

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2019 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 107

**Bill #:** HB 35

**Document ID #:** 290

**Bill Subject/Title:** AN ACT proposing to amend Sections 99, 124, and 144 of the Constitution of Kentucky relating to a Judge of the County Court.

**Sponsor:** Representative Robert S. Goforth

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

Office(s) Impacted: County Judge Executive of Fayette County; other offices of Lexington/Fayette County; Fayette County Clerk

Requirement:  Mandatory  Optional

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

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

HB 35 proposes to amend Sections 99, 124, and 144 of the Constitution of Kentucky to eliminate the Office of Judge of County Court in urban-county governments, and submit such proposal to voters, statewide, for approval or disapproval.

**The fiscal impact to Fayette County is indeterminate and minimal to moderate.** HB 35 proposes a change in the Constitution, therefore, it must be placed on the ballot to be voted on. The county clerk will have expenses when placing this question on the ballot. 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, recent costs to add a new category to the ballot for Lexington-Fayette Urban County Government, with 286 precincts, is estimated to be between \$3,000 and \$4,000.

If the office is eliminated, the duties would be reassigned to some other official or body. If not, there could be significant legal issues surrounding these duties. It is unclear what effect this would have on the Fayette County Fiscal Court. While the duties of the Fayette County Judge Executive and thus, related expenditures, would be eliminated (i.e., potentially saved), the bill is silent on whether or how the functions of the Judge Executive would be assigned; to the Mayor or other offices. Again, if the office is eliminated the duties would be reassigned to some other official(s) or offices, and if not, there could be litigation related to these duties. It is also unclear what affect this would have on the Fayette County Fiscal Court.

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

The Part II section above pertains to the bill as drafted and there are not any prior versions of the bill to complete the Part III section.

**Data Source(s):** Kentucky Association of Counties; Lexington-Fayette County Urban Government; Harp Enterprises; Fayette County Clerk; Fayette County Judge Executive

**Preparer:** H. Marks      **Reviewer:** KHC      **Date:** 12/27/18