## Local Government Mandate Statement Kentucky Legislative Research Commission Session

## **Part I: Measure Information**

Bill Request #: 253						
Bill #: SB 278						
<b>Document ID #:</b> 4161						
Bill Subject/Title: AN ACT relating to constables and declaring an emergency.						
Sponsor: Senator Lindsey Tichenor						
Unit of Government:   X   City   X   County   X   Urban-County     X   Charter County   X   Consolidated Local   X   Government						
M Constables, Fiscal Courts, City Councils, County Clerks						
Requirement: <u>X</u> Mandatory <u>X</u> Optional						
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing						
Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local						

## Government

SB 278 grants all constables the same powers as peace officers.

**Section 4** amends KRS 70.430 to make a technical correction to reporting requirements and to remove fee sharing requirements with certain local governments. Currently, the fiscal court or legislative body of any county greater than 70,000 is entitled to collect a fee of 25% of total receipts collected by constables for each calendar month. If an urban-county government or a consolidated local government elects by ordinance, the county clerk may collect this fee and which would then be shared evenly between the county clerk and the county government. **Section 4** would eliminate this language allowing for a portion of constable collections to be shared with local government entities.

**Section 13** amends KRS 189.950 to allow constables to, upon approval of the fiscal court in the county of jurisdiction, the legislative council of an urban-county government, or the legislative body of a consolidated local government, equip blue lights and a siren for their vehicles.

**The fiscal impact of this bill is indeterminate and minimal. SB 278** in essence repeals RS 2022 HB 239 which placed restrictions on constable powers relative to peace officers and instituted the fee sharing structures that **Section 4** repeals. According to the Jefferson County Clerk's Office and the Fayette County Clerk's Office, both would be unaffected by **Section 4** because neither city has passed an ordinance to allow for fee sharing.

Per **Section 4**, counties with a population greater than 70,000, would lose the 25 percent of fees collected by constables. According to the Kentucky League of Cities there should be little fiscal impact.

Local governments may incur costs associated with approving requests to outfit constable vehicles with lights and sirens, however this language is permissive and local governments would not be required to do so.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to SB 278 as introduced. There are no prior versions.

Data Source(s):	LRC Staff, Jefferson County Clerk's Office, Fayette County Clerk's Office,
	Kentucky League of Cities

<b>Preparer:</b>	Jacob Blevins (WB)	<b>Reviewer:</b>	KHC	Date:	2/28/23
------------------	--------------------	------------------	-----	-------	---------