

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2016 Regular Session**

Part I: Measure Information

Bill Request #: 962 R1

Bill #: HB 188

Bill Subject/Title: AN ACT proposing to create a new section of the Constitution and to amend Section 99 of the Constitution relating to the office of Constable.

Sponsor: Representative Adam A. Koenig

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

Office(s) Impacted: Constable, County Clerk

Requirement: Mandatory Optional

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

Part II: Purpose and Mechanics

HB 188 proposes a new section to the Constitution of Kentucky which would allow the legislative body of a county to adopt an ordinance abolishing the office of Constable, effective upon the next expiration of the term set forth in Section 99 of the Kentucky Constitution. Furthermore, it would allow the legislative body to subsequently adopt an ordinance reestablishing the office, then the election and service of constable would resume beginning with the next election scheduled.

HB 188 further provides that a city within a county not adopting an ordinance to abolish the office of Constable, may pass an ordinance to eliminate the powers of the office of Constable within the city limits of that city, effective upon the next expiration of the current term. Furthermore, if the legislative body of that city subsequent adopts an ordinance reestablishing the powers of the office of Constable, then the powers and services of the office shall resume in that city beginning with the next election.

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

The fiscal impact of HB 188 requiring a constitutional question to be placed on the election ballot is estimated to be minimal, and the fiscal impact of abolishing the office of constable is indeterminable.

According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, there is some additional programming cost to add a constitutional amendment question on a ballot. For example, the cost to add a constitutional amendment to the ballot for Franklin County, with 44 precincts, is estimated to be between \$1,250 and \$2,000.

Kentucky constables are classified as peace officers and have the same law enforcement powers as Sheriffs, Coroners, and Jailers, including powers to arrest and authority to serve county processes. They may execute warrants, summonses, subpoenas, attachments, notices, rules, and orders of the court.

In all counties except Jefferson and Fayette, constables are compensated from the fees they collect. Under KRS 64.190, constables may receive the same fee as sheriffs for similar services. Jefferson and Fayette county constables, as constables in counties with a population of more than 250,000, receive a salary of \$9,600 per year to be paid out of the county treasury. Salaries of constables in counties having an urban-county government are adjusted annually at the rate of inflation as computed by the Department of Local Government.

If the office of constable is abolished, many of the functions currently performed by constables would be transferred to the sheriffs. Since both the sheriffs and the constables receive the same fees for the services they provide, there would be little or no impact upon the fees.

It is difficult to determine the fiscal impact of eliminating the office of constable because the workload of constables varies greatly across the state. In some areas, constables are used extensively. In other areas, the services of constables are used on a very limited basis. Some counties have difficulty in that no candidates file for the election. In counties where constables are actively used, transferring their duties to the sheriff might require the hiring of additional deputies. In other areas, sheriffs could assume the constables' duties with little problem. The fees paid to constables would be paid to sheriffs.

There could be savings for local governments relating to bonding and liability insurance. Most constables are insured under blanket county liability insurance. Some argue that county liability insurance premiums would decrease if constables were not covered. Again, this varies from county to county and potential savings would be different for each county.

Data Source(s): LRC staff, Franklin County Sheriff; Kentucky Sheriff's Association; Harp Enterprises, Kentucky Association of Counties

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 2/16/16