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

## **Part I: Measure Information**

Bill Request #: 1719						
Bill #: SB 208						
<b>Document ID #:</b> <u>3957</u>						
Bill Subject/Title: AN ACT relating to statewide mobile food units.						
Sponsor: Senator Adrienne Southworth						
Unit of Government:   X   City   X   County     M   M   M   M						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Fiscal courts; local health departments						
Requirement: <u>X</u> Mandatory Optional						
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing						

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

SB 208 would establish standards for statewide mobile food units, which are self-contained food service entities that operate from a fully enclosed vehicle. The Cabinet for Health and Family Services would be permitted to promulgate administrative regulations to address health and safety risks, but the regulations could **not** require a statewide mobile food unit to, among other things:

- operate a specific distance from an existing commercial establishment or restaurant or enter into an agreement with them;
- maintain a bond or insurance policy that names the local government as a beneficiary unless the unit is serving customers at an event sponsored by the local government or operating in a public park; or
- submit to inspections in addition to health inspections conducted by the cabinet or by a local government, unless the cabinet is investigating a reported foodborne illness.

A local government would not be allowed to prohibit a statewide mobile food unit from lawfully operating in its jurisdiction if it held a permit under the Act. The statewide mobile food unit would be required to follow all state and local laws governing operations in the jurisdiction provided the laws do not conflict with the Act.

The bill would permit a statewide mobile food unit to operate on public property or private property if the property is zoned to permit food service establishments and with the consent of the private property owner. Before operating in the local government's jurisdiction, the statewide mobile food unit must notify the local government in writing that it will be operating there.

Local governments may, among other things, restrict the operation of a noisemaking device that exceeds 75 decibels measured 23 feet from the vehicle, develop a mobile food unit metered parking pass for a fee, and restrict a statewide mobile food unit from operating in a public park. The bill also prohibits local governments from imposing certain specified restrictions on statewide mobile food units.

**SB 208 would have a minimal fiscal impact on local governments.** There would be some costs associated with changing ordinances to conform to the bill's requirements. These costs would relate to the drafting, publication, indexing, and recording of adopted ordinances, and at least every five years, the review and elimination of redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially smaller ones, retain a 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.

A local government that requires a statewide mobile food unit to pay a fee to operate in a public area would no longer be able to require such fee and would lose any revenue associated with it. The unit may not be required to pay fines associated with any local ordinance provisions currently in effect that would conflict with the bill after the bill's effective date. For instance, some fines related to proximity to a restaurant, inspections, or hours of operation could no longer be collected. In Bowling Green, these fines may be as much as \$100 to \$600, depending on whether it is a first or subsequent offense or the result of a citation. (Bowling Green ordinance)

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

Part II, above, relates to the bill as introduced.

Data Sourc	<b>te(s):</b> <u>LRC staf</u>	LRC staff; Kentucky League of Cities; BG2019-50			
Preparer:	Robert Jenkins	<b>Reviewer:</b>	KHC	Date:	3/11/21