

CHAPTER 155

(SB 97)

AN ACT relating to municipal annexation.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

- (1) *When a city annexes or proposes to annex any territory in which no person is residing, any person who pursues litigation against the annexation shall have standing in a court of law to do so if that person:*
 - (a) *Owns property within the area that is proposed to be annexed or that has been annexed by a city; or*
 - (b) *Owns property directly adjoining a parcel of land that contains either in whole or in part any territory proposed to be annexed or annexed by the city. For the purposes of this paragraph "parcel" means a tract of real property that is assessed as a single unit for purposes of determining ad valorem tax liability.*
- (2) *If an election on annexation held pursuant to KRS 81A.420 is defeated, a city government that proposed the annexation shall have standing to contest the results of the election for the reasons and in a manner established in KRS 120.250.*
- (3) *The authority granted by this section shall be construed to be in addition to any standing to pursue litigation existing in statute, common law, or the rules of city procedure.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 81A IS CREATED TO READ AS FOLLOWS:

Any area annexed by a city pursuant to this chapter shall be conclusively deemed to be validly annexed if no person has contested the annexation in a court of competent jurisdiction within two (2) years following the effective date of the ordinance finally annexing the territory into the city.

➔Section 3. KRS 65.012 is amended to read as follows:

- (1) All referendum petitions permitted by general law in KRS Chapters 65, 67, 67A, 67C, 68, 76, 81, 81A, 83A, 96, 96A, 97, 98, 99, 107, 108, 109, 132, 147, 157, 160, 162, 165, 173, 178, 183, 212, 230, 242, 243, 244, 262, 269, 424, and 436 and any referendum petitions permitted by other KRS chapters in accordance with Sections 60 and 171 of the Constitution of Kentucky shall include the:
 - (a) Printed name of the petitioner;
 - (b) Signature of the petitioner, *or if the petitioner is a business or other organization, the signature of the legal representative of the business or organization;*
 - (c) Year of birth of the petitioner *if the petitioner is an individual other than a business or other organization;*
 - (d) Residential address of the petitioner, *or if the petitioner is a business or other organization, the address of the physical location of the business or organization that authorizes it to be a petitioner and, if different, the address of its headquarters;* and
 - (e) Date that the petitioner signed the petition.
- (2) *Unless otherwise explicitly provided under the applicable law governing the petition, to be eligible to sign any referendum petition described in this section, a petitioner~~[person]~~ shall:*
 - (a) Live in the district or jurisdiction that will be affected by the referendum *or if the petitioner is a business or other organization, have a physical address within the district or jurisdiction that will be affected by the referendum;* and
 - (b) Be a registered voter *if the petitioner is an individual other than a business or other organization.*

Signed by Governor April 13, 2018.