

Summary of BR 2: AN ACT relating to soil and water conservation and declaring an emergency.

- Section 1 creates a new section within the watershed conservancy district range, KRS Chapter 262.700 to 262.795, to establish a new procedure for the discontinuance of inactive watershed conservancy district boards. The new discontinuance procedure:
 - Requires either one year or more of board inactivity or the failure of a board to adopt and fund a budget as required by KRS 262.760 before the discontinuance may be initiated. Periods of inactivity that began prior to the effective date of the Act are counted;
 - Allows for any soil and water conservation district board or fiscal court where the watershed conservancy district lies to initiate the discontinuance;
 - Requires notification of the intent to discontinue to any current board member, and requires publication of the notice in a newspaper of general circulation in the area;
 - Allows for a landowner paying a tax levied by the watershed conservancy district to request a public hearing. If no request is made, no hearing is held. The hearing must be held within 30 days of a request;
 - Requires the entity proposing the discontinuance to hold a vote to discontinue the watershed conservancy district within 30 days of the public hearing, or if no public hearing is held, within 30 days of the expiration of the time period to request the hearing;
 - Requires all other soil and water conservation districts and fiscal courts where the watershed conservancy district lies to hold votes within 30 days of the initial vote. All voting entities must concur to discontinue for the discontinuance to be effective. Any voting entity that fails to vote within the 30 days shall be deemed to have voted in favor of discontinuance;
 - Provides that if any voting entity votes not to discontinue, then the watershed conservancy district cannot be discontinued for one year;
 - Specifies that if a watershed conservancy district board is discontinued, then the watershed conservancy district's boundaries shall remain intact and the landowners within those boundaries shall continue to contribute revenue to the soil and water conservation district or districts where the watershed conservancy district lies, as detailed in Section 7 of the draft;
 - Provides that the soil and water conservation district or districts where the discontinued watershed conservancy district lies shall inherit all of the former watershed conservancy district board's rights and responsibilities established in KRS 262.700 to 262.795; and
 - Provides that a discontinued watershed conservancy district board may be reestablished according to the current requirements for establishing a board.
- Section 2 amends KRS 147A.029 to allow soil and water conservation districts and watershed conservancy districts to use funds appropriated for the Department for Local Government's Local Match Participation Program for flood-related

projects and straight sewage pipe removal projects with federal agencies, including the USDA Natural Resources Conservation Service (NRCS).

- Sections 3 and 4 provide for immunity from personal liability for official acts taken reasonably and in good faith by soil and water conservation and watershed conservancy board members respectively.
- Section 5 amends KRS 262.742 to require soil and water conservation districts to advertise vacancies on watershed conservancy district boards.
- Section 6 amends KRS 262.760 to allow soil and water conservation district(s) to adopt and fund budgets for watershed conservancy districts if the watershed conservancy district board fails to do so.
- Section 7 amends KRS 262.793 to conform and to add language so that taxing authority inherited by soil and water conservation districts from discontinued watershed conservancy districts includes the ability to make periodic adjustments to the amounts of revenue collected. It also specifies that revenues collected by soil and water conservation districts using the inherited taxing authority shall only be used on works of improvement done within the discontinued watershed conservancy district, even if those works of improvement are located outside of the soil and water conservation district.
- Section 8 repeals KRS 262.791 that contains the current watershed conservancy district discontinuance procedure.
- Section 9 declares an emergency.