



**American Planning Association  
Kentucky Chapter**

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**SUMMARY OF HOUSE BILL 55 PASSED DURING THE YEAR 2001  
KENTUCKY GENERAL ASSEMBLY  
EFFECTIVE DATE: JUNE 21, 2001  
A NEW SECTION OF KRS 147 A. IS CREATED**

**CONTINUING EDUCATION TRAINING FOR  
PLANNING COMMISSION, BOARD OF ADJUSTMENT MEMBERS  
AND PLANNING STAFF**

House Bill 55 was one of the more important bills passed during the last several years which should help to improve the quality of planning in the Commonwealth of Kentucky. The following is a brief summary of this bill:

- Each planning commissioner and board of adjustment members starting from their date of appointment are required to receive a minimum of eight (8) hours of continuing education within each period of two (2) consecutive calendar years.
- Each planning professional, zoning official and other planning assistants are required to receive a minimum of 16 hours of continuing education within each period of two (2) consecutive calendar years starting from date of employment.
- Within one (1) year prior to appointment or within 120 days of appointment, each planning commissioner and board of adjustment member shall attend a minimum of four (4) hours of orientation training. Each planning professional, zoning administrator and assistants are required within one year prior to employment or within 120 days from the date of employment, to attend a minimum of eight (8) hours of orientation training.
- Each local planning commission is responsible for coordinating this program for each of the legislative bodies, boards of adjustment, and planning commissioners within their area of jurisdiction. The program is flexible in that the local planning commission determines how the training will take place, whether it be in-house or handled by outside group(s). Further, the planning commission is charged with maintaining all records of certification of training for that planning unit. A list of subjects for education is included within the bill and others may be added by approval of the planning commission prior to December 31 of the year in which the credit is sought.
- Planning commissioners, board of adjustment members, and professional planning staff including assistants, failing to complete required minimum number of training hours, are subject to removal per KRS 100. Further, no city/county, planning commission or board of adjustment shall employ a planning professional, zoning administrator and other assistant that has not completed the initial hours of orientation and continued education requirements.
- Each planning commission or legislative body is responsible for providing training or for funding to meet the requirements of this bill.

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AN ACT relating to the training of planning personnel.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 147A IS CREATED TO READ AS FOLLOWS:

- (1) (a) Each planning commissioner and board of adjustment member of a planning unit shall, within one (1) year prior to appointment, or within one hundred twenty (120) days of appointment, attend a minimum of four (4) hours of orientation training in one (1) or more of the subjects listed in subsection (4) of this section.*
- (b) Each planning professional, zoning administrator, and administrative official, and each planning professional's deputies and assistants, shall, within one (1) year prior to being employed, or within one hundred twenty (120) days of employment, attend a minimum of eight (8) hours of orientation training in one (1) or more of the subjects listed in subsection (4) of this section.*
- (c) Each of the individuals listed in paragraphs (a) and (b) of this subsection shall certify his or her attendance by a written statement filed with the secretary of his or her respective planning commission within one hundred forty (140) days of appointment or employment. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.*
- (2) (a) Each planning commissioner and board of adjustment member of a planning unit shall, within each period of two (2) consecutive calendar years, starting at the date of the individual's appointment, attend no less than eight (8) hours of continuing education in any of the subjects listed in subsection (4) of this section.*
- (b) Each planning professional, zoning administrator, and administrative official, and each planning professional's deputies and assistants, shall, within each period of two (2) consecutive calendar years, starting at the date of the individual's appointment, attend no less than sixteen (16) hours, of continuing education in any of the subjects listed in subsection (4) of this section.*

- (c) Each of the individuals listed in paragraphs (a) and (b) of this subsection shall certify his or her attendance by a written statement filed with the secretary of his or her respective planning commission by December 31 of each calendar year. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.
- (3) The planning commission or the legislative body of the city, county, urban-county, charter county government, or consolidated local government in which the planning commission has jurisdiction or, in the case of a joint planning unit, has representation in, shall be responsible for providing training as required by subsections (1) and (2) of this section or for providing funding to each planning commissioner, board of adjustment member, full time planning professional, zoning administrator, administrative official, and planning professional's deputies or assistants so that each individual may obtain training as required by subsections (1) and (2) of this section from other sources.
- (4) The subjects for the education required by subsections (1) and (2) of this section shall include, but not be limited to, the following: land use planning; zoning; floodplains; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; administrative law; economic development; housing; public buildings; building construction; land subdivision; and powers and duties of the board of adjustment. Other topics reasonably related to the duties of planning officials or planning professionals may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.
- (5) Each local planning commission shall keep in its official public records originals of all statements and the written documentation of attendance required in subsection (6) of this section filed with the secretary of the planning commission pursuant to paragraph (c) of subsection (1) and paragraph (c) of subsection (2) of this section for three (3) years after

the calendar year in which each statement and appurtenant written documentation is filed.

(6) Each planning commissioner, board of adjustment member, full time planning professional, zoning administrator, administrative official, and planning professional's deputies or assistants shall be responsible for obtaining written documentation signed by a representative of the sponsor of any continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed. That documentation shall be filed with the secretary of the planning commission as attachments to the statements required by paragraph (c) of subsection (1) and paragraph (c) of subsection (2) of this section.

(7) If a planning commissioner or board of adjustment member fails to:

(a) Complete the requisite number of hours of orientation training and continuing education within the time allotted under subsections (1) and (2) of this section;

(b) File the statement required by paragraph (c) of subsection (1) and paragraph (c) of subsection (2) of this section; or

(c) File the documentation required by subsection (6) of this section;

the planning commissioner shall be subject to removal from office according to the provisions of KRS 100.157, and the board of adjustment member shall be subject to removal according to the provisions of KRS 100.217.

(8) No city, county, urban-county, charter county, consolidated local government, planning commission, board of adjustment, or any entity performing local planning under KRS Chapter 100, shall employ a planning professional, zoning administrator, administrative official, or a planning professional's deputy or assistant, who fails to complete the requisite number of hours of orientation and continuing education required by subsections (1) and (2) of this section in the capacity of a planning professional, zoning administrator, administrative official, or planning professional's deputy or assistant.



# KENTUCKY LEGISLATURE

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## HB55

### WWW Version

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[HB 55/LM](#) (BR 281) - J. Wayne, S. Riggs, J. Adams, R. Crimm

AN ACT relating to the training of planning personnel.

Create a new section of KRS 147A to require initial and continuing education for planning commissioners and other planning personnel, set out documentation requirements, topics of study, and penalties for non-compliance.

### [HB 55](#) - AMENDMENTS

[HFA \(1, A. Simpson\)](#) - Remove the continuing education requirement for members of boards of adjustment.

Jan 2-introduced in House

Jan 3-to Local Government (H)

Jan 5-posted in committee

Feb 8-reported favorably, 1st reading, to Calendar

Feb 9-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Monday, February 12, 2001

Feb 12-floor amendment (1) filed

Feb 13-3rd reading, passed 68-26

Feb 14-received in Senate

Feb 19-to State and Local Government (S)

Mar 1-reported favorably, 1st reading, to Calendar

Mar 2-2nd reading, to Rules

Mar 5-posted for passage in the Regular Orders of the Day for Tuesday, March 6, 2001

Mar 7-3rd reading, passed 38-0; received in House; enrolled, signed by each presiding officer, delivered to Governor

Mar 15-signed by Governor (Acts ch. 50)

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