

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

**Part I: Measure Information**

**Bill Request #:** 1305

**Bill #:** SB 148/SCS 1

**Document ID #:** 4622

**Bill Subject/Title:** AN ACT relating to child care and declaring an emergency.

**Sponsor:** Senator Danny Carroll

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

Office(s) Impacted: Local government

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**

SB 148 SCS amends KRS 199.896 to specify that the Cabinet for Health and Family Services shall promulgate administrative regulations to identify emergency care providers who provide essential child-care services during an identified state of emergency. It limits the cabinet from implementing or enforcing any administrative regulation that restricts any child-care center's class or group size to be below the level in place on February 1, 2020, for a period of more than 30 days.

SB 148 SCS amends KRS 199.8982 to require that the provisions of the statute superseded all local government ordinances or regulations pertaining to the certification, licensure, and training requirements related to the operation of family child-care homes. Additionally, local governments are restricted from adopting or enforcing ordinances or regulations pertaining to additional licensure, certification, or training requirements specifically applicable to family child-care homes in addition to those provided by the statute. However, family child-care homes will not be exempt from compliance with local government ordinances and regulations that apply generally within the jurisdiction, those that would apply to all residences within the same zoning regulations.

SB 148 SCS establishes that the availability of adequate child-care as an essential business, is vital to the Commonwealth's state and local economies. As such, it requires that by January 1, 2022, local governments that have established planning and zoning boards, must specifically include family child-care homes in the text of its zoning regulations authorizing the board of adjustments to separately consider the applications of proposed family child-care homes for conditional use permits within residential zones where they are not a fully permitted use pursuant to KRS 100.237.

**The fiscal impact of this legislation is expected to be zero but possibly minimally negative for local governments who must modify or repeal current ordinances.** Localities with existing ordinances that restrict the use prohibited by this legislation, would need to amend or repeal the ordinance. Likewise, this legislation would preclude cities from using their zoning authority to restrict the location of certified family child-care homes within various residential zones. The Kentucky League of Cities (KLC) is not aware of any cities that have a business license specifically designed for certified family child-care homes or any cities that currently restrict this type of use, but if any do they would need to amend their zoning ordinance.

Modification of local ordinances will require work from their city attorney and costs associated with publication of the proposed changes. 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.

Local government would still be able to enforce applicable business licenses and any occupational license taxes (payroll, net profits, or gross receipts taxes) because they are generally applicable to all occupations and businesses. Any broad restrictions related to home density likely would still apply.

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

**The fiscal impact for SB 148 SCS 1 remains the same as the LM for SB 148 as introduced.**

The SCS deletes from the bill as introduced the new section of KRS Chapter 65.870 to 65.879 that established definitions and requirements on local government related to certified family child-care homes. The language that was created by the new KRS section from the bill as introduced is now incorporated as similar language to KRS 199.892. The SCS also now requires certain ordinances and regulations to be compliant with Section 2 (4)(c) by January 1, 2022.

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

**Preparer:** Mark Offerman **Reviewer:** KHC **Date:** 2/19/21