

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 members of the
14 district who personally reside in the district.

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

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

1 mayor to serve in volunteer fire prevention districts shall reside within
2 the boundaries of the consolidated local government.

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

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

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

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

25 (c) 1. No person shall be an elected trustee who *is not a resident of the district*
26 *and*, at the time of his or her election, is not a citizen of Kentucky and
27 has not attained the age of twenty-one (21).

1 2. A vacancy shall be declared to exist if an elected trustee no longer
2 resides within the boundaries of the district at any time during his or
3 her term of office.

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

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

24 (f) An elected firefighter trustee removed pursuant to paragraphs (d) and (e) of
25 this subsection may appeal, within ten (10) days of the rendering of the
26 decision of the fiscal court or legislative council, respectively, to the Circuit
27 Court of the county in which the greater part of the district is located. The

1 scope of the appeal shall be limited to whether the county judge/executive,
2 mayor, legislative council, or the fiscal court respectively, abused their
3 discretion in removing the trustee.

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

24 (3) The trustees shall elect from their number a chairman, a secretary, and a treasurer,
25 the latter of whom shall give bond in an amount as shall be determined by the
26 county judge/executive of the county in which the greater part of the fire protection
27 district is located or the mayor in a consolidated local government, conditioned

1 upon the faithful discharge of the duties of his or her office, and the faithful
2 accounting for all funds which may come into his or her possession as treasurer.

3 The premiums on the bonds shall be paid out of the funds of the district.

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

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

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

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

16 (1) A vacancy shall be declared to exist in the office of any board of trustee
17 member serving under Section 1 of this Act who does not personally reside in the district,
18 and the vacancy shall be filled in accordance with Section 1 of this Act; and

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

23 ➔Section 4. Whereas it is critical to ensure the representation of residents served
24 by fire protection entities, an emergency is declared to exist, and this Act takes effect
25 upon its passage and approval by the Governor or upon its otherwise becoming a law.