# Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

### **Part I: Measure Information**

Bill Request #:						
Bill #: HB 34						
<b>Document ID #:</b> 997						
Bill Subject/Title: AN ACT relating to local regulatory actions.						
Sponsor: Representative Josie Raymond						
Mathematical						
Office(s) Impacted: Fiscal courts						
Requirement: Mandatory X Optional						
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing						

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

HB 34 at **Sections 1-5** would authorize local governments (referred to as "cities" in the bill and defined as city of the first or home rule class, charter county, unified local government, urban-county government, and consolidated local government) to:

- 1. establish a mandatory preference for awarding public construction project contracts to unions,
- 2. establish a prevailing wage rate and require that employers pay their employees the prevailing wage on public works projects that cost at least \$50,000,
- 3. adopt a minimum wage in excess of state and federal minimum wage rates,
- 4. require employers provide leave to their employees, and
- 5. enact ordinances to regulate firearms, so long as not less restrictive than state law.

**Sections 4 and 5** deletes statutory language that denotes a violation by a public servant would be violation of KRS 522.020 or KRS 522.030. Those statutes reference official misconduct in the 1<sup>st</sup> and 2<sup>nd</sup> degree and the penalties associated are a Class A misdemeanor or a Class B misdemeanor.

**Sections 6 and 7** address forcible detainer and forcible entry actions. Current law at KRS 383.219, regarding landlords and tenants, requires that a tenant have at least three days' notice of a forcible entry or forcible detainer hearing. HB 34 **Section 6** would amend KRS 383.210 to authorize a local government to establish an alternative minimum time limit for required notice to a tenant of a forcible detainer or forcible entry hearing. The clerk of the local government establishing the alternative minimum time limit would be required to send a copy of the ordinance to the county sheriff, the local district court, and to the Administrative Office of the Courts.

The provisions of HB 34 are not mandatory but are permissive and, therefore they impose no mandate on local governments. A local government that opts to take the actions authorized by HB 34 would incur costs to publish, hear, and enact enabling ordinances. These costs would include attorney fees and publishing fees. Time spent drafting an ordinance by an attorney is influenced by its complexity and the amount of research necessary. According to the Kentucky League of Cities, the median hourly rate paid city attorneys in FY 2022 was estimated at approximately \$107-\$117/hour. In 2020 the cost for publishing newspaper notices required by law, such as a proposed ordinance, ranged from \$318/column inch in the Louisville Courier-Journal and \$151/column inch in the Lexington Herald-Leader, to \$5/column inch for the Scottsville Citizen-Times.

The removal of the misdemeanor offenses, would have little impact to the county jails. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$40.11 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$40.11 per day.

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

Part II applies to HB 34 as introduced. There is no earlier version for comparison.

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Preparer: Mar	y Stephens (WB)	<b>Reviewer:</b>	KHC	Date:	2/3/23
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