

FREE CONFERENCE COMMITTEE REPORT

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The Free Conference Committee on **HB 59** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted:

 X GA SCS HCS

For the above-referenced bill, with these amendments (if applicable):

Committee (list by chamber and number): ;

Floor (list by chamber and number): SFA 2 (Title) ; and

The following Free Conference Committee action:

On page 2, after line 11 by inserting the following:

"➔Section 3. KRS 183.132 is amended to read as follows:

- (1) Any urban-county government, city, or county, or city and county acting jointly, or any combination of two (2) or more cities, counties, or both, may establish a nonpartisan air board composed of six (6) members *or, under subsection (5) of this section, of eleven (11), twelve (12), or thirteen (13) members.* Any city other than the first class and county jointly or an urban-county government established pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten (10) members. Any existing six (6) member board, including a board established in an urban-county government, may be expanded to ten (10) members by action of the government entity or entities that established the six (6) member board.
- (2) Any city of the first class, jointly with the county containing the city or a consolidated local government, may establish or maintain a nonpartisan air board. Membership of the board shall be appointed in accordance with subsection ~~(7)~~~~(6)~~ or ~~(12)~~~~(11)~~ of this section. Any air board established or maintained in a county containing a city of the first class or consolidated local government shall be composed of eleven (11) members.

- 1 (3) The board shall be a body politic and corporate with the usual corporate attributes, and in
 2 its corporate name may sue and be sued, contract and be contracted with, and do all things
 3 reasonable or necessary to effectively carry out the duties prescribed by statute. The board
 4 shall constitute a legislative body for the purposes of KRS 183.630 to 183.740.
- 5 (4) The members of an air board composed of six (6) members shall be appointed as follows:
- 6 (a) If the air board is established by a city, the members shall be appointed by the mayor
 7 of the city;
- 8 ~~(b) If the air board is established by a county, the members shall be appointed by the~~
 9 ~~county judge/executive except that in the event that an airport is located outside the~~
 10 ~~boundary of the county establishing the airport board, the county judge/executive~~
 11 ~~shall appoint an additional member to the air board from the jurisdiction where the~~
 12 ~~airport is physically located. The additional member shall serve a four (4) year term in~~
 13 ~~accordance with the provisions of subsection (7) of this section and receive full~~
 14 ~~voting privileges on matters brought before the airport board;~~
- 15 ~~(c) If the air board is established as a joint city-county air board, the members shall be~~
 16 ~~appointed jointly by the mayor of the city and the county judge/executive;~~
- 17 ~~(c)~~~~(d)~~ If a combination of cities, counties, or both, establishes a joint air board, the
 18 mayors and county judges/executive involved shall jointly choose six (6) members
 19 and shall jointly choose successors;
- 20 ~~(d)~~~~(e)~~ If the air board is established by an urban-county government, the mayor of the
 21 urban-county government or an officer of the urban-county government designated by
 22 the mayor shall serve as one (1) member of the board. The remaining five (5)
 23 members shall be appointed by the mayor. One (1) of the members appointed by the
 24 mayor shall live within a three (3) mile radius of the airport.
- 25 (5) **If the air board is established by a county, the members shall be appointed by the county**
 26 **judge/executive, except that in the event that an airport is located outside the boundary**
 27 **of the county establishing the airport board, the voting members of the air board are**

1 appointed as follows:

2 (a) One (1) member appointed by the Governor of the Commonwealth;

3 (b) Ten (10), eleven (11), or twelve (12) members appointed from the following
4 jurisdictions located within a twenty (20) mile radius of the airport operations:

5 1. Eight (8) members appointed by the judge/executive of the county
6 establishing the air board, with the approval of the county fiscal court. If the
7 air board is located within a metropolitan statistical area, as defined by the
8 United States Bureau of the Census, the county judge/executive, with the
9 approval of the county fiscal court, may choose to appoint two (2) of these
10 members as follows:

11 a. One (1) member may be appointed following nomination by the chief
12 executive officer of the largest city within the metropolitan statistical
13 area;

14 b. One (1) member may be appointed following nomination by the chief
15 executive officer of the county containing the largest city within the
16 metropolitan statistical area, if that county does not already have
17 representation on the board; and

18 c. The county judge/executive of the county establishing the air board may
19 choose whether to invite the chief executive officers identified in
20 subdivisions a. and b. of this subparagraph to nominate members. If the
21 county judge/executive does invite a chief executive officer to make a
22 nomination and the chief executive officer makes a nomination, the
23 county judge/executive may choose whether to appoint that nominee or
24 to appoint another person instead;

25 2. Two (2) members appointed by the county judge/executive of the county
26 containing the majority of territory encompassing the airport. This
27 appointment shall be made with the approval of both the fiscal court of the

1 county containing the majority of territory encompassing the airport and the
2 fiscal court of the county establishing the air board; and

3 3. One (1) or two (2) additional members, if there are any counties within the
4 prescribed geographic limits that do not otherwise have an appointment to the
5 air board. If there is one (1) such county, this appointment shall be made by
6 the county judge/executive of that county, with the approval of that county's
7 fiscal court. If there are two (2) or more such counties, these appointments
8 shall be made by the county judges/executive of the two (2) counties among
9 them having the largest population, and the appointments shall receive the
10 approval of those respective counties' fiscal courts and the fiscal court of the
11 county establishing the air board; and

12 (c) Board members of any air board established prior to the effective date of this Act
13 that is operating an airport that is located outside the boundary of the county
14 establishing the airport board shall serve out the remainder of their terms.
15 Additional voting members shall assume their offices on the July 1 following the
16 effective date of this Act and be appointed as follows:

17 1. The member appointed by the Governor shall be appointed for an initial term
18 of one (1) year;

19 2. One (1) member from the county containing the majority of territory
20 encompassing the airport shall be appointed for an initial term of two (2)
21 years;

22 3. One (1) member from the county containing the majority of territory
23 encompassing the airport shall be appointed for an initial term of three (3)
24 years;

25 4. One (1) member from the county establishing the airport board shall be
26 appointed for an initial term of four (4) years; and

27 5. If there are any, the members from the counties that are not otherwise

1 represented on the air board within the prescribed geographic limit shall be
 2 appointed for an initial term of four (4) years.

3 Thereafter, their replacements shall serve a full four (4) year term. All members
 4 may be reappointed for subsequent terms. The majority of all air board appointees
 5 shall be residents of the county establishing the air board.

6 **(6)** The members of an air board composed of ten (10) members in a city other than a city of
 7 the first class and county jointly other than an urban-county government established
 8 pursuant to KRS Chapter 67A shall be appointed as follows:

- 9 (a) Five (5) members shall be appointed by the mayor of the city, without approval of the
 10 legislative body;
- 11 (b) Five (5) members shall be appointed by the county judge/executive without approval
 12 of the other members of the fiscal court.

13 ~~(7)~~~~(6)~~ An air board consisting of eleven (11) members and established jointly by a city of
 14 the first class and the county containing the first class city shall be composed of members
 15 as follows:

- 16 (a) The mayor of the city of the first class;
- 17 (b) The county judge/executive of the county containing the city of the first class;
- 18 (c) Three (3) members appointed by the mayor of the city of the first class;
- 19 (d) Three (3) members appointed by the county judge/executive of the county, with the
 20 approval of the fiscal court;
- 21 (e) Two (2) members, who shall be residents of the county containing a city of the first
 22 class or of counties contiguous thereto, appointed by the Governor; and
- 23 (f) One (1) member, who shall be a member of the executive board of an incorporated
 24 alliance of incorporated neighborhood associations and cities with a population of
 25 less than three thousand (3,000) based upon the most recent federal decennial census
 26 which represents citizens living within a five (5) mile radius of airport operations,
 27 appointed by the Governor. If more than one (1) incorporated alliance exists, the

1 Governor shall select the appointee from the executive boards of any of the
2 incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the
3 county who resides within a five (5) mile radius of airport operations.

4 ~~(8)~~~~(7)~~ An air board consisting of eleven (11) members and established or maintained by a
5 consolidated local government upon its establishment shall be composed of members as
6 follows:

7 (a) The mayor of the consolidated local government;

8 (b) Seven (7) members appointed by the mayor of the consolidated local government;

9 (c) Two (2) members who shall be residents of the county containing the consolidated
10 local government or residents of counties contiguous to the county containing the
11 consolidated local government, appointed by the Governor; and

12 (d) One (1) member who shall be a member of the executive board of an incorporated
13 alliance of incorporated neighborhood associations and cities with a population of
14 less than three thousand (3,000) based upon the most recent federal decennial census
15 which represents citizens living within a five (5) mile radius of airport operations,
16 appointed by the Governor. If more than one (1) incorporated alliance exists, the
17 Governor shall select the appointee from the executive boards of any of the
18 incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the
19 county who resides within a five (5) mile radius of airport operations.

20 ~~(9)~~~~(8)~~ The members of an air board composed of ten (10) members established by an urban-
21 county government shall be composed of the mayor of the urban-county government or an
22 officer of the urban-county government designated by the mayor. The remaining nine (9)
23 members shall be appointed by the mayor. Two (2) of the members appointed by the mayor
24 shall live within a three (3) mile radius of the airport.

25 ~~(10)~~~~(9)~~ Members of the board composed of six (6) members shall serve for a term of four (4)
26 years each and until their successors are appointed and qualified. The initial appointments
27 shall be made so that two (2) members are appointed for two (2) years, two (2) members for

1 three (3) years, and two (2) members for four (4) years. Upon expiration of the staggered
2 terms, successors shall be appointed for a term of four (4) years.

3 ~~(11)~~~~(10)~~ Members of the board composed of ten (10) members in a city other than a city of the
4 first class and county jointly shall serve for a term of four (4) years each and until their
5 successors are appointed and qualified. The initial appointments made by the mayor and the
6 county judge/executive shall be made so that one (1) member is appointed for two (2)
7 years, two (2) members are appointed for three (3) years, and two (2) members are
8 appointed for four (4) years. If an existing six (6) member board is being increased to a ten
9 (10) member board, initial appointments of the four (4) new members shall be made so that
10 the mayor and the county judge/executive, or the mayor if the board is established by an
11 urban-county government, each appoint one (1) member for two (2) years and one (1)
12 member for four (4) years. Upon expiration of the initial terms, successors shall be
13 appointed for a term of four (4) years. In the case of a board established by an urban-county
14 government, the term of the mayor for the urban-county government, or the officer of the
15 urban-county government designated by the mayor, shall be coextensive with the term of
16 the mayor.

17 ~~(12)~~~~(11)~~ Members of an air board composed of eleven (11) members and established or
18 maintained jointly by a city of the first class and the county containing a city of the first
19 class shall serve for a term of three (3) years each and until their successors are appointed
20 and qualified. The terms of the mayor and the county judge/executive shall be coextensive
21 with their terms of office. The mayor and the county judge/executive shall each make their
22 initial appointments to a board established jointly by a city of the first class and the county
23 containing a city of the first class so that one (1) member is appointed for one (1) year, one
24 (1) member is appointed for two (2) years, and one (1) member is appointed for three (3)
25 years. The Governor shall make the initial appointments so that one (1) member is
26 appointed for two (2) years and one (1) member is appointed for three (3) years. Upon the
27 expiration of the initial terms, successors shall be appointed for a term of four (4) years.

1 ~~(13)~~~~(12)~~ Members of an air board composed of eleven (11) members in a county that has
2 established a consolidated local government in a county containing a former city of the first
3 class shall serve until their successors are appointed and qualified. The terms of office on
4 the air board of the mayor of the previously existing city of the first class and the county
5 judge/executive of this county shall expire upon the establishment of a consolidated local
6 government. Upon the establishment of a consolidated local government, if the
7 consolidated local government maintains the previously existing air board, the incumbent
8 members, except the mayor of the previously existing city of the first class and the county
9 judge/executive of that county, shall continue to serve as members of the board for the time
10 remaining of their current terms of appointment. The Governor shall appoint members
11 pursuant to subsection ~~(8)~~~~(7)~~(c) and (d) of this section. The mayor of the consolidated
12 local government shall serve on the board for a term which shall be coextensive with his or
13 her term of office. Incumbent members shall be eligible for reappointment upon the
14 expiration of their terms. The terms of all other board members shall be for four (4) years.
15 Upon the establishment of a consolidated local government and maintenance of a
16 previously existing air board, any incumbent member whose term had expired but who had
17 continued to serve because the member's successor had not been appointed, shall continue
18 to serve until a successor is appointed. Successors shall be appointed by the mayor or the
19 Governor as provided by law within sixty (60) days after the establishment of the
20 consolidated local government. As the terms of the previously serving members of an air
21 board being maintained by a consolidated local government expire, the mayor of the
22 consolidated local government and the Governor shall respectively make their new
23 appointments.

24 ~~(14)~~~~(13)~~ Members of the board shall serve without compensation but shall be allowed any
25 reasonable expenses incurred by them in the conduct of the affairs of the board. The board
26 shall, upon the appointment of its members, organize and elect officers. The board, except
27 for a board composed of eleven (11) members, shall choose a chairman and vice chairman

1 who shall serve for terms of one (1) year. Where the board is composed of eleven (11)
2 members and established jointly by a city of the first class and the county containing a city
3 of the first class, the mayor of the city of the first class and the county judge/executive shall
4 jointly appoint the chairman from among the membership of the board. Where the board is
5 composed of eleven (11) members and is in a county containing a consolidated local
6 government, the mayor shall appoint the chairman from among the membership of the
7 board. The board shall also choose a secretary-treasurer who may or may not be a member
8 of the board. The board may fix a salary for the secretary-treasurer and the secretary-
9 treasurer shall execute an official bond to be set and approved by the board, and the cost of
10 the bond shall be paid by the board.

11 ~~(15)~~~~(14)~~ The board may employ necessary counsel, agents, and employees to carry out its work
12 and functions and prescribe rules and regulations as it deems necessary.

13 ~~(16)~~~~(15)~~ The secretary-treasurer shall keep the minutes of all meetings of the board and shall
14 also keep a set of books showing the receipts and expenditures of the board. The secretary-
15 treasurer shall preserve on file duplicate vouchers for all expenditures and shall present to
16 the board, upon request, complete reports of all financial transactions and the financial
17 condition of the board. The books and vouchers shall at all times be subject to examination
18 by the legislative body or bodies by whom the board was created. The secretary-treasurer
19 shall transmit at least once annually a detailed report of all acts and doings of the board to
20 the legislative body or bodies by whom the board was created.

21 ~~(17)~~~~(16)~~ In the event that a joint air board is created by cities, counties, or both, and thereafter
22 a city or county desires to withdraw from participation, then the remaining participants may
23 jointly choose a successor member or members of the board. A local government wanting
24 to withdraw from participation in the board shall not be entitled to return of any moneys or
25 property advanced to the board.

26 ~~(18)~~~~(17)~~ A quorum for the transacting of the business of a six (6) member board shall consist
27 of four (4) members, a ten (10) member board shall consist of six (6) members, and an

1 eleven (11) member board shall consist of six (6) members. Meetings of the board may be
2 called by the chairman or by four (4) members. In case of tie voting by the board, the issue
3 shall be deemed to have failed passage.

4 (19)~~(18)~~ A board member may be replaced by the appointing authority upon a showing to the
5 authority of misconduct as a board member or upon conviction of a felony. A board
6 member shall not hold any official office with the appointing authority, except for the
7 mayor of a city of the first class and the county judge/executive on a board made up of
8 eleven (11) members and established jointly by a city of the first class and the county
9 containing a city of the first class, or the mayor of an urban-county government or a
10 consolidated local government, or an officer of the urban-county government designated by
11 the mayor on a board established by an urban-county government."
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Senate Members

House Members

John Schickel

Reginald Meeks

Damon Thayer

Arnold Simpson

Julian Carroll

Diane St. Onge

Will Schroder

The above-named members, in separate votes by house, all concur in the provisions of this report.

DATE

3/24/15

For Clerk's Use:

Adopted: _____

Repassage Vote: _____