

1 AN ACT relating to residency requirements for fire protection entities and  
2 declaring an emergency.

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

4 ➔Section 1. KRS 75.031 is amended to read as follows:

5 (1) (a) **1.** Upon creation of a fire protection district or a volunteer fire department  
6 district as provided in KRS 75.010, the affairs of the district shall be  
7 conducted by the board of trustees consisting of seven (7) members,  
8 four (4) to be elected by the members of the district as hereinafter set out  
9 and three (3) to be appointed by the county judge/executive or ***the***  
10 mayor in a consolidated local government pursuant to the provisions of  
11 KRS 67C.139.

12 **2.** Two (2) members of the board of trustees shall be elected by the  
13 members of the firefighters of the district and shall be ***full-time paid***  
14 ***employees of the district or*** members of the district ***who personally***  
15 ***reside in the district.***

16 **3.** Two (2) members of the board of trustees shall be property owners who  
17 own real or personal property which is subject to the fire protection tax  
18 pursuant to KRS 75.040, who personally reside in the district, and who  
19 are not active firefighters and shall be elected by the property owners of  
20 the district. Property owners voting to select representatives to the board  
21 of trustees shall have attained the age of eighteen (18).

22 **4.** The county judge/executive of the county in which the greater part of  
23 the district is located shall, with the approval of the fiscal court, appoint  
24 three (3) members of the board of trustees ***who personally reside in the***  
25 ***district.*** In counties containing a city of the first class, trustees appointed  
26 by the county judge/executive to serve in volunteer fire prevention  
27 districts shall reside within the boundaries of that county. In counties

1           governed by a consolidated local government, trustees appointed by the  
2           mayor to serve in volunteer fire prevention districts shall reside within  
3           the boundaries of the consolidated local government.

4           5. At the first election held after the district is formed, one (1) firefighter  
5           shall be elected to serve on the board of trustees for a period of one (1)  
6           year and one (1) for a period of three (3) years, and one (1)  
7           nonfirefighter property owner shall be elected to serve on the board of  
8           trustees for a period of two (2) years and one (1) for a period of four (4)  
9           years. On the expiration of the respective terms, the successor to each  
10          shall have the same qualifications as his or her predecessor and shall be  
11          elected for a term of four (4) years. The original appointed members of  
12          the board of trustees shall be appointed for terms of one (1), two (2), and  
13          three (3) years respectively. On the expiration of the respective terms,  
14          the successors to each shall be appointed for a term of three (3) years.

15          6. Upon the establishment of a consolidated local government, incumbent  
16          members shall continue to serve until the expiration of their current term  
17          of office.

18          7. In the event of a vacancy in the term of an appointed or elected trustee,  
19          the county judge/executive shall appoint with the approval of the fiscal  
20          court a trustee for the remainder of the term, except in a county  
21          containing a consolidated local government. In a county containing a  
22          consolidated local government, the mayor pursuant to the provisions of  
23          KRS 67C.139 shall appoint a trustee for the remainder of the term.

24          (b) An appointed trustee may be removed from office as provided by KRS  
25          65.007.

26          (c) 1. No person shall be an elected trustee who *is not a resident of the*  
27          *district, except as provided in subsection (1)(a)2. of this section, and*

1            who, at the time of his or her election, is not a citizen of Kentucky and  
2            has not attained the age of twenty-one (21).

3            2. Except for trustees elected under subsection (1)(a)2. of this section, a  
4            vacancy shall be declared to exist if an elected trustee no longer  
5            resides within the boundaries of the district at any time during his or  
6            her term of office.

7            (d) Unless otherwise provided by law, an elected firefighter trustee may be  
8            removed from office by the mayor of a consolidated local government, or in a  
9            county not containing a consolidated local government, by the county  
10           judge/executive of the county in which the greater part of the district is  
11           located. An elected firefighter trustee may be removed after a hearing with  
12           notice as required by KRS Chapter 424, for inefficiency, neglect of duty,  
13           malfeasance, or conflict of interest. The hearing shall be initiated and chaired  
14           by the county judge/executive of a county or the mayor of a consolidated local  
15           government, who shall prepare a written statement setting forth the reasons  
16           for removal. The trustee to be removed shall be notified of his or her proposed  
17           removal and the reasons for the proposed removal by registered mail sent to  
18           his or her last known address at least ten (10) days prior to the hearing. The  
19           person proposed to be removed may employ counsel to represent him or her.  
20           A record of the hearing shall be made by the county judge/executive or mayor  
21           respectively.

22           (e) The removal of an elected firefighter trustee of a fire protection district shall  
23           be subject to the approval of the fiscal court of the county in which the greater  
24           part of the district is located in those counties not containing a consolidated  
25           local government or the legislative council in a county containing a  
26           consolidated local government.

27           (f) An elected firefighter trustee removed pursuant to paragraphs (d) and (e) of

1           this subsection may appeal, within ten (10) days of the rendering of the  
2           decision of the fiscal court or legislative council, respectively, to the Circuit  
3           Court of the county in which the greater part of the district is located. The  
4           scope of the appeal shall be limited to whether the county judge/executive,  
5           mayor, legislative council, or the fiscal court respectively, abused their  
6           discretion in removing the trustee.

7       (2) The elective offices of members of the board of trustees shall be filled by an  
8       election to be held once each year on the fourth Saturday of June between the hours  
9       of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in  
10      the district. The date, time, and place of the election shall be advertised in  
11      accordance with KRS 424.120. This notice shall be advertised at least thirty (30)  
12      days prior to the election date and shall include the names and addresses of the  
13      candidates to be voted on for each position of trustee. In lieu of the published notice  
14      for the election of the firefighter trustees, written notice containing the information  
15      required to be advertised may be sent by first-class mail to each member of the  
16      firefighters of the fire protection district or volunteer fire department district,  
17      addressed to the firefighter at his or her residence, at least thirty (30) days prior to  
18      the election date. The nominations for candidates for trustees both representing the  
19      firefighters and the property owners residing in the district shall be made in  
20      accordance with the bylaws of the department. The terms of the three (3) trustees  
21      appointed by the county judge/executive or mayor shall start at the same time as the  
22      terms of the elected trustees. On or before the beginning of the second fiscal or  
23      calendar year, depending on which basis the fire protection or volunteer fire  
24      department district is being operated, after June 16, 1966, all departments organized  
25      prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven  
26      (7) members and elect the elective members in the manner set forth herein.

27      (3) The trustees shall elect from their number a chairman, a secretary, and a treasurer,

1 the latter of whom shall give bond in an amount as shall be determined by the  
2 county judge/executive of the county in which the greater part of the fire protection  
3 district is located or the mayor in a consolidated local government, conditioned  
4 upon the faithful discharge of the duties of his or her office, and the faithful  
5 accounting for all funds which may come into his or her possession as treasurer.  
6 The premiums on the bonds shall be paid out of the funds of the district.

7 ➔Section 2. KRS 273.207 is amended to read as follows:

8 **(1)** The affairs of a corporation shall be managed by a board of directors. **Except as**  
9 **provided in subsection (2) of this section,** directors need not be residents of this  
10 state or members of the corporation unless the articles of incorporation or the  
11 bylaws so require. The articles of incorporation or the bylaws may prescribe other  
12 qualifications for directors.

13 **(2) The members of the board of directors of a fire department organized under this**  
14 **chapter shall be residents of the geographic area served by the corporation. A**  
15 **vacancy shall be declared to exist if a member no longer resides within the**  
16 **geographic area served by the corporation at any time during his or her term of**  
17 **office.**

18 ➔Section 3. On the effective date of this Act:

19 (1) A vacancy shall be declared to exist in the office of any board of trustee  
20 member serving under Section 1 of this Act who does not qualify under subsection  
21 (1)(a)2. of Section 1 of this Act, and the vacancy shall be filled in accordance with  
22 Section 1 of this Act; and

23 (2) A vacancy shall be declared to exist in the office of any board of director  
24 member serving under Section 2 of this Act who does not personally reside in the  
25 geographic area served by the corporation, and the vacancy shall be filled in accordance  
26 with KRS 273.213.

27 ➔Section 4. Whereas it is critical to ensure the representation of residents served

- 1 by fire protection entities, an emergency is declared to exist, and this Act takes effect
- 2 upon its passage and approval by the Governor or upon its otherwise becoming a law.