

Auto recyclers permitted by the former Department of Highways on the effective date of the bill, but no longer subject to department oversight, would be able to continue operation on the same site for which they were permitted. Screening, site, and use restrictions imposed by the department would remain in place unless removed by a local planning and zoning body, city, or county government.

SB 113 would authorize its enforcement at the local level by the county attorney where the operation is located. The commission would retain authority to exercise general supervision of administration and enforcement of KRS 177.905-177.950.

This fiscal impact of this legislation is expected to be minimal. This legislation is permissive and thus local governments may choose, or decline, to enact ordinances, rules or regulations to regulate auto recyclers closer than 1,000 feet from the right-of-way line of a road. If they choose to do so, the local government would incur expenses to draft, publish, index and record adopted ordinances and must review them every five years. Redundant, obsolete, inconsistent, and invalid provisions must be eliminated.

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. Currently the average hourly rate is approximately \$107-\$117 an hour. 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.

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

Part II applies to SB 113 as introduced. There is no earlier version for comparison.

Data Source(s): Kentucky Revised Statutes; LRC staff; KY League of Cities

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