

1 AN ACT relating to air pollution control.

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

3 ➔Section 1. KRS 77.070 is amended to read as follows:

- 4 (1) In a county containing a consolidated local government or a city with a population  
5 equal to or greater than twenty thousand (20,000) based upon the most recent  
6 federal decennial census, the air pollution control board of the air pollution control  
7 district shall consist of seven (7) members, three (3) of whom shall be appointed by  
8 the county judge/executive, subject to the approval of the fiscal court, and four (4)  
9 of whom shall be appointed by the mayor. The mayoral appointments shall be  
10 subject to the approval of the legislative body of the city.
- 11 (2) The mayor shall appoint, subject to the approval of the legislative body of the city,  
12 one (1) member for a term of one (1) year, one (1) member for a term of two (2)  
13 years, one (1) member for a term of three (3) years, and one (1) member for a term  
14 of four (4) years, and the county judge/executive, subject to the approval of the  
15 fiscal court, shall appoint one (1) member for a term of two (2) years, one (1)  
16 member for a term of three (3) years, and one (1) member for a term of four (4)  
17 years, and upon the expiration of each of said terms respectively, and thereafter, the  
18 term of each of such members shall be four (4) years, and until their successors are  
19 appointed and qualified.
- 20 (3) All air pollution control board members appointed pursuant to this section must be  
21 freeholders within the district; those appointed by the county judge/executive must  
22 be residents of such county, and those appointed by a mayor must be residents of  
23 their respective city or consolidated local government.
- 24 (4) Not more than four (4) of the seven (7) board members appointed pursuant to this  
25 section shall be of the same political party affiliation, nor shall an officer or  
26 employee of such city, consolidated local government, or county, whether holding a  
27 paid or unpaid position, be eligible for appointment to the board.

- 1 (5) A member of the air pollution control board is eligible to succeed himself or  
2 herself. A vacancy in the membership shall be filled by an appointee of the mayor  
3 or of the county judge/executive as the case may be, for the unexpired portion of the  
4 term. An appointee to a vacancy shall have the same qualifications as any regularly  
5 appointed member.
- 6 (6) Any member of the board appointed by a mayor may be removed, for cause, after a  
7 hearing, by the legislative body of such city or consolidated local government, and  
8 after ten (10) days' notice in writing shall have been given to the member, which  
9 notice shall embrace the charges preferred against him or her. At the hearing he or  
10 she may be represented by counsel. The finding of the legislative body shall be  
11 final and removal results in vacancy in such office.
- 12 (7) Any member of the board appointed by a county judge/executive may be removed,  
13 for cause, after a hearing, by the fiscal court of such county, and after ten (10) days'  
14 notice in writing shall have been given to the member, which notice shall embrace  
15 the charges preferred against him or her. At the hearing he or she may be  
16 represented by counsel. The finding of the fiscal court shall be final and removal  
17 results in vacancy in such office.
- 18 (8) As used in this section "mayor" means the chief executive of the city or  
19 consolidated local government whether the official designation of his or her office  
20 is mayor, city manager, or otherwise.
- 21 (9) Notwithstanding subsections (1) and (2) of this section, when a city of the first class  
22 and a county containing such city have in effect a compact under KRS 79.310 to  
23 79.330, the air pollution control board shall consist of seven (7) members, four (4)  
24 of whom shall be appointed by the county judge/executive with the approval of the  
25 fiscal court and three (3) of whom shall be appointed by the mayor, with the  
26 approval of the legislative body, of the first-class city within such county. The  
27 terms of such members shall be three (3) years, and until their successors are

1 appointed and qualified. Upon the effective date of the compact, the mayor, and  
2 county judge/executive with the approval of the fiscal court, shall adjust the terms  
3 of the sitting members so that the term of one (1) of each of their appointments  
4 expires in one (1) year, the term of one (1) of each of their appointments expires in  
5 two (2) years, and the term of one (1) of each of their appointments expires in three  
6 (3) years. The term of the then remaining member who was previously appointed by  
7 the mayor shall terminate immediately and the county judge/executive with  
8 approval of the fiscal court shall appoint a member for a one (1) year term. Upon  
9 the expiration of these staggered terms, successors shall be appointed for a term of  
10 three (3) years. Upon the establishment of a consolidated local government in a  
11 county where a city of the first class and a county containing that city have had in  
12 effect a cooperative compact pursuant to KRS 79.310 to 79.330, all members of the  
13 board shall be appointed by the mayor of the consolidated local government  
14 pursuant to the provisions of KRS 67C.139 for a term of three (3) years. Incumbent  
15 members upon the establishment of the consolidated local government shall  
16 continue to serve as members of the board for the time remaining of their current  
17 term of appointment.