Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

REVISED 3/14/19

Part I: Measure Information

Bill Request #: _	1393
Bill #: HB 397	SCS 1
Document ID #:	6239
Bill Subject/Title:	AS ACT relating to county sheriffs' fees.
Sponsor: Representative Sal N. Santoro	
Unit of Governme	nt: X City X County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted	l: Sheriffs, Constables, Fiscal Courts
Requirement:	X Mandatory 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

This measure amends KRS 64.090 to mandate that sheriffs charge and collect of fees for providing services outlined in the statute where a percentage, commission, or reasonable fee is not otherwise allowed. This fee is increased from \$40 to \$60 and is now required to be collected instead of may be collected. Fees do not pertain to requests by agencies of the Commonwealth or the Kentucky State Police.

The fiscal impact is indeterminable. The impact will be different for each sheriffs' office as the allowable fee was not applied uniformly across all sheriffs' departments. The fiscal impact to sheriffs' offices as a result of the higher fees could be moderate or higher, depending on the size of the department and the amount of the fee previously charged. The Grant County Sheriff indicated the increased fee would generate an additional \$20,000 to \$30,000 and would be at least a moderate impact on their agency.

While this Act does not amend or reference KRS 64.190 and KRS 64.200, constables might see a positive impact towards its collection of fees, since they are allowed to collect the same fees for similar services performed by sheriffs, if the fee is not designated within KRS 64.190. However, according to KRS 64.200, in counties with a population of 250,000 or more (Jefferson and Fayette counties), constables transfer fees collected, as a result of performing duties requested of them, to the county treasury.

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

The fiscal impact to HB 397 SCS 1 is the same as the local mandate for HB 397 GA. The committee substitute removed the requirement that sheriffs report all collected fees to the county clerk in counties containing an urban-county government or a consolidated local government or the fiscal court in all other counties. It also removed language on possible audits of collected fees.

The Local Mandate statement for HB 397 GA is the same as the Local Mandate statement for HB 397. No substitutes or amendments were adopted when the bill passed the House.

 Data Source(s):
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 Date:
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