

AN ACT relating to planning commission membership.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 100 IS CREATED TO READ AS FOLLOWS:

As used in this section and Sections 2 and 3 of this Act:

- (1) "Military installation" has the same meaning as in 10 U.S.C. sec. 2801(c)(4); and**
(2) "Representative of the military installation" means a current or former member of the Armed Forces of the United States or a civilian who works closely with the military, designated by the commanding officer of the military installation to represent the interests of the military installation and national security.

➔Section 2. KRS 100.133 is amended to read as follows:

- (1) Before a planning unit may engage in planning operations, a planning commission shall be appointed for the unit in conformance with an adopted agreement.
- (2) A planning commission shall consist of at least five (5), but not more than twenty (20) members.
- (3) The Governor shall have the privilege of appointing a member to the commission to which the capital city belongs in addition to the number of members specified for that planning commission.
- (4) Where extraterritorial jurisdiction is exercised for subdivision regulations or other regulations, the county judge/executive of each affected county may appoint a member to the planning commission of the planning unit exercising such jurisdiction in addition to the number of members specified for that planning commission.
- (5) At least two-thirds (2/3) of the members of every planning commission shall be citizen members.
- (6) A regional planning commission shall include at least one (1) citizen member from each joint planning unit who is also a member of the joint planning commission.

(7) Where the jurisdiction of a planning unit includes or is adjacent to a military installation, a representative of the military installation may be a nonvoting ex officio member of the commission, in addition to the number of members specified for that planning commission, to advise on matters relating to national security or other concerns for the installation.

(8) If one (1) city only joins with one (1) county, then each shall have equal representation.

~~(9)(8)~~ Except as provided in KRS 100.137, at least one (1) of the county representatives of the planning commission of a joint planning unit containing a county with an unincorporated area population exceeding one thousand (1,000) persons shall be a resident of the unincorporated area of that county.

~~(10)(9)~~ Whenever this chapter requires a city without its consent to belong to a joint planning unit, then KRS 100.137 shall apply.

➔Section 3. KRS 100.137 is amended to read as follows:

(1) Except in a consolidated local government, counties with a population of 300,000 or more inhabitants shall be a planning unit and shall have a planning commission which commission shall be composed of three (3) members, who are nonresidents of the largest city of the county, appointed by the county judge/executive of such county; three (3) members who are residents of the largest city of the county appointed by the mayor of that city; and the mayor of the largest city, or his or her designee; the county judge/executive, or his or her designee; the director of works of the largest city in the county; and the county road engineer. The county judge/executive and the mayor together shall ensure that three (3) of the six (6) appointees are citizens who have no direct financial interest in the land development and construction industry. If the commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. Where the jurisdiction of a planning unit includes or is adjacent to a

military installation, the unit may allow a representative of the military installation to serve as a nonvoting ex officio eleventh member of the commission to advise on matters relating to national security or other concerns for the installation. All ten (10) members and, if applicable, the ex officio member of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records under KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings under KRS 100.157.

- (2) A county with a consolidated local government created pursuant to KRS Chapter 67C shall be a planning unit and shall have a planning commission which shall include eight (8) members who are residents of the planning unit, approved by the mayor of the consolidated local government pursuant to the provisions of KRS 67C.139. The membership of the planning commission shall also include the mayor of the consolidated local government, or his or her designee, and the director of public works of the consolidated local government, or his or her designee, or the county engineer as determined by the mayor. If the director of public works designates a designee, the designee shall be either a civil or highway engineer licensed under KRS Chapter 322, and shall have at least three (3) years' practical road building, road design, or transportation planning experience. The mayor shall ensure that four (4) of the eight (8) appointees are citizens who have no direct financial interest in the land development and construction industry. If the

commission appoints a citizen member to fill a vacancy, the commission shall ensure that the balance is maintained. Where the jurisdiction of a planning unit includes or is adjacent to a military installation, the unit may allow a representative of the military installation to serve as a nonvoting ex officio eleventh member of the commission to advise on matters relating to national security or other concerns for the installation. All ten (10) members and, if applicable, the ex officio member of the planning commission shall be required to disclose any personal or family commercial interest relevant to land use, new development supply, or new development construction. The disclosure shall be a written, signed statement of the general nature of the member's interest. The disclosure shall be filed with the commission's records pursuant to KRS 100.167 and shall be available for public inspection during regular business hours. A member shall not vote on an issue in which the member or member's family has an interest. The willful failure of a member to disclose an interest, or a member's voting on an issue in which the member or member's family has a known interest, shall subject the member to removal proceedings pursuant to KRS 100.157.

- (3) In counties containing a consolidated local government, all legislation implementing or amending the plan or amended plan which affects cities with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census or any city with a population of less than three thousand (3,000) based upon the most recent federal decennial census that regulated land use under the provisions of this chapter prior to January 1, 2014, shall be enacted by such cities and all other legislation implementing the plan or amended plan shall be enacted by the fiscal court or, in the case of a consolidated local government, by the consolidated local government.
- (4) In all other counties the establishment of a planning unit is optional, but any planning unit established in other counties shall comply with the remaining

provisions of this chapter.

➔Section 4. Sections 1, 2, and 3 of this Act may be cited as the Military Installation Protection Act.