

262.789 Discontinuance of district -- Procedures -- Consequences.

- (1) If the board of a watershed conservancy district fails to meet over the course of one (1) year or longer or if it fails to prepare and fund a budget as required by KRS 262.760(1), any soil and water conservation district or fiscal court in which any part of the watershed conservancy district lies may initiate proceedings to discontinue the watershed conservancy district board under subsection (2) of this section. Periods of inaction by boards of watershed conservancy districts that began prior to April 4, 2024, shall be included in the determination of whether a watershed conservancy district board may be discontinued under this section.
- (2) To initiate the discontinuance of a watershed conservancy district board, the soil and water conservation district board or fiscal court shall send a notice of intent to discontinue the watershed conservancy district board to all directors who are still serving terms on the board and shall publish the same notice in a newspaper of general circulation in the area served by the watershed conservancy district pursuant to the requirements of KRS Chapter 424. The notice shall include information on how a landowner who pays any tax imposed by the watershed conservancy district may request a public hearing on its discontinuance within thirty (30) days of the first publication of the notice.
- (3) If a public hearing on the proposed discontinuance is requested, the soil and water conservation district board or fiscal court proposing the discontinuance shall hold the public hearing within thirty (30) days of the request. At the public hearing, public comments may be made on the reasons for and consequences of the proposed discontinuance. The public hearing may be part of a regularly scheduled meeting of the soil and water conservation district board or the fiscal court proposing the discontinuance.
- (4)
 - (a) Within thirty (30) days after a public hearing is held pursuant to subsection (3) of this section, the soil and water conservation district board or the members of the fiscal court proposing the discontinuance shall vote on whether the watershed conservancy district board should be discontinued. If no public hearing was requested, the proposing entity shall hold the discontinuance vote within thirty (30) days after the expiration of the time period to request a public hearing under subsection (2) of this section.
 - (b) If the result of the vote held under paragraph (a) of this subsection is in favor of discontinuance, then within thirty (30) days of the vote, all other soil and water conservation district boards and fiscal courts where any portion of the watershed conservancy district lies shall hold votes on discontinuing the watershed conservancy district board. The watershed conservancy district board shall be discontinued if all voting entities concur to discontinue it. Any voting entity that fails to hold a vote within the thirty (30) days following the initial vote shall be deemed to have voted in favor of discontinuance. If any of the voting entities vote to not discontinue the watershed conservancy district board, it shall not be discontinued for at least one (1) year.
- (5) If a watershed conservancy district board is discontinued under this section, the boundaries of the watershed conservancy district previously governed by that board shall remain intact, and the landowners within the boundaries of the watershed

conservancy district shall continue to contribute revenue to the soil and water conservation district or districts in which the watershed conservancy district lies pursuant to KRS 262.793.

- (6) Upon the effective date of the discontinuance of a board of a watershed conservancy district, the board of the soil and water conservation district in which the watershed conservancy district lies shall assume all of the former watershed conservancy board's rights and responsibilities established in KRS 262.700 to 262.795. If the watershed conservancy district lies in more than one (1) soil and water conservation district, then the boards of all of those soil and water conservation districts shall assume all rights and responsibilities of the former watershed conservancy board jointly.
- (7) Nothing in this section shall be construed to prevent a discontinued watershed conservancy district board from being reestablished and reassuming its rights and responsibilities pursuant to the requirements of KRS 262.700 to 262.795.

Effective: April 4, 2024

History: Created 2024 Ky. Acts ch. 77, sec. 1, effective April 4, 2024.