

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2018 Regular Session**

Part I: Measure Information

Bill Request #: 134

Bill #: HB 478

Document ID #: 5536

Bill Subject/Title: AN ACT relating to public notice.

Sponsor: Representative Jim J. Decesare

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

Office(s) Impacted: All

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

Currently, a number of actions (list attached) are required to be published by a county's fiscal court in the newspaper having the largest paid circulation in the county. HB 478 removes this requirement and requires these same advertisements/notifications be published on the local government's web site. HB 478 provides the following guidelines regarding the length of time an advertisement shall be published on the web site:

- When in notification of an ordinance, regulation, order, and is not time sensitive in regards to an act performed within or by a designated date, the advertisement shall be on the site for thirty days after completion of the act.
- When in notification of the date for which the public must act by, the advertisement shall be on the web site not less than 7 days and no more than 21 days before the occurrence of the act or event.
- Web-notification of delinquent taxes or the notice of the sale of tax claims is currently provided for in KRS 424.130(1)(c)(2).

- When in notification of an election, public hearing, or an opportunity for inspection, or the due date of a tax or special assessment, the advertisement shall be on the web site for not less than seven days nor more than 21 days before the occurrence.

The fiscal impact of HB 478 on local governments is indeterminable since the number of future actions for a particular local government requiring publication are not known. However, based on the following information, we can assume this will be a cost-savings for the local governments.

The Commonwealth Office of Technology (COT) already hosts 80+ county websites. This is a free service provided by COT, except for any configuration fees for unique customization; historically less than \$2,500.

If a local government chooses not to use the design or host services available through COT, then based on a review of online vendors, the local government could expect to pay \$300-\$1,000 for adapting an “off the shelf” website template or up to \$10,000+ for a custom designed website based on the specific needs of the local government. The site can also be hosted by a private vendor or a free host site. With a free site, there are concerns regarding advertisements appearing on the site (which pays for the free site) and the availability of the website address (name).

Newspaper cost for a one-time full page ad with a hardcopy readership of 5,000 is estimated at \$1,700. For comparison, the Jefferson County clerk has paid over \$100,000 for election notifications including publication of the ballots in the Louisville Courier-Journal which has a hardcopy readership of 200,000+. This proposal would abolish those cost.

The Commonwealth Office of Technology was contacted regarding HB 478. They provided the following insights:

- A major concern regarding a web-based notification system is not everyone has access to the internet or has a device that can access the web. Even if the county has a website, it does not mean it’s readily accessible to everyone whereas a “local” paper may be more readily accessible. Given the limited access to the web in some areas of Kentucky, we would unintentionally be creating a “digital divide”. One remedy for this concern might be to simply change the wording of HB 487 to allow publishing in the newspaper and on a website if available.
- If one of local government’s interest is a delivery system to make audit reports available to the public, then one suggestion in lieu of a local government website might be to have the audit published on the State auditor’s web site. The local government would publish notice of the audit in the newspaper directing readers to the State Auditor’s site. This would make the audit which can be lengthy available to the public and at the same time utilize the cost-savings of the internet.
- Another solution that would be available to all local governments would be the creation of a public notification hub on Kentucky.gov. This would be similar to what is utilized in Utah (<http://publicnotice.utah.gov>).

**Actions Currently Requiring Newspaper Publication
Changing to Website Publication
(Per HB 478)**

- Annual audit report, performed in lieu of the audit performed by the State Auditor of Public Accounts, with the accompanying letter of transmittal from the auditor performing the audit.
- Audit Report which is the result of a documented emergency. Publishable by the fiscal court, county clerk, or sheriff.
- Rates, charges, and fees charged by a river port authority.
- Notices announcing public hearings regarding development areas.
- Notices announcing public hearings regarding the dissolution of a Special Purpose Governmental Entity.
- Meetings of the fiscal court.
- Any ordinance or resolution of a charter county government imposing fines, forfeitures, imprisonment, taxes, or fees, other than a bond ordinance or resolution.
- Urban-county government is required to publish the following:
 - All ordinances and resolutions either in full or by title and synopsis.
 - Notice of referendum regarding the purchase and maintenance of public parks.
 - Notice of referendum regarding the purchase of development rights program.
- Notice of public hearings regarding any tax rates levied by a fiscal court.
- Notices in regards to water district mergers / sewage treatment systems.
- Notice of air pollution hearing board in regards to the revocation or modification of a variance.
- Ordinance for the establishment and for a plan of management for a management district defined as an area to be benefited by economic improvements and subjected to the payment of special assessments for the costs of the economic improvements.
- Notices in regards to mass transportation systems.
- Ordinances or resolutions of a fiscal court regarding the issuing of bonds for the purpose of defraying the cost of acquiring any industrial building or pollution control facility.
- Local school boards shall publish:
 - Notice to district residents regarding the availability of obsolete books and materials, The results of the annual assessment of district schools as performed by the State Department of Education,
 - The annual audited financial statements for those districts of 300,000 or more residents,
 - Ad valorem tax rates, occupational tax rates, and gross receipts tax rates on cable services levied by the school district, and
- Fiscal court is required to publish notice of the adoption of a county road system.

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

Part II pertains to the bill as introduced. No prior versions of the bill have been introduced necessitating Part III to be completed at this time.

Data Source(s): LRC Staff; Commonwealth Office of Technology; various newspaper advertisement offices; Jefferson County Clerk; various website creation vendors

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 3/7/18