Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 1747
Bill #: HB 538
Document ID #:
Bill Subject/Title: AN ACT relating to execuvitve oeders issued by the President of the United States.
Sponsor: Representative Deanna Frazier
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: All.
Requirement: X Mandatory Optional
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing Port H. Pill Provisions and the Estimated Fiscal Impact Polating to Legal

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 538 allows that any executive order issued by the President of the United States that has not been affirmed by Congress and signed into law may be reviewed by the Legislative Research Commission (LRC).

The LRC may request an opinion form the Attorney General (AG) regarding the constitutionality of the order, and subsequently the LRC or Attorney General may seek to have the order declared unconstitutional in a court of competent jurisdiction.

The LRC, the AG, or the Governor may seek an exemption from the application of the order instead of (or in addition to) trying to have the order declared unconstitutional in a court regardless of the constitutionality of the order.

No state agency, political subdivision, or any elected or appointed official or employee of the Commonwealth or a political subdivision thereof may implement a Presidential order that restricts a person's rights as guaranteed by the Federal or State Constitution, or that the AG has found unconstitutional.

The fiscal impact of HB 538 on local governments is undeterminable. Local government **may** have to rescind or amend local ordinances if HB 538 becomes law and the LRC, AG, or Governor takes contrary action to a Presidential Executive Order.

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 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 refers to HB 538 as introduced.

Data Source(s): LRC, Kentucky Municipal Statutory Law (2020), County Governmet in

Kentucky (2020), Kentucky League of Cities

Preparer: Wendell F. Butler Reviewer: KHC Date: 2/23/21