

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

Part I: Measure Information

Bill Request #: 1619

Bill #: HB 414

Document ID #: 4181

Bill Subject/Title: AN ACT relating to cemeteries.

Sponsor: Representative Pamela Stevenson

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

Office(s) Impacted: Governing authorities of any city within whose corporate limits any public or private burial grounds lie.

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 amends KRS 381.697 to require a city's governing authority to mandate the proper care of a burial ground.

The fiscal impact of this legislation is expected to be minimal to moderate but it is not determinable. Cities can expect to realize increased costs resulting from ordinance creation or modification, code enforcement inspections, appeals, and possible civil litigation. Cities without nuisance boards or code enforcement codes would need to create them and possibly hire or contract for someone to enforce the codes. In addition to preparing ordinances, cities may also need the services of the city attorney to assist with property searches, reviewing appeals and dealing with litigation.

According to the Kentucky League of Cities (KLC), approximately 15 percent of cities have a nuisance board or combined code enforcement/nuisance board. They also indicated that many cities do not have private burial grounds within their corporate limits, but they

do not know how many are out there. Additionally, cities may also have difficulty locating the appropriate contact person for each cemetery, particularly if the cemetery has long since been abandoned or forgotten.

Local governments that 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 KLC, 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 2020, the average hourly rate was \$107. 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

Part II, above, pertains to the bill as drafted.

Data Source(s): Kentucky League of Cities, LRC Staff

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/11/21