

CHAPTER 223 (HB 127)

AN ACT relating to the disposition of real and personal property by counties.

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

Section 1. KRS 67.080 is amended to read as follows:

- (1) The fiscal court may:
 - (a) Appropriate county funds according to the provisions of KRS 68.210 through 68.360 for lawful purposes;
 - (b) Sell and convey any real estate *or personal property* belonging to the county, and buy land for the use of the county, when necessary, for the lawful purposes of the county as provided for in this section and KRS 67.083. The fiscal court may appoint one (1) or more commissioners to sell or buy real estate under this subsection, subject to the approval of the fiscal court, and convey it to the purchaser, under the direction of the court, or have it conveyed to the court, by deed properly executed and recorded.
 1. When real property is purchased, the county shall pay no more than the highest appraised value, as determined by a Kentucky certified real property appraiser as defined in KRS 324A.010, or the price determined through exercising the power of eminent domain, if that power is used. A valuation of the *real* property shall not be required if the purchase price is forty thousand dollars (\$40,000) or less;
 2. *When real property is conveyed or sold, the county shall convey or sell it in accordance with Section 2 of this Act; and*
 3. *When personal property is conveyed or sold, the county shall convey or sell it in accordance with Section 2 of this Act.*
 - (c) Regulate and control the fiscal affairs of the county;
 - (d) Cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, employ a competent person to keep such accounts and records, pay such person a reasonable compensation for such services, and have the accounts of the county and all county officers audited, when necessary and in accordance with the provisions of KRS 43.070 and 64.810;
 - (e) Exercise all the corporate powers of the county unless otherwise provided by law;
 - (f) Establish all appointive offices, set the duties of those offices, and approve all appointments to those offices; and
 - (g) Investigate all activities of the county government.
- (2) The fiscal court shall:
 - (a) Appropriate county funds, according to the provisions of KRS 68.210 to 68.360, for purposes required by law;
 - (b) As needed, cause the construction, operation, and maintenance of all county buildings and other structures, grounds, roads and other property;
 - (c) Adopt an administrative code for the county; and

- (d) Provide for the incarceration of prisoners according to the provisions of KRS Chapter 441.
- (3) The fiscal court shall not exercise executive authority except as specifically assigned by statute.

SECTION 2. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

- (1) *A county may sell or otherwise dispose of any of its real or personal property.*
- (2) *Before selling or otherwise disposing of any real or personal property, the county shall make a written determination setting forth and fully describing:*
- (a) *The real or personal property;*
 - (b) *Its intended use at the time of acquisition;*
 - (c) *The reasons why it is in the public interest to dispose of it; and (d) The method of disposition to be used.*
- (3) *Real or personal property may be:*
- (a) *Transferred, with or without compensation, to another governmental agency,*
 - (b) *Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);*
 - (c) *Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b); or*
 - (d) *Sold by sealed bids in accordance with the procedure for sealed bids under subsections (3) and (4) of KRS 45A.365.*
- (4) *If a county receives no bids for the real or personal property, either at public auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the county. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made. Any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the county.*

Approved March 29, 2000

