p) A Technical Advisory Committee on Persons Returning to Society from
14 Incarceration consisting of twelve (12) members of whom:

15 1. One (1) shall be appointed by each of the following organizations: the
16 Kentucky Jailers Association, the Kentucky Medical Association, the
17 Kentucky Association of Nurse Practitioners and Nurse-Midwives,
18 Community Action of Kentucky, the Homeless and Housing Coalition
19 of Kentucky, the Kentucky Office of Drug Control Policy, a Kentucky
20 civil legal aid program, the Kentucky Department of Corrections, the
21 Kentucky Department of Public Advocacy, the Kentucky Association of
22 Regional Programs, and the Kentucky Administrative Office of the
23 Courts; and

24 2. One (1) formerly incarcerated individual who is a current or former
25 Medicaid recipient shall be appointed by Mental Health America of
26 Kentucky; and

27 (q) A Technical Advisory Committee on Emergency Medical Services consisting

1 of seven (7) members, one (1) of whom shall represent the air medical
2 industry and shall be appointed by the Kentucky Chapter of the Association of
3 Air Medical Services; one (1) of whom shall be appointed by the Kentucky
4 Board of Emergency Medical Services; two (2) of whom shall represent the
5 emergency medical services billing industry and shall be members of and
6 appointed by the Kentucky Ambulance Providers Association; two (2) of
7 whom shall represent ground ambulance providers and shall be appointed by
8 the Kentucky Ambulance Providers Association; and one (1) of whom shall
9 represent a fire-based emergency medical service and shall be appointed by
10 the Kentucky Association of Fire Chiefs. All members appointed to this
11 committee shall represent emergency medical services providers that operate
12 in Kentucky and shall have experience in interpreting, implementing, or
13 ensuring compliance with Medicaid regulations.

14 (2) The members of the technical advisory committees shall serve until their successors
15 are appointed and qualified.

16 (3) Each appointive member of a committee shall serve without compensation but shall
17 be entitled to reimbursement for actual and necessary expenses in carrying out their
18 duties with reimbursement for expenses being made in accordance with state
19 regulations relating to travel reimbursement.

20 ➔Section 120. KRS 210.051 is amended to read as follows:

21 (1) The Kentucky Eating Disorder Council is hereby established in the Cabinet for
22 Health and Family Services and shall be attached to the cabinet for administrative
23 purposes.

24 (2) The following members shall be appointed to the council:

25 (a) The secretary of the Cabinet for Health and Family Services or his or her
26 designee;

27 (b) The commissioner of the Department for Medicaid Services or his or her

- 1 designee;
- 2 (c) The commissioner of the Department for Behavioral Health, Developmental
3 and Intellectual Disabilities or his or her designee;
- 4 (d) The commissioner of the Department for Public Health or his or her designee;
- 5 (e) The commissioner of the Department of Insurance or his or her designee;
- 6 (f) The commissioner of the Department of Education or his or her designee;
- 7 (g) The president of the Council on Postsecondary Education or his or her
8 designee;
- 9 (h) One (1) representative to be appointed by the Governor, *subject to Senate*
10 *confirmation in accordance with KRS 11.160 for each appointment or*
11 *reappointment*, from a list of three (3) individuals submitted by the Kentucky
12 Hospital Association;
- 13 (i) One (1) psychologist who works with individuals who have eating disorders
14 to be appointed by the Governor, *subject to Senate confirmation in*
15 *accordance with KRS 11.160 for each appointment or reappointment*, from
16 a list of three (3) individuals provided by the Kentucky Psychological
17 Association;
- 18 (j) One (1) pediatrician who works with individuals who have eating disorders to
19 be appointed by the Governor, *subject to Senate confirmation in accordance*
20 *with KRS 11.160 for each appointment or reappointment*, from a list of three
21 (3) individuals provided by the Kentucky Chapter of the American Academy
22 of Pediatrics;
- 23 (k) One (1) psychiatrist who works with individuals who have eating disorders to
24 be appointed by the Governor, *subject to Senate confirmation in accordance*
25 *with KRS 11.160 for each appointment or reappointment*, from a list of three
26 (3) individuals provided by the Kentucky Psychiatric Medical Association;
- 27 (l) One (1) licensed clinical social worker who works with individuals who have

- 1 eating disorders to be appointed by the Governor, subject to Senate
2 confirmation in accordance with KRS 11.160 for each appointment or
3 reappointment, from a list of three (3) individuals provided by the Kentucky
4 Chapter of the National Association of Social Workers;
- 5 (m) One (1) psychiatric nurse practitioner who works with individuals who have
6 eating disorders to be appointed by the Governor, subject to Senate
7 confirmation in accordance with KRS 11.160 for each appointment or
8 reappointment, from a list of three (3) individuals provided by the Kentucky
9 Association of Nurse Practitioners and Nurse-Midwives;
- 10 (n) One (1) registered and licensed dietician who works with individuals who
11 have eating disorders to be appointed by the Governor, subject to Senate
12 confirmation in accordance with KRS 11.160 for each appointment or
13 reappointment, from a list of three (3) individuals provided by the Kentucky
14 Dietetics Association;
- 15 (o) One (1) eating disorder researcher to be appointed by the Governor, subject to
16 Senate confirmation in accordance with KRS 11.160 for each appointment
17 or reappointment, from a list of three (3) individuals provided by the
18 Kentucky Psychological Association;
- 19 (p) One (1) public health policy researcher to be appointed by the Governor,
20 subject to Senate confirmation in accordance with KRS 11.160 for each
21 appointment or reappointment, from a list of three (3) individuals provided
22 by the Kentucky Public Health Association; and
- 23 (q) Three (3) individuals who have an eating disorder or who have experience
24 with individuals who have eating disorders to be appointed by the Governor,
25 subject to Senate confirmation in accordance with KRS 11.160 for each
26 appointment or reappointment, from a list of five (5) individuals provided by
27 the Louisville Center for Eating Disorders until a statewide consumer and

- 1 family advocacy organization is established.
- 2 (3) The members of the council shall elect a chair and vice chair to serve one (1) year.
- 3 (4) The council shall meet at least quarterly or upon the call of the chair.
- 4 (5) After the initial appointments, members of the council shall serve terms of two (2)
- 5 years, beginning the day of appointment. Members of the council shall be eligible
- 6 to succeed themselves and shall serve until their successors are appointed.
- 7 (6) Members of the council shall serve without compensation but shall be reimbursed
- 8 for reasonable and necessary expenses in accordance with state travel expenses and
- 9 reimbursement administrative regulations.
- 10 (7) The council shall:
- 11 (a) Oversee the development and implementation of eating disorder awareness,
- 12 education, and prevention programs;
- 13 (b) Identify strategies for improving access to adequate diagnosis and treatment
- 14 services;
- 15 (c) Assist the cabinet in identifying eating disorder research projects;
- 16 (d) Work with the Cabinet for Health and Family Services and other appropriate
- 17 entities to routinely examine existing surveillance systems, data collection
- 18 systems, and administrative databases to determine the best strategies for
- 19 implementing evidence-based eating disorder measures that provide data for
- 20 program and policy planning purposes;
- 21 (e) As reasonably as possible, collaborate and coordinate on data research
- 22 projects with the Cabinet for Health and Family Services and other
- 23 appropriate entities; and
- 24 (f) Make recommendations regarding legislative and regulatory changes as
- 25 appropriate.
- 26 (8) The council shall apply for grants from the federal government, private foundations,
- 27 or other sources that may be available for programs related to eating disorders.

1 (9) The council shall report annually beginning December 1, 2020, on its activities,
2 findings, and recommendations to the Governor and the Legislative Research
3 Commission.

4 (10) The Kentucky Eating Disorder Council shall cease to exist on December 1, 2030,
5 unless otherwise reestablished by the General Assembly.

6 ➔Section 121. KRS 210.575 is amended to read as follows:

7 (1) There is created the Kentucky Commission on Services and Supports for
8 Individuals with an Intellectual Disability and Other Developmental Disabilities.
9 The commission shall consist of:

10 (a) The secretary or designee of the Cabinet for Health and Family Services;

11 (b) The commissioner or designee of the Department for Behavioral Health,
12 Developmental and Intellectual Disabilities;

13 (c) The commissioner or designee of the Department for Medicaid Services;

14 (d) The commissioner or designee of the Department of Education;

15 (e) The executive director of the Office of Vocational Rehabilitation;

16 (f) The director of the University Affiliated Program at the Interdisciplinary
17 Human Development Institute of the University of Kentucky;

18 (g) The director of the Kentucky Council on Developmental Disabilities;

19 (h) Two (2) members of the House of Representatives, appointed by the Speaker
20 of the House;

21 (i) Two (2) members of the Senate, appointed by the Senate President; and

22 (j) Public members, appointed by the Governor, **subject to Senate confirmation**
23 **in accordance with KRS 11.160 for each appointment or reappointment,** as
24 follows:

25 1. One (1) member representing families of a child with an intellectual or
26 other developmental disability residing in the home of the family
27 member;

- 1 2. One (1) member representing families of an adult with an intellectual or
2 other developmental disability residing in the home of the family
3 member;
- 4 3. One (1) member representing families of an adult with an intellectual or
5 other developmental disability residing in a community-based setting;
- 6 4. One (1) member representing families of an individual with an
7 intellectual or other developmental disability residing in an institutional
8 residential facility that provides services to individuals with intellectual
9 disabilities;
- 10 5. Three (3) persons with intellectual or other developmental disabilities;
- 11 6. Two (2) business leaders;
- 12 7. Two (2) providers of intellectual or other developmental disability
13 services;
- 14 8. One (1) provider of intellectual or other developmental disability
15 services that is a regional community program for mental health or
16 individuals with an intellectual disability established pursuant to KRS
17 210.370; and
- 18 9. One (1) representative of a statewide advocacy organization providing
19 education and outreach on topics associated with intellectual and other
20 developmental disabilities.

21 The thirteen (13) appointments made under this paragraph shall be chosen to reflect
22 representation from each of Kentucky's six (6) congressional districts.

23 (2) The secretary of the Cabinet for Health and Family Services may serve as chair of
24 the commission or the secretary may appoint his or her designee, the commissioner
25 of the Department for Behavioral Health, Developmental and Intellectual
26 Disabilities, or the commissioner's designee to serve as chair.

27 (3) Members defined in subsection (1)(a) to (i) of this section shall serve during their

- 1 terms of office. All public members appointed by the Governor shall serve a four
2 (4) year term and may be reappointed for one (1) additional four (4) year term.
- 3 (4) The members appointed by the Governor shall serve until their successors are
4 appointed and qualified.
- 5 (5) Members appointed by the Governor to fill a vacated position shall serve the
6 remainder of that position's term and may be reappointed for a four (4) year term.
- 7 (6) Members described in subsection (1)(h) and (i) of this section who fail to attend
8 fifty percent (50%) of commission meetings in a fiscal year may be recommended
9 to the Speaker of the House or the Senate President for replacement with new
10 members.
- 11 (7) Members appointed under subsection (1)(j) of this section shall provide advance
12 notice, on a meeting-by-meeting basis, to the person designated by the commission
13 chair if the member will be sending a representative.
- 14 (8) Members appointed under subsection (1)(j) of this section who fail to attend fifty
15 percent (50%) of the commission meetings in a fiscal year may be recommended to
16 the Governor for replacement with a new member.
- 17 (9) Members appointed under subsection (1)(j) of this section who send representatives
18 for greater than fifty percent (50%) of the commission meetings in a fiscal year may
19 be recommended to the Governor for replacement with a new member.
- 20 (10) All public members of the commission shall receive twenty-five dollars (\$25) per
21 day for attending each regularly scheduled meeting or any special meeting called by
22 the chair. All commission members shall be reimbursed for necessary travel and
23 other expenses actually incurred in the discharge of duties of the commission.
- 24 ➔Section 122. KRS 210.775 is amended to read as follows:
- 25 (1) There is hereby created the Hart-Supported Living Council for services to persons
26 with a disability and their families.
- 27 (2) (a) The Hart-Supported Living Council shall be composed of eleven (11)

1 members. The secretary and the executive director of the Kentucky Housing
2 Corporation or their designees shall be ex officio members.

3 (b) Nine (9) of the members shall be volunteers and shall be appointed by the
4 Governor, subject to Senate confirmation in accordance with KRS 11.160
5 for each appointment or reappointment, from a list of nominees in the
6 following manner:

- 7 1. Three (3) of the appointed members shall represent family members of
8 persons with a disability;
- 9 2. Two (2) of the appointed members shall be persons with a disability;
- 10 3. One (1) of the appointed members shall represent professionals and
11 providers of services to persons with a disability;
- 12 4. One (1) of the appointed members shall represent advocates for persons
13 with a disability; and
- 14 5. Two (2) of the appointed members shall represent the community at
15 large.

16 (3) The appointed members may serve on the council for three (3) years from the date
17 of appointment. Members may be reappointed for one (1) additional consecutive
18 three (3) year term. The Governor shall fill any vacancy occurring in the council in
19 the manner prescribed in subsection (2) of this section.

20 (4) The cabinet shall provide staff assistance to the Hart-Supported Living Council.

21 (5) The chairman of the Hart-Supported Living Council shall be elected from among
22 the members. A majority of the members shall constitute a quorum.

23 (6) The Hart-Supported Living Council shall meet as often as necessary but no less
24 frequently than every other month.

25 ➔Section 123. KRS 211.296 is amended to read as follows:

26 (1) The Palliative Care Interdisciplinary Advisory Council is hereby established to
27 improve the quality and delivery of patient- and family-centered care throughout

1 the Commonwealth and to advise the cabinet on matters related to the
2 establishment, maintenance, operation, and outcomes evaluation of palliative care
3 initiatives. The council shall be attached to and administered by the cabinet.

4 (2) The Governor shall appoint the members of the council to serve three (3) year
5 terms, and each appointment or reappointment shall be subject to Senate
6 confirmation in accordance with KRS 11.160. The council shall consist of thirteen

7 (13) voting members, and may include nonvoting members who are relevant
8 cabinet representatives designated by the Governor. Voting members shall be:

9 (a) Two (2) members from interdisciplinary medical, nursing, social work,
10 pharmacy, and spiritual professions with palliative care work experience or
11 expertise;

12 (b) Two (2) members who are either licensed or certified hospice and palliative
13 medicine physicians licensed pursuant to KRS Chapter 311 or licensed or
14 certified hospice and palliative care advanced practice registered nurses
15 licensed pursuant to KRS Chapter 314;

16 (c) One (1) member who has pediatric palliative care expertise;

17 (d) One (1) member who is a patient or family caregiver advocate;

18 (e) One (1) member recommended to the Governor by the Statewide Independent
19 Living Council;

20 (f) One (1) member recommended to the Governor by the American Cancer
21 Society;

22 (g) One (1) member recommended to the Governor by the Kentucky Right to Life
23 Association;

24 (h) One (1) member recommended to the Governor by the Long-Term Care
25 Ombudsman Program;

26 (i) One (1) member recommended to the Governor by the Kentucky Association
27 of Hospice and Palliative Care;

- 1 (j) One (1) member recommended to the Governor by the Kentucky
2 Psychological Association; and
- 3 (k) One (1) member recommended to the Governor by the Kentucky Association
4 of Health Care Facilities.
- 5 (3) Appointed members of the council shall serve without compensation, but shall be
6 reimbursed for actual expenses incurred in the performance of duties in accordance
7 with KRS 45.101 and administrative regulations promulgated thereunder.
- 8 (4) (a) Members of the council shall elect a chair and vice chair whose duties shall be
9 established by the council.
- 10 (b) The time and place for regularly scheduled meetings shall be established by a
11 majority vote of the council, but there shall be at least two (2) meetings per
12 year.
- 13 (c) The chair or any three (3) voting members shall provide two (2) weeks' notice
14 to the members regarding an upcoming meeting.

15 ➔Section 124. KRS 211.472 is amended to read as follows:

- 16 (1) The Kentucky Traumatic Brain Injury Trust Fund Board is hereby created for the
17 purpose of administering the trust fund. The board shall be composed of nine (9)
18 members including the secretary of the Cabinet for Health and Family Services or
19 the secretary's designee, the executive director of the Brain Injury Association of
20 Kentucky or the executive director's designee, the state medical epidemiologist, and
21 the following members, to be appointed by the Governor, subject to Senate
22 confirmation in accordance with KRS 11.160 for each appointment or
23 reappointment:
- 24 (a) One (1) member shall be a neurosurgeon;
- 25 (b) One (1) member shall be a neuropsychologist or psychiatrist;
- 26 (c) One (1) member shall be a rehabilitation specialist;
- 27 (d) One (1) member shall be a social worker experienced in working with brain-

- 1 injured individuals; and
- 2 (e) Two (2) members shall be family members of or individuals with a brain
- 3 injury.
- 4 (2) Board members shall not be compensated for serving, but shall be reimbursed for
- 5 ordinary travel expenses, including meals and lodging incurred in the performance
- 6 of their duties.
- 7 (3) The terms of appointed board members shall be four (4) years, except that the terms
- 8 of initial members shall be staggered to end as follows:
- 9 (a) Two (2) on June 30, 2000;
- 10 (b) Two (2) on June 30, 2001; and
- 11 (c) Two (2) on June 30, 2002.
- 12 (4) At the end of a term, a member shall continue to serve until a successor is appointed
- 13 and qualifies. A member who is appointed after a term has begun shall serve the
- 14 rest of the term and until a successor is appointed and qualifies. A member who
- 15 serves two (2) consecutive four (4) year terms shall not be reappointed for four (4)
- 16 years after completion of those terms.
- 17 (5) A majority of the full authorized membership shall constitute a quorum.
- 18 (6) The board shall elect, by a majority vote, a director who shall be the presiding
- 19 officer of the board, preside at all meetings, and coordinate the functions and
- 20 activities of the board. The director shall be elected or reelected for each calendar
- 21 year.
- 22 (7) The board may establish any organizational structure it determines is necessary to
- 23 accomplish its functions and duties, including the hiring of any necessary support
- 24 personnel. The administrative costs of the board shall be limited to three percent
- 25 (3%) of the proceeds from the trust fund.
- 26 (8) Meetings of the board shall be held at least twice a year but may be held more
- 27 frequently, as deemed necessary, subject to call by the director or by the request of

1 a majority of the board members.

2 (9) The board shall be attached to the cabinet for administrative purposes.

3 ➔Section 125. KRS 211.500 is amended to read as follows:

4 (1) The Kentucky Spinal Cord and Head Injury Research Board is hereby created for
5 the purpose of administering the spinal cord and head injury research trust fund
6 created pursuant to KRS 211.504. The board shall be composed of ***the following***
7 seven (7) members appointed by the Governor ***and subject to Senate confirmation***
8 ***in accordance with KRS 11.160 for each appointment or reappointment*** ~~as~~
9 ~~follows~~:

10 (a) Two (2) members representing the University of Kentucky College of
11 Medicine;

12 (b) Two (2) members representing the University of Louisville School of
13 Medicine;

14 (c) One (1) member who has a spinal cord or head injury or who has a family
15 member with a spinal cord or head injury;

16 (d) One (1) member representing the Kentucky Medical Association; and

17 (e) One (1) at-large member.

18 (2) Board members shall be reimbursed for ordinary travel expenses, including meals
19 and lodging, incurred in the performance of duties incident to the provisions of
20 KRS 211.500 to 211.504.

21 (3) The terms of board members shall be four (4) years, except that of the members
22 appointed after July 15, 1998, two (2) members appointed to fill the terms ending
23 on June 30, 1999, shall serve until January 31, 2000; two (2) members appointed to
24 fill the terms expiring on June 30, 2000, shall serve until January 31, 2001; two (2)
25 members appointed to fill the terms expiring on June 30, 2001, shall serve until
26 January 31, 2002; and one (1) member appointed to fill the term expiring June 30,
27 2002, shall serve until January 31, 2003; and subsequent appointments shall be for

1 four (4) year terms ending on January 31.

2 (4) At the end of a term, a member shall continue to serve until a successor is appointed
3 and qualifies. A member who is appointed after a term has begun shall serve the
4 rest of the term and until a successor is appointed and qualifies.

5 (5) A majority of the full authorized membership of the board shall constitute a
6 quorum.

7 (6) The board shall elect, by a majority vote, a chairman who shall be the presiding
8 officer of the board, preside at all meetings, and coordinate the functions and
9 activities of the board. The chairman shall be elected or reelected for each calendar
10 year. The board shall have such other organization as deemed necessary and
11 approved by the board.

12 (7) Meetings of the board shall be held at least twice a year but may be held more
13 frequently as deemed necessary, subject to call by the chairman or by request of a
14 majority of the board members. Board meetings shall concern, among other things,
15 policy matters relating to spinal cord and head injury research projects and
16 programs, research progress reports, authorization of projects and financial plans,
17 and other matters necessary to carry out the intent of KRS 211.500 to 211.504.

18 (8) No member of the board shall be subject to any personal liability or accountability
19 for any loss sustained or damage suffered on account of any action or inaction of
20 the board.

21 (9) The board shall be attached to the Cabinet for Health and Family Services for
22 administrative purposes.

23 ➔Section 126. KRS 211.576 is amended to read as follows:

24 (1) The Kentucky Rare Disease Advisory Council is hereby established to advise the
25 General Assembly and state departments, agencies, commissions, authorities, and
26 private institutions that provide services for individuals diagnosed with a rare
27 disease.

- 1 (2) In order to reduce the administrative burden on state agencies, the council
2 authorized under KRS 211.576 to 211.578 shall be administered by an existing
3 eligible entity operating within the state defined in subsection (3) of this section.
- 4 (3) An eligible entity shall be a nonprofit organization as defined by 26 U.S.C. sec. 501
5 that operates within Kentucky and has experience working in the field of rare
6 diseases.
- 7 (4) The Governor or his or her designee shall appoint a chair and vice chair to the
8 advisory council to serve for an initial term of two (2) years **and each appointment**
9 **or reappointment shall be subject to Senate confirmation in accordance with KRS**
10 **11.160.**
- 11 (5) Upon their initial appointment, the chair and vice chair of the council shall appoint
12 other members of the council.
- 13 (6) Upon their initial appointment, the chair and vice chair of the council shall develop
14 and submit to the Governor and the General Assembly a written description of the
15 intended mission of the council, including any state agencies and legislative
16 committees it intends to advise.
- 17 (7) After the initial appointments, the Kentucky Rare Disease Advisory Council shall
18 determine its procedures governing membership and participation, with the
19 following exceptions:
- 20 (a) The total council membership shall not exceed twenty (20) members;
- 21 (b) All future appointed members to the council shall be approved by a majority
22 vote of existing members;
- 23 (c) All existing and future members of the council, including the chair and vice
24 chair, shall serve terms of two (2) years, beginning on the day of the
25 Governor's appointment, **subject to Senate confirmation in accordance with**
26 **KRS 11.160 for each appointment or reappointment,** shall be eligible to
27 succeed themselves, and shall serve until their successors are appointed; and

1 (d) Members of the council shall serve until replaced. A majority of the council
2 members shall constitute a quorum for the purposes of conducting business.

3 (8) After members are appointed to the council, the council shall apply for, and accept,
4 any grant of money from the federal government, private foundations, or other
5 sources that may be available for programs related to rare diseases.

6 ➔Section 127. KRS 211.585 is amended to read as follows:

7 (1) The Breast Cancer Research and Education Trust Fund Board is hereby created for
8 the purpose of administering the trust fund created under KRS 211.580. The board
9 shall be composed of nine (9) members as follows:

10 (a) The director of the University of Louisville Brown Cancer Center or the
11 director's appointed designee;

12 (b) The director of the University of Kentucky Markey Cancer Center or the
13 director's appointed designee;

14 (c) The president of the Kentucky Breast Cancer Alliance or the president's
15 appointed designee;

16 (d) The director of the Kentucky Cancer Program East or the director's appointed
17 designee;

18 (e) The director of the Kentucky Cancer Program West or the director's appointed
19 designee;

20 (f) Two (2) citizens, one (1) of whom shall be a breast cancer survivor, to be
21 appointed by the Governor, **subject to Senate confirmation in accordance**
22 **with KRS 11.160 for each appointment or reappointment;**

23 (g) The secretary of the Cabinet for Health and Family Services, or the secretary's
24 designee; and

25 (h) The commissioner of the Department for Public Health or the commissioner's
26 designee.

27 (2) The board shall be attached to the Cabinet for Health and Family Services for

1 administrative purposes.

2 (3) The secretary of the Cabinet for Health and Family Services shall convene the first
3 meeting of the board within sixty (60) days of June 20, 2005.

4 (4) Board members shall serve without compensation, but may receive reimbursement
5 for their actual and necessary expenses incurred in the performance of their duties.

6 (5) The term of each appointed member shall be four (4) years.

7 (6) A member whose term has expired may continue to serve until a successor is
8 appointed and qualifies. A member who is appointed to an unexpired term shall
9 serve the rest of the term and until a successor is appointed and qualifies. A member
10 may serve two (2) consecutive four (4) year terms and shall not be reappointed for
11 four (4) years after the completion of those terms.

12 (7) A majority of the full membership of the board shall constitute a quorum.

13 (8) At the first meeting, the board shall elect, by majority vote, a president who shall
14 preside at all meetings and coordinate the functions and activities of the board. The
15 president shall be elected or reelected each calendar year thereafter.

16 (9) The board shall meet at least two (2) times annually but may meet more frequently,
17 as deemed necessary, subject to call by the president or by request of a majority of
18 the board members.

19 ➔Section 128. KRS 211.596 is amended to read as follows:

20 (1) The Pediatric Cancer Research Trust Fund Board is hereby created for the purpose
21 of administering and distributing funds from the trust created under KRS 211.595.
22 The board shall be composed of eighteen (18) members to be appointed as follows:

23 (a) A specialist in pediatric oncology nominated by Norton Children's Hospital to
24 be appointed by the Governor, *subject to Senate confirmation in accordance*
25 *with KRS 11.160 for each appointment or reappointment;*

26 (b) A specialist in pediatric oncology nominated by the University of Kentucky
27 Children's Hospital to be appointed by the Governor, *subject to Senate*

- 1 *confirmation in accordance with KRS 11.160 for each appointment or*
2 *reappointment;*
- 3 (c) A representative nominated by Kentucky Chapters of the Leukemia and
4 Lymphoma Society to be appointed by the Governor, *subject to Senate*
5 *confirmation in accordance with KRS 11.160 for each appointment or*
6 *reappointment;*
- 7 (d) A representative nominated by Kentucky offices of the American Cancer
8 Society to be appointed by the Governor, *subject to Senate confirmation in*
9 *accordance with KRS 11.160 for each appointment or reappointment;*
- 10 (e) Three (3) citizens, one (1) of whom shall be a pediatric cancer survivor, or
11 parent thereof, to be appointed by the Governor, *subject to Senate*
12 *confirmation in accordance with KRS 11.160 for each appointment or*
13 *reappointment;*
- 14 (f) The secretary of the Cabinet for Health and Family Services, or the secretary's
15 designee;
- 16 (g) The commissioner of the Department for Public Health, or the commissioner's
17 designee;
- 18 (h) A pediatric oncology social worker nominated by Norton Children's Hospital
19 to be appointed by the Governor, *subject to Senate confirmation in*
20 *accordance with KRS 11.160 for each appointment or reappointment;*
- 21 (i) A pediatric oncology social worker nominated by the University of Kentucky
22 Children's Hospital to be appointed by the Governor, *subject to Senate*
23 *confirmation in accordance with KRS 11.160 for each appointment or*
24 *reappointment;*
- 25 (j) Two (2) school interventionists nominated by each pediatric oncology
26 program to be appointed by the Governor, *subject to Senate confirmation in*
27 *accordance with KRS 11.160 for each appointment or reappointment;*

- 1 (k) A regional coordinator nominated by the Kentucky Cancer Registry to be
2 appointed by the Governor, subject to Senate confirmation in accordance
3 with KRS 11.160 for each appointment or reappointment;
- 4 (l) A member of the University of Kentucky Dance Blue dance team or a
5 successor entity to be appointed by the Governor, subject to Senate
6 confirmation in accordance with KRS 11.160 for each appointment or
7 reappointment;
- 8 (m) A member of the University of Louisville Raise RED dance team or a
9 successor entity to be appointed by the Governor, subject to Senate
10 confirmation in accordance with KRS 11.160 for each appointment or
11 reappointment; and
- 12 (n) Two (2) citizens at large to be appointed by the Governor, subject to Senate
13 confirmation in accordance with KRS 11.160 for each appointment or
14 reappointment.
- 15 (2) The board shall be attached to the Cabinet for Health and Family Services for
16 administrative purposes.
- 17 (3) Board members shall serve without compensation, but may receive reimbursement
18 for their actual and necessary expenses incurred in the performance of their duties.
- 19 (4) The term of each appointed member shall be four (4) years and until a successor is
20 appointed and qualified, except that initial appointments under subsection (1)(h) to
21 (n) of this section shall be as follows:
- 22 (a) Each dance team member appointed under subsection (1)(l) or (m) of this
23 section shall serve a one (1) year term;
- 24 (b) Two (2) of the members appointed under subsection (1)(h), (i), (j), (k), and (n)
25 of this section shall serve two (2) year terms;
- 26 (c) Two (2) of the members appointed under subsection (1)(h), (i), (j), (k), and (n)
27 of this section shall serve three (3) year terms; and

1 (d) Three (3) of the members appointed under subsection (1)(h), (i), (j), (k), and
2 (n) of this section shall serve four (4) year terms.

3 (5) A majority of the full membership of the board shall constitute a quorum.

4 (6) The board shall elect, by majority vote, a president who shall preside at all meetings
5 and coordinate the functions and activities of the board. The president shall be
6 elected or reelected each biennium.

7 (7) The board shall meet at least two (2) times annually, but may meet more frequently,
8 as deemed necessary, subject to call by the president or by request of a majority of
9 the board members.

10 ➔Section 129. KRS 214.544 is amended to read as follows:

11 (1) A Colon Cancer Screening and Prevention Advisory Committee shall be
12 established. The advisory committee shall include:

13 (a) One (1) member of the House of Representatives who shall be appointed by
14 the Speaker of the House;

15 (b) One (1) member of the Senate who shall be appointed by the President of the
16 Senate;

17 (c) The deputy commissioner of the Department for Public Health;

18 (d) The commissioner of the Department of Insurance, or his or her designee;

19 (e) The commissioner of the Department for Medicaid Services, or his or her
20 designee;

21 (f) Two (2) at-large members who shall be appointed by the Governor, subject to
22 Senate confirmation in accordance with KRS 11.160 for each appointment
23 or reappointment;

24 (g) One (1) member who shall be appointed by the Governor, subject to Senate
25 confirmation in accordance with KRS 11.160 for each appointment or
26 reappointment, from a list of three (3) names provided by the American
27 Cancer Society;

- 1 (h) The director of the Kentucky Cancer Program at the University of Kentucky;
- 2 (i) The director of the Kentucky Cancer Program at the University of Louisville;
- 3 (j) The director of the Kentucky Cancer Registry;
- 4 (k) The director of the Colon Cancer Prevention Project;
- 5 (l) The chair of Kentucky African Americans Against Cancer; and
- 6 (m) The director of the Kentucky Cancer Consortium.

7 Members of the advisory committee shall be appointed for a term of four (4) years.

- 8 (2) (a) Members appointed under subsection (1)(a) to (g) of this section shall be
9 appointed as follows:
- 10 1. Members shall be appointed for a term of four (4) years, except as
11 provided in subparagraph 2. of this paragraph;
 - 12 2. The initial appointments shall be for a period of two (2) years;
13 thereafter, the appointments shall be for a term of four (4) years; and
 - 14 3. Members shall not serve more than two (2) terms of four (4) years.
- 15 (b) Members serving under subsection (1)(h) to (m) of this section shall serve by
16 virtue of their positions and shall not be subject to term limits.
- 17 (3) The chair of the advisory committee shall be elected from the membership of the
18 advisory committee to serve for a two (2) year term. A member of the advisory
19 committee may designate an alternate to attend meetings in his or her place.
- 20 (4) The advisory committee may add members from other organizations as deemed
21 appropriate.
- 22 (5) The advisory committee shall provide recommendations for the overall
23 implementation and conduct of the Colon Cancer Screening and Prevention
24 Program.
- 25 (6) The advisory committee shall establish and provide oversight for a colon cancer
26 screening public awareness campaign. The Cabinet for Health and Family Services
27 shall contract with the Kentucky Cancer Consortium at the University of Kentucky

1 to provide the required support. The amount of the contract shall not be included in
2 the base budget of the university as used by the Council on Postsecondary
3 Education in determining the funding formula for the university.

4 (7) The Colon Cancer Screening and Prevention Advisory Committee shall provide an
5 annual report on implementation and outcomes from the Colon Cancer Screening
6 and Prevention Program and recommendations to the Legislative Research
7 Commission, the Interim Joint Committee on Health Services, the Interim Joint
8 Committee on Appropriations and Revenue, the Governor, the secretary of the
9 Cabinet for Health and Family Services, and the commissioner of the Department
10 for Public Health.

11 (8) The Kentucky Cancer Program, jointly administered by the University of Kentucky
12 and the University of Louisville, shall establish a colon cancer screening, education,
13 and outreach program in each of the state area development districts. The colon
14 cancer screening, education, and outreach program shall focus on individuals who
15 lack access to colon cancer screening. The Cabinet for Health and Family Services
16 shall contract with the University of Louisville and the University of Kentucky to
17 provide the required support. The amount of the contract shall not be included in
18 the base budgets of the universities as used by the Council on Postsecondary
19 Education in determining the funding formula for the universities.

20 ➔Section 130. KRS 214.564 is amended to read as follows:

21 (1) A Lung Cancer Screening Advisory Committee is hereby established. The advisory
22 committee shall include:

23 (a) One (1) member of the House of Representatives who shall be appointed by
24 and serve at the pleasure of the Speaker of the House;

25 (b) One (1) member of the Senate who shall be appointed by and serve at the
26 pleasure of the President of the Senate;

27 (c) The deputy commissioner of the Department for Public Health;

- 1 (d) The commissioner of the Department of Insurance, or his or her designee;
- 2 (e) The commissioner of the Department for Medicaid Services, or his or her
3 designee;
- 4 (f) Two (2) at-large members who shall be appointed by the Governor, subject to
5 Senate confirmation in accordance with KRS 11.160 for each appointment
6 or reappointment;
- 7 (g) One (1) member who shall be appointed by the Governor from a list of three
8 (3) names provided by the American Cancer Society, and who shall be
9 subject to Senate confirmation in accordance with KRS 11.160 for each
10 appointment or reappointment;
- 11 (h) The director of the Kentucky Cancer Program at the University of Kentucky;
- 12 (i) The director of the Kentucky Cancer Program at the University of Louisville;
- 13 (j) The director of the Kentucky Cancer Registry;
- 14 (k) The director of the American Lung Association of Kentucky;
- 15 (l) The chair of Kentucky African Americans Against Cancer; and
- 16 (m) The director of the Kentucky Cancer Consortium.
- 17 (2) The chair of the advisory committee shall be elected from the membership of the
18 advisory committee to serve for a two (2) year term. A member of the advisory
19 committee may designate an alternate to attend meetings in his or her place.
- 20 (3) The advisory committee may add members of subject matter expertise from other
21 organizations as deemed appropriate.
- 22 (4) The advisory committee shall:
- 23 (a) Review relevant data, clinical guidelines, and best practices for lung cancer
24 screening;
- 25 (b) Provide recommendations for the overall implementation and conduct of the
26 program with the goal of improving access to high-quality lung cancer
27 screening;

- 1 (c) Establish and provide oversight for a lung cancer screening, public awareness,
 2 education, and outreach program to focus on individuals who are eligible for
 3 lung cancer screening; and
- 4 (d) Provide an annual report on implementation and outcomes from the program
 5 and recommendations to the Legislative Research Commission, the Interim
 6 Joint Committee on Health Services, the Interim Joint Committee on
 7 Appropriations and Revenue, the Governor, the secretary of the Cabinet for
 8 Health and Family Services, and the commissioner of the Department for
 9 Public Health.

10 ➔Section 131. KRS 216A.040 is amended to read as follows:

11 (1) There shall be a Kentucky Board of Licensure for Long-term Care Administrators
 12 located within the Public Protection Cabinet for administrative and budgetary
 13 purposes.

14 (2) The board shall be composed of ten (10) members as follows:~~[-]~~

15 (a) The secretary of the Cabinet for Health and Family Services, or his or her
 16 designee, shall be an ex officio member of the board.~~[-]~~

17 (b) The other members of the board shall be appointed by the Governor, as
 18 follows:~~[-]~~

19 1. One (1) member shall be a practicing hospital administrator, to be
 20 appointed from a list of two (2) names submitted by the Kentucky
 21 Hospital Association.~~[-]~~

22 2. One (1) member shall be a practicing medical physician, to be appointed
 23 from a list of two (2) names submitted by the Kentucky State Medical
 24 Association.~~[-]~~

25 3. One (1) member shall be an educator in the field of allied health
 26 services.~~[-]~~

27 4. One (1) member shall be a citizen at large who is not associated with or

1 financially interested in the practice or business regulated.~~[-]~~

2 5. One (1) member shall be a practicing long-term care administrator
3 appointed from a list of two (2) names submitted by LeadingAge
4 Kentucky, and~~[-]~~

5 6. The other four (4) members shall be practicing long-term care
6 administrators appointed from a list of two (2) names for each vacancy
7 submitted by the Kentucky Association of Health Care Facilities and
8 duly licensed under this chapter.

9 (3) No person who has been disciplined in the previous five (5) years by the board, or
10 by another state's board of licensure governing the same profession, shall be
11 appointed to the board.

12 **(4) All members appointed by the Governor shall be subject to Senate confirmation**
13 **in accordance with KRS 11.160 for each appointment or reappointment.**

14 ➔Section 132. KRS 217B.505 is amended to read as follows:

15 (1) There shall be established a six (6) member Structural Pest Management Advisory
16 Board which shall consist of the following members:

17 (a) President of the KPMA or the president's designated representative from the
18 association's membership;

19 (b) One (1) member of the KPMA appointed by the Governor, subject to Senate
20 confirmation in accordance with KRS 11.160 for each appointment or
21 reappointment, from a list of persons active in the structural pest management
22 industry submitted by the KPMA. This member shall serve a two (2) year
23 term;

24 (c) The chairperson of the University of Kentucky Department of Entomology or
25 the chairperson's designated representative;

26 (d) One (1) other member of the University of Kentucky Department of
27 Entomology appointed by the chairperson of the Department of Entomology;

1 and

2 (e) Two (2) members of the department staff appointed by the Commissioner of
3 Agriculture.

4 (2) When a vacancy occurs on the board, it shall be filled in the manner designated in
5 subsections (1) to (5) of this section.

6 (3) At the first meeting of the Structural Pest Management Advisory Board, a
7 chairperson, a vice chairperson, and a secretary shall be elected for one (1) year.
8 They shall serve at the pleasure of the board. The chairperson or the vice
9 chairperson shall preside at all meetings and vote as any other member. The
10 secretary of the board shall maintain accurate minutes of each meeting of the board.

11 (4) Four (4) members of the board shall constitute a quorum and any action or order of
12 the board shall require the presence of a quorum and the approval of a simple
13 majority of the members present.

14 (5) The board shall meet no less than two (2) times per year upon the call of the
15 chairperson. The secretary of the board shall notify members of upcoming meetings
16 ten (10) days prior to the meeting. However, three (3) members of the board may
17 call a special meeting of the board on ten (10) days' notice to the other members.

18 (6) Members of the board shall serve without compensation; however, members who
19 are not employees of the Commonwealth shall be entitled to reimbursement by the
20 department for actual expenses incurred in carrying out the duties of the board.

21 ➔Section 133. KRS 222.480 is amended to read as follows:

22 (1) The Advisory Council for Recovery Ready Communities is hereby created and
23 shall be attached to the Office of Drug Control Policy within the Justice and Public
24 Safety Cabinet for administrative purposes.

25 (2) The Advisory Council for Recovery Ready Communities shall consist of the
26 following members:

27 (a) One (1) representative from a list of three (3) names submitted by the

- 1 Kentucky League of Cities, appointed by the Governor;
- 2 (b) One (1) representative from a list of three (3) names submitted by the
- 3 Kentucky Association of Counties, appointed by the Governor;
- 4 (c) One (1) representative from a list of three (3) names submitted by the
- 5 Kentucky Chamber of Commerce, appointed by the Governor;
- 6 (d) One (1) representative from a list of three (3) names submitted by the
- 7 Recovery Consortium of Kentucky, appointed by the Governor;
- 8 (e) One (1) representative from a list of three (3) names submitted by the
- 9 Kentucky School Boards Association, appointed by the Governor;
- 10 (f) One (1) representative that represents the leadership of active law
- 11 enforcement officers in Kentucky, appointed by the Governor;
- 12 (g) One (1) representative that is a practicing physician with an active license in
- 13 Kentucky representing the medical profession, appointed by the Governor;
- 14 (h) One (1) representative from the Kentucky Pharmacists Association, appointed
- 15 by the governor;
- 16 (i) One (1) representative from a family advocate organization who shall have
- 17 experience in substance use recovery disorders, appointed by the Governor;
- 18 (j) One (1) representative from a faith community organization who shall have
- 19 experience in substance use recovery disorders, appointed by the Governor.
- 20 (k) Two (2) individuals in recovery from a substance use disorder, one (1) of
- 21 whom has served time in jail or prison due to a substance use disorder,
- 22 appointed by the Governor;
- 23 (l) The Chief Justice of the Supreme Court, or his or her designee;
- 24 (m) The Attorney General, or his or her designee;
- 25 (n) The commissioner of the Department for Public Health, or his or her
- 26 designee;
- 27 (o) The commissioner of the Department for Behavioral Health, Developmental

- 1 and Intellectual Disabilities, or his or her designee;
- 2 (p) The commissioner of the Department of Corrections, or his or her designee;
- 3 (q) The commissioner of the Department of Workforce Development, or his or
- 4 her designee;
- 5 (r) The public advocate, or his or her designee;
- 6 (s) The President of the Senate, or his or her designee;
- 7 (t) The Speaker of the House, or his or her designee; and
- 8 (u) One (1) representative from the Kentucky Association of Regional Programs,
- 9 appointed by the Governor.

10 The Governor shall designate a chairperson.

11 (3) Appointed members of the Advisory Council for Recovery Ready Communities

12 shall serve without compensation, but shall be reimbursed for actual expenses

13 incurred in the performance of duties in accordance with KRS 45.101 and

14 administrative regulations promulgated thereunder.

15 (4) The Governor shall appoint advisory council members who reflect, inasmuch as

16 possible, the political, geographic, gender, age, and racial diversity of the

17 population of the Commonwealth. **All members appointed by the Governor shall**

18 **be subject to Senate confirmation in accordance with KRS 11.160 for each**

19 **appointment or reappointment.**

20 (5) The Advisory Council for Recovery Ready Communities shall:

21 (a) Establish a Kentucky Recovery Ready Community Certification Program for

22 cities and counties. The purpose of the certification program is to provide a

23 quality measure of a city's or county's substance use disorder recovery

24 programs and to assure citizens and businesses that a city or county is

25 committed to ensuring the availability of high quality recovery programs in its

26 community that can help lead to a highly skilled community workforce;

27 (b) Establish guidelines, protocols, standards, and an application and approval

- 1 process for cities and counties related to the Kentucky Recovery Ready
2 Community Certification Program;
- 3 (c) Ensure that the certification process evaluates a city's or county's availability
4 of high quality substance use treatment programs in their communities for
5 persons in active, post, and recovered addiction status;
- 6 (d) Request and utilize federal, state, and private funds, including funds from
7 philanthropic sources;
- 8 (e) Improve procedures for ensuring accountability and measuring success of
9 recovery programs that receive state, federal, and philanthropic funds; and
- 10 (f) Other duties and responsibilities as designated by the Governor.
- 11 (6) The Justice and Public Safety Cabinet may contract with any public or private
12 agency or any individual for research, the gathering of information, the printing and
13 publication of reports, consulting, or for any other purpose necessary to discharge
14 the duties of the advisory council.
- 15 (7) The Justice and Public Safety Cabinet, in collaboration with the Advisory Council
16 for Recovery Ready Communities created under subsection (1) of this section, may
17 promulgate administrative regulations pursuant to KRS Chapter 13A to carry out
18 this section.
- 19 ➔Section 134. KRS 223.415 is amended to read as follows:
- 20 (1) The board shall be appointed by the Governor upon the advice of the secretary after
21 soliciting recommendations of interested parties. All members of the board shall be
22 residents of the Commonwealth. **Members appointed by the Governor shall be**
23 **subject to Senate confirmation in accordance with KRS 11.160 for each**
24 **appointment or reappointment.** The board shall be composed of the following:
- 25 (a) A driller who is an active member of both the National Water Well
26 Association and the Kentucky Water Well Association and whose business is
27 actively involved in drilling water wells. This member shall serve for an

- 1 initial term of three (3) years;
- 2 (b) A member who is a representative of the cabinet who shall serve as the
3 executive secretary and treasurer of the board and shall be responsible for
4 maintaining records, to serve for an initial term of three (3) years;
- 5 (c) A member who is a hydrogeologist or hydrologist from the Kentucky
6 Geological Survey to serve for an initial term of two (2) years;
- 7 (d) Three (3) members who are water well drillers and who are presently in the
8 business of drilling wells, each representing a different geographic region
9 within the Commonwealth, to serve for an initial term of two (2) years; and
- 10 (e) A member from the public at large, who shall not be in any way connected
11 with a water well business, to serve for an initial term of two (2) years.
- 12 (2) Upon the expiration of the respective terms, each successor shall be appointed in
13 the same manner as the predecessor for a term of three (3) years.
- 14 (3) At the first meeting of the board held in each calendar year, the board shall elect a
15 chairperson who shall serve for one (1) year. A majority of members shall decide
16 upon rules of procedure.
- 17 (4) The board shall hold as many meetings a year as are necessary to effectuate the
18 purpose of KRS 223.405 to 223.460, but the board must hold at least quarterly
19 meetings. Notice of a meeting shall be sent to each member at least ten (10) days
20 prior to the meeting. Five (5) members shall constitute a quorum. Rules of
21 procedure adopted by the board may provide for such additional meetings as are
22 necessary.
- 23 (5) The members of the board shall serve without compensation but may be reimbursed
24 for all actual and necessary expenses incurred while discharging their official
25 duties.
- 26 ➔Section 135. KRS 224.18-710 is amended to read as follows:
- 27 (1) A three (3) member Interstate Water Sanitation Board is established. The members

1 of the board shall serve as Kentucky's members of interstate water sanitation
2 control commissions created by compacts to which Kentucky is a party, which
3 compacts are composed of states forming a river basin, and which compacts require
4 a three (3) member representation from each state. The Governor shall appoint one
5 (1) of the board members, who shall be a resident and citizen of this state, **and shall**
6 **be subject to Senate confirmation in accordance with KRS 11.160 for each**
7 **appointment or reappointment.** The member shall be appointed for a term of four
8 (4) years, and shall hold office until his successor is appointed and qualified,
9 subject to removal at the pleasure of the Governor. The Lieutenant Governor and
10 the secretary of the Energy and Environment Cabinet shall, ex officio, be the
11 second and third members of the board. Except as otherwise provided by the
12 respective compacts, an ex officio member may delegate to any deputy or other
13 subordinate in his cabinet the power to be present and participate, including the
14 right to vote, as his representative or substitute at any meeting, hearing or other
15 proceeding of the commissions.

16 (2) The membership of the first Interstate Water Sanitation Board shall be composed of
17 the membership of the Ohio River Valley Water Sanitation Commission existing on
18 June 19, 1958, and the terms of the appointed members shall be effective from the
19 date of their appointment to the Ohio River Valley Water Sanitation Commission.

20 ➔Section 136. KRS 224.46-315 is amended to read as follows:

21 (1) There shall be established a Center for Pollution Prevention, which shall be a
22 technical information and assistance office to be located at a state-owned university,
23 which shall facilitate and promote the commercial implementation of pollution
24 prevention technologies and procedures by providing technical and financial
25 assistance, as available, to business and industry. The center shall be governed by a
26 board of directors representing the following organizations:

27 (a) The secretary of the Energy and Environment Cabinet or a designee of the

- 1 secretary;
- 2 (b) The dean of the University of Louisville School of Engineering or a designee
- 3 of the dean;
- 4 (c) The dean of the University of Kentucky School of Engineering or a designee
- 5 of the dean;
- 6 (d) A representative of the industrial community appointed by the Governor;
- 7 (e) A representative of the environmental protection community appointed by the
- 8 Governor;
- 9 (f) A representative of local government appointed by the Governor;
- 10 (g) An environmental engineer appointed by the Governor;
- 11 (h) An at-large member appointed by the Governor representing an industrial
- 12 facility;
- 13 (i) An at-large member appointed by the Governor representing an agricultural
- 14 producer; and
- 15 (j) An at-large member appointed by the Governor representing the public.
- 16 (2) Board members may designate proxies who shall have voting privileges at board
- 17 meetings. The members identified in subsection (1)(a) to (1)(d) of this section shall
- 18 serve as permanent members of the board. Of the six (6) members identified in
- 19 subsections (1)(e) to (j) of this section, two (2) shall continue in office for two (2)
- 20 years, two (2) shall continue in office for three (3) years, and two (2) shall continue
- 21 in office for four (4) years, as the Governor designates. At the expiration of the
- 22 original terms and for all succeeding terms, the Governor shall appoint a successor
- 23 to the board for three (3) years. Members may be reappointed. The Governor shall
- 24 appoint a chairperson for the board. **All members appointed by the Governor shall**
- 25 **be subject to Senate confirmation in accordance with KRS 11.160 for each**
- 26 **appointment or reappointment.**
- 27 (3) Meetings of the board shall be held at least quarterly, but may be held more

1 frequently if necessary. The chair or a majority of members may call a special
2 meeting. Five (5) members of the board shall constitute a quorum for doing
3 business. Each member shall have one (1) vote and a majority vote of the members
4 present shall control on all questions. No member shall receive a salary, fee, or
5 other remuneration for services as a member of the board, but each member shall be
6 reimbursed for ordinary travel expenses, including meals and lodging, incurred in
7 the performance of the member's duties.

8 (4) The board shall:

- 9 (a) Formulate policies and procedures necessary to carry out the purposes stated
10 in KRS 224.46-305;
- 11 (b) Promulgate administrative regulations solely to carry out the purposes of KRS
12 224.46-320 to assure the proper distribution of funds available to the center;
- 13 (c) Review and authorize pollution prevention projects and programs to be
14 undertaken and financed pursuant to KRS 224.46-305, 224.46-320, 224.46-
15 330, and 224.46-580;
- 16 (d) Review and approve all progress and final research reports on projects
17 authorized by KRS 224.46-305 and 224.46-320;
- 18 (e) Assure that funds available to the center are not diverted to any uses
19 inconsistent with KRS 224.46-305 to 224.46-335 and KRS 224.46-580, and
20 that all authorized projects are directed toward improvement of the
21 environment, specifically toward pollution prevention and toward preserving
22 and strengthening industry in Kentucky;
- 23 (f) Provide to the Governor and the General Assembly an annual report showing
24 the status of funds appropriated for the purposes of KRS 224.46-305 to
25 224.46-335 and KRS 224.46-580 for pollution prevention and progress of the
26 board in terms of its research and pollution prevention technology
27 implementation efforts;

- 1 (g) Advise the Governor and the General Assembly each year of the need for
2 continuation of the center and its board through levy of the hazardous waste
3 assessment fund for the purpose of financing pollution prevention programs;
- 4 (h) Approve and release public statements relating to the progress and results of
5 pollution prevention programs and research;
- 6 (i) Hire a technical advisor if deemed necessary; and
- 7 (j) Approve the budget and expenditures of the center.

8 ➔Section 137. KRS 224.50-855 is amended to read as follows:

- 9 (1) The Waste Tire Working Group is hereby established and shall be attached to the
10 cabinet for administrative purposes and staff support.
- 11 (2) The Waste Tire Working Group shall have the following eight (8) members:
- 12 (a) The director of the Division of Waste Management or his or her designee who
13 shall be an ex officio member and also serve as chair;
- 14 (b) The manager of the Recycling and Local Assistance Branch within the
15 Division of Waste Management or his or her designee who shall be an ex
16 officio member;
- 17 (c) One (1) representative of the Kentucky Department of Agriculture, to be
18 selected by the Commissioner of Agriculture and appointed by the Governor
19 for an initial term of two (2) years and who may be reappointed;
- 20 (d) Two (2) representatives of the Solid Waste Coordinators of Kentucky selected
21 by the Solid Waste Coordinators of Kentucky and appointed by the Governor
22 for an initial term of three (3) years and who may be reappointed;
- 23 (e) One (1) county judge/executive appointed by the Governor from a list of three
24 (3) nominees submitted by the Kentucky County Judge/Executive Association
25 for an initial term of three (3) years and who may be reappointed;
- 26 (f) One (1) mayor of a Kentucky city appointed by the Governor from a list of
27 three (3) nominees submitted by the Kentucky League of Cities; and

1 (g) One (1) representative of private industry engaged in the business of retail tire
2 sales appointed by the Governor for an initial term of three (3) years and who
3 may be reappointed.

4 **(3) All members appointed by the Governor shall be subject to Senate confirmation**
5 **in accordance with KRS 11.160 for each appointment or reappointment.**

6 ~~(4)~~(3) The members of the Waste Tire Working Group identified in paragraphs (c),
7 (d), (e), (f), and (g) of subsection (2) of this section shall receive travel-related
8 expenses but no salary as compensation.

9 ~~(5)~~(4) The first meeting of the Waste Tire Working Group shall be no later than
10 August 15, 2011. The working group shall meet at least twice a year or more
11 frequently at the call of the chair.

12 ~~(6)~~(5) The Waste Tire Working Group shall:

13 (a) Provide advice and input to the cabinet regarding:

- 14 1. The administration and implementation of alternative methods for
15 controlling the local accumulation of waste tires;
- 16 2. Developing the concept of a core fee for waste tires;
- 17 3. Improving the manifest system that tracks tires from point of sale to
18 point of disposal;
- 19 4. Developing ways to assist local governments with direct grants for
20 waste tire disposal; and
- 21 5. Developing an informational fact sheet on proper waste tire disposal
22 under KRS 224.50-868(3) and (8) to be made available on the cabinet's
23 Web site and available in print upon request;

24 (b) Serve as an advisory body to the cabinet in the development of a formula that
25 the cabinet will use to apportion the money in the waste tire trust fund
26 established by KRS 224.50-880 for crumb rubber grants, tire amnesties, and
27 tire-derived fuel, and to return a portion of the waste tire funds to local

1 governments during Commonwealth Cleanup Week for waste tire disposal;
2 and

3 (c) Provide advice and input to the cabinet on the data development and
4 preparation of the waste tire report mandated under KRS 224.50-872.

5 ➔Section 138. KRS 224.71-110 is amended to read as follows:

6 (1) The Agriculture Water Quality Authority is created and administratively attached to
7 the cabinet. The authority shall be a multidiscipline peer group that shall evaluate,
8 develop, and improve best-management practices in conservation plans, compliance
9 plans, and forest stewardship management plans; establish statewide and regional
10 agriculture water quality plans; and otherwise promote soil and water conservation
11 activities that protect waters of the Commonwealth from the adverse impacts of
12 agriculture operations within the Commonwealth. The cabinet shall provide staff to
13 the authority.

14 (2) Within six (6) months of July 15, 1994, the Soil and Water Conservation
15 Commission shall submit to the Governor for appointment to the Agriculture Water
16 Quality Authority a list of three (3) persons recommended by each of the following
17 state agencies and organizations:

18 (a) Kentucky Association of Conservation Districts;

19 (b) Kentucky Department of Agriculture;

20 (c) University of Kentucky College of Agriculture Cooperative Extension
21 Service;

22 (d) Kentucky Farm Bureau Federation, Inc.;

23 (e) Division of Conservation, Energy and Environment Cabinet;

24 (f) Division of Forestry, Energy and Environment Cabinet;

25 (g) Kentucky Geological Survey; and

26 (h) Environmental organizations.

27 The membership of the Agriculture Water Quality Authority appointed by the

1 Governor shall consist of one (1) representative from each of the groups identified
2 in paragraphs (a) to (h) of this subsection and three (3) members at large from
3 agriculture operations. The Soil and Water Conservation Commission shall solicit
4 nominations from Kentucky agriculture operations organizations and submit those
5 names to the Governor for selection of the three (3) members at large from
6 agriculture operations. The Governor shall select four (4) members to serve two (2)
7 year initial terms, four (4) members to serve three (3) year initial terms, and three
8 (3) members to serve four (4) year initial terms. All succeeding terms shall be four
9 (4) year terms. A representative from the Natural Resources Conservation Service
10 and a representative from the United States Department of Agriculture Farm
11 Service Agency may also be appointed by the Governor to serve on the authority.
12 **All members appointed by the Governor shall be subject to Senate confirmation**
13 **in accordance with KRS 11.160 for each appointment or reappointment.** One (1)
14 representative each from the Division of Water, Energy and Environment Cabinet
15 and the Department for Public Health, Cabinet for Health and Family Services shall
16 serve as ex officio members.

17 (3) It shall be the responsibility of the Agriculture Water Quality Authority to establish,
18 at a minimum, the following four (4) committees for agriculture operations, with
19 membership outside the Agriculture Water Quality Authority:

- 20 (a) Livestock and poultry;
- 21 (b) Crops, including but not limited to tobacco, corn, soybeans, small grains,
22 fruits and vegetables, pasture and timber;
- 23 (c) Pesticides, fertilizers, and other agricultural chemicals; and
- 24 (d) Farmstead issues.

25 (4) The Agriculture Water Quality Authority shall have the following responsibilities:

- 26 (a) Review water quality data as available;
- 27 (b) Review university research on water quality and alternative best-management

- 1 practices research;
- 2 (c) Evaluate the adoption and effectiveness of best-management practices, and
- 3 modify best-management practice design standards to improve water quality
- 4 protection practices;
- 5 (d) Develop by July 1, 1996, statewide agriculture water quality plans to address
- 6 identifiable water pollution problems from agriculture operations, and
- 7 continue to evaluate and modify the agriculture water quality plans, as
- 8 necessary to prevent water pollution from agriculture operations;
- 9 (e) Assist with the review of state-funded and other water quality monitoring data
- 10 and with the establishment of agriculture water priority protection regions;
- 11 (f) Provide technical assistance to persons engaged in agriculture operations and
- 12 to the Soil and Water Conservation Commission in its efforts to coordinate
- 13 water quality protection as related to agriculture operations;
- 14 (g) Work with the Natural Resources Conservation Service, United States
- 15 Department of Agriculture Farm Service Agency, and conservation districts to
- 16 disseminate to agriculture operations the best-management practices,
- 17 conservation plans, compliance plans, forest stewardship management plans,
- 18 and agriculture water quality plans which address the protection of
- 19 groundwater and surface water;
- 20 (h) Provide the Governor and the Legislative Research Commission with biennial
- 21 reports of the progress of the Agriculture Water Quality Authority program;
- 22 and
- 23 (i) Establish procedures for modifications to be incorporated into statewide or
- 24 regional agriculture water quality plans.
- 25 (5) The cabinet's Division of Water shall approve or disapprove any statewide and
- 26 regional water quality plan within thirty (30) days of receiving the plan from the
- 27 Agriculture Water Quality Authority. All provisions of a statewide or regional

1 water quality plan not found deficient shall be approved. If the Division of Water
2 finds any provision of the statewide or regional agriculture water quality plan
3 deficient, the Division of Water shall give written notice to the authority of those
4 provisions found to be deficient. Within the thirty (30) days following the notice of
5 deficiency, the authority shall deliver to the Division of Water a written response
6 setting forth proposed solutions to the deficiencies. Any deficiencies which remain
7 unresolved shall be resolved in a manner agreed to jointly by the Division of Water
8 and the authority within sixty (60) days unless the Division of Water and authority
9 jointly agree to an extension or alternate dispute resolution. The Division of Water
10 shall approve or disapprove all modifications to the statewide and regional plans as
11 set forth at KRS 224.71-120(8).

12 ➔Section 139. KRS 224.73-110 is amended to read as follows:

13 (1) The Kentucky Board of Certification of Wastewater System Operators is
14 established. The board shall recommend qualified applicants to the cabinet for
15 certification and perform other acts as may be necessary to carry out the purposes of
16 this section. Members of the board shall be appointed by the Governor **and shall be**
17 **subject to Senate confirmation in accordance with KRS 11.160 for each**
18 **appointment or reappointment.** The board shall consist of eight (8) members who
19 may have professional backgrounds as follows: one (1) employee of a municipality
20 who holds the position of either city manager, city engineer, director of public
21 works, or the equivalent thereof; one (1) member who is a faculty member of a
22 college, university, or professional school whose major field is related to
23 wastewater treatment; one (1) nonvoting ex officio member representing the
24 cabinet; and five (5) members currently employed as operators holding valid
25 certificates where one (1) of these five (5) shall be an operator of an industrial
26 wastewater system. Board members shall serve for a four (4) year term, except for
27 the first board to which two (2) of the operators will be appointed for four (4) years

1 and three (3) for two (2) years. The first college faculty member will be appointed
2 for two (2) years and the remaining board members will be appointed for four (4)
3 years. The cabinet's representative shall serve as executive secretary and treasurer
4 and be responsible for maintaining records. The members of the board shall serve
5 without compensation but may be reimbursed for all actual and necessary expenses
6 incurred while discharging their official duties. At least four (4) existing members
7 of the board shall constitute a quorum.

- 8 (2) No person shall have primary responsibility for the operation of any sewage system
9 or portion thereof whether publicly or privately owned unless:
- 10 (a) The person has passed an examination prescribed by the Energy and
11 Environment Cabinet and board which shall determine the person's skill and
12 competency for the operation and has been issued a certificate to that effect by
13 the cabinet; or
- 14 (b) The person is operating a sewage system located at the residence where the
15 person lives and the sewage system serves only one (1) residence.
- 16 (3) No person shall authorize or allow any person who does not hold a certificate issued
17 pursuant to subsection (2) of this section to have primary responsibility for the
18 operation of any sewage system or portion thereof.
- 19 (4) The cabinet, with the advice of the board of certification, may classify all sewage
20 systems and portions thereof in the manner provided by the rules and regulations of
21 the cabinet with regard to size, type, physical conditions affecting such systems or
22 portions thereof, and the skill, knowledge and experience required for the operation
23 of the system or portion thereof and restrict the application of any certificate issued
24 pursuant to subsection (2) of this section to the operation of a sewage system or
25 portion thereof of a specific class.
- 26 (5) Any person who has primary responsibility for the operation of a sewage system for
27 a school shall be entitled to a limited certificate of competency for his particular

1 system, provided he has demonstrated that he has the knowledge and experience
2 required to operate properly the particular sewage system for which he is
3 responsible. A limited certificate of competency so issued is not transferable to any
4 other sewage system, nor is the period of operation under such a limited certificate
5 eligible for consideration toward the experience requirements for a certificate of
6 competency as provided in subsection (2) of this section.

7 (6) All applicants for the examination and certification for the operation of any sewage
8 system or portion thereof, whether publicly or privately owned, shall pay a
9 reasonable schedule of fees and charges fixed by regulation. The fees required
10 under this section shall be payable to the cabinet.

11 (7) Operators shall have accumulated a minimum number of hours of appropriate board
12 approved training set by regulation for certificate renewal. Such training shall
13 include, but may not be limited to, correspondence courses, short courses, trade
14 association meetings, and on-the-job training. Training hours accumulated in any
15 given year in excess of the minimum requirement necessary for renewal may be
16 carried forward for a period not to exceed two (2) years.

17 (8) The board may waive any or all of the requirements of subsection (7) of this section
18 for all or portions of an established class of operators.

19 ➔Section 140. KRS 224A.030 is amended to read as follows:

20 (1) There is hereby created the Kentucky Infrastructure Authority, which authority
21 shall be a body corporate and politic, constituting a public corporation and a
22 governmental agency and instrumentality of the state. The affairs of the authority
23 shall be managed and carried out by a board consisting of eleven (11) members.
24 The secretaries of the Economic Development, Finance and Administration, and
25 Energy and Environment Cabinets; the executive director of the Public Service
26 Commission; and the commissioner of the Department for Local Government shall
27 serve as ex officio members of the authority. The secretaries, the executive director,

1 and the commissioner may designate alternates. The Governor shall additionally
2 appoint six (6) at-large members, who shall be subject to Senate confirmation in
3 accordance with KRS 11.160 for each appointment or reappointment. One (1)
4 member shall be selected from a list of three (3) nominees submitted by the
5 Kentucky Association of Counties, one (1) member selected from a list of three (3)
6 nominees submitted by the Kentucky League of Cities, one (1) member selected
7 from a list of three (3) nominees submitted by the Kentucky Rural Water
8 Association, one (1) member representing for-profit private water companies, one
9 (1) member selected from a list of three (3) nominees submitted by the Kentucky
10 section of the American Water Works Association, and one (1) member selected
11 from a list of three (3) nominees submitted by the Kentucky Municipal Utilities
12 Association. As the terms of the at-large members expire, the Governor shall
13 appoint successors for terms of four (4) years and until their successors are
14 appointed. The members shall constitute the Kentucky Infrastructure Authority,
15 with power in that name to contract and be contracted with, sue and be sued, have
16 and use a corporate seal, and exercise, in addition to the powers and functions
17 specifically stated in this chapter, all of the usual powers of private corporations to
18 the extent that the powers are not inconsistent with specifically enumerated powers
19 of the authority. In the carrying out of its purposes and the exercise by it of the
20 powers conferred by this chapter, the authority is deemed and declared to be
21 performing essential governmental functions and public purposes of the state.

22 (2) The members of the authority shall receive no compensation for their services in
23 their official capacity but shall be entitled to reimbursement for all reasonable
24 expenses necessarily incurred in connection with performance of their duties and
25 functions as authority members.

26 (3) Six (6) members of the authority shall constitute a quorum for the transaction of
27 business, and in the absence of a quorum, one (1) or more members may adjourn

1 from time to time until a quorum is convened. The members of the authority shall
2 choose from their ranks a chair and a vice chair. The authority shall elect a secretary
3 and a treasurer who shall not be members of the authority, each of whom shall serve
4 at the pleasure of the authority and shall receive compensation as may be
5 determined by the authority.

6 (4) (a) The authority shall, for administrative purposes, be attached to the
7 Department for Local Government, which shall provide any office space
8 required by the authority.

9 (b) The secretary of the authority shall at all times maintain therein complete
10 records of all of the authority's actions and proceedings which shall constitute
11 public records open to inspection at all reasonable times.

12 ➔Section 141. KRS 229.151 is amended to read as follows:

13 (1) The Kentucky Boxing and Wrestling Commission is hereby created and established
14 as an agency of state government charged with the responsibility for regulatory
15 oversight and the establishment of sound policies and procedures governing the
16 conduct of unarmed combat within the Commonwealth of Kentucky. The
17 commission shall be organized within the Public Protection Cabinet.

18 (2) The commission shall consist of the following five (5) members:

19 (a) The secretary of the Public Protection Cabinet, or the secretary's designee,
20 who shall serve as an ex officio, voting member; and

21 (b) Four (4) members who shall be appointed by the Governor, subject to Senate
22 confirmation in accordance with KRS 11.160 for each appointment or
23 reappointment, as follows:

24 1. One (1) member shall be a physician licensed to practice medicine in
25 Kentucky;

26 2. One (1) member shall be an attorney licensed to practice law in
27 Kentucky;

1 3. One (1) member shall have experience in sports marketing or
2 promotion; and

3 4. At least one (1) member shall have no financial interest in the business
4 or industry regulated.

5 (3) The Governor shall designate one (1) member to serve as the commission's
6 chairperson. The Governor shall further designate a second member to serve as vice
7 chairperson with authority to act in the absence of the chairperson or if the office of
8 the chairperson is vacant. **The chairperson and vice chairperson shall be subject to**
9 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
10 **reappointment.**

11 (4) A majority of the members of the commission shall constitute a quorum for the
12 transaction of business.

13 (5) The appointed members of the commission shall serve for a term of three (3) years.
14 Any member appointed to fill a vacancy occurring other than by expiration of a
15 term shall be appointed for the remainder of the unexpired term.

16 (6) Members of the commission shall receive one hundred dollars (\$100) per day for
17 each meeting attended and shall be reimbursed for all expenses paid or incurred in
18 the discharge of official business.

19 ➔Section 142. KRS 230.225 is amended to read as follows:

20 (1) The Kentucky Horse Racing Commission is created as an independent agency of
21 state government to regulate the conduct of horse racing and pari-mutuel wagering
22 on horse racing, sports wagering, and related activities within the Commonwealth
23 of Kentucky. The racing commission shall be attached to the Public Protection
24 Cabinet for administrative purposes.

25 (2) (a) The Kentucky Horse Racing Commission shall consist of fifteen (15)
26 members appointed by the Governor, with the secretaries of the Public
27 Protection Cabinet, Tourism, Arts and Heritage Cabinet, and Economic

1 Development Cabinet, or their designees, serving as ex officio nonvoting
2 members. All members appointed by the Governor shall be subject to Senate
3 confirmation in accordance with KRS 11.160 for each appointment or
4 reappointment.

5 (b) Two (2) members shall have no financial interest in the business or industry
6 regulated.

7 (c) The members of the racing commission shall be appointed to serve for a term
8 of four (4) years, except the initial terms shall be staggered as follows:

9 1. Five (5) members shall serve for a term of four (4) years;

10 2. Five (5) members shall serve for a term of three (3) years; and

11 3. Five (5) members shall serve for a term of two (2) years.

12 (d) Any member appointed to fill a vacancy occurring other than by expiration of
13 a term shall be appointed for the remainder of the unexpired term.

14 (e) In making appointments, the Governor may consider members broadly
15 representative of the Thoroughbred industry and members broadly
16 representative of the standardbred, quarter horse, Appaloosa, or Arabian
17 industries. The Governor may also consider recommendations from the
18 Kentucky Thoroughbred Owners and Breeders, Inc., the Kentucky Division of
19 the Horsemen's Benevolent and Protective Association, the Kentucky Harness
20 Horsemen's Association, and other interested organizations.

21 (3) (a) Members of the racing commission shall receive no compensation for serving
22 on the commission, but shall be reimbursed for travel expenses for attending
23 meetings and performing other official functions consistent with the
24 reimbursement policy for state employees established by KRS 45.101 and
25 administrative regulations promulgated thereunder.

26 (b) The Governor shall appoint one (1) member of the racing commission to serve
27 as its chairperson who shall serve at the pleasure of the Governor, subject to

1 *Senate confirmation in accordance with KRS 11.160 for each appointment*
2 *or reappointment.*

3 (c) The Governor shall further designate a second member to serve as vice chair
4 with authority to act in the absence of the chairperson, *subject to Senate*
5 *confirmation in accordance with KRS 11.160 for each appointment or*
6 *reappointment.*

7 (d) Before entering upon the discharge of their duties, all members of the
8 Kentucky Horse Racing Commission shall take the constitutional oath of
9 office.

10 (4) (a) The racing commission shall establish and maintain a general office for the
11 transaction of its business and may in its discretion establish a branch office
12 or offices.

13 (b) The racing commission may hold meetings at any of its offices or at any other
14 place when the convenience of the racing commission requires.

15 (c) All meetings of the racing commission shall be open and public, and all
16 persons shall be permitted to attend meetings.

17 (d) A majority of the voting members of the racing commission shall constitute a
18 quorum for the transaction of its business or exercise of any of its powers.

19 (5) Except as otherwise provided, the racing commission shall be responsible for the
20 following:

21 (a) Developing and implementing programs designed to ensure the safety and
22 well-being of horses, jockeys, and drivers;

23 (b) Developing programs and procedures that will aggressively fulfill its
24 oversight and regulatory role on such matters as medical practices and
25 integrity issues;

26 (c) Recommending tax incentives and implementing incentive programs to ensure
27 the strength and growth of the equine industry;

- 1 (d) Designing and implementing programs that strengthen the ties between
2 Kentucky's horse industry and the state's universities, with the goal of
3 significantly increasing the economic impact of the horse industry on
4 Kentucky's economy, improving research for the purpose of promoting the
5 enhanced health and welfare of the horse, and other related industry issues;
- 6 (e) Developing and supporting programs which ensure that Kentucky remains in
7 the forefront of equine research;
- 8 (f) Developing monitoring programs to ensure the highest integrity of sporting
9 events and sports wagering; and
- 10 (g) Developing a program to share wagering information with sports governing
11 bodies upon which sports wagering may be conducted. The program shall be
12 designed to assist the racing commission in determining potential problems or
13 questionable activity and provide reports to sports governing bodies
14 effectively.

15 ➔Section 143. KRS 230.265 is amended to read as follows:

- 16 (1) (a) There is hereby created a panel, to be known as the Kentucky Equine Drug
17 Research Council, to advise the racing commission on the conduct of equine
18 drug research and testing commissioned by the Kentucky Horse Racing
19 Commission.
- 20 (b) The council shall consist of nine (9) members appointed by the Governor,
21 subject to Senate confirmation in accordance with KRS 11.160 for each
22 appointment or reappointment. It is recommended that the Governor appoint
23 one (1) person from each of the following groups, organizations, or
24 professions:
- 25 1. A veterinarian, selected from a list of three (3) submitted by the
26 Kentucky Association of Equine Veterinarians;
 - 27 2. A horseman, selected from a list of three (3) submitted by the Kentucky

- 1 division of the Horsemen's Benevolent and Protective Association;
- 2 3. A pharmacologist, selected from a list of three (3) submitted by the
- 3 University of Kentucky;
- 4 4. A Thoroughbred breeder, selected from a list of three (3) submitted by
- 5 the Kentucky Thoroughbred Owners and Breeders, Inc.;
- 6 5. A legislator, selected from a list of three (3) submitted by the Legislative
- 7 Research Commission;
- 8 6. A representative of a licensed racing association, chosen by the
- 9 Governor;
- 10 7. A member of the harness racing industry, selected from a list of three (3)
- 11 submitted by the chairman of the Kentucky Horse Racing Commission;
- 12 8. A member selected from a list of three (3) submitted by the Kentucky
- 13 Harness Horsemen's Association; and
- 14 9. A member of the Kentucky Horse Racing Commission, selected from a
- 15 list of three (3) submitted by the chairman of the Kentucky Horse
- 16 Racing Commission, to serve as chairman.
- 17 (c) The council shall meet at the call of the chairman, a majority of the council, or
- 18 at the request of the racing commission. Members shall serve at the pleasure
- 19 of their respective sponsoring organizations and shall receive no
- 20 compensation for serving.
- 21 (2) The Kentucky Equine Drug Research Council shall:
- 22 (a) Review equine drug research and testing research being conducted at the
- 23 University of Kentucky, or with state funds;
- 24 (b) Review and report to the racing commission on drug research and testing
- 25 research being conducted elsewhere;
- 26 (c) Advise the racing commission and make recommendations for establishing an
- 27 effective drug regulatory policy for Kentucky racing; and

1 (d) Report to the General Assembly any needed changes regarding the regulation
2 of drugs in horse racing in the Commonwealth of Kentucky.

3 (3) (a) The funds received by the racing commission pursuant to KRS 138.510 shall
4 be used for financing:

- 5 1. Drug research;
- 6 2. Testing research;
- 7 3. Equine medical research;
- 8 4. Equine health research issues; and
- 9 5. Any regulatory or administrative activity of the racing commission that
10 is related to the research and issues described in subparagraphs 1. to 4.
11 of this paragraph. Any expenditure under this subsection shall relate to
12 the racing industry in Kentucky.

13 (b) In authorizing expenditures, the council and the racing commission shall give
14 funding priority to the activities described in this subsection which will take
15 place, or are proposed to take place, in Kentucky over similar activities taking
16 place outside Kentucky. However, expenditures under this subsection in
17 furtherance of activities taking place outside Kentucky may be approved if the
18 council and the racing commission determine that those expenditures will
19 contribute to improvement in Kentucky's racing industry and to the
20 development of a useful knowledge base relating to the subjects expressed in
21 paragraph (a)1. to 5. of this subsection.

22 (c) The money received under this subsection shall be in addition to any funds
23 appropriated to the racing commission for these purposes in the executive
24 budget.

25 ➔Section 144. KRS 238.520 is amended to read as follows:

26 (1) The Charitable Gaming Advisory Commission is created to be composed of nine
27 (9) members consisting of:

- 1 (a) The secretary of the Public Protection Cabinet or his designee;
- 2 (b) The Attorney General or his designee;
- 3 (c) One (1) representative from the Kentucky Commonwealth's Attorneys
- 4 Association;
- 5 (d) One (1) representative from the Kentucky Charitable Gaming Association;
- 6 (e) One (1) certified public accountant;
- 7 (f) One (1) member selected from the public at large;
- 8 (g) One (1) representative selected from the Joint Executive Council of Veterans
- 9 Organizations of Kentucky;
- 10 (h) One (1) representative from Catholic organizations; and
- 11 (i) One (1) representative from Kentucky's volunteer firefighter organizations.

12 The certified public accountant, the one (1) at-large member, and the

13 representatives from the Kentucky Commonwealth's Attorneys Association and the

14 Kentucky Charitable Gaming Association shall be appointed by the Governor. The

15 representative from each of the two (2) associations, the one (1) representative from

16 the Joint Executive Council of Veterans Organizations of Kentucky, the one (1)

17 representative from the Catholic organizations, and the one (1) representative from

18 the volunteer firefighter organizations shall be selected from a list of at least three

19 (3) names submitted to the Governor by the respective association. **Members**

20 **appointed by the Governor shall be subject to Senate confirmation in accordance**

21 **with KRS 11.160 for each appointment or reappointment.**

- 22 (2) Initial appointments to the commission shall be for staggered terms as follows: one
- 23 (1) member for a term of one (1) year; two (2) members for a term of two (2) years;
- 24 two (2) members for a term of three (3) years; and two (2) members for a term of
- 25 four (4) years. Thereafter, each member shall be appointed for a term of four (4)
- 26 years. No member from the public at large shall be appointed in the same year.
- 27 Vacancies shall be filled in the same manner as the original appointment for the

1 unexpired portion of the term. No member of the commission may serve more than
2 two (2) full terms.

3 (3) The Charitable Gaming Advisory Commission shall provide ongoing advice and
4 input to the department and to the General Assembly but shall not become directly
5 involved in the licensing and regulation of charitable gaming by the department.

6 (4) The commission shall meet quarterly, upon the request of the chair or four (4) of its
7 members or as otherwise directed by the department. Five (5) members shall
8 constitute a quorum for conducting business. The commission shall annually elect a
9 chairman from its membership, and no person elected chairman shall serve more
10 than two (2) consecutive terms of one (1) year each. Members shall receive no
11 compensation for serving on the commission, but shall be reimbursed for travel
12 expenses for attending meetings and performing other official functions, consistent
13 with state reimbursement policy for state employees.

14 ➔Section 145. KRS 247.090 is amended to read as follows:

15 (1) The State Fair Board shall be composed of sixteen (16) voting members and five (5)
16 ex officio, nonvoting members, as follows:

17 (a) The Governor or his or her designee;

18 (b) The Commissioner of Agriculture or his or her designee;

19 (c) The President of the Senate or his or her designee, who shall serve as an ex
20 officio, nonvoting member for the duration of his or her service as President
21 of the Senate;

22 (d) The Speaker of the House of Representatives or his or her designee, who shall
23 serve as an ex officio, nonvoting member for the duration of his or her service
24 as Speaker of the House of Representatives;

25 (e) The secretary of the Finance and Administration Cabinet or his or her
26 designee, who shall serve as an ex officio, nonvoting member for the duration
27 of his or her service as secretary of the cabinet. The secretary shall provide

- 1 additional financial expertise to the Kentucky State Fair Board, with no
2 resulting personnel impact, fiscal impact, nor expense to Kentucky state
3 government;
- 4 (f) The dean of the University of Kentucky College of Agriculture, Food and
5 Environment or his or her designee;
- 6 (g) Four (4) members appointed by the Governor from the state at large with due
7 consideration to geographical distribution throughout the state, **each of whom**
8 **shall be subject to Senate confirmation in accordance with KRS 11.160 for**
9 **each appointment or reappointment**;
- 10 (h) Three (3) members appointed by the Commissioner of Agriculture from the
11 state at large who are involved with, or experienced in, agriculture or
12 agriculture-related businesses;
- 13 (i) One (1) member appointed by the Commissioner of Agriculture from a list of
14 six (6) nominees that are representative of all segments of animal agriculture
15 provided by trade organizations and commodity groups that may include but
16 not be limited to the Kentucky Cattlemen's Association, Kentucky Dairy
17 Development Council, Kentucky Livestock Improvement Association,
18 Kentucky Pork Producers Association, Kentucky Poultry Federation, and
19 Kentucky Sheep and Goat Development Office;
- 20 (j) One (1) member appointed by the Commissioner of Agriculture from a list of
21 six (6) nominees that are representative of all segments of crop or plant
22 production provided by trade organizations or commodity groups that may
23 include but not be limited to Kentucky Corn Growers Association, Kentucky
24 Grape and Wine Council, Kentucky Horticulture Council, Kentucky Small
25 Grain Growers Association, and Kentucky Soybean Association;
- 26 (k) One (1) member appointed by the Commissioner of Agriculture from a list of
27 six (6) nominees submitted by the governing body of the American

- 1 Saddlebred Horse Association;
- 2 (l) One (1) member appointed by the Commissioner of Agriculture from a list of
3 six (6) nominees provided by the Kentucky Farm Bureau Federation;
- 4 (m) One (1) member appointed by the Commissioner of Agriculture from a list of
5 six (6) nominees provided by the Kentucky Association of Fairs and Horse
6 Shows;
- 7 (n) One (1) member appointed by the Governor from a list of six (6) nominees
8 provided by the Louisville Convention and Visitors Bureau representing the
9 hospitality and tourism industry, subject to Senate confirmation in
10 accordance with KRS 11.160 for each appointment or reappointment;
- 11 (o) The state president of the Kentucky FFA Association, who shall serve as an
12 ex officio, nonvoting member for the duration of his or her term as student
13 leader of the association; and
- 14 (p) The state president of the Kentucky 4-H Organization, who shall serve as an
15 ex officio, nonvoting member for the duration of his or her term as student
16 leader of the organization.
- 17 (2) The terms of the members of the board appointed by the Commissioner of
18 Agriculture or the Governor, respectively, shall be staggered terms and shall be
19 subject to confirmation as provided in KRS 11.160(2). Members of the board shall
20 be appointed to a term of four (4) years and shall serve until their successors are
21 duly appointed and qualified. Members of the board shall be appointed to no more
22 than three (3) terms that began on or after March 29, 2021. Terms that began prior
23 to March 29, 2021, shall not count toward the term limits established by this
24 subsection. As the terms of each group of members expire, the Commissioner of
25 Agriculture or the Governor, as the case may be, shall appoint successors for terms
26 of four (4) years and until their successors are appointed and qualify. The initial
27 appointments of the members designated in subsection (1)(g) and (h) of this section

1 shall be for staggered terms, as follows:

2 (a) Pursuant to subsection (1)(g) of this section, the Governor shall appoint one
3 (1) at-large member in 2022, one (1) at-large member in 2023, and two (2) at-
4 large members in 2024 to replace or reappoint current members whose terms
5 expire in each of these years, subject to Senate confirmation in accordance
6 with KRS 11.160 for each appointment or reappointment;

7 (b) Pursuant to subsection 1(h) of this section, the Commissioner of Agriculture
8 shall appoint one (1) at-large member in 2021, one (1) at-large member in
9 2022, and one (1) at-large member in 2023 to replace or reappoint current
10 members whose terms expire in each of these years;

11 (c) On March 29, 2021, and pursuant to subsection (1)(h) of this section, the
12 Commissioner of Agriculture shall appoint one (1) at-large member to serve a
13 one (1) year term in order to establish the number of voting members as
14 required by this section; and

15 (d) Those members whose terms expire in 2021 shall be appointed by the
16 Commissioner of Agriculture.

17 It is the intention of the General Assembly that the political affiliation of the
18 appointed members shall be as evenly divided as possible between the two (2)
19 political parties polling the largest number of votes in the state at general elections.

20 (3) In case of a vacancy among the appointed members of the board, the unexpired
21 term shall be filled pursuant to the requirements and procedures for original
22 appointments.

23 (4) The State Fair Board shall not be subject to reorganization under KRS Chapter 12.

24 ➔Section 146. KRS 257.192 is amended to read as follows:

25 The Kentucky Livestock Care Standards Commission is hereby created to make
26 recommendations to the board to establish, maintain, or revise standards governing the
27 care and well-being of on-farm livestock and poultry. The commission shall be attached

1 to the Department of Agriculture for administrative purposes and shall consist of sixteen
2 (16) members as follows:

- 3 (1) The state veterinarian, who shall be a nonvoting member;
- 4 (2) The co-chairs of the Interim Joint Committee on Agriculture, who shall be
5 nonvoting, ex officio members; and
- 6 (3) Thirteen (13) voting members as follows:
 - 7 (a) The Commissioner or the Commissioner's designee, who shall serve as chair;
 - 8 (b) The dean of the University of Kentucky College of Agriculture or the dean's
9 designee;
 - 10 (c) The chair of the Animal Control Advisory Board or the chair's designee;
 - 11 (d) The director of the University of Kentucky Livestock Disease Diagnostic
12 Center or the director of the Murray State University Breathitt Veterinary
13 Center. Each director shall serve one (1) year terms on a rotating basis;
 - 14 (e) Four (4) members appointed by the Governor, **subject to Senate confirmation**
15 **in accordance with KRS 11.160 for each appointment or reappointment,** as
16 follows:
 - 17 1. One (1) person selected from a list of three (3) submitted by the
18 Kentucky Farm Bureau;
 - 19 2. One (1) person selected from a list of three (3) submitted by the
20 Kentucky County Judge/Executive Association;
 - 21 3. One (1) veterinarian selected from a list of three (3) submitted by the
22 Kentucky Veterinary Medical Association. The veterinarian's practice
23 shall include working on one (1) or more of the species named in
24 paragraph (f) of this subsection; and
 - 25 4. One (1) citizen at large with an interest in food safety; and
 - 26 (f) Five (5) members actively engaged in farming and appointed by the Governor
27 with assistance by the department. The department shall contact commodity

1 organizations named in this paragraph, collect a list of potential
2 representatives from the organizations, and deliver the list to the Governor.

3 **Members appointed by the Governor shall be subject to Senate confirmation**
4 **in accordance with KRS 11.160 for each appointment or reappointment.**

5 The Governor shall appoint:

- 6 1. One (1) active producer from the list submitted by Kentucky commodity
7 organizations representing bovine species;
- 8 2. One (1) active producer from the list submitted by Kentucky commodity
9 organizations representing ovine and caprine species;
- 10 3. One (1) active producer from the list submitted by Kentucky commodity
11 organizations representing porcine species;
- 12 4. One (1) active producer from the list submitted by Kentucky commodity
13 organizations representing equine species; and
- 14 5. One (1) active producer from the list submitted by Kentucky commodity
15 organizations representing poultry species.

16 ➔Section 147. KRS 257.472 is amended to read as follows:

17 (1) The Kentucky Equine Health and Welfare Council is hereby established and shall
18 be attached to the Kentucky Department of Agriculture for administrative purposes
19 only. The council shall:

- 20 (a) Assist, advise, and consult with the commission created by KRS 257.192 on
21 equine health and welfare issues;
- 22 (b) Act to maintain the health, welfare, and safety of equines in the
23 Commonwealth; and
- 24 (c) Carry out the duties assigned to the council in KRS 257.474.

25 (2) The council shall be composed of thirteen (13) voting members and two (2)
26 nonvoting ex officio members as follows:

- 27 (a) The Commissioner of Agriculture or his or her designee;

- 1 (b) The state veterinarian or his or her designee;
- 2 (c) One (1) representative of the University of Kentucky College of Agriculture
3 Equine Initiative to be designated by the dean of the University of Kentucky
4 College of Agriculture;
- 5 (d) One (1) representative of the University of Louisville Equine Industry
6 Program to be designated by the dean of the College of Business;
- 7 (e) One (1) representative of equine education programs chosen by Morehead
8 State University, Murray State University, or Western Kentucky University
9 on a rotating basis at the pleasure of the university to serve a one (1) year
10 term;
- 11 (f) The executive director of the University of Kentucky Livestock Disease
12 Diagnostic Center, or his or her designee, or the executive director of the
13 Murray State University Breathitt Veterinary Center, or his or her designee,
14 who shall serve one (1) year terms on a rotating basis;
- 15 (g) One (1) representative of the Kentucky Farm Bureau Federation with an
16 interest in equine issues;
- 17 (h) One (1) veterinarian representing the Kentucky Equine Health and Welfare
18 Alliance Inc.;
- 19 (i) One (1) member representing the Kentucky Veterinary Medical Association;
- 20 (j) One (1) member to be appointed by the Governor from a list of three (3)
21 nominees submitted by the Kentucky Horse Council, subject to Senate
22 confirmation in accordance with KRS 11.160 for each appointment or
23 reappointment;
- 24 (k) One (1) member representing organized horse rescue entities to be selected by
25 the Governor from a listing of those who apply for membership on the
26 council, subject to Senate confirmation in accordance with KRS 11.160 for
27 each appointment or reappointment;

- 1 (l) Two (2) members at large who live in diverse regions of the state to be
2 appointed by the Governor, subject to Senate confirmation in accordance
3 with KRS 11.160 for each appointment or reappointment. Each member at
4 large shall primarily represent one (1) of the following:
- 5 1. Equine breeders and owners; and
 - 6 2. Agricultural interests;
- 7 (m) The chair of the Senate Standing Committee on Agriculture, who shall serve
8 as a nonvoting ex officio member; and
- 9 (n) The chair of the House Standing Committee on Agriculture and Small
10 Business, who shall serve as a nonvoting ex officio member.
- 11 (3) Initial terms of members serving under subsection (2)(c), (d), and (g) to (l) of this
12 section shall be staggered by the Governor. Thereafter, terms shall be for four (4)
13 years or until their successors are duly appointed and qualified. Vacancies on the
14 council shall be filled for the remainder of the unexpired term in the same manner
15 as the original appointment.
- 16 (4) Consideration shall be given to racial and gender equity in the appointment of
17 council members.
- 18 (5) The council shall elect one (1) of its members to serve as chair for a term of two (2)
19 years.
- 20 (6) The council shall meet quarterly or upon the call of the chair. The first meeting of
21 the council shall occur at the beginning of the quarter following appointments to the
22 council.
- 23 (7) A quorum of the council shall consist of seven (7) voting members. A majority of
24 the voting members present may act upon matters before the council.
- 25 (8) Members of the council shall serve without compensation.
- 26 (9) Nothing in KRS 257.472 to 257.476 shall be construed to infringe upon the
27 regulatory authority of:

- 1 (a) The Kentucky Horse Racing Commission to inspect, investigate, and
2 supervise horses and other participants in horse racing and breeders incentive
3 funds as provided by KRS Chapter 230, administrative regulations
4 promulgated under KRS Chapter 230, or any other law applicable to the
5 regulation of horse racing in the Commonwealth;
- 6 (b) The Kentucky Board of Veterinary Examiners to license and certify
7 veterinarians as provided by KRS Chapter 321, administrative regulations
8 promulgated under KRS Chapter 321, or any other law applicable to the
9 regulation of veterinarians in the Commonwealth; or
- 10 (c) The Kentucky Livestock Care Standards Commission to make
11 recommendations to the Board of Agriculture to establish, maintain, or revise
12 standards governing the care and well-being of on-farm livestock and poultry,
13 or any other authority of the commission authorized under this chapter.

14 ➔Section 148. KRS 258.117 is amended to read as follows:

- 15 (1) The Animal Control Advisory Board is hereby created for the purposes of
16 evaluating applications for and reviewing disbursements from the animal control
17 and care fund, creating training programs, and other duties relating to animal
18 control and care in the counties of the Commonwealth. The Animal Control
19 Advisory Board shall promulgate administrative regulations to carry out the
20 provisions of this section.
- 21 (2) The advisory board shall be attached to the Kentucky Department of Agriculture for
22 administrative purposes.
- 23 (3) The advisory board shall be composed of the following members appointed by the
24 Governor, **subject to Senate confirmation in accordance with KRS 11.160 for**
25 **each appointment or reappointment,** as specified:
- 26 (a) Two (2) members selected from a list of three (3) submitted by the Kentucky
27 Animal Control Association;

- 1 (b) Two (2) members selected from a list of three (3) submitted by the Kentucky
2 Veterinary Medical Association;
- 3 (c) Two (2) members selected from a list of three (3) submitted by the Kentucky
4 Farm Bureau;
- 5 (d) Two (2) members selected from a list of three (3) submitted by the Kentucky
6 Association of Counties;
- 7 (e) Two (2) members selected from a list of three (3) submitted by the Kentucky
8 Houndsmen Association; and
- 9 (f) Two (2) members selected from a list of three (3) submitted by the Kentucky
10 League of Cities.
- 11 (4) Appointed members shall serve for a term of four (4) years. Vacancies shall be
12 filled in the same manner as the original appointment for the unexpired portion of
13 the term.
- 14 (5) Members of the advisory board shall receive one hundred dollars (\$100) per day for
15 attendance at meetings and shall be entitled to reimbursement for expenses incurred
16 for travel. No per diem or travel expenses shall be paid except for meetings of the
17 full advisory board.
- 18 (6) The advisory board shall elect one (1) of its members to serve as chair for a term of
19 two (2) years.
- 20 (7) The advisory board shall meet quarterly or upon the call of the chair.
- 21 ➔Section 149. KRS 260.165 is amended to read as follows:
- 22 (1) The Kentucky Grape and Wine Council is hereby created within the Department of
23 Agriculture. The purpose of the council shall be to promote and facilitate the
24 development of a Kentucky-based grape industry in the Commonwealth of
25 Kentucky.
- 26 (2) The council shall be composed of the Commissioner of Agriculture, or his designee,
27 and nine (9) members appointed by the Governor, *subject to Senate confirmation*

1 *in accordance with KRS 11.160 for each appointment or reappointment.* Of the
2 nine (9) gubernatorial appointments, the Governor shall appoint one (1) from a list
3 of three (3) candidates submitted by the director of the University of Kentucky
4 Agriculture Experiment Station, one (1) from a list of three (3) candidates
5 submitted by the secretary of the Tourism, Arts and Heritage Cabinet, three (3)
6 winery operators from a list of six (6) candidates submitted by the Commissioner of
7 Agriculture, two (2) grape producers from a list of four (4) candidates submitted by
8 the Commissioner of Agriculture, and two (2) citizens at large.

9 (3) Of the members appointed after January 1, 2007, three (3) members shall serve a
10 term of one (1) year, two (2) shall serve a term of two (2) years, two (2) shall serve
11 a term of three (3) years, and two (2) shall serve a term of four (4) years, as the
12 Governor designates. Thereafter, appointed members shall serve terms of four (4)
13 years and until their successors are appointed and qualify. A vacancy in an
14 unexpired term shall be filled for the unexpired portion of the term in the same
15 manner as the original appointment to that term.

16 (4) The council shall select a chairman and shall meet at least once every three (3)
17 months at the times and places the chairman designates. Six (6) members present at
18 any meeting shall constitute a quorum. Upon the written request of any five (5)
19 members, the chairman shall call a meeting of the council at the time and place
20 requested.

21 (5) The council may enact bylaws concerning the conduct of the council's business and
22 other administrative procedures as the council deems necessary.

23 (6) Members shall receive no compensation but shall be reimbursed, payable from the
24 Kentucky Grape and Wine Council fund, for any actual travel expense incurred
25 while attending meetings of the council.

26 ➔Section 150. KRS 260.570 is amended to read as follows:

27 (1) There shall be an egg marketing board in the Department of Agriculture. The board

1 shall act in an advisory capacity to the Commissioner in all matters pertaining to the
2 administration of the egg marketing law.

3 (2) The board shall be composed of the Commissioner, chairman ex officio, and six (6)
4 members appointed by the Governor from lists of names submitted by egg
5 producing and marketing organizations within the Commonwealth approved by the
6 Commissioner for the purpose of submitting such lists. Appointments shall be for
7 three (3) years, except that in the case of the members first appointed, two (2)
8 members shall be appointed for one (1) year, two (2) members for two (2) years,
9 and two (2) members for three (3) years. All members shall be residents of the
10 Commonwealth and not more than three (3) shall be of the same political party.
11 **Board members appointed by the Governor shall be subject to Senate**
12 **confirmation in accordance with KRS 11.160 for each appointment or**
13 **reappointment.**

14 (3) The board shall meet at least once each calendar year and at such other times as the
15 Commissioner, acting chairman, or a quorum of the board may deem necessary.
16 The chairman shall serve without additional compensation, but the members shall
17 receive reimbursement for their necessary traveling expenses and the sum of fifty
18 dollars (\$50) per day for each day they attend board meetings, payable out of funds
19 derived from administration of the egg marketing law.

20 ➔Section 151. KRS 262.906 is amended to read as follows:

21 (1) There is hereby created the Purchase of Agricultural Conservation Easement
22 Corporation which shall oversee all issues involving purchases of agricultural
23 conservation easements. The corporation shall be a de jure municipal corporation
24 and political subdivision of the Commonwealth. The corporation shall be a public
25 agency within the meaning of KRS 61.805 and 61.870 and shall be attached for
26 administrative purposes to the Department of Agriculture.

27 (2) (a) The corporation shall be governed by a board of directors, consisting of the

1 following eleven (11) members: four (4) public directors who shall be the
2 Commissioner of the Department of Agriculture, the secretary of the Energy
3 and Environment Cabinet, the dean of the University of Kentucky College of
4 Agriculture, and the chair of the Soil and Water Conservation Commission, or
5 their designees; and seven (7) private directors who shall be appointed by the
6 Governor, subject to Senate confirmation in accordance with KRS 11.160
7 for each appointment or reappointment, as follows:

- 8 1. One (1) private director from each of the six (6) congressional districts;
9 and
 - 10 2. One (1) private director from a list of three (3) persons suggested by the
11 Kentucky Farm Bureau Federation, Inc.
- 12 (b) Initial appointment of the private directors by the Governor shall be for
13 staggered terms.
- 14 (c) No more than four (4) of the private directors shall be from the same political
15 party. Members shall serve a term of four (4) years, with the exception of the
16 initial members, and may be reappointed. Vacancies shall be filled in the same
17 manner as the appointment is made.
- 18 (3) (a) Any member who has an ownership interest in any of the lands eligible for the
19 purchase of an agricultural conservation easement or other property interest
20 and who wishes to apply to sell an easement while serving on the board of
21 directors shall withdraw himself from all board activities prior to application
22 and until the transaction is complete. The Governor shall appoint an interim
23 member to fill the vacancy until the transaction is complete.
- 24 (b) Any person who has previously applied for or sold an agricultural
25 conservation easement may serve on the board.
- 26 (4) Members shall not be compensated for their services but shall be reimbursed for
27 expenses incurred in the performance of their duties.

1 ➔Section 152. KRS 278.702 is amended to read as follows:

2 (1) There is hereby established the Kentucky State Board on Electric Generation and
3 Transmission Siting. The board shall be composed of seven (7) members as
4 follows:

5 (a) The three (3) members of the Kentucky Public Service Commission;

6 (b) The secretary of the Energy and Environment Cabinet or the secretary's
7 designee;

8 (c) The secretary of the Cabinet for Economic Development or the secretary's
9 designee;

10 (d) 1. If the facility subject to board approval is proposed to be located in one
11 (1) county, two (2) ad hoc public members to be appointed by the
12 Governor from a county where a facility subject to board approval is
13 proposed to be located:

14 a. One (1) of the ad hoc public members shall be the chairman of the
15 planning commission with jurisdiction over an area in which a
16 facility subject to board approval is proposed to be located. If the
17 proposed location is not within a jurisdiction with a planning
18 commission, then the Governor shall appoint either the county
19 judge/executive of a county that contains the proposed location of
20 the facility or the mayor of a city, if the facility is proposed to be
21 within a city; and

22 b. One (1) of the ad hoc public members shall be appointed by the
23 Governor and shall be a resident of the county in which the facility
24 is proposed to be located. **The member shall be subject to Senate**
25 **confirmation in accordance with KRS 11.160 for each**
26 **appointment or reappointment.**

27 2. If the facility subject to board approval is proposed to be located in more

1 than one (1) county, two (2) ad hoc public members to be chosen as
2 follows:

3 a. One (1) ad hoc public member shall be the county judge/executive
4 of a county in which the facility is proposed to be located, to be
5 chosen by majority vote of the county judge/executives of the
6 counties in which the facility is proposed to be located; and

7 b. One (1) ad hoc public member shall be a resident of a county in
8 which the facility is proposed to be located, and shall be appointed
9 by the Governor, subject to Senate confirmation in accordance
10 with KRS 11.160 for each appointment or reappointment.

11 If a member has not been chosen by majority vote, as provided in
12 subdivision a. of this subparagraph, by thirty (30) days after the filing of
13 the application, the Governor shall directly appoint the member, subject
14 to the confirmation of the Senate in accordance with KRS 11.160 for
15 each appointment or reappointment.

16 3. Ad hoc public members appointed to the board shall have no direct
17 financial interest in the facility proposed to be constructed.

18 (2) The term of service for the ad hoc members of the board shall continue until the
19 merchant electric generating facility for which they were appointed has been
20 constructed and begins generating electricity for sale or the construction certificate
21 expires. The remaining members of the board shall be permanent members.

22 (3) The board shall be attached to the Public Service Commission for administrative
23 purposes. The commission staff shall serve as permanent administrative staff for the
24 board. The members of the board identified in subsection (1)(a) to (d) of this
25 section shall promulgate administrative regulations in accordance with KRS
26 Chapter 13A to implement KRS 278.700 to 278.716.

27 (4) No member of the board shall receive any salary or fee for service on the board or

1 shall have any financial interest in any facility the application for which comes
2 before the board, but each member shall be reimbursed for actual travel and
3 expenses directly related to service on the board.

4 (5) The chairman of the Public Service Commission shall be the chairman of the board.
5 The chairman shall designate one (1) member of the board as vice chairman. A
6 majority of the members of the board shall constitute a quorum for the transaction
7 of business. No vacancy on the board shall impair the right of the remaining
8 members to exercise all of the powers of the board. The board shall convene upon
9 the call of the chairman.

10 ➔Section 153. KRS 281.900 is amended to read as follows:

11 (1) The Kentucky Motor Carrier Advisory Committee is created as an agency of the
12 Commonwealth to carry out the functions and duties conferred upon it by KRS
13 281.905.

14 (2) The committee shall consist of the secretary of the Transportation Cabinet, the
15 secretary of the Finance and Administration Cabinet, the Speaker of the House, the
16 President of the Senate, or their respective designated representatives, and nine (9)
17 representatives of the motor carrier industry engaged in operations in the
18 Commonwealth in the transportation of persons or property.

19 (3) On July 15, 1990, the Governor shall appoint the motor carrier industry
20 representative to the committee. Members shall be appointed by the Governor for
21 three (3) years, **subject to Senate confirmation in accordance with KRS 11.160 for**
22 **each appointment or reappointment.**~~except that~~ Initial appointments to the board
23 shall be staggered in the following manner:

24 (a) Three (3) members shall serve for a period of one (1) year;

25 (b) Three (3) members shall serve for a period of two (2) years; and

26 (c) Three (3) members shall serve for a period of three (3) years.

27 (4) Motor carrier industry representatives of the committee shall qualify for

1 membership by taking the constitutional oath of office and shall be provided with
2 certificates of appointments. The members of the committee shall serve without per
3 diem or compensation.

4 ➔Section 154. KRS 286.1-013 is amended to read as follows:

5 (1) There is created a Financial Institutions Board. The board shall consist of twelve
6 (12) members appointed by the Governor who shall serve terms of four (4) years,
7 except the initial terms shall be established as hereafter provided. **All members**
8 **appointed by the Governor shall be subject to Senate confirmation in accordance**
9 **with KRS 11.160 for each appointment or reappointment.** It is recommended that
10 the board appointments made by the Governor be selected from the following:

11 (a) Three (3) members selected from the banking industry regulated by the
12 department with appropriate recognition as to bank size and geographic
13 diversity;

14 (b) Three (3) members selected from the broker/dealer securities industry
15 regulated by the department;

16 (c) One (1) member selected from the credit union industry regulated by the
17 department;

18 (d) One (1) member selected from the consumer finance or industrial loan
19 industry regulated by the department;

20 (e) Three (3) members selected from the public at large who are knowledgeable
21 concerning financial institutions, the legislative process and consumer
22 interests, two (2) of whom are not employees, officers, or directors of any
23 financial institution; and

24 (f) The commissioner, who shall also serve as chairman of the board.

25 (2) All members of the board from the banking industry, securities industry, credit
26 union industry, consumer finance, or industrial loan industry shall be persons with
27 practical experience in the industry so represented and currently serving at the

1 executive level of that industry at the time of their appointment.

2 (3) At the first meeting of the board, a drawing by lot shall be conducted to determine
3 the length of each original member's term. Initially, there shall be four (4) four (4)
4 year terms, five (5) three (3) year terms, and two (2) two (2) year terms. Vacancies
5 in the membership of the board shall be filled in the same manner as original
6 appointments. Appointments to fill vacancies occurring before the expiration of a
7 term shall be for the remainder of the unexpired term.

8 (4) No member of the board, other than the commissioner, shall serve more than two
9 (2) consecutive terms on the board.

10 (5) The board shall first meet at the call of the Governor and thereafter as the chairman
11 shall determine at a time and place determined by the chairman. The board may
12 elect other officers for the conduct of its business. A majority of board members
13 shall constitute a quorum, and a decision shall require the majority vote of those
14 present. Each board member shall have one (1) vote, and voting by proxy shall be
15 prohibited.

16 (6) Board members shall receive one hundred dollars (\$100) per diem for each board
17 meeting which they attend and shall be reimbursed for other reasonable and
18 necessary expenses incurred while engaged in carrying out the duties of the board.

19 (7) The board shall:

20 (a) Prepare and submit at the Governor's request a list of candidates qualified to
21 serve as commissioner and recommend to the Governor a proposed salary for
22 each nomination for commissioner;

23 (b) Recommend to the Governor a proposed salary structure for other department
24 staff in order to provide competitive salaries for recruitment and retention of
25 staff;

26 (c) Receive and comment on various reports relating to the department and its
27 activities as submitted to the board by the commissioner or the Governor; and

1 (d) Review, consider and make recommendations to the commissioner on any
2 matters referred to the board by the commissioner or the Governor.

3 (8) In no event shall the board or its members interfere with the statutory duties of the
4 commissioner whose decisions shall be governed by law.

5 ➔Section 155. KRS 304.17A-080 is amended to read as follows:

6 (1) There is hereby created and established a Health Insurance Advisory Council whose
7 duties shall be to review and discuss with the commissioner any issues which
8 impact the provision of health insurance in the state. The advisory council shall
9 consist of ten (10) members: the commissioner plus nine (9) persons appointed by
10 the Governor with the advice of the commissioner to serve two (2) year terms. **All**
11 **members appointed by the Governor shall be subject to Senate confirmation in**
12 **accordance with KRS 11.160 for each appointment or reappointment.** The
13 commissioner shall serve as chair of the advisory council.

14 (2) The nine (9) persons appointed by the Governor with the advice of the
15 commissioner shall be:

16 (a) Two (2) representatives of insurers currently offering health benefit plans in
17 the state;

18 (b) Two (2) practicing health care providers;

19 (c) Two (2) representatives of purchasers of health benefit plans;

20 (d) Two (2) representatives of agents; and

21 (e) One (1) representative from the Division of Health Benefit Exchange.

22 (3) The council shall:

23 (a) Review and discuss the design of the standard health benefit plan;

24 (b) Review and discuss the rate-filing process for all health benefit plans;

25 (c) Review and discuss the administrative regulations concerning this subtitle to
26 be promulgated by the department;

27 (d) Make recommendations on high-cost conditions as provided in KRS 304.17B-

1 033;

2 (e) Review and discuss issues that impact Kentucky Access; and

3 (f) Review and discuss other issues at the request of the commissioner.

4 (4) The advisory council shall be a budgetary unit of the department which shall pay all
5 of the advisory council's necessary operating expenses and shall furnish all office
6 space, personnel, equipment, supplies, and technical or administrative services
7 required by the advisory council in the performance of the functions established in
8 this section.

9 ➔Section 156. KRS 304.17B-003 is amended to read as follows:

10 (1) There is hereby established the Kentucky Health Care Improvement Authority as an
11 agency, instrumentality, and political subdivision of the Commonwealth and a
12 public body corporate and politic with all the powers, duties, and responsibilities
13 conferred upon it by statute and necessary or convenient to carry out its functions.
14 The authority shall be administered by a board of fifteen (15) members and is
15 created to perform the public functions of administering programs financed by the
16 funds appropriated to the authority in conformance with KRS 304.17B-001 to
17 304.17B-031 and any terms and conditions established by the General Assembly as
18 a part of the act appropriating the funds. The members of the board shall consist of
19 the following:

20 (a) The secretary of the Cabinet for Health and Family Services, or the secretary's
21 designated representative, who shall serve as chair;

22 (b) The commissioner of the Department of Insurance, or the commissioner's
23 designated representative, who shall serve as vice chair;

24 (c) Two (2) nonvoting members serving ex officio from the House of
25 Representatives, one (1) of whom shall be appointed by the Speaker of the
26 House and one (1) appointed by the minority floor leader, and who shall serve
27 a term of two (2) years;

- 1 (d) Two (2) nonvoting members serving ex officio from the Senate, one (1) of
2 whom shall be appointed by the President of the Senate and one (1) appointed
3 by the minority floor leader, and who shall serve a term of two (2) years;
- 4 (e) The deans of the University of Louisville School of Medicine and the
5 University of Kentucky College of Medicine, or their designated
6 representatives;
- 7 (f) The commissioner of the Department for Public Health, or the commissioner's
8 designated representative;
- 9 (g) Two (2) representatives of Kentucky health care providers, who shall be
10 appointed by the Governor, subject to Senate confirmation in accordance
11 with KRS 11.160 for each appointment or reappointment; and
- 12 (h) Four (4) citizens at large of the Commonwealth, who shall be appointed by
13 the Governor, subject to Senate confirmation in accordance with KRS
14 11.160 for each appointment or reappointment.
- 15 (2) The terms of office of the initial appointments of the citizen at-large members of the
16 board shall expire one (1), two (2), three (3), and four (4) years respectively from
17 the expiration date of the initial appointment. One (1) of the initial terms of the
18 representatives of health care providers, at least one (1) of whom shall be male and
19 at least one (1) of whom shall be female, shall be for two (2) years and one (1) shall
20 be for four (4) years. All succeeding appointments shall be for four (4) years from
21 the expiration date of the term of the initial appointment. Two (2) of the citizens at
22 large shall be male and two (2) shall be female. Board members shall serve until
23 their successors are appointed.
- 24 (3) In making private sector and citizen-at-large appointments to the board, the
25 Governor shall assure broad geographical and ethnic representation as well as
26 representation from consumers and the major sectors of Kentucky's health care and
27 health insurance businesses. Private sector and citizen-at-large members shall serve

1 without compensation but shall be reimbursed for reasonable and necessary
2 expenses.

3 (4) The authority shall establish procedures for accountability, including the review of
4 expenditures, and develop mechanisms to measure the success of programs that
5 receive allocated funds in accordance with any criteria or instructions provided by
6 the General Assembly. The authority shall be attached to the Cabinet for Health and
7 Family Services for administrative purposes and shall establish advisory boards it
8 deems appropriate, which shall consist of health insurance consumers, health care
9 providers, and insurance company representatives, to assist with oversight of fund
10 expenditures.

11 (5) Grants and funds obtained under KRS 304.17B-001 to 304.17B-031 shall be used
12 for expenditures as follows:

13 (a) Seventy percent (70%) of all moneys in the fund shall be placed into the
14 Kentucky Access fund for the purpose of funding Kentucky Access;

15 (b) Twenty percent (20%) of all moneys in the fund shall be spent on a
16 collaborative partnership between the University of Louisville and the
17 University of Kentucky dedicated to lung cancer research; and

18 (c) Ten percent (10%) of all moneys in the fund shall be used to discourage the
19 use of harmful substances by minors.

20 (6) The authority shall ensure that a public hearing is held on the expenditure of funds
21 allocated under this section, except for funds allocated to the Kentucky Access
22 fund. Advertisement of the public hearing shall be published at least once but may
23 be published two (2) more times, if one (1) publication occurs not less than seven
24 (7) days nor more than twenty-one (21) days before the scheduled date of the public
25 hearing. The authority shall submit an annual report to the Governor and the
26 General Assembly indicating how the funds were used and an evaluation of the
27 program's effectiveness in health care and access to health insurance for Kentucky

1 residents.

2 (7) Neither the authority nor its employees shall be liable for any obligations of any of
3 the programs established under KRS 304.17B-001 to 304.17B-031. No member or
4 employee of the authority shall be liable, and no cause of action of any nature may
5 arise against them, for any act or omission related to the performance of their
6 powers and duties under KRS 304.17B-001 to 304.17B-031, unless the act or
7 omission constitutes willful or wanton misconduct. The authority may provide in its
8 policies and procedures for indemnification of, and legal representation for, its
9 members and employees.

10 (8) The authority shall have all the powers necessary or convenient to carry out and
11 effectuate the purposes and provisions of KRS 304.17B-001 to 304.17B-031,
12 including, but not limited to, retaining the staff it deems necessary for the proper
13 performance of its duties.

14 (9) The authority shall meet at least quarterly and at other times upon call of the chair
15 or a majority of the authority.

16 ➔Section 157. KRS 309.081 is amended to read as follows:

17 (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors
18 consisting of seven (7) members who shall be appointed by the Governor, subject to
19 Senate confirmation in accordance with KRS 11.160 for each appointment or
20 reappointment. One (1) member shall be a citizen at large who is not associated
21 with or financially interested in the practice or business of alcohol and drug
22 counseling, and the six (6) remaining members shall be licensed clinical alcohol
23 and drug counselors or certified alcohol and drug counselors, pursuant to KRS
24 309.080 to 309.089. The board shall elect a chairperson each year at the first
25 meeting called after the appointment of new members.

26 (2) Each member of the board shall serve for a term of four (4) years with a maximum
27 of two (2) full consecutive terms.

- 1 (3) Each counselor member appointed to the board shall be a licensed clinical alcohol
2 and drug counselor or certified alcohol and drug counselor and shall be actively
3 engaged in the practice or teaching of alcohol and drug counseling in Kentucky.
- 4 (4) All reappointments to and vacancies on the board shall be filled by the Governor
5 from a list of three (3) names for each position that shall be submitted by the
6 Kentucky Association of Addiction Professionals. The list shall consist of the three
7 (3) nominees receiving the most votes in an election for each position to be filled.
8 The election shall be administered by the Kentucky Association of Addiction
9 Professionals, and nominations may be submitted by any interested party. The
10 nominees shall be selected by all alcohol and drug counselors licensed or certified
11 under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an
12 unexpired term in the same manner as set out in this subsection.
- 13 (5) The citizen-at-large member shall be disqualified from serving on the board if:
- 14 (a) The member, a person who is a part of the member's household, or the
15 member's relative becomes associated with or financially interested in the
16 business of alcohol and drug counseling, or participates or has participated in
17 a professional field related to alcohol and drug counseling; or
- 18 (b) The member, a person who is a part of the member's household, or the
19 member's relative becomes, or is in training to become, a licensed clinical
20 alcohol and drug counselor or certified alcohol and drug counselor.
- 21 (6) A counselor member of the board shall be disqualified from serving on the board if:
- 22 (a) He or she violates the code of professional ethics or standards of practice
23 established pursuant to KRS 309.0813; or
- 24 (b) He or she ceases to be a licensed clinical alcohol and drug counselor or
25 certified alcohol and drug counselor in Kentucky.
- 26 (7) Board members shall be reimbursed for all reasonable and necessary expenses they
27 incur because of their board duties.

1 ➔Section 158. KRS 309.131 is amended to read as follows:

- 2 (1) There is hereby created the Kentucky Board of Licensure for Professional Art
3 Therapists that shall be attached to the Department of Professional Licensing in the
4 Public Protection Cabinet for administrative purposes. The board shall consist of
5 five (5) members who are United States citizens and have been Kentucky residents
6 for at least five (5) years prior to their appointment. The board membership shall be
7 determined as follows:
- 8 (a) Four (4) members shall be professional art therapists who are licensed
9 pursuant to KRS 309.133, and shall have engaged in art therapy practice for at
10 least five (5) years. These members shall not hold any elected or appointed
11 office in any professional organization of art therapy or closely related field
12 during their tenure on the board; and
- 13 (b) One (1) member shall represent the public. The public member shall not have
14 been licensed or have practiced as a professional art therapist, nor have any
15 significant financial interest, either direct or indirect, in the profession of art
16 therapy.
- 17 (2) All members of the board shall be appointed by the Governor for staggered terms of
18 four (4) years, **and shall be subject to Senate confirmation in accordance with**
19 **KRS 11.160 for each appointment or reappointment.**
- 20 (3) The four (4) professional members shall be appointed from a list of eight (8) names
21 submitted by the board of directors of the Kentucky Art Therapy Association, Inc.,
22 and the one (1) public member shall be a citizen at large. Each member shall hold
23 office until a successor is appointed. Vacancies shall be filled in the same manner
24 as original appointments. No board member shall serve more than two (2)
25 consecutive terms.
- 26 (4) Each board candidate shall be licensed as an art therapist prior to nomination and
27 shall be actively engaged in the practicing or teaching of art therapy, except for the

1 one (1) public member.

2 (5) Members of the board shall receive no compensation, perquisite, or allowance.

3 (6) The board shall elect annually from its membership a chairman, secretary, and other
4 officers as necessary to carry out its duties.

5 (7) The board shall meet at least two (2) times each year. Additional meetings may be
6 called by the chairman, upon the written request of at least two (2) members of the
7 board. A simple majority of the board members shall constitute a quorum of the
8 board.

9 ➔Section 159. KRS 309.302 is amended to read as follows:

10 (1) There is hereby created a board to be known as the "Kentucky Board of Interpreters
11 for the Deaf and Hard of Hearing."

12 (2) The board shall consist of seven (7) members appointed by the Governor as
13 follows:

14 (a) Five (5) practicing interpreters who hold current nationally recognized
15 certification and have at least five (5) years interpreting experience;

16 (b) One (1) deaf interpreter with past or current nationally recognized
17 certification; and

18 (c) One (1) consumer with knowledge about interpreter issues.

19 (3) After the initial term of each appointment, all members shall be appointed for a
20 term of four (4) years.

21 (4) Board members shall not be allowed to succeed themselves but a former member
22 may be reappointed to the board if that member has not served in the preceding four
23 (4) years.

24 (5) The members of the board shall receive no compensation for their services on the
25 board, but they shall be reimbursed for actual and necessary expenses incurred in
26 the performance of their official duties.

27 (6) The board shall annually elect a chairman, a vice chairman, and a secretary-

1 treasurer from the members of the board.

2 (7) The board shall hold at least one (1) meeting annually and additional meetings as
3 the board may deem necessary. The additional meetings may be held upon call of
4 the chairman or upon written request of a quorum. Four (4) members of the board
5 shall constitute a quorum to conduct business.

6 (8) Upon recommendation of the board, the Governor may remove any member of the
7 board for neglect of duty or malfeasance in office.

8 **(9) All board members appointed by the Governor shall be subject to Senate**
9 **confirmation in accordance with KRS 11.160 for each appointment or**
10 **reappointment.**

11 ➔Section 160. KRS 309.329 is amended to read as follows:

12 (1) There is hereby created the Kentucky Board of Licensed Diabetes Educators
13 consisting of five (5) members who shall be appointed by the Governor, **subject to**
14 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
15 **reappointment,** as follows:

16 (a) One (1) member shall be a licensed medical physician with experience in the
17 delivery of diabetes education appointed from a list of three (3) names
18 submitted by the State Board of Medical Licensure;

19 (b) One (1) member shall be a registered nurse with experience in diabetes
20 education appointed from a list of three (3) names submitted by the Kentucky
21 Board of Nursing;

22 (c) One (1) member shall be a pharmacist experienced in diabetes education,
23 licensed under KRS Chapter 315, and appointed from a list of three (3) names
24 submitted by the Kentucky Board of Pharmacy;

25 (d) One (1) member shall be a licensed dietitian or certified nutritionist with
26 experience in diabetes education appointed from a list of three (3) names
27 submitted by the Kentucky Board of Licensure and Certification for Dietitians

1 and Nutritionists; and

2 (e) One (1) member shall be a citizen at large who is not employed in the health
3 care field.

4 One (1) of the members appointed under paragraph (b), (c), or (d) of this subsection
5 shall have completed either the credentialing program of the American Association
6 of Diabetes Educators or the National Certification Board for Diabetes Educators.

7 (2) (a) The Governor shall initially appoint one (1) member and the citizen at large to
8 terms of four (4) years, two (2) members to terms of three (3) years, and one
9 (1) member to a term of two (2) years.

10 (b) All reappointments to the board shall be for terms of four (4) years.

11 (c) No member shall serve more than two (2) consecutive terms and shall serve
12 on the board until his or her successor is appointed.

13 (3) The board shall organize annually and elect one (1) of its members as chair and one
14 (1) of its members as secretary. A quorum of the board shall consist of three (3)
15 members. The board shall meet at least semiannually and upon the call of the chair,
16 or at the request of two (2) or more members to the secretary of the board.

17 (4) The board shall be placed for administrative purposes under the Department of
18 Professional Licensing of the Public Protection Cabinet.

19 ➔Section 161. KRS 309.354 is amended to read as follows:

20 (1) There is created a board to be known as the Kentucky Board of Licensure for
21 Massage Therapy, which shall be an independent agency.

22 (2) The Governor shall appoint seven (7) members to serve on the board with the
23 following representation:

24 (a) Five (5) members who are massage therapists licensed under KRS 309.350 to
25 309.364, who have been in the practice of massage therapy for at least five (5)
26 of the last seven (7) years, and who have been residents of Kentucky for at
27 least one (1) year;

1 (b) Of these five (5), at least one (1) but no more than two (2) shall own or direct
2 a board-approved massage therapy training program or be a designated
3 representative of a school owner or of a school director; and

4 (c) Two (2) members shall be appointed by the Governor and shall serve as
5 members at large who are neither licensed massage therapists nor spouses of
6 persons who are licensed, or have a direct or indirect interest in the profession
7 regulated under KRS 309.350 to 309.364. One (1) of the two (2) may hold a
8 license in another health care profession.

9 (3) Appointments shall be for three (3) years with initial appointments as follows: three
10 (3) appointees shall serve three (3) year terms; two (2) shall serve two (2) year
11 terms; and two (2) shall serve one (1) year terms. The Governor shall assign terms
12 to initial members at his or her discretion.

13 (4) The board shall elect initially, and annually thereafter, a chair, vice chair, and
14 secretary from its membership and shall meet at least once per year, and more often
15 as deemed necessary, at a time and at a place in Kentucky for the board to fulfill its
16 duties.

17 (5) Each member of the board shall receive a per diem not to exceed one hundred
18 dollars (\$100) and other actual and necessary expenses for each day he or she is
19 actually engaged in the discharge of the board's official duties.

20 (6) Upon recommendation of the board, the Governor may remove any member of the
21 board for a poor attendance record, neglect of duty, or malfeasance in office.

22 **(7) Board members appointed by the Governor shall be subject to Senate**
23 **confirmation in accordance with KRS 11.160 for each appointment or**
24 **reappointment.**

25 ➔Section 162. KRS 309.404 is amended to read as follows:

26 (1) There is hereby created the Kentucky Board of Durable Medical Equipment
27 Suppliers that shall be attached for administrative purposes to the Department of

- 1 Professional Licensing in the Public Protection Cabinet. The board shall consist of
2 five (5) members, each appointed by the Governor, **subject to Senate confirmation**
3 **in accordance with KRS 11.160 for each appointment or reappointment.** Four (4)
4 members shall be appointed from a list of three (3) names for each position
5 submitted by the Kentucky Medical Equipment Suppliers Association. One (1)
6 member shall be a citizen at large who is not associated with or financially
7 interested in the practice or business regulated. Any vacancy shall be filled for the
8 unexpired term by the Governor, as provided in the original appointment, **subject to**
9 **Senate confirmation when convened in accordance with KRS 11.160.**
- 10 (2) To be eligible for appointment as a member of the board, a person shall be at least
11 twenty-one (21) years of age, of good moral character, a resident of this state, and a
12 licensed durable medical equipment services provider in this state for at least three
13 (3) consecutive years next preceding the date of his or her appointment.
- 14 (3) The terms of office of each member shall be four (4) years, or until a successor is
15 appointed and qualified.
- 16 (4) The board shall elect one (1) of its members as president and another of its
17 members as secretary. The secretary may, subject to approval by the board, employ
18 and fix the compensation of all personnel required for the administration of KRS
19 309.400 to 309.422. The board may make all rules and promulgate all
20 administrative regulations, not inconsistent with KRS 309.400 to 309.422, that are
21 necessary to implement and carry out the provisions and purposes of KRS 309.400
22 to 309.422.
- 23 (5) The board shall hold meetings at least twice a year and as frequently as it deems
24 necessary at a time and place within the Commonwealth as the board may
25 designate. A majority of the members shall constitute a quorum.
- 26 (6) The board may sue and be sued in its own name.
- 27 (7) Members of the board shall be immune from suit in any civil or criminal action

1 which is based upon any official act or acts performed by them in good faith as
2 members of the board.

3 (8) Members of the board shall receive no compensation for their services, but shall be
4 paid for actual travel and other expenses incurred in connection with the
5 performance of their duties and the business of the board.

6 (9) The board may utilize any materials, services, or facilities as may be made available
7 to it by other state agencies or may contract therefor, to the extent as the board in its
8 discretion may determine.

9 ➔Section 163. KRS 309.432 is amended to read as follows:

10 (1) The Kentucky Board of Radon Safety is hereby created and shall be attached to the
11 Department of Professional Licensing in the Public Protection Cabinet for
12 administrative purposes. Each member of the board shall be a citizen and resident
13 of the Commonwealth of Kentucky. The board shall consist of seven (7) members
14 as follows:

15 (a) Four (4) members shall be either a radon measurement contractor, a radon
16 mitigation contractor, or a person associated with a radon laboratory
17 conducting laboratory analysis and shall be appointed by the Governor from a
18 list of six (6) names submitted to the Governor by the Kentucky Association
19 of Radon Professionals;

20 (b) One (1) nonvoting member shall be a representative of the home building
21 industry and shall be appointed by the Governor from a list of three (3) names
22 submitted to the Governor by the Home Builders Association of Kentucky;

23 (c) One (1) nonvoting member shall be a real estate salesperson or broker
24 licensed under KRS Chapter 324 and shall be appointed by the Governor from
25 a list of three (3) names submitted to the Governor by the Kentucky
26 Association of Realtors; and

27 (d) One (1) member shall be a representative of a public health organization and

1 shall be appointed by the Governor from a list of three (3) names submitted to
2 the Governor by the Kentucky Cancer Consortium.

3 (2) (a) To be eligible for initial appointment as a member of the board under
4 subsection (1)(a) of this section, a person shall have been actively engaged in
5 the practice of radon measurement, mitigation, or laboratory analysis for not
6 less than three (3) years immediately preceding the date of appointment to the
7 board.

8 (b) Upon expiration of the initial appointments, to be eligible for appointment as
9 a member of the board under subsection (1)(a) of this section, a person shall
10 have been actively engaged in the practice of radon measurement, mitigation,
11 or laboratory analysis for not less than three (3) years immediately preceding
12 the date of the appointment to the board and hold a valid certification as a
13 radon measurement contractor or radon mitigation contractor, or be associated
14 with a radon laboratory with a valid certification.

15 (3) The Governor shall initially appoint two (2) members for a term of four (4) years,
16 two (2) members for a term of three (3) years, and one (1) member for a term of
17 two (2) years. All appointments shall expire on June 30 of the last year of the terms.
18 Thereafter, members shall be appointed for terms of four (4) years. Members shall
19 serve until their successors are appointed.

20 **(4) All members appointed by the Governor shall be subject to Senate confirmation**
21 **in accordance with KRS 11.160 for each appointment or reappointment.**

22 ~~(5)~~~~(4)~~ Upon recommendation of the board, the Governor may remove any member
23 of the board appointed by the Governor for poor attendance, neglect of duty,
24 misfeasance, or malfeasance in office.

25 ~~(6)~~~~(5)~~ Vacancies in the membership of the board for any cause shall be filled by
26 appointment by the Governor for the balance of the unexpired term.

27 ~~(7)~~~~(6)~~ A majority of the voting board members shall constitute a quorum to do

1 business. The board shall meet at least once each calendar year or at other times
2 deemed necessary by the chairperson or a quorum of the board upon being given a
3 minimum of ten (10) days' notice at a location designated by the chairperson or a
4 quorum of the board.

5 ~~(8)~~~~(7)~~ The board shall elect a chairperson and a vice chairperson. The chairperson
6 shall preside at all meetings at which the chairperson is present. The vice
7 chairperson shall preside at all meetings in the absence of the chairperson.

8 ~~(9)~~~~(8)~~ If the chairperson and vice chairperson are absent from a meeting of the board
9 when a quorum exists, the members who are present may elect a presiding officer
10 who shall serve as acting chairperson until the conclusion of the meeting or until the
11 arrival of the chairperson or vice chairperson.

12 ~~(10)~~~~(9)~~ Members of the board shall be immune from suit for any discretionary act
13 performed by them in good faith.

14 ~~(11)~~~~(10)~~ Each member of the board shall be reimbursed for costs for actual travel and
15 for incidental, clerical, and all other actual and necessary expenses incurred in the
16 discharge of official duties associated with the board, as prescribed by the board
17 through the promulgation of an administrative regulation.

18 ➔Section 164. KRS 310.040 is amended to read as follows:

19 (1) The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
20 is hereby created to be comprised of seven (7) members appointed by the Governor,
21 subject to Senate confirmation in accordance with KRS 11.160 for each
22 appointment or reappointment. Three (3) members shall be licensed dietitians,
23 three (3) members shall be certified nutritionists and one (1) member shall be a
24 public member who shall have no pecuniary interest in the nutrition field. Of the
25 members from the nutrition field, one (1) shall represent hospitals, one (1) shall
26 represent health care facilities other than hospitals, one (1) shall represent state or
27 local nutritional programs or shall be in private practice and one (1) shall be a

1 dietetic educator. Appointments may be made from a list of nominees submitted to
2 the Governor by the Kentucky Dietetic Association, the Kentucky Hospital
3 Association, the Kentucky Association of Health Care Facilities, and the Kentucky
4 Medical Association.

5 (2) Each member of the board shall serve for a term of four (4) years, except that for
6 initial appointments, one (1) shall be for four (4) years, two (2) shall be for three (3)
7 years, and two (2) shall be for two (2) years and one (1) shall be for one (1) year.
8 No member shall serve more than two (2) consecutive terms and each member on
9 July 15, 1994, shall serve on the board until his successor is appointed. Vacancies
10 shall be filled by appointment of the Governor for the unexpired term.

11 (3) The board shall organize annually and elect one (1) of its members as chairman and
12 one (1) of its members as secretary. A quorum of the board shall consist of four (4)
13 members. The board shall meet at least quarterly and upon the call of the chairman,
14 or at the request of two (2) or more members to the secretary of the board.

15 (4) Each member of the board shall receive compensation for services in an amount
16 determined by the department, not to exceed one hundred dollars (\$100) dollars per
17 meeting. The members shall be reimbursed for all travel expenses for attending the
18 meetings of the board. The compensation of members and employees of the board
19 shall be paid from the revolving fund established in KRS 310.041(7).

20 ➔Section 165. KRS 311.410 is amended to read as follows:

21 (1) There is hereby created in the government of the Commonwealth a State Board of
22 Podiatry which shall consist of five (5) members, each appointed by the Governor.
23 **Members appointed by the Governor shall be subject to Senate confirmation in**
24 **accordance with KRS 11.160 for each appointment or reappointment.** Four (4)
25 members shall be appointed from lists of three (3) names for each position
26 submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen
27 at large who is not associated with or financially interested in the practice or

1 business regulated. Any vacancy shall be filled for the unexpired term by the
2 Governor, as provided in the original appointment.

3 (2) A person to be eligible for appointment as a podiatrist member of the board shall be
4 at least twenty-one (21) years of age, of good moral character, a resident of this
5 state, and a licensed practicing podiatrist in this state for at least five (5)
6 consecutive years next preceding the date of his appointment. No member of the
7 board shall be a stockholder, officer or member of the faculty or board of trustees of
8 any school, college or institution of podiatry or chiropody.

9 (3) The terms of office of each member shall be four (4) years, or until his successor
10 shall be appointed and qualified.

11 (4) The board shall elect one (1) of its members as president and another of its
12 members as secretary. The secretary may, subject to approval by the board, employ
13 and fix the compensation of all personnel required for the administration of KRS
14 311.390 to 311.510. The board may make all rules and regulations, not inconsistent
15 with KRS 311.390 to 311.510, as may be necessary to implement and carry out the
16 provisions and purposes of KRS 311.390 to 311.510.

17 (5) The board shall hold meetings at least twice a year and as frequently as it deems
18 necessary at such times and places as the board may designate. A majority of the
19 members shall constitute a quorum.

20 (6) The board may sue and be sued in its own name.

21 (7) Members of the board shall be immune from suit in any civil or criminal action
22 which is based upon any official act or acts performed by them in good faith as
23 members of the board.

24 ➔Section 166. KRS 311.530 is amended to read as follows:

25 (1) There is hereby created in state government an independent board to be known as
26 the State Board of Medical Licensure which shall exercise all medical and
27 osteopathic licensure functions heretofore exercised by the State Board of Health.

1 The offices of the board shall be maintained at such place as is designated by the
2 board.

3 (2) The board shall consist of fifteen (15) members, including the commissioner of
4 public health, the dean of the University of Kentucky College of Medicine, the vice
5 dean for clinical affairs of the University of Louisville School of Medicine, the dean
6 of the University of Pikeville School of Osteopathic Medicine, and eleven (11)
7 members appointed by the Governor. **Members appointed by the Governor shall be**
8 **subject to Senate confirmation in accordance with KRS 11.160 for each**
9 **appointment or reappointment.**

10 (3) Of the Governor's appointees:

11 (a) One (1) member shall be a licensed osteopathic physician and shall be
12 appointed from a list of three (3) names submitted by the Kentucky
13 Osteopathic Medical Association;

14 (b) Seven (7) members shall be licensed medical physicians and shall be
15 appointed from a list of three (3) names submitted for each position by the
16 Kentucky Medical Association; and

17 (c) Three (3) members shall be citizens at large who are representatives of any
18 recognized consumer advocacy groups with an interest in the delivery of
19 health care and are not associated with or financially interested in the practice
20 or business regulated.

21 ➔Section 167. KRS 311.901 is amended to read as follows:

22 (1) The board shall promulgate administrative regulations in accordance with KRS
23 Chapter 13A relating to the licensure and regulation of athletic trainers. The
24 regulations shall include but shall not be limited to:

25 (a) The establishment of fees;

26 (b) Procedures for eligibility and credentialing;

27 (c) Procedures for licensure renewal and reinstatement;

- 1 (d) Procedures for complaints and disciplinary actions;
- 2 (e) A code of ethical standards;
- 3 (f) Standards of practice;
- 4 (g) The objectives of athletic training;
- 5 (h) Procedures for name and contact information changes;
- 6 (i) Procedures for licensure renewal and reinstatement of active duty military
- 7 individuals;
- 8 (j) Procedures for documentation standards;
- 9 (k) Requirements for foreign-trained athletic trainers;
- 10 (l) Requirements for medication formularies;
- 11 (m) Requirements for invasive procedures; and
- 12 (n) Continuing education requirements.
- 13 (2) There is hereby created the Kentucky Athletic Trainers Advisory Council,
- 14 composed of ten (10) members appointed by the Governor. **All members appointed**
- 15 **by the Governor shall be subject to Senate confirmation in accordance with KRS**
- 16 **11.160 for each appointment or reappointment.** The council shall review and make
- 17 recommendations to the board regarding all matters relating to athletic trainers that
- 18 come before the board, including but not limited to:
- 19 (a) Applications for athletic training licensure;
- 20 (b) Licensure renewal requirements;
- 21 (c) Approval of supervising physicians;
- 22 (d) Disciplinary investigations or action, when specifically requested by one (1)
- 23 of the board's panels established under KRS 311.591; and
- 24 (e) Promulgation of administrative regulations.
- 25 (3) Except for initial appointments, members of the council shall be appointed by the
- 26 board for four (4) year terms and shall consist of:
- 27 (a) Five (5) practicing licensed athletic trainers who shall each be selected by the

- 1 board from a list of three (3) licensed athletic trainers submitted by the
2 Kentucky Athletic Trainers Society, Inc. for each vacancy;
- 3 (b) Three (3) supervising physicians selected by the board from a list of three (3)
4 physicians licensed by the board submitted by the Kentucky Medical
5 Association for each vacancy;
- 6 (c) One (1) physician member of the board; and
- 7 (d) One (1) citizen at large.
- 8 (4) The chair of the council shall be elected by a majority vote of the council members
9 and shall preside over meetings. The meetings shall be held quarterly and may be
10 held online or by telephone conference call. Additional meetings may be held on
11 the call of the chair or upon the written request of four (4) council members.
- 12 (5) Initial appointments shall be for staggered terms. Three (3) members shall serve a
13 four (4) year term, two (2) members shall serve a three (3) year term, two (2)
14 members shall serve a two (2) year term, and two (2) members shall serve a one (1)
15 year term.
- 16 (6) Members of the council shall not be compensated for their service but shall receive
17 reimbursement for expenditures relating to attendance at committee meetings,
18 consistent with state policies for the reimbursement of travel expenses for state
19 employees.
- 20 (7) A council member may be removed by the board for good cause or if he or she
21 misses two (2) consecutive council meetings without good cause.
- 22 (8) Upon the death, resignation, or removal of any member, the vacancy for the
23 unexpired term shall be filled by the board in the same manner as the original
24 appointment.
- 25 (9) The quorum required for any meeting of the council shall be six (6) members. No
26 action by the council or its members shall have any effect unless a quorum of the
27 council approves the action.

1 (10) The board shall not be required to implement or adopt the recommendations of the
2 council.

3 ➔Section 168. KRS 311A.015 is amended to read as follows:

4 (1) There is hereby created an independent agency of the state government to be known
5 as the Kentucky Board of Emergency Medical Services.

6 (2) The board shall consist of the following members, who shall be residents of
7 Kentucky:

8 (a) One (1) physician licensed in Kentucky who serves as the medical director for
9 an ambulance provider and is board-certified in emergency medicine
10 appointed by the Governor from a list of three (3) physicians submitted by the
11 Kentucky Medical Association or the Kentucky Chapter of the American
12 College of Emergency Physicians;

13 (b) One (1) physician licensed in Kentucky who is routinely involved in the
14 emergency care of ill or injured children appointed by the Governor from a
15 list of three (3) physicians submitted by the Kentucky Medical Association or
16 the Kentucky Chapter of the American College of Emergency Physicians;

17 (c) One (1) local government representative appointed by the Governor from a
18 list of three (3) individuals submitted by the Kentucky League of Cities;

19 (d) One (1) local government representative appointed by the Governor from a
20 list of three (3) individuals submitted by the Kentucky Association of
21 Counties;

22 (e) One (1) licensed or certified emergency medical services field provider who is
23 primarily employed by a hospital-based health care facility appointed by the
24 Governor from a list of three (3) individuals submitted by the Kentucky
25 Hospital Association;

26 (f) One (1) licensed or certified emergency medical services field provider
27 appointed by the Governor from a list of three (3) individuals submitted by

- 1 the Kentucky Ambulance Providers Association;
- 2 (g) One (1) licensed or certified emergency medical services field provider
- 3 appointed by the Governor from a list of three (3) individuals submitted by
- 4 the Kentucky Professional Fire Fighters;
- 5 (h) One (1) licensed or certified emergency medical services field provider
- 6 appointed by the Governor from a list of three (3) individuals submitted by
- 7 the Kentucky Association of Fire Chiefs;
- 8 (i) One (1) licensed or certified emergency medical services educator appointed
- 9 by the Governor;
- 10 (j) One (1) licensed or certified emergency medical services field provider
- 11 appointed by the Governor from a list of three (3) air medical transportation
- 12 providers based in Kentucky submitted by the Kentucky Chapter of the
- 13 Association of Air Medical Services;
- 14 (k) One (1) hospital administrator appointed by the Governor from a list of three
- 15 (3) individuals submitted by the Kentucky Hospital Association;
- 16 (l) One (1) citizen at large appointed by the Governor who is not associated with
- 17 or financially interested in the delivery of medical or emergency services; and
- 18 (m) The secretary of the Cabinet for Health and Family Services or his or her
- 19 designee.

20 **(3) Members appointed by the Governor shall be subject to Senate confirmation in**

21 **accordance with KRS 11.160 for each appointment or reappointment.**

22 ~~(4)~~~~(3)~~ Members shall serve for a term of four (4) years, may be reappointed, and

23 shall serve no more than two (2) consecutive terms. A member appointed to a

24 partial term vacancy exceeding two (2) years shall be deemed to have served a full

25 term. A former member may be reappointed following an absence of at least one (1)

26 term.

27 ~~(5)~~~~(4)~~ The board shall:

- 1 (a) Meet at least six (6) times a year; and
- 2 (b) At the first meeting of the board after September 1 of each year, elect a chair
3 and vice chair by majority vote of the members present and set a schedule of
4 six (6) regular meetings for the next twelve (12) month period.
- 5 ~~(6)~~~~(5)~~ The board shall adopt a quorum and rules of procedure by administrative
6 regulation.
- 7 ~~(7)~~~~(6)~~ (a) A member of the board who misses three (3) regular meetings in a
8 twelve (12) month period shall be deemed to have resigned from the board
9 and his or her position shall be deemed vacant.
- 10 (b) The failure of a board member to attend a special or emergency meeting shall
11 not result in any penalty.
- 12 (c) The Governor shall appoint a person with the same professional qualifications
13 to fill the vacancy within ninety (90) days.
- 14 (d) The person removed under this subsection shall not be reappointed to the
15 board for at least ten (10) years.
- 16 ~~(8)~~~~(7)~~ Members of the board shall be entitled to reimbursement for actual and
17 necessary expenses when carrying out official duties of the board in accordance
18 with state administrative regulations relating to travel reimbursement.
- 19 ~~(9)~~~~(8)~~ The board shall submit a report to the General Assembly by September 1 of
20 each year. The report shall include but not be limited to:
- 21 (a) A detailed list of income and expenses of the board;
- 22 (b) A detailed summary of data collected on the number of complaints against
23 individuals certified or licensed by the board and emergency medical services
24 training institutions approved by the board, and the disposition of those
25 complaints;
- 26 (c) An accounting of all new administrative regulations and amendments to
27 administrative regulations promulgated by the board; and

1 (d) Recommendations for changes in administrative regulations, board policies,
2 and statutes.

3 ➔Section 169. KRS 311B.030 is amended to read as follows:

4 (1) The Kentucky Board for Medical Imaging and Radiation Therapy is hereby created
5 to promote, preserve, and protect the public health, safety, and welfare of the
6 citizens of the Commonwealth of Kentucky by regulating and licensing individuals
7 who use ionizing or nonionizing radiation as advanced imaging professionals,
8 medical imaging technologists, radiographers, radiation therapists, nuclear medicine
9 technologists, limited X-ray machine operators, or any combination of professions
10 licensed under this chapter. The board shall consist of nine (9) members appointed
11 by the Governor, with the following qualifications:

12 (a) Two (2) members shall be licensed radiographers whose primary work
13 responsibilities are related to general diagnostic radiography;

14 (b) Two (2) members shall be licensed radiographers with a post-primary
15 certification and whose primary work responsibilities are related to that post-
16 primary certification;

17 (c) One (1) member shall be a licensed nuclear medicine technologist;

18 (d) One (1) member shall be a licensed radiation therapist;

19 (e) One (1) member shall be a licensed limited X-ray machine operator;

20 (f) One (1) member shall be a licensed medical imaging technologist or therapist
21 who serves as an educator in an accredited program or as an administrator in a
22 medical imaging or radiation therapy department; and

23 (g) One (1) member shall be an individual at-large from the general public with
24 no family or business relation to health care but with an interest in the rights
25 of consumers of health services.

26 (2) All board members, except the at-large member, shall have at least five (5) years of
27 experience in their respective areas of certification or licensure and shall maintain

1 active registry or certification and Kentucky licensure in medical imaging or
2 radiation therapy during the term as a board member. Each board member shall be a
3 resident of Kentucky or actively employed in medical imaging or radiation therapy
4 in Kentucky, and shall be in good standing with the board.

5 (3) (a) By May 1 of years in which terms expire, nominations of individuals for
6 appointment to the board shall be submitted to the Governor and may be made
7 by citizens of the Commonwealth of Kentucky through the Kentucky Society
8 of Radiologic Technologists, the Kentucky Society of Nuclear Medicine
9 Technologists, the board, or other professional imaging or radiation therapy
10 organizations that are recognized by the board.

11 (b) No two (2) board members shall be residents of the same county.

12 (c) A minimum of two (2) names per appointment shall be submitted to the
13 Governor.

14 **(d) All appointments made by the Governor shall be subject to Senate**
15 **confirmation in accordance with KRS 11.160 for each appointment or**
16 **reappointment.**

17 (4) The Governor shall make each appointment by September 1 for terms beginning
18 November 1 of that same year. The initial terms of appointment shall be staggered
19 with five (5) members appointed for four (4) years and four (4) members appointed
20 for two (2) years. Thereafter, members shall be appointed to the board for terms of
21 four (4) years, expiring on October 31 of the fourth year. A board member may
22 serve two (2) consecutive appointments. After a second consecutive appointment,
23 that individual may not be reappointed until at least one (1) full year has passed.

24 ➔Section 170. KRS 312.025 is amended to read as follows:

25 The Kentucky State Board of Chiropractic Examiners shall consist of five (5) members,
26 appointed by the Governor, **subject to Senate confirmation in accordance with KRS**
27 **11.160 for each appointment or reappointment,** who shall be doctors of chiropractic of

1 integrity and ability who at the time of their appointment have been actual residents of
2 the State of Kentucky for at least two (2) years next preceding their appointment and
3 have been engaged in the actual practice of chiropractic for at least five (5) years next
4 preceding their appointment.

5 ➔Section 171. KRS 313.020 is amended to read as follows:

- 6 (1) The Kentucky Board of Dentistry shall consist of ten (10) members, each appointed
7 by the Governor to a four (4) year term, who shall be subject to Senate
8 confirmation in accordance with KRS 11.160 for each appointment or
9 reappointment. Seven (7) members of the board shall be licensed dentists appointed
10 from a list of three (3) names recommended for each board position by the resident
11 licensed dentists of Kentucky at an annual election at a time selected by the
12 Kentucky Board of Dentistry. Two (2) members of the board shall be dental
13 hygienists licensed to practice dental hygiene in the Commonwealth. Each
14 appointment to the board of a licensed dental hygienist shall be made from a list of
15 three (3) names recommended for this position by the resident licensed dental
16 hygienists of Kentucky at an annual election at a time selected by the board. One
17 (1) member shall be a citizen at large who is not associated with or financially
18 interested in the practice or business regulated. One (1) nonvoting ex officio
19 representative from each the University of Kentucky and the University of
20 Louisville shall represent the dental schools' interests. One (1) nonvoting ex officio
21 representative from a hygiene program not associated with the University of
22 Kentucky or the University of Louisville shall represent the dental hygiene
23 programs' interests. The hygiene school seats shall rotate on a yearly basis. One (1)
24 nonvoting ex officio representative from the Department for Public Health shall
25 represent the department's interests.
- 26 (2) Individuals seeking board appointment, other than the citizen member, shall have
27 been an actual resident and licensed practicing dentist or dental hygienist of the

1 Commonwealth for not less than five (5) years immediately preceding his or her
2 appointment to the board, be in good standing with the board, and shall not have
3 been disciplined by the board in the past eight (8) years. A voting member shall not
4 receive compensation from or have a financial interest in any dental college or
5 dental department of any institution of learning, dental supply business, or any
6 entity over which the board has regulatory authority or sets standards for. For this
7 subsection alone, a private admonishment shall not count as discipline.

8 (3) No board member shall serve more than two (2) consecutive terms. A member
9 appointed to a partial term vacancy exceeding two (2) years shall be deemed to
10 have served one (1) full term. A former member may be reappointed following an
11 absence of one (1) term.

12 (4) The board shall annually:

13 (a) Meet at least four (4) times a year;

14 (b) At the first meeting of the board after July 1, elect officers of the board by
15 majority vote of the members present; and

16 (c) Set a schedule of at least four (4) regular meetings for the next twelve (12)
17 month period.

18 (5) A majority of the voting members of the board shall constitute a quorum for the
19 transaction of business.

20 (6) (a) A member of the board who misses three (3) regular meetings in one (1) year
21 shall be deemed to have resigned from the board, and his or her position shall
22 be deemed vacant.

23 (b) The failure of a board member to attend a special or emergency meeting shall
24 not result in any penalty.

25 (c) The year specified in paragraph (a) of this subsection shall begin with the first
26 meeting missed and end three hundred sixty-five (365) days later or with the
27 third meeting missed, whichever occurs earlier.

1 (d) The Governor shall appoint a person of the same class to fill the vacancy
2 within ninety (90) days.

3 (e) A person removed under this subsection shall not be reappointed to the board
4 for four (4) years.

5 (7) Each voting member of the board shall receive any necessary expenses incurred in
6 attending its meetings. Each voting member shall receive as compensation two
7 hundred dollars (\$200) for each day actually engaged in the duties of his or her
8 office.

9 (8) Annual reports and recommendations from the board shall be sent by February 1
10 each year to the Governor and the General Assembly.

11 ➔Section 172. KRS 314A.200 is amended to read as follows:

12 (1) There is hereby created a Board of Respiratory Care which shall consist of seven
13 (7) voting members appointed by the Governor, **subject to Senate confirmation in**
14 **accordance with KRS 11.160 for each appointment or reappointment.**

15 (a) Four (4) members shall be respiratory care practitioners holding a valid
16 mandatory certificate and practicing in Kentucky;

17 (b) Two (2) members shall be pulmonologists who are licensed and practicing
18 physicians in Kentucky; and

19 (c) One (1) member shall be a citizen at large who is not associated with or
20 financially interested in respiratory care.

21 (2) Members shall be appointed to the board for terms of three (3) years, expiring on
22 October 30 of the third year. No person shall be appointed to serve more than two
23 (2) consecutive terms.

24 (3) By May 30 of years in which respiratory care practitioner terms expire, the
25 Kentucky Society for Respiratory Care shall submit to the Governor a list of names
26 of candidates qualified for the appointment of respiratory care practitioner, in
27 numbers not less than twice the numbers of appointments to be made, from which

1 the Governor shall make each appointment or appointments by October 31 of that
2 year. The Governor shall also appoint the pulmonologist and citizen at-large
3 members by October 31 of any year in which a term expires.

4 (4) A vacancy on the board shall be filled by the Governor as provided under
5 subsection (1) of this section. The appointment shall be for the remaining portion of
6 the member's term.

7 (5) The Governor or board may remove a member from the board for cause or as
8 provided under administrative regulations promulgated by the board in accordance
9 with KRS Chapter 13A.

10 (6) The board shall reorganize annually and select a chairperson. Four (4) voting
11 members of the board shall constitute a quorum to do business. The board shall
12 hold at least one (1) regular meeting each year. Additional meetings may be held
13 upon the call of the chairperson or at the written request of any two (2) members of
14 the board. All meetings of the board shall be open and public to the extent permitted
15 by law.

16 ➔Section 173. KRS 315.150 is amended to read as follows:

17 (1) The board shall consist of six (6) members appointed by the Governor, subject to
18 Senate confirmation in accordance with KRS 11.160 for each appointment or
19 reappointment. Five (5) members shall be pharmacists licensed in this state. One
20 (1) member shall be a citizen at large, who is not associated with or financially
21 interested in the practice of pharmacy.

22 (2) In any calendar year scheduled to be the last full calendar year of a member's
23 regular term in office, the association shall select and submit to the Governor a list
24 of five (5) pharmacists, each of whom has had at least five (5) years' experience in
25 the practice of pharmacy, is a resident of the state and in good standing with the
26 board. On or before March 1 of the same year, the society, other state pharmacy
27 organizations, or individuals may submit recommendations to the association for its

1 consideration in selecting the list to be submitted. The Governor shall, before
2 October 1 of the same year, appoint no more than two (2) persons from each list so
3 submitted, to take office on January 1 following. The citizen member shall be
4 appointed by the Governor. No two (2) pharmacist members of the board shall be
5 residents of the same county.

6 (3) Beginning January 1, 2005, the term of each board member shall be four (4) years.
7 Each member shall serve until his or her successor is appointed and qualified,
8 unless removed for cause. No member shall be appointed to serve for more than
9 two (2) full terms.

10 (4) The Governor shall fill any vacancy of a pharmacist member from the names last
11 submitted within sixty (60) days after such a vacancy occurs. Any member so
12 appointed shall commence service at the next regularly-scheduled board meeting
13 and shall serve for the remainder of the term vacated.

14 (5) Each member shall take and subscribe to an oath before a competent officer to
15 perform the duties of the office faithfully and impartially. The oath shall be
16 inscribed upon the member's commission.

17 (6) Four (4) members of the board shall constitute a quorum.

18 ➔Section 174. KRS 316.170 is amended to read as follows:

19 (1) The board shall consist of five (5) members who shall be residents of the
20 Commonwealth of Kentucky. Four (4) members shall be Kentucky-licensed
21 embalmers and Kentucky-licensed funeral directors actively practicing embalming
22 and funeral directing in a Kentucky funeral establishment and shall have a
23 minimum of ten (10) years' consecutive experience in the practice of embalming
24 and funeral directing in Kentucky immediately preceding their appointment. One
25 (1) member shall be a citizen at large who is not associated with or financially
26 interested in the practice or business regulated.

27 (2) The Governor shall make all appointments to the board, subject to Senate

1 **confirmation in accordance with KRS 11.160 for each appointment or**
2 **reappointment.** The four (4) embalmer and funeral director members shall be
3 appointed from a list of three (3) names submitted by the Funeral Directors
4 Association of Kentucky and from a list of three (3) names submitted by the
5 Kentucky Association of Morticians, Inc., for each position to be filled.

6 (3) The term of each member shall be four (4) years. Each member shall serve until a
7 successor is appointed and qualified.

8 (4) Vacancies on the board shall be filled in the same manner for the unexpired terms.

9 (5) Each board member shall receive compensation as set forth in administrative
10 regulation, not to exceed two hundred dollars (\$200) for each day of service
11 actually given in carrying out the board's duties and shall be reimbursed for
12 necessary traveling expenses and other necessary expenses incurred in attending
13 board meetings and carrying out the board's duties.

14 (6) The board shall elect annually a president from its members.

15 (7) The board shall meet as often as necessary to discharge its duties, but not less than
16 once a year.

17 (8) Three (3) members shall constitute a quorum.

18 ➔Section 175. KRS 317.430 is amended to read as follows:

19 (1) There is hereby created an independent agency of the state government to be known
20 as the Kentucky Board of Barbering, which shall have complete supervision over
21 the administration of the provisions of this chapter relating to barbers, barbering,
22 barber shops, independent contract owners, barber schools, and the teaching of
23 barbering.

24 (2) The board shall be composed of five (5) members appointed by the Governor, **each**
25 **of whom shall be subject to Senate confirmation in accordance with KRS 11.160**
26 **for each appointment or reappointment.** Four (4) members shall be barbers
27 holding a valid license and practicing in Kentucky. One (1) member shall be a

1 citizen at large who is not associated with or financially interested in barbering. At
2 all times in the filling of vacancies of membership on the barber board, this balance
3 of representation shall be maintained.

4 (3) The two (2) members appointed to fill the terms beginning on February 1, 2008,
5 shall serve until February 1, 2011, and the three (3) members appointed to fill the
6 terms beginning on February 1, 2007, shall serve until February 1, 2010. All
7 subsequent appointments shall be for a term of three (3) years, with terms ending on
8 February 1.

9 (4) The Governor shall not remove any member of the board except for cause.

10 (5) The board shall elect from its members one (1) to serve as chairman, one (1) to
11 serve as vice chairman, and a third to serve as secretary.

12 (6) Three (3) members shall constitute a quorum for the transaction of business.

13 (7) In addition to the other qualifications specified in this section, barber members of
14 the board shall be at least twenty-three (23) years of age, citizens of the United
15 States, residents of Kentucky, and must have engaged in the practice of barbering in
16 this state for a period of at least five (5) years.

17 (8) No member of the board shall be financially interested in, or have any financial
18 connection with, any barber or cosmetology school, wholesale cosmetic or barber
19 supply or equipment business, nor shall any member of the barber board teach
20 barbering, cosmetology, or manicuring for monetary considerations.

21 (9) Each member of the board shall receive a compensation of one hundred dollars
22 (\$100) per day for each day of attendance at a meeting of the board, and shall be
23 reimbursed for necessary traveling expenses.

24 (10) The board shall hold its meetings within the state and when deemed necessary by
25 the board to discharge its duties.

26 ➔Section 176. KRS 317A.030 is amended to read as follows:

27 (1) There is created an independent agency of the state government to be known as the

1 Kentucky Board of Cosmetology, which shall have complete supervision over the
2 administration of the provisions of this chapter relating to cosmetology,
3 cosmetologists, schools of cosmetology, or esthetic practices or nail technology,
4 students, estheticians, nail technicians, instructors of cosmetology, instructors of
5 esthetic practices, or instructors of nail technology, cosmetology salons, esthetic
6 salons, and nail salons.

7 (2) The board shall be composed of five (5) members appointed by the Governor as
8 follows:

9 (a) Four (4) of the members shall have been cosmetologists five (5) years prior to
10 their appointment and shall reside in Kentucky:

11 1. Two (2) of whom shall be cosmetology salon owners;

12 2. One (1) of whom shall be a cosmetology teacher in public education and
13 shall not own any interest in a cosmetology salon; and

14 3. One (1) of whom shall be an owner of or one who shall have a financial
15 interest in a licensed cosmetology school and shall be a member of a
16 nationally recognized association of cosmetologists;

17 (b) One (1) member shall be a citizen at large who is not associated with or
18 financially interested in the practices or businesses regulated; and

19 (c) None of whom nor the executive director shall be financially interested in, or
20 have any financial connection with, wholesale cosmetic supply or equipment
21 businesses.

22 At all times in the filling of vacancies of membership on the board, this balance of
23 representation shall be maintained.

24 **(3) All members appointed by the Governor shall be subject to Senate confirmation**
25 **in accordance with KRS 11.160 for each appointment or reappointment.**

26 ~~(4)~~(3) Appointments shall be for a term of two (2) years, ending on February 1.

27 ~~(5)~~(4) The Governor shall not remove any member of the board except for cause.

1 ~~(6)~~~~(5)~~ The board shall elect from its members a chair, a vice chair, and a secretary.

2 ~~(7)~~~~(6)~~ Three (3) members shall constitute a quorum for the transaction of any board
3 business.

4 ~~(8)~~~~(7)~~ Each member of the board shall receive one hundred dollars (\$100) per day
5 for each day of attendance at board meetings, and shall be reimbursed for necessary
6 traveling expenses and necessary expenses incurred in the performance of duties
7 pertaining to official business of the board.

8 ~~(9)~~~~(8)~~ The board shall hold meetings at the place in the state and at the times deemed
9 necessary by the board to discharge its duties.

10 ➔Section 177. KRS 319.020 is amended to read as follows:

11 (1) The board shall consist of nine (9) members appointed by the Governor, *each of*
12 *whom shall be subject to Senate confirmation in accordance with KRS 11.160 for*
13 *each appointment or reappointment.* Six (6) members shall be licensed
14 psychologists. Two (2) members shall be credentialed by the board as certified
15 psychologists, licensed psychological practitioners, or licensed psychological
16 associates. One (1) member shall be a citizen at large who is not associated with or
17 financially interested in the practice or business regulated.

18 (2) Licensed psychologist members shall be appointed by the Governor from a group
19 consisting of the three (3) nominees receiving the most votes for each position to be
20 filled, the nominees to be selected by all licensed psychologists credentialed under
21 this chapter from a list of eligible candidates prepared by the Kentucky
22 Psychological Association. Candidates shall be solicited from all licensed
23 psychologists credentialed according to the provisions of this chapter and each
24 nominee shall be a licensed psychologist credentialed according to the provisions of
25 this chapter. Each licensed psychologist member shall be a resident of this state and
26 shall have engaged in the practice or teaching of psychology as a licensed
27 psychologist for at least three (3) years in this state.

- 1 (3) Certified psychologist, licensed psychological practitioner, or licensed
2 psychological associate members shall be appointed by the Governor from a group
3 consisting of the three (3) nominees receiving the most votes for each position to be
4 filled, the nominees to be selected by all certified psychologists, licensed
5 psychological practitioners, and licensed psychological associates credentialed
6 under this chapter from a list of eligible candidates prepared by the Kentucky
7 Psychological Association. Candidates shall be solicited from all certified
8 psychologists, licensed psychological practitioners, and licensed psychological
9 associates credentialed according to the provisions of this chapter. Each nominee
10 shall be a resident of this state, licensed according to the provisions of this chapter,
11 and shall have engaged in the practice or teaching of psychology as a certified
12 psychologist, licensed psychological practitioner, or licensed psychological
13 associate for at least three (3) years in this state.
- 14 (4) The term of each board member shall be four (4) years and until a successor is
15 appointed and qualified. No member shall serve more than two (2) consecutive full
16 terms. The Governor shall fill any vacancy occurring in the board in the manner
17 prescribed in subsection (2) of this section. Upon recommendation by a majority of
18 the board members and after notice and a hearing, the Governor shall remove any
19 member for incompetence, neglect of duty, or malfeasance in office.
- 20 (5) Five (5) members of the board shall constitute a quorum. Each member shall
21 receive one hundred dollars (\$100) per day for attending each meeting and shall
22 receive his necessary expenses incurred in the performance of the duties required by
23 this chapter. Annually the board shall elect one (1) of its licensed members as
24 chairperson for a term of one (1) year. No person shall serve more than two (2)
25 consecutive full terms as chairperson. The board shall meet at least twice annually
26 and at other times as it determines necessary. Special meetings may be called by the
27 chairperson and shall be called upon the written request of two (2) members.

1 ➔Section 178. KRS 319A.020 is amended to read as follows:

- 2 (1) There is hereby created the Kentucky Board of Licensure for Occupational Therapy
3 which shall consist of seven (7) members to be appointed by the Governor. Four (4)
4 members shall be licensed occupational therapists with at least five (5) years'
5 experience; one (1) member shall be a licensed occupational therapy assistant with
6 at least five (5) years' experience in the practice of occupational therapy; and two
7 (2) members shall be members of the public with an interest in the rights of
8 consumers of health services.
- 9 (2) Appointments for the occupational therapists and occupational therapy assistant
10 positions may be made from recommendations submitted to the Governor by the
11 Kentucky Occupational Therapy Association.

12 **(3) All members appointed by the Governor shall be subject to Senate confirmation**
13 **in accordance with KRS 11.160 for each appointment or reappointment.**

14 ➔Section 179. KRS 319B.020 is amended to read as follows:

15 The Kentucky Board of Prosthetics, Orthotics, and Pedorthics is hereby established. The
16 board shall consist of five (5) members who shall be appointed by the Governor, **and**
17 **shall be subject to Senate confirmation in accordance with KRS 11.160 for each**
18 **appointment or reappointment.**

- 19 (1) One (1) member shall be a citizen at large who is a consumer of orthotic, prosthetic,
20 or pedorthic professional services and is not affiliated with and does not have more
21 than five percent (5%) financial interest in any one (1) health care profession or
22 business.
- 23 (2) Four (4) members shall be practicing, licensed orthotists, licensed prosthetists, or
24 licensed pedorthists. These members may be licensed in more than one (1)
25 discipline and at least one (1) board member shall be a licensed pedorthist.
26 Membership of the board shall reasonably reflect representation from the
27 geographic areas in the Commonwealth.

- 1 (3) Each member of the board shall serve a term of three (3) years, except that of the
2 initial appointments to the board, two (2) members shall be appointed for two (2)
3 years, two (2) members shall be appointed for three (3) years, and one (1) member
4 shall be appointed for one (1) year. No member of the board shall serve more than
5 the greater of eight (8) consecutive years or two (2) full terms. The Governor may
6 remove any member of the board for misconduct, incompetence, or neglect of duty.
- 7 (4) The board shall meet at least annually and may meet at other times if necessary to
8 complete required business. A quorum of the board shall consist of a majority of
9 board members currently appointed. The board shall annually elect a chairperson
10 and vice chairperson who shall be licensed under this chapter.
- 11 (5) There shall be no liability on the part of, and no action for damages against, any
12 current or former board member, representative, agent, or employee of the board,
13 when the person is acting with ordinary care, is functioning within the scope of
14 board duties, is acting without malice, and has the reasonable belief that the actions
15 taken by him or her are warranted by law.
- 16 (6) Members of the board shall receive a per diem reimbursement of reasonable
17 expenses incurred as determined by the board in consultation with the Department
18 of Professional Licensing for each day actually engaged in the duties of the office.
- 19 ➔Section 180. KRS 319C.030 is amended to read as follows:
- 20 (1) (a) There is hereby created the Kentucky Applied Behavior Analysis Licensing
21 Board. The board shall consist of seven (7) members appointed by the
22 Governor, *each of whom shall be subject to Senate confirmation in*
23 *accordance with KRS 11.160 for each appointment or reappointment.*
- 24 (b) The initial board members shall be appointed as follows:
- 25 1. Four (4) members shall be credentialed behavior analysts nominated by
26 a credentialed behavior analyst practicing in the state;
- 27 2. One (1) member shall be a psychologist licensed in the state, the

1 majority of whose practice is related to the treatment of behavior
2 disorders, including but not limited to autism spectrum disorders. The
3 psychologist member shall be nominated by a credentialed behavior
4 analyst practicing in the state; and

5 3. Two (2) members shall be the parent of a child diagnosed with and
6 treated for a behavior disorder, including but not limited to an autism
7 spectrum disorder, selected from the state at large.

8 (c) Subsequent board members shall be appointed by the Governor as follows:

9 1. Four (4) members shall be licensed behavior analysts nominated by a
10 licensed behavior analyst practicing in the state;

11 2. One (1) member shall be a psychologist licensed in the state, the
12 majority of whose practice is related to the treatment of behavior
13 disorders, including but not limited to autism spectrum disorders. The
14 psychologist member shall be nominated by a licensed behavior analyst
15 practicing in the state; and

16 3. Two (2) members shall be the parent of a child diagnosed with and
17 treated for a behavior` disorder, including but not limited to an autism
18 spectrum disorder, selected from the state at large.

19 (2) The terms of the board members shall be as follows:

20 (a) The initial board members shall be appointed as determined by the Governor
21 for the following terms:

- 22 1. Two (2) behavior analysts shall serve for one (1) year;
- 23 2. Two (2) behavior analysts shall serve for three (3) years;
- 24 3. A psychologist shall serve for two (2) years;
- 25 4. One (1) parent shall serve for one (1) year; and
- 26 5. One (1) parent shall serve for two (2) years;

27 (b) The terms of subsequent board members shall be for three (3) years; and

- 1 (c) A vacancy of any board member shall be filled in the manner of the original
2 appointment for the unexpired portion of the term only or as provided by KRS
3 12.070. The Governor, after notice and opportunity for a hearing, may remove
4 any member of the board for malfeasance, neglect of duty, incompetency, or
5 revocation or suspension of a license.
- 6 (3) Members of the board shall not receive a salary but shall be allowed the usual
7 mileage, subsistence, and per diem as provided for members of state boards,
8 commissions, and committees. No member shall serve more than two (2)
9 consecutive terms.
- 10 (4) The board may request the removal of a board member by the Governor.
- 11 (5) The board shall annually elect a chair, vice chair, and secretary.
- 12 (6) There shall be no liability on the part of, and no action for damages against, any
13 current or former board member, representative, agent, or employee of the board,
14 when the person is functioning within the scope of board duties, acting without
15 malice and with the reasonable belief that the actions taken by him or her are
16 warranted by law.
- 17 ➔Section 181. KRS 320.230 is amended to read as follows:
- 18 (1) The Kentucky Board of Optometric Examiners shall consist of five (5) members
19 appointed by the Governor, **each of whom shall be subject to Senate confirmation**
20 **in accordance with KRS 11.160 for each appointment or reappointment.** Four (4)
21 members shall be Kentucky licensed practicing optometrists whose licenses are in
22 good standing and who are appointed by the Governor from a list containing three
23 (3) names for each appointment recommended by the Kentucky Optometric
24 Association. One (1) member shall be a citizen at large who is not associated with
25 or financially interested in the practice or business regulated. The members shall
26 serve for a term of four (4) years and until their successors are appointed and
27 qualified. They shall receive per diem compensation to be determined by

1 administrative regulations promulgated by the board, not to exceed one hundred
2 twenty-five dollars (\$125) per day for attending board meetings. Members shall be
3 reimbursed for actual expenses incurred in the performance of their duties under
4 this chapter.

5 (2) Each optometrist member shall be a Kentucky licensed practicing optometrist in
6 good standing for not less than five (5) years immediately preceding his or her
7 appointment to the board. The member shall not be in any way connected with or
8 interested in any optometric school, college, or institution of learning or optometric
9 supply business.

10 (3) Any vacancy occurring on the board as the result of a member not completing the
11 term for which he or she was appointed shall be filled, for the unexpired term, in the
12 same manner as is provided in subsection (1) of this section for the appointment of
13 members.

14 (4) A majority of the members of the board shall constitute a quorum for the
15 transaction of business.

16 ➔Section 182. KRS 321.230 is amended to read as follows:

17 There hereby is created a board to be known as the Kentucky Board of Veterinary
18 Examiners.

19 (1) The board shall consist of eleven (11) members:

20 (a) Ten (10) members shall be appointed by the Governor as follows:

21 1. Seven (7) members shall be citizens of the Commonwealth and shall be
22 veterinarians, each lawfully engaged in the practice of veterinary
23 medicine in this Commonwealth for at least two (2) years immediately
24 preceding the date of the member's appointment;

25 2. One (1) member shall be a citizen of the Commonwealth and shall be a
26 citizen at large who is not associated with or financially interested in the
27 practices or businesses regulated;

- 1 3. One (1) member shall be a citizen of the Commonwealth and a licensed
2 veterinary technician who has been employed in the veterinary field in
3 the Commonwealth for at least two (2) years immediately preceding the
4 date of the member's appointment; and
- 5 4. One (1) member shall be an allied animal health professional permittee
6 who has been working on animals in the Commonwealth for at least two
7 (2) years immediately preceding the date of the member's appointment;
8 and
- 9 (b) One (1) member shall be the Commissioner of Agriculture or designee.

10 **(2) Members appointed by the Governor shall be subject to Senate confirmation in**
11 **accordance with KRS 11.160 for each appointment or reappointment; and**

12 ~~(3)~~~~(2)~~ The Governor's appointments to the board shall maintain a composition that
13 includes diverse representation from each of the following areas:

- 14 (a) Species of animals served, including food animals, equines, and small
15 animals; and
- 16 (b) All regional areas of the Commonwealth, including eastern Kentucky, western
17 Kentucky, central Kentucky, and northern Kentucky.

18 ~~(4)~~~~(3)~~ All appointed members shall be appointed for a term of four (4) years and
19 shall serve until the member is reappointed or a qualified successor is appointed.
20 The terms shall be evenly staggered, so that no more than three (3) members are
21 appointed to full terms in any given calendar year.

22 ~~(5)~~~~(4)~~ Any vacancy in the appointed membership of the board shall be filled for the
23 unexpired term by appointment by the Governor, **and subject to confirmation by**
24 **the Senate in accordance with KRS 11.160.**

25 ~~(6)~~~~(5)~~ Each member of the board shall receive one hundred dollars (\$100) per day
26 for each day or substantial part of a day of service actually given in carrying out the
27 member's duties under this chapter, in addition to the member's necessary traveling,

1 hotel, and contingent expenses incurred in attending the meetings of the board and
2 in the performance of the member's duties.

3 ~~(Z)~~~~(6)~~ A board member may be removed by the Governor, or removed by a three-
4 fourths (3/4) majority vote of the board upon one (1) or more of the following
5 grounds:

- 6 (a) A poor attendance record, neglect of duty, or malfeasance in office;
- 7 (b) The refusal or inability for any reason of a board member to perform the
8 duties as a member of the board in an efficient, responsible, and professional
9 manner;
- 10 (c) The misuse of office by a member of the board to obtain financial or material
11 gain or advantage personally or for another through the office;
- 12 (d) A final adjudication by a recognized body, including the courts, that the board
13 member is in violation of the laws governing the practice of veterinary
14 medicine, the practice of veterinary technology, or other board credentialed
15 profession; or
- 16 (e) Other just and reasonable causes as determined solely by the board pursuant
17 to applicable law. In these cases, removal of a member of the board shall be in
18 accordance with KRS Chapters 13A and 13B and other applicable laws.

19 ➔Section 183. KRS 322.230 is amended to read as follows:

- 20 (1) The State Board of Licensure for Professional Engineers and Land Surveyors shall
21 consist of nine (9) members appointed by the Governor, subject to Senate
22 confirmation in accordance with KRS 11.160 for each appointment or
23 reappointment, and two (2) ex officio members each with full voting rights. The ex
24 officio members shall be the dean of the College of Engineering of the University
25 of Kentucky and the dean of the J.B. Speed School of Engineering of the University
26 of Louisville.
- 27 (2) The term of each member of the board shall be four (4) years. Each member shall

1 hold office until the expiration of the term or until a successor has been appointed
2 and has qualified.

3 (3) Before beginning a term of office, every member shall file with the Secretary of
4 State a written oath for the faithful discharge of official duties.

5 (4) No member of the board shall serve as an employee of the board.

6 ➔Section 184. KRS 324.281 is amended to read as follows:

7 (1) There is hereby created the Kentucky Real Estate Commission. The Governor shall
8 appoint seven (7) persons, at least six (6) of whom, immediately prior to the date of
9 their appointment have been residents of the state for ten (10) years and whose
10 vocation for a period of at least ten (10) years shall have been that of an active real
11 estate licensee. One (1) member shall be a citizen at large who is not associated
12 with or financially interested in the practice or business regulated. The term of the
13 members of the commission shall be for three (3) years and until their successors
14 are appointed and qualify, except as provided in subsections (2) and (3) of this
15 section. **Members appointed by the Governor shall be subject to Senate**
16 **confirmation in accordance with KRS 11.160 for each appointment or**
17 **reappointment.** A majority of the commission shall constitute a quorum for the
18 transaction of business.

19 (2) All appointments shall be for the specified three (3) year term. No person appointed
20 after July 14, 2000, shall serve more than two (2) consecutive terms.

21 (3) For each appointment or vacancy, the Kentucky Association of Realtors shall
22 within sixty (60) days supply a list of not less than three (3) names of licensees to
23 the Governor each year from which the broker or sales associate appointments shall
24 be made. The Governor may reject the list of three (3) names and request that the
25 Kentucky Association of Realtors submit a new list of three (3) names within sixty
26 (60) days of the Governor's request. If the Kentucky Association of Realtors fails to
27 timely submit this list to the Governor, the Governor may immediately appoint a

1 qualified person to fill this vacancy, subject to confirmation by the Senate in
2 accordance with KRS 11.160 for each appointment or reappointment. The
3 Governor may otherwise fill vacancies arising in the middle of the year from those
4 remaining on the list or from a new list supplied by the association.

5 (4) There shall not be more than four (4) members of any one (1) political party serving
6 on the commission at the same time. No member of the commission shall reside in
7 the same county as another member. Appointees to fill vacancies shall be appointed
8 for the unexpired term.

9 (5) It shall be the duty of the commission to:

10 (a) Promulgate administrative regulations, with the approval of the executive
11 director of the Kentucky Real Estate Authority;

12 (b) Hold disciplinary hearings concerning matters in controversy as provided by
13 this chapter;

14 (c) Conduct examinations for applicants eligible under this chapter or
15 alternatively to contract with an entity to conduct examinations;

16 (d) Conduct necessary educational seminars and courses directed toward
17 continuing education within the real estate field;

18 (e) Investigate or cause to be investigated any irregularities in violation of this
19 chapter or the promulgated and authorized administrative regulations of the
20 commission; and

21 (f) Participate with any other agency of the Commonwealth or the authorized
22 agency of another state for the betterment or improvement of the
23 administration of the statutes or administrative regulations governing this
24 commission.

25 Any action taken by the commission under this subsection shall be appealable as
26 are other actions of the commission under this chapter.

27 (6) The commission, at its discretion, may use the funds necessary to purchase liability

1 insurance for members and executive officers of the commission, inspectors, and
2 for members of the staff exempted from classified service of the state by KRS
3 18A.115.

4 (7) The commission shall require all actively licensed agents, except for those agents
5 who were licensed prior to June 19, 1976, to successfully complete mandatory
6 continuing education as a condition of license renewal.

7 (8) The commission shall, by the promulgation of administrative regulations, develop a
8 review process by which continuing education courses may be approved for credit.
9 An applicant may seek the commission's approval for credit for courses not
10 previously approved by the commission by submitting sufficient information
11 describing the course to the commission for review.

12 (9) The Governor shall set the compensation of the members of the commission, but
13 voting members of the commission shall be compensated no less than three hundred
14 dollars (\$300) per day for official business, subject to an annual maximum of six
15 thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and
16 incurred in the discharge of official business consistent with the reimbursement
17 policy for state employees. With the approval of the executive director of the
18 Kentucky Real Estate Authority within the Department of Professional Licensing,
19 commission members and commission staff may attend and travel to and from
20 meetings and events relevant to the commission or to the industry the commission
21 represents.

22 ➔Section 185. KRS 322A.020 is amended to read as follows:

23 (1) There is created and established the Board of Registration for Professional
24 Geologists, which shall administer the provisions of this chapter. All board
25 members shall be residents of Kentucky and be appointed by the Governor. The
26 board shall consist of five (5) members, including four (4) registered geologists, one
27 (1) of whom shall be the state geologist or his or her designee, and one (1) member

1 representing the public at large. Except for the state geologist or his or her designee,
2 the term of the members of the board shall always be for four (4) years and until
3 their successors are appointed and qualified. *All members appointed by the*
4 *Governor shall be subject to Senate confirmation in accordance with KRS 11.160*
5 *for each appointment or reappointment.*

6 (2) Board members may succeed themselves. The Governor may remove any member
7 from the board for misconduct, incompetence, neglect of duty, or for any good and
8 sufficient cause, in the manner prescribed by law. Vacancies in the membership of
9 the board shall be filled for the unexpired term by appointment by the Governor.

10 (3) Three (3) members of the board shall constitute a quorum.

11 (4) There shall be no liability on the part of and no cause of action of any nature shall
12 arise against the board, or its agents, for any action taken in the performance of the
13 board's powers and duties under this chapter.

14 (5) The board shall elect from its members a chair and secretary each year.

15 (6) At least thirty (30) days prior to the appointment date each year, the Governor shall
16 receive a list of not more than three (3) nominations for board members from a joint
17 committee of the Geological Society of Kentucky and the Kentucky Section of the
18 American Institute of Professional Geologists. The appointed members on the board
19 shall be selected from the list submitted to the Governor by the joint committee.

20 (7) While discharging duties associated with the board, including meetings of the board
21 and its committees and necessary travel, each member shall receive compensation
22 as established by administrative regulation of the board promulgated in accordance
23 with KRS Chapter 13A. Members of the board shall be reimbursed for costs for
24 actual travel and for incidental, clerical, and all other actual and necessary expenses
25 incurred in the discharge of official duties associated with the board.

26 ➔Section 186. KRS 323.150 is amended to read as follows:

27 The board shall consist of eight (8) members, seven (7) of whom shall be appointed by

1 the Governor. The eighth member of the board shall be the chief executive officer of any
2 NAAB accredited architectural curriculum established in the Commonwealth of
3 Kentucky, who shall be an ex officio member with voting rights. **All members of the**
4 **board appointed by the Governor shall be subject to Senate confirmation in accordance**
5 **with KRS 11.160 for each appointment or reappointment.**

6 →Section 187. KRS 323A.150 is amended to read as follows:

7 The board shall consist of five (5) members, to be appointed by the Governor, **and shall**
8 **be subject to Senate confirmation in accordance with KRS 11.160 for each**
9 **appointment or reappointment.**

10 →Section 188. KRS 324A.015 is amended to read as follows:

11 (1) There is created a Real Estate Appraisers Board consisting of five (5) members, two
12 (2) of whom shall be certified real estate appraisers, one (1) of whom shall
13 represent the public and shall not be associated with or financially interested in the
14 practice of real estate appraisals, and two (2) of whom shall be employed in the
15 lending industry. The board shall administer the provisions of this chapter and may
16 promulgate administrative regulations necessary to effectuate the provisions of
17 KRS 324A.010 to 324A.090.

18 (2) (a) The board members shall be appointed by the Governor. Not more than one
19 (1) board member shall be from any one (1) county within Kentucky.
20 Members shall be appointed by the Governor for staggered terms of three (3)
21 years. No person shall serve more than two (2) full consecutive terms.

22 (b) Any member appointed to fill a vacancy occurring other than by expiration of
23 a term shall be appointed for the remainder of the unexpired term.

24 (c) No more than three (3) members of the same political party shall serve on the
25 board at the same time.

26 **(d) All members appointed by the Governor shall be subject to Senate**
27 **confirmation in accordance with KRS 11.160 for each appointment or**

1 reappointment.

- 2 (3) The appraiser appointees to the board shall be certified and shall have engaged in
3 the appraisal of real estate in Kentucky on a continuing basis for at least ten (10)
4 years.
- 5 (4) A board member shall be automatically removed from the board and a vacancy
6 shall occur when:
- 7 (a) An appraiser member of the board ceases to be certified;
- 8 (b) A consumer member of the board acquires a certification as an appraiser;
- 9 (c) A lending industry member ceases to be employed in the lending industry;
- 10 (d) A board member enters a plea of guilty to, or has been found guilty of, a
11 felony and the time for appeal has passed or the judgment of conviction has
12 been finally affirmed on appeal;
- 13 (e) A board member ceases to be a bona fide resident of the Commonwealth of
14 Kentucky;
- 15 (f) A board member displays incompetence, neglect of duty, or unprofessional
16 conduct;
- 17 (g) A board member fails to adhere to a duly adopted code of ethics of the board.
18 Failure to adhere to this code shall be determined by official action of the
19 board; or
- 20 (h) A board member misses three (3) consecutive meetings or misses more than
21 twenty-five percent (25%) of the meetings held over the previous twelve (12)
22 month period.
- 23 (5) The board shall adopt a seal with the design it prescribes, by which it shall
24 authenticate its proceedings. Copies of all records and papers in the office of the
25 board, duly certified and authenticated by the seal of the board, shall be received in
26 evidence in all courts equally and with like effect as the original. All records kept in
27 the office of the board under the authority of this chapter shall be open to public

1 inspection in accordance with KRS 61.820 to 61.884 and consistent with
2 regulations prescribed by the board.

3 (6) The Governor shall set the compensation of the members of the board, but voting
4 members of the board shall be compensated no more than three hundred dollars
5 (\$300) per day for official business, subject to an annual maximum of six thousand
6 dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in
7 the discharge of official business consistent with the reimbursement policy for state
8 employees. With the approval of the executive director of the Kentucky Real Estate
9 Authority within the Department of Professional Licensing, board members and
10 board staff may attend and travel to and from meetings and events relevant to the
11 board or the industry the board represents.

12 (7) The board shall ensure that those employed to investigate grievances filed with the
13 board are state-certified general appraisers with a minimum of five (5) years of
14 experience.

15 ➔Section 189. KRS 325.230 is amended to read as follows:

16 (1) There is hereby created a State Board of Accountancy. The board shall consist of
17 seven (7) members, appointed by the Governor, **subject to Senate confirmation in**
18 **accordance with KRS 11.160 for each appointment or reappointment.** Six (6) of
19 the members shall be certified public accountants. One (1) of the members shall be
20 a citizen at large who is not a certified public accountant. Members serving on the
21 board as of July 15, 1994, shall retain their appointments until their terms expire.
22 Whenever an appointment is to be made, the Kentucky Society of Certified Public
23 Accountants shall submit to the Governor the names of three (3) persons for each
24 vacancy to be filled. All persons recommended shall be qualified for membership
25 on the board, and the Governor shall appoint one (1) of the three (3) recommended.
26 Members of the board shall be citizens of the United States and residents of this
27 state and the certified public accountant members shall hold licenses to practice

1 issued under the provisions of this chapter. Of the new members appointed to the
2 board, as provided by this section, one (1) member shall be appointed for a term of
3 one (1) year and one (1) member shall be appointed for a term of four (4) years
4 from June 19, 1976. Succeeding appointments to the board shall be for a term of
5 four (4) years. Vacancies occurring during a term shall be filled by appointment for
6 the unexpired term. Upon the expiration of his term of office, a member shall
7 continue to serve until his successor shall have been appointed and shall have
8 qualified. The Governor shall remove from the board any member whose license to
9 practice is not renewed or which has become void, revoked, or suspended, and may,
10 after hearing, remove any member of the board for neglect of duty or other just
11 cause.

12 (2) Each member of the board shall be paid the amount established by an
13 administrative regulation promulgated by the board, not to exceed two hundred
14 dollars (\$200) for each day spent in the discharge of his official duties, and shall be
15 reimbursed for his actual and necessary expenses therein incurred.

16 ➔Section 190. KRS 326.020 is amended to read as follows:

17 (1) There is hereby created a board of ophthalmic dispensers to be known as the
18 "Kentucky Board of Ophthalmic Dispensers." It shall consist of five (5) members to
19 be appointed by the Governor, one (1) member of which shall be a licensed medical
20 physician or osteopath experienced in the treatment and examination of eyes and
21 one (1) member of which shall be a licensed optometrist. Two (2) members shall be
22 licensed ophthalmic dispensers. One (1) member shall be a citizen at large who is
23 not associated with or financially interested in the practice or business regulated.
24 They shall not pass upon their own qualifications. **Members appointed by the**
25 **Governor shall be subject to Senate confirmation in accordance with KRS 11.160**
26 **for each appointment or reappointment.** The board shall elect one (1) of its
27 members chairman and one (1) member secretary-treasurer. These officers shall

- 1 serve at the pleasure of the board.
- 2 (2) Members shall serve for a period of four (4) years from the date of their
3 appointment and qualification. At the expiration of the term of office of any
4 member, the Governor shall appoint a successor for a term of four (4) years.
- 5 (3) (a) The board may promulgate administrative regulations to carry out the
6 purposes and provisions of this chapter, including the licensing of apprentice
7 ophthalmic dispensers and the adoption of a program for continuing education
8 for all licensees.
- 9 (b) No licensee shall be permitted to renew his or her license, unless the
10 minimum annual continuing education requirements have been completed. No
11 program for continuing education shall contain, as a prerequisite for license
12 renewal, a requirement for more than a total of six (6) credit hours per year for
13 ophthalmic dispenser licensees, or four (4) credit hours per year for apprentice
14 ophthalmic dispenser licensees.
- 15 (4) Board members shall receive fifty dollars (\$50) per day for attending board
16 meetings. Board members shall also be reimbursed for reasonable and necessary
17 expenses incurred in the performance of their duties.
- 18 (5) The board may:
- 19 (a) Revoke, suspend, or refuse to issue or renew licenses; impose probationary or
20 supervisory conditions upon licensee; or issue written reprimands to licensees,
21 in accordance with KRS 326.090;
- 22 (b) Impose administrative fines in accordance with KRS 326.100; or
- 23 (c) Take any other action or combination of actions regarding licenses, licensees,
24 or apprenticeships authorized by this chapter.
- 25 (6) For the purpose of enforcing the provisions of this chapter, the board may
26 administer oaths, receive evidence, interview persons, issue subpoenas, and require
27 the production of books, papers, documents, or other evidence.

1 (7) The board may seek injunctive relief in Franklin Circuit Court to enjoin violation of
2 KRS 326.030.

3 ➔Section 191. KRS 327.030 is amended to read as follows:

4 There is hereby established a Board of Physical Therapy which shall consist of seven (7)
5 members who shall be appointed by the Governor, subject to Senate confirmation in
6 accordance with KRS 11.160 for each appointment or reappointment.

7 (1) One (1) board member shall be a resident of Kentucky who is not affiliated with or
8 does not have more than five percent (5%) financial interest in any health care
9 profession or business.

10 (2) All other board members shall:

11 (a) Be residents of Kentucky;

12 (b) Have engaged in the practice of physical therapy in Kentucky for the past five
13 (5) years; and

14 (c) Not have been disciplined by the board, or have been under any disciplinary
15 action, in the past two (2) years.

16 (3) All vacancies shall be filled by the Governor from a list of three (3) persons per
17 position submitted by the Kentucky Physical Therapy Association or as provided by
18 KRS 12.070.

19 (4) For appointments to the board after December 31, 2008, the first two (2)
20 appointments shall be for a term of two (2) years. The third appointment shall be for
21 a term of three (3) years. All other subsequent appointments shall be for a term of
22 four (4) years. All members shall serve until their successors are appointed and
23 qualify. No member shall serve for more than two (2) consecutive terms.

24 (5) The Governor may remove any member of the board for misconduct,
25 incompetence, or neglect of duty.

26 (6) The board may request the removal of a board member by the Governor.

27 (7) The board shall annually elect a chair and chair-elect.

1 (8) The board shall provide orientation to all new board members regarding the duties
2 of the board.

3 (9) There shall be no liability on the part of, and no action for damages against, any
4 current or former board member, representative, agent, or employee of the board,
5 when the person is functioning within the scope of board duties, acting without
6 malice and with the reasonable belief that the actions taken by him or her are
7 warranted by law.

8 (10) Each board member shall receive, in addition to travel, lodging, and other actual
9 and necessary expenses, a per diem not to exceed one hundred twenty dollars
10 (\$120) for each day the member is actually engaged in the discharge of official
11 duties approved by the board. The board shall, by promulgation of administrative
12 regulations, set the amount of the per diem.

13 ➔Section 192. KRS 329A.020 is amended to read as follows:

14 (1) The Kentucky Board of Licensure for Private Investigators is hereby created.

15 (2) The board shall consist of seven (7) members appointed by the Governor, ***who shall***
16 ***be subject to Senate confirmation in accordance with KRS 11.160 for each***
17 ***appointment or reappointment.***

18 (a) One (1) member shall be an attorney from the Office of the Attorney General
19 to be designated by the Attorney General;

20 (b) One (1) member shall be a municipal police officer of the rank of captain or
21 above;

22 (c) One (1) member shall be a county sheriff;

23 (d) Three (3) members shall each have been private investigators for at least five
24 (5) years prior to the date of their appointment and shall be of recognized
25 business standing; and

26 (e) One (1) member shall be a citizen at large who is not associated with or
27 financially interested in the practice of private investigating.

- 1 (3) All members shall be residents of this state and possess good moral character.
- 2 (4) The original members of the board shall be appointed by no later than January 1,
3 2003, as follows:
 - 4 (a) One (1) member to a one (1) year term;
 - 5 (b) Two (2) members to a two (2) year term;
 - 6 (c) Two (2) members to a three (3) year term; and
 - 7 (d) Two (2) members to a four (4) year term.
- 8 (5) After the initial appointments to the board, all members shall serve a two (2) year
9 term.
- 10 (6) Any vacancy occurring on the board shall be filled by the Governor.
- 11 (7) No member may serve more than two (2) full consecutive terms.
- 12 (8) No member shall continue to serve if the member no longer meets the qualifications
13 required under subsections (2) and (3) of this section.
- 14 (9) The three (3) board members who are private investigators and the member at large
15 shall receive the sum of one hundred dollars (\$100) per day for each day the board
16 meets. All members shall receive reimbursement for actual and necessary expenses
17 incurred in the performance of their official duties.
- 18 (10) The board shall annually elect a chairman, a vice chairman, and a secretary-
19 treasurer from the membership of the board.
- 20 (11) The board shall hold at least two (2) meetings annually and additional meetings as
21 the board may deem necessary. Additional meetings may be held upon call of the
22 chairman or upon written request of a quorum. Four (4) members of the board shall
23 constitute a quorum to conduct business.
- 24 (12) Upon recommendation of the board, the Governor may remove any member of the
25 board for neglect of duty or malfeasance in office.
- 26 (13) The board may purchase professional liability insurance for the board members and
27 agents and staff of the board.

1 ➔Section 193. KRS 330.050 is amended to read as follows:

- 2 (1) There is hereby created a Board of Auctioneers. The Governor shall appoint a board
3 consisting of five (5) members, all of whom immediately prior to the date of their
4 appointment have been residents of the Commonwealth of Kentucky for five (5)
5 years, and four (4) whose vocation for a period of at least five (5) years has been
6 that of an auctioneer. One (1) member shall be a citizen at large who is not
7 associated with or financially interested in the practice or business regulated. **Board**
8 **members appointed by the Governor shall be subject to Senate confirmation in**
9 **accordance with KRS 11.160 for each appointment or reappointment.** The term of
10 the members of the board shall be for three (3) years and until their successors are
11 appointed and qualified. Members to fill vacancies shall be appointed for the
12 unexpired term.
- 13 (2) At no time shall there be more than two (2) auctioneer members of the same
14 political party on the board. Whenever there is an auctioneer vacancy on the board,
15 within sixty (60) days the Kentucky Auctioneer Association shall recommend to the
16 Governor at least three (3) names for each auctioneer vacancy, and such
17 appointment or appointments shall be made from the recommendations of the
18 association, unless the Governor rejects the list of three (3) names and requests that
19 the Kentucky Auctioneer Association submit a new list of three (3) names within
20 sixty (60) days of the Governor's request. If the Kentucky Auctioneer Association
21 fails to timely submit its recommendations to the Governor, the Governor may
22 immediately appoint a qualified auctioneer to fill this vacancy.
- 23 (3) The board, immediately upon qualification of the member appointed in each year,
24 shall organize by selecting from its members a chairman.
- 25 (4) (a) No member of the board shall reside in the same county as another member.
26 (b) A majority of the board shall constitute a quorum for the transaction of
27 business.

- 1 (c) No member may serve on the board for more than six (6) consecutive years. A
2 member may serve on the board for six (6) consecutive years on more than
3 one (1) occasion if that person is not a member of the board for at least two
4 (2) years between periods of board service.
- 5 (5) (a) The board shall obtain office space, furniture, stationery, and any other proper
6 supplies and conveniences reasonably necessary to carry out the provisions of
7 this chapter. If any items deemed to be reasonably necessary by or which are
8 required by the board are available through vendors under contract with the
9 Commonwealth of Kentucky at less cost than if obtained otherwise, then the
10 items shall be acquired pursuant to the contract.
- 11 (b) The board shall have full authority to obtain for its members, staff, and
12 employees complete insurance coverage, including, but not limited to, liability
13 and errors and omissions insurance, so long as the insurance concerns the
14 business of the board.
- 15 (6) All fees and charges collected by the board under the provisions of this chapter
16 shall be paid into the State Treasury through the Finance and Administration
17 Cabinet and shall be credited to an agency fund account for the Board of
18 Auctioneers under the provisions of KRS 45.253 and shall be withdrawn or
19 expended as provided in that section, if such payment, credit, withdrawal, or
20 expense provisions do not conflict with any provision of this chapter.
- 21 (a) The board may establish and collect reasonable fees relating to the
22 administration and enforcement of this chapter for application or other
23 processing costs, on-line service, continuing education provider services, copy
24 and mailing services, or other fees necessary to offset the licensing and
25 processing costs.
- 26 (b) The total expenses for all purposes and obligations of the board shall not
27 exceed the total fees, charges, fines, penalties, and other income imposed

1 under the provisions of this chapter and paid into the state treasury.

2 (c) The board shall be financially self-sustaining, and if funds permit it may
3 underwrite, within its financial limitations, educational programs for the
4 enlightenment and benefit of all licensees who have paid fees pursuant to this
5 chapter.

6 (7) The board shall maintain annually a list of the names and addresses of all licensees
7 regulated by the board. This list shall also contain the names of all persons whose
8 licenses have been suspended or revoked within the preceding year, as well as any
9 other information relative to the enforcement of the provisions of this chapter that
10 the board may deem of interest to the public.

11 (8) The board may promulgate administrative regulations with the approval of the
12 executive director of the Kentucky Real Estate Authority in accordance with KRS
13 Chapter 13A as required to fulfill the duties and functions assigned to the board by
14 this chapter.

15 (9) A board member shall be automatically removed from the board and a vacancy
16 shall occur when:

17 (a) An auctioneer member of the board ceases to be a licensed auctioneer;

18 (b) A nonlicensed member of the board acquires a license regulated by the board;

19 (c) A board member enters a plea of guilty, an Alford plea, a plea of no contest
20 to, or has been convicted of, any felony, and the time for appeal has passed or
21 the judgment of conviction has been finally affirmed on appeal;

22 (d) A board member ceases to be a resident of the Commonwealth of Kentucky;

23 (e) The member displays incompetence, neglect of duty, or unprofessional
24 conduct;

25 (f) The member fails to adhere to a duly adopted code of ethics of the board.
26 Failure to adhere to this code shall be determined by official action of the
27 board;

- 1 (g) The member enters a plea of guilty to, or has been found guilty of, a felony
2 and the time for appeal has passed or the judgment of conviction has been
3 finally affirmed on appeal; or
- 4 (h) The member misses three (3) consecutive meetings or misses more than
5 twenty-five percent (25%) of the meetings held over the previous twelve (12)
6 month period.
- 7 (10) The Governor shall set the compensation of the members of the board, but voting
8 members of the board shall be compensated no less than three hundred dollars
9 (\$300) per day for official business, subject to an annual maximum of six thousand
10 dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in
11 the discharge of official business consistent with the reimbursement policy for state
12 employees. With the approval of the executive director of the Kentucky Real Estate
13 Authority within the Department of Professional Licensing, board members and
14 board staff may attend and travel to and from meetings and events relevant to the
15 board and the industry the board represents.
- 16 ➔Section 194. KRS 334.140 is amended to read as follows:
- 17 (1) There is created the Kentucky Licensing Board for Specialists in Hearing
18 Instruments.
- 19 (2) The board shall be composed of nine (9) members who shall be appointed by the
20 Governor, *each of whom shall be subject to Senate confirmation in accordance*
21 *with KRS 11.160 for each appointment or reappointment.* Terms of office shall be
22 at the Governor's discretion, not to exceed four years. All terms shall expire on July
23 31 of the designated year. Each member shall serve for the term of his appointment
24 and until his successor has been appointed and qualified. If a vacancy occurs on the
25 board, a new member shall be appointed to serve out the unexpired term. No
26 member shall serve consecutive terms on the board. Upon recommendation of the
27 board, the Governor may remove any member of the board for excessive

1 absenteeism, neglect of duty, or malfeasance in office.

2 (3) Five (5) members shall be specialists in hearing instruments licensed under KRS
3 334.080. The appointees shall have at least five (5) years' relevant experience. The
4 Governor shall consider nominations from the Hearing Aid Association of
5 Kentucky. No two (2) members from the same place of business may serve on the
6 board at the same time.

7 (4) One (1) member shall be a physician licensed to practice medicine in Kentucky and
8 specializing in otology or otolaryngology.

9 (5) One (1) member shall be an audiologist holding at least a master's degree from a
10 recognized college or university and having the certification of clinical competence
11 in audiology from the American Speech-Language-Hearing Association and
12 licensed under KRS Chapter 334A.

13 (6) One (1) member shall be a citizen at large who is not associated with or financially
14 interested in the practice or business regulated.

15 (7) One (1) member shall be the secretary of the Cabinet for Health and Family
16 Services or his designee.

17 (8) Five (5) members of the nine (9) members of the board, when properly convened,
18 may conduct the business of the board.

19 ➔Section 195. KRS 334A.070 is amended to read as follows:

20 (1) There is hereby created a Board of Speech-Language Pathology and Audiology
21 which shall consist of eight (8) members to be appointed by the Governor. Three
22 (3) members shall be audiologists, three (3) members shall be speech-language
23 pathologists, one (1) shall be an otolaryngologist and one (1) member shall be a
24 citizen at large who is not associated with or financially interested in the practice or
25 business regulated. The audiologists and speech-language pathologists members
26 shall hold a Kentucky license from the board of speech-language pathology and
27 audiology and shall practice in Kentucky. One (1) of the speech-language

1 pathologist members shall be employed in the public schools of the
2 Commonwealth. The members of the board shall serve until the expiration of the
3 term for which they have been appointed or until their successors are qualified. All
4 appointments made shall be for a term of three (3) years except for appointments to
5 fill vacancies caused by a reason other than the expiration of a member's term
6 which shall be filled for the remaining portion of the member's term. No person
7 shall be appointed to serve more than two (2) consecutive terms. **All members**
8 **appointed by the Governor shall be subject to Senate confirmation in accordance**
9 **with KRS 11.160 for each appointment or reappointment.**

10 (2) The board shall reorganize annually and select a chairman. Four (4) members of the
11 board shall constitute a quorum to do business. The board shall hold at least one (1)
12 regular meeting each year. Additional meetings may be held upon call of the
13 chairman or at the written request of any two (2) members of the board. All
14 meetings of the board shall be open and public.

15 ➔Section 196. KRS 335.050 is amended to read as follows:

16 (1) There is hereby created the Kentucky Board of Social Work, consisting of seven (7)
17 members appointed by the Governor. One (1) member shall be a certified social
18 worker under the provisions of KRS 335.010 to 335.160 and 335.990. One (1)
19 member shall be a licensed social worker under the provisions of KRS 335.010 to
20 335.160 and 335.990. One (1) member shall be a licensed clinical social worker
21 licensed under the provisions of KRS 335.010 to 335.160 and 335.990. Three (3)
22 members shall be persons licensed by the board at any level, at the discretion of the
23 Governor. One (1) member shall be a citizen at large who is not associated with or
24 financially interested in the practice or business regulated. With the exception of the
25 citizen at large, each member shall be appointed from a list of names of qualified
26 persons submitted by any interested parties. The Governor may request the
27 submission of additional names. **All members appointed by the Governor shall be**

1 subject to Senate confirmation in accordance with KRS 11.160 for each
2 appointment or reappointment.

3 (2) Members of the board shall be appointed for terms of four (4) years, except
4 appointments to fill vacancies caused by a reason other than the expiration of a
5 member's term. A member shall not serve more than two (2) consecutive full terms.
6 A member currently serving on the board who has served more than two (2)
7 consecutive full terms shall be replaced by the Governor in a timely manner. Upon
8 recommendation of the board, made after notice and hearing, the Governor may
9 remove any member of the board for incompetence, neglect of duty, or malfeasance
10 in office.

11 (3) All vacancies shall be filled by the Governor and shall be confirmed by the Senate
12 when convened in accordance with KRS 11.160.

13 (4) The board shall organize upon appointment and qualification of its members, and
14 shall elect annually from its membership a chairman, vice chairman, and a
15 secretary. The board shall meet as frequently as it deems necessary, but not less
16 than two (2) times each year, at such times and places as the board designates.
17 Additional meetings may be held upon call of the chairman or upon the written
18 request of two (2) members of the board. Four (4) members of the board shall
19 constitute a quorum.

20 ➔Section 197. KRS 335.310 is amended to read as follows:

21 (1) There is created the Kentucky Board of Licensure of Marriage and Family
22 Therapists. Effective January 1, 1999, it shall be composed of seven (7) members.
23 Six (6) members shall be licensed marriage and family therapists. One (1) member
24 shall be a citizen-at-large who is not associated with or financially interested in the
25 practice or business of marriage and family therapy. All members shall be
26 appointed by the Governor from a list of names of qualified persons submitted by
27 any interested parties. The Governor may request the submission of additional

1 names. Each member of the board shall serve for a term of four (4) years. **Board**
2 **members appointed by the Governor shall be subject to Senate confirmation in**
3 **accordance with KRS 11.160 for each appointment or reappointment.**

4 (2) All reappointments to the board and vacancies on the board shall be filled by the
5 Governor as described in subsection (1) of this section.

6 (3) Each member of the board shall receive one hundred dollars (\$100) per day for each
7 day spent performing official duties as a board member and reimbursement for
8 actual and necessary expenses incurred in carrying out official duties.

9 (4) The board shall annually elect a chair, a vice chair, and a secretary-treasurer.

10 (5) The board shall hold at least two (2) meetings annually and additional meetings as
11 the board may deem necessary. The additional meetings may be held upon call of
12 the chairperson or upon written request of two (2) board members. Four (4) board
13 members shall constitute a quorum.

14 (6) Upon recommendation of the board, the Governor may remove any board member
15 for a poor attendance record, neglect of duty, or malfeasance in office.

16 (7) No board member shall serve more than two (2) consecutive full terms. A person
17 who has previously served two (2) consecutive terms may be reappointed to the
18 board if that person has not served in the preceding four (4) years.

19 ➔Section 198. KRS 335.510 is amended to read as follows:

20 (1) The Kentucky Board of Licensed Professional Counselors is created and shall
21 consist of seven (7) members who shall reside in the Commonwealth and be
22 appointed by the Governor. **All members appointed by the Governor shall be**
23 **subject to Senate confirmation in accordance with KRS 11.160 for each**
24 **appointment or reappointment.** One (1) of the members shall be a citizen at large
25 and the remaining six (6) members shall be licensed professional clinical
26 counselors. The licensed professional clinical counselor members on the board shall
27 have been licensed as professional clinical counselors in the Commonwealth for at

- 1 least two (2) years preceding their appointments. The citizen at large member shall
2 not be associated with or have a relative who is associated with the practice or
3 business of professional counseling. Neither the citizen at large nor his relatives
4 shall have a financial interest in the practice or business of professional counseling.
- 5 (2) All appointments and vacancies to the board shall be filled by the Governor.
6 Appointments and vacancies of counselor members shall be filled by the Governor
7 from a list of three (3) names for each position to be filled that is submitted by the
8 Kentucky Mental Health Counseling Association. Vacancies shall be filled for the
9 remainder of the unexpired terms and in the same manner as set out in this
10 subsection.
- 11 (3) The length of a term of board appointment shall be four (4) years. A board member
12 shall serve no more than two (2) consecutive terms.
- 13 (4) The board shall elect a chair from its membership, and a chair shall be elected
14 annually but shall serve no more than two (2) consecutive one (1) year terms. Four
15 (4) members of the board shall constitute a quorum.
- 16 (5) The board shall hold two (2) meetings annually to give examinations pursuant to
17 KRS 335.515 and may hold additional meetings as the board deems necessary. The
18 additional meetings may be held upon call of the chair or upon the written request
19 of three (3) or more board members.
- 20 (6) The Governor shall remove a member from the board, for cause only.
- 21 (7) A member of the board who is a citizen at large shall be disqualified from his or her
22 seat on the board if:
- 23 (a) He or she, a member of his or her household, or a relative becomes associated
24 with or financially interested in the business of professional counseling;
- 25 (b) He or she, a member of his or her household, or a relative becomes, or is in
26 training to become, a licensed professional clinical counselor; or
- 27 (c) He or she ceases to reside in the Commonwealth.

- 1 (8) A counselor member of the board shall be disqualified from his seat on the board if:
- 2 (a) He or she has been determined by the board or a court to have violated the
- 3 code of professional ethics or practice standards established pursuant to KRS
- 4 335.500 to 335.599;
- 5 (b) He or she ceases to be a licensed professional clinical counselor; or
- 6 (c) He or she ceases to reside in the Commonwealth.
- 7 (9) Each board member shall receive one hundred dollars (\$100) per day for each day
- 8 of service actually given in carrying out his duties under KRS 335.500 to 335.599,
- 9 and shall also be reimbursed the necessary traveling, hotel, and contingent expenses
- 10 incurred in attending the meetings of the board and in performing the duties of the
- 11 board.

12 ➔Section 199. KRS 335.610 is amended to read as follows:

13 The Kentucky Board of Licensure for Pastoral Counselors is hereby created.

- 14 (1) The board shall be composed of five (5) members who shall be appointed by the
- 15 Governor to serve four (4) year terms.
- 16 (a) Four (4) members shall be Kentucky licensed pastoral counselors actively
- 17 engaged in the practice or teaching of pastoral counseling.
- 18 (b) One (1) member shall be a citizen at large who is not associated with, or
- 19 financially interested in, the practice or business of pastoral counseling.
- 20 (2) All reappointments to the board and vacancies on the board shall be filled by the
- 21 Governor from a list of three (3) nominees for each vacancy, submitted by the
- 22 executive committee of the Kentucky Association of Pastoral Counselors. In
- 23 selecting the three (3) nominees to be submitted to the Governor, the executive
- 24 committee shall consider all nominations, including self-nominations, from all
- 25 pastoral counselors licensed under the provisions of KRS 335.600 to 335.699.
- 26 **(3) Members appointed by the Governor shall be subject to Senate confirmation in**
- 27 **accordance with KRS 11.160 for each appointment or reappointment.**

1 ~~(4)~~~~(3)~~ No member shall serve more than two (2) consecutive terms.

2 ~~(5)~~~~(4)~~ The chair of the board may not serve more than two (2) years.

3 ~~(6)~~~~(5)~~ Each member shall serve until his or her successor is appointed and qualified.

4 ➔Section 200. KRS 338.051 is amended to read as follows:

5 (1) There is hereby established the Kentucky Occupational Safety and Health Standards
6 Board consisting of the secretary and twelve (12) members equally representing
7 industry, labor, agriculture, and the safety and health profession. The members shall
8 be appointed by the Governor for terms of three (3) years and until their successors
9 are appointed and qualified, from lists of nominees submitted by bona fide
10 associations representative of industry, labor, agriculture, and the safety and health
11 profession. **Members appointed by the Governor shall be subject to Senate**

12 **confirmation in accordance with KRS 11.160 for each appointment or**
13 **reappointment.** Members shall receive twenty-five dollars (\$25) per day for
14 attending each meeting and shall be reimbursed for actual expenses incurred in
15 carrying out their duties. The secretary shall act as chairman of the board. No
16 member of the board may have a concurrent term on the review commission.

17 (2) The board shall hold annual meetings and additional meetings as needed. A
18 majority of the board constitutes a quorum for the transaction of business.

19 (3) The board shall adopt and promulgate occupational safety and health rules,
20 regulations, and standards, except that the chairman of the board may adopt
21 established federal standards without board approval if necessary to meet federal
22 time requirements. The board shall secure all expertise, testimony, and evidence
23 necessary to accomplish the purposes of this chapter.

24 (4) The board shall be attached to the Education and Labor Cabinet for administrative
25 purposes.

26 ➔Section 201. KRS 338.071 is amended to read as follows:

27 (1) There is hereby established the Kentucky Occupational Safety and Health Review

- 1 Commission consisting of three (3) members appointed by the Governor on the
2 basis of their experience and competence in the fields of occupational safety and
3 health. The members selected shall be qualified to represent the interest of
4 employers, employees, and the occupational safety and health profession with a
5 minimum of five (5) years experience in their respective fields.
- 6 (2) Members of the review commission shall serve terms of four (4) years and until
7 their successors are appointed. **Members shall be subject to Senate confirmation in**
8 **accordance with KRS 11.160 for each appointment or reappointment.**
- 9 (3) The review commission shall hold monthly meetings and additional meetings as
10 deemed necessary. A majority of the review commission constitutes a quorum for
11 the transaction of business. Special meetings of the review commission may be
12 called upon reasonable notice by the commissioner or by any two (2) members of
13 the commission.
- 14 (4) The review commission shall hear and rule on appeals from citations, notifications,
15 and variances issued under the provisions of this chapter and adopt and promulgate
16 rules and regulations with respect to the procedural aspect of its hearings.
- 17 (5) The review commission shall have the authority to employ a secretary, hearing
18 officers, and other employees as may become necessary.
- 19 (6) The chairman of the commission and each of the other two (2) members shall be
20 paid a salary fixed under KRS 64.640.
- 21 (7) The secretary of the commission shall be paid a salary to be fixed by the
22 commission, with the approval of the Governor. The commission shall fix the
23 compensation of all its other employees.
- 24 (8) The commissioners and the secretary and employees of the commission are entitled
25 to all necessary expenses incurred in traveling on business of the commission.
- 26 (9) The commission shall be attached to the Education and Labor Cabinet for
27 administrative purposes only.

1 ➔Section 202. KRS 341.110 is amended to read as follows:

- 2 (1) In the Education and Labor Cabinet, there shall be an Unemployment Insurance
3 Commission composed of the secretary or his or her duly authorized representative,
4 as ex officio chairman and two (2) members appointed by the Governor, *subject to*
5 *Senate confirmation in accordance with KRS 11.160 for each appointment or*
6 *reappointment.*
- 7 (2) The secretary shall represent the state and the public. One (1) member shall be
8 appointed as a representative of labor and one (1) as a representative of employers.
9 The chairman and one (1) other member of the commission shall constitute a
10 quorum.
- 11 (3) The members representing labor and employers shall be appointed on the basis of
12 their merit and fitness to perform their duties and exercise the responsibilities of
13 their offices. They shall be citizens of this state and not less than thirty (30) years of
14 age.
- 15 (4) The terms of each member appointed to represent labor and employers shall be for
16 four (4) years from the date of appointment and until a successor is appointed and
17 qualified, except that appointments to vacancies shall be for the unexpired term.
- 18 (5) The compensation of the members representing labor and employers shall be
19 \$12,000 each per annum.

20 ➔Section 203. KRS 342.1224 is amended to read as follows:

- 21 (1) The commission shall be governed by a board of directors consisting of seven (7)
22 members. The seven (7) members shall include the secretary of the Education and
23 Labor Cabinet or a designee, the secretary of the Cabinet for Economic
24 Development or a designee, the secretary of the Finance and Administration
25 Cabinet or a designee, and four (4) members who shall be appointed by the
26 Governor, *subject to Senate confirmation in accordance with KRS 11.160 for*
27 *each appointment or reappointment.*

- 1 (2) The four (4) appointed members shall include:
- 2 (a) One (1) member, selected from a list of three (3) submitted by the secretary of
3 the Education and Labor Cabinet, who shall represent labor;
- 4 (b) One (1) member, selected from a list of three (3) submitted by the secretary
5 for economic development, who shall represent employers; provided,
6 however, that these three (3) members shall represent employers who
7 purchase workers' compensation coverage for their employees from insurance
8 companies writing workers' compensation insurance in the Commonwealth;
- 9 (c) One (1) member, selected from a list of three (3) submitted by the insurance
10 advisory organization having jurisdiction over Kentucky, who shall represent
11 insurance companies writing workers' compensation insurance in the
12 Commonwealth; and
- 13 (d) One (1) member, selected from a list of three (3) submitted by the associations
14 representing self-insured employers in the Commonwealth.
- 15 (3) The members of the board of directors shall serve a term of four (4) years, except
16 that the initial terms of the members shall be staggered as follows:
- 17 (a) The initial member appointed by the Governor to represent labor shall serve a
18 term of one (1) year. Thereafter, such member shall serve a term of four (4)
19 years;
- 20 (b) The initial member appointed by the Governor to represent employers shall
21 serve a term of two (2) years. Thereafter, such member shall serve a term of
22 four (4) years;
- 23 (c) The initial member appointed by the Governor to represent insurance
24 companies shall serve a term of four (4) years. Thereafter, such member shall
25 serve a term of four (4) years; and
- 26 (d) The initial member appointed by the Governor to represent self-insured
27 employers shall serve a term of three (3) years. Thereafter, such member shall

1 serve a term of four (4) years.

2 (4) The board of directors shall annually elect from among its members a chairman, a
3 vice chairman, and a secretary-treasurer. The board of directors may also elect or
4 appoint, and prescribe the duties of, other officers as the board of directors deems
5 necessary or advisable.

6 (5) The board of directors shall appoint an executive director to administer, manage,
7 and direct the affairs and business of the commission, and other staff persons to
8 carry out the affairs and business of the commission, subject in each instance to the
9 policies, control, and directions of the board of directors. The board of directors
10 shall fix the compensation of all such persons and shall pay such compensation out
11 of the funds of the commission.

12 (6) Notwithstanding any other law, the Governor, pursuant to an executive order, may
13 cause the employees of the commission to be eligible to participate in the Kentucky
14 Retirement System and the Kentucky Public Employees Deferred Compensation
15 System.

16 (7) A majority of the board of directors of the commission shall constitute a quorum for
17 the purposes of conducting its business and exercising its powers and for all other
18 purposes. The majority shall be determined by excluding any existing vacancies
19 from the total number of directors.

20 (8) The board of directors of the Kentucky Workers' Compensation Funding
21 Commission are hereby determined to be officers and agents of the Commonwealth
22 of Kentucky and, as such, shall enjoy the same immunities from suit for the
23 performance of their official acts as do other officers of the Commonwealth of
24 Kentucky.

25 ➔Section 204. KRS 343.020 is amended to read as follows:

26 (1) The Kentucky Apprenticeship Council is hereby created and established as an
27 administrative body charged with providing advice to the commissioner on matters

1 affecting apprenticeship policy.

2 (2) (a) The Kentucky Apprenticeship Council shall consist of six (6) members
3 appointed by the Governor as follows: two (2) members who shall represent
4 employees or apprentices, two (2) members who shall represent employers or
5 apprenticeship program sponsors, and two (2) at-large members. These six (6)
6 members shall serve for a term of four (4) years and until their successors are
7 appointed and qualified. Appointed members shall be subject to Senate
8 confirmation in accordance with KRS 11.160 for each appointment or
9 reappointment. The commissioner of the Department for Workforce
10 Development shall serve as the seventh member and be chair of the council.

11 (b) The council shall meet at the call of the commissioner. A majority of the
12 members of the council, except for the commissioner of the Department of
13 Workforce Development, shall constitute a quorum for the transaction of
14 business.

15 (c) Any member appointed to fill a vacancy occurring for any reason other than
16 by expiration of a term shall be appointed for the remainder of the unexpired
17 term. Any member whose term has expired, however, shall serve until his or
18 her successor is appointed and qualified.

19 (d) Members shall be reimbursed for necessary expenses incurred in fulfillment
20 of their duties on the council in the manner and amounts prescribed for state
21 employees by KRS 45.101 and the administrative regulations promulgated
22 under the authority of that statute. No member of the council, however, shall
23 be paid for his or her attendance at any meeting.

24 (3) The council shall be attached to the Department of Workforce Development within
25 the Education and Labor Cabinet for administrative purposes.

26 ➔Section 205. KRS 344.150 is amended to read as follows:

27 There is hereby created a Commission on Human Rights. The commission shall consist

1 of eleven (11) members, one (1) to be appointed from each Supreme Court district and
2 four (4) from the state at large. The Governor shall appoint all members,~~and~~ shall name
3 one (1) member as chairperson~~chairman~~. **The members and chairperson shall be**
4 **subject to Senate confirmation in accordance with KRS 11.160 for each appointment**
5 **or reappointment.** Of the eleven (11) members first appointed, three (3) shall serve for
6 one (1) year, four (4) for two (2) years, and four (4) for three (3) years. Thereafter all
7 members of the commission shall be appointed for three (3) years, and shall continue to
8 serve until reappointed or replaced. In the event of the death or resignation of a member,
9 his successor shall be appointed to serve the unexpired term for which such member had
10 been appointed.

11 ➔Section 206. KRS 344.510 is amended to read as follows:

12 (1) There is hereby established the Kentucky Commission on Women as a separate
13 administrative body of state government within the meaning of KRS Chapter 12.

14 (2) The membership of the commission shall consist of the Lieutenant Governor and
15 not more than twenty-four (24) members and a chairman who shall be appointed by
16 the Governor, **subject to Senate confirmation in accordance with KRS 11.160 for**
17 **each appointment or reappointment.** The members of the commission shall serve
18 terms of four (4) years; except that:

19 (a) Of the members initially appointed after June 17, 1978, six (6) members shall
20 serve a term of one (1) year, six (6) a term of two (2) years, six (6) a term of
21 three (3) years and six (6) a term of four (4) years; and

22 (b) Of the members appointed after July 15, 1998, six (6) members appointed to
23 fill the terms expiring June 17, 1999, shall serve until January 17, 2000; six
24 (6) members appointed to fill the terms expiring June 17, 2000, shall serve
25 until January 17, 2001; six (6) members appointed to fill the terms expiring
26 June 17, 2001, shall serve until January 17, 2002; and six (6) members
27 appointed to fill the terms expiring June 17, 2002, shall serve until January 17,

1 2003; and subsequent appointments shall be for four (4) year terms ending on
2 January 17. The Governor shall appoint a chairman who shall serve at the
3 Governor's will. There shall be an executive director, who shall be appointed
4 by the Governor, and shall be administrative head and chief executive officer
5 of the commission. The Governor, in appointing the commission, shall
6 attempt to insure, insofar as it may be practicable, and with due regard to the
7 several geographic regions and socio-economic groupings of the state, that the
8 membership is broadly representative of the women of the state. The
9 commission shall meet at the call of the chairman, but at least twice during
10 each calendar year; a majority of the members shall constitute a quorum for
11 the transaction of the commission's business.

12 ➔Section 207. KRS 345.120 is amended to read as follows:

- 13 (1) There is hereby created and established a State Labor Relations Board to assist in
14 resolving disputes between public employers and firefighters or their labor
15 organization which shall be composed of three (3) members appointed by the
16 Governor, one (1) for a term of two (2) years, one (1) for a term of three (3) years,
17 and one (1) for a term of four (4) years. The Governor shall designate one (1)
18 member to serve as chairman of the board. **Appointed members shall be subject to**
19 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
20 **reappointment.** Thereafter, upon the expiration of the term of any member,
21 members shall be appointed for four (4) year terms by the Governor.
- 22 (2) Each member of the board shall have been an elector in this state for at least one (1)
23 year next preceding his or her appointment. Any member may be removed by the
24 Governor for cause, shown in an administrative hearing conducted in accordance
25 with KRS Chapter 13B. The Governor shall fill any vacancy by appointment for the
26 unexpired term. No member shall receive a salary but each member shall be paid
27 fifty dollars (\$50) and expenses for each day during which he or she is engaged in

1 the duties of the board. The board is authorized to hold hearings at any place in this
2 state. Any and all expenses incurred by the Labor Relations Board shall be shared
3 by all parties concerned in the dispute.

4 (3) The board shall appoint employees necessary to carry out the work of the board. All
5 files, records, and documents accumulated by the board shall be kept in offices
6 provided by the board. All decisions shall be made by a majority of the board.

7 (4) To accomplish the objectives and to carry out the duties prescribed by this chapter,
8 the board may subpoena witnesses; issue subpoenas to require the production of
9 books, papers, records, and documents which may be needed as evidence in any
10 matter under inquiry; and administer oaths and affirmations.

11 (5) In case of neglect or refusal to obey a subpoena issued to any person, the Circuit
12 Court of the county in which the investigations or the public hearings are taking
13 place, upon application by the board may issue an order requiring the person to
14 appear before the board, any member, or agent, to produce evidence or give
15 testimony about the matter under investigation. A failure to obey a court order may
16 be punished by the court as a contempt.

17 (6) Any subpoena, notice of hearing, or other process or notice of the board issued
18 under the provisions of this chapter, with the exception of notice requirements for
19 administrative hearings as provided in KRS Chapter 13B, may be served
20 personally, by certified mail, return receipt requested, or by leaving a copy at the
21 principal office or place of residence of the respondent required to be served. A
22 return, made and verified by the individual making service and setting forth the
23 manner of service, is proof of service and a returned post-office receipt, when
24 certified mail is used, is proof of service. All process of any court to which
25 application may be made under the provisions of this chapter may be served in the
26 county in which the persons required to be served reside or may be found.

27 (7) The board shall, promulgate, amend, or repeal any administrative regulations

1 necessary and administratively feasible to carry out the provisions of this chapter.
2 Public hearings shall be held by the board, pursuant to KRS Chapter 13A, on any
3 proposed administrative regulation of general applicability designed to implement,
4 interpret, or prescribe policy, procedure, or practice requirements under the
5 provisions of this chapter and on any proposed change in an existing administrative
6 regulation.

7 (8) The board shall be attached to the Education and Labor Cabinet for administrative
8 purposes.

9 ➔Section 208. KRS 350.310 is amended to read as follows:

10 (1) The "Mining Council," hereinafter called "the council," is hereby established in the
11 office of the Governor. The council shall be the advisory body referred to in Article
12 V(a) of the Interstate Mining Compact. No member of the council shall receive any
13 compensation on account of his service thereon, but any such member shall be
14 entitled to reimbursement for expenses actually incurred by him in connection with
15 his possible service as the Governor's alternate on the Interstate Mining
16 Commission.

17 (2) The council shall be composed of eight (8) members: one (1) of whom shall be the
18 Lieutenant Governor; three (3) of whom shall be representatives of mining
19 industries; two (2) of whom shall be representatives of nongovernmental
20 conservation interests; the commissioner for environmental protection and the
21 secretary of the Energy and Environment Cabinet.

22 (3) The members of the council representing mining industries and nongovernmental
23 conservation interests shall be appointed by the Governor. The term of office of
24 such members shall be for four (4) years concurrent with that of the Governor or
25 until their successor has been qualified. **All members appointed by the Governor**
26 **shall be subject to Senate confirmation in accordance with KRS 11.160 for each**
27 **appointment or reappointment.**

1 ➔Section 209. KRS 350.506 is amended to read as follows:

2 (1) There is hereby created the Reclamation Guaranty Fund Commission which shall
3 be administratively attached to the cabinet. The commission shall consist of seven
4 (7) members. One (1) member shall be the secretary of the Energy and Environment
5 Cabinet, or his or her designee, who shall serve as chair of the commission. The
6 other six (6) members of the commission shall be appointed by the Governor as
7 follows:

8 (a) Three (3) members of the commission shall be representatives of coal mining
9 permittees that participate in the fund, with the following qualifications tiered
10 to represent the size of the operator measured in tons of coal sold:

- 11 1. A representative of a permittee which participates in the fund and has
12 mined and sold less than one million (1,000,000) tons of coal during the
13 twelve (12) months preceding appointment;
- 14 2. A representative of a permittee which participates in the fund and has
15 mined and sold over one million (1,000,000) tons but less than five
16 million (5,000,000) tons of coal during the twelve (12) months
17 preceding appointment; and
- 18 3. A representative of a permittee which participates in the fund and has
19 mined and sold more than five million (5,000,000) tons of coal during
20 the twelve (12) months preceding appointment.

21 If no permittee that participates in the fund meets the qualifications stated in
22 subparagraph 2. or 3. of this paragraph, then a qualified permittee shall be
23 selected in a lower tier;

24 (b) Two (2) members of the commission shall be representatives with a
25 background in the insurance and banking industries with knowledge of the
26 coal industry and chosen from a list of nominees submitted by the chair of the
27 commission and the remaining members of the commission; and

- 1 (c) One (1) member shall be a certified public accountant who is not associated
2 with, or does not have a financial interest in, coal mining operations in the
3 Commonwealth of Kentucky.
- 4 (2) (a) Appointments shall be made by the Governor for terms of four (4) years, and
5 shall be subject to Senate confirmation in accordance with KRS 11.160 for
6 each appointment or reappointment. Members may serve successive terms if
7 reappointed, not to exceed two (2) full consecutive terms. Any vacancy in an
8 unexpired term shall be filled for the unexpired portion of the term by the
9 Governor.
- 10 (b) A member of the commission shall be elected at the first meeting of each
11 fiscal year by majority vote of the other members to serve as vice chair of the
12 commission whose term shall be for one (1) year.
- 13 (3) The commission shall adopt bylaws by which it shall establish procedures for
14 conduct of meetings.
- 15 (4) The official domicile of the commission shall be Franklin County. All actions of the
16 commission shall be considered to occur in Franklin County.
- 17 (5) The commission shall meet no less than once every three (3) months. Four (4)
18 members of the commission shall constitute a quorum at any meeting.
- 19 (6) Each commission member, except the cabinet representative, shall receive one
20 hundred fifty dollars (\$150) per diem for each meeting attended. Members of the
21 commission also shall be reimbursed for actual and necessary expenses directly
22 related to meetings of the commission.
- 23 (7) If a member of the commission fails to attend four (4) consecutive meetings, the
24 position shall be considered to be vacated, and the Governor, after receiving notice
25 of the vacancy from the commission, shall immediately appoint a qualified person
26 to serve the remainder of the term.
- 27 (8) Any member of the commission having any direct or indirect financial interest or

1 any other conflict of interest with respect to an assignment of classification pursuant
2 to KRS 350.518, sanctions for nonpayment of fees established in KRS 350.515 and
3 350.518, or assessment of the fee pursuant to KRS 350.518, shall not participate in
4 any discussion or vote pertaining to specific mining operations for which the
5 member is an owner or employee.

6 (9) Misuse of the office by a member of the commission to obtain personal, pecuniary,
7 or material gain or advantage for himself or a company in his dominion or control
8 shall be automatic grounds for removal by the Governor.

9 (10) Members of the commission, its agents, and employees shall be immune from suit
10 in any action, civil or criminal, which is based upon any official act or acts
11 performed by them in good faith.

12 (11) Members of the commission, its agents, and employees shall be subject to the terms
13 and provisions of the Executive Branch Code of Ethics, as set forth in KRS Chapter
14 11A.

15 ➔Section 210. KRS 353.565 is amended to read as follows:

16 (1) There is hereby created in the Department for Natural Resources, the "Kentucky Oil
17 and Gas Conservation Commission" which shall be composed of five (5) members.
18 Four (4) of the members shall be appointed by the Governor and **shall be subject to**
19 **Senate confirmation in accordance with KRS 11.160 for each appointment or**
20 **reappointment.** The fifth member, who shall serve as chairman of the commission,
21 shall be the director of the Division of Oil and Gas and who shall serve in an ex
22 officio capacity as a nonvoting member except in the case of a tie. The four (4)
23 members appointed by the Governor shall be residents of this state and not more
24 than one (1) of them may be directly employed in the exploration for or the
25 production of oil or gas, or deriving more than fifty percent (50%) of that person's
26 income from the exploration for or production of oil or gas, or engaged in a
27 business directly servicing or supplying these activities. No member of the

1 commission shall participate in the deliberations of the commission or vote on any
2 matter before the commission in which he, his employer, or any business unit in
3 which he has a financial interest is an interested party, but a member of the
4 commission is not prohibited from deliberating or voting on matters of general
5 interest, such as the fixing of statewide spacing patterns, affecting him, his
6 employer, or a business unit in which he has financial interest as a member of a
7 class of persons to be affected by an administrative regulation or order of the
8 commission. The commission shall not contain more than one (1) representative
9 from any one (1) operator, including subsidiaries or affiliates. Of the four (4)
10 members appointed by the Governor, two (2) shall be residents of eastern Kentucky
11 and two (2) shall be residents of western Kentucky. Longitude 84 deg. 30 min. shall
12 be deemed as the division line between eastern Kentucky and western Kentucky.

13 (2) The members of the commission, except the chairman, shall be appointed for terms
14 of four (4) years each, except that:

15 (a) The original appointments shall be for terms of one (1), two (2), three (3), and
16 four (4) years respectively; and

17 (b) Of the members appointed after July 15, 1998, one (1) member appointed to
18 fill the term expiring June 21, 1999, shall serve until January 21, 2000; one
19 (1) member appointed to fill the term expiring June 21, 2000, shall serve until
20 January 21, 2001; one (1) member appointed to fill one (1) of the two (2)
21 terms expiring June 21, 2001, shall serve until January 21, 2002; and one (1)
22 member appointed to fill the second of the two (2) terms expiring June 21,
23 2001, shall serve until January 21, 2003; and subsequent appointments shall
24 be for four (4) year terms ending on January 21. Each member appointed by
25 the Governor shall serve until his successor has been appointed and qualified.
26 Members may be reappointed by the Governor to serve successive terms. The
27 members of the commission, before performing any duty hereunder, shall take

1 an oath which shall be certified by the officer administering it. The oath in
2 writing and the certificate shall be filed in the office of the Secretary of State.
3 Vacancies in the membership appointed by the Governor shall be filled by
4 appointment by him and for the unexpired term of the member whose office
5 shall be vacant, and the appointment shall be made by the Governor within
6 sixty (60) days of the occurrence of a vacancy. Any member appointed by the
7 Governor may be removed by the Governor in case of incompetency, neglect
8 of duty, gross immorality, or malfeasance of office.

9 (3) The commission shall meet at times and places as shall be designated by the
10 chairman. The chairman may call a meeting of the commission at any time, and he
11 shall call a meeting of the commission upon the written request of two (2)
12 members. Notification of each meeting shall be given in writing to each member by
13 the chairman at least five (5) days in advance of the meeting. Any three (3)
14 members, one (1) of which may be the chairman, shall constitute a quorum for the
15 transaction of any business, including the holding of hearings. A majority of the
16 commission present shall be required to determine any issue brought before it for
17 decision.

18 (4) Each member of the commission, except the chairman, shall receive one hundred
19 fifty dollars (\$150) per diem not to exceed one hundred (100) days per calendar
20 year while actually engaged in the performance of his duties as a member of the
21 commission. Each member of the commission, including the chairman, shall also be
22 reimbursed for all reasonable and necessary expenses actually incurred in the
23 performance of his duties as a member of the commission.

24 (5) The commission shall execute and carry out, administer, and enforce the provisions
25 of KRS 353.651 and 353.652. The commission may make any investigation of
26 records and facilities as it deems proper.

27 (6) If an emergency is found to exist by the commission which, in its judgment,

1 requires the making, changing, renewal, or extension of an administrative
2 regulation or order without first having a hearing, an emergency regulation may be
3 promulgated in accordance with KRS Chapter 13A and an emergency order may be
4 issued in accordance with KRS 13B.125.

5 (7) The commission shall have specific authority to:

6 (a) Promulgate and enforce reasonable administrative regulations and issue orders
7 reasonably necessary to prevent waste, protect correlative rights, govern the
8 practice and procedure before the commission, and otherwise administer the
9 provisions of KRS 353.651 and 353.652; and

10 (b) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum
11 for the production of any books, records, maps, charts, diagrams, and other
12 pertinent documents, and administer oaths and affirmations to witnesses,
13 whenever, in the judgment of the commission, it is necessary to do so for the
14 effective discharge of its duties under the provisions of KRS 353.651 and
15 353.652.

16 (8) Any interested person may have the commission call a hearing for the purpose of
17 taking action in respect to any matter within the jurisdiction of the commission by
18 making a request therefor in writing. Upon the receipt of any request, the
19 commission promptly shall call a hearing thereon, and, after the hearing and with
20 all convenient speed, and in any event within thirty (30) days after the conclusion of
21 the hearing, shall take appropriate action with regard to the subject matter thereof as
22 it may deem appropriate. If the hearing is adjudicatory in nature, it shall be
23 conducted in accordance with KRS Chapter 13B.

24 (9) Agreements made in the interest of conservation of oil or gas, or both, or for the
25 prevention of waste, between and among owners or operators, or both, owning
26 separate holdings in the same field or pool, or in any area that appears from
27 geologic or other data to be underlaid by a common accumulation of oil or gas, or

1 both, and agreements between and among these owners or operators, or both, and
2 royalty owners therein, for the purpose of bringing about the development and
3 operation of the field, pool, or area, or any part thereof, as a unit, and for
4 establishing and carrying out a plan for the cooperative development and operation
5 thereof, when the agreements are approved by the commission, are hereby
6 authorized and shall not be held or construed to violate any of the laws of this state
7 relating to trusts, monopolies, or contracts and combinations in restraint of trade.

8 (10) Nothing in this section shall be construed as giving to the commission the right or
9 authority to supersede the authority of the department in the administration of KRS
10 353.060.

11 ➔Section 211. KRS 353.752 is amended to read as follows:

12 (1) There is created and established within the Finance and Administration Cabinet a
13 Kentucky Gas Pipeline Authority composed of the following nine (9) members:

14 (a) The secretary of the Finance and Administration Cabinet or his or her
15 designee;

16 (b) The secretary of the Tourism, Arts and Heritage Cabinet or his or her
17 designee;

18 (c) The secretary of the Energy and Environment Cabinet or his or her designee;

19 (d) A member designated by the Kentucky Oil and Gas Association;

20 (e) A member designated by the Kentucky Society of Professional Engineers who
21 shall have experience in oil and gas pipeline construction;

22 (f) A member designated by the Kentucky Gas Association representing a natural
23 gas distribution company with a minimum annual throughput of ten billion
24 (10,000,000,000) cubic feet;

25 (g) A citizen member appointed by the Governor, **subject to Senate confirmation**
26 **in accordance with KRS 11.060 for each appointment or reappointment;** and

27 (h) Two (2) nonvoting legislator members, one (1) appointed by the President of

- 1 the Senate and one (1) by the Speaker of the House of Representatives.
- 2 (2) Members described in paragraphs (d), (e), (f), and (g) of subsection (1) of this
3 section shall begin their terms on August 1, 2005. The initial terms of the members
4 described in paragraphs (d) and (e) shall be two (2) years. The initial terms of the
5 members described in paragraphs (f) and (g) shall be three (3) years and four (4)
6 years, respectively. All subsequent terms for those members shall be four (4) years.
- 7 (3) Vacancies occurring during the term of any member shall be filled in the same
8 manner as the original appointment.
- 9 (4) The nine (9) members of the authority and their successors shall be a body
10 corporate and politic, with perpetual succession, constituting a public corporation
11 and a governmental agency and instrumentality of the Commonwealth. The
12 authority shall have the power, in its corporate name, to contract and be contracted
13 with, acquire and convey property, sue and be sued, have and use a corporate seal,
14 and exercise all of the usual powers of corporations not inconsistent with the
15 authority's specifically enumerated powers.
- 16 (5) The members of the authority shall receive no compensation for their services, but
17 shall be entitled to reimbursement for their actual and necessary expenses incurred
18 in the performance of their duties under KRS 353.750 to 353.776.
- 19 (6) The secretary of the Finance and Administration Cabinet shall serve as chair, and
20 the members of the authority shall elect a vice chair from their membership and
21 appoint a secretary.
- 22 (7) The secretary of the Finance and Administration Cabinet shall designate an
23 employee of his or her cabinet to serve as treasurer of the authority. The treasurer
24 shall give bond to the authority for a faithful accounting for all funds coming into
25 his or her custody, in the amount the authority may prescribe, drawn upon a surety
26 company qualified to do business in the Commonwealth. The premium shall be
27 paid by the Commonwealth.

1 (8) The authority shall establish and maintain an office and keep accurate and complete
2 records of the authority's actions and proceedings, which shall be available for
3 public inspection in accordance with KRS 61.870 to 61.884. The Finance and
4 Administration Cabinet shall provide the funds, staff, facilities, and materials
5 required by the authority in the conduct of its duties and functions.

6 ➔Section 212. KRS 367.130 is amended to read as follows:

7 (1) The members of the Consumers' Advisory Council shall be sixteen (16) in number
8 and shall be appointed by the Governor and shall include citizens of Kentucky
9 generally knowledgeable in consumer affairs.

10 (2) In addition to the members appointed by the Governor, the Attorney General shall
11 be an ex officio member and shall serve as the chairman of the Consumers'
12 Advisory Council.

13 (3) The members of the council other than the Attorney General shall be appointed or
14 reappointed by the Governor within sixty (60) days after July 1, 2000. Each
15 member shall serve for a three (3) year term, except that of the members first
16 appointed or reappointed after July 1, 2000, six (6) shall be appointed for a term of
17 one (1) year, five (5) shall be appointed for a term of two (2) years, and five (5)
18 shall be appointed for a term of three (3) years. Members of the council shall be
19 eligible for reappointment by the Governor. **All members appointed by the**
20 **Governor shall be subject to Senate confirmation in accordance with KRS 11.160**
21 **for each appointment or reappointment.**

22 (4) Each member of the Consumers' Advisory Council shall be a resident of Kentucky,
23 and except for the Attorney General, shall not be in the employ of the
24 Commonwealth, except as a faculty member or on the staff of a school.

25 ➔Section 213. KRS 403.213 is amended to read as follows:

26 (1) The Kentucky child support guidelines may be used by the parent, custodian, or
27 agency substantially contributing to the support of the child as the basis for periodic

1 updates of child support obligations and for modification of child support orders for
2 health care. The provisions of any decree respecting child support may be modified
3 only as to installments accruing subsequent to the filing of the motion for
4 modification and only upon a showing of a material change in circumstances that is
5 substantial and continuing.

6 (2) Application of the Kentucky child support guidelines to the circumstances of the
7 parties at the time of the filing of a motion or petition for modification of the child
8 support order which results in equal to or greater than a fifteen percent (15%)
9 change in the amount of support due per month shall be rebuttably presumed to be a
10 material change in circumstances. Application which results in less than a fifteen
11 percent (15%) change in the amount of support due per month shall be rebuttably
12 presumed not to be a material change in circumstances. For the one (1) year period
13 immediately following enactment of this statute, the presumption of material
14 change shall be a twenty-five percent (25%) change in the amount of child support
15 due rather than the fifteen percent (15%) stated above.

16 (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions
17 for the support of a child shall be terminated by emancipation of the child unless the
18 child is a high school student when he reaches the age of eighteen (18). In cases
19 where the child becomes emancipated because of age, but not due to marriage,
20 while still a high school student, the court-ordered support shall continue while the
21 child is a high school student, but not beyond completion of the school year during
22 which the child reaches the age of nineteen (19) years. Provisions for the support of
23 the child shall not be terminated by the death of a parent obligated to support the
24 child. If a parent obligated to pay support dies, the amount of support may be
25 modified, revoked, or commuted to a lump-sum payment, to the extent just and
26 appropriate in the circumstances. Emancipation of the child shall not terminate the
27 obligation of child support arrearages that accrued while the child was an

1 unemancipated minor.

2 (4) The child support guidelines table shall be reviewed at least once every four (4)
3 years by a commission consisting of the following persons:

4 (a) The secretary of the Cabinet for Health and Family Services or a supervisory
5 staff person designated by him;

6 (b) Two (2) members of the Kentucky Bar Association who have at least six (6)
7 consecutive years' experience and are presently practicing domestic relations
8 cases, one (1) member from a metropolitan or large urban area and one (1)
9 member from a less populated area;

10 (c) Two (2) Circuit Judges appointed by the Chief Justice of the Kentucky
11 Supreme Court, one (1) from a metropolitan or large urban area, and one (1)
12 from a less populated area;

13 (d) One (1) District Judge appointed by the Chief Justice of the Kentucky
14 Supreme Court;

15 (e) Two (2) county attorneys appointed by the president of the County Attorneys
16 Association, one (1) from a metropolitan or large urban area and one (1) from
17 a less populated area;

18 (f) The Attorney General or his designee, who shall be an attorney from his
19 office;

20 (g) One (1) person who is a custodial parent;

21 (h) One (1) person who is a noncustodial parent;

22 (i) One (1) person who is a parent with split custody; and

23 (j) One (1) child advocate.

24 The members designated in paragraphs (g) to (j) of this subsection shall be
25 appointed by the Governor from a list of three (3) names for each category
26 submitted by the Cabinet for Health and Family Services. If the status of one (1) of
27 these members changes, the member shall be replaced through appointment by the

1 Governor from a list of three (3) names submitted by the cabinet. *All members*
2 *appointed by the Governor shall be subject to Senate confirmation in accordance*
3 *with KRS 11.160 for each appointment or reappointment.*

4 (5) The commission shall make a recommendation to the Kentucky General Assembly
5 to ensure that the child support guidelines table results in a determination of
6 appropriate child support amounts.

7 ➔Section 214. KRS 431.650 is amended to read as follows:

- 8 (1) The Kentucky Multidisciplinary Commission on Child Sexual Abuse is hereby
9 created.
- 10 (2) The commission shall be composed of the following members:
- 11 (a) The commissioner of the Department for Community Based Services or a
12 designee;
- 13 (b) The commissioner of the Department for Behavioral Health, Developmental
14 and Intellectual Disabilities or a designee;
- 15 (c) One (1) social service worker who is employed by the Department for
16 Community Based Services to provide child protective services, who shall be
17 appointed by the secretary of the Cabinet for Health and Family Services;
- 18 (d) One (1) therapist who provides services to sexually abused children, who shall
19 be appointed by the secretary of the Cabinet for Health and Family Services;
- 20 (e) The commissioner of the Department of Kentucky State Police or a designee;
- 21 (f) One (1) law enforcement officer who is a detective with specialized training
22 in conducting child sexual abuse investigations, who shall be appointed by the
23 secretary of the Justice and Public Safety Cabinet;
- 24 (g) One (1) employee of the Administrative Office of the Courts appointed by the
25 Chief Justice of the Supreme Court of Kentucky;
- 26 (h) Two (2) employees of the Attorney General's Office who shall be appointed
27 by the Attorney General;

- 1 (i) One (1) Commonwealth's attorney who shall be appointed by the Attorney
2 General;
- 3 (j) The commissioner of the Department of Education or a designee;
- 4 (k) One (1) school counselor, school psychologist, or school social worker who
5 shall be appointed by the commissioner of the Department of Education;
- 6 (l) One (1) representative of a children's advocacy center who shall be appointed
7 by the Governor, subject to Senate confirmation in accordance with KRS
8 11.160 for each appointment or reappointment;
- 9 (m) One (1) physician appointed by the Governor, subject to Senate confirmation
10 in accordance with KRS 11.160 for each appointment or reappointment; and
- 11 (n) One (1) former victim of a sexual offense or one (1) parent of a child sexual
12 abuse victim who shall be appointed by the Attorney General.
- 13 (3) Appointees shall serve at the pleasure of the appointing authority but shall not serve
14 longer than four (4) years without reappointment.
- 15 (4) The commission shall elect a chairperson annually from its membership.
- 16 ➔Section 215. KRS 439.562 is amended to read as follows:
- 17 (1) To oversee the intrastate affairs of the Interstate Compact for Adult Offender
18 Supervision, the Kentucky Council for Interstate Adult Offender Supervision is
19 created and attached to the Office of the Secretary of the Justice and Public Safety
20 Cabinet for administrative purposes.
- 21 (2) The membership of the council shall consist of:
- 22 (a) The commissioner of the Department of Corrections, ex officio;
- 23 (b) The compact administrator of the Department of Corrections, ex officio;
- 24 (c) The deputy commissioner of the Office of Community Services and Facilities,
25 ex officio;
- 26 (d) One (1) member of the House of Representatives selected by the Speaker of
27 the House of Representatives and appointed by the Governor;

- 1 (e) One (1) member of the Senate selected by the President of the Senate and
2 appointed by the Governor;
- 3 (f) Two (2) members of the judiciary selected by the Chief Justice of the
4 Kentucky Supreme Court and appointed by the Governor; and
- 5 (g) Six (6) at-large members, appointed by the Governor, representing victim
6 groups and other community interest groups.
- 7 (3) Of the initial members, except those serving ex officio, three (3) members shall be
8 appointed to serve terms of four (4) years, three (3) members shall be appointed to
9 terms of three (3) years, three (3) members shall be appointed to terms of two (2)
10 years, and one (1) member shall be appointed to a term of one (1) year. Thereafter,
11 members shall be appointed to terms of four (4) years or until their successors have
12 been duly appointed and qualified. Members may be reappointed and vacancies
13 shall be immediately filled, in like manner, for the unexpired term.
- 14 (4) The Kentucky Council for Interstate Adult Offender Supervision shall meet at least
15 annually, at the call of the chair, and shall:
- 16 (a) Advocate when seeking resources;
- 17 (b) Provide recommendations regarding operational improvements;
- 18 (c) Provide recommendations regarding dispute resolution;
- 19 (d) Provide recommendations regarding training needs;
- 20 (e) Provide recommendations regarding policy changes; and
- 21 (f) Serve as a support mechanism for the Kentucky Compact Office.
- 22 (5) The Governor shall designate one (1) member of the council as chairperson and one
23 (1) member as vice chairperson, and a member so designated shall serve in that
24 capacity at the pleasure of the Governor or until his or her term expires.
- 25 **(6) All members appointed by the Governor shall be subject to Senate confirmation**
26 **in accordance with KRS 11.160 for each appointment or reappointment.**
- 27 ~~(Z)(6)~~ Members of the council shall serve without compensation but shall be

1 reimbursed for expenses actually and necessarily incurred in the performance of
2 their duties, subject to Finance and Administration Cabinet administrative
3 regulations.

4 ~~(8)~~~~(7)~~ Except as otherwise provided in this section, the Department of Corrections
5 may promulgate administrative regulations necessary to administer the Interstate
6 Compact for Adult Offender Supervision.

7 ➔Section 216. KRS 441.615 is amended to read as follows:

8 (1) There is created and established within the Finance and Administration Cabinet a
9 Kentucky Local Correctional Facilities Construction Authority, composed of ten
10 (10) members who shall be:

- 11 (a) The secretary of the Finance and Administration Cabinet, or his designee;
- 12 (b) The commissioner of the Department of Corrections, or his designee;
- 13 (c) The designee of the Kentucky Jailers Association;
- 14 (d) The designee of the Kentucky County Judges/Executive Association;
- 15 (e) The designee of the Kentucky Association of Counties;
- 16 (f) The designee of the Kentucky Magistrates and Commissioners Association;
- 17 (g) Two (2) citizen members appointed by the Governor, subject to Senate
18 confirmation in accordance with KRS 11.160 for each appointment or
19 reappointment; and
- 20 (h) Two (2) members of the General Assembly appointed by the Governor,
21 subject to Senate confirmation in accordance with KRS 11.160 for each
22 appointment or reappointment.

23 (2) The ex officio members shall serve for the term of their respective office. The
24 legislative members of the authority shall serve at the pleasure of the Governor.

25 (3) Citizen members shall begin their terms on August 1, 1982, and shall be appointed
26 for a term of four (4) years; however, in making initial appointments, the Governor
27 shall appoint one (1) member for a term of two (2) years, and one (1) member for a

- 1 term of three (3) years.
- 2 (4) Vacancies occurring in the term of any member shall be filled in the same manner
3 as the original appointment.
- 4 (5) The ten (10) members of this authority and their successors are a body corporate
5 and politic constituting a public corporation and governmental agency and
6 instrumentality of the Commonwealth, with perpetual succession and with power in
7 that name to contract and be contracted with, to acquire and convey property, to sue
8 and be sued, to have and use a corporate seal, and to exercise all of the usual
9 powers of corporations not inconsistent with specifically enumerated powers.
- 10 (6) The members of the authority shall receive no compensation for their services, but
11 shall be entitled to reimbursement for all reasonable expenses necessary and
12 incidental to the performance of their duties and function as members of this
13 authority.
- 14 (7) The chairman of the authority shall be the secretary of finance. The members of the
15 authority shall elect a vice chairman and secretary from their membership.
- 16 (8) The secretary of the Finance and Administration Cabinet shall designate an
17 employee of his cabinet to serve as treasurer of the authority. The treasurer shall
18 give bond to the authority for a faithful accounting for all funds coming into his
19 custody, in the amount the authority may prescribe, drawn upon a surety company
20 qualified to do business in the Commonwealth, the premium to be paid by the
21 Commonwealth.
- 22 (9) The authority shall establish and maintain an office and the secretary of the
23 authority shall maintain ~~the~~^{there} complete records of the authority's actions and
24 proceedings, as public records open to inspection. The Finance and Administration
25 Cabinet shall provide the funds, staff assistants, facilities, and materials required by
26 the authority in the conduct of its duties and functions. The secretary of the Finance
27 and Administration Cabinet may require the Department of Corrections to share in

1 the expenses incurred by the Finance and Administration Cabinet in maintaining
2 and operating offices of the authority.