

## CHAPTER 214

## (HB 464)

AN ACT relating to health departments.

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

Section 1. KRS 212.632 is amended to read as follows:

- (1) The board shall be composed of **thirteen (13)**~~nine (9)~~ members, one (1) of whom shall be an ex officio member and the mayor of the urban-county government, one (1) of whom shall be an ex officio member and a member of the urban-county government legislative body and appointed by the mayor, and **eleven (11)**~~seven (7)~~ of whom shall be appointed by the mayor with the approval of the urban-county government legislative body. Of the **eleven (11)**~~seven (7)~~ appointed members, three (3) shall be licensed and practicing physicians, one (1) a licensed and practicing dentist, one (1) a licensed and practicing registered nurse, and **six (6)**~~two (2)~~ members at large. Appointment of the physician, dentist, and nurse shall be made from a list of three (3) nominees submitted by any of the respective county professional societies for which a vacancy exists. All appointed members shall reside in the county of the board to which they are appointed and shall be eligible for reappointment.
- ~~(2) Of the original appointments to fill the seven (7) appointed positions on the board, the mayor shall, within thirty (30) days from July 1, 1977, appoint three (3) members for a term expiring June 30, 1978, and four (4) members for a term expiring June 30, 1979. All seven (7) original appointees shall be appointive members serving on the city county board of health on July 1, 1977.~~
- ~~(3)~~ At the expiration of **any term**~~the terms~~ of office~~of the seven (7) original appointees~~, the successor to each~~such~~ member shall be appointed in the manner prescribed under the provisions of subsection (1) of this section for a term of office of two (2) years and until **the**~~his~~ successor is appointed and qualified.
- ~~(3)~~~~(4)~~ All vacancies occurring on the board by reason of death, resignation, disqualification, removal, or otherwise~~;~~ shall be filled for the unexpired term in the manner prescribed under the provisions of subsection (1) of this section.

Section 2. KRS 212.633 is amended to read as follows:

- (1) The board shall elect from among its members a chairman who shall serve for a one (1) year term and be eligible for reelection.~~The chairman of the city county board of health on July 1, 1977, shall serve the remainder of his term or for a period of one (1) year.~~ A quorum for all meetings of the board shall consist of a majority of the members of the board, except that for the selection or dismissal of the commissioner,~~the adoption of the annual budget and the adoption or amendment of regulations~~ a quorum shall consist of not fewer than **ten (10)**~~seven (7)~~ of the **thirteen (13)**~~nine (9)~~ members of the board. All official action by the board shall be by a vote of a majority of all board members present.
- (2) The board for administrative purposes may create **any**~~such~~ committees and offices as it deems necessary **and**~~;~~ adopt any and all necessary and appropriate rules and regulations for the conduct of its business and for carrying out the provisions of KRS 212.626 to 212.639, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The board shall hold at least one (1) regular meeting in each

month and ~~any[such]~~ other meetings upon call of the chairman of the board as may be necessary.

Section 3. KRS 212.740 is amended to read as follows:

Moneys derived in the manner provided by KRS 212.720 to 212.755 may be expended for the construction, alteration, or modification of a public health center or other suitable housing facility for the county or city-county health department *or urban-county department of health*.

Section 4. KRS 212.750 is amended to read as follows:

- (1) It is the intent of this section and KRS 212.755, inter alia, to create a public health taxing district via operation of law in every county of the Commonwealth that has not heretofore created same except in counties containing cities of the first class.
- (2) In all counties where a county or city-county health department *or urban-county department of health* has been established, except in counties containing a city of the first class, and a public health taxing district has not been established pursuant to the provisions of KRS 212.720 to 212.740, a public health taxing district is hereby declared to be created upon June 13, 1968, *or upon the creation of an urban-county department of health*. The members of the county~~[-]~~ or city-county board of health *or urban-county department of health* shall, by virtue of their office, constitute and be the governing body of the public health taxing district and shall perform the duties attendant thereto in addition to their duties as members of the county~~[-]~~ or city-county board of health *or urban-county department of health*. The officers of the county or city-county board of health *or urban-county department of health* shall be the officers of the public health taxing district.
- (3) Nothing in this section and KRS 212.755 shall in any way abridge the rights of two (2) or more counties from establishing a district health department.

Section 5. KRS 212.755 is amended to read as follows:

- (1) If, after the establishment of the public health taxing district as provided for in this section and KRS 212.750, the tax-levying authorities of the district, in the opinion of the county or city-county board of health *or urban-county department of health*, do not appropriate an amount sufficient to meet the public health needs of the county or the city-county health department *or urban-county department of health* or do not appropriate an amount sufficient to meet the standards prescribed by the Cabinet for Health Services for local health departments, the county or city-county board of health *or urban-county department of health*, acting as the governing body of the taxing district shall, with the approval of the Cabinet for Health Services, request the fiscal court *or urban-county government* to impose by resolution a special ad valorem public health tax in an amount that it deems sufficient, but not in excess of ten cents (\$0.10) per one hundred dollars (\$100) of full value assessed valuation. The fiscal court *or urban-county government* may, upon receipt of a duly certified copy of the resolution, include in the next county ad valorem tax levy the special public health tax imposed by the county or city-county board of health *or urban-county department of health*, which shall be in addition to all other county ad valorem taxes. If levied by the fiscal court *or urban-county government*, the special public health tax shall be collected in the same manner as are other county ad valorem taxes and turned over to the county or city-county board of health *or urban-county department of health* to be used solely for the maintenance and operation of the county, city-county, or district health department *or urban-county department of health* and as provided in KRS 212.740.

- (2) Public health taxing districts organized pursuant to the provisions of KRS 212.720 to 212.740 or organized pursuant to this section and KRS 212.750 shall not be subject to the provisions of the compensating tax rate as defined by KRS 132.010 nor to Chapter 2, 1965 First Extraordinary Session of the General Assembly; provided, however, that no public health taxing district shall impose a rate higher than ten cents (\$0.10) per one hundred dollars (\$100) of full value assessed valuation.

Section 6. The following KRS section is repealed:

212.634 Citizens' advisory council -- Membership -- Duties.

**Approved April 5, 2002**