Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 870
Bill #: HB 152
Document ID #: 1546
Bill Subject/Title: AN ACT relating to county clerks fees.
Sponsor: Representative Joseph M. Fischer
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: County Clerks
Requirement: X 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 152 clarifies and lists a number of documents that currently fall under miscellaneous for fee purposes. The bill also makes adjustments to other fees collected by county clerks. Fees that are identified or affected by this legislation include:

- Affidavits of conversion in regards to manufactured homes;
- Assignments or releases of certificate of delinquency;
- Affidavits of severance;
- Certified copies;
- Statement of Authority as to real property; and
- Wills and other probate documents, appointments, and court-ordered name changes.

HB 152 designates how much of a fee shall remain with the county clerk and the remaining balance forwarded to another fund. The bill also makes adjustments to the number of pages included within a base fee for some certified copies.

HB 152 provides that the \$10 fee related to the permanent storage of the documents shall be accounted for separately and exempted from being paid to the fiscal court or the Finance and Administration Cabinet and may be accumulated by the county clerk for the duration of the clerk's term. At the end of the term, the funds shall be transferred to the fiscal court, unless the clerk vacates office at which time the funds will be transferred to the clerk's successor.

The fiscal impact of HB 152 on local governments is expected to be minimal and will depend on the county and the number of documents each Clerk's office processes.

The Kentucky County Clerks Association was contacted for input. The Association stated that going to a base price with no additional cost for additional pages for wills, appointments, and court-ordered name changes, will streamline the process, reduce the amount of money charged, and as a result assist the court system in obtaining the fees from the customers. Additionally, expanding the base fee for certified copies from three pages to five pages will result in a lower fee for customers.

The Kentucky County Clerks Association also noted that if HB 151 and HB 152 from the 2021 Regular Session both pass, then the document storage fee exception, within HB 152, will assist county clerks with fulfilling requirements of HB 151.

State aggregate numbers regarding the number of documents affected by HB 152 are not readily available. However, approximate numbers for Hardin County for 2020 are provided for informational purposes;

- Affidavits of severance: 2 documents, base fee increase from \$16 to \$33.
- Statement of Authority: Zero documents processed for the year 2020
- Will or other Probate Document: 257 @ no change in base fee
- Appointment: 47 @ no change in base fee
- Court-ordered name change: 65 @ no change in base fee
- Certified copy of any record: 700 @ no change in base fee

Total annual impact for Hardin County is minimal. The only change would be the amount previously charged for additional pages for the above-listed documents.

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

Part II refers to HB 152 as introduced.

Data Source(s): LRC Staff; Kentucky County Clerks Association

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 2/9/21