

honor the subpoena may result in the leader petitioning the appropriate Circuit Court to compel obedience by proceedings for contempt.

SB 115 provides guidelines for closed-session handling of potential or ongoing investigations, the handling of information and records including confidential material, and records retention.

All proceedings, records, opinions, and deliberations of the bodies shall be privileged and not subject to discovery, subpoena, or introduction as evidence in any civil action in such a way as to identify any person or case. However, evidence may be used in a civil action if discovered independently of the body proceedings.

Testimony taken in any proceeding shall be subject to all relevant privacy statutes. Additionally, the provisions of KRS 15.520 shall apply to any police officer not employed by the consolidated local government, but compelled to testify. KRS 67C.326 shall apply to any peace officer employed by a consolidated local government who is compelled to testify.

Any person represented by a recognized collective bargaining unit may have a representative of that entity present.

Any person compelled to testify is protected by the Fifth and Fourteenth Amendments and may have legal counsel present. Any compelled testimony provided by the subject of the investigation is deemed coerced in regards to self-incrimination protections. Testimony shall only be taken in closed sessions unless waived by the person or entity compelled to testify.

SB 115 will only affect Louisville / Jefferson County Metro Government as they comprise the only consolidated local government in the Commonwealth.

Both the Jefferson County Clerk's Office and the Jefferson County Attorney's Office have stated identical legislation from the 2021 session would have no fiscal impact.

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.

There will be administrative cost related to governmental body proceedings and the recording and storage of records and documents generated by the body.

The proposal is silent as to compensation for board members and appointees.

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

Part II refers to SB 115 as introduced. There are no prior versions of this bill.

Data Source(s): LRC Staff

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