

# FREE CONFERENCE COMMITTEE REPORT

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The Free Conference Committee on **HB 194** 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 3, delete all language in its entirety and insert in lieu thereof the following:

"➔Section 1. The Legislative Branch Budget is as follows:

## PART I OPERATING BUDGET

**Funds Appropriations:** Funds are appropriated to the Legislative Research Commission for the Legislative Branch of government out of the General Fund and Restricted Funds accounts 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, in the following discrete sums, or so much thereof as may be necessary. Each appropriation is made by the source of respective fund or funds accounts to be used for the purposes of the Legislative Branch of government of the Commonwealth of Kentucky.

	2020-21	2021-22
<b>1. General Assembly</b>		
General Fund	19,020,700	21,677,100
Restricted Funds	75,000	175,000





1 under the supervision of the Legislative Research Commission, may expend any of the funds  
2 appropriated for legislative operation and administration in any lawful manner and for any legal  
3 purpose consistent with the policies and practices of the Commission. No executive agency or  
4 statute governing the executive agencies of state government shall have the power to restrict or  
5 limit the actions of, or the expenditure of funds appropriated to, the Legislative Research  
6 Commission for the Legislative Branch of government.

7       **2. Capitol and Capitol Annex Capital Construction Expenditures:** Any expenditure  
8 authorized by the Director of the Legislative Research Commission, under the supervision of the  
9 Legislative Research Commission, relating to implementation of KRS 56.463(4)(b), or relating to  
10 the Capitol Building, and funded by previous or current appropriations to the Legislative  
11 Research Commission for the Legislative Branch of government shall not be governed by KRS  
12 7A.010, 7A.120, 45.750 to 45.810, 48.010(16), 48.020, and 48.110.

13       **3. Severability of Budget Provisions:** Appropriation items and sums in this Act  
14 conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid  
15 or unconstitutional, the decision of the courts shall not affect or impair any of the remaining  
16 sections, subsections, or provisions.

17       **4. Duplicate Appropriation:** Any appropriation item and sum in this Act and in an  
18 appropriation provision in another Act of the 2020 Regular Session and 2021 Regular Session of  
19 the General Assembly which constitutes a duplicate appropriation shall be governed by KRS  
20 48.312.

21       **5. Priority of Individual Appropriations:** KRS 48.313 shall control when a total or  
22 subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

23       **6. Appropriations Revisions:** Notwithstanding KRS 48.630(10), no revisions for  
24 unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that  
25 have not been appropriated in any enacted branch budget bill or without the express authority of  
26 the General Assembly.

27       **7. Allowance in Lieu of Stationery:** Notwithstanding KRS 6.220, in lieu of stationery,

1 there shall be allowed to each member of the House of Representatives the sum of \$250 and to  
2 each member of the Senate the sum of \$500. This allowance shall be paid out of the State  
3 Treasury at the beginning of each legislative session.

4 **8. Issuance of Employee Paychecks:** Notwithstanding 101 KAR 2:095, Section 10, the  
5 state payroll that would normally be scheduled to be paid on June 30, 2020, and June 30, 2021,  
6 shall not be issued prior to July 1, 2020, and July 1, 2021, respectively.

7 **9. Salary Adjustments:** In each fiscal year, employees of the Legislative Research  
8 Commission shall receive a salary adjustment in accordance with the salary adjustment provided  
9 to state employees in the state/executive branch budget.

10 **10. Administrative Expenses:** Pursuant to KRS 21.540, administrative expenses shall be  
11 paid out of an administrative account which shall be funded by transfers of the necessary moneys,  
12 in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.

13 **11. Employee Layoffs, Furloughs, and Reduced Hours:** Notwithstanding any statute to  
14 the contrary, the following process and procedure is established for July 1, 2020, through June  
15 30, 2022, in the event that the Legislative Research Commission (LRC) determines that it is  
16 desirable for the Director of the LRC to layoff, furlough, or reduce hours of employees:

17 (1) For the purposes of this section:

18 (a) "Appointing authority" means the Director of the LRC, in his or her capacity as  
19 provided in KRS 27A.010, or any agent whom he or she has delegated to act on his or her behalf  
20 with respect to employee appointments, position establishments, payroll documents,  
21 reemployment requests, waiver requests, requests for certification, or other position actions for  
22 the LRC;

23 (b) "Furlough" or "reduction in hours" means the temporary reduction of hours an  
24 employee is scheduled to work by the appointing authority within a pay period;

25 (c) "Layoff" means discharge of employment subject to the rights contained in this  
26 section; and

27 (d) "Employees" includes all persons employed by the LRC;

1           (2) Upon an order by the LRC, the appointing authority has the authority to layoff or  
2 furlough employees or reduce hours of employment for any of the following reasons:

- 3           (a) Lack of funds or budgetary constraints;
- 4           (b) A reduction in the agency's spending authorization;
- 5           (c) Lack of work;
- 6           (d) Abolishment of a position; or
- 7           (e) Other material change in duties or organization;

8           (3) The appointing authority shall determine the job classifications affected and the  
9 number of employees laid-off in each classification to which a layoff applies. In the same  
10 department or office and job classification, interim and probationary employees shall be laid-off  
11 before any full-time or part-time employees are laid-off. For purposes of layoff, "probationary  
12 employee" does not include an employee serving a promotional probation;

13           (4) The Director of the LRC shall approve and implement all actions taken under  
14 subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until  
15 such approval has been granted. The Director of the LRC has the authority to determine the  
16 extent, effective dates, and length of any action taken under subsection (2) of this section;

17           (5) In determining the employees to be laid-off, the appointing authority shall consider all  
18 employees under the same appointing authority and within the job classification affected.  
19 Consideration shall be given to the following relevant factors:

- 20           (a) Job performance evaluations;
- 21           (b) Seniority;
- 22           (c) Education, training, and experience; and
- 23           (d) Disciplinary record;

24           (6) Any employee whose position is subject to layoff, furlough, or reduction of hours  
25 shall be provided written notice containing the reason for the action as set forth in subsection (2)  
26 of this section at least 15 days in advance of the effective date of the action;

27           (7) Any employee who is laid-off shall be eligible to apply as a reemployment applicant

1 for positions with the same job classification in the LRC. For a period of two years, a  
2 reemployment applicant shall be hired before any applicant except another reemployment  
3 applicant with greater seniority who is on the same reemployment list. When a reemployment  
4 applicant is removed from a reemployment list, he or she shall be notified in writing. A  
5 reemployment applicant who accepts another LRC position, or who retires, shall cease to have  
6 eligibility rights as a reemployment applicant;

7 (8) The appointing authority may place employees subject to a reduction in force;

8 (9) Furloughs or reduction of hours during a pay period shall not result in the loss of  
9 eligibility for any benefit otherwise due the employee;

10 (10) The appointing authority shall have the authority to promulgate comprehensive  
11 administrative regulations governing this section; and

12 (11) A layoff, furlough, or reduction of hours implemented in accordance with this section  
13 shall not be considered a penalization of the employee.

14 **12. Employer Retirement Contributions:** Notwithstanding any provisions of KRS  
15 61.565 or 61.702 to the contrary, the actuarially accrued liability employer contribution rate from  
16 July 1, 2021, through June 30, 2022, for nonhazardous employees in the Legislative Branch  
17 departments shall be paid in installments as determined by the Director of the Legislative  
18 Research Commission. In addition to these installments, the normal cost contribution of 10.10  
19 percent shall be applied to creditable compensation. The installments and rates in this section  
20 apply to wages and salaries earned for work performed during the described period regardless of  
21 when the employee is paid for the time worked.

## 22 **PART III**

### 23 **BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN**

24 The Legislative Branch shall participate in any Budget Reduction Plan or Surplus  
25 Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the  
26 constitutional duties of the Legislative Branch shall be exempt from any Budget Reduction Plan.  
27 The level of participation in a Budget Reduction Plan shall be at the discretion of the Director

1 and shall not exceed the actual percentage of revenue shortfall."  
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**Senate Members**

**House Members**

Robert Stivers \_\_\_\_\_

David P. Givens \_\_\_\_\_

Julie Raque Adams \_\_\_\_\_

Damon Thayer \_\_\_\_\_

Christian McDaniel \_\_\_\_\_

Mike Wilson \_\_\_\_\_

Reginald Thomas \_\_\_\_\_

Robin L. Webb \_\_\_\_\_

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Steven Rudy \_\_\_\_\_

David P. Givens \_\_\_\_\_

Suzanne Miles \_\_\_\_\_

Brandon Reed \_\_\_\_\_

Chad McCoy \_\_\_\_\_

Jason Petrie \_\_\_\_\_

David Osbourne \_\_\_\_\_

Joni Jenkins \_\_\_\_\_

Derrick Graham \_\_\_\_\_

Angie Hatton \_\_\_\_\_

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The above-named members, in separate votes by house, all concur in the provisions of this report.

DATE \_\_\_\_\_

For Clerk's Use:  
Adopted: \_\_\_\_\_  
Repassage Vote: \_\_\_\_\_