

FREE CONFERENCE COMMITTEE REPORT

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The Free Conference Committee on **HB 193** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted:

_____ GA X SCS _____ HCS

For the above-referenced bill, with these amendments (if applicable):

Committee (list by chamber and number): _____;

Floor (list by chamber and number): _____; and

The following Free Conference Committee action:

Beginning on page 1, after line 4, delete all language in its entirety and insert in lieu thereof the following:

"➔Section 1. The Transportation Cabinet Budget is as follows:

PART I

OPERATING BUDGET

(1) Funds Appropriations: There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2019, and ending June 30, 2020, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET

Budget Units

1 **1. GENERAL ADMINISTRATION AND SUPPORT**

	2020-21	2021-22
3 General Fund	500,000	500,000
4 Restricted Funds	2,672,100	2,676,600
5 Road Fund	85,112,100	85,493,100
6 TOTAL	88,284,200	88,669,700

7 **(1) Biennial Highway Construction Plan:** The Secretary of the Transportation Cabinet
 8 shall produce a single document that contains two separately identified sections, as follows:

9 Section 1 shall detail the enacted fiscal biennium 2020-2022 Biennial Highway
 10 Construction Program and Section 2 shall detail the 2020-2022 Highway Preconstruction
 11 Program Plan for fiscal year 2020-2021 through fiscal year 2025-2026 as identified by the 2020
 12 General Assembly. This document shall mirror in data type and format the fiscal year 2020-2026
 13 Recommended Six-Year Road Plan as submitted to the 2020 General Assembly. The document
 14 shall be published and distributed to members of the General Assembly and the public within 60
 15 days of adjournment of the 2020 Regular Session of the General Assembly.

16 **(2) Debt Service:** Included in the above Road Fund appropriation is \$7,110,100 in fiscal
 17 year 2020-2021 and \$7,105,900 in fiscal year 2021-2022 for debt service on previously
 18 authorized bonds.

19 **(3) Adopt-A-Highway Litter Program:** The Transportation Cabinet and the Energy and
 20 Environment Cabinet may receive, accept, and solicit grants, contributions of money, property,
 21 labor, or other things of value from any governmental agency, individual, nonprofit organization,
 22 or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter
 23 programs. Any contribution of this nature shall be deemed to be a contribution to a state agency
 24 for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported
 25 according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS
 26 Chapter 11A.

27 **(4) Riverport Improvements:** Included in the above General Fund appropriation is

1 \$500,000 in each fiscal year to improve public riverports within Kentucky. The Secretary of the
 2 Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board,
 3 shall determine how the funds are distributed.

4 **2. AVIATION**

	2020-21	2021-22
6 Restricted Funds	21,221,400	16,224,900
7 Federal Funds	672,000	500,000
8 Road Fund	2,797,700	1,805,600
9 TOTAL	24,691,100	18,530,500

10 **(1) Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted Funds
 11 appropriation includes operational costs of the program in each fiscal year.

12 **(2) Debt Service:** Included in the above Road Fund appropriation is \$1,831,100 in fiscal
 13 year 2020-2021 and \$837,400 in fiscal year 2021-2022 for debt service on previously authorized
 14 bonds. Notwithstanding KRS 183.525, \$1,831,100 in fiscal year 2020-2021 and \$837,400 in
 15 fiscal year 2021-2022 is transferred to the Road Fund from the Kentucky Aviation Economic
 16 Development Fund to support debt service on those bonds.

17 **3. DEBT SERVICE**

	2020-21	2021-22
19 Road Fund	147,991,400	139,139,600

20 **(1) Economic Development Road Lease-Rental Payments:** Included in the above Road
 21 Fund appropriation is \$147,891,400 in fiscal year 2020-2021 and \$139,039,600 in fiscal year
 22 2021-2022 for Economic Development Road lease-rental payments relating to projects financed
 23 by Economic Development Road Revenue Bonds previously authorized by the General
 24 Assembly and issued by the Kentucky Turnpike Authority.

25 **(2) Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no
 26 portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2),
 27 excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund

1 account during the 2020-2022 fiscal biennium.

2 **4. HIGHWAYS**

	2020-21	2021-22
4 Restricted Funds	123,458,100	150,238,300
5 Federal Funds	955,999,900	962,500,500
6 Road Fund	905,271,800	935,647,200
7 TOTAL	1,984,729,800	2,048,386,000

8 **(1) Debt Service:** Included in the above Federal Funds appropriation is \$79,468,700 in
 9 fiscal year 2020-2021 and \$79,388,200 in fiscal year 2021-2022 for debt service on Grant
 10 Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General
 11 Assembly.

12 **(2) State Supported Construction Program:** Included in the above Road Fund
 13 appropriation is \$321,391,800 in fiscal year 2020-2021 and \$350,671,500 in fiscal year 2021-
 14 2022 for the State Supported Construction Program.

15 **(3) Biennial Highway Construction Program:** Included in the State Supported
 16 Construction Program is \$184,016,300 in fiscal year 2020-2021 and \$209,071,500 in fiscal year
 17 2021-2022 from the Road Fund for state construction projects in the 2020-2022 Biennial
 18 Highway Construction Program. The fiscal year 2020-2021 appropriation includes \$68,806,900
 19 for projects in the 2020-2022 Biennial Highway Construction Program with a fund designation of
 20 "PM." The fiscal year 2021-2022 appropriation includes \$108,133,000 for projects in the 2020-
 21 2022 Biennial Highway Construction Program with a fund designation of "FED."

22 **(4) Highway Construction Contingency Account:** Included in the State Supported
 23 Construction Program is \$26,600,000 in fiscal year 2020-2021 and \$16,600,000 in fiscal year
 24 2021-2022 for the Highway Construction Contingency Account. Notwithstanding KRS
 25 45.247(2), (4), (6), (7), and (8), the Secretary shall only expend Highway Construction
 26 Contingency moneys for projects of an emergency nature, for projects that relieve a hazardous
 27 condition, or to provide the state match for unanticipated Federal Funds made available as a

1 result of other states not utilizing their total federal obligations. Notwithstanding KRS 224.43-
2 505(2)(d), included in the Highway Construction Contingency Account is \$5,000,000 in each
3 fiscal year for the Kentucky Pride Fund created in KRS 224.43-505. Also included in the
4 Highway Construction Contingency Account for Railroads is \$1,600,000 in each fiscal year for
5 public safety and service improvements which shall not be expended unless matched with non-
6 state funds equaling at least 20 percent of the total amount for any individual project.
7 Additionally, in each fiscal year, up to \$350,000 of the \$1,600,000 appropriation may be used to
8 research the merits and responsibilities of the Kentucky Rail Office in the Kentucky
9 Transportation Cabinet and establish and administer the Kentucky Rail Office.

10 **(5) 2018-2020 Biennial Highway Construction Plan:** Projects in the enacted 2018-
11 2020 Biennial Highway Construction Plan are authorized to continue their current authorization
12 into the 2020-2022 fiscal biennium. If projects in previously enacted highway construction plans
13 conflict with the 2020-2022 Biennial Highway Construction Plan, the projects in the 2020-2022
14 Biennial Highway Construction Plan shall control. The Secretary shall make every effort to
15 maintain highway program delivery by adhering to the timeframes included in the 2020-2022
16 Biennial Highway Construction Plan for those projects.

17 **(6) Kentucky Transportation Center:** Notwithstanding KRS 177.320(4), included in
18 the above Road Fund appropriation is \$290,000 in each fiscal year for the Kentucky
19 Transportation Center.

20 **(7) State Match Provisions:** The Transportation Cabinet is authorized to utilize state
21 construction moneys or Toll Credits to match federal highway moneys.

22 **(8) Federal Aid Highway Funds:** If additional federal highway moneys are made
23 available to Kentucky by the United States Congress, the funds shall be used according to the
24 following priority: (a) Any demonstration-specific or project-specific moneys shall be used on
25 the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal
26 biennium 2020-2022 Biennial Highway Construction Plan are funded. If additional federal
27 moneys remain after these priorities are met, the Transportation Cabinet may select projects from

1 the Highway Preconstruction Program.

2 **(9) Road Fund Cash Management:** The Secretary of the Transportation Cabinet may
3 continue the Cash Management Plan to address the policy of the General Assembly to
4 expeditiously initiate and complete projects in the fiscal biennium 2020-2022 Biennial Highway
5 Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and
6 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction
7 Plan by employing management techniques that maximize the Cabinet's ability to contract for
8 and effectively administer the project work. Under the approved Cash Management Plan, the
9 Secretary shall continuously ensure that the unspent project and Road Fund balances available to
10 the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations
11 provided. The Transportation Cabinet shall provide quarterly reports to the Interim Joint
12 Committee on Appropriations and Revenue when the General Assembly is not in session and the
13 Standing Committees on Appropriations and Revenue when the General Assembly is in session
14 beginning July 1, 2020.

15 **(10) Carry Forward of Appropriation Balances:** Notwithstanding KRS 45.229,
16 unexpended Road Fund appropriations in the Highways budget unit for the Construction
17 program, the Maintenance program, and the Research program in fiscal year 2019-2020 and in
18 fiscal year 2020-2021 shall not lapse but shall carry forward. Unexpended Federal Funds and
19 Restricted Funds appropriations in the Highways budget unit for the Construction program, the
20 Maintenance program, the Equipment Services program, and the Research program in fiscal year
21 2019-2020 and in fiscal year 2020-2021, up to the amount of ending cash balances and unissued
22 Highway and GARVEE Bond Funds, to include any interest income earned on those bond funds,
23 and grant balances shall not lapse but shall carry forward.

24 **(11) Federally Supported Construction Program:** Included in the above Federal Funds
25 appropriation is \$852,506,400 in fiscal year 2020-2021 and \$856,313,300 in fiscal year 2021-
26 2022 for federal construction projects.

27 **(12) Highways Maintenance:** Included in the above Highways Road Fund appropriation

1 is \$399,379,300 in fiscal year 2020-2021 and \$393,769,000 in fiscal year 2021-2022 for
2 Highways Maintenance. Highways Maintenance positions may be filled to the extent the above
3 funding level and the Highways Maintenance continuing appropriation are sufficient to support
4 those positions.

5 **(13) Delayed Projects Status Report:** The Secretary of the Transportation Cabinet shall
6 report by September 30 of each fiscal year to the Interim Joint Committee on Transportation any
7 project included in the enacted Biennial Highway Construction Plan which has been delayed
8 beyond the fiscal year for which the project was authorized. The report shall include:

- 9 (a) The county name;
- 10 (b) The Transportation Cabinet project identification number;
- 11 (c) The route where the project is located;
- 12 (d) The length of the project;
- 13 (e) A description of the project and the scope of improvement;
- 14 (f) The type of local, state, or federal funds to be used on the project;
- 15 (g) The stage of development for the design, right-of-way, utility, and
16 construction phases;
- 17 (h) The fiscal year in which each phase of the project was scheduled to commence;
- 18 (i) The estimated cost for each phase of the project;
- 19 (j) A detailed description of the circumstances leading to the delay; and
- 20 (k) The same information required in paragraphs (a) to (i) of this subsection for the
21 project or projects advanced with funds initially scheduled for the delayed project.

22 **(14) Maintenance Reentry Employment Program:** Included in the above Road Fund
23 appropriation is \$250,000 in each fiscal year to support contracting with a 501(c)(3) nonprofit
24 organization that employs individuals on probation or parole supervision to perform crew-based
25 maintenance services. These individuals will be selected with input from the Department of
26 Corrections and shall provide assistance with litter abatement, graffiti removal, and vegetation
27 control.

1 **5. JUDGMENTS**

2 (1) **Payment of Judgments:** Road Fund resources required to pay judgments shall be
 3 transferred from the State Construction Account at the time when actual payments must be
 4 disbursed from the State Treasury.

5 **6. PUBLIC TRANSPORTATION**

	2020-21	2021-22
7 General Fund	5,589,000	13,989,000
8 Restricted Funds	9,203,600	685,300
9 Federal Funds	66,287,400	25,800,200
10 TOTAL	81,080,000	40,474,500

11 (1) **Toll Credits:** The Transportation Cabinet is authorized to maximize, to the extent
 12 necessary, the use of Toll Credits to match Federal Funds for transit systems capital grants.

13 (2) **Nonpublic School Transportation:** Included in the above General Fund
 14 appropriation is \$3,500,000 in each fiscal year for nonpublic school transportation.

15 **7. REVENUE SHARING**

	2020-21	2021-22
17 Road Fund	335,267,500	341,480,300

18 (1) **County Road Aid Program:** Included in the above Road Fund appropriation is
 19 \$126,675,800 in fiscal year 2020-2021 and \$129,053,900 in fiscal year 2021-2022 for the County
 20 Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440.
 21 Notwithstanding KRS 177.320(2) and (4), the above amount has been reduced by \$38,000 in
 22 each year, which has been appropriated to the Highways budget unit for the support of the
 23 Kentucky Transportation Center.

24 (2) **Rural Secondary Program:** Included in the above Road Fund appropriation is
 25 \$153,672,400 in fiscal year 2020-2021 and \$156,557,200 in fiscal year 2021-2022 for the Rural
 26 Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360.
 27 Notwithstanding KRS 177.320(1) and (4), the above amount has been reduced by \$46,000 in

1 each year, which has been appropriated to the Highways budget unit for the support of the
 2 Kentucky Transportation Center.

3 **(3) Municipal Road Aid Program:** Included in the above Road Fund appropriation is
 4 \$53,300,700 in fiscal year 2020-2021 and \$54,301,300 in fiscal year 2021-2022 for the
 5 Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369.
 6 Notwithstanding KRS 177.320(4) and 177.365(1), the above amount has been reduced by
 7 \$16,000 in each year, which has been appropriated to the Highways budget unit for the support of
 8 the Kentucky Transportation Center.

9 **(4) Energy Recovery Road Fund:** Included in the above Road Fund appropriation is
 10 \$165,000 in fiscal year 2020-2021 and \$142,000 in fiscal year 2021-2022 for the Energy
 11 Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.978, 177.979, and
 12 177.981.

13 **(5) County Judge/Executive Expense Allowance:** Notwithstanding KRS 67.722, each
 14 County Judge/Executive not serving in a consolidated local government shall receive an annual
 15 expense allowance of \$2,400 during the 2020-2022 fiscal biennium. Payment shall be made
 16 quarterly from the Rural Secondary Program.

17 **(6) Continuation of the Flex Funds and the 80/20 Bridge Replacement Programs:**
 18 The Transportation Cabinet shall continue the Flex Funds and the 80/20 Bridge Replacement
 19 Programs within the Rural Secondary Program.

20 **8. VEHICLE REGULATION**

	2019-20	2020-21	2021-22
22 Restricted Funds	-0-	14,640,500	15,685,800
23 Federal Funds	-0-	2,640,100	3,127,100
24 Road Fund	4,265,500	46,232,900	45,483,500
25 TOTAL	4,265,500	63,513,500	64,296,400

26 **(1) Debt Service:** Included in the above Road Fund appropriation is \$800,000 in fiscal
 27 year 2020-2021 and \$1,541,000 in fiscal year 2021-2022 for debt service on previously

1 authorized bonds.

2 **(2) Regional Driver License Office:** Included in the above Road Fund appropriation in
 3 fiscal year 2021-2022 is sufficient funding to operate a regional driver license issuing office in
 4 the city of London. If established, the office shall not replace any current or proposed office.

5 **TOTAL - TRANSPORTATION CABINET**

	2019-20	2020-21	2021-22
7 General Fund	-0-	6,089,000	14,489,000
8 Restricted Funds	-0-	171,195,700	185,510,900
9 Federal Funds	-0-	1,025,599,400	991,927,800
10 Road Fund	4,265,500	1,522,673,400	1,549,049,300
11 TOTAL	4,265,500	2,725,557,500	2,740,977,000

12 **PART II**

13 **CAPITAL PROJECTS BUDGET**

14 **(1) Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the
 15 Capital Construction Fund are appropriated for the following capital projects subject to the
 16 conditions and procedures in this Act. Items listed without appropriated amounts are previously
 17 authorized for which no additional amount is required. These items are listed in order to continue
 18 their current authorization into the 2020-2022 fiscal biennium. Unless otherwise specified,
 19 reauthorized projects shall conform to the original authorization enacted by the General
 20 Assembly.

21 **(2) Expiration of Existing Line-Item Capital Construction Projects:** All
 22 appropriations to existing line-item capital construction projects expire on June 30, 2020, unless
 23 reauthorized in this Act with the following exceptions: (a) A construction contract for the project
 24 shall have been awarded by June 30, 2020; (b) Permanent financing or a short-term line of credit
 25 sufficient to cover the total authorized project scope shall have been obtained in the case of
 26 projects authorized for bonds, if the authorized project completes an initial draw on the line of
 27 credit within the biennium immediately subsequent to the original authorization; and (c) Grant or

1 loan agreements, if applicable, shall have been finalized and properly signed by all necessary
 2 parties. Notwithstanding the criteria set forth in this subsection, the disposition of 2018-2020
 3 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction
 4 Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

5 **(3) Bond Proceeds Investment Income:** Investment income earned from bond proceeds
 6 beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties
 7 and excess bond proceeds upon the completion of a bond-financed capital project shall be used to
 8 pay debt service according to the Internal Revenue Service Code and accompanying regulations.

9 **(4) Appropriations for Projects Not Line-Itemized:** Inasmuch as the identification of
 10 specific projects cannot be ascertained with absolute certainty at this time, amounts are
 11 appropriated for specific purposes to projects which are not individually identified in this Act in
 12 the following area: Aircraft Maintenance Pool. Notwithstanding any statute to the contrary,
 13 projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and
 14 over shall be reported to the Capital Projects and Bond Oversight Committee.

15 **A. TRANSPORTATION CABINET**

16 Budget Units	2019-20	2020-21	2021-22
17 1. GENERAL ADMINISTRATION AND SUPPORT			
18 001. Maintenance Pool 2020-2022			
19 Road Fund	-0-	2,950,000	2,950,000
20 002. Construct Whitley County Maintenance Facility and Salt Structure			
21 Road Fund	-0-	1,050,000	-0-
22 003. Construct Nicholas County Maintenance Facility and Salt Storage			
23 Road Fund	-0-	2,000,000	-0-
24 004. Construct Ballard County Maintenance Facility and Salt Storage Additional			
25 Reauthorization (\$1,584,000 Road Fund)			
26 Road Fund	-0-	700,000	-0-
27 005. Construct Hopkins County Maintenance Facility and Salt Storage Reauthorization			

1	(\$1,800,000 Road Fund)			
2	006. Construct Clay County District Office Reauthorization (\$7,445,000 Road Fund)			
3	007. AASHTOWare			
4	Road Fund	-0-	1,000,000	1,000,000
5	008. Construct Casey County Maintenance Facility			
6	Restricted Funds	660,000	-0-	-0-
7	Road Fund	800,000	-0-	-0-
8	TOTAL	1,460,000	-0-	-0-
9	009. District 6 District Office and Materials Lab			
10	Road Fund	-0-	1,500,000	-0-
11	010. Replace Automated Vehicle Information System (AVIS) - Additional Reauthorization			
12	(\$25,000,000 Bond Funds)			
13	Restricted Funds	-0-	-0-	4,000,000
14	2. AVIATION			
15	001. Aircraft Maintenance Pool - 2020-2022			
16	Restricted Funds	-0-	-0-	300,000
17	Investment Income	-0-	700,000	700,000
18	TOTAL	-0-	700,000	1,000,000
19	(1) Restricted Funds: Notwithstanding KRS 186.240(2) and 186.240(3), the above			
20	Restricted Funds shall be transferred to the Aircraft Maintenance Pool - 2020-2022.			
21	3. HIGHWAYS			
22	001. Repair Loadometer and Rest Areas - 2020-2022			
23	Road Fund	-0-	1,500,000	1,500,000
24	002. Road Maintenance Parks - 2020-2022			
25	Road Fund	-0-	1,250,000	1,250,000
26	003. Various Environmental Compliance - 2020-2022			
27	Road Fund	-0-	490,000	490,000

1	004. Transportation Warehouse Facility Renovation or Replacement			
2	Road Fund	-0-	1,500,000	-0-
3	005. Jefferson County - Lease			

PART III

FUNDS TRANSFER

6 The General Assembly finds that the financial condition of state government requires the
 7 following action.

8 Notwithstanding the statutes or requirements of the Restricted Funds enumerated below,
 9 there is transferred to the General Fund the following amounts in fiscal year 2020-2021 and fiscal
 10 year 2021-2022:

	2020-21	2021-22
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A. TRANSPORTATION CABINET

13	1. Aviation		
14	Agency Revenue Fund	438,400	428,800
15	(KRS 183.525(4) and (5))		
16	2. Aviation		
17	Special Revenue Fund	-0-	899,300
18	3. Vehicle Regulation		
19	Agency Revenue Fund	4,400,000	400,000
20	(KRS 186.040(6)(a))		
21	4. Vehicle Regulation		
22	Agency Revenue Fund	-0-	2,000,000
23	(KRS 186.040(6)(b))		
24	5. Vehicle Regulation		
25	Agency Revenue Fund	-0-	700,000
26	(KRS 186.240(2) and (3))		
27	6. Vehicle Regulation		

1	Agency Revenue Fund	-0-	300,000
2	(KRS 235.080, 235.085, and 235.130)		
3	TOTAL - FUNDS TRANSFER	4,838,400	4,728,100

PART IV

TRANSPORTATION CABINET BUDGET SUMMARY

OPERATING BUDGET

7		2019-20	2020-21	2021-22
8	General Fund	-0-	6,089,000	14,489,000
9	Restricted Funds	-0-	171,195,700	185,510,900
10	Federal Funds	-0-	1,025,599,400	991,927,800
11	Road Fund	4,265,500	1,522,673,400	1,549,049,300
12	SUBTOTAL	4,265,500	2,725,557,500	2,740,977,000

CAPITAL PROJECTS BUDGET

14		2019-20	2020-21	2021-22
15	Restricted Funds	660,000	-0-	4,300,000
16	Road Fund	800,000	13,940,000	7,190,000
17	Investment Income	-0-	700,000	700,000
18	SUBTOTAL	1,460,000	14,640,000	12,190,000

TOTAL - TRANSPORTATION CABINET BUDGET

20		2019-20	2020-21	2021-22
21	General Fund	-0-	6,089,000	14,489,000
22	Restricted Funds	660,000	171,195,700	189,810,900
23	Federal Funds	-0-	1,025,599,400	991,927,800
24	Road Fund	5,065,500	1,536,613,400	1,556,239,300
25	Investment Income	-0-	700,000	700,000
26	TOTAL FUNDS	5,725,500	2,740,197,500	2,753,167,000

27 ➔Section 2. The provisions of the State/Executive Branch Budget, 2021 Regular Session

1 HB 192/EN, are amended to read as follows:

2 Beginning on page 185, line 25, through page 186, line 17, delete language in its entirety
3 and insert in lieu thereof the following:

4 **"PART VII**

5 **GENERAL FUND SURPLUS EXPENDITURE PLAN**

6 (1) Notwithstanding KRS 48.130(7), 48.140(3), 48.700, and 48.705, there is established a
7 plan for the expenditure of General Fund surplus moneys pursuant to a General Fund Surplus
8 Expenditure Plan contained in this Part for fiscal years 2019-2020, 2020-2021, and 2021-2022.
9 Pursuant to the enactment of the Surplus Expenditure Plan, General Fund moneys made available
10 for the General Fund Surplus Expenditure Plan pursuant to Part III, General Provisions, Section
11 22. of this Act are appropriated to the following:

12 (a) Authorized expenditures without a sum-specific appropriation amount, known as
13 Necessary Government Expenses, including but not limited to Emergency Orders formally
14 declared by the Governor in an Executive Order;

15 (b) The entire remaining amount to the Budget Reserve Trust Fund; and

16 (c) No surplus moneys in any fiscal year shall be reserved for Necessary Government
17 Expenses in a subsequent fiscal year; and

18 (2) The Secretary of the Finance and Administration Cabinet shall determine, within 30
19 days after the close of each fiscal year, based on the official financial records of the
20 Commonwealth, the amount of actual General Fund undesignated fund balance for the General
21 Fund Surplus Account that may be available for expenditure pursuant to the Plan in fiscal year
22 2020-2021 and fiscal year 2021-2022. The Secretary of the Finance and Administration Cabinet
23 shall certify the amount of actual General Fund undesignated fund balance available for
24 expenditure to the Legislative Research Commission.""; and

25 On page 1, amend title to read, "AN ACT relating to appropriations providing financing and
26 conditions for the operations, maintenance, support, and functioning of the government of
27 the Commonwealth of Kentucky."
28

