

1 AN ACT preventing double compensation of educators serving as legislators.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 6.764 is amended to read as follows:

4 (1) A legislator shall not accept any appointment as an officer or employee of the  
5 Commonwealth or any state agency except as provided in subsection (3) of this  
6 section and in Section 165 of the Constitution unless he shall have first resigned his  
7 membership in the General Assembly, and it shall be unlawful for the State  
8 Treasurer to pay any salary by reason of the appointment until the resignation has  
9 been received by the presiding officer of the house of which he or she is a member.  
10 Violation of this subsection is ethical misconduct.

11 (2) A legislator shall not accept any appointment or serve as a member of the governing  
12 body of any special purpose governmental entity as defined in KRS 65A.010 which  
13 has the statutory authority to levy taxes or to set rates unless he or she shall have  
14 first resigned his membership in the General Assembly. Violation of this provision  
15 is ethical misconduct.

16 (3) Notwithstanding the provisions of subsection (1) of this section, a legislator may  
17 serve on the faculty or staff of any of the state universities or community colleges or  
18 as an employee of a local public school board without resigning his or her  
19 membership in the General Assembly. **However, no legislator who serves on the**  
20 **faculty or staff of any state university, community college, or as an employee of a**  
21 **local public school board shall be paid by the state university, community college,**  
22 **or local public school board any sum of money equivalent to all or a portion of**  
23 **his or her salary to cover a leave of absence taken to perform any task associated**  
24 **with elected membership to the General Assembly.**

25 ➔Section 2. KRS 161.770 is amended to read as follows:

26 (1) Upon written request of a teacher or superintendent, a board of education may grant  
27 a leave of absence for a period of not more than two (2) consecutive school years

1 for educational or professional purposes, and shall grant such leave where illness,  
2 maternity, adoption of a child or children, or other disability is the reason for the  
3 request. Upon subsequent request, such leave may be renewed by the board. A  
4 board of education may pay a sum of money equivalent to all or any portion of  
5 salary to a teacher or superintendent who has been granted leave for educational or  
6 professional purposes if the person taking said leave agrees in writing to return to  
7 employment with the board for no less than two (2) years. **However, no board of**  
8 **education shall pay any sum of money equivalent to all or a portion of salary to a**  
9 **teacher, superintendent, or any other board of education employee who takes a**  
10 **leave of absence to perform any task associated with elected membership to the**  
11 **General Assembly.**

12 (2) Without request, a board of education may grant leave of absence and renewals  
13 thereof to any teacher or superintendent because of physical or mental disability, but  
14 such teacher or superintendent shall have the right to a hearing and appeal on such  
15 unrequested leave of absence or its renewal in accordance with the provisions for  
16 hearing and appeal in KRS 161.790.

17 (3) Any action taken under subsection (1) or (2) of this section shall not violate the  
18 Americans with Disabilities Act of 1990, the Health Insurance Portability and  
19 Accountability Act of 1996, or any other applicable federal law. A board of  
20 education:

21 (a) May only request medical information necessary to decide whether to grant a  
22 leave of absence;

23 (b) Shall not request or retain unnecessary medical information; and

24 (c) Shall not disclose any medical information received, except as permitted by  
25 state and federal law.

26 (4) Upon the return to service of a teacher or superintendent at the expiration of a leave  
27 of absence, he shall resume the contract status which he held prior to such leave.

1 (5) Payments to any teacher or superintendent under this section by a local district are  
2 intended and presumed to be for and in consideration of services rendered and for  
3 the benefit of the common schools and such payments do not affect the eligibility of  
4 any school district to share in the distribution of funds from the public school funds  
5 as established in KRS Chapter 157.

6 →Section 3. KRS 164.337 is amended to read as follows:

7 Notwithstanding the provisions of any statute to the contrary, a legislator may be an  
8 employee of any of the state universities or community colleges without resigning his  
9 membership in the General Assembly. However, no employee of a state university or  
10 community college shall be paid any sum of money equivalent to all or a portion of his  
11 or her salary as compensation to cover a leave of absence taken to perform any task  
12 associated with elected membership to the General Assembly.