

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

**Part I: Measure Information**

**Bill Request #:** 1697

**Bill #:** HB 496

**Bill Subject/Title:** AN ACT relating to the nomination of trustees of fire protection districts and volunteer fire department districts.

**Sponsor:** Representative Sal Santoro

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

HB 496 changes the makeup of the seven-member fire district board as follows:

Composition and Requirements of the Fire Protection District Boards		Proposed Initial Terms and Successive Terms.
Currently	HB 496	
2 District Firefighters elected by the district firefighters.	2 Firefighters <i>who reside</i> in the district elected by district firefighters.	One Firefighter to serve two years One Firefighter to serve four years Successor Firefighters to serve four year terms
2 Non-Firefighters who own property subject to the fire protection tax, reside in the district, and elected by <i>property owners of the district.</i>	2 Non-Firefighters who own property subject to the fire protection tax, reside in the district, and elected by <i>qualified voters of the district.</i>	One Non-Firefighter to serve two years One Non-Firefighter to serve four years Successor Non-Firefighters to serve four year terms
3 Appointed by the county judge / executive	3 Appointed by the county judge / executive	To serve one, two, three years respectively Successors to serve three year terms
7 Total Members	7 Total Members	

HB 496 amends KRS 75.031 by declaring all **qualified voters** of a fire protection district, as opposed to property owners, to be eligible to vote for the non-firefighter trustees. Further, the bill also changes the terms of service for the firefighter and non-fighter

trustees who are elected during a district's very first election.

HB 496 also changes the timing and location of the elections. Currently, under KRS 75.031(2), the "elective offices of the members of the board of trustees shall be filled by an election to be held" once each year on the fourth Saturday of each June between 11:00 a.m. and 2:00 p.m. The elections are currently held at a district's "principle fire house." Under HB 496, however, the "firehouse elections" are exclusively for the firefighter trustee elections. Plus, the bill retains the requirement that **only** firefighters may vote for the firefighter trustees. Although no explicit provision is made as to where the non-firefighter elections are to be held, Subsection 2 of Section 1 states that the non-firefighter elections are to be held "on the date of the regular election in November at an election occurring in even-numbered years." Presumably, this means that these elections will take place at the designated polling places within the various precincts.

HB 496 does, however, standardize two other aspects of the trustee elections. First, both the firefighter trustees and the non-firefighter trustees are to be elected during the regular election of November in even-numbered years. Secondly, the terms for all of the trustees are to begin on January 1 of the year following their election or appointment.

HB 496 requires trustees of fire protection districts and volunteer fire department districts to be nominated by petition containing 25 petitioners who reside within the district as provided in KRS 262.210.

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

**The fiscal impact of HB 496 on local Governments is expected to be moderate to significant.**

The Kentucky County Clerks Association shared concerns that the administrative cost could be moderate and significant for some counties. Even though the elections would be on the same date as other elections, assessing the boundaries and coding the voters to their proper districts could be a significant concern and cost.

As previously stated, HB 496 requires the non-firefighter trustees to be elected by the qualified voters of a fire protection district. Those elections are to be held during the November regular elections that occur in even-numbered years. Meanwhile, the firefighter trustees are to be elected at the same time as the non-firefighter trustees, but these elections are to be held at local firehouses by firefighters. The amount of money and staff time that local governments will spend on this dual election system will vary depending on the county.

First of all, some counties would need to print the ballots for voting. Secondly, the number of districts located within each voting precinct will affect the amount of ballots that will be printed for those districts, thus increasing the fiscal and administrative burden. Thirdly, county employees often work longer days when elections are held, but

that's a preexisting expense since these elections are held along with the regular November election.

**The Kentucky Firefighters Association (KFA)** expects the administrative burden to be **significant**. The key to this estimation is the aforementioned possibility of multiple districts within a precinct. For example, in Jefferson County, some precincts contain as many as three fire protection districts. In those cases, three different ballots would be required. Consequently, the presence of multiple districts will lead to higher costs.

Whereas the election of non-firefighter trustees are to be held “on the date of the regular election in November at an election occurring in even-numbered years” and presuming this means that these elections will take place at the designated polling places within the various precincts, counties would incur additional programming costs due to adding a new category to the ballot for the November election. These amounts are minimal. The counties that currently use paper for their elections would continue to use paper and those that use machines would continue to use machines. According to Harp Enterprises, a vendor that provides electronic voting machines to 97 Kentucky counties, the costs regarding programming for **county wide elections** would range from \$14 per precinct for larger counties such as Fayette with 291 precincts to \$45 per precinct for counties such as Franklin with 44 precincts. Fire district elections would be a fraction of this cost.

Lastly, the KFA expressed concerns regarding firefighter representatives having to reside in the district. Many of the career employees do not live within the fire district and some districts have very few volunteers left on the roster. This possibly leaves very few candidates to fill the required firefighter spots on the boards.

**Data Source(s):** Ky County Clerks Association, Ky Firefighters Association, Harp Enterprises, LRC Staff

**Preparer:** Wendell F. Butler      **Reviewer:** JWN      **Date:** 3/13/16