GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 59

AS ENACTED

TUESDAY, MARCH 24, 2015

RECEIVED AND FILED
DATE April 2, 2015
3:20pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to aviation.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 183 IS CREATED TO
4 READ AS FOLLOWS:

5 ***(1) As used in this section, "laser" means any device designed or used to amplify***
6 ***electromagnetic radiation by stimulated emission that emits a beam.***

7 ***(2) A person shall not knowingly direct at an aircraft, any light emitted from a laser***
8 ***device or any other source which is capable of interfering with the vision of a***
9 ***person operating the aircraft.***

10 ***(3) This section shall not apply to:***

11 ***(a) An authorized individual in the conduct of research and development or***
12 ***flight test operations conducted by an aircraft manufacturer, the Federal***
13 ***Aviation Administration, or any other person authorized by the Federal***
14 ***Aviation Administration to conduct such research and development or flight***
15 ***test operations; or***

16 ***(b) Members or elements of the United States Department of Defense or United***
17 ***States Department of Homeland Security acting in an official capacity for***
18 ***the purpose of research, development, operations, testing, or training.***

19 ➔Section 2. KRS 183.990 is amended to read as follows:

20 (1) Any person violating any of the provisions of this chapter with respect to operation
21 of aircraft, or violating the provisions of any rule, regulation, or ordinance adopted
22 under KRS 183.133(6), shall be fined not less than ten dollars ($10) nor more than
23 one hundred dollars ($100) or imprisoned not more than ninety (90) days or both.

24 (2) Each violation of the statutes pertaining to the state airport zoning commission or of
25 any order, rule, or regulation promulgated pursuant thereto shall be punishable by a
26 fine of not less than one hundred dollars ($100) nor more than five hundred dollars
27 ($500) or imprisonment for not more than thirty (30) days or both and each day a

1 violation continues to exist shall constitute a separate offense.
2 (3) Any person who violates the provisions of KRS 183.886 shall be fined not less than
3 fifty dollars ($50) nor more than one thousand dollars ($1,000) or shall be
4 imprisoned in the county jail for not less than ten (10) nor more than ninety (90)
5 days, or both.
6 ***(4) Any person who violates the provisions of subsection (2) of Section 1 of this Act***
7 ***shall be guilty of:***
8 ***(a) A Class A misdemeanor; or***
9 ***(b) A Class D felony, if the violation causes a significant change of course or a***
10 ***serious disruption to the safe travel of the aircraft that threatens the***
11 ***physical safety of the passengers and crew of the aircraft.***
12 ➔Section 3. KRS 183.132 is amended to read as follows:
13 (1) Any urban-county government, city, or county, or city and county acting jointly, or
14 any combination of two (2) or more cities, counties, or both, may establish a
15 nonpartisan air board composed of six (6) members ***or, under subsection (5) of this***
16 ***section, of eleven (11), twelve (12), or thirteen (13) members***. Any city other than
17 the first class and county jointly or an urban-county government established
18 pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten
19 (10) members. Any existing six (6) member board, including a board established in
20 an urban-county government, may be expanded to ten (10) members by action of
21 the government entity or entities that established the six (6) member board.
22 (2) Any city of the first class, jointly with the county containing the city or a
23 consolidated local government, may establish or maintain a nonpartisan air board.
24 Membership of the board shall be appointed in accordance with subsection ***(7)***[~~(6)~~]
25 or ***(12)***[~~(11)~~] of this section. Any air board established or maintained in a county
26 containing a city of the first class or consolidated local government shall be
27 composed of eleven (11) members.

1 (3) The board shall be a body politic and corporate with the usual corporate attributes,
2 and in its corporate name may sue and be sued, contract and be contracted with, and
3 do all things reasonable or necessary to effectively carry out the duties prescribed by
4 statute. The board shall constitute a legislative body for the purposes of KRS
5 183.630 to 183.740.
6 (4) The members of an air board composed of six (6) members shall be appointed as
7 follows:
8 (a) If the air board is established by a city, the members shall be appointed by the
9 mayor of the city;
10 (b)[~~ If the air board is established by a county, the members shall be appointed by~~
11 ~~the county judge/executive except that in the event that an airport is located~~
12 ~~outside the boundary of the county establishing the airport board, the county~~
13 ~~judge/executive shall appoint an additional member to the air board from the~~
14 ~~jurisdiction where the airport is physically located. The additional member~~
15 ~~shall serve a four (4) year term in accordance with the provisions of~~
16 ~~subsection (7) of this section and receive full voting privileges on matters~~
17 ~~brought before the airport board;~~
18 ~~(c)~~] If the air board is established as a joint city-county air board, the members
19 shall be appointed jointly by the mayor of the city and the county
20 judge/executive;
21 ***(c)***[~~(d)~~] If a combination of cities, counties, or both, establishes a joint air board,
22 the mayors and county judges/executive involved shall jointly choose six (6)
23 members and shall jointly choose successors;
24 ***(d)***[~~(e)~~] If the air board is established by an urban-county government, the mayor
25 of the urban-county government or an officer of the urban-county government
26 designated by the mayor shall serve as one (1) member of the board. The
27 remaining five (5) members shall be appointed by the mayor. One (1) of the

1 members appointed by the mayor shall live within a three (3) mile radius of
2 the airport.
3 (5) ***If the air board is established by a county, the members shall be appointed by the***
4 ***county judge/executive, except that in the event that an airport is located outside***
5 ***the boundary of the county establishing the airport board, the voting members of***
6 ***the air board are appointed as follows:***
7 ***(a) One (1) member appointed by the Governor of the Commonwealth;***
8 ***(b) Ten (10), eleven (11), or twelve (12) members appointed from the following***
9 ***jurisdictions located within a twenty (20) mile radius of the airport***
10 ***operations:***
11 ***1. Eight (8) members appointed by the judge/executive of the county***
12 ***establishing the air board, with the approval of the county fiscal court.***
13 ***If the air board is located within a metropolitan statistical area, as***
14 ***defined by the United States Bureau of the Census, the county***
15 ***judge/executive, with the approval of the county fiscal court, may***
16 ***choose to appoint two (2) of these members as follows:***
17 ***a. One (1) member may be appointed following nomination by the***
18 ***chief executive officer of the largest city within the metropolitan***
19 ***statistical area;***
20 ***b. One (1) member may be appointed following nomination by the***
21 ***chief executive officer of the county containing the largest city***
22 ***within the metropolitan statistical area, if that county does not***
23 ***already have representation on the board; and***
24 ***c. The county judge/executive of the county establishing the air***
25 ***board may choose whether to invite the chief executive officers***
26 ***identified in subdivisions a. and b. of this subparagraph to***
27 ***nominate members. If the county judge/executive does invite a***

1 *chief executive officer to make a nomination and the chief*
2 *executive officer makes a nomination, the county*
3 *judge/executive may choose whether to appoint that nominee or*
4 *to appoint another person instead;*
5 *2. Two (2) members appointed by the county judge/executive of the*
6 *county containing the majority of territory encompassing the airport.*
7 *This appointment shall be made with the approval of both the fiscal*
8 *court of the county containing the majority of territory encompassing*
9 *the airport and the fiscal court of the county establishing the air*
10 *board; and*
11 *3. One (1) or two (2) additional members, if there are any counties*
12 *within the prescribed geographic limits that do not otherwise have an*
13 *appointment to the air board. If there is one (1) such county, this*
14 *appointment shall be made by the county judge/executive of that*
15 *county, with the approval of that county's fiscal court. If there are two*
16 *(2) or more such counties, these appointments shall be made by the*
17 *county judges/executive of the two (2) counties among them having*
18 *the largest population, and the appointments shall receive the*
19 *approval of those respective counties' fiscal courts and the fiscal court*
20 *of the county establishing the air board; and*
21 *(c) Board members of any air board established prior to the effective date of*
22 *this Act that is operating an airport that is located outside the boundary of*
23 *the county establishing the airport board shall serve out the remainder of*
24 *their terms. Additional voting members shall assume their offices on the*
25 *July 1 following the effective date of this Act and be appointed as follows:*
26 *1. The member appointed by the Governor shall be appointed for an*
27 *initial term of one (1) year;*

1 ***2. One (1) member from the county containing the majority of territory***
2 ***encompassing the airport shall be appointed for an initial term of two***
3 ***(2) years;***
4 ***3. One (1) member from the county containing the majority of territory***
5 ***encompassing the airport shall be appointed for an initial term of***
6 ***three (3) years;***
7 ***4. One (1) member from the county establishing the airport board shall***
8 ***be appointed for an initial term of four (4) years; and***
9 ***5. If there are any, the members from the counties that are not otherwise***
10 ***represented on the air board within the prescribed geographic limit***
11 ***shall be appointed for an initial term of four (4) years.***
12 ***Thereafter, their replacements shall serve a full four (4) year term. All***
13 ***members may be reappointed for subsequent terms. The majority of all air***
14 ***board appointees shall be residents of the county establishing the air board.***
15 ***(6)*** The members of an air board composed of ten (10) members in a city other than a
16 city of the first class and county jointly other than an urban-county government
17 established pursuant to KRS Chapter 67A shall be appointed as follows:
18 (a) Five (5) members shall be appointed by the mayor of the city, without
19 approval of the legislative body;
20 (b) Five (5) members shall be appointed by the county judge/executive without
21 approval of the other members of the fiscal court.
22 ***(7)***[~~(6)~~] An air board consisting of eleven (11) members and established jointly by a
23 city of the first class and the county containing the first class city shall be composed
24 of members as follows:
25 (a) The mayor of the city of the first class;
26 (b) The county judge/executive of the county containing the city of the first class;
27 (c) Three (3) members appointed by the mayor of the city of the first class;

1 (d) Three (3) members appointed by the county judge/executive of the county,
2 with the approval of the fiscal court;
3 (e) Two (2) members, who shall be residents of the county containing a city of the
4 first class or of counties contiguous thereto, appointed by the Governor; and
5 (f) One (1) member, who shall be a member of the executive board of an
6 incorporated alliance of incorporated neighborhood associations and cities
7 with a population of less than three thousand (3,000) based upon the most
8 recent federal decennial census which represents citizens living within a five
9 (5) mile radius of airport operations, appointed by the Governor. If more than
10 one (1) incorporated alliance exists, the Governor shall select the appointee
11 from the executive boards of any of the incorporated alliances. If no alliances
12 exist, the Governor shall appoint a citizen of the county who resides within a
13 five (5) mile radius of airport operations.
14 ***(8)***[~~(7)~~] An air board consisting of eleven (11) members and established or maintained
15 by a consolidated local government upon its establishment shall be composed of
16 members as follows:
17 (a) The mayor of the consolidated local government;
18 (b) Seven (7) members appointed by the mayor of the consolidated local
19 government;
20 (c) Two (2) members who shall be residents of the county containing the
21 consolidated local government or residents of counties contiguous to the
22 county containing the consolidated local government, appointed by the
23 Governor; and
24 (d) One (1) member who shall be a member of the executive board of an
25 incorporated alliance of incorporated neighborhood associations and cities
26 with a population of less than three thousand (3,000) based upon the most
27 recent federal decennial census which represents citizens living within a five

1 (5) mile radius of airport operations, appointed by the Governor. If more than
2 one (1) incorporated alliance exists, the Governor shall select the appointee
3 from the executive boards of any of the incorporated alliances. If no alliances
4 exist, the Governor shall appoint a citizen of the county who resides within a
5 five (5) mile radius of airport operations.
6 *(9)*[~~(8)~~] The members of an air board composed of ten (10) members established by an
7 urban-county government shall be composed of the mayor of the urban-county
8 government or an officer of the urban-county government designated by the mayor.
9 The remaining nine (9) members shall be appointed by the mayor. Two (2) of the
10 members appointed by the mayor shall live within a three (3) mile radius of the
11 airport.
12 *(10)*[~~(9)~~] Members of the board composed of six (6) members shall serve for a term of
13 four (4) years each and until their successors are appointed and qualified. The initial
14 appointments shall be made so that two (2) members are appointed for two (2)
15 years, two (2) members for three (3) years, and two (2) members for four (4) years.
16 Upon expiration of the staggered terms, successors shall be appointed for a term of
17 four (4) years.
18 *(11)*[~~(10)~~] Members of the board composed of ten (10) members in a city other than a
19 city of the first class and county jointly shall serve for a term of four (4) years each
20 and until their successors are appointed and qualified. The initial appointments
21 made by the mayor and the county judge/executive shall be made so that one (1)
22 member is appointed for two (2) years, two (2) members are appointed for three (3)
23 years, and two (2) members are appointed for four (4) years. If an existing six (6)
24 member board is being increased to a ten (10) member board, initial appointments
25 of the four (4) new members shall be made so that the mayor and the county
26 judge/executive, or the mayor if the board is established by an urban-county
27 government, each appoint one (1) member for two (2) years and one (1) member for

1 four (4) years. Upon expiration of the initial terms, successors shall be appointed for
2 a term of four (4) years. In the case of a board established by an urban-county
3 government, the term of the mayor for the urban-county government, or the officer
4 of the urban-county government designated by the mayor, shall be coextensive with
5 the term of the mayor.
6 *(12)*[~~(11)~~] Members of an air board composed of eleven (11) members and established or
7 maintained jointly by a city of the first class and the county containing a city of the
8 first class shall serve for a term of three (3) years each and until their successors are
9 appointed and qualified. The terms of the mayor and the county judge/executive
10 shall be coextensive with their terms of office. The mayor and the county
11 judge/executive shall each make their initial appointments to a board established
12 jointly by a city of the first class and the county containing a city of the first class so
13 that one (1) member is appointed for one (1) year, one (1) member is appointed for
14 two (2) years, and one (1) member is appointed for three (3) years. The Governor
15 shall make the initial appointments so that one (1) member is appointed for two (2)
16 years and one (1) member is appointed for three (3) years. Upon the expiration of
17 the initial terms, successors shall be appointed for a term of four (4) years.
18 *(13)*[~~(12)~~] Members of an air board composed of eleven (11) members in a county that
19 has established a consolidated local government in a county containing a former city
20 of the first class shall serve until their successors are appointed and qualified. The
21 terms of office on the air board of the mayor of the previously existing city of the
22 first class and the county judge/executive of this county shall expire upon the
23 establishment of a consolidated local government. Upon the establishment of a
24 consolidated local government, if the consolidated local government maintains the
25 previously existing air board, the incumbent members, except the mayor of the
26 previously existing city of the first class and the county judge/executive of that
27 county, shall continue to serve as members of the board for the time remaining of

1 their current terms of appointment. The Governor shall appoint members pursuant
2 to subsection ***(8)***[~~(7)~~](c) and (d) of this section. The mayor of the consolidated local
3 government shall serve on the board for a term which shall be coextensive with his
4 or her term of office. Incumbent members shall be eligible for reappointment upon
5 the expiration of their terms. The terms of all other board members shall be for four
6 (4) years. Upon the establishment of a consolidated local government and
7 maintenance of a previously existing air board, any incumbent member whose term
8 had expired but who had continued to serve because the member's successor had not
9 been appointed, shall continue to serve until a successor is appointed. Successors
10 shall be appointed by the mayor or the Governor as provided by law within sixty
11 (60) days after the establishment of the consolidated local government. As the terms
12 of the previously serving members of an air board being maintained by a
13 consolidated local government expire, the mayor of the consolidated local
14 government and the Governor shall respectively make their new appointments.
15 ***(14)***[~~(13)~~] Members of the board shall serve without compensation but shall be allowed
16 any reasonable expenses incurred by them in the conduct of the affairs of the board.
17 The board shall, upon the appointment of its members, organize and elect officers.
18 The board, except for a board composed of eleven (11) members, shall choose a
19 chairman and vice chairman who shall serve for terms of one (1) year. Where the
20 board is composed of eleven (11) members and established jointly by a city of the
21 first class and the county containing a city of the first class, the mayor of the city of
22 the first class and the county judge/executive shall jointly appoint the chairman
23 from among the membership of the board. Where the board is composed of eleven
24 (11) members and is in a county containing a consolidated local government, the
25 mayor shall appoint the chairman from among the membership of the board. The
26 board shall also choose a secretary-treasurer who may or may not be a member of
27 the board. The board may fix a salary for the secretary-treasurer and the secretary-

1 treasurer shall execute an official bond to be set and approved by the board, and the
2 cost of the bond shall be paid by the board.
3 *(15)*[~~(14)~~] The board may employ necessary counsel, agents, and employees to carry out
4 its work and functions and prescribe rules and regulations as it deems necessary.
5 *(16)*[~~(15)~~] The secretary-treasurer shall keep the minutes of all meetings of the board and
6 shall also keep a set of books showing the receipts and expenditures of the board.
7 The secretary-treasurer shall preserve on file duplicate vouchers for all expenditures
8 and shall present to the board, upon request, complete reports of all financial
9 transactions and the financial condition of the board. The books and vouchers shall
10 at all times be subject to examination by the legislative body or bodies by whom the
11 board was created. The secretary-treasurer shall transmit at least once annually a
12 detailed report of all acts and doings of the board to the legislative body or bodies
13 by whom the board was created.
14 *(17)*[~~(16)~~] In the event that a joint air board is created by cities, counties, or both, and
15 thereafter a city or county desires to withdraw from participation, then the
16 remaining participants may jointly choose a successor member or members of the
17 board. A local government wanting to withdraw from participation in the board
18 shall not be entitled to return of any moneys or property advanced to the board.
19 *(18)*[~~(17)~~] A quorum for the transacting of the business of a six (6) member board shall
20 consist of four (4) members, a ten (10) member board shall consist of six (6)
21 members, and an eleven (11) member board shall consist of six (6) members.
22 Meetings of the board may be called by the chairman or by four (4) members. In
23 case of tie voting by the board, the issue shall be deemed to have failed passage.
24 *(19)*[~~(18)~~] A board member may be replaced by the appointing authority upon a showing
25 to the authority of misconduct as a board member or upon conviction of a felony. A
26 board member shall not hold any official office with the appointing authority,
27 except for the mayor of a city of the first class and the county judge/executive on a

1 board made up of eleven (11) members and established jointly by a city of the first
2 class and the county containing a city of the first class, or the mayor of an urban-
3 county government or a consolidated local government, or an officer of the urban-
4 county government designated by the mayor on a board established by an urban-
5 county government.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 4-2-15