

# 10 Minute Supervisor Trainings



May 2024

## RECENT LEGISLATION

During the recent legislative session, Kentucky's legislature passed 2 bills that will directly impact conservation districts and watershed conservancy districts.

### House Bill 130

This bill added a section to KRS 262 regarding discontinuing watershed conservancy district boards and made some small changes to other sections.

If a watershed conservancy district board doesn't meet for a year or longer, or if they don't adopt a budget during that time, a local conservation district or fiscal court may start the process to discontinue the district board. This process includes:

- Publish the intention of discontinuing the district board. This notice includes the information that anyone who pays taxes to the watershed conservancy district can request a public hearing. They have 30 days to request this public hearing.
- If anyone requests the public hearing, it has to be held within 30 days. The vote on discontinuing has to be held within 30 days after the hearing.
- If no one requests a public hearing, the vote on discontinuing has to be held within 30 days of the expiration of the time limit the public had to request a hearing.
- If the conservation district or fiscal court votes to discontinue the watershed conservancy district board, all other conservation districts and fiscal courts have to vote on this discontinuance within 30 days.
  - What if the watershed conservancy district is in 1 county and the conservation district votes to discontinue? The fiscal court of that 1 county has to hold their own discontinuance vote within 30 days.
  - What if the watershed conservancy district is in 4 counties and the conservation district of County A votes to discontinue? The fiscal courts of County A, County B, County C, and County D and the conservation districts of County B, County C, and County D all have to hold their own discontinuance vote within 30 days.
- If the watershed conservancy district board is discontinued, the boundaries of the district are still intact, and the landowners have to continue to pay the taxes for that watershed conservancy district. The conservation district (or districts, if more than one county) will take over all the responsibilities of the watershed conservancy district.

Read HB 130

<https://apps.legislature.ky.gov/recorddocuments/bill/24RS/hb130/bill.pdf>

Read HB 418

<https://apps.legislature.ky.gov/recorddocuments/bill/24RS/hb418/bill.pdf>

Other things included in House Bill 130:

- Conservation districts and watershed conservancy districts are eligible for funds through the Local Match Participation Program (KRS 147A).
- Conservation district supervisors and watershed conservancy district directors are immune from personal liability from their official acts when serving on the board.
- Conservation district boards have to do a public notice anytime a watershed conservancy district board vacancy occurs. They also have to advertise the vacancy on any website or social media account that the conservation district controls.
- If a watershed conservancy district board doesn't prepare and approve a budget within the first quarter of the calendar year, the conservation district (or districts, if in more than one county) can prepare and approve a budget for them.
- If a conservation district has taken over the responsibilities of a discontinued watershed conservancy district, the conservation district can make periodic adjustments to the revenue amounts collected (i.e., increase the tax rate, if needed).
- This bill took effect on the day the Governor signed it - April 4, 2024

House Bill 418:

This bill changes the minimum number of acres needed to join an agricultural district, changes some notification requirements, and changes the process when someone withdraws from an agricultural district.

Agricultural districts will now have a minimum initial size of 50 acres, instead of the 250 acres required previously.

When the local conservation district receives the petition, they have to notify the county fiscal court, any planning and zoning board in the area, and any city within 1 mile of the proposed agricultural district.

Once the Soil and Water Conservation Commission approves an agriculture district, they must notify the area development district, county clerk, city clerk for any city that is less than 1 mile from the agricultural district, and the secretary of the Governor's Cabinet. This notification has to contain a description of the boundaries and the names and addresses of the property owners within the district. The local conservation district will supply this information to the Commission.

A landowner can remove their acreage from an agricultural district by notifying the local conservation district in writing. That removal is effective immediately upon receipt of that notice. The local conservation district then has to notify the Soil and Water Conservation Commission, area development district, county clerk, city clerk for any city that is less than 1 mile from the agricultural district, and the secretary of the Governor's Cabinet.

The local conservation district can dissolve an agricultural district after a member removes their acreage if the remaining acreage in the agricultural district doesn't meet the definition of agricultural land from KRS 132.010.

This bill takes effect on July 15, 2024. The agricultural districts the commission approves at their July meeting will follow the old statute, and the ones they approve at the September meeting will follow the new statute.