

1 AN ACT relating to voluntary unification of counties.

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

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

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

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

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

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

27 *(c) Upon receipt of a certified petition or the final adoption of an ordinance*

1           stating the intent of a county to consolidate with another county or counties,  
2           the county judge/executive in the initiating county shall within ten (10)  
3           working days notify by certified mail, return receipt requested, the fiscal  
4           courts of the adjoining counties proposed for consolidation and shall notify  
5           the residents of those counties by legal public notice, made in accordance  
6           with KRS Chapter 424, of the action taken in the initiating county. If no  
7           action is taken within one hundred twenty (120) days from the receipt of the  
8           certified letter to present a petition or to enact an ordinance in the adjoining  
9           counties which are proposed to be consolidated as provided in paragraphs  
10           (a) and (b) of this subsection, the actions in the initiating county shall be  
11           considered void.

12           (3) All ordinances relating to county consolidation shall be adopted in accordance  
13           with KRS 67.076 and 67.077. Upon enactment, the ordinances shall be published  
14           in accordance with KRS Chapter 424.

15           (4) (a) If, within one hundred twenty (120) days of the public notice in an  
16           adjoining county proposed for consolidation, a petition is received or an  
17           ordinance is enacted stating the intent of the county to consolidate with a  
18           county or counties as provided in subsection (2)(a) and (b) of this section, a  
19           special election shall be held within ninety (90) days on the same day within  
20           each county, to determine the will of the people in each separate county.

21           (b) The county judge/executive shall in each county proposed for consolidation  
22           deliver a certified copy of the enacted ordinance or the final certified  
23           petition to the county clerk of the county in which the election is to be held.  
24           The county clerk in each county proposed for consolidation shall prepare  
25           the following question to be placed before the voters: "Are you in favor of  
26           being consolidated with the county (or counties) of ....., which will  
27           form a new county?" The question may also include the option of adopting

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

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

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

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

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

27           ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO

1 READ AS FOLLOWS:

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

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

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

10 (1) All taxes in effect in each county in the fiscal year immediately preceding the  
11 beginning of the term of the new fiscal court shall remain in effect until action is  
12 taken to change or remove them by the new fiscal court.

13 (2) The territory formerly embraced within each of the previously existing counties is  
14 hereby made into a separate special taxing district for the repayment of financial  
15 obligations and debts of the previously existing counties. The new fiscal court  
16 may levy and collect taxes in these special taxing districts in addition to its other  
17 powers to levy and collect taxes. The separate debt of each special taxing district  
18 shall be a first lien on the territory formerly embraced within that previously  
19 existing county. The money collected as taxes for each of the special taxing  
20 districts shall be kept separate and shall first be used as payment of the debts of  
21 the previously existing county that formerly embraced the territory of that specific  
22 taxing district. The special taxing district shall cease to exist upon repayment of  
23 all debts and financial obligations of the previously existing county.

24 (3) Any surplus funds in existence in a county on the date of a consolidation shall be  
25 spent in the territory of the previously existing county in which the surplus funds  
26 were raised. The surplus funds shall first be expended towards the regular  
27 repayment of any financial obligations or debts of the territory formerly

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

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

13 Voters shall select the county seat of the newly consolidated county from one (1) of the  
14 previously existing county seats. The question on the selection of the new county seat  
15 shall be submitted to the voters at the same time as the election for the members of the  
16 new fiscal court and the selection of the name for the newly consolidated county. The  
17 county seat shall remain at this location for a period of no less than ten (10) years,  
18 after which time the citizens may remove the county seat only as provided by KRS  
19 67.020. The remaining county government buildings in the county seats of the  
20 previously existing counties shall be maintained as branch offices of the newly formed  
21 county for a period of no less than ten (10) years, after which the fiscal court may  
22 make a decision as to their necessity and use.

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

25 The Department for Local Government shall promulgate administrative regulations in  
26 accordance with the provisions of KRS Chapter 13A giving preference points on  
27 applications for Small Cities Community Development Block Grant funds made by

1 *newly consolidated counties to the extent such preferences are not prohibited by federal*  
 2 *law. The Department for Local Government shall provide technical and advisory*  
 3 *assistance to newly consolidated counties. Funds awarded under this provision shall be*  
 4 *expended in compliance with all state and federal guidelines governing those funds.*

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

7 *Upon consolidation of the counties, all appointments to boards of special districts shall*  
 8 *remain in effect until the expiration of the term, when the appropriate appointing*  
 9 *authority shall then make new appointments.*

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

11 Where the *previously existing*~~[two (2) old]~~ counties were in the same representative,  
 12 senatorial,~~[judicial circuit,]~~ *or* congressional~~[, or railroad commissioner]~~ district or  
 13 districts, *or in the same judicial circuit or circuits,* the *newly consolidated*~~[new]~~ county  
 14 shall remain in the same district or *circuit*~~[districts]~~. Where the *previously existing*~~[two~~  
 15 ~~(2) old]~~ counties were not in the same district or *circuit*~~[districts]~~, the *newly*  
 16 *consolidated*~~[new]~~ county shall be placed in the following district or *circuit*~~[districts]~~: In  
 17 the representative, senatorial, judicial circuit, *or* congressional~~[, or railroad~~  
 18 ~~commissioner]~~ district or districts, respectively, in which the *previously existing*~~[old]~~  
 19 county, having the largest population, was located.~~[; provided, that]~~ If each of the  
 20 *previously existing*~~[two (2) old]~~ counties was a separate district the new county shall be  
 21 divided into~~[two (2)]~~ such districts, each district to be *contiguous*~~[coterminous]~~ with the  
 22 boundary lines of the *previously existing*~~[old]~~ counties.~~[; provided further, that]~~ If any of  
 23 the election districts formed under~~[the provisions of]~~ *Sections 1 to 7 of this Act*~~[KRS~~  
 24 ~~67.190 to 67.270 as a result of county consolidation]~~ are in violation of the requirements  
 25 of the Constitution, such consolidation shall not be effective unless the General  
 26 Assembly, at its first session after the consolidation, shall redistrict the state in  
 27 compliance with the provisions of the Constitution.

- 1           ➔Section 9. The following KRS sections are repealed:
- 2   67.190 Petition for consolidation of counties -- Notice.
- 3   67.200 New petition when petition not filed in time.
- 4   67.210 Order for election on question of consolidation.
- 5   67.220 Advertisement of election.
- 6   67.230 General election laws to apply.
- 7   67.240 Certification of results of election -- Appointment of commissions to lay off
- 8           justices' districts and select choice of names and county seats.
- 9   67.250 Report of commissions -- Election of officers for new county.
- 10  67.260 Election to choose name and county seat of new county -- Period between
- 11           elections on consolidation.
- 12  67.270 Debts of old counties -- Separate taxes to pay.
- 13  67.290 Records and property of old counties.
- 14  67.310 Disposition of county administrative agencies.