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

Part I: Measure Information

Bill Request #: 1240	
Bill #: HB 259	
Bill Subject/Title:	AN ACT relating to excess fees.
Sponsor: Representa	ative Tim Moore
Unit of Government:	XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted:	Sheriff Office, Fiscal Court
Requirement: X	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing X Adds New Eliminates Existing

Part II: Purpose and Mechanics

Sheriff offices are fee-based entities, as their operating revenue comes primarily from fees collected for services rendered. Current statute requires the sheriff of a county with a population of less than 70,000 to pay any revenue derived from fees in excess of the sheriff's compensation and expenses to the county fiscal court. HB 259 amends 64.530 to state that no sheriff in a county of less than 70,000 people shall be required to pay excess fees to fiscal court. Excess fees are defined as fees and commissions in an amount greater than the total salaries and expenses that are required by law to be paid by the office.

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

The fiscal impact of HB 259 on county governments would be nil, as the revenues from the sheriff's office would stay within the framework of local government. However, any fees in excess of the sheriff's operating budget would remain with the sheriff's office instead of diverting to fiscal court.

As part of the budgetary process, each sheriff estimates the amount of excess fees they possibly could turn over to the fiscal court each year. These excess fees might be used by

the fiscal court for their own budgetary needs. The dollar amount varies from one county to another. The fiscal court at their discretion may return an amount back to the sheriff's office.

Based on 2010 actual census data and 2014 estimated census data, there are 109 counties with populations of less than 70,000. The counties that will **not** be affected are Christian, Bullitt, Madison, Campbell, Davies, Hardin, Warren, Boone, Kenton, Fayette, and Jefferson.

In January 2015, the Kentucky Sheriff's Association surveyed each county sheriff, and provided the following: Out of the 109 affected counties, almost half or 54 sheriffs responded to the survey and 42 of them made transfers of excess fees to their fiscal courts. The Kentucky Sheriff's Association was comfortable with using 2015 data and expected little if any significant changes.

Of the 38 sheriffs that provided dollar amounts:

Thirty-two transferred less than \$49,999; Two transferred between \$50,000 and \$99,999; Three transferred between \$100,000 and \$299,999; and One sheriff transferred \$300,000.

Data Source(s): Department of Local Government, State Budget Office, LRC Staff,

Kentucky Sheriff's Association

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 2/5/16