

1 AN ACT relating to the Kentucky Mountain Regional Recreation Authority.

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

3 ➔Section 1. KRS 148.0222 is amended to read as follows:

4 (1) The Kentucky Mountain Regional Recreation Authority is hereby created and
5 established as an independent, de jure municipal corporation and political
6 subdivision of the Commonwealth and shall exercise all of the powers that a
7 corporation may lawfully exercise under the laws of the Commonwealth. The
8 authority shall be a public body corporate and politic and an instrumentality of the
9 Commonwealth, established with all the general corporate powers incidental
10 thereto. The authority shall be attached to the Kentucky Department for Local
11 Government for administrative purposes only. The authority shall be reauthorized
12 for five (5) years from June 27, 2019, and may be renewed by the General
13 Assembly. The authority may adopt by laws and administrative regulations, subject
14 to KRS Chapter 13A, for the orderly conduct of its affairs.

15 (2) The purpose of the authority is to establish, maintain, and promote a recreational
16 trail system throughout the KMRA to increase economic development, tourism, and
17 outdoor recreation for residents and visitors. The recreational trail system shall be
18 located with significant portions of the system situated on private property made
19 available for use through lease, license, easement, or other appropriate legal form by
20 willing landowners.

21 (3) The authority shall be governed by a board of directors consisting of representatives
22 from participating counties and the Commonwealth as provided in this section.

23 (4) The authority and board shall become operational when sixteen (16) target counties
24 complete the requirements established by subsection (5)(a) of this section. When at
25 least sixteen (16) target counties become participating counties, the commissioner
26 of the Department for Local Government shall notify the county judge/executive of
27 each of the participating counties, as well as the board members described in

1 subsection (6) of this section, that the requirements have been met for the authority
2 and board to become operational. The commissioner shall also establish a date,
3 time, and place for an initial organizational meeting of the board, and shall serve as
4 interim chair of the initial organizational meeting until such time as a chair is
5 elected. The chair shall be a resident of a participating county.

6 (5) Any target county may become a participating county upon adoption of a resolution
7 or ordinance by the governing body of the county specifically approving the
8 county's participation in the KMRRA and submission of the adopted resolution or
9 ordinance to:

10 (a) The commissioner of the Department for Local Government if the resolution
11 or ordinance is adopted prior to the KMRRA becoming operational pursuant
12 to subsection (4) of this section; or

13 (b) The KMRRA if the resolution or ordinance is adopted after KMRRA becomes
14 operational.

15 (6) The KMRRA board shall consist of the following members:

16 (a) The secretary of the Tourism, Arts and Heritage Cabinet or his or her
17 designee;

18 (b) The commissioner of the Department for Local Government or his or her
19 designee;

20 (c) The commissioner of the Department of Fish and Wildlife Resources or his or
21 her designee;

22 (d) If an executive director of the authority has been employed under subsection
23 (10) of this section, he or she shall serve as a nonvoting member, except in the
24 event of a tie vote of the board;

25 (e) One (1) representative selected for each of the nine (9) participating counties
26 as provided in subsection (8) of this section, who shall be either:

27 1. The county judge/executive; or

1 2. The county judge/executive's designee, who shall be an individual
2 involved with economic development, tourism, recreation, or a related
3 area within the county;

4 (f) One (1) state Representative who is from the KMRRA region shall serve as a
5 nonvoting member, appointed to a two (2) year term by the Speaker of the
6 Kentucky House of Representatives, and shall not serve another term
7 consecutively with a prior term; and

8 (g) One (1) state Senator who is from the KMRRA region shall serve as a
9 nonvoting member, appointed to a two (2) year term by the President of the
10 Kentucky Senate, and shall not serve another term consecutively with a prior
11 term.

12 (7) The board membership of each county judge/executive or his or her designee shall:

13 (a) Begin with the county judge/executive's term of office; and

14 (b) End with the county judge/executive's term of office.

15 If a county judge/executive ceases to serve as the county judge/executive prior to
16 the end of his or her term, he or she shall be removed from the board, and his or her
17 replacement as county judge/executive shall serve on the board for the remainder of
18 the term.

19 (8) (a) The twelve (12) voting members of the board shall be:

20 1. The nine (9) county judges/executive, or their designees, from different
21 KMRRA participating counties as described in subsection (6)(e) of this
22 section;

23 2. The secretary of the Tourism, Arts and Heritage Cabinet or his or her
24 designee;

25 3. The commissioner of the Department for Local Government or his or
26 her designee; and

27 4. The commissioner of the Department of Fish and Wildlife Resources or

1 his or her designee.

2 (b) The nine (9) initial county representatives shall be the county judges/executive
3 of Breathitt, Martin, Perry, Knott, Leslie, Letcher, Pike, Magoffin, and Floyd
4 Counties or their designees in that order. The first three (3) representatives
5 listed shall serve a three (3) year term as voting members, the next three (3)
6 representatives shall serve a two (2) year term as voting members, and the
7 remaining three (3) representatives shall serve a one (1) year term as voting
8 members.

9 (c) After each term ends, the voting county representative shall be replaced by
10 one (1) of the county judges/executive or his or her designee from one (1) of
11 the target counties whose representative has not yet served as a voting
12 member.

13 (d) After the third year of operation, each new voting member shall serve a term
14 of three (3) years, then step down and let a representative from the next county
15 in line alphabetically whose representative has not served as a voting member
16 take his or her place.

17 (e) Once representatives from all participating counties within KMRA have each
18 served one (1) term, the rotation shall begin again.

19 (9) (a) The board shall meet at least once annually to elect officers, establish a regular
20 meeting schedule, and perform other duties as may be prescribed in the
21 authority's bylaws. The board chair may call special meetings at any time.

22 (b) Notice of each meeting shall be made both in writing and electronically and
23 delivered to board members at least seven (7) days before the scheduled
24 meeting date. Electronic mail alone is an acceptable form of notice of special
25 meetings, so long as it is sent to directors at least seven (7) days before the
26 scheduled meeting date.

27 (c) Accommodations shall be made for remote attendance of each board meeting,

1 whether regular or special, through means such as video conferencing,
2 conference call, or similar services.

3 (d) The presence of a majority of the total voting members of the KMRRA board,
4 whether in person or remote, shall constitute a quorum. Vacant board
5 positions shall be counted against the quorum total necessary for board action.

6 (e) Board meetings shall be held exclusively within KMRRA participating
7 counties, and each meeting shall be held in a different participating county
8 until every participating county has hosted a meeting, at which time the cycle
9 shall begin again.

10 (10) The KMRRA board:

11 (a) Shall elect a chair, vice chair, secretary, treasurer, and any other officers as
12 established in the bylaws of the board;

13 (b) May appoint temporary and standing committees to accomplish the purposes
14 of KRS 148.0221 to 148.0225 and shall clearly describe the role,
15 responsibilities, and tenure of each committee so created;

16 (c) Shall adopt bylaws for the management and regulation of its affairs and all
17 other matters necessary to effect proper management and accountability of the
18 board. The bylaws shall include, at a minimum, the following:

19 1. The powers and duties of the board's members and the manner and
20 number of officers to be elected from among the board members; and

21 2. The terms, conditions, and manner in which a board member will be
22 removed;

23 (d) Shall review and approve an annual budget;

24 (e) ~~[Shall annually procure an audit of the authority's financial systems,~~
25 ~~conducted in accordance with generally accepted auditing standards. The~~
26 ~~Auditor of Public Accounts shall perform the audit. A copy of the audit shall~~
27 ~~be sent to the Legislative Research Commission and the Department for Local~~

1 ~~Government within ten (10) days of receipt by the board;~~

2 ~~(f) —~~ Shall ensure that all administrative costs for operating the authority are paid
3 from funds accruing to the authority. The authority, its board, and its staff
4 shall incur no liability or obligation beyond the extent to which revenues have
5 been provided under KRS 148.0221 to 148.0225;

6 ~~(f)(g)~~ May seek administrative and management assistance through written
7 agreement with state agencies, local area development districts, or local
8 governing bodies until such time as the board has secured sufficient funding
9 through grants, loans, fee systems, or any other funding source to hire staff;
10 and

11 ~~(g)(h)~~ Shall employ an executive director to act as its chief executive officer to
12 serve at its will and pleasure once it is financially possible to do so.

13 **(11) The authority shall comply with the provisions of KRS Chapter 65A.**

14 ~~(12)(11)~~ The executive director:

15 (a) Shall be a person who is domiciled in a KMRRA participating county;

16 (b) May, with permission of the board and approval of the commissioner of the
17 Department for Local Government or his or her designee, employ any other
18 hourly personnel considered necessary and retain temporary services. Pay
19 raises for any personnel shall require approval of the board and the
20 commissioner of the Department for Local Government or his or her designee;

21 (c) Shall carry out plans to implement KRS 148.0221 to 148.0225 and to exercise
22 those powers enumerated in the bylaws of the board;

23 (d) Shall, along with any staff with responsibilities so delegated by the executive
24 director, ensure that all minutes, records, and orders of the authority and its
25 board are complete and available for public inspection, if necessary;

26 (e) Shall prepare narrative and financial reports of the authority's fiscal
27 obligations and submit these reports to the board at regularly scheduled

1 meetings or as otherwise directed; and

2 (f) May cast a tiebreaking vote in board decisions, but shall not be permitted to
3 cast a vote under any other circumstances. Until such time as an executive
4 director is hired, the chairperson of the board shall make the final
5 determination in the event of a tie vote of the board.

6 (13)~~[(12)]~~ The executive director, all full-time or part-time personnel, all seasonal
7 employees, and all contractual employees, if any, shall be paid from funds accruing
8 to the authority and authorized in a budget approved by the board, unless the
9 Department for Local Government has temporarily taken on the responsibility of
10 paying any of those employees.

11 (14)~~[(13)]~~ Board members shall serve without compensation, but may be reimbursed for
12 actual and necessary travel expenses incurred in the performance of their duties,
13 subject to Finance and Administration Cabinet administrative regulations. Board
14 members may have their lodging reimbursed by KMRRA. Any reimbursement
15 requests exceeding five hundred dollars (\$500) per person shall be submitted to the
16 Department for Local Government for approval.