

exemption because they don't operate for more than 7 months of the year; most of the other listed city-owned establishments would qualify for the exemption under the average receipts provision of the bill. However, most cities already take advantage of this exemption under the federal FLSA. SB 35 GA would just codify a current federal FLSA provision into Kentucky statutes, resulting in no impact for cities. It is likely the impact would be the same for Kentucky counties.

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

The local government impact for SB 35 GA is the same as for SB 35 as introduced. SB 35 as introduced would amend KRS 337.010 to exclude from the definition of "employee" an employee of an amusement or recreational establishment that met the criteria described in Part II, thereby exempting those workers from the requirement that "employees" receive time and ½ for overtime. SB 35 GA achieves the same goal without changing the definition of "employee." The GA version deleted all the original language and would not change the definition of the term "employee," but would instead insert the same criteria provision (facility not open more than 7 months in a year or receipts for 6 months not more than 1/3 of receipts for the other 6 months of the year) as new subparagraph (f) in KRS 337.285.

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

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 1/31/18