

**CHAPTER 92****( HB 189 )**

AN ACT relating to interlocal agreements.

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

➔SECTION 1. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED TO READ AS FOLLOWS:

- (1) *Provided that the terms of the agreement are not being substantively changed, whenever an existing agreement that complies with the requirements of KRS 65.210 to 65.300 is amended to join new parties or to remove existing parties, approval of the Attorney General or the Department for Local Government under KRS 65.260 and approval of the agency or officer with jurisdiction under KRS 65.300 shall not be required for the amendment to be effective.*
- (2) *In lieu of the requirements of KRS 65.290, when an agreement is amended pursuant to subsection (1) of this section, each public agency subject to the agreement, including any public agency withdrawing from the agreement, shall send the following to the county clerk of the county in which it is located, to the Secretary of State, and to either the Attorney General or the Department for Local Government, if either agency would have had the responsibility for review under KRS 65.260:*
  - (a) *A copy of the full agreement, including any amendments;*
  - (b) *A statement containing the effective date and subject of the original agreement;*
  - (c) *A list of the parties being added to or removed from the agreement; and*
  - (d) *A certification signed by each party being added to the agreement that confirms that the party is:*
    1. *A public agency as defined in KRS 65.230; and*
    2. *Eligible under KRS 65.240 to join the interlocal agreement with the existing parties to the agreement.*
- (3) *Public agencies may, by the terms of an agreement made pursuant to KRS 65.210 to 65.300, specify the manner in which parties may be added to or removed from the agreement pursuant to this section. The language may authorize the addition of new parties or the removal of existing parties with or without the requirement of action by the legislative body of each public agency that is a party to the existing agreement or with a requirement of action by a minimum percentage of the legislative bodies of the public agencies that are parties to the agreement. In the absence of this language, action by the legislative body of each public agency that is a party to the existing agreement shall be required to amend the agreement to add new parties or remove existing parties.*

Signed by Governor April 9, 2016.