

CHAPTER 123**(HB 552)**

AN ACT relating to the Kentucky Mountain Regional Recreation Authority.

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

➔Section 1. KRS 148.0222 is amended to read as follows:

- (1) The Kentucky Mountain Regional Recreation Authority is hereby created and established as an independent, de jure municipal corporation and political subdivision of the Commonwealth and shall exercise all of the powers that a corporation may lawfully exercise under the laws of the Commonwealth. The authority shall be a public body corporate and politic and an instrumentality of the Commonwealth, established with all the general corporate powers incidental thereto. The authority shall be attached to the Kentucky Department for Local Government for administrative purposes only. The authority shall be reauthorized for five (5) years from June 27, 2019, and may be renewed by the General Assembly. The authority may adopt by laws and administrative regulations, subject to KRS Chapter 13A, for the orderly conduct of its affairs.
- (2) The purpose of the authority is to establish, maintain, and promote a recreational trail system throughout the KMRRA to increase economic development, tourism, and outdoor recreation for residents and visitors. The recreational trail system shall be located with significant portions of the system situated on private property made available for use through lease, license, easement, or other appropriate legal form by willing landowners.
- (3) The authority shall be governed by a board of directors consisting of representatives from participating counties and the Commonwealth as provided in this section.
- (4) The authority and board shall become operational when sixteen (16) target counties complete the requirements established by subsection (5)(a) of this section. When at least sixteen (16) target counties become participating counties, the commissioner of the Department for Local Government shall notify the county judge/executive of each of the participating counties, as well as the board members described in subsection (6) of this section, that the requirements have been met for the authority and board to become operational. The commissioner shall also establish a date, time, and place for an initial organizational meeting of the board, and shall serve as interim chair of the initial organizational meeting until such time as a chair is elected. The chair shall be a resident of a participating county.
- (5) Any target county may become a participating county upon adoption of a resolution or ordinance by the governing body of the county specifically approving the county's participation in the KMRRA and submission of the adopted resolution or ordinance to:
 - (a) The commissioner of the Department for Local Government if the resolution or ordinance is adopted prior to the KMRRA becoming operational pursuant to subsection (4) of this section; or
 - (b) The KMRRA if the resolution or ordinance is adopted after KMRRA becomes operational.
- (6) The KMRRA board shall consist of the following members:
 - (a) The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
 - (b) The commissioner of the Department for Local Government or his or her designee;
 - (c) The commissioner of the Department of Fish and Wildlife Resources or his or her designee;
 - (d) If an executive director of the authority has been employed under subsection (10) of this section, he or she shall serve as a nonvoting member, except in the event of a tie vote of the board;
 - (e) One (1) representative selected for each of the nine (9) participating counties as provided in subsection (8) of this section, who shall be either:
 1. The county judge/executive; or
 2. The county judge/executive's designee, who shall be an individual involved with economic development, tourism, recreation, or a related area within the county;

- (f) One (1) state Representative who is from the KMRRRA region shall serve as a nonvoting member, appointed to a two (2) year term by the Speaker of the Kentucky House of Representatives, and shall not serve another term consecutively with a prior term; and
- (g) One (1) state Senator who is from the KMRRRA region shall serve as a nonvoting member, appointed to a two (2) year term by the President of the Kentucky Senate, and shall not serve another term consecutively with a prior term.

(7) The board membership of each county judge/executive or his or her designee shall:

- (a) Begin with the county judge/executive's term of office; and
- (b) End with the county judge/executive's term of office.

If a county judge/executive ceases to serve as the county judge/executive prior to the end of his or her term, he or she shall be removed from the board, and his or her replacement as county judge/executive shall serve on the board for the remainder of the term.

(8) (a) The twelve (12) voting members of the board shall be:

- 1. The nine (9) county judges/executive, or their designees, from different KMRRRA participating counties as described in subsection (6)(e) of this section;
- 2. The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
- 3. The commissioner of the Department for Local Government or his or her designee; and
- 4. The commissioner of the Department of Fish and Wildlife Resources or his or her designee.

(b) The nine (9) initial county representatives shall be the county judges/executive of Breathitt, Martin, Perry, Knott, Leslie, Letcher, Pike, Magoffin, and Floyd Counties or their designees in that order. The first three (3) representatives listed shall serve a three (3) year term as voting members, the next three (3) representatives shall serve a two (2) year term as voting members, and the remaining three (3) representatives shall serve a one (1) year term as voting members.

(c) After each term ends, the voting county representative shall be replaced by one (1) of the county judges/executive or his or her designee from one (1) of the target counties whose representative has not yet served as a voting member.

(d) After the third year of operation, each new voting member shall serve a term of three (3) years, then step down and let a representative from the next county in line alphabetically whose representative has not served as a voting member take his or her place.

(e) Once representatives from all participating counties within KMRA have each served one (1) term, the rotation shall begin again.

(9) (a) The board shall meet at least once annually to elect officers, establish a regular meeting schedule, and perform other duties as may be prescribed in the authority's bylaws. The board chair may call special meetings at any time.

(b) Notice of each meeting shall be made both in writing and electronically and delivered to board members at least seven (7) days before the scheduled meeting date. Electronic mail alone is an acceptable form of notice of special meetings, so long as it is sent to directors at least seven (7) days before the scheduled meeting date.

(c) Accommodations shall be made for remote attendance of each board meeting, whether regular or special, through means such as video conferencing, conference call, or similar services.

(d) The presence of a majority of the total voting members of the KMRRRA board, whether in person or remote, shall constitute a quorum. Vacant board positions shall be counted against the quorum total necessary for board action.

(e) Board meetings shall be held exclusively within KMRRRA participating counties, and each meeting shall be held in a different participating county until every participating county has hosted a meeting, at which time the cycle shall begin again.

(10) The KMRRRA board:

- (a) Shall elect a chair, vice chair, secretary, treasurer, and any other officers as established in the bylaws of the board;
- (b) May appoint temporary and standing committees to accomplish the purposes of KRS 148.0221 to 148.0225 and shall clearly describe the role, responsibilities, and tenure of each committee so created;
- (c) Shall adopt bylaws for the management and regulation of its affairs and all other matters necessary to effect proper management and accountability of the board. The bylaws shall include, at a minimum, the following:
 - 1. The powers and duties of the board's members and the manner and number of officers to be elected from among the board members; and
 - 2. The terms, conditions, and manner in which a board member will be removed;
- (d) Shall review and approve an annual budget;
- (e) ~~{Shall annually procure an audit of the authority's financial systems, conducted in accordance with generally accepted auditing standards. The Auditor of Public Accounts shall perform the audit. A copy of the audit shall be sent to the Legislative Research Commission and the Department for Local Government within ten (10) days of receipt by the board;~~
- ~~(f)~~ Shall ensure that all administrative costs for operating the authority are paid from funds accruing to the authority. The authority, its board, and its staff shall incur no liability or obligation beyond the extent to which revenues have been provided under KRS 148.0221 to 148.0225;
- ~~(f)~~~~(g)~~ May seek administrative and management assistance through written agreement with state agencies, local area development districts, or local governing bodies until such time as the board has secured sufficient funding through grants, loans, fee systems, or any other funding source to hire staff; and
- ~~(g)~~~~(h)~~ Shall employ an executive director to act as its chief executive officer to serve at its will and pleasure once it is financially possible to do so.

(11) The authority shall comply with the provisions of KRS Chapter 65A.

(12)~~(11)~~ The executive director:

- (a) Shall be a person who is domiciled in a KMRRA participating county;
- (b) May, with permission of the board and approval of the commissioner of the Department for Local Government or his or her designee, employ any other hourly personnel considered necessary and retain temporary services. Pay raises for any personnel shall require approval of the board and the commissioner of the Department for Local Government or his or her designee;
- (c) Shall carry out plans to implement KRS 148.0221 to 148.0225 and to exercise those powers enumerated in the bylaws of the board;
- (d) Shall, along with any staff with responsibilities so delegated by the executive director, ensure that all minutes, records, and orders of the authority and its board are complete and available for public inspection, if necessary;
- (e) Shall prepare narrative and financial reports of the authority's fiscal obligations and submit these reports to the board at regularly scheduled meetings or as otherwise directed; and
- (f) May cast a tiebreaking vote in board decisions, but shall not be permitted to cast a vote under any other circumstances. Until such time as an executive director is hired, the chairperson of the board shall make the final determination in the event of a tie vote of the board.

(13)~~(12)~~ The executive director, all full-time or part-time personnel, all seasonal employees, and all contractual employees, if any, shall be paid from funds accruing to the authority and authorized in a budget approved by the board, unless the Department for Local Government has temporarily taken on the responsibility of paying any of those employees.

(14)~~(13)~~ Board members shall serve without compensation, but may be reimbursed for actual and necessary travel expenses incurred in the performance of their duties, subject to Finance and Administration Cabinet administrative regulations. Board members may have their lodging reimbursed by KMRRA. Any

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reimbursement requests exceeding five hundred dollars (\$500) per person shall be submitted to the Department for Local Government for approval.

Signed by Governor April 8, 2022.