

**31.015 Public Advocacy Commission -- Appointment -- Members -- Terms -- Compensation -- Duties.**

- (1) (a) The Public Advocacy Commission shall consist of the following members, none of whom shall be a prosecutor, law enforcement official, or judge, who shall serve terms of four (4) years, except the initial terms shall be established as hereafter provided:
  1. Two (2) members appointed by the Governor;
  2. One (1) member appointed by the Governor. This member shall be a child advocate or a person with substantial experience in the representation of children;
  3. Two (2) members appointed by the Kentucky Supreme Court;
  4. Three (3) members, who are licensed to practice law in Kentucky and have substantial experience in the representation of persons accused of crime, appointed by the Governor from a list of three (3) persons submitted to him or her for each individual vacancy by the board of governors of the Kentucky Bar Association;
  5. The dean, ex officio, of each of the law schools in Kentucky or his or her designee; and
  6. One (1) member appointed by the Governor from a list of three (3) persons submitted to him or her by the joint advisory boards of the Protection and Advocacy Division of the Department for Public Advocacy.
- (b) Any member of the commission serving prior to July 15, 2002, shall serve until the expiration of his or her current term of office. Subsequent appointments shall be for a term of four (4) years from the date of expiration of the term for which his or her predecessor was appointed.
- (2) At the first meeting of the commission, a drawing by lot shall be conducted to determine the length of each original member's term. Initially there shall be four (4) two (2) year terms, four (4) three (3) year terms, and four (4) four (4) year terms. Vacancies in the membership of the commission shall be filled in the same manner as original appointments. Appointments to fill vacancies occurring before the expiration of a term shall be for the remainder of the unexpired term.
- (3) The commission shall first meet at the call of the Governor and thereafter as the commission shall determine on a regular basis, but at least quarterly, and shall be presided over by a chairperson elected by its members for a one (1) year term. A majority of commission members shall constitute a quorum, and decisions shall require the majority vote of those present; except that a recommendation to the Governor pertaining to the appointment, renewal of the appointment, or removal of the public advocate shall require a majority vote of the commission. Each member of the commission shall have one (1) vote, and voting by proxy shall be prohibited.
- (4) The public advocate shall, upon appointment or renewal, be an ex officio member of the commission without the power to vote, shall serve as secretary of the commission, and shall be entitled to attend and participate in all meetings of the

commission except discussions relating to renewal of his or her term or his or her removal.

- (5) Commission members shall be reimbursed for reasonable and necessary expenses incurred while engaged in carrying out the duties of the commission and shall receive one hundred dollars (\$100) per day for each meeting attended unless prohibited by law from receiving such compensation.
- (6) The commission shall:
  - (a) Receive applications, interview, and recommend to the Governor three (3) attorneys as nominees for appointment as the public advocate;
  - (b) Assist the public advocate in drawing up procedures for the selection of his or her staff;
  - (c) Review the performance of the public advocacy system and provide general supervision of the public advocate;
  - (d) Assist the Department for Public Advocacy in ensuring its independence through public education regarding the purposes of the public advocacy system; and
  - (e) Review and adopt an annual budget prepared by the public advocate for the system and provide support for budgetary requests to the General Assembly.
- (7) In no event shall the commission or its members interfere with the discretion, judgment, or advocacy of employees of the Department for Public Advocacy in their handling of individual cases.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 107, sec. 1, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 116, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 283, sec. 2, effective July 15, 2002. -- Amended 1994 Ky. Acts ch. 486, sec. 18, effective July 15, 1994. -- Created 1982 Ky. Acts ch. 377, sec. 2, effective July 15, 1982.

**Legislative Research Commission Note (6/26/2007).** 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.