

**Local Mandate Fiscal Impact Estimate  
Kentucky Legislative Research Commission  
2015 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 810

**Bill #:** SB 2 GA

**Bill Subject/Title:** AN ACT proposing to amend Section 29 of the Constitution of  
Kentucky relating to administrative regulations.

**Sponsor:** Senator Joe Bowen

Unit of Government:      City   **X**   County   **X**   Urban-County  
Unified Local  
  **X**   Charter County   **X**   Consolidated Local   **X**   Government

Office(s) Impacted: County Clerks

Requirement:   **X**   Mandatory      Optional

Effect on  
Powers & Duties:   **X**   Modifies Existing   **X**   Adds New      Eliminates Existing

**Part II: Purpose and Mechanics**

SB 2 GA proposes to submit an amendment to Section 29 of the Kentucky Constitution to the voters for ratification, using the following language on the ballot:  
*“Do you agree that a government regulation issued without the final approval of the General Assembly may be voided by the General Assembly, or an agency or committee it creates or designates?”*

If the proposed constitutional amendment is ratified by the voters, then the General Assembly will be authorized to establish a process to review, approve, or disapprove executive branch administrative regulations and administrative regulations disapproved would be void and unenforceable. Currently, administrative regulations are submitted to either the Administrative Regulation Review Subcommittee or the Education Assessment and Accountability Review Subcommittee with an optional second review by the committee/subcommittee having jurisdiction over the subject matter of the administrative regulations. If administrative regulations are found to be deficient, then KRS 13A.330 and 13A.331 allows the Governor to determine that the administrative regulations may become effective anyway. A constitutional amendment rather than amending the statutes

would be necessary due to prior court decisions (Patton v. Sherman, LRC v. Brown, etc.) regarding separation of powers.

**Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**The costs of SB 2 GA to local governments due to adding a constitutional amendment to a ballot would be minimal.** According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, there are additional programming costs associated with adding a new category to the ballot on an already scheduled statewide election. For example, the cost to add a new category to the ballot for Lexington-Fayette Urban County Government, with 291 precincts, is estimated to be between \$3,000 and \$4,000, and for Franklin County, with 44 precincts, the cost is estimated to be between \$1,250 and \$2,000.

**Data Source(s):** LRC Staff, Kentucky County Clerk's Association Elections Committee Chair, Harp Enterprises

**Preparer:** Katherine L. Halloran **Reviewer:** MCY **Date:** 1/8/15