

**198B.4005 Elevator Advisory Committee -- Members -- Terms -- Vacancies -- Removal -- Review of administrative regulations -- Voting.**

- (1) The Elevator Advisory Committee is created within the Department of Housing, Buildings and Construction. The committee shall consist of eight (8) members, one (1) of whom shall be the commissioner of the Department of Housing, Buildings and Construction or his or her designee. The Governor shall appoint the remaining seven (7) members of the committee as follows:
  - (a) One (1) representative from a nationally recognized elevator manufacturing company;
  - (b) One (1) representative from an elevator servicing company;
  - (c) One (1) representative from the general public who has no financial interest in the elevator or fixed guideway system industry;
  - (d) One (1) representative involved in the installation, maintenance, and repair of elevators or fixed guideway systems;
  - (e) One (1) representative of an accessibility or residential elevator company;
  - (f) One (1) representative of the architectural design, elevator consulting, or engineering profession with experience in elevator design; and
  - (g) One (1) representative of organized labor.
- (2) The commissioner of the Department of Housing, Buildings and Construction shall serve as a member of the committee by virtue of his or her office. The appointed members of the committee shall serve for terms of three (3) years, except that, initially, two (2) members shall be appointed for a one (1) year term, two (2) members shall be appointed for two (2) year terms, and three (3) members shall be appointed for three (3) year terms. No committee member shall be appointed for more than two (2) successive terms, except as provided in subsection (4) of this section. The Governor shall, within the limits of this subsection, set the length of term of each of the initial appointees to the committee.
- (3) Vacancies occurring on the committee among those members appointed by the Governor shall be filled by seeking nominations as in subsection (1) of this section. A replacement for a committee member shall be appointed immediately upon the expiration of the departing committee member's term of service.
- (4) If a committee member vacates his or her position on the committee prior to the expiration of the member's term, a replacement member shall be appointed for the period of the unexpired term. If the unexpired term is less than two (2) years, the person selected to fill the unexpired term may subsequently be appointed to two (2) successive three (3) year terms.
- (5) Members may be removed from the committee by the Governor for unethical conduct, neglect of duty, incompetence, or for failure to attend three (3) or more consecutive meetings of the committee. A dismissed member's remaining term shall be completed by the replacement member appointed by the Governor.
- (6) The committee shall be given the opportunity to review and comment on relevant administrative regulations that are subject to the requirements of KRS 198B.030(8)

and (9) and 198B.040(11) and shall make recommendations to and otherwise advise the department on these matters. The committee shall perform any other duties and responsibilities relating to the development of administrative regulations for elevators and fixed guideway systems as assigned by the commissioner.

- (7) Those members of the committee who are not salaried governmental employees shall be compensated for their time when attending committee meetings or attending to official duties as directed by the committee at the rate of thirty-five dollars (\$35) per day. All board members shall be compensated for expenses incurred in the conduct of board business.
- (8) The commissioner or his or her designee shall serve as chair of the Elevator Advisory Committee. The chair shall only vote in the event of a tie among the appointed advisory committee members.
- (9) No member of the committee shall vote on any matter which will result in his or her direct or indirect financial gain.

**Effective:** July 1, 2011

**History:** Amended 2011 Ky. Acts ch. 100, sec. 14, effective July 1, 2011. -- Created 2010 Ky. Acts ch. 116, sec. 2, effective July 1, 2011.

**Legislative Research Commission Note (7/1/2011).** References to the "Office of Housing, Buildings and Construction" and the "executive director" of housing, buildings and construction in this section, as created by 2010 Ky. Acts ch. 116, sec. 2, have been changed in codification to the "Department of Housing, Buildings and Construction" and the "commissioner" of housing, buildings and construction, respectively, to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.