

1 AN ACT relating to taxing districts.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Entity" means a district, authority, commission, board, or program listed*
7 *in subsection (2) of this section; and*

8 *(b) "Governing body" means the board, body, or group that oversees the*
9 *operations of an entity and is authorized by law to act on behalf of the*
10 *entity.*

11 *(2) Notwithstanding any other provision of law, each member of the governing*
12 *bodies of the following entities, except those who are members by virtue of*
13 *holding another elected office or appointment under subsection (7) of this*
14 *section, shall be elected in nonpartisan elections pursuant to the regular election*
15 *laws of the Commonwealth:*

16 *(a) Rescue squad taxing districts established pursuant to KRS 39F.160;*

17 *(b) Taxing districts as defined in KRS 65.180;*

18 *(c) Riverport authorities established pursuant to KRS 65.520;*

19 *(d) Industrial taxing districts established pursuant to KRS 68.602;*

20 *(e) Sanitation tax districts established pursuant to KRS 76.274;*

21 *(f) Local tourist and convention commissions established pursuant to KRS*
22 *91A.350;*

23 *(g) Flood control districts established pursuant to KRS 104.450 to 104.680;*

24 *(h) Area planning commissions established pursuant to KRS 147.610 to*
25 *147.705;*

26 *(i) Municipal college support districts established pursuant to KRS 165.175;*

27 *(j) Local air boards established pursuant to KRS 183.132;*

1 (k) Regional community services programs established pursuant to KRS
2 210.370 to 210.460;

3 (l) Sanitation districts established pursuant to KRS 220.020;

4 (m) Watershed conservancy districts established pursuant to KRS 262.700 to
5 262.795; and

6 (n) Drainage taxing districts established pursuant to KRS 269.100.

7 (3) If multiple jurisdictions are represented on a governing body:

8 (a) The legislative bodies of jurisdictions having representation on the
9 governing body shall certify by resolution the number of seats subject to
10 election from that jurisdiction to the county board of elections containing
11 that jurisdiction. This certification shall take into account the
12 apportionment of seats on the governing body as determined by the statutes
13 governing its creation and administration; and

14 (b) In the event of a dispute as to proper apportionment of seats amongst
15 jurisdictions, any legislative body may file suit in any Circuit Court of
16 competent jurisdiction.

17 (4) (a) If an entity operates within the boundaries of a single county, nominating
18 petitions shall:

19 1. Be filed with the clerk of that county for candidates to serve as
20 members of the entity's governing body;

21 2. Be filed by the last date prescribed by the election law generally for
22 filing certificates of nomination prior to a regular election;

23 3. Be filed no later than 4 p.m. local time at the place of filing when filed
24 on the last date on which such papers are permitted to be filed;

25 4. Be subscribed by twenty-five (25) or more qualified voters who are
26 residents of the territory to be encompassed by the entity. Resident
27 qualified voters may join in nominating by petition more than one (1)

1 candidate; and

2 5. State the residence or post office address of each candidate, that he or
3 she is legally qualified to hold the office, and that the subscribers
4 desire, and are legally qualified, to vote for the candidate.

5 (b) If an entity operates within the boundaries of more than one (1) county,
6 nominating petitions shall:

7 1. Be filed with the clerk of the county:

8 a. In which the candidate for the entity's governing body resides;
9 and

10 b. That contains part of the particular territory within which the
11 entity is authorized to operate;

12 2. Be filed by the last date prescribed by the election law generally for
13 filing certificates of nomination prior to a regular election;

14 3. Be filed no later than 4 p.m. local time at the place of filing when filed
15 on the last date on which such papers are permitted to be filed;

16 4. Be subscribed by twenty-five (25) or more qualified voters who are
17 residents of:

18 a. The particular territory within which the entity is authorized to
19 operate; and

20 b. The county in which the nominating petition is to be filed.

21 Resident qualified voters may join in nominating by petition more
22 than one (1) candidate; and

23 5. State the residence or post office address of each candidate, that he or
24 she is legally qualified to hold the office, and that the subscribers
25 desire, and are legally qualified, to vote for the candidate.

26 (5) The county clerk of each county receiving nominating petitions shall certify the
27 nomination and election of members of governing bodies.

1 (6) (a) Unless otherwise provided in the statute or statutes authorizing the
2 establishment of an entity and the formation of its governing body, each
3 member elected to a governing body shall serve a four (4) year term.

4 (b) Unless previously removed for cause in the last four (4) years, an elected
5 member of a governing body may seek reelection to the governing body if
6 there are not specific statutory limits on his or her terms.

7 (7) If no one is nominated for, or elected and qualified to, an open seat on a
8 governing body, the Governor shall promptly fill the vacancy by appointment of a
9 qualified person who shall serve for the same period as if otherwise elected.

10 (8) (a) Any member of the governing body, in case of misconduct, incapacity, or
11 willful neglect in the performance of his or her duties of office, may be
12 removed from the governing body by a unanimous vote of the members of
13 the governing body exclusive of any member to be removed, who shall not
14 vote in the deliberation of his or her removal.

15 (b) A member shall not be removed without having been given the right to a full
16 public hearing.

17 (c) The member, if removed, shall have the right to appeal to the Circuit Court
18 of the county, and the appeal shall be on the record.

19 (d) A member removed in accordance with this subsection shall not be eligible
20 to fill the seat vacated before the expiration of the term to which originally
21 elected or appointed under subsection (7) of this section.

22 (e) A vacancy that occurs as a result of removal under this subsection shall be
23 filled pursuant to Section 152 of the Constitution of Kentucky.

24 ➔Section 2. KRS 39F.160 is amended to read as follows:

25 (1) A rescue squad taxing district may be created by the fiscal court pursuant to KRS
26 65.182 or 65.188.

27 (2) The ad valorem tax that may be imposed for the maintenance and operation of the

1 district shall not exceed ten cents (\$0.10) for each one hundred dollars (\$100) of the
2 assessed valuation of all property in the district.

3 (3) Upon the creation of a district, the district so established shall be a taxing district
4 within the meaning of Section 157 of the Constitution of Kentucky.

5 (4) The district ad valorem taxes shall be collected by the sheriff in the same manner as
6 county ad valorem taxes. The sheriff shall be entitled to a fee of four percent (4%)
7 of the amount of the tax collected for the district.

8 (5) The affairs of the district shall be controlled by a board of directors ***elected***
9 ***pursuant to Section 1 of this Act***~~appointed by the county judge/executive, the~~
10 ~~mayor of an urban county, or the chief executive of another local government with~~
11 ~~the approval of the legislative body of that jurisdiction].~~

12 (a) If the district consists of one (1) county, three (3) directors shall be
13 ***elected***~~appointed];~~

14 (b) If the district consists of two (2) counties,~~the county judge/executive of] the~~
15 county having the greater portion of the population of the district shall
16 ***elect***~~appoint] two (2) directors and the [county judge/executive of the]other~~
17 county shall ***elect***~~appoint] the third director;~~

18 (c) If the district consists of more than two (2) counties, ~~the county~~
19 ~~judge/executive of]the county having the greatest portion of the population of~~
20 the district shall ***elect***~~appoint] two (2) directors and ~~the county~~
21 ~~judge/executive of]the remaining counties comprising the district shall each~~
22 ***elect***~~appoint] one (1) director;~~~~

23 (d) ~~The legislative body of]Each city that contains a population equal to or~~
24 greater than three thousand (3,000) based upon the most recent federal
25 decennial census shall ***elect***~~appoint] one (1) additional director. If there is not~~
26 a city within the district that contains a population equal to or greater than
27 three thousand (3,000), then the city with the greatest population based upon

1 the most recent federal decennial census shall ~~elect~~~~appoint~~ one (1)
2 additional director.

3 (6) The board of directors shall be *elected at the next general election to be*
4 *held*~~appointed within thirty (30) days~~ after the establishment of the district. Each
5 board member shall reside within the county or city for which *elected*~~appointed~~.
6 Directors shall be *elected*~~appointed~~ for terms of two (2) years each~~, except that~~
7 ~~initially the appointing authority shall appoint a minority of the board members for~~
8 ~~one (1) year terms~~. ~~[Subsequent]~~Terms shall all be for two (2) years. Any
9 vacancies shall be filled *pursuant to Section 152 of the Constitution of*
10 *Kentucky*~~by the appointing authority for the unexpired term~~.

11 (7) A majority of the membership of the board shall constitute a quorum.

12 (8) A member of the board of directors may be removed from office *in accordance*
13 *with subsection (8) of Section 1 of this Act*~~as provided by KRS 65.007~~.

14 (9) The board of directors shall provide rescue service to inhabitants of the district and
15 may:

16 (a) Purchase vehicles and all other necessary equipment and employ trained
17 personnel who meet all federal and state requirements;

18 (b) Adopt rules and regulations necessary to effectively and efficiently provide
19 rescue service for the district. Rules and regulations shall be consistent with
20 the provisions of this chapter;

21 (c) Employ persons to administer the daily operations of the rescue service;

22 (d) Compensate employees of the district at a rate determined by the board;

23 (e) Apply for and receive available funds from the state and federal government
24 for the purpose of maintaining or improving the rescue service of the district;
25 and

26 (f) Acquire by bequest, gift, grant, or purchase any real or personal property
27 necessary to provide rescue service.

1 (10) A district shall be eligible for grants pursuant to KRS 39F.130 and workers'
2 compensation coverage pursuant to KRS 39F.170.

3 (11) Tax revenues of a rescue squad taxing district shall be used only for rescue services
4 as described in this chapter. Tax revenues of a rescue squad taxing district shall be
5 distributed among all rescue squads in the district in proportion to the percentage of
6 the district's population served by each squad.

7 (12) The board of directors shall comply with the provisions of KRS 65A.010 to
8 65A.090.

9 ➔Section 3. KRS 61.170 is amended to read as follows:

10 (1) County judges/executive, justices of the peace, sheriffs, coroners, surveyors, jailers,
11 county attorneys, members of governing bodies elected in accordance with
12 Section 1 of this Act, and constables may be indicted in the county in which they
13 reside for misfeasance or malfeasance in office, or willful neglect in the discharge
14 of official duties, and if convicted they shall be fined not less than one hundred
15 (\$100) nor more than one thousand dollars (\$1,000), and the judgment of
16 conviction shall declare the office held by such person vacant.

17 (2) Any sheriff, deputy sheriff, policeman, or other peace officer who fails to enforce
18 any provision of KRS Chapter 242 after receiving information of a violation
19 thereof, or having knowledge of a violation thereof and failing to act thereon, may
20 be indicted for nonfeasance or malfeasance in office, and if convicted shall be fined
21 not less than fifty (\$50) nor more than two hundred dollars (\$200), and the
22 judgment of conviction shall declare the office held by such person vacant.

23 (3) In the absence of good cause shown, a member of the fiscal court who fails to
24 attend fifty percent (50%) of the regular terms of the fiscal court within a six (6)
25 month period or who fails to attend two (2) consecutive terms of the fiscal court
26 shall be charged with neglect of office and upon conviction shall forfeit his office.

27 ➔Section 4. KRS 65.540 is amended to read as follows:

1 (1) Except as provided in paragraphs (c)2. and (d)2. of this subsection, the members
2 of the authority shall be elected pursuant to Section 1 of this Act,~~[appointed]~~ as
3 follows:

4 (a) If the authority is established by a city, ~~its~~^{such} members shall be
5 elected~~[appointed]~~ by the voters~~[mayor]~~ of the city;

6 (b) If the authority is established by a county, ~~its~~^{such} members shall be
7 elected~~[appointed]~~ by the voters of the county~~[judge/executive with the~~
8 ~~approval of the fiscal court]~~;

9 (c) If the authority is established as a joint city-county riverport authority:~~[,]~~

10 1. Three (3) members shall be elected from the city~~[appointed by the~~
11 ~~mayor]~~ and three (3) members elected from~~[by]~~ the county
12 ~~[judge/executive]~~ to the terms as provided in subsection (2) of this
13 section:~~[,]~~ and

14 2. In addition, the mayor may appoint himself or a member of the city
15 legislative body as one (1) additional member of the authority and the
16 county judge/executive may appoint himself or a member of the fiscal
17 court as one (1) additional member of the authority for a term of two (2)
18 years, provided that such persons may not serve on the authority after
19 the expiration of their terms as an elected official;

20 (d) If a combination of cities and/or counties establishes a joint riverport
21 authority after the effective date of this Act, the mayors and/or county
22 judges/executive involved:

23 1. Shall jointly determine the apportionment and initial terms of the six
24 (6) elected members of the authority~~[choose six (6) members]~~ to the
25 terms as provided in subsection (2) of this section:~~[, and shall jointly~~
26 ~~choose successors]~~ and

27 2. May upon agreement appoint a mayor or a member of a city legislative

1 body and a county judge/executive or a member of a fiscal court as two
 2 (2) additional members of the authority for terms of two (2) years,
 3 provided that such persons may not serve on the authority after the
 4 expiration of their terms as an elected official.

5 (2) ~~{Except as provided in subsection (1)(c) and (d) of this section, }~~Members of the
 6 authority shall serve for a term of four (4) years each, and until their successors are
 7 *elected*.~~{appointed and qualified, provided, however, that}~~*If a riverport authority is*
 8 *established after the effective date of this Act,* initial *elections*~~{appointments}~~ shall
 9 be made so that *three (3)*~~{two (2)}~~ members are *elected*~~{appointed}~~ for two (2) years
 10 *and*,~~{two (2) members for}~~ three (3)~~{years, and two (2)}~~ members *are elected* for
 11 four (4) years. Upon expiration of these staggered terms, successors shall be
 12 *elected*~~{appointed}~~ for a term of four (4) years.

13 (3) A riverport authority member may be *removed in accordance with subsection (8)*
 14 *of Section 1 of this Act*~~{replaced by the appointing authority for inefficiency,~~
 15 ~~neglect of duty, malfeasance, or conflict of interest. The appointing authority shall~~
 16 ~~submit a written statement to the riverport authority setting forth the reasons for~~
 17 ~~removal, and the statement shall be read at the next authority meeting, which shall~~
 18 ~~be open to the general public. The member so removed shall have the right of~~
 19 ~~appeal in the Circuit Court}~~. Except as provided in subsection (1)(c) and (d) of this
 20 section, no riverport authority member shall hold any official office with *any city or*
 21 *county that established* the~~{appointing}~~ authority.

22 (4) *Vacancies shall be filled in accordance with Section 152 of the Constitution of*
 23 *Kentucky*~~{Notwithstanding subsection (2) of this section, when a city of the first~~
 24 ~~class and a county containing such city have in effect a compact under KRS 79.310~~
 25 ~~to 79.330, the terms of the members of the authority shall be for three (3) years and~~
 26 ~~until their successors are appointed and qualified. Upon the effective date of the~~
 27 ~~compact, the county judge/executive with the approval of the fiscal court shall~~

1 adjust the terms of the sitting members so that one-third (1/3) of the terms expire in
 2 one (1) year, one-third (1/3) expire in two (2) years, and one-third (1/3) expire in
 3 three (3) years. Upon expiration of these staggered terms, successors shall be
 4 appointed for a term of three (3) years. Upon the establishment of a consolidated
 5 local government in a county where a city of the first class and a county containing
 6 that city have had in effect a cooperative compact pursuant to KRS 79.310 to
 7 79.330, all members of the authority shall be appointed by the mayor of the
 8 consolidated local government for a term of three (3) years pursuant to the
 9 provisions of KRS 67C.139. Incumbent members upon the establishment of the
 10 consolidated local government shall continue to serve as members of the authority
 11 for the time remaining on their current terms of appointment].

12 ➔Section 5. KRS 68.606 is amended to read as follows:

- 13 (1) A district ~~may~~shall be administered by either of the following methods:
- 14 (a) ~~By~~ The fiscal court of the county creating the district may~~it, which shall~~
 15 control and manage the affairs of the district; or~~.~~
- 16 (b) The fiscal court may, by a majority vote of its members, establish a board of
 17 trustees to control and manage the affairs of the district.
- 18 (2) The board of trustees established~~created~~ under subsection (1)(b) of this section
 19 shall operate in accordance with the following:
- 20 (a) ~~The term of office of each trustee shall be four (4) years except as specified.~~
 21 ~~The board shall consist of four (4) members who shall be~~ elected pursuant to
 22 Section 1 of this Act~~appointed~~ by the voters of the county; ~~judge/executive,~~
 23 ~~with the approval of the fiscal court. Initial appointments shall be for terms of~~
 24 ~~one (1), two (2), three (3), and four (4) years, as designated by the county~~
 25 ~~judge/executive. Thereafter, each successor shall be appointed for a term of~~
 26 ~~four (4) years. No more than three (3) members of the board shall be members~~
 27 ~~of the same political party.]~~

1 (b) The board shall elect its chairman from among its members. The board may
 2 appoint a secretary, an executive director, and other officials and employees
 3 who need not be members of the board. Members of the board shall not
 4 receive compensation for their services, but shall be reimbursed for their
 5 actual expenses incurred in the performance of their duties. A quorum for the
 6 transacting of the business of the board shall consist of three (3) members;
 7 and[-]

8 (c) A member of the board may be removed from office in accordance with
 9 subsection (8) of Section 1 of this Act[as provided by KRS 65.007].

10 ➔Section 6. KRS 75.031 is amended to read as follows:

11 (1) (a) Upon creation of a fire protection district or a volunteer fire department
 12 district as provided in KRS 75.010, the affairs of the district shall be
 13 conducted by the board of trustees consisting of seven (7) members[-, four (4)
 14 to be] elected pursuant to Section 1 of this Act by the voters[members] of the
 15 district[- as hereinafter set out and three (3) to be appointed by the county
 16 judge/executive or mayor in a consolidated local government pursuant to the
 17 provisions of KRS 67C.139. Two (2) members of the board of trustees shall
 18 be elected by the members of the firefighters of the district and shall be
 19 members of the district. two (2) members of the board of trustees shall be
 20 property owners who own real or personal property which is subject to the
 21 fire protection tax pursuant to KRS 75.040, who personally reside in the
 22 district, and who are not active firefighters and shall be elected by the
 23 property owners of the district. Property owners voting to select
 24 representatives to the board of trustees shall have attained the age of eighteen
 25 (18). The county judge/executive of the county in which the greater part of the
 26 district is located shall, with the approval of the fiscal court, appoint three (3)
 27 members of the board of trustees. In counties containing a city of the first

1 class, trustees appointed by the county judge/executive to serve in volunteer
 2 fire prevention districts shall reside within the boundaries of that county. In
 3 counties governed by a consolidated local government, trustees appointed by
 4 the mayor to serve in volunteer fire prevention districts shall reside within the
 5 boundaries of the consolidated local government. At the first election held
 6 after the district is formed, one (1) firefighter shall be elected to serve on the
 7 board of trustees for a period of one (1) year and one (1) for a period of three
 8 (3) years, and one (1) nonfirefighter property owner shall be elected to serve
 9 on the board of trustees for a period of two (2) years and one (1) for a period
 10 of four (4) years. On the expiration of the respective terms, the successor to
 11 each shall have the same qualifications as his or her predecessor and shall be
 12 elected for a term of four (4) years. The original appointed members of the
 13 board of trustees shall be appointed for terms of one (1), two (2), and three (3)
 14 years respectively. On the expiration of the respective terms, the successors to
 15 each shall be appointed for a term of three (3) years. Upon the establishment
 16 of a consolidated local government, incumbent members shall continue to
 17 serve until the expiration of their current term of office. In the event of a
 18 vacancy in the term of an appointed or elected trustee, the county
 19 judge/executive shall appoint with the approval of the fiscal court a trustee for
 20 the remainder of the term, except in a county containing a consolidated local
 21 government. In a county containing a consolidated local government, the
 22 mayor pursuant to the provisions of KRS 67C.139 shall appoint a trustee for
 23 the remainder of the term].

24 (b) A[An appointed] trustee may be removed from office *in accordance with*
 25 *subsection (8) of Section 1 of this Act*[as provided by KRS 65.007].

26 (c) No person shall be a[an elected] trustee who, at the time of his or her election,
 27 is not a citizen of Kentucky and has not attained the age of twenty-one (21).

1 ~~{(d) Unless otherwise provided by law, an elected firefighter trustee may be~~
2 ~~removed from office by the mayor of a consolidated local government, or in a~~
3 ~~county not containing a consolidated local government, by the county~~
4 ~~judge/executive of the county in which the greater part of the district is~~
5 ~~located. An elected firefighter trustee may be removed after a hearing with~~
6 ~~notice as required by KRS Chapter 424, for inefficiency, neglect of duty,~~
7 ~~malfeasance, or conflict of interest. The hearing shall be initiated and chaired~~
8 ~~by the county judge/executive of a county or the mayor of a consolidated~~
9 ~~local government, who shall prepare a written statement setting forth the~~
10 ~~reasons for removal. The trustee to be removed shall be notified of his or her~~
11 ~~proposed removal and the reasons for the proposed removal by registered mail~~
12 ~~sent to his or her last known address at least ten (10) days prior to the hearing.~~
13 ~~The person proposed to be removed may employ counsel to represent him or~~
14 ~~her. A record of the hearing shall be made by the county judge/executive or~~
15 ~~mayor respectively.~~

16 ~~(e) The removal of an elected firefighter trustee of a fire protection district shall~~
17 ~~be subject to the approval of the fiscal court of the county in which the greater~~
18 ~~part of the district is located in those counties not containing a consolidated~~
19 ~~local government or the legislative council in a county containing a~~
20 ~~consolidated local government.~~

21 ~~(f) An elected firefighter trustee removed pursuant to paragraphs (d) and (e) of~~
22 ~~this subsection may appeal, within ten (10) days of the rendering of the~~
23 ~~decision of the fiscal court or legislative council, respectively, to the Circuit~~
24 ~~Court of the county in which the greater part of the district is located. The~~
25 ~~scope of the appeal shall be limited to whether the county judge/executive,~~
26 ~~mayor, legislative council, or the fiscal court respectively, abused their~~
27 ~~discretion in removing the trustee.]~~

1 (2) ~~{The elective offices of members of the board of trustees shall be filled by an~~
2 ~~election to be held once each year on the fourth Saturday of June between the hours~~
3 ~~of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in~~
4 ~~the district. The date, time, and place of the election shall be advertised in~~
5 ~~accordance with KRS 424.120. This notice shall be advertised at least thirty (30)~~
6 ~~days prior to the election date and shall include the names and addresses of the~~
7 ~~candidates to be voted on for each position of trustee. In lieu of the published notice~~
8 ~~for the election of the firefighter trustees, written notice containing the information~~
9 ~~required to be advertised may be sent by first class mail to each member of the~~
10 ~~firefighters of the fire protection district or volunteer fire department district,~~
11 ~~addressed to the firefighter at his or her residence, at least thirty (30) days prior to~~
12 ~~the election date. The nominations for candidates for trustees both representing the~~
13 ~~firefighters and the property owners residing in the district shall be made in~~
14 ~~accordance with the bylaws of the department. The terms of the three (3) trustees~~
15 ~~appointed by the county judge/executive or mayor shall start at the same time as the~~
16 ~~terms of the elected trustees. On or before the beginning of the second fiscal or~~
17 ~~calendar year, depending on which basis the fire protection or volunteer fire~~
18 ~~department district is being operated, after June 16, 1966, all departments organized~~
19 ~~prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven~~
20 ~~(7) members and elect the elective members in the manner set forth herein.~~

21 (3) ~~{~~The trustees shall elect from their number a chairman, a secretary, and a treasurer,
22 the latter of whom shall give bond in an amount as shall be determined by the
23 county judge/executive of the county in which the greater part of the fire protection
24 district is located or the mayor in a consolidated local government, conditioned
25 upon the faithful discharge of the duties of his or her office, and the faithful
26 accounting for all funds which may come into his or her possession as treasurer.
27 The premiums on the bonds shall be paid out of the funds of the district.

1 ➔Section 7. KRS 76.277 is amended to read as follows:

- 2 (1) The affairs of each sanitation tax district shall be conducted by a board composed
3 of five (5) members, all of whom shall be *elected pursuant to Section 1 of this*
4 *Act*~~[appointed by the county judge/executive of the county subject to the approval~~
5 ~~of the fiscal court. Not more than three (3) members of the board shall be affiliated~~
6 ~~with the same political party].~~
- 7 (2) Each member shall be at least twenty-five (25) years of age and a resident of the
8 county. No officer or employee of a city or county, whether holding a paid or
9 unpaid position, shall be eligible for *election*~~[appointment]~~ as a member of the
10 board.
- 11 (3) ~~[On the first day of the first month which starts more than thirty (30) days after the~~
12 ~~creation of a sanitation tax district, or as soon thereafter as may be practical, the~~
13 ~~county judge/executive, subject to the approval of the fiscal court, shall appoint one~~
14 ~~(1) member for a term of two (2) years, two (2) members for a term of three (3)~~
15 ~~years, and two (2) members for a term of four (4) years. The first year of each term~~
16 ~~shall end on the first day of July which occurs at least six (6) months after the~~
17 ~~creation of the sanitation tax district. Upon the expiration of each of the terms and~~
18 ~~thereafter, the term of each member shall be four (4) years, ending on July first. A~~
19 ~~member is eligible to succeed himself, and shall continue in office until his~~
20 ~~successor has been appointed and qualified. Vacancies in the membership shall be~~
21 ~~filled for the unexpired portion of the term by the county judge/executive, subject to~~
22 ~~the approval of the fiscal court.~~
- 23 (4) ~~]~~Any member of the board may be removed *in accordance with subsection (8) of*
24 *Section 1 of this Act.*~~[for cause, after hearing by the county judge/executive, and~~
25 ~~after at least ten (10) days' notice in writing has been given to the member. The~~
26 ~~notice shall embrace the charges preferred against him. At the hearing he may be~~
27 ~~represented by counsel. The finding of the county judge/executive shall be final and~~

1 ~~removal results in vacancy in the office}~~ **Vacancies shall be filled pursuant to**
 2 **Section 152 of the Constitution of Kentucky.**

3 ~~(4)~~~~(5)}~~ Each member of the board shall be paid ten dollars (\$10) for each meeting of
 4 the board attended by the member.

5 ~~(5)~~~~(6)}~~ The board in accordance with its bylaws shall elect from its members a
 6 chairman and a vice chairman. It may employ a secretary-treasurer and other
 7 officers and employees as it deems requisite for the performance of its duties. The
 8 board may require those officers and employees as it determines to execute faithful
 9 performance bonds, in sums as fixed by the board. The premiums for the bonds
 10 shall be paid by the district.

11 ➔Section 8. KRS 91A.360 is amended to read as follows:

12 (1) **(a)** The commission established pursuant to KRS 91A.350(2) shall be composed
 13 of seven (7) members to be **elected**~~appointed,~~ in accordance with **Section 1**
 14 **of this Act and this section**~~the method used to establish the commission}.~~

15 **(b)** Members of a commission established by joint action of the local governing
 16 bodies of a county and a city or cities located therein shall be **elected by the**
 17 **voters of the county**~~appointed, jointly, by the chief executive officers of the~~
 18 ~~local governing bodies that established the commission}.~~

19 **(c)** Members of a commission established by separate action of the local
 20 governing body of a county or a city located therein shall be
 21 **elected**~~appointed separately}~~ by **voters of the city or county, as appropriate,**
 22 **that established the commission**~~the chief executive officer of the local~~
 23 ~~governing body that established the commission. The chief executive officer~~
 24 ~~of a city shall mean the mayor and the chief executive officer of a county shall~~
 25 ~~mean the county judge/executive. Appointments to a commission shall be~~
 26 ~~made by the appropriate chief executive officer or officers in the following~~
 27 ~~manner:~~

1 ~~(a) Two (2) commissioners shall be appointed from a list of three (3) or~~
2 ~~more names submitted by the local city hotel and motel association and~~
3 ~~one (1) commissioner shall be appointed from a list of three (3) or more~~
4 ~~names submitted by the local county hotel and motel association,~~
5 ~~provided that if only one (1) local hotel and motel association exists~~
6 ~~which covers both the city and county, then three (3) commissioners~~
7 ~~shall be appointed from a list of six (6) or more names submitted by it.~~
8 ~~If no formal local city or county hotel and motel association is in~~
9 ~~existence upon the establishment of a commission or upon the~~
10 ~~expiration of the term of a commissioner appointed pursuant to this~~
11 ~~subsection, then up to three (3) commissioners shall be appointed by the~~
12 ~~appropriate chief executive officer or officers from persons residing~~
13 ~~within the jurisdiction of the commission and representing local hotels~~
14 ~~or motels. A local city or county hotel and motel association shall not be~~
15 ~~required to be affiliated with the Kentucky Hotel and Motel Association~~
16 ~~to be recognized as the official local city or county hotel and motel~~
17 ~~association.~~

18 ~~(b) One (1) commissioner shall be appointed from a list of three (3) or more~~
19 ~~names submitted by the local restaurant association or associations. If~~
20 ~~no formal local restaurant association or associations exist upon the~~
21 ~~establishment of a commission or upon the expiration of the term of a~~
22 ~~commissioner appointed pursuant to this subsection, then one (1)~~
23 ~~commissioner shall be appointed by the appropriate chief executive~~
24 ~~officer or officers from persons residing within the jurisdiction of the~~
25 ~~commission and representing a local restaurant. A local restaurant~~
26 ~~association or associations shall not be required to be affiliated with the~~
27 ~~Kentucky Restaurant Association to be recognized as the official local~~

1 ~~restaurant association or associations.~~

2 ~~(e) One (1) commissioner shall be appointed from a list of three (3) or more~~
 3 ~~names submitted by the chamber or chambers of commerce existing~~
 4 ~~within those governmental units, which by joint or separate action have~~
 5 ~~established the commission. If the commission is established by joint~~
 6 ~~action of a county and a city or cities, then each chamber of commerce~~
 7 ~~shall submit a list of three (3) names, and the chief executive officers of~~
 8 ~~the participating governmental units shall jointly appoint one (1)~~
 9 ~~commission member from the aggregate list. If no local chamber of~~
 10 ~~commerce is in existence upon the establishment of a commission or~~
 11 ~~upon the expiration of the term of a commissioner appointed pursuant to~~
 12 ~~this subsection, then one (1) commissioner shall be appointed by the~~
 13 ~~appropriate chief executive officer or officers from persons residing~~
 14 ~~within the jurisdiction of the commission and representing local~~
 15 ~~businesses.~~

16 ~~(d) Two (2) commissioners shall be appointed in the following manner:~~

17 ~~1. By the chief executive officer of the county or city, if the commission~~
 18 ~~has been established by separate action of a county or city; or~~

19 ~~2. One (1) each by the chief executive officer of the county and by the~~
 20 ~~chief executive officer of the most populous city participating in the~~
 21 ~~establishment of the commission, if the commission has been~~
 22 ~~established by joint action of a county and a city or cities].~~

23 ~~(2) [A candidate submitted for appointment to the commission, pursuant to subsection~~
 24 ~~(1)(a) to (1)(c), shall be appointed by the appropriate chief executive officer or~~
 25 ~~officers within thirty (30) days of the receipt of the required list or lists. Vacancies~~
 26 ~~shall be filled in the same manner that original appointments are made.~~

27 ~~(3) The commissioners shall be appointed for terms of three (3) years, provided, that in~~

1 making the initial appointments, the appropriate chief executive officer or officers
 2 shall appoint two (2) commissioners for a term of three (3) years, two (2)
 3 commissioners for a term of two (2) years and three (3) commissioners for a term of
 4 one (1) year.]There shall be no limitation on the number of terms to which a
 5 commissioner[is] ***may be elected***[reappointed. Subsequent appointments shall be
 6 for three (3) year terms].

7 ~~(3)~~~~(4)~~ The commission shall elect from its membership a chairman and a treasurer,
 8 and may employ personnel and make contracts necessary to carry out the purpose
 9 of KRS 91A.350 to 91A.390. The contracts may include, but shall not be limited to,
 10 the procurement of promotional services, advertising services, and other services
 11 and materials relating to the promotion of tourist and convention business.
 12 Contracts of the type enumerated shall be made only with persons, organizations,
 13 and firms with experience and qualifications for providing promotional services and
 14 materials, such as advertising firms, chambers of commerce, publishers, and
 15 printers.

16 ~~(4)~~~~(5)~~ The books of the commission and its account as established in KRS
 17 91A.390(2) shall be audited as provided in KRS 65A.030. The independent
 18 certified public accountant or Auditor of Public Accounts shall make a report to the
 19 commission, to the associations submitting lists of names from which commission
 20 members are selected, to the appropriate chief executive officer or officers, to the
 21 State Auditor of Public Accounts, and to the local governing body or bodies that
 22 established the commission that was audited. A copy of the audit report shall be
 23 made available by the commission to members of the public upon request and at no
 24 charge.

25 ~~(5)~~~~(6)~~ A commissioner may be removed from office ***in accordance with subsection***
 26 ***(8) of Section 1 of this Act***, by joint or separate action, of the appropriate chief
 27 executive officer or officers of the local governing body or bodies that established

1 ~~the commission, as provided by KRS 65.007].~~

2 ~~(6)~~~~(7)~~ The commission shall comply with the provisions of KRS 65A.010 to
3 65A.090.

4 ➔Section 9. KRS 91A.372 is amended to read as follows:

5 (1) The commission established pursuant to KRS 91A.350(2) by an urban-county
6 government shall be composed of nine (9) members **elected by the voters of the**
7 **urban-county government pursuant to Section 1 of this Act**~~[appointed by the~~
8 ~~mayor of the urban-county government in the following manner:~~

9 ~~(a) Three (3) commissioners from a list submitted by the local hotel and motel~~
10 ~~association.~~

11 ~~(b) One (1) commissioner from a list submitted by the local restaurant association~~
12 ~~or associations.~~

13 ~~(c) One (1) commissioner from a list submitted by the local chamber of~~
14 ~~commerce.~~

15 ~~(d) Four (4) commissioners who shall be residents of the urban-county].~~

16 (2) Vacancies shall be filled **pursuant to Section 152 of the Constitution of**
17 **Kentucky**~~[in the same manner that original appointments are made].~~

18 ~~(3) [The commissioners shall be appointed for terms of three (3) years, provided, that~~
19 ~~in making the initial appointments, the chief elective official of the urban-county~~
20 ~~shall appoint three (3) commissioners for a term of three (3) years, three (3)~~
21 ~~commissioners for a term of two (2) years and three (3) commissioners for a term of~~
22 ~~one (1) year.~~

23 ~~(4)]~~The commission shall elect from its membership a chairman and a treasurer, and
24 may employ such personnel and make such contracts as are necessary to effectively
25 carry out the purpose of KRS 91A.350 to 91A.390. Such contracts may include but
26 shall not be limited to the procurement of promotional services, advertising services
27 and other services and materials relating to the promotion of tourist and convention

1 business; provided, contracts of the type enumerated shall be made only with
 2 persons, organizations, and firms with experience and qualifications for providing
 3 promotional services and materials, such as event coordinators, advertising firms,
 4 chambers of commerce, publishers and printers.

5 ~~(4)~~~~(5)~~ The books of the commission shall be audited as provided in KRS 65A.030.
 6 The independent certified public accountant or Auditor of Public Accounts shall
 7 make a report to the commission~~[, to the organizations submitting names from~~
 8 ~~which commission members are selected,]~~ and to the mayor of the urban-county
 9 government.

10 ~~(5)~~~~(6)~~ The commission shall comply with the provisions of KRS 65A.010 to
 11 65A.090.

12 ➔Section 10. KRS 91A.380 is amended to read as follows:

13 (1) The commission established pursuant to KRS 91A.350(3) shall be composed of six
 14 (6) members from each county ***who are elected pursuant to Section 1 of this Act***~~[~~
 15 ~~to be appointed by the county judge/executive, with the approval of the fiscal court,~~
 16 ~~one (1) of whom shall be a member of the General Assembly in whose district the~~
 17 ~~county or part of the county is located in the following manner:~~

18 ~~(a) One (1) commissioner from a list of at least three (3) persons submitted by the~~
 19 ~~local restaurant association or associations;~~

20 ~~(b) One (1) commissioner from a list of at least three (3) persons submitted by the~~
 21 ~~local chamber of commerce;~~

22 ~~(c) One (1) commissioner by the county judge/executive; and~~

23 ~~(d) Two (2) commissioners from a list of at least six (6) persons submitted by the~~
 24 ~~local hotel and motel association or associations].~~

25 (2) Vacancies shall be filled ***pursuant to Section 152 of the Constitution of the***
 26 ***Kentucky***~~[in the same manner that original appointments are made].~~

27 (3) ~~[The commissioners shall be appointed for terms of three (3) years, provided that in~~

1 making the initial appointments, the county judge/executive shall appoint two (2)
 2 commissioners for a term of three (3) years, two (2) commissioners for a term of
 3 two (2) years, and two (2) commissioners for a term of one (1) year.

4 ~~(4)~~ The commission shall elect from its membership a chairman and a treasurer, and
 5 may employ such personnel and make such contracts as are necessary to effectively
 6 carry out the purpose of KRS 91A.350 to 91A.390. Such contracts may include but
 7 shall not be limited to the procurement of promotional services, advertising services
 8 and other services and materials relating to the promotion of tourist and convention
 9 business.

10 ~~(4)~~~~(5)~~ The books of the commission and its account as established in KRS
 11 91A.390(2) shall be audited as provided in KRS 65A.030. The independent
 12 certified public accountant or Auditor of Public Accounts shall make a report to the
 13 commission~~[, to the organizations submitting names from which commission~~
 14 ~~members are selected,]~~ and to the county judge/executive of each county. A copy of
 15 the audit report shall be made available by the commission to members of the
 16 public upon request and at no charge.

17 ~~(5)~~~~(6)~~ A commissioner may be removed from office ***in accordance with subsection***
 18 ***(8) of Section 1 of this Act***~~[as provided by KRS 65.007].~~

19 ~~(6)~~~~(7)~~ The commission shall comply with the provisions of KRS 65A.010 to
 20 65A.090.

21 ➔Section 11. KRS 104.580 is amended to read as follows:

22 (1) ***(a)*** ~~[Within thirty (30) days after the secretary certifies to the county clerk of each~~
 23 ~~county in which the district is located that the district is incorporated, There~~
 24 ~~shall be appointed.]~~ A board of directors for the district ***shall be elected***
 25 ***pursuant to Section 1 of this Act and shall consist***~~[, consisting]~~ of five (5)
 26 members, which shall control and manage the affairs of the district.

27 ***(b) 1.*** If all or part of a city with a population equal to or greater than eight

1 thousand (8,000) based upon the most recent federal decennial census
 2 lies within the district, the voters of that~~the mayor of such~~ city shall
 3 elect~~appoint~~ three (3) members of the board of directors, and the
 4 voters of the unincorporated areas of the county ~~judge/executive~~
 5 shall elect~~appoint~~ two (2) members.

6 2. ~~[- or -]~~ If the district lies within two (2) counties, each county
 7 ~~judge/executive~~ shall elect~~appoint~~ one (1) member, or if the district
 8 lies within more than two (2) counties, ~~the county judge/executive of~~
 9 each of two (2) of the counties, in rotation as determined by lot, shall
 10 elect~~appoint~~ one (1) member.

11 3. If all or part of two (2) cities with a population equal to or greater than
 12 eight thousand (8,000) based upon the most recent federal decennial
 13 census lies within the district, the voters ~~mayor~~ of each city shall each
 14 elect~~appoint~~ two (2) members of the board of directors, and the fifth
 15 member shall be elected by the voters of the unincorporated territory
 16 of~~appointed by~~ the county ~~judge/executive of the county~~ in which the
 17 major portion of the district lies.

18 4. If all or part of more than two (2) cities with a population equal to or
 19 greater than eight thousand (8,000) based upon the most recent federal
 20 decennial census lies within the district, the voters ~~mayor~~ of each city
 21 shall elect~~appoint~~ one (1) member of the board, and one (1) additional
 22 member shall be elected~~appointed~~ by the voters of the county ~~each~~
 23 ~~mayor of the city or cities~~ containing most of the district to make the
 24 full number of five (5) directors.

25 (c) If no city with a population equal to or greater than eight thousand (8,000)
 26 based upon the most recent federal decennial census, or part thereof, lies
 27 within the district, the voters of the county ~~judge/executive~~ shall

1 ~~elect~~^{appoint} all five (5) members. ~~[, or]~~

2 **(d)** If the district lies in two (2) counties, the voters of the county~~[~~
3 ~~judge/executive of the county]~~ in which the major portion of the district is
4 located shall ~~elect~~^{appoint} three (3) members and the voters~~[~~
5 ~~county judge/executive]~~ of the other county shall ~~elect~~^{appoint} two (2) members. ~~[,~~
6 ~~or]~~

7 **(e)** If the district lies in more than two (2) counties: ~~[,~~

8 **1.** The voters~~[~~
9 ~~county judge/executive]~~ of each county shall ~~elect~~^{appoint}
one (1) member; and

10 **2. Where these elections do not provide a full board of five (5) members,**
11 **additional members shall be elected by the voters of the county**
12 **containing most of the district**~~[one (1) additional member shall be~~
13 ~~appointed by each county judge/executive of the county or counties~~
14 ~~containing most of the district]~~ to make the full number of five (5)
15 directors.

16 **(f)** No director shall in any way be associated or connected with the ownership,
17 operation or control of any privately-owned public utility operating within the
18 district. ~~[Two (2) of the members of the first board of directors shall hold their~~
19 ~~offices for one (1) year, and the others shall hold their offices for two (2),~~
20 ~~three (3) and four (4) years, respectively, from the dates of their~~
21 ~~appointments, the length of the term of office of each member to be~~
22 ~~determined by lot at their first meeting. After the expiration of the respective~~
23 ~~terms of office of the members of the first board of directors,]~~ Each director
24 shall be ~~elect~~^{elected}~~ed~~^{appointed} and shall serve for a period of four (4) years and
25 until his successor has been ~~elect~~^{elected}~~ed~~^{appointed} and has qualified. Vacancies
26 resulting from any cause other than expiration of a term of office shall be
27 filled pursuant to Section 152 of the Constitution of Kentucky~~[only for the~~

1 ~~unexpired term and until a successor has been appointed and has qualified].~~
2 The directors shall at all times be residents and real estate owners within the
3 district, and the office of any director who moves his residence outside the
4 district or who ceases to be a real estate owner within the district shall
5 automatically be vacated.

6 (2) ~~[(a) All appointments by a county judge/executive pursuant to this section shall be~~
7 ~~with the approval of the fiscal court.~~

8 ~~(b)]~~A member of the board of directors may be removed from office ***in accordance***
9 ~~***with subsection (8) of Section 1 of this Act***~~~~[as provided by KRS 65.007].~~

10 ➔Section 12. KRS 107.340 is amended to read as follows:

11 (1) A district shall be administered by a board of commissioners (the "board"), which
12 shall control and manage the affairs of the district. The term of each commissioner
13 shall be four (4) years~~[except as herein specified].~~ The board shall consist of four
14 (4) members who shall be ***elected pursuant to Section 1 of this Act***~~[appointed]~~ by
15 the ***voters of the*** county~~[judge/executive with the approval of the fiscal court.~~
16 ~~Initial appointments shall be for terms of one (1), two (2), three (3) and four (4)~~
17 ~~years as designated by the county judge/executive. Thereafter, as the term of each~~
18 ~~member expires, his successor shall be appointed for a term of four (4) years. Not~~
19 ~~more than three-fourths (3/4) of the persons appointed to membership on the board~~
20 ~~shall be members of the same political party, as determined, in the case of each~~
21 ~~person, by such person's registration record at the time of his or her appointment].~~

22 (2) The board shall elect its chairman from among its members and may appoint a
23 secretary, an executive director, and other officials and employees who need not be
24 members of the board. Members of the board shall not receive compensation for
25 their services, but shall be reimbursed for their actual expenses necessarily incurred
26 in the performance of their duties. A quorum for the transacting of the business of
27 the board shall consist of three (3) members.

1 (3) A member of the board may be removed from office in accordance with subsection
 2 (8) of Section 1 of this Act~~[as provided by KRS 65.007].~~

3 (4) Vacancies shall be filled pursuant to Section 152 of the Constitution of Kentucky.

4 ➔Section 13. KRS 108.110 is amended to read as follows:

5 (1) (a) The affairs of the district shall be controlled and managed by a board of
 6 directors elected~~[appointed]~~ by the voters of the district pursuant to Section 1
 7 of this Act.~~[county judge/executive with the approval of the fiscal court and~~
 8 ~~city legislative bodies in the following manner:]~~

9 (b)~~(a)~~ If the district consists of one (1) city, three (3) members shall be
 10 elected~~[appointed]~~ to the board by the voters of the city.~~[legislative body:]~~

11 (c)~~(b)~~ If the district consists of two (2) cities, the voters ~~[legislative body]~~ of
 12 the city having the greater portion of the population of the district shall
 13 elect~~[appoint]~~ two (2) directors and the voters~~[legislative body]~~ of the other
 14 city shall elect~~[appoint]~~ the third director.~~[:]~~

15 (d)~~(c)~~ If the district consists of more than two (2) cities, the voters ~~[legislative~~
 16 ~~body]~~ of the city having the greatest portion of the population of the district
 17 shall elect~~[appoint]~~ two (2) directors and the voters ~~[legislative body]~~ of the
 18 remaining cities comprising the district shall elect~~[appoint]~~ one (1) director.~~[:]~~

19 (e)~~(d)~~ If the district consists of one (1) county, three (3) ~~[or five (5)]~~ members
 20 shall be elected by the voters of the county.~~[appointed to the board by the~~
 21 ~~county judge/executive of the county:]~~

22 (f)~~(e)~~ If the district consists of two (2) counties, the voters~~[county~~
 23 ~~judge/executive]~~ of the county having the greater portion of the population of
 24 the district shall elect~~[appoint]~~ two (2) directors and the voters~~[county~~
 25 ~~judge/executive]~~ of the other county shall appoint the third director.~~[:]~~

26 (g)~~(f)~~ If the district consists of more than two (2) counties, the voters~~[county~~
 27 ~~judge/executive]~~ of the county having the greatest portion of the population of

1 the district shall appoint two (2) directors and the voters~~{county~~
 2 ~~judge/executive}~~ of the remaining counties comprising the district shall each
 3 elect~~{appoint}~~ one (1) director.~~;~~

4 ~~(h)~~~~(g)~~ The voters~~{legislative body}~~ of each city with a population equal to or
 5 greater than eight thousand (8,000), or if there is no such city, the city with
 6 the highest population located within each county in the district shall
 7 elect~~{appoint}~~ one (1) additional director~~;~~

8 ~~(h) If part of an ambulance district within a county consists of an unincorporated~~
 9 ~~area, the county judge/executive, with the approval of the fiscal court, shall~~
 10 ~~appoint no more than two (2) persons residing within the affected~~
 11 ~~unincorporated area to the board of directors for a term of two (2) years}.~~

12 (2) Each board member shall reside within the district and within the county or city of
 13 which he was elected~~{appointed}~~ to represent.

14 ~~(3) {The board of directors shall be appointed within thirty (30) days after the~~
 15 ~~establishment of the district. Directors shall be appointed for terms of two (2) years~~
 16 ~~each, except that initially the appointing authority shall appoint a minority of the~~
 17 ~~board members for one (1) year terms. Subsequent }Terms shall all be for two (2)~~
 18 ~~years. Any vacancies shall be filled pursuant to Section 152 of the Constitution of~~
 19 ~~Kentucky{by the appointing authority for the unexpired term}.~~

20 (4) A majority of the membership of the board shall constitute a quorum.

21 (5) A member of the board of directors may be removed from office in accordance
 22 with subsection (8) of Section 1 of this Act~~{as provided by KRS 65.007}.~~

23 ➔Section 14. KRS 109.115 is amended to read as follows:

24 (1) A single county, or two (2) or more counties may create a waste management
 25 district in accordance with the procedures of KRS 65.182. Waste management
 26 districts shall have all powers and authority set forth in KRS 109.041.

27 (2) The waste management district shall be controlled and managed by a board of

1 directors.

2 (3) The fiscal court in a county not containing a consolidated local government shall
3 determine the composition of the board of directors in one (1) of the following
4 ways:

5 (a) *Election pursuant to Section 1 of this Act of one (1) or more members by*
6 *the voters*~~[Appointment]~~ of *each*~~[the county judge/executive of every]~~ county,
7 or portion of a county, within that district, and the *election of one (1) member*
8 *by the voters of*~~[mayor of]~~ the most populous city in each county~~].~~
9 ~~Appointment of a third member from each county in the district so that~~
10 ~~representation on the board shall be in proportion to the urban-rural~~
11 ~~population distribution in the county. The county judge/executive and the~~
12 ~~mayor may delegate a representative to serve in their stead]; or~~

13 (b) ~~[Appointment of members by the county judge/executive and confirmed by~~
14 ~~the respective fiscal court.]~~In the case of multicounty districts, membership
15 on the board shall be apportioned among the counties in ratio to their
16 population with each county *electing*~~[having]~~ at least one (1) member.~~[The~~
17 ~~mayor of the most populous city in each county that is a participant in the~~
18 ~~waste management district shall be appointed a member. In no case shall the~~
19 ~~total membership of the board consist of fewer than three (3) persons. When a~~
20 ~~county has two (2) or more members on the board, members shall be selected~~
21 ~~from urban or rural areas in the same proportion as the urban-rural population~~
22 ~~distribution in the county, except that there shall be at least one (1) member~~
23 ~~each from a rural and from an urban area.]~~

24 (4) In a county containing a consolidated local government, ~~[the mayor of the~~
25 ~~consolidated local government, with the approval of the legislative body of the~~
26 ~~consolidated local government, shall appoint]~~*elections shall be held pursuant to*
27 *Section 1 of this Act to elect* the following seven (7) persons to constitute the board

1 of directors:

2 (a) Three (3) residents, one (1) from each of the three (3) commissioner's districts
3 in the county~~[and no two (2) members shall reside within the same state~~
4 ~~Senate district];~~

5 (b) One (1) resident of the county who shall also reside within and represent the
6 urban services district within the consolidated local government; **and**

7 (c) **Three (3) at-large members selected by the voters of the consolidated local**
8 **government**~~[One (1) resident of the county submitted by the organization~~
9 ~~representing the largest amount of cities within the county which does not~~
10 ~~have statewide membership;~~

11 ~~(d) One (1) resident of the county who does not reside within a city or the urban~~
12 ~~services district in the county; and~~

13 ~~(e) One (1) resident of the county submitted by the association representing the~~
14 ~~largest number of waste management entities operating within the county].~~

15 (5) A member of the board of directors may be removed from office **in accordance**
16 **with subsection (8) of Section 1 of this Act. Any vacancies shall be filled pursuant**
17 **to Section 152 of the Constitution of the Kentucky**~~[pursuant to KRS 65.007].~~

18 (6) ~~[Except for the initial board appointed pursuant to this section,]~~Each director shall
19 serve a two (2) year term, and shall serve no more than three (3) consecutive terms.
20 ~~[The initial board appointed pursuant to this section shall consist of three (3)~~
21 ~~directors appointed for one (1) year and four (4) directors appointed for two (2)~~
22 ~~years.]~~

23 ➔Section 15. KRS 118.305 is amended to read as follows:

24 (1) Except as provided in KRS 118.345, and subject to~~[the provisions of]~~ subsections
25 (2), (3), and (4) of this section, the county clerk of each county shall cause to be
26 printed for the voting machines and on the absentee ballots for the regular election
27 the names of the following persons:

- 1 (a) Candidates of a political party, as defined in KRS 118.015, who have received
2 certificates of nomination at the preceding primary, or certificates of
3 nomination under KRS 118.185, and whose certificates of nomination have
4 been filed with the Secretary of State or the appropriate county clerk;
- 5 (b) Candidates of a political party, as defined in KRS 118.015, who have been
6 nominated for an unexpired term in a manner determined by the governing
7 authority of the party, as provided in KRS 118.115, and whose evidences of
8 nomination have been filed with the Secretary of State or the appropriate
9 county clerk within the time prescribed in this chapter;
- 10 (c) Candidates of a political party, as defined in KRS 118.015, who have been
11 nominated by the governing authority of the party to fill a vacancy in the
12 candidacy of a person nominated at the preceding primary election, as
13 provided in KRS 118.105, and whose certificates of nomination have been
14 filed with the Secretary of State or the appropriate county clerk, by at least the
15 date provided by the election law generally for such filing;
- 16 (d) Candidates who have been nominated by a political organization as provided
17 in KRS 118.325 and whose certificates or petitions of nomination have been
18 filed with the Secretary of State or the appropriate county clerk within the
19 time prescribed in this chapter;
- 20 (e) Independent candidates who have been nominated by petition as provided in
21 KRS 118.315, and whose petitions of nomination have been filed with the
22 Secretary of State or the appropriate county clerk within the time prescribed
23 in this chapter;
- 24 (f) Successful nominees of all nonpartisan primaries which shall have been
25 conducted;
- 26 (g) Candidates who have filed a petition of candidacy as shall be required to fill a
27 vacancy which shall appear on the ballot;

1 (h) The county clerk shall determine whether the name of any replacement
2 candidate who has been nominated as provided in KRS 118.105(5) may be
3 placed on the machine ballot or ballot cards and whether the voting machine
4 may be reprogrammed to count the votes cast for that candidate or whether
5 the ballot or ballot cards must be reprinted to accommodate votes cast for any
6 replacement candidate and shall take the appropriate action to accommodate
7 the replacement of any candidate. If the county clerk determines that the name
8 of any replacement candidate cannot be accommodated on the existing ballot
9 or ballot cards and if there is insufficient time before the election to reprint the
10 entire ballot, the county clerk shall request approval to use supplemental
11 paper ballots for voting for that office only in the same manner as permitted
12 for other situations as provided in KRS 118.215(5), and, if approved, shall
13 have an adequate number of supplemental paper ballots printed for voting for
14 that office and only votes cast for that office by means of the supplemental
15 paper ballots shall be tabulated and recorded by the precinct election officers
16 and county board of elections. All actions by a county clerk, the State Board
17 of Elections, and the Secretary of State which are necessary to provide for
18 voting at a regular election for candidates nominated pursuant to KRS
19 118.105(5) shall be carried out with all possible speed. When a candidate has
20 been replaced as provided in KRS 118.105(5) after absentee ballots have been
21 printed and distributed for the regular election, neither the precinct election
22 officers nor the county board of elections shall tabulate or record any absentee
23 votes cast for the candidate who was replaced. If ballots are reprinted or
24 supplemental paper ballots are printed, or if voting machines must be
25 reprogrammed to count the votes cast for a replacement candidate, the costs
26 for the printing and reprogramming shall be paid by the political party who
27 has nominated a replacement candidate, or proportionately by each political

- 1 party if each party nominates a replacement candidate;
- 2 (i) Candidates for President and Vice President of the United States, of those
3 political parties and organizations who have nominated presidential electors
4 as provided in KRS 118.325, if the certificate of nomination of the electors
5 has been filed with the Secretary of State within the time prescribed in this
6 chapter;
- 7 (j) Candidates for soil and water district supervisors who have been nominated
8 by petition as provided in KRS 262.210; ~~and~~
- 9 (k) Candidates for city office for which no nonpartisan primary has been
10 conducted in a city which requires nonpartisan city elections; **and**
- 11 **(l) Candidates for open seats on the governing bodies of entities subject to**
12 **Section 1 of this Act.**
- 13 (2) Any candidate for city office who is defeated in a partisan or nonpartisan primary
14 shall be ineligible as a candidate for the same office in the regular election.
- 15 (3) Candidates for members of boards of education shall have their names printed on
16 ballot labels and absentee ballots for the regular election only after filing as
17 provided in KRS 160.220.
- 18 (4) Except as provided in KRS 118.105 and 118.115, no candidate's name shall be
19 printed upon the ballot labels and absentee ballots for any regular election as the
20 nominee of any political party, as defined in KRS 118.015, or under the emblem of
21 any political party, as so defined, except those candidates who have been duly and
22 regularly nominated as nominees of that party at a primary held as provided in this
23 chapter.
- 24 (5) No county clerk shall knowingly cause to be printed, upon the ballot labels or
25 absentee ballots for any regular election, the name of any candidate of a political
26 party, as defined in KRS 118.015, who has not been nominated in the manner
27 provided in the primary election laws or the name of any candidate who is not in

1 compliance with the restrictions concerning party registration and candidacy
2 provided in of KRS 118.315(1).

3 (6) The names of candidates for President and Vice President shall be certified in lieu
4 of certifying the names of the candidates for presidential electors.

5 (7) When a vacancy occurs in an elective office which is required by law to be filled
6 temporarily by appointment, the officer or body designated by law to make the
7 appointment, or in the case of an office to be filled by appointment from a list of
8 nominations, the officer or body designated by law to make the nominations, shall
9 immediately notify in writing both the county clerk and Secretary of State of the
10 vacancy.

11 (8) A judge who elected to retire as a Senior Status Special Judge in accordance with
12 KRS 21.580 shall not become a candidate or a nominee for any elected office
13 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
14 number of days served by the judge acting as a Senior Status Special Judge.

15 ➔Section 16. KRS 118.315 is amended to read as follows:

16 (1) A candidate for any office to be voted for at any regular election may be nominated
17 by a petition of electors qualified to vote for him or her, complying with the
18 provisions of subsection (2) of this section. No person whose registration status is
19 as a registered member of a political party shall be eligible to election as an
20 independent, or political organization, or political group candidate, nor shall any
21 person be eligible to election as an independent, or political organization, or
22 political group candidate whose registration status was as a registered member of a
23 political party on January 1 immediately preceding the regular election for which
24 the person seeks to be a candidate. This restriction shall not apply to candidates to
25 those offices specified in KRS 118.105(7), for supervisor of a soil and water
26 conservation district, for candidates for mayor or legislative body in cities of the
27 home rule class, or to candidates participating in nonpartisan elections.

1 (2) The form of the petition shall be prescribed by the State Board of Elections. It shall
2 be signed by the candidate and by registered voters from the district or jurisdiction
3 from which the candidate seeks nomination. The petition shall include a
4 declaration, sworn to by the candidate, that he or she possesses all the constitutional
5 and statutory requirements of the office for which the candidate has filed.
6 Signatures for a petition of nomination for a candidate seeking any office,
7 excluding President of the United States in accordance with KRS 118.591(1), shall
8 not be affixed on the document to be filed prior to the first Wednesday after the first
9 Monday in November of the year preceding the year in which the office will appear
10 on the ballot. Signatures for nomination papers shall not be affixed on the document
11 to be filed prior to the first Wednesday after the first Monday in November of the
12 year preceding the year in which the office will appear on the ballot. A petition of
13 nomination for a state officer, or any officer for whom all the electors of the state
14 are entitled to vote, shall contain five thousand (5,000) petitioners; for a
15 representative in Congress from any congressional district, or for any officer from
16 any other district except as herein provided, four hundred (400) petitioners; for a
17 county officer, member of the General Assembly, or Commonwealth's attorney, one
18 hundred (100) petitioners; for a soil and water conservation district supervisor,
19 twenty-five (25) petitioners; for a member of a governing body as defined in
20 Section 1 of this Act, twenty-five (25) petitioners; for a city officer or board of
21 education member, two (2) petitioners; and for an officer of a division less than a
22 county, except as herein provided, twenty (20) petitioners. It shall not be necessary
23 that the signatures of the petition be appended to one (1) paper. Each petitioner
24 shall include the date he or she affixes the signature, address of residence, and date
25 of birth. Failure of a voter to include the signature affixation date, date of birth, and
26 address of residence shall result in the signature not being counted. If any person
27 joins in nominating, by petition, more than one (1) nominee for any office to be

1 filled, he or she shall be counted as a petitioner for the candidate whose petition is
2 filed first, except a petitioner for the nomination of candidates for soil and water
3 conservation district supervisors may be counted for every petition to which his or
4 her signature is affixed.

5 (3) Titles, ranks, or spurious phrases shall not be accepted on the filing papers and shall
6 not be printed on the ballots as part of the candidate's name; however, nicknames,
7 initials, and contractions of given names may be accepted as the candidate's name.

8 (4) The Secretary of State and county clerks shall examine the petitions of all
9 candidates who file with them to determine whether each petition is regular on its
10 face. If there is an error, the Secretary of State or the county clerk shall notify the
11 candidate by certified mail within twenty-four (24) hours of filing.

12 (5) A judge who elected to retire as a Senior Status Special Judge in accordance with
13 KRS 21.580 shall not become a candidate or a nominee for any elected office
14 during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the
15 number of days served by the judge acting as a Senior Status Special Judge.

16 ➔Section 17. KRS 147.630 is amended to read as follows:

17 (1) The area planning commission as created under~~[the provisions of]~~ KRS 147.610 to
18 147.705 shall be composed of ~~[not more than]~~ nine (9) members who shall be
19 **elected pursuant to Section 1 of this Act by the voters of the counties comprising**
20 **the area planning commission**~~[selected from governmental units participating in~~
21 ~~the existence of the area planning commission by the affirmative action of the area~~
22 ~~council hereinafter provided for].~~

23 (2) ~~[Of the initial membership five (5) members shall be elected for a term of two (2)~~
24 ~~years, and four (4) members for a term of one (1) year each, and upon the~~
25 ~~expiration of their respective terms the successors of]~~Each **commission member**
26 shall be elected for a term of two (2) years.

27 (3) At its first regular meeting in each year, the commission shall elect from its

- 1 membership a chairman and a vice chairman. The vice chairman shall have the
2 authority to act as the chairman during the absence of its chairman.
- 3 (4) The commission may appoint from within or without its own membership a
4 secretary, prescribe his duties and fix his compensation.
- 5 (5) **A member of the commission may be removed from office in accordance with**
6 **subsection (8) of Section 1 of this Act** ~~Members of the commission may be~~
7 ~~removed for cause by an affirmative action of the area council~~.
- 8 (6) Vacancies ~~shall~~^{may} be filled **pursuant to Section 152 of the Constitution of**
9 **Kentucky**~~at any time by the affirmative action of the area council for the unexpired~~
10 ~~term existing~~.
- 11 (7) Each member of the commission, before entering upon his official duties, shall take
12 and subscribe to an oath that he will honestly, faithfully, and impartially perform
13 the duties of his office, and that he will not be interested in any contract let for the
14 purpose of carrying out any of the provisions of KRS 147.610 to 147.705. The oath
15 shall be filed with the county clerk in the county of his residence.
- 16 (8) Each member of the commission shall give a good and sufficient bond, to be
17 approved by the area council, conditioned upon the faithful and honest performance
18 of his duties, and as security for all moneys coming into his hands or under his
19 control. The cost of the bond shall be paid by the commission.
- 20 (9) A quorum shall consist of a majority of the members of the commission.
- 21 (10) The commission shall appoint a treasurer from within or without its membership,
22 prescribe his duties and fix his compensation. The treasurer shall execute a good
23 and sufficient bond, conditioned upon the faithful and honest performance of his
24 duties and as security for all moneys coming into his hands or under his control.
25 Said bond shall be in the penal sum of twenty-five thousand dollars (\$25,000). The
26 cost of the bond shall be paid by the commission.
- 27 (11) Meetings shall be held at the call of the chairman.

1 ➔Section 18. KRS 165.175 is amended to read as follows:

- 2 (1) The fiscal court of a county containing a city with a population equal to or greater
3 than twenty thousand (20,000) based upon the most recent federal decennial census
4 that has a municipal college, having obtained the authorization of the city
5 legislative body~~[of such city]~~ for the college to accept tax support from a municipal
6 college support district~~[and for appointment of three (3) members of the college~~
7 ~~board of trustees by the governing body of the district]~~, may establish a municipal
8 college support district consisting of the territory in the county outside the limits of
9 the city in which is located the college. The voters from the unincorporated areas
10 of the county~~[members of the fiscal court]~~ shall elect three (3) persons pursuant to
11 Section 1 of this Act to constitute the governing body of the district. Subject to~~[the~~
12 ~~provisions of]~~ subsection (2) of this section, the district may levy a tax of not less
13 than five (\$0.05) or more than fourteen cents (\$0.14) on each one hundred dollars
14 (\$100) of the assessed valuation of all property in the district. The funds raised by
15 this tax shall be used solely to support the college.
- 16 (2) A certified copy of the order of the fiscal court creating the district shall be filed by
17 the governing body of the district with the county clerk not later than the second
18 Tuesday in August before a regular election, and the clerk shall cause the question
19 whether the tax is to be imposed to be prepared for presentation to voters residing
20 in the district. The question shall be so phrased as to ask the voter whether he
21 favors the imposition of a tax of not less than five (\$0.05) or more than fourteen
22 cents (\$0.14) on each one hundred dollars (\$100) of the assessed valuation of all
23 property in the district for the purpose of supporting the municipal college in the
24 county. If a majority of those voting on the question favor the imposition of the tax,
25 the governing body of the district shall levy the tax.
- 26 (3) The sheriff shall collect the taxes due the district at the same time and in the same
27 manner in which he collects the state and county ad valorem tax. He shall be

1 allowed a fee not to exceed four percent (4%) for collection of this tax. The money
2 collected shall be paid to the college board of trustees.

3 ➔Section 19. KRS 173.480 is amended to read as follows:

4 ~~[Upon the creation of a district, the fiscal court of each county in the district shall at once~~
5 ~~notify the Department for Libraries and Archives of the establishment of the district and~~
6 ~~shall forward to the department a copy of the petition required pursuant to KRS 173.470.~~
7 ~~The Department for Libraries and Archives shall then recommend to the county~~
8 ~~judge/executive of each county in the district the names of suitable persons from among~~
9 ~~the signers of the petition to be appointed to the board. The Department for Libraries and~~
10 ~~Archives in recommending persons to the county judge/executive for appointment to the~~
11 ~~board shall recommend twice as many persons for each county as the county is entitled to~~
12 ~~have members appointed, and the county judge/executive shall immediately, with the~~
13 ~~approval of the fiscal court, make the selection from those recommended.]~~

14 **(1)** Where the district consists of one (1) county, the **voters of the** county
15 ~~[judge/executive]~~ shall **elect**~~[appoint]~~ five (5) persons from that county **pursuant to**
16 **Section 1 of this Act to serve** as **board** members.

17 **(2)** The Department for Libraries and Archives shall prescribe by **administrative**
18 regulation the number of board members when the district consists of more than
19 one (1) county, provided that the board shall consist of not less than one (1) nor
20 more than four (4) members from each county, each county having such number of
21 members as the proportion of its population bears to the total population in the
22 district, and that the total membership of the board consists of not less than five (5)
23 members.

24 **(3)** Where a county joins an already established district, the Department for Libraries
25 and Archives shall **determine the number of board members the newly joining**
26 **county shall elect in accordance with the requirements of subsection (2) of this**
27 **section**~~[, from among the signers of the petition, recommend to the county~~

1 judge/executive of each county included in the new district for the first time twice
2 as many persons for appointment to the board as the county is entitled to have
3 appointed, and the county judge/executive shall select the members for the county
4 from this list. The terms of the members of the counties composing the previously
5 existing district shall expire immediately upon the organization of the new board
6 and such vacancies shall be filled as provided in KRS 173.490].

7 ➔Section 20. KRS 173.725 is amended to read as follows:

8 ~~[(1)]~~ **Members of a library board shall be elected pursuant to Sections 1 and 19 of this**
9 **Act**~~[Upon the creation of a district, the fiscal court of each county in the district shall at~~
10 ~~once notify the Department for Libraries and Archives of the establishment of the district~~
11 ~~and shall forward to the department a copy of the petition required pursuant to KRS~~
12 ~~173.720. The Department for Libraries and Archives shall then recommend to the county~~
13 ~~judge/executive of each county in the district the names of suitable persons from among~~
14 ~~the signers of the petition to be appointed to the board. The Department for Libraries and~~
15 ~~Archives in recommending persons to the county judge/executive for appointment to the~~
16 ~~board shall recommend twice as many persons for each county as the county is entitled to~~
17 ~~have members appointed, and the county judge/executive shall, with the approval of the~~
18 ~~fiscal court, immediately make the selection from those recommended. Where the district~~
19 ~~consists of one (1) county, the county judge/executive shall appoint five (5) persons from~~
20 ~~that county as members. The Department for Libraries and Archives shall prescribe by~~
21 ~~regulation the number of board members when the district consists of more than one (1)~~
22 ~~county, provided that the board shall consist of not less than one (1) nor more than four~~
23 ~~(4) members from each county, each county having such number of members as the~~
24 ~~proportion of its population bears to the total population in the district, and that the total~~
25 ~~membership of the board consists of not less than five (5) members. Where a county joins~~
26 ~~an already established district, the Department for Libraries and Archives shall, from~~
27 ~~among the signers of the petition, recommend to the county judge/executive of each~~

1 county included in the new district for the first time twice as many persons for
2 appointment to the board as the county is entitled to have appointed, and the county
3 judge/executive shall select the members for the county from this list. The terms of the
4 members of the counties composing the previously existing district shall expire
5 immediately upon the organization of the new board and such vacancies shall be filled as
6 provided in KRS 173.730.

7 (2) ~~In making recommendations and appointments under subsection (1) of this section
8 and KRS 173.730, the Department for Libraries and Archives and the county
9 judge/executive shall attempt to assure, to the extent permitted by the county's
10 entitlement to board members, that the board includes members from different
11 geographical areas, and from both cities and unincorporated areas, of the county].~~

12 ➔ Section 21. KRS 173.730 is amended to read as follows:

13 (1) ~~{One third (1/3) of the persons first appointed to the board shall serve for a term of
14 two (2) years, one third (1/3) for a term of three (3) years and one third (1/3) for a
15 term of four (4) years. Where the board consists of a number of members not
16 divisible by three (3), one third (1/3) of the next higher number divisible by three
17 (3), shall serve for a term of two (2) years, one third (1/3) for a term of three (3)
18 years and the remaining number shall serve for a term of four (4) years. Thereafter,
19 as their terms expire, their successors shall be recommended by the board. The
20 board shall recommend two (2) persons committed to the provision of library
21 services to the Department for Libraries and Archives, for each vacancy. The state
22 librarian and commissioner shall recommend those names to the county
23 judge/executive. The county judge/executive shall immediately, with the approval
24 of the fiscal court, make the selection from those recommended.}Board members{
25 thus appointed} shall serve a term of four (4) years each.{ Trustees may serve for
26 two (2) consecutive terms after which they shall not succeed themselves. They may
27 be reappointed no earlier than twelve (12) months following the end of their last~~

1 service.} The members shall hold office until their respective successors are
 2 elected~~[appointed]~~ and qualified.~~[After absence of a trustee from four (4) regular~~
 3 ~~monthly meetings of the board during any one (1) year of the trustee's term, the~~
 4 ~~trustee shall be considered to have automatically resigned from the board.]~~ An
 5 advisory board may be appointed and serve as specified in bylaws of the board of
 6 trustees.

7 (2) Any vacancy occurring in the terms of office of members shall be filled pursuant to
 8 Section 152 of the Constitution of Kentucky~~[for the unexpired term by the county~~
 9 ~~judge/executive, with the approval of the fiscal court, by appointment on~~
 10 ~~recommendation of the state librarian and commissioner of two (2) persons~~
 11 ~~interested in the provision of library services and living in the county in which the~~
 12 ~~vacancy occurred].~~

13 (3) A member of the board may be removed from office in accordance with subsection
 14 (8) of Section 1 of this Act~~[as provided by KRS 65.007].~~

15 ➔Section 22. KRS 179.715 is amended to read as follows:

16 (1) (a) Upon creation of a subdivision road district as provided in KRS 179.700 to
 17 179.735, the affairs of the district shall be conducted by the board of trustees
 18 consisting of seven (7) members~~[, four (4)]~~ to be elected by the residents of
 19 the district pursuant to Section 1 of this Act~~[as hereinafter set out and three~~
 20 ~~(3) to be appointed by the county judge/executive].~~

21 (b) Members of~~[Four (4) members of]~~ the board of trustees shall~~[be elected by~~
 22 ~~the residents of the subdivision road district and shall]~~ be residents and
 23 property owners of the district and shall serve four (4) year terms.

24 (c) Vacancies shall be filled pursuant to Section 152 of the Constitution of
 25 Kentucky~~[The county judge/executive of the county in which the greater part~~
 26 ~~of the district is located shall, with approval of the fiscal court, appoint three~~
 27 ~~(3) members of the board of trustees, who shall reside in a county in which~~

1 the district is located. At the first election held after the district is formed, two
2 ~~(2) residents and property owners of the district shall be elected to serve on~~
3 ~~the board of trustees for a period of two (2) years and two (2) for a period of~~
4 ~~four (4) years. On the expiration of the respective terms, the successor to~~
5 ~~each shall have the same qualifications as his predecessor and shall be elected~~
6 ~~for a term of four (4) years. In the event of a vacancy in the term of an elected~~
7 ~~trustee, the remaining elected trustees shall elect a trustee to fill the vacancy~~
8 ~~for the balance of the term. The original appointed members of the board of~~
9 ~~trustees shall be appointed for terms of one (1), two (2), and three (3) years~~
10 ~~respectively; and on the expiration of their respective terms, the successor to~~
11 ~~each shall have the same qualifications as his predecessor and shall be~~
12 ~~appointed for a term of four (4) years. In the event of a vacancy in the term of~~
13 ~~an appointed trustee, the county judge/executive shall appoint a trustee for the~~
14 ~~remainder of the term].~~

15 (2) ~~{The elective offices of members of the board of trustees shall be filled by an~~
16 ~~election to be held once each year on a date determined by the county~~
17 ~~judge/executive. The polls shall be located at the principal voting location in the~~
18 ~~district. The date, time, and place of the election shall be advertised in accordance~~
19 ~~with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to~~
20 ~~the election date and shall include the names and addresses of the candidates to be~~
21 ~~voted on for each position of trustee. The terms of the three (3) trustees appointed~~
22 ~~by the county judge/executive shall start at the same time as the term of the elected~~
23 ~~trustees. The terms of the trustees shall begin on the beginning of the fiscal year or~~
24 ~~calendar year, depending on which basis the subdivision road district is being~~
25 ~~operated.~~

26 ~~(3)—}Such trustees shall elect from their number a chairman, a secretary, and a treasurer,~~
27 ~~the latter of whom shall give bond in such amount as shall be determined by the~~

1 county judge/executive of the county in which the greater part of the subdivision
 2 road district is located, conditioned upon the faithful discharge of the duties of his
 3 office, and the faithful accounting for all funds which may come into his possession
 4 as such treasurer. The premiums on such bonds shall be paid out of the funds of the
 5 district.

- 6 (4) ~~A~~~~[An appointed]~~ member of the board of trustees may be removed **in accordance**
 7 **with subsection (8) of Section 1 of this Act**~~[pursuant to KRS 65.007].~~

8 ➔Section 23. KRS 183.132 is amended to read as follows:

- 9 (1) Any urban-county government, city, or county, or city and county acting jointly, or
 10 any combination of two (2) or more cities, counties, or both, may establish a
 11 nonpartisan air board composed of six (6) members or, under subsection ~~(4)~~~~(5)~~ of
 12 this section, of **ten (10)**, eleven (11), **or** twelve (12)~~, or thirteen (13)]~~ members.

13 Any city other than the first class and county jointly or an urban-county
 14 government established pursuant to KRS Chapter 67A may establish a nonpartisan
 15 board composed of ten (10) members. Any existing six (6) member board,
 16 including a board established in an urban-county government, may be expanded to
 17 ten (10) members by action of the government entity or entities that established the
 18 six (6) member board. **Members of an air board shall be elected pursuant to**
 19 **Section 1 of this Act.**

- 20 (2) Any city of the first class, jointly with the county containing the city or a
 21 consolidated local government, may establish or maintain a nonpartisan air board.
 22 Membership of the board shall be **elected**~~[appointed]~~ in accordance with subsection
 23 ~~(6)~~~~(7)~~ or ~~(11)~~~~(12)~~ of this section. Any air board established or maintained in a
 24 county containing a city of the first class or consolidated local government shall be
 25 composed of eleven (11) members.

- 26 (3) The board shall be a body politic and corporate with the usual corporate attributes,
 27 and in its corporate name may sue and be sued, contract and be contracted with, and

1 do all things reasonable or necessary to effectively carry out the duties prescribed
 2 by statute. The board shall constitute a legislative body for the purposes of KRS
 3 183.630 to 183.740.

4 (4) ~~{The members of an air board composed of six (6) members shall be appointed as~~
 5 ~~follows:~~

6 (a) ~~—If the air board is established by a city, the members shall be appointed by the~~
 7 ~~mayor of the city;~~

8 (b) ~~—If the air board is established as a joint city-county air board, the members shall be~~
 9 ~~appointed jointly by the mayor of the city and the county judge/executive;~~

10 (c) ~~—If a combination of cities, counties, or both, establishes a joint air board, the mayors~~
 11 ~~and county judges/executive involved shall jointly choose six (6) members and~~
 12 ~~shall jointly choose successors;~~

13 (d) ~~—If the air board is established by an urban-county government, the mayor of the~~
 14 ~~urban-county government or an officer of the urban-county government designated~~
 15 ~~by the mayor shall serve as one (1) member of the board. The remaining five (5)~~
 16 ~~members shall be appointed by the mayor. One (1) of the members appointed by the~~
 17 ~~mayor shall live within a three (3) mile radius of the airport.~~

18 (5) ~~—If the air board is established by a county, the members shall be elected{appointed}~~
 19 ~~by the voters of the county {judge/executive}, except that in the event that an airport~~
 20 ~~is located outside the boundary of the county establishing the airport board, the ten~~
 21 ~~(10), eleven (11), or twelve (12) voting members of the air board are elected~~
 22 ~~{appointed} as follows:~~

23 (a) ~~{One (1) member appointed by the Governor of the Commonwealth;~~

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 elected{appointed} by the voters{ judge/executive} of the~~
 27 ~~county establishing the air board[, with the approval of the county fiscal court.~~

1 ~~If the air board is located within a metropolitan statistical area, as defined by~~
 2 ~~the United States Bureau of the Census, the county judge/executive, with the~~
 3 ~~approval of the county fiscal court, may choose to appoint two (2) of these~~
 4 ~~members as follows:~~

5 ~~a. One (1) member may be appointed following nomination by the chief~~
 6 ~~executive officer of the largest city within the metropolitan statistical area;~~

7 ~~b. One (1) member may be appointed following nomination by the chief~~
 8 ~~executive officer of the county containing the largest city within the~~
 9 ~~metropolitan statistical area, if that county does not already have~~
 10 ~~representation on the board; and~~

11 ~~c. The county judge/executive of the county establishing the air board may~~
 12 ~~choose whether to invite the chief executive officers identified in subdivisions~~
 13 ~~a. and b. of this subparagraph to nominate members. If the county~~
 14 ~~judge/executive does invite a chief executive officer to make a nomination~~
 15 ~~and the chief executive officer makes a nomination, the county~~
 16 ~~judge/executive may choose whether to appoint that nominee or to appoint~~
 17 ~~another person instead];~~

18 ~~(b)[2.] Two (2) members *elected*[appointed] by the *voters*[county~~
 19 ~~judge/executive] of the county containing the majority of territory~~
 20 ~~encompassing the airport[. This appointment shall be made with the approval~~
 21 ~~of both the fiscal court of the county containing the majority of territory~~
 22 ~~encompassing the airport and the fiscal court of the county establishing the air~~
 23 ~~board]; and~~

24 ~~(c)[3.] One (1) or two (2) additional members, if there are any counties within~~
 25 ~~the prescribed geographic limits that do not otherwise have an *elected*~~
 26 ~~*member*[appointment] to the air board. If there is one (1) such county, this~~
 27 ~~*member shall be elected*[appointment shall be made] by the *voters*[county~~

1 judge/executive] of that county[, with the approval of that county's fiscal
2 court]. If there are two (2) or more such counties, these members shall be
3 elected[appointments shall be made] by the voters of the two (2)
4 counties[county judges/executive of the two (2) counties among them] having
5 the largest population[, and the appointments shall receive the approval of
6 those respective counties' fiscal courts and the fiscal court of the county
7 establishing the air board; and

8 (e) ~~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 term~~
14 ~~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 (3)~~
20 ~~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 be~~
25 ~~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 ~~(5)~~~~(6)~~ The members of an air board composed of ten (10) members in a city other
3 than a city of the first class and county jointly other than an urban-county
4 government established pursuant to KRS Chapter 67A shall be elected~~[appointed]~~
5 as follows:

6 (a) Five (5) members shall be elected~~[appointed]~~ by the voters~~[mayor]~~ of the
7 city~~[, without approval of the legislative body];~~ and

8 (b) Five (5) members shall be elected~~[appointed]~~ by the voters in the
9 unincorporated areas of the county~~[judge/executive without approval of the~~
10 ~~other members of the fiscal court].~~

11 ~~(6)~~~~(7)~~ An air board consisting of eleven (11) members and established jointly by a
12 city of the first class and the county containing the first class city shall be composed
13 of members as follows:

14 (a) ~~[The mayor of the city of the first class;~~

15 ~~(b) The county judge/executive of the county containing the city of the first class;~~

16 ~~(c)]~~Five (5)~~[Three (3)]~~ members elected~~[appointed]~~ by the voters~~[mayor]~~ of the
17 city of the first class; and

18 ~~(b)~~~~(d)~~ Six (6)~~[Three (3)]~~ members elected~~[appointed]~~ by the voters of the
19 unincorporated areas~~[county judge/executive of the county, with the~~
20 ~~approval of the fiscal court;~~

21 ~~(e) Two (2) members, who shall be residents of the county containing a city of~~
22 ~~the first class or of counties contiguous thereto, appointed by the Governor;~~
23 and

24 ~~(f) One (1) member, who shall be a member of the executive board of an~~
25 ~~incorporated alliance of incorporated neighborhood associations and cities~~
26 ~~with a population of less than three thousand (3,000) based upon the most~~
27 ~~recent federal decennial census which represents citizens living within a five~~

1 ~~(5) mile radius of airport operations, appointed by the Governor. If more than~~
 2 ~~one (1) incorporated alliance exists, the Governor shall select the appointee~~
 3 ~~from the executive boards of any of the incorporated alliances. If no alliances~~
 4 ~~exist, the Governor shall appoint a citizen of the county who resides within a~~
 5 ~~five (5) mile radius of airport operations].~~

6 ~~(7)~~~~(8)~~ An air board consisting of eleven (11) members and established or maintained
 7 by a consolidated local government upon its establishment shall be composed of
 8 eleven (11) members elected by the voters of the consolidated local government~~[~~
 9 as follows:

10 ~~(a) The mayor of the consolidated local government;~~

11 ~~(b) Seven (7) members appointed by the mayor of the consolidated local~~
 12 ~~government;~~

13 ~~(c) Two (2) members who shall be residents of the county containing the~~
 14 ~~consolidated local government or residents of counties contiguous to the~~
 15 ~~county containing the consolidated local government, appointed by the~~
 16 ~~Governor; and~~

17 ~~(d) One (1) member who shall be a member of the executive board of an~~
 18 ~~incorporated alliance of incorporated neighborhood associations and cities~~
 19 ~~with a population of less than three thousand (3,000) based upon the most~~
 20 ~~recent federal decennial census which represents citizens living within a five~~
 21 ~~(5) mile radius of airport operations, appointed by the Governor. If more than~~
 22 ~~one (1) incorporated alliance exists, the Governor shall select the appointee~~
 23 ~~from the executive boards of any of the incorporated alliances. If no alliances~~
 24 ~~exist, the Governor shall appoint a citizen of the county who resides within a~~
 25 ~~five (5) mile radius of airport operations].~~

26 ~~(8)~~~~(9)~~ The members of an air board composed of ten (10) members established by an
 27 urban-county government shall be composed of ten (10) members elected by the

1 voters of the urban-county government~~[the mayor of the urban-county government~~
 2 ~~or an officer of the urban-county government designated by the mayor. The~~
 3 ~~remaining nine (9) members shall be appointed by the mayor. Two (2) of the~~
 4 ~~members appointed by the mayor shall live within a three (3) mile radius of the~~
 5 ~~airport].~~

6 (9)~~[(10)]~~ Members of the board composed of six (6) members shall serve for a term of
 7 four (4) years each and until their successors are elected~~[appointed]~~ and qualified.~~]~~
 8 ~~The initial appointments shall be made so that two (2) members are appointed for~~
 9 ~~two (2) years, two (2) members for three (3) years, and two (2) members for four~~
 10 ~~(4) years. Upon expiration of the staggered terms, successors shall be appointed for~~
 11 ~~a term of four (4) years.]~~

12 (10)~~[(11)]~~ Members of the board composed of ten (10) members in a city other than a
 13 city of the first class and county jointly shall serve for a term of four (4) years each
 14 and until their successors are elected~~[appointed]~~ and qualified.~~]~~ ~~The initial~~
 15 ~~appointments made by the mayor and the county judge/executive shall be made so~~
 16 ~~that one (1) member is appointed for two (2) years, two (2) members are appointed~~
 17 ~~for three (3) years, and two (2) members are appointed for four (4) years. If an~~
 18 ~~existing six (6) member board is being increased to a ten (10) member board, initial~~
 19 ~~appointments of the four (4) new members shall be made so that the mayor and the~~
 20 ~~county judge/executive, or the mayor If the board is established by an urban-county~~
 21 ~~government, each appoint one (1) member for two (2) years and one (1) member for~~
 22 ~~four (4) years. Upon expiration of the initial terms, successors shall be appointed~~
 23 ~~for a term of four (4) years. In the case of a board established by an urban-county~~
 24 ~~government, the term of the mayor for the urban-county government, or the officer~~
 25 ~~of the urban-county government designated by the mayor, shall be coextensive with~~
 26 ~~the term of the mayor.]~~

27 (11)~~[(12)]~~ Members of an air board composed of eleven (11) members and established

1 or maintained jointly by a city of the first class and the county containing a city of
 2 the first class shall serve for a term of **four (4)**~~three (3)~~ years each and until their
 3 successors are **elected**~~appointed~~ and qualified. ~~The terms of the mayor and the~~
 4 ~~county judge/executive shall be coextensive with their terms of office. The mayor~~
 5 ~~and the county judge/executive shall each make their initial appointments to a board~~
 6 ~~established jointly by a city of the first class and the county containing a city of the~~
 7 ~~first class so that one (1) member is appointed for one (1) year, one (1) member is~~
 8 ~~appointed for two (2) years, and one (1) member is appointed for three (3) years.~~
 9 ~~The Governor shall make the initial appointments so that one (1) member is~~
 10 ~~appointed for two (2) years and one (1) member is appointed for three (3) years.~~
 11 ~~Upon the expiration of the initial terms, successors shall be appointed for a term of~~
 12 ~~four (4) years.]~~

13 **(12)**~~(13)~~ Members of an air board composed of eleven (11) members in a county that
 14 has established a consolidated local government in a county containing a former
 15 city of the first class shall serve **a term of four year (4) years and** until their
 16 successors are **elected**~~appointed~~ and qualified. ~~The terms of office on the air~~
 17 ~~board of the mayor of the previously existing city of the first class and the county~~
 18 ~~judge/executive of this county shall expire upon the establishment of a consolidated~~
 19 ~~local government. Upon the establishment of a consolidated local government, if~~
 20 ~~the consolidated local government maintains the previously existing air board, the~~
 21 ~~incumbent members, except the mayor of the previously existing city of the first~~
 22 ~~class and the county judge/executive of that county, shall continue to serve as~~
 23 ~~members of the board for the time remaining of their current terms of appointment.~~
 24 ~~The Governor shall appoint members pursuant to subsection (8)(c) and (d) of this~~
 25 ~~section. The mayor of the consolidated local government shall serve on the board~~
 26 ~~for a term which shall be coextensive with his or her term of office.]~~**Vacancies**
 27 **shall be filled pursuant to Section 152 of the Constitution of Kentucky**~~Incumbent~~

1 members shall be eligible for reappointment upon the expiration of their terms. The
2 terms of all other board members shall be for four (4) years. Upon the establishment
3 of a consolidated local government and maintenance of a previously existing air
4 board, any incumbent member whose term had expired but who had continued to
5 serve because the member's successor had not been appointed, shall continue to
6 serve until a successor is appointed. Successors shall be appointed by the mayor or
7 the Governor as provided by law within sixty (60) days after the establishment of
8 the consolidated local government. As the terms of the previously serving members
9 of an air board being maintained by a consolidated local government expire, the
10 mayor of the consolidated local government and the Governor shall respectively
11 make their new appointments].

12 (13)[(14)] Members of the board shall serve without compensation but shall be allowed
13 any reasonable expenses incurred by them in the conduct of the affairs of the board.
14 The board shall, upon the election[appointment] of its members, organize and elect
15 officers. The board[, except for a board composed of eleven (11) members,] shall
16 choose a chairman and vice chairman who shall serve for terms of one (1) year.[
17 ~~Where the board is composed of eleven (11) members and established jointly by a
18 city of the first class and the county containing a city of the first class, the mayor of
19 the city of the first class and the county judge/executive shall jointly appoint the
20 chairman from among the membership of the board. Where the board is composed
21 of eleven (11) members and is in a county containing a consolidated local
22 government, the mayor shall appoint the chairman from among the membership of
23 the board.] The board shall also choose a secretary-treasurer who may or may not
24 be a member of the board. The board may fix a salary for the secretary-treasurer
25 and the secretary-treasurer shall execute an official bond to be set and approved by
26 the board, and the cost of the bond shall be paid by the board.~~

27 (14)[(15)] The board may employ necessary counsel, agents, and employees to carry out

1 its work and functions and prescribe rules and regulations as it deems necessary.

2 (15)~~[(16)]~~ The secretary-treasurer shall keep the minutes of all meetings of the board and
3 shall also keep a set of books showing the receipts and expenditures of the board.
4 The secretary-treasurer shall preserve on file duplicate vouchers for all
5 expenditures and shall present to the board, upon request, complete reports of all
6 financial transactions and the financial condition of the board. The books and
7 vouchers shall at all times be subject to examination by the legislative body or
8 bodies by whom the board was created. The secretary-treasurer shall transmit at
9 least once annually a detailed report of all acts and doings of the board to the
10 legislative body or bodies by whom the board was created.

11 (16)~~[(17)]~~ In the event that a joint air board is created by cities, counties, or both, and
12 thereafter a city or county desires to withdraw from participation, then the
13 remaining participants may jointly choose a successor member or members of the
14 board. A local government wanting to withdraw from participation in the board
15 shall not be entitled to return of any moneys or property advanced to the board.

16 (17)~~[(18)]~~ A quorum for the transacting of the business of a six (6) member board shall
17 consist of four (4) members, a ten (10) member board shall consist of six (6)
18 members, and an eleven (11) member board shall consist of six (6) members.
19 Meetings of the board may be called by the chairman or by four (4) members. In
20 case of tie voting by the board, the issue shall be deemed to have failed passage.

21 (18)~~[(19)]~~ ~~[A board member may be replaced by the appointing authority upon a~~
22 ~~showing to the authority of misconduct as a board member or upon conviction of a~~
23 ~~felony.]~~A board member shall not hold any official office with the
24 establishing~~[appointing]~~ authority~~[, except for the mayor of a city of the first class~~
25 ~~and the county judge/executive on a board made up of eleven (11) members and~~
26 ~~established jointly by a city of the first class and the county containing a city of the~~
27 ~~first class, or the mayor of an urban county government or a consolidated local~~

1 ~~government, or an officer of the urban county government designated by the mayor~~
 2 ~~on a board established by an urban county government].~~

3 ➔Section 24. KRS 210.380 is amended to read as follows:

4 **(1)** Every combination of cities and counties establishing a regional community
 5 services program for mental health or individuals with an intellectual disability
 6 shall, before it comes within the provisions of KRS 210.370 to 210.460, establish a
 7 community board for mental health or individuals with an intellectual disability
 8 consisting of ~~at least~~ nine (9) members. ***These members shall be chosen pursuant***
 9 ***to Section 1 of this Act by the voters of the cities and counties establishing the***
 10 ***regional community services program.***

11 **(2)** When a nonprofit corporation is the administrator of such a program not established
 12 by a combination of either cities or counties, such corporation shall select a
 13 community board for mental health or individuals with an intellectual disability
 14 which shall be representative of the groups herein enumerated, but the number of
 15 members need not be nine (9).}

16 ~~When any combination of cities and counties establishes a regional community services~~
 17 ~~program for mental health or individuals with an intellectual disability, the chief~~
 18 ~~executive officer of each participating city or county shall appoint two (2) members to a~~
 19 ~~selecting committee which shall select the members of the board. Membership of the~~
 20 ~~community boards for mental health or individuals with an intellectual disability shall be~~
 21 ~~representative of the elected chief executives of county governments, local health~~
 22 ~~departments, medical societies, county welfare boards, hospital boards, lay associations~~
 23 ~~concerned with mental health and intellectual disabilities as well as labor, business and~~
 24 ~~civic groups, and the general public.]~~

25 ➔Section 25. KRS 210.390 is amended to read as follows:

26 **(1)** The term of office of each ***elected*** member of the community board for mental
 27 health or individuals with an intellectual disability shall be for four (4) years{

1 ~~measured from the first day of the year of appointment except that of the members~~
 2 ~~first appointed, three (3) shall be appointed for a term of two (2) years, three (3) for~~
 3 ~~a term of three (3) years, and three (3) for a term of four (4) years].~~

4 **(2) (a)** ~~[Vacancies shall be filled]~~For **members selected pursuant to subsection (2)**
 5 **of Section 24 of this Act, a vacancy in an**~~[the]~~ unexpired term **shall be filled**
 6 in the same manner as **the** original **appointment, and**~~[appointments.]~~ any
 7 member of a board may be removed by the appointing authority for neglect of
 8 duty, misconduct or malfeasance in office, after being given a written
 9 statement of charges and an opportunity to be heard thereon.

10 **(b) For members elected pursuant to subsection (1) of Section 24 of this Act,**
 11 **vacancies shall be filled pursuant to Section 152 of the Constitution of**
 12 **Kentucky. Members may be removed in accordance with subsection (8) of**
 13 **Section 1 of this Act.**

14 ➔Section 26. KRS 212.750 is amended to read as follows:

15 (1) It is the intent of this section and KRS 212.755, inter alia, to create a public health
 16 taxing district via operation of law in every county of the Commonwealth that has
 17 not heretofore created same, except in counties containing cities of the first class or
 18 a consolidated local government.

19 (2) In all counties where a county or city-county health department or urban-county
 20 department of health has been established, except in counties containing a city of
 21 the first class or a consolidated local government, and a public health taxing district
 22 has not been established pursuant to the provisions of KRS 212.720 to 212.740, a
 23 public health taxing district is hereby declared to be created upon June 13, 1968, or
 24 upon the creation of an urban-county department of health.

25 **(3) A board of commissioners elected pursuant to Section 1 of this Act**~~[The members~~
 26 ~~of the county or city-county board of health or urban-county department of health]~~
 27 shall~~[, by virtue of their office,]~~ constitute and be the governing body of the public

1 health taxing district and shall perform the duties attendant thereto~~[in addition to~~
 2 ~~their duties as members of the county or city-county board of health or urban-~~
 3 ~~county department of health. The officers of the county or city-county board of~~
 4 ~~health or urban-county department of health shall be the officers of the public~~
 5 ~~health taxing district].~~ *The number of elected commissioners shall equal the*
 6 *number of members of the county or city-county board of health or urban-county*
 7 *department of health. Commissioners may be removed in accordance with*
 8 *subsection (8) of Section 1 of this Act. Vacancies shall be filled pursuant to*
 9 *Section 152 of the Constitution of Kentucky.*

10 ~~(4)~~~~(3)~~ Nothing in this section and KRS 212.755 shall in any way abridge the rights
 11 of two (2) or more counties from establishing a district health department.

12 ➔Section 27. KRS 216.323 is amended to read as follows:

13 (1) Where there:

14 (a) Is ~~only~~ one (1) participating county in the district, the *voters of the* county
 15 ~~[judge/executive, with the approval of the fiscal court of the participating~~
 16 ~~county]~~ shall *elect*~~[appoint]~~ five (5) members of the district board *pursuant*
 17 *to Section 1 of this Act;*~~[-]~~

18 (b) *Are*~~[Where there are]~~ two (2) or more counties participating in the district, the
 19 board shall consist of *five (5) members:*

20 *1. Elected pursuant to Section 1 of this Act by the voters of the*
 21 *participating counties; and*

22 *2. Apportioned to each county on the ratio of that county's population as*
 23 *compared to the total population of the district, except that each*
 24 *county shall have* at least one (1) *member;*~~[but not more than four (4)~~
 25 ~~persons from each participating county, the total membership of the~~
 26 ~~board to consist of not less than five (5) persons.]~~

27 (c) *Is*~~[Where]~~ a participating county in a district in which more than one (1)

1 county is participating has a population of seventy-five thousand (75,000) or
 2 less, that county shall be allowed **to elect** one (1) board member **pursuant to**
 3 **Section 1 of this Act; and**[-]

4 **(d) Is**[-Where] a participating county in a district in which one (1) or more county
 5 is participating has a population in excess of seventy-five thousand (75,000),
 6 the county shall **elect, pursuant to Section 1 of this Act,**[-be allowed] a board
 7 member for each forty thousand (40,000) or a portion thereof, of population in
 8 excess of seventy-five thousand (75,000) of population, but not to exceed four
 9 (4) members in all.

10 (2) **The total membership of the district board shall consist of not fewer than five (5)**
 11 **members.**[-Where, after each county in the district has appointed the number of
 12 board members that it is allowed to appoint, the board consists of fewer than five
 13 (5) members the secretary shall recommend a number of persons from the district at
 14 large suitable for appointment to the board equal to twice the difference between
 15 the number already appointed and five (5). The board members appointed by the
 16 county judges/executive shall elect to the membership on the board one-half (1/2)
 17 of those recommended by the secretary. The length of the term of no member shall
 18 be determined as required by KRS 216.325 until the full membership of the board
 19 has been appointed. The successors of the members from the district at large shall
 20 be appointed in the same manner as the original members from the district at large.]
 21 Population shall be determined by the most recent decennial report of the United
 22 States Census Bureau.

23 (3) **An elected**[-A] member of the board may be removed from office **in accordance**
 24 **with subsection (8) of Section 1 of this Act. Vacancies shall be filled pursuant to**
 25 **Section 152 of the Constitution of Kentucky**[-as provided by KRS 65.007].

26 ➔Section 28. KRS 216.325 is amended to read as follows:

27 [-~~(1) One third (1/3) of those persons first appointed to the board shall serve for a term~~

1 of two (2) years, one third (1/3) for a term of three (3) years, one third (1/3) for a term of
 2 four (4) years. Where the board consists of a number not divisible by three (3), one third
 3 (1/3) of the next higher number divisible by three (3), shall serve for a term of two (2)
 4 years, one third (1/3) for a term of three (3) years and the remaining number }**Members**
 5 shall serve for a term of four (4) years, **and**[- Thereafter,] as their terms expire, their
 6 successors shall be **elected**[appointed] in the same manner[-, but] for a term of four (4)
 7 years each. The members shall hold office until their respective successors are
 8 **elected**[appointed] and qualified. No member of the board shall serve more than two (2)
 9 successive four (4) year terms.

10 ~~[(2) Any vacancy occurring in the terms of office of members shall be filled for the~~
 11 ~~unexpired term by the fiscal court by appointment for each county in which the~~
 12 ~~vacancy occurred; or by the board by appointment on recommendation of the~~
 13 ~~secretary of two (2) names for each vacancy which occurs for members of the~~
 14 ~~district at large.]~~

15 ➔Section 29. KRS 220.140 is amended to read as follows:

16 **(1)** ~~[Within twenty (20) days]~~After the commissioner certifies to the county clerk of
 17 each county in which the district is located that the district is incorporated, there
 18 shall be **elected**[appointed] a board of directors for the district **pursuant to Section**
 19 **I of this Act**, consisting of three (3) members, which shall control and manage the
 20 affairs of the district.

21 **(2)** If the district lies wholly within a single county, the **voters of the** county
 22 ~~[judge/executive of that county]~~shall **elect**[appoint] all of the directors.

23 **(3)** If the district lies within two (2) counties, the **voters of the** county ~~[judge/executive~~
 24 ~~of the county]~~in which the greater portion of the population of the district resides
 25 **shall elect**[may appoint]two (2) directors and the **voters**[county judge/executive]
 26 of the other county shall **elect**[appoint] the third **director**.

27 **(4)** If the district lies within more than two (2) counties, the **voters**[county

1 judges/executive }of all the counties shall elect~~{jointly select }~~the directors, but each
 2 one elect~~{so appointed }~~ must reside in a different county.~~{ Not less than two (2)~~
 3 ~~of the directors shall be freeholders, and not more than two (2) of them shall belong~~
 4 ~~to or be affiliated with the same political party. }~~

5 (5) If the district is coextensive with the boundaries of two (2) or more counties, four
 6 (4) directors shall be elect~~{appointed }~~by the voters of ~~{county judge/executive of~~
 7 ~~}the most populous county and two (2) shall be elect~~{appointed }~~ by the~~
 8 voters~~{county judge/executive }~~ of each remaining county. ~~{All appointments by~~
 9 ~~county judges/executive shall be subject to the approval of the respective fiscal~~
 10 ~~courts. In a district which is coextensive with the boundaries of two (2) or more~~
 11 ~~counties, not less than two thirds (2/3) of the directors shall be freeholders. }~~

12 (6) No director shall be in any way associated or connected with the ownership,
 13 operation, or control of any privately owned public utility operating within the
 14 district. The terms of office of the~~{ first board of }~~ directors shall be~~{ two (2), three~~
 15 ~~(3), and four (4) years, respectively, from the date of their appointment, the length~~
 16 ~~of the term of office of each member to be determined by lot at their first meeting,~~
 17 ~~but the individual holding such office shall do so at the pleasure of the county~~
 18 ~~judge/executive by whom he is appointed, and he may be removed without cause,~~
 19 ~~with the approval of the respective fiscal court, by the county judge/executive by~~
 20 ~~whom he was appointed and his unexpired term filled by another appointee of such~~
 21 ~~county judge/executive. After the expiration of the respective terms of office of the~~
 22 ~~first board, each director shall be appointed for a term of four (4) years, subject to~~
 23 ~~the will of the county judge/executive making the appointment}. Vacancies~~
 24 ~~{resulting from any cause other than expiration of term }~~shall be filled pursuant to
 25 Section 152 of the Constitution of Kentucky~~{only for the unexpired term. The~~
 26 ~~county judge/executive of the county whose director has completed his term of~~
 27 ~~office or whose office has otherwise been vacated shall fill the vacant office, except~~

1 ~~that when the district lies within more than three (3) counties, if each county is not~~
 2 ~~represented, vacancies resulting from expiration of term shall be filled in rotation~~
 3 ~~by the county judges/executive of those counties not represented by a director at the~~
 4 ~~time a vacancy occurs].~~ The directors shall at all times be residents of the district,
 5 and the office of any director who moves his residence outside the district shall
 6 automatically be vacated.

7 ➔ Section 30. KRS 262.740 is amended to read as follows:

8 (1) ~~[Within thirty (30) days after]~~A watershed conservancy district ***shall be governed***
 9 ***by***~~[is created, nominating petitions may be filed with the board of supervisors for~~
 10 ~~the election of]~~ a board of directors consisting of five (5) members ***elected pursuant***
 11 ***to Section 1 of this Act,*** who shall hold office for a term of four (4) years, or until a
 12 successor is ***elected and*** qualified. ~~The~~~~[Such]~~ board of directors shall, under the
 13 supervision of the board of supervisors, be the governing body of the watershed
 14 conservancy district.~~[The board of supervisors shall give due notice of the election~~
 15 ~~of directors and shall, as nearly as practicable, conduct the election in the manner~~
 16 ~~prescribed by KRS 262.220.]~~

17 (2) If the territory embraced within a watershed conservancy district lies within more
 18 than one (1) soil and water conservation district, each of said additional districts
 19 with minority of the land involved in the watershed shall be entitled to elect three
 20 (3) additional directors.

21 (3) The board of directors shall annually ***select***~~[elect]~~ from its membership a chairman,
 22 secretary, and treasurer. The treasurer shall execute an official bond for the faithful
 23 performance of the duties of his office to be approved by the board of directors.
 24 Such bond shall be executed with at least three (3) solvent personal sureties whose
 25 solvency must exceed the amount of the bond, or by a surety company authorized to
 26 do business in this state, and shall be in an amount determined by the board of
 27 directors. If the treasurer is required to execute a surety company bond, the

1 premium on the bond shall be paid by the board of directors.

2 (4) Each person desiring to be a director of a watershed conservancy district shall
 3 ~~be~~ file a nominating petition with the board of supervisors of the county in which
 4 he is a landowner and legal resident **of the county in which the election is to be**
 5 **held**, signed by twenty five (25) or more landowners within the watershed
 6 conservancy district of the county involved, or, if less than fifty (50) landowners
 7 are involved a majority of such landowners. Nominating petitions for the election of
 8 any director following the first election of members of the board after creation of
 9 the district shall be filed with the board of supervisors not less than forty five (45)
 10 days prior to the day of the regular election. If the candidates nominated do not
 11 exceed the positions available, they shall be declared elected. No person shall be
 12 eligible to be a director of a watershed conservancy district who is not a landowner
 13 within the watershed and resident of the county in which the watershed is located.

14 (5) **Directors may be removed in accordance with subsection (8) of Section 1 of this**
 15 **Act. Vacancies shall be filled pursuant to Section 152 of the Constitution of**
 16 **Kentucky** [A director who has been declared elected without an election pursuant to
 17 subsection (4) of this section may be removed from office by the board of
 18 supervisors as provided by KRS 65.007 for removal of an appointed member of the
 19 governing body of a special district].

20 ➔Section 31. KRS 262.750 is amended to read as follows:

21 (1) Bonds authorized by KRS 262.745 shall not be issued until proposed by order or
 22 resolution of the board of directors, specifying the purpose for which the funds are
 23 to be used and the proposed undertaking, the amount of bonds to be issued, the rate
 24 of interest they are to bear and the amount of any necessary tax levy authorized in
 25 KRS 262.760 to establish a sinking fund for the liquidation of bonds as provided in
 26 KRS 262.760. Copy of the order or resolution shall be certified to the board of
 27 supervisors.

1 (2) The board of supervisors shall conduct a **public** hearing on such proposal after
 2 notice given pursuant to KRS 262.010(4). **No further action is required of the**
 3 **board of supervisors, except as provided in Section 32 of this Act**~~[If it appears that~~
 4 ~~the proposal is within the scope and purpose of KRS 262.700 to 262.795 and meets~~
 5 ~~all other requirements of the law, the proposal shall be submitted to the landowners~~
 6 ~~of the district by referendum under supervision of the board of supervisors.~~

7 ~~(3) Provisions of KRS 262.725, 262.730 and 262.740 as to notice, qualifications~~
 8 ~~of voters, absentee voting and manner of holding referendum election in organizing a~~
 9 ~~watershed conservancy district shall apply to the referendum held under this section.~~

10 ~~(4) If the landowners voting favor the proposal, subject to the provisions of KRS~~
 11 ~~Chapter 66, the bonds may be issued].~~

12 ➔Section 32. KRS 262.791 is amended to read as follows:

13 (1) Ten (10) years subsequent to the organization of a watershed conservancy district a
 14 majority of the landowners within the district may file a petition with the board of
 15 supervisors praying that the existence of the district be discontinued. The petition
 16 shall state the reason for discontinuance and that all obligations of the district have
 17 been met;

18 (2) After giving due notice as defined in KRS 262.010 (4), the board of supervisors
 19 shall conduct a hearing on the petition for the purpose of determining whether the
 20 reasons given for discontinuance are valid and that all obligations have been met.
 21 Obligations shall include written agreements and contracts officially entered into by
 22 the district and any duty imposed upon the district by law;

23 (3) If evidence presented during the hearing, as determined by the board of supervisors,
 24 reveals that all obligations have not been met, the petition for discontinuance shall
 25 be denied. If it is determined that all obligations have been met, the supervisor
 26 shall, within sixty (60) days, hold a referendum~~[as provided in KRS 262.750].~~

27 ➔Section 33. KRS 266.100 is amended to read as follows:

- 1 (1) ~~{The county judge/executive shall,}~~ Upon the creation of a levee district as provided
 2 in KRS 65.182 and 266.010~~{ and every four (4) years thereafter}, {appoint }~~five (5)
 3 resident landowners of the vicinity of the levee **shall be elected pursuant to Section**
 4 **1 of this Act** to~~{ be known as}~~ the board of levee commissioners. The
 5 commissioners shall serve for a term of four (4) years and until their successors are
 6 **elected**~~{appointed. The county judge/executive shall fill any vacancies in the board.~~
 7 ~~All appointments to the board shall be subject to the approval of the fiscal court}.~~
- 8 (2) Members of the board of levee commissioners may be removed from office **in**
 9 **accordance with subsection (8) of Section 1 of this Act**~~{as provided by KRS~~
 10 ~~65.007}.~~
- 11 (3) When a multicounty levee district is established, the board shall be
 12 **elected**~~{appointed}~~ by the **voters**~~{county judges/executive}~~ of the counties involved.
 13 **Members**~~{Appointments}~~ shall be apportioned among the counties in ratio to the
 14 portion of the levee to be constructed within each county.
- 15 (4) The board of levee commissioners is a body politic, with the status of a corporation,
 16 and in its corporate name may do everything authorized by law with reference to
 17 public levees.
- 18 ➔Section 34. KRS 268.160 is amended to read as follows:
- 19 (1) The county judge/executive shall divide the district into three (3) precincts as
 20 nearly equal in area as practicable, following owners' property lines, and
 21 immediately upon such division he shall appoint a temporary secretary to act for the
 22 district board. The secretary for the board shall record the result of the division of
 23 the district into precincts in the drainage record.
- 24 (2) ~~{The secretary shall give twenty (20) days' notice by posting three (3) notices in~~
 25 ~~each precinct of the district and by publication pursuant to KRS Chapter 424,~~
 26 ~~informing the owners of the district that they may vote for a drainage commissioner~~
 27 ~~for each precinct and a secretary for the board and the district, within a stated time.~~

1 ~~The vote shall be taken by the owners filing a written designation of choice,~~
2 ~~together with the number of acres the voter owns in the district, or if benefits have~~
3 ~~been confirmed the amount of benefits assessed against the owner's land, with the~~
4 ~~county judge/executive. Each acre owned and assessed in the district shall count~~
5 ~~one (1) vote, or if benefits have been confirmed each one hundred dollars (\$100) or~~
6 ~~fraction thereof in benefits assessed against the voter's land shall count one (1) vote~~
7 ~~for secretary and drainage commissioner. The votes of the owners, when cast and~~
8 ~~filed with the county judge/executive, shall be recorded by the secretary of the~~
9 ~~board in the drainage record immediately after the expiration of the time for casting~~
10 ~~the vote. Votes shall be filed with the county judge/executive by the first Monday~~
11 ~~in April for drainage commissioner and for secretary, for a term of one (1) year~~
12 ~~beginning on the first Monday of May following. If there is a tie vote in any contest~~
13 ~~the judge of the county where the district has been established shall cast the~~
14 ~~deciding vote.~~

15 ~~(3)~~—]The board shall consist of three (3) members **elected pursuant to Section 1 of this**
16 **Act**, being the persons who have received the largest number of votes in each of the
17 three (3) precincts. The secretary shall be the party who received the largest number
18 of votes from the district at large for that office. The board shall **select**~~elect~~ some
19 responsible resident of the district, who is not a member of or secretary to the
20 board, as treasurer. The treasurer shall be paid whatever salary the board deems
21 proper, and shall execute bond as the board directs. **Upon taking the oath of**
22 **office**~~[One (1) month after the advertised election is completed, or on the first~~
23 ~~Monday in May if not an advertised election]~~, the elected officers shall take charge
24 of the drainage record and all records, maps, papers and property belonging to the
25 district, except money in the hands of the treasurer.

26 ~~(3)~~~~(4)~~ No one except an owner of land in the precinct for which he acts shall be
27 eligible for drainage commissioner. Each commissioner shall be a freeholder and

1 over twenty-one (21) years of age. The board shall have control of all
 2 improvements in the district, except as otherwise provided. Vacancies in the office
 3 of board member or secretary shall be filled pursuant to Section 152 of the
 4 Constitution of Kentucky~~[by a special election after due advertising]~~. Each
 5 drainage commissioner when elected shall execute bond for the faithful
 6 performance of his duties in the sum of \$2,500 and shall be sworn to perform the
 7 duties of his office to the best of his ability.

8 ~~(4)~~~~(5)~~ Immediately upon election and qualification, the board shall become a body
 9 corporate, under the name and style of the "Board of Drainage Commissioners of
 10 District," with all the powers of a corporation or as necessary to carry on its
 11 work. It shall use a corporate seal which it may change at pleasure. The board shall
 12 elect from among its members a president, and a vice president.

13 ➔Section 35. KRS 269.120 is amended to read as follows:

14 Upon written petition signed by more than one-half (1/2) of the landowners residing
 15 within the boundary of the district of the corporation, or their agents, guardians or
 16 personal representatives, the county judge/executive of any county in which the
 17 corporation exists shall inform the county clerk of the petition. If the petition is found
 18 sufficient, there shall be an election held pursuant to Section 1 of this Act to
 19 elect~~[appoint]~~ a board of commissioners consisting of three (3) landowners over twenty-
 20 five (25) years of age, residing in that county, not interested in the corporation and not
 21 owning any land within its district. Each commissioner shall be paid out of the treasury
 22 of the corporation not exceeding five dollars (\$5) for each day's service. Any board of
 23 commissioners in existence prior to the effective date of this Act, shall be subject to
 24 Section 1 of this Act.

25 ➔Section 36. KRS 269.130 is amended to read as follows:

26 (1) Before entering upon the duties of his office, each member of the board of
 27 commissioners shall take the following oath before the clerk of the Circuit Court:

1 "I, do solemnly swear that I will faithfully perform the duties of commissioner to
 2 assess, apportion and rate taxes under KRS 269.120 to 269.230; that I will
 3 impartially perform the duties of my office; that I am in no way interested in the
 4 company, nor holder or owner of any land within its boundary; and that I am a
 5 landowner and resident of County, Kentucky, and over twenty-five years of
 6 age." Any vacancy on the board of commissioners shall be filled pursuant to
 7 Section 152 of the Constitution of Kentucky~~[by the county judge/executive]~~, but
 8 the failure of the Governor~~[county judge/executive]~~ to appoint a person to fill the
 9 vacancy shall not invalidate the proceedings of the board of commissioners or
 10 prevent it from acting. Two (2) members shall constitute a quorum.

11 (2) A member of the board of commissioners may be removed in accordance with
 12 subsection (8) of Section 1 of this Act~~[pursuant to KRS 65.007]~~.

13 ➔Section 37. KRS 269.150 is amended to read as follows:

14 (1) The board of commissioners shall cause to be published pursuant to KRS Chapter
 15 424, a notice substantially as follows:

16 "The company's tax notice.

17 "All holders and persons interested in land within the boundary of the company
 18 are hereby notified that the board of commissioners elected~~[appointed]~~ by the voters of
 19 the county~~[judge/executive]~~ under KRS 269.120 has reported an assessment and
 20 apportionment upon the land, and on the day of (insert date) it was filed with the
 21 clerk of the Circuit Court. Any person having any complaint to make of excessive or
 22 unjust assessment or apportionments shall file such complaint in writing with the clerk of
 23 the Circuit Court within thirty days after the filing of said report. As soon as practicable
 24 after the expiration of such thirty days, the clerk will set it to a day for hearing.

25 Signed (insert name).

26 Signed (insert name).

27 Signed (insert name).

1 Board of Commissioners."

2 The board of commissioners shall also post copies of the notice at six (6) prominent
3 places within the boundary, within seven (7) days after the filing of the report.

4 (2) Any person interested, including the corporation, may, within thirty (30) days from
5 the filing of the report, file a complaint in writing with the clerk of the Circuit
6 Court, specifying the parcel of land and alleged deficiency or partiality. The clerk
7 shall assign the hearing of the complaints to the first day convenient to the Circuit
8 Court at which the corporation and complainants may be heard. The court may pass
9 upon the justice and fairness of the complaint summarily, and receive evidence if
10 necessary, orally or in writing.

11 (3) The Circuit Court shall approve, reduce or increase the assessment, within the
12 limits fixed by law. As to those lands with reference to which no complaint has
13 been filed within thirty (30) days, the court shall confirm and approve the report.
14 When all complaints have been determined, the court shall order the report as a
15 whole approved and confirmed, and the assessments and apportionments shall be
16 deemed conclusive and binding upon all parties. The court may correct any error in
17 the report, or, if necessary, recommit it, or any part of it, to the board of
18 commissioners at any time before confirmation.

19 ➔Section 38. (1) Each appointment made prior to January 1, 2020, to a governing
20 body as defined in Section 1 of this Act shall expire according to the terms of the
21 appointment or on December 31, 2020, whichever occurs first.

22 (2) Members of the board of trustees of volunteer fire districts and departments
23 established pursuant to KRS Chapter 75, normally subject to election in June of 2020
24 shall have their terms of office of office extended to December 31, 2020, at which time
25 their terms shall expire.

26 (3) Beginning with the Regular Election to be held in 2020 and at every regular
27 election two or four years thereafter, subject to specific statutory requirements, all

1 members of the governing bodies as defined in Section 1 of this Act, previously
2 appointed, shall be elected pursuant to the regular election laws of the Commonwealth.

3 (4) Appointed members serving as members of their governing body at the time of
4 the 2020 Regular Election shall be eligible to stand for election.

5 (5) Candidates that receive a certificate of election for an office on a governing
6 body as defined in Section 1 of this Act following the Regular Election in November
7 2020 or thereafter elected shall assume their offices on the 1 January of the year
8 following their election.

9 ➔Section 39. This Act takes effect January 1, 2020.