

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

Part I: Measure Information

Bill Request #: 1481

Bill #: SB 164

Document ID #: 4605

Bill Subject/Title: AN ACT relating to solid waste and making an appropriation therefor.

Sponsor: Senator Phillip Wheeler

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

Office(s) Impacted: Fiscal Courts

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

This legislation allows counties to pass an ordinance and impose fines for littering and open dumping of solid waste. It directs that when fines are collected by the circuit court clerk, they be transferred to the county where the crime occurred.

Section 1 amends KRS 30A.190 to designate that 100% of the new open dumping fine established by local government be transferred to the treasurer of the county where the violation occurred instead of remaining in the State Treasury.

KRS 65.8808 is amended in Section 2, to allow local code enforcement officials to enforce ordinances for littering and open dumping.

Section 3 amends KRS 224.40-100 allowing local government to enact ordinances against open dumping and imposing civil fines of not less than \$250 dollars but not more than \$500 dollars for open dumping. It also stipulates that penalties imposed and collected be

transferred to the county treasurer where the offense occurred for the abatement, cleanup, and restoration of the open dump site.

Section 4 amends KRS 224.99-10 to conform language directing the penalties for open dumping be placed into a local fund for solid waste cleanup.

Section 5 amends KRS 431.100 directing that 60% of the fines collected for violations of KRS 512.070, 433.753, and 433.757, be transferred to the county treasurer for inclusion in the general fund and 40% to the agency that issued the citation. It also states that 100% of the fines collected for violating subsection (5) of Section 3 of this Act shall be transferred to the treasurer of the county in which the violation occurred.

The fiscal impact to local governments is not determinable. It is expected that local government will likely see an increase in revenues from the collection of fines imposed by existing or newly created ordinances. While there is an expectation of increased revenues, it will likely have a minimal impact.

The Kentucky Administrative Office of the Courts (AOC) reports that for fiscal year 2019, there were 739 total cases of criminal littering adjudicated in district and circuit courts resulting in 329 convictions. All but one of these convictions were Class A misdemeanors. Fewer than 50% of cases resulted in conviction. AOC was not able to provide the amount of fines levied and collected for the 329 convictions.

Local governments that choose to create ordinances will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2019, the median hourly rate was approximately \$100. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

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

The Part II section above pertains to the bill as introduced.

Data Source(s): LRC Staff, Administrative Office of the Courts, Kentucky League of Cities

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 3/2/20