

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2020 Regular Session**

Part I: Measure Information

Bill Request #: 949

Bill #: HB 337 HCS 1

Document ID #: 7154

Bill Subject/Title: AN ACT relating to county clerk fees.

Sponsor: Rep. Joseph Fischer

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

Office(s) Impacted: 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**

KRS 64.012 sets for the general fee schedule to guide county clerks with the recording and indexing of various records. KRS 64.012 also establishes a “catch-all” fee of \$33 for those items “for which no specific fee is set.”

The bills has in indeterminable fiscal impact on county clerks’ offices, with both slight increases and decreases in fees. Any impact would be minimal.

HB 337 HCS 1 amends KRS 64.012 (the county clerk fee statute) to clarify that wills and other probate documents, court-ordered name changes, and appointments under KRS Chapter 395 (relating to personal representatives in probate) are subject to a flat filing fee of \$33 rather than an additional per page fee (for more than 5 pages) in addition to the flat fee. The Kenton County Clerk indicated that there had been some confusion about whether additional page fees could be charged for some items and that this needed to be clarified in statute. This bill fixes that. Some wills and probate documents can be quite lengthy. The bill could be a *reduction* in the total fees collected for many of those documents.

The bill also establishes fees of \$33 for the affidavit of conversion or affidavit of severance under KRS 186A.297 or 186A.298 (relating to manufactured homes). KRS 186A.297 allows for the filing of the affidavit of conversion by the county clerk but does not specify the fee. *Currently*, county clerks' may set the fee under the "catch-all" provision for those items "for which no specific fee is set." This bill fixes the absence of a set fee and formally affixes it at \$33, which is the *same as* the current fee. Also, currently, KRS 186A.298 establishes a fee of \$16 for the affidavit of severance. The bill deletes the fee from that statute. The new fee for this item is thus an *increase* of \$17.

The bill also includes, in KRS 64.012, a fee of \$33 for the "assignment or release of a certificate of delinquency under KRS 134.126 and 134.127." However, currently, KRS 64.012 (1)(aa) specifies a fee of \$27 for "noting the assignment of a certificate of delinquency and recording and indexing the encumbrance under KRS 134.126 or 134.127." The "old" language is not removed. This is a discrepancy, with the new language being a \$6 increase.

The bill also establishes a fee of \$33 for the recording and indexing of the statement of authority as to real property under KRS 273A.020. Currently, KRS 273A.020 specifies the fee at \$10, but this \$10 fee is removed in the bill. The new fee is thus an *increase* of \$23. The Kenton County Clerk indicated that there are very few recordings of these types of documents.

The bill limits the additional \$.50 per page fee for a certified copy of a record to situations with more than five pages, rather than three. (The flat \$5 fee could cover a record of 5 pages or fewer.) This would result in a *reduction* in fees for county clerks' offices.

The bill also establishes a \$20 fee for filing or recording a lien or release of lien by a consolidated local government, urban-county government, unified local government, or city of any class. *Currently*, county clerks charge a \$33 fee for this document as an item "for which no specific fee is set," thus the new fee would be a *reduced* fee.

The bill provides that the \$10 fee related to the permanent storage of records is exempt from being paid annually to the fiscal court, from being paid more frequently, and from being paid to the Finance and Administration Cabinet. At the end of the clerk's term, accumulated fees would be transferred to the fiscal court. The funds must be used for services related to the permanent storage of records. Because the bill allows these funds to remain for use by the county clerks', this could be a *positive* fiscal impact on those offices.

There would be some *increased* cost to county clerks' offices for the training of staff on the bill's provisions.

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

Part II, above, refers to HB 337 HCS 1.

Data Source(s): LRC staff; Kentucky Revised Statutes; Kenton County Clerk

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/12/20