

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

Part I: Measure Information

Bill Request #: 1361

Bill #: HB 367

Document ID #: 3444

Bill Subject/Title: AN ACT relating to fees that are established for services provided by elected officials.

Sponsor: Representative Chad McCoy

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

Office(s) Impacted: All elected county officials.

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 367 creates a new chapter of KRS Chapter 64 to allow elected officials to charge a lower fee than stated in the statute when it has been determined that the statutory fee amount is not needed to perform the services or to meet the budgetary needs of the elected officials' public office. If a lower fee is charged, the elected official shall post a schedule of effective fee rates on his or hers official web site and at the elected official's office for public viewing. The official is required to keep a historical record of any fee rate changes by date for audit purposes.

This would affect the county judge/executive, county clerk, county attorney, sheriff, jailer, coroner, surveyor, property valuation administrator, justice of the peace, and constable.

The fiscal impact of HB 367 on local governments is indeterminable.

The two elected offices that stand to be impacted the most are the County Clerk and the Sheriff.

KRS 64.012 lists 58 fees charged by the County Clerk, 23 fees with a base rate of \$12, 34 fees between \$3 and \$50, and one being \$200.

KRS 64.090 lists 32 fees charged by sheriff, 31 fees between \$3.00 and \$30, and one being \$60.

A reduction in fees will directly impact the county clerks' and sheriffs' operating budget and any excess funds available to the fiscal court.

In counties of 70,000 or more population, all fees collected by county clerks, sheriffs, and their deputies are paid directly into the State Treasury. In return, the salaries and office expenses of the officers and their deputies are paid out of the State Treasury on warrants drawn by the treasurer at the request of the county clerk or sheriff. The total amount paid the officers in salaries and office expenses may not exceed 75 percent of the fees collected by the officer. The state pays the other 25 percent to the fiscal courts or urban-county governments of the counties on April 15, July 15, October 15, and January 15.

In counties of less than 70,000 population, the officer may receive the maximum compensation established by the constitution and by statute, plus office expenses, including compensation of deputies and assistants (Ky. Const., sec. 246; KRS 64.152 and 134.192). Any revenue derived from fees in excess of the officer's compensation and expenses is transferred to the county (KRS 64.152 and 134.192).

County clerks and sheriffs may invest funds temporarily in excess of operating needs in specified financial instruments and institutions. A reduction in fees might result in less money for investing.

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

Part II refers to HB 367 as introduced.

Data Source(s): LRC Staff; LRC Informational Bulletin No.115: County Government in Kentucky

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/11/20