

1 AN ACT relating to harassment.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 6.601 TO 6.849 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section, "complaint" means a written allegation of sexual*
6 *harassment.*

7 *(2) The commission shall have jurisdiction to investigate and proceed upon receipt of*
8 *a complaint regarding sexual harassment, allegedly committed by:*

9 *(a) A legislator;*

10 *(b) An employee of the legislative branch of state government; or*

11 *(c) A legislative agent.*

12 *(3) The commission or its designee shall determine within thirty (30) days after the*
13 *complaint has been filed whether there is probable cause to believe the*
14 *respondent has engaged in sexual harassment. If it is determined that there is no*
15 *probable cause to believe that the respondent has engaged in sexual harassment,*
16 *the commission shall issue an order dismissing the complaint and shall furnish a*
17 *copy of the order to the complainant and the respondent.*

18 *(4) The complainant, within ten (10) days after receiving a copy of the order*
19 *dismissing the complaint, may file with the commission an application for*
20 *reconsideration of the order. Upon receiving a reconsideration application, the*
21 *commission or its designee shall make a new determination within ten (10) days*
22 *whether there is probable cause to believe that the respondent has engaged in*
23 *sexual harassment. If it is determined that there is no probable cause to believe*
24 *that the respondent has engaged in an unlawful practice, the commission shall*
25 *issue an order dismissing the complaint and furnishing a copy of the order to the*
26 *complainant and the respondent.*

27 *(5) If the commission or its designee determines, after investigation, or if the*

1 commission or its designee determines after the review provided for in subsection
2 (5) of this section, that there is probable cause to believe that the respondent has
3 engaged in an unlawful practice, the commission or its designee shall endeavor
4 to eliminate the alleged sexual harassment by conference, conciliation, and
5 persuasion. The terms of a conciliation agreement reached with a respondent
6 may require him or her to refrain from the commission of sexual harassment in
7 the future and make any further provisions as may be agreed upon between the
8 commission or its designee and the respondent. If a conciliation agreement is
9 entered into, the commission shall issue and serve on the complainant an order
10 stating its terms. A copy of the order shall be delivered to the respondent, and any
11 other public officers and persons that the commission deems proper. Neither the
12 commission nor any officer or employee thereof shall make public, without the
13 written consent of the complainant and the respondent, information concerning
14 efforts in a particular case to eliminate sexual harassment by conference,
15 conciliation, or persuasion whether or not there is a determination of probable
16 cause or a conciliation agreement.

17 (6) At the expiration of one (1) year from the date of a conciliation agreement, and at
18 other times in its reasonable discretion, the commission staff may investigate
19 whether the terms of the agreement have been and are being complied with by the
20 respondent. Upon a finding that the terms of the agreement are not being
21 complied with by the respondent, the commission shall take whatever action it
22 deems appropriate to ensure compliance, including making a finding that the
23 respondent is guilty of official misconduct.

24 (7) At any time after a complaint is filed, the commission may file an action in the
25 Circuit Court in a county in which the subject of the complaint occurs, or in a
26 county in which a respondent resides or has his or her principal place of
27 business, seeking appropriate temporary relief against the respondent, pending

1 final determination of proceedings including an order or decree restraining him
 2 or her from doing or procuring any act tending to render ineffectual any order
 3 the commission may enter with respect to the complaint. The court shall have
 4 power to grant temporary relief or a restraining order as it deems just and proper.

5 (8) A legislator or employee of the legislative branch of state government shall not
 6 subject to reprisal any person who files a legislative ethics complaint under this
 7 section or use or threaten to use authority or influence that would discourage or
 8 interfere with any complaint made to the commission under this section.

9 (9) Nothing in this section shall preclude the complainant from pursuing other
 10 methods of addressing alleged incidents of sexual harassment.

11 (10) No money appropriated by the General Assembly shall be used in resolving any
 12 complaint filed under this section.

13 ➔SECTION 2. A NEW SECTION OF KRS 6.601 TO 6.849 IS CREATED TO
 14 READ AS FOLLOWS:

15 (1) A legislator, employee of the legislative branch of state government, legislative
 16 agent, or any other person who interacts with legislators or employees of the
 17 legislative branch of state government on state property, or on official state
 18 business, shall not intentionally engage in sexual harassment of any employee of
 19 the legislative branch of state government.

20 (2) No legislator, employee of the legislative branch of state government, legislative
 21 agent, or any other person who interacts with legislators or employees of the
 22 legislative branch of state government on state property, or on official state
 23 business, shall enter into any agreement or settlement concerning a complaint of
 24 sexual harassment except as provided in this chapter.

25 (3) Violation of this section is official misconduct.

26 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO
 27 READ AS FOLLOWS:

- 1 (1) A task force on sexual harassment in the legislative branch is established and
2 shall consist of:
- 3 (a) A representative of the Kentucky Association of Sexual Assault Programs;
4 (b) A representative of the Legislative Ethics Commission;
5 (c) Two (2) representatives of the House of Representatives, one (1) appointed
6 by the Speaker of the House and one (1) appointed by the Minority Leader
7 of the House of Representatives;
8 (d) Two (2) representatives of the Senate, one (1) appointed by the President of
9 the Senate and one (1) appointed by the Minority Leader of the Senate;
10 (e) The secretary of the Personnel Cabinet, or his or her designee;
11 (f) A representative from the Kentucky Human Rights Commission;
12 (g) The director of the Legislative Research Commission; and
13 (h) The Attorney General, or his or her designee.
- 14 (2) The task force shall be co-chaired by the director of the Legislative Research
15 Commission and the Attorney General, or his or her designee, and shall convene
16 on or before September 1, 2018.
- 17 (3) The task force shall develop a climate survey to be issued to partisan and
18 nonpartisan employees, legislative agents under KRS 6.601 to 6.849, and
19 contractors of the Commission with the goal of determining the prevalence and
20 perceptions of sexual harassment in the legislative branch. The role of the task
21 force in implementing the climate survey shall include:
- 22 (a) Designing the survey questions and mode of implementation;
23 (b) Determining the manner of conducting the survey; and
24 (c) Any other necessary role determined by the task force.
- 25 (4) The survey shall be:
- 26 (a) Fully anonymous and shall not include any personally identifiable
27 information;

- 1 (b) Developed using best practices from peer-reviewed research measuring
2 sexual violence and harassment;
- 3 (c) Designed to gather information about:
- 4 1. The incidence and prevalence of sexual harassment;
5 2. Employees' knowledge of institutional policies and procedures;
6 3. a. Whether victims have reported harassment in the past, and if so,
7 to whom they reported, what response they received, and whether
8 they were informed of or referred to local, state, or national
9 resources for assistance; and
10 b. Any contextual factors of the reported harassment, such as
11 whether force, incapacitation, coercion, or retaliation was
12 involved; and
13 4. Demographic factors that could be used to identify at-risk groups; and
- 14 (d) Developed no more than ninety (90) days after the task force is first
15 convened.
- 16 (5) The Commission shall ensure that an adequate, random, and representative
17 sample of partisan and nonpartisan staff completes the climate survey no later
18 than ninety (90) days after the task force has developed the final survey.
- 19 (6) The task force shall analyze the sexual harassment data from the climate survey
20 and shall publish a report based on the data from the survey, their deliberations,
21 and any hearings they may conduct.
- 22 (7) The report shall be submitted to the Commission and the Attorney General by
23 September 1, 2019.
- 24 (8) Following the submission of the report, the task force shall convene to determine
25 future steps. These steps may include:
- 26 (a) Revising and modifying the original climate survey as the task force deems
27 necessary;

1 (b) Determining that a similar survey shall be implemented repeatedly, at an
 2 interval to be determined by the task force;

3 (c) Making recommendations for interventions to reduce the likelihood of
 4 sexual harassment based on the results of the survey; and

5 (d) Any additional steps deemed necessary by the task force.

6 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO
 7 READ AS FOLLOWS:

8 (1) As used in this section, "sexual harassment":

9 (a) Means any unwelcome sexual advance, request for sexual favors, or other
 10 verbal or physical conduct or communication of a sexual nature if:

11 1. Submission to the advances, requests, conduct, or communication is
 12 an explicit or implicit term or condition of obtaining or retaining
 13 employment;

14 2. Submission to or rejection of the advances, requests, conduct, or
 15 communication affects decisions concerning an employee's
 16 employment; or

17 3. The conduct or communication has the purpose or effect of
 18 unreasonably interfering with the employee's ability to perform his or
 19 her job functions or of creating a hostile work environment; and

20 (b) Includes the following conduct:

21 1. Unwanted sexual contact or conduct of any kind, including sexual
 22 flirtations, touching, advances, actions, or propositions;

23 2. Verbal communication of a sexual nature, including lewd comments,
 24 sexual jokes or references, or offensive personal references;

25 3. Demeaning, insulting, intimidating, or sexually suggestive comments
 26 or behavior directed at an individual or in the presence of any
 27 individual in a public or private setting;

- 1 4. The display in the workplace of demeaning, insulting, intimidating, or
2 sexually suggestive objects, pictures, or photographs; and
- 3 5. Demeaning, insulting, intimidating, or sexually suggestive written,
4 recorded, or electronically transmitted messages.
- 5 (2) The Commission shall appoint a Commission employee to receive complaints of
6 workplace sexual harassment. The appointee may receive a complaint in any
7 form, including a confidential telephone hotline which shall be established by the
8 Commission.
- 9 (3) The Commission shall ensure that the telephone number for the telephone
10 hotline is available to employees of the legislative branch of state government by
11 multiple methods, including:
- 12 (a) Printing the telephone hotline number on posters to be placed on bulletin
13 boards or other prominent locations in any building where staff of the
14 legislative branch of state government are stationed, including the Capitol
15 Building and the Capitol Annex;
- 16 (b) Printing the telephone hotline number in any employment manual printed
17 by the Legislative Research Commission for use by employees of the
18 legislative branch of state government;
- 19 (c) Informing employees of the legislative branch of state government of the
20 existence of the telephone hotline number through periodic electronic mail
21 messages; and
- 22 (d) Placing the telephone hotline number on the staff Web page for the
23 Legislative Research Commission.
- 24 (4) The telephone hotline shall be operational twenty-four (24) hours a day seven (7)
25 days a week. The Commission shall provide staff for the telephone hotline during
26 regular business hours and provide for a recorded line to receive messages at all
27 other times. If a recorded message is received, telephone hotline staff shall make

1 telephone or electronic mail contact with the complainant on the first business
 2 day after receipt of the message to confirm receipt and details of the complaint,
 3 and then immediately forward the complaint to the appointee designated by the
 4 Commission to receive sexual harassment complaints. Staff answering the
 5 telephone hotline shall keep all information received confidential.

6 (5) Within ten (10) working days of receipt of a complaint, the appointee shall
 7 preliminarily investigate the allegations made in the complaint and discuss his or
 8 her findings and any proposed solution with the complainant. During the
 9 discussion, the appointee shall provide the complainant with:

10 (a) Written options of how to proceed by:

11 1. Considering the complaint resolved;

12 2. Requesting mediation by the appointee; or

13 2. Filing a formal complaint with the Legislative Ethics Commission
 14 under Section 1 of this Act; and

15 (b) Referral to the Kentucky Employee Assistance Program established under
 16 KRS Chapter 18A or assistance in obtaining counseling from private health
 17 professionals of their choice for matters related to the complaints.

18 (6) Nothing in this section shall preclude an employee of the Commission from
 19 pursuing other methods of addressing alleged incidents of workplace sexual
 20 harassment, including filing a complaint under Section 1 of this Act.

21 (7) No solution reached under subsection (5) of this section shall involve payment of
 22 money budgeted by the General Assembly.

23 (8) The Commission shall provide in-person sexual harassment training, including
 24 the procedures for reporting sexual harassment, to all employees of the
 25 Commission including interns.

26 ➔Section 5. KRS 6.611 is amended to read as follows:

27 As used in this code, unless the context requires otherwise:

- 1 (1) "Adversarial proceeding" means a proceeding in which decisions are made based
2 upon evidence presented as measured against established standards, with parties
3 having the right to appeal the decision on the record to a court;
- 4 (2) (a) "Anything of value" includes the following:
- 5 1. A pecuniary item, including money, or a bank bill or note;
 - 6 2. A promissory note, bill of exchange, order, draft, warrant, check, or
7 bond given for the payment of money;
 - 8 3. A contract, agreement, promise, or other obligation for an advance,
9 conveyance, forgiveness of indebtedness, deposit, distribution, loan,
10 payment, gift, pledge, or transfer of money;
 - 11 4. A stock, bond, note, or other investment interest in an entity;
 - 12 5. A receipt given for the payment of money or other property;
 - 13 6. A right in action;
 - 14 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or
15 chattel;
 - 16 8. A loan or forgiveness of indebtedness;
 - 17 9. A work of art, antique, or collectible;
 - 18 10. An automobile or other means of personal transportation;
 - 19 11. Real property or an interest in real property, including title to realty; a
20 fee simple or partial interest, present or future, contingent or vested,
21 within realty; a leasehold interest; or other beneficial interest in realty;
 - 22 12. A rebate or discount in the price of anything of value unless the rebate or
23 discount is made in the ordinary course of business to a member of the
24 public without regard to that person's status as a legislator;
 - 25 13. A promise or offer of employment; or
 - 26 14. Any other thing of value that is pecuniary or compensatory in value to a
27 person, or the primary significance of which is economic gain.

- 1 (b) "Anything of value" does not include:
- 2 1. A campaign contribution properly received and reported, if reportable,
3 as required under KRS Chapter 121;
- 4 2. Compensation, food, beverages, entertainment, transportation, lodging,
5 or other goods or services extended to a legislator by the legislator's
6 private employer or by a person other than a legislative agent or
7 employer;
- 8 3. A usual and customary commercial loan made in the ordinary course of
9 business, without regard to the recipient's status as a legislator, and by a
10 person or institution authorized by law to engage in the business of
11 making loans;
- 12 4. A certificate, plaque, or commemorative token of less than one hundred
13 fifty dollars (\$150) value;
- 14 5. Promotional items of less than fifty dollars (\$50);
- 15 6. Educational items;
- 16 7. Informational items;
- 17 8. The cost of attendance or participation, and of food and beverages
18 consumed, at events:
- 19 a. To which all members of the Kentucky Senate or the Kentucky
20 House of Representatives, or both, are invited;
- 21 b. To which all members of a joint committee or task force of the
22 Kentucky Senate and the Kentucky House of Representatives are
23 invited;
- 24 c. To which a caucus of legislators approved as a caucus by the
25 Legislative Research Commission is invited;
- 26 d. Sponsored or coordinated by a state or local government entity,
27 including a state institution of higher education, provided that the

- 1 cost thereof is covered by the state or local government entity or
2 state institution of higher education; or
- 3 e. To which an individual legislator is invited that are held in-state,
4 and for which the legislator receives prior approval from a
5 majority of the Legislative Research Commission;
- 6 9. Gifts from a person related by blood or marriage or a member of the
7 legislator's household;
- 8 10. A gift that:
- 9 a. Is not used; and
- 10 b. No later than thirty (30) days after receipt, is returned to the donor
11 or delivered to a charitable organization and is not claimed as a
12 charitable contribution for federal income tax purposes;
- 13 11. The cost, paid, reimbursed, raised, or obtained by the Legislative
14 Research Commission, for attendance or participation, and for food and
15 beverages consumed at, and funds, goods, and services provided for
16 conducting events sponsored or coordinated by multistate or national
17 organizations of, or including, state governments, state legislatures, or
18 state legislators if the attendance and expenditures are approved in
19 advance by the Legislative Research Commission;
- 20 12. The cost of attendance or participation provided by the sponsoring
21 entity, of lodging, and of food and beverages consumed, at in-state
22 events sponsored by or in conjunction with a civic, charitable,
23 governmental, trade association, or community organization;
- 24 13. A gift or gifts from one member of the General Assembly to another
25 member of the General Assembly;
- 26 14. Anything for which the recipient pays or gives full value; or
- 27 15. Any service spontaneously extended to a legislator in an emergency

1 situation;

2 (3) "Associated," if used with reference to an organization, includes an organization in
3 which an individual or a member of the individual's family is a director, officer,
4 fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, an interest
5 of ten thousand dollars (\$10,000) or more, or an interest of five percent (5%) or
6 more of the outstanding equity;

7 (4) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise,
8 franchise, association, organization, self-employed individual, holding company,
9 joint stock company, receivership, trust, professional service corporation, or any
10 legal entity through which business is conducted for profit;

11 (5) "Business associate" includes the following:

12 (a) A private employer;

13 (b) A general or limited partnership, or a general or limited partner within the
14 partnership;

15 (c) A corporation that is family-owned or in which all shares of stock are closely
16 held, and the shareholders, owners, and officers of such a corporation;

17 (d) A corporation in which the legislator or other person subject to this code has
18 an investment interest, owns, or has a beneficial interest in shares of stock
19 which constitute more than:

20 1. Five percent (5%) of the value of the corporation; or

21 2. Ten thousand dollars (\$10,000) at fair market value;

22 (e) A corporation, business association, or other business entity in which the
23 legislator or other person subject to this code serves as an agent or a
24 compensated representative;

25 (6) "Candidate" means an individual who seeks nomination or election to the General
26 Assembly. An individual is a candidate when the individual:

27 (a) Files a notification and declaration for nomination for office with the

1 Secretary of State; or

2 (b) Is nominated for office by his or her party under KRS 118.105, 118.115,
3 118.325, or 118.760;

4 (7) "Charitable organization" means an organization described in 26 U.S.C. Sec. 170(c)
5 as it currently exists or as it may be amended;

6 (8) "Child" means the unemancipated minor daughter, son, stepdaughter, or stepson;

7 (9) "Commission" means the Kentucky Legislative Ethics Commission;

8 (10) (a) "Compensation" means:

- 9 1. An advance, salary, conveyance, forgiveness of indebtedness, deposit,
10 distribution, loan, payment, gift, pledge, or transfer of money; or
- 11 2. A contract, agreement, promise, or other obligation for an advance,
12 conveyance, forgiveness of indebtedness, deposit, distribution, loan,
13 payment, gift, pledge, or transfer of money for services rendered or to be
14 rendered.

15 (b) "Compensation" does not include reimbursement of expenses if:

- 16 1. The reimbursement is equal to, or less than, the amount paid for the
17 expenses;
- 18 2. Expense records are itemized; and
- 19 3. No portion of the reimbursed expense is used to give anything of value
20 to a legislator, candidate, or the spouse of a legislator or candidate;

21 (11) "Economic interest" means an interest distinct from that of the general public in a
22 state purchase, sale, lease, contract, option, or other transaction or arrangement
23 involving property or services in which a legislator may gain an economic benefit of
24 fifty dollars (\$50) or more;

25 (12) "Employer" means any person who engages a legislative agent and in the case of a
26 business other than a sole proprietorship or self-employed individual, it means the
27 business entity, and not an individual officer, director, or employee thereof, except

1 when an officer, director, or employee makes an expenditure for which he or she is
2 reimbursed by the business entity;

3 (13) "Engage" means to make any arrangement, and "engagement" means any
4 arrangement, by which an individual is employed or retained for compensation to
5 act for or on behalf of an employer to lobby;

6 (14) "Ethical misconduct" means any violation of the Kentucky Code of Legislative
7 Ethics;

8 (15) (a) "Expenditure" means any of the following that is made to, at the request of,
9 for the benefit of, or on behalf of any member of the General Assembly, the
10 Governor, the secretary of a cabinet listed in KRS 12.250, or any member of
11 the staff of any of those officials:

- 12 1. A payment, distribution, loan, advance, deposit, reimbursement, or gift
13 of money, real estate, or anything of value, including, but not limited to,
14 food and beverages, entertainment, lodging, transportation, or honoraria;
- 15 2. A contract, promise, or agreement, to make an expenditure; or
- 16 3. The purchase, sale, or gift of services or any other thing of value.

17 (b) "Expenditure" does not include a contribution, gift, or grant to a foundation or
18 other charitable organization that is exempt from federal income taxation
19 under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not
20 include the purchase, sale, or gift of services or any other thing of value that is
21 available to the general public on the same terms as it is available to the
22 persons listed in this subsection;

23 (16) "Family member" means a person:

24 (a) Who is the spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-
25 law, daughter-in-law, grandparent, or grandchild of an individual; or

26 (b) Who is a member of the individual's household, and is dependent upon the
27 individual;

- 1 (17) "Filer" means an individual who is required to file a statement of financial interests
2 pursuant to KRS 6.781;
- 3 (18) (a) "Financial transaction" means a transaction or activity that is conducted or
4 undertaken for profit and arises from the joint ownership, ownership, or part
5 ownership in common of any real or personal property or any commercial or
6 business enterprise of whatever form or nature between the following:
- 7 1. A legislative agent, his or her employer, or a member of the immediate
8 family of the legislative agent or his or her employer; and
 - 9 2. Any member of the General Assembly, the Governor, the secretary of a
10 cabinet listed in KRS 12.250, or any member of the staff of any of the
11 officials listed in this subparagraph.
- 12 (b) "Financial transaction" does not include any transaction or activity:
- 13 1. Described in paragraph (a) of this subsection if it is available to the
14 general public on the same or similar terms and conditions; or
 - 15 2. Made or let after public notice and competitive bidding or contracts that
16 are available on similar terms to other members of the general public.
- 17 (19) "Former legislator" means a person who previously held a position as a legislator
18 and who no longer holds that position;
- 19 (20) "Immediate family" means an unemancipated child residing in an individual's
20 household, a spouse of an individual, or a person claimed by the individual as a
21 dependent for tax purposes;
- 22 (21) "In-state" means within the borders of Kentucky or outside Kentucky in a county
23 that is contiguous with the border of Kentucky;
- 24 (22) "Legislation" means bills, resolutions, amendments, nominations, administrative
25 regulations, and any other matter pending before the General Assembly or any of its
26 interim or statutory committees, or the executive approval or veto of any bill acted
27 upon by the General Assembly;

- 1 (23) (a) "Legislative agent" means any individual who is engaged:
- 2 1. during at least a portion of his or her time to lobby as one (1) of his or
- 3 her official responsibilities; or
- 4 2. In lobbying activities as a legislative liaison of an association, coalition,
- 5 or public interest entity formed for the purpose of promoting or
- 6 otherwise influencing legislation.
- 7 (b) "Legislative agent" does not include:
- 8 1. Any person who limits his or her lobbying activities to appearing before
- 9 public meetings of legislative committees, subcommittees, or task
- 10 forces, or public hearings or meetings of public agencies;
- 11 2. A private citizen who receives no compensation for lobbying and who
- 12 expresses a personal opinion; or
- 13 3. A public servant acting in his or her fiduciary capacity as a
- 14 representative of his or her agency, college, university, or city, county,
- 15 urban-county, consolidated local government, unified local government,
- 16 or charter county government, except persons engaged by a de jure
- 17 municipal corporation, such as the Kentucky Lottery Corporation or the
- 18 Kentucky Housing Corporation, institutions of higher education, or local
- 19 governments, whose primary responsibility during sessions of the
- 20 General Assembly is to lobby;
- 21 (24) "Legislative interest" means a substantial economic interest, distinct from that of the
- 22 general public, in one (1) or more legislative matters;
- 23 (25) "Legislative matter" means any bill, resolution, nomination, or other issue or
- 24 proposal pending before the General Assembly or any interim committee,
- 25 committee, subcommittee, task force, or commission of the General Assembly;
- 26 (26) "Legislator" means a member or member-elect of the General Assembly;
- 27 (27) (a) "Lobby" means to promote, advocate, or oppose the passage, modification,

1 defeat, or executive approval or veto of any legislation by direct
2 communication with any member of the General Assembly, the Governor, the
3 secretary of any cabinet listed in KRS 12.250, or any member of the staff of
4 any of the officials listed in this paragraph.

5 (b) "Lobbying" does not include:

- 6 1. Appearances before public meetings of the committees, subcommittees,
7 task forces, and interim committees of the General Assembly;
- 8 2. News, editorial, and advertising statements published in newspapers,
9 journals, or magazines, or broadcast over radio or television;
- 10 3. The gathering and furnishing of information and news by bona fide
11 reporters, correspondents, or news bureaus to news media described in
12 paragraph (b)2. of this subsection;
- 13 4. Publications primarily designed for, and distributed to, members of bona
14 fide associations or charitable or fraternal nonprofit corporations;
- 15 5. Professional services in drafting bills or resolutions, preparing
16 arguments on these bills or resolutions, or in advising clients and
17 rendering opinions as to the construction and the effect of proposed or
18 pending legislation, if the services are not otherwise connected with
19 lobbying; or
- 20 6. The action of any person not engaged by an employer who has a direct
21 interest in legislation, if the person, acting under Section 1 of the
22 Kentucky Constitution, assembles together with other persons for their
23 common good, petitions any official listed in this subsection for the
24 redress of grievances, or other proper purposes;

25 (28) **"Official misconduct" means any of the crimes described in KRS 522.020;**

26 **(29)** "Person" means an individual, proprietorship, firm, partnership, joint venture, joint
27 stock company, syndicate, business, trust, estate, company, corporation, association,

1 club, committee, organization, or group of persons acting in concert;

2 ~~(30)~~~~(29)~~ "Public servant" means an elected or appointed officer or employee of a
3 federal or state agency; state institution of higher education; or a city, county, urban-
4 county, or charter county government;

5 ~~(31)~~~~(30)~~ "Sexual harassment":

6 (a) Means any unwelcome sexual advance, request for sexual favors, or other
7 verbal or physical conduct or communication of a sexual nature if:

8 1. Submission to the advances, requests, conduct, or communication is
9 an explicit or implicit term or condition of obtaining or retaining
10 employment;

11 2. Submission to or rejection of the advances, requests, conduct, or
12 communication affects decisions concerning an employee's
13 employment; or

14 3. The conduct or communication has the purpose or effect of
15 unreasonably interfering with the employee's ability to perform his or
16 her job functions or of creating a hostile work environment; and

17 (b) Includes the following conduct:

18 1. Unwanted sexual contact or conduct of any kind, including sexual
19 flirtations, touching, advances, actions, or propositions;

20 2. Verbal communication of a sexual nature, including lewd comments,
21 sexual jokes or references, or offensive personal references;

22 3. Demeaning, insulting, intimidating, or sexually suggestive comments
23 or behavior directed at an individual or in the presence of any
24 individual in a public or private setting;

25 4. The display in the workplace of demeaning, insulting, intimidating, or
26 sexually suggestive objects, pictures, or photographs; or

27 5. Demeaning, insulting, intimidating, or sexually suggestive written,

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recorded, or electronically transmitted messages;

(32) "State agency" means any department, office, commission, board, or authority within the executive department, and includes state-supported universities and colleges but does not include local boards of education; and

(33)~~(34)~~ "Through others" means a scheme, artifice, or mechanism, the sole purpose of which is to accomplish by indirect means, using third parties, results which would be unlawful under this code if accomplished directly between a legislator or candidate and another person or entity.