

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

Part I: Measure Information

Bill Request #: 1619

Bill #: SB 190 HCS 1

Document ID #: 6346

Bill Subject/Title: AN ACT relating to city officials.

Sponsor: Senator Robby Mills

Unit of Government: **X** City **X** County **X** 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:	X	Modifies Existing	Adds New	Eliminates Existing

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

Section 1 of SB 190 HCS 1 creates a new section of KRS Chapter 12 to state that entities named in the section shall not enter into a contract, agreement, or consent decree that gives any person, agency, or authority subpoena power not specifically or explicitly allowed by Kentucky Revised Statutes. This section applies to:

- Cities;
- Counties;
- Consolidated local governments;
- Urban-county governments;
- Charter county governments;
- Unified local governments;
- Program cabinets, departments, organizational units, and administrative bodies of the Commonwealth; and
- Boards, commissions committees, and other administrative bodies created by the entities already listed.

Section 2 amends KRS 83A.030 to establish guidelines for changing the number of legislative body members in mayor-council form of government. An ordinance would need to be enacted and filed with the county clerk of any county or counties in which the city is located no later than the first Wednesday after the first Monday in November of the year preceding the year in which the legislative offices will appear on the ballot. The ordinance must be crafted so that the amended number of legislative body members becomes effective on January 1 of the year following the election to fill the amended number of seats.

Section 3 amends KRS 83A.040 to allow for a mayor or a legislative body member to resign via the official's electronic email address if it includes the official's handwritten signature. The resignation becomes official at the next regular or special meeting of the city legislative body occurring on or after the date specified in the resignation letter. If no date is specified, the resignation becomes official at the next meeting of the legislative body occurring on or after the letter's receipt.

Section 4 amends KRS 83A.045 to require that any city ordinance eliminating a nonpartisan primary or repealing an ordinance eliminating a nonpartisan primary be filed with the county clerk no later than the first Wednesday after the first Monday in November of the year preceding the year in which city elections are to be held.

Section 5 amends KRS 83A.100 to require that any city redistricting be accomplished no later than the first Wednesday after the first Monday in November of the year preceding the year in which legislative offices will appear on the ballot.

SB 190 HCS 1 is not expected to have a financial impact on county clerks. According to the Kentucky County Clerk's Association, the filing of ordinances with county clerks is a standard duty of the job and this addition is not expected to create any new financial burden. The new requirements related to redistricting nor the provisions found in **Section 1** are expected to impose any new costs.

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

Part II refers to SB 190 HCS 1 which kept all provisions of SB 190 GA 1 and added the provisions found in **Section 1** which state that listed entities cannot enter into a contract, agreement, or consent decree that gives any person, agency, or authority subpoena power not specifically or explicitly allowed by Kentucky Revised Statutes. The fiscal impact to local government is not expected to change as a result of HCS 1.

The GA version of SB 190 is the same as the bill introduced. SB 190 GA passed its chamber of origin without amendments or substitutes.

Data Source(s): LRC Staff, Kentucky County Clerk's Association

Preparer: Jacob Blevins (WB) **Reviewer:** KHC **Date:** 3/15/23