

AN ACT relating to voluntary unification of counties.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) Any two (2) or more adjoining counties, except consolidated local governments, charter county governments, urban-county governments, and unified local governments, may consolidate.

(2) (a) An action to consolidate a county may be initiated by:

- 1. The adoption of an ordinance by a fiscal court stating the intent of the county to consider consolidation with another county or counties; or*
- 2. The petitioning of the fiscal court by residents who are registered voters within the county.*

(b) The number of signatures required for a petition to consolidate shall equal twenty percent (20%) of the total number of persons voting in the last presidential election. All petitions shall be certified as to their sufficiency by the county clerk. All petitions shall include the printed name, address, age, and signature of each registered voter signing the petition, and the date of the signature. Each page of the petition shall contain the following language: "This petition is to initiate proceeding to merge the county of with the county (or counties) of under the provisions of Sections 1 to 7 and Section 8 of this Act." The petition shall not be circulated for a period of time exceeding one hundred twenty (120) days. If the petition exceeds the one hundred twenty (120) day time frame it shall become void. Any petition containing irregularities shall be returned to the petitioner, who shall have ten (10) days to correct the irregularities and resubmit the petition to the county judge/executive for final certification.

- (c) Upon receipt of a certified petition or the final adoption of an ordinance stating the intent of a county to consolidate with another county or counties, the county judge/executive in the initiating county shall within ten (10) working days notify by certified mail, return receipt requested, the fiscal courts of the adjoining counties proposed for consolidation and shall notify the residents of those counties by legal public notice, made in accordance with KRS Chapter 424, of the action taken in the initiating county. If no action is taken within one hundred twenty (120) days from the receipt of the certified letter to present a petition or to enact an ordinance in the adjoining counties which are proposed to be consolidated as provided in paragraphs (a) and (b) of this subsection, the actions in the initiating county shall be considered void.
- (3) All ordinances relating to county consolidation shall be adopted in accordance with the provisions of KRS 67.076 and 67.077. Upon enactment, the ordinances shall be published in accordance with KRS Chapter 424.
- (4) (a) If, within one hundred twenty (120) days of the public notice in an adjoining county proposed for consolidation, a petition is received or an ordinance is enacted stating the intent of the county to consolidate with a county or counties as provided in subsection (2)(a) and (b) of this section, a special election shall be held within ninety (90) days on the same day within each county, to determine the will of the people in each separate county.
- (b) The county judge/executive shall in each county proposed for consolidation deliver a certified copy of the enacted ordinance or the final certified petition to the county clerk of the county in which the election is to be held. The county clerk in each county proposed for consolidation shall prepare the following question to be placed before the voters: "Are you in favor of being consolidated with the county (or counties) of, which will

form a new county?" The question may also include the option of adopting a commissioner form of government for the newly consolidated county. If so, the question shall read: "Are you in favor of being consolidated with the county (or counties) of....., to form a new county which will be governed by the commission form of government?" The advertisement of the election by the sheriff shall be in accordance with KRS 242.040. The advertisement shall include the date of the election and the question to be voted upon.

(c) If a simple majority of those persons voting in each county vote in favor of the consolidation, the counties shall become consolidated. If less than a simple majority of those persons voting in each county favor the consolidation, then the issue of consolidation shall become void for all purposes in each county.

(5) All general costs associated with the conduct of special elections relating to a proposed consolidation of counties shall be paid by the state. The publication costs for legal public notice of the election and the costs for legal public notices in adjoining counties proposed for consolidation as required in subsection (2)(c) of this section shall be considered a general cost of the election, but no other advertising shall be paid for by state funds.

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

The fiscal court of any new county created by the consolidation of two (2) or more counties shall not take any legal action until the expiration of the current terms of office of all elected county officials holding office when the counties were consolidated and the election and certification of the officials of the newly consolidated county. The officers of the newly consolidated county shall be elected and take office in the same manner and at the same time as other elected county officials.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

- (1) Upon certification of an election to consolidate counties, the county judge/executive of each county shall, within thirty (30) days after the certification, appoint six (6) voters from the county to serve as members of a transition committee for the purpose of dividing the area of the new county into districts for the election of members of the fiscal court for the new county. The appointments for each county shall be made so that they reflect as closely as possible the ratio of each of the two (2) major political parties to the total county population. The committee members representing each county shall begin meeting jointly within fifteen (15) days after their appointment and proceed to divide the area of the new county into not less than three (3) nor more than eight (8) magisterial districts, each to be as nearly equal in area and population as possible. If the election included the selection of a commission form of government, then the county judge shall set the commissioner districts pursuant to KRS 67.060 at the same time the transition committee establishes the magisterial districts. The commissioners shall be elected pursuant to KRS 67.060 when the magistrates for the new government are elected. The committee shall also select not fewer than two (2) names nor more than five (5) names for the new county, which shall be submitted to the voters for their selection at the same time as the election for the members of the new fiscal court. The report of the transition committee shall be filed with the county judge/executive of each consolidating county not less than sixty (60) days after the appointment of the members. The members of the transition committee shall select a chairman from among themselves to preside over the meetings of the group.
- (2) If, at the expiration of sixty (60) days after the initial meeting of the transition committee, a majority of the members have failed to agree upon the selection of

the names for the proposed county or failed to agree upon a plan to divide the new county into magisterial districts, the Governor shall appoint an additional person to act as chairman of the committee. The Governor's appointee shall not vote on any question except in the case of a tie vote, to aid in the selection of the potential new county names, the formation of magisterial districts, or any other relevant issue for the ballot. The report of the committee shall be filed with the county judge/executive of each county not less than thirty (30) days after appointment of the new chairman.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

- (1) All taxes in effect in each county in the fiscal year immediately preceding the beginning of the term of the new fiscal court shall remain in effect until action is taken to change or remove them by the new fiscal court.
- (2) The territory formerly embraced within each of the previously existing counties is hereby made into a separate special taxing district for the repayment of financial obligations and debts of the previously existing counties. The new fiscal court may levy and collect taxes in these special taxing districts in addition to its other powers to levy and collect taxes. The separate debt of each special taxing district shall be a first lien on the territory formerly embraced within that previously existing county. The money collected as taxes for each of the special taxing districts shall be kept separate and shall first be used as payment of the debts of the previously existing county that formerly embraced the territory of that specific taxing district. The special taxing district shall cease to exist upon repayment of all debts and financial obligations of the previously existing county.
- (3) Any surplus funds in existence in a county on the date of a consolidation shall be spent in the territory of the previously existing county in which the surplus funds were raised. The surplus funds shall first be expended towards the regular

repayment of any financial obligations or debts of the territory formerly embraced within each of the previously existing counties that were to be paid in full within five (5) years. The schedule for the repayment of debts or financial obligations that were contracted for a period of more than five (5) years shall be at the discretion of the newly formed county. Any surplus funds remaining after the payment of obligations and debts shall be spent by the fiscal court of the newly formed county in the territory of the previously existing county from which the taxes were collected or may be returned to the taxpayers in the territory of the previously existing county from which the taxes were collected on a basis representing the proportion of taxes the taxpayers paid in such a manner as the fiscal court shall determine by ordinance.

→SECTION 5. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

Voters shall select the county seat of the newly consolidated county from one (1) of the previously existing county seats. The question on the selection of the new county seat shall be submitted to the voters at the same time as the election for the members of the new fiscal court and the selection of the name for the newly consolidated county. The county seat shall remain at this location for a period of no less than ten (10) years, after which time the citizens may remove the county seat only as provided by KRS 67.020. The remaining county government buildings in the county seats of the previously existing counties shall be maintained as branch offices of the newly formed county for a period of no less than ten (10) years, after which the fiscal court may make a decision as to their necessity and use.

→SECTION 6. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

The Department for Local Government shall promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A giving preference points on

applications for Small Cities Community Development Block Grant funds made by newly consolidated counties to the extent such preferences are not prohibited by federal law. The Department for Local Government shall provide technical and advisory assistance to newly consolidated counties. Funds awarded under this provision shall be expended in compliance with all state and federal guidelines governing those funds.

→SECTION 7. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

Upon consolidation of the counties, all appointments to boards of special purpose governmental entities shall remain in effect until the expiration of the term, when the appropriate appointing authority shall then make new appointments.

→Section 8. KRS 67.280 is amended to read as follows:

Where the previously existing~~[two (2) old]~~ counties were in the same representative, senatorial,~~[judicial circuit,]~~ or congressional~~[, or railroad commissioner]~~ district or districts, or in the same judicial circuit or circuits, the newly consolidated~~[new]~~ county shall remain in the same district or circuit~~[districts]~~. Where the previously existing~~[two (2) old]~~ counties were not in the same district or circuit~~[districts]~~, the newly consolidated~~[new]~~ county shall be placed in the following district or circuit~~[districts]~~: In the representative, senatorial, judicial circuit, or congressional~~[, or railroad commissioner]~~ district or districts, respectively, in which the previously existing~~[old]~~ county, having the largest population, was located.~~[; provided, that]~~ If each of the previously existing~~[two (2) old]~~ counties was a separate district the new county shall be divided into~~[two (2)]~~ such districts, each district to be contiguous~~[coterminous]~~ with the boundary lines of the previously existing~~[old]~~ counties.~~[; provided further, that]~~ If any of the election districts formed under the provisions of Sections 1 to 7 of this Act~~[KRS 67.190 to 67.270 as a result of county consolidation]~~ are in violation of the requirements of the Constitution, such consolidation shall not be effective unless the General Assembly, at its first session after the consolidation, shall redistrict the state in

compliance with the provisions of the Constitution.

→Section 9. The following KRS sections are repealed:

67.190 Petition for consolidation of counties -- Notice.

67.200 New petition when petition not filed in time.

67.210 Order for election on question of consolidation.

67.220 Advertisement of election.

67.230 General election laws to apply.

67.240 Certification of results of election -- Appointment of commissions to lay off justices' districts and select choice of names and county seats.

67.250 Report of commissions -- Election of officers for new county.

67.260 Election to choose name and county seat of new county -- Period between elections on consolidation.

67.270 Debts of old counties -- Separate taxes to pay.

67.290 Records and property of old counties.

67.310 Disposition of county administrative agencies.