

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
Unofficial Document

Amend printed copy of **HB 314/HCS 1**

On page 6, after line 14, by inserting the following:

"➔Section 2. KRS 67C.105 is amended to read as follows:

- (1) All executive and administrative power of the government shall be vested in the office of the mayor. The term "executive and administrative power" shall be construed broadly. The mayor shall be the chief executive of a consolidated local government formed under the provisions of KRS 67C.101 to 67C.137.
- (2) (a) The mayor shall be nominated and elected in partisan elections for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth.
- (b) The mayor shall assume office on the first Monday in January following his or her election. He or she shall serve until a successor qualifies.
- (c) After January 1, 2023, the mayor may serve for no more than two (2)~~three (3)~~ consecutive terms, after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.
- (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member of his or her political party, and a resident of the territory encompassing the consolidated local government for a period of at least one (1) year prior to his or her election as mayor. The mayor shall continue to reside within the geographic boundary of the consolidated local

Amendment No. HFA 4

Rep. Rep. Ken Fleming

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

Unofficial Document

government throughout his or her term of office.

- (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all the power and authority that the mayor of the city of the first class and the county judge/executive exercised under the Constitution and the general laws of the Commonwealth of Kentucky prior to the consolidation.
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:
 - (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;
 - (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the fiscal year;
 - (c) Oversee the administration and implementation of the adopted budget ordinance;
 - (d) Enforce the ordinances of the consolidated local government;
 - (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;
 - (f) Call special meetings of the consolidated local government council;
 - (g) Appoint and remove his or her own staff at his or her own pleasure;
 - (h) Execute written contracts, subscriptions, agreements, or obligations of the consolidated local government;
 - (i) Approve or veto ordinances and resolutions adopted by the consolidated local government council;
 - (j) Submit any written contracts, subscriptions, agreements, or obligations exceeding the small purchase amount established pursuant to KRS 45A.385 in a resolution to the

Unofficial Document

legislative council for its approval or its disapproval. Those written contracts, subscriptions, agreements, or obligations awarded to the lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall be excluded, unless the legislative council changes the threshold for submission of a resolution. The legislative council may, by ordinance, set threshold amounts other than those established by KRS 45A.385 for the small purchases for submission of a resolution for its approval or disapproval; and

- (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of office and keep the office of deputy mayor filled throughout the mayor's term. The deputy mayor shall:
 - 1. Meet all the qualifications for mayor established pursuant to subsection (3) of this section;
 - 2. Serve at the mayor's pleasure and may be replaced by the mayor for any cause; and
 - 3. Have only the duties assigned to him or her by the mayor.
- (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or removal:
 - 1. The deputy mayor shall become the temporary mayor, inheriting all powers and duties of the mayor;
 - 2. The deputy mayor shall serve as temporary mayor for no more than thirty (30) days until the council, by a majority vote of the members of the council, shall elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section to serve as mayor. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office

Unofficial Document

- by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
3. The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
- (b) If the offices of both the mayor and deputy mayor become vacant by reason of death, resignation, or removal:
1. The presiding officer of the consolidated local government council shall become the temporary mayor, inheriting all powers and duties of the mayor;
 2. The presiding officer shall serve as temporary mayor for no more than thirty (30) days until the council shall, by a majority vote of the members of the council, elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
 3. The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
- (7) The mayor of a consolidated local government shall be known as the mayor of/..... County Metro Government, which shall be a combination of the names of the largest city in existence in the county on the date of the adoption of the consolidated local government and the county."; and

Renumber subsequent sections accordingly;

On page 7, line 4, after the word "council." by inserting the following "*If the legislative council does not act upon the request within sixty (60) days of the receipt of the desire to incorporate a new city, that shall serve as notice of approval by the legislative council of the incorporation of the new city.*"; and

On page 10, line 1, through page 11, line 19, by deleting Section 4 in its entirety and substituting in lieu thereof the following:

"➔Section 5. KRS 67C.139 is amended to read as follows:

If a cooperative compact exists between a city of the first class and its county prior to the creation of a consolidated local government, upon the establishment of the consolidated local government:

- (1) (a) The mayor of the consolidated local government shall assume all appointment authority previously held by the county judge/executive and the mayor of the consolidating governments. Appointments made by the mayor should reflect the political, geographic, gender, age, and racial diversity of the population within the jurisdiction of the consolidated local government. Upon the expiration of a term of appointment, the mayor shall make an appointment or reappointment within ninety (90) days of the term's expiration.
- (b) If the mayor fails to make an appointment within ninety (90) days, the legislative council of the consolidated local government shall make the appointment within thirty (30) days after the expiration of the ninety (90) day period. The legislative council's appointment shall take into account the political, geographic, gender, age, and racial diversity of the population. The legislative council shall adopt a resolution specifying how these appointments shall be made; and
- (2) (a) *The mayor shall make all appointments to agencies, boards, and commissions*

Unofficial Document

established by statute in the manner as prescribed by statute, subject to any requirements for legislative body approval as required by the relevant statutes. Notwithstanding any other provisions of the Kentucky Revised Statutes, the legislative body of the consolidated local government shall have sixty (60) days in which to give approval of an appointment, if approval is required by statute.

(b) The presiding officer of the legislative council shall make all legislative council appointments to agencies, boards, and commissions from the membership of the legislative council, subject to paragraph (a) of this subsection.~~[When authorized by statute, the mayor shall, subject to legislative council approval, determine which statutorily created agencies, boards, and commissions require legislative council approval for the appointment of members.~~

~~(b) 1. Subject to legislative council approval, the mayor shall determine the agencies, boards, and commissions to which legislative council members shall be appointed. The mayor's determination under this subparagraph shall be made in consultation with the Office of the Attorney General and shall not violate the incompatible offices prohibitions in KRS 61.080(3).~~

~~2. The presiding officer of the legislative council shall make all legislative council appointments to agencies, boards, and commissions from the membership of the legislative council, subject to subparagraph 1. of this paragraph.~~

~~(c) The legislative council shall enact an ordinance setting out the role of the legislative council, if any, in the appointment process for each individual agency, board, and commission created by statute. Only one (1) agency, board, or commission shall be addressed per ordinance. Such ordinance shall require a vote of the majority of the entire membership of the legislative council for approval and shall be subject to mayoral veto and legislative override pursuant to KRS 67C.103(13)(a) and~~

Unofficial Document

67C.105(5)(i); and

- ~~(3) The appointment of members to all agencies, boards, and commissions created by ordinance shall be determined by the ordinance creating the agency, board, or commission.]".~~