

1 AN ACT relating to the consolidation of counties.

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

3 ➔Section 1. The following counties shall be consolidated on January 1, 2023, as
4 enumerated in subsections (1) to (34) of this section:

- 5 (1) Ballard, Carlisle, Hickman, Fulton, and Graves;
- 6 (2) Calloway and Trigg;
- 7 (3) Marshall, Livingston, and Lyon;
- 8 (4) Caldwell and Hopkins;
- 9 (5) Crittenden, Union, and Webster;
- 10 (6) McLean, Ohio, and Muhlenberg;
- 11 (7) Todd, Logan, and Simpson;
- 12 (8) Butler, Grayson, and Edmonson;
- 13 (9) Hancock, Breckinridge, and Meade;
- 14 (10) Allen and Barren;
- 15 (11) Monroe, Cumberland, Clinton, Metcalfe, and Adair;
- 16 (12) Russell, Wayne, and McCreary;
- 17 (13) Hart, Green, and Taylor;
- 18 (14) Nelson and Larue;
- 19 (15) Casey, Lincoln, and Rockcastle;
- 20 (16) Boyle and Garrard;
- 21 (17) Marion, Washington, and Mercer;
- 22 (18) Woodford and Anderson;
- 23 (19) Spencer and Shelby;
- 24 (20) Henry, Trimble, Carroll, Gallatin, and Owen;
- 25 (21) Grant, Pendleton, and Harrison;
- 26 (22) Whitley and Bell;
- 27 (23) Knox and Clay;

- 1 (24) Jackson, Owsley, Lee, Estill, Powell, and Wolfe;
- 2 (25) Clark and Bourbon;
- 3 (26) Nicholas, Fleming, Mason, Robertson, and Bracken;
- 4 (27) Montgomery, Bath, and Menifee;
- 5 (28) Lewis and Greenup;
- 6 (29) Rowan, Carter, and Elliott;
- 7 (30) Morgan, Magoffin, and Johnson;
- 8 (31) Breathitt, Perry, and Leslie;
- 9 (32) Harlan and Letcher;
- 10 (33) Knott and Floyd; and
- 11 (34) Boyd, Lawrence, and Martin.

12 ➔Section 2. (1) No later than January 4, 2021, the county judge/executive of
13 each unconsolidated county to be consolidated under Section 1 of this Act shall appoint a
14 commission to be composed of three constitutionally-qualified voters of the county for
15 the purpose of dividing the area of the new county into districts for the election of
16 members of the fiscal court for the new county. The commissions representing the
17 counties shall meet together within 15 days after their appointment and proceed to divide
18 the area of the new county into three districts, each to be as nearly equal in area and
19 population as possible. The commissions also shall select no fewer than two and no more
20 than three names for the new county, and shall select no fewer than two and no more than
21 three sites for the county seat of the new county. The report of the commissions, which
22 shall act jointly, shall be filed with the county judge/executive of each unconsolidated
23 county not less than 90 days after the appointment of the commissions.

24 (2) If, at the expiration of 90 days after the six commissioners have been
25 appointed as provided for herein, a majority of the commissioners have failed to agree
26 upon the selection of the names for the proposed county or the places for the county seat
27 to be submitted to the voters of the county as provided for in KRS 67.260, the Governor

1 of the Commonwealth of Kentucky shall appoint an additional person to act as chairman
 2 of the board of commissioners and that chairman shall not have a vote on any question
 3 except in case of a tie vote. The final report of the commissions, when a chairman is
 4 appointed, shall be filed with the county judge/executive of each unconsolidated county
 5 no less than 30 days after appointment of the chairman.

6 ➔Section 3. The report of the commissions shall be entered on the records of each
 7 county judge/executive. At the regular election to be held in 2022, officers for the new
 8 county shall be chosen. That election shall be held and conducted in all respects under the
 9 applicable election laws at the time of the election. Members of the fiscal court for the
 10 new county shall be elected, one from each of the three districts created by the
 11 commissions, under the provisions of the law providing for the election of county
 12 commissioners under the commission form of government for counties, or any
 13 amendments thereto.

14 ➔Section 4. (1) At the regular election in 2022, for the election of new
 15 officers for the new county, the voters of the combined area to be embraced within the
 16 new county shall select a name for the new county and a site for the county seat from
 17 among the names and sites recommended by the commissions as provided in Section 2 of
 18 this Act. The question of the selection of a name and county seat for the consolidated
 19 county shall be filed with the county clerk not later than the second Tuesday in August
 20 preceding the day of the regular election and shall be submitted to the voters at the
 21 election in the following form:

22 "I am in favor of
 23 "
 24 "
 25 "

26 (These spaces shall be filled in with the names for the new county
 27 recommended by the commissions) as the name for the new county to be formed by the

1 consolidation of counties. (Fill in this space with the names of the counties to be
2 consolidated.)

3 The voter shall be instructed to indicate his or her choice of one of the names
4 presented.

5 "I am in favor of

6

7

8

9 (These spaces shall be filled in with the names of the sites for the county seat
10 of the new county recommended by the commissions) as the site for the county seat of the
11 new county formed by the consolidation of counties. (Fill in these spaces with the
12 names of the counties to be consolidated.)

13 The voter shall be instructed to indicate his or her choice of one of the names
14 presented.

15 (2) The newly consolidated county shall bear the name receiving the highest
16 number of votes in the combined area of the new county voting on the proposition, and
17 the county seat of the new county shall be located at the site approved by the majority of
18 the voters of the combined area of the new county voting on the proposition. The name of
19 the county shall not be changed thereafter, and the county seat shall not be changed
20 thereafter, except as authorized by KRS 67.020.

21 ➔Section 5. On January 1, 2023, the territory formerly embraced within each of
22 the formerly unconsolidated counties shall be made into a separate special taxing district
23 with power to levy and collect taxes, and the separate debt of each formerly
24 unconsolidated county shall be a first lien on the territory formerly embraced within that
25 formerly unconsolidated county. The fiscal court of the newly consolidated county shall
26 fix the rate of tax levy for each of the special taxing districts, and the property within each
27 shall be assessed and the taxes collected by the same county officers of the new county,

1 and in the same manner that the law provides for the assessment of property and the
2 collection of taxes by counties. The money collected as taxes for each of the special
3 taxing districts shall be kept separate and shall be used only in payment of the debts of the
4 formerly unconsolidated county that embraced the territory of that specific taxing district.

5 ➔Section 6. Where the formerly unconsolidated counties were in the same
6 representative, senatorial, judicial circuit, or congressional district or districts, the new
7 county shall remain in the same district or districts. Where the formerly unconsolidated
8 counties were not in the same district or districts, the new county shall be placed in the
9 following district or districts: In the representative, senatorial, judicial circuit, or
10 congressional district or districts, respectively, in which the formerly unconsolidated
11 county, having the largest population, was located; provided, that if each of the formerly
12 unconsolidated counties was a separate district, the new county shall be divided into
13 districts, each district to be coterminous with the boundary lines of the formerly
14 unconsolidated counties; provided further, that if any of the election districts formed
15 under the provisions of KRS 67.190 to 67.270 as a result of county consolidation are in
16 violation of the requirements of the United States Constitution and other applicable
17 federal law, such consolidation shall not be effective unless the General Assembly, at its
18 first session after the consolidation, shall redistrict the state in compliance with the
19 provisions of the United States Constitution and other applicable federal law.

20 ➔Section 7. On January 1, 2023, all records, supplies and equipment of the old
21 counties shall be turned over to the proper officials of the new county.

22 ➔Section 8. (1) If any of the formerly unconsolidated counties that have
23 consolidated under the provisions of Sections 1 to 7 of this Act has a county health
24 department, county library board, water district board, and other similar county agencies
25 or special districts, the members thereof shall serve out the terms for which they were
26 respectively elected or appointed. If the counties have a board of the same type the
27 consolidated county shall constitute a consolidated territory for the purpose of exercising

1 all the functions of such boards, and the boards shall operate together as one board until
2 the expiration of the terms of all members. Provision shall be made for the election or
3 appointment of a new board for the consolidated county as the expiration of the terms of
4 the old members requires. If only one of the counties has a board of the type contemplated
5 by this section, the authority of that board shall be restricted to the confines of the
6 territory that composed the original territory.

7 (2) All taxing or nontaxing districts, fire protection districts, sanitation districts,
8 water districts, and any special taxing, nontaxing, or special districts of any kind existing
9 upon consolidation, shall continue in existence unless dissolved in the manner prescribed
10 by law and shall continue to exercise all the powers and functions permitted by the
11 Kentucky Constitution and the general laws of the Commonwealth of Kentucky. If a
12 special taxing district in existence upon consolidation is eliminated under the unification
13 plan or is later dissolved, the new county may include any rate levied by the special
14 district as part of its levied rate in the area served by the special taxing district without
15 having to comply with the provisions of KRS 132.027.

16 ➔Section 9. (1) All contracts, bonds, franchises, and other obligations of the
17 formerly unconsolidated counties in existence on the effective date of consolidation,
18 including but not limited to collective bargaining agreements, shall continue in force and
19 effect as obligations of the new county government for the term of those contracts, bonds,
20 franchises, and other obligations.

21 (2) The new county government shall succeed to all rights and entitlements of
22 these contracts, bonds, franchises, and other obligations.

23 (3) All conflicts in the provisions of the contracts, bonds, franchises, and other
24 obligations shall be resolved in a manner that does not impair the rights of any of the
25 parties.

26 ➔Section 10. (1) Upon the effective date of consolidation, all employees
27 employed by the county on December 31, 2022, of the formerly unconsolidated counties

1 shall become employees of the new county. Employees serving officers set out in Section
2 99 of the Kentucky Constitution on December 31, 2022, shall continue in their
3 employment with that officer unless the employee's service may be terminated in
4 accordance with local, state, federal, or other applicable law.

5 (2) All rights, privileges, and protections attributed to a regular employee by a
6 civil service system established by a formerly unconsolidated county prior to the date of
7 county consolidation shall continue in effect until changed by statute or ordinance.

8 (3) Upon county consolidation, all rights, privileges, and protections of
9 beneficiaries of a retirement fund or pension fund established by a participating formerly
10 unconsolidated county shall continue in effect until all benefits due each beneficiary have
11 been paid.

12 ➔Section 11. Upon consolidation, the local option status of territory contained
13 within the new county shall remain unchanged until the local option status of the territory
14 is changed pursuant to law.

15 ➔Section 12. If, as a result of consolidation, there exists more than one Circuit
16 Court clerk in the new county, Circuit Court clerks elected prior to the county
17 consolidation shall serve the remainder of their terms concurrently until the next election
18 for Circuit Court clerk, wherein one Circuit Court clerk shall be elected for the new
19 county. The Administrative Office of the Courts shall assign duties to the concurrently
20 serving Circuit Court clerks in a manner consistent with law and in a manner that will
21 best effect the mission of the Kentucky Court of Justice.

22 ➔Section 13. On January 1, 2023, the terms of appointed members of the county
23 board of elections as set out in KRS 117.035 shall expire. On January 1, 2023, the State
24 Board of Elections shall appoint two interim board members for each county board of
25 elections to serve until July 1, 2023, whereupon the State Board of Elections shall appoint
26 two board members for each county board of elections for four year terms as set out in
27 KRS 117.035.