

1 AN ACT relating to government ethics.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section:*

6 *(a) "Lobbyist" means a person who is a "legislative agent" pursuant to KRS*
7 *6.611 or an "executive agency lobbyist" pursuant to KRS 11A.201;*

8 *(b) "Public agency" means:*

9 *1. Every state office, department, officer, bureau, board, commission,*
10 *and authority;*

11 *2. Every legislative board, commission, committee, and officer; and*

12 *3. Every county and city governing body, council, school district board,*
13 *special district board, municipal corporation, or any board*
14 *department, committee, subcommittee, ad hoc committee, council, or*
15 *agency thereof; and*

16 *(c) "Public funds" has the same meaning as in KRS 65A.010 and 446.010,*
17 *except that it does not apply to the portion of those funds that are derived*
18 *from federal funds.*

19 *(2) A public agency shall not spend any public funds to:*

20 *(a) Employ or contract with an individual required to register as a lobbyist; or*

21 *(b) Pay a nonprofit association or organization to engage in lobbying activities*
22 *that:*

23 *1. Primarily represents one (1) or more public agencies; and*

24 *2. Hires or contracts with an individual who is required to register as a*
25 *lobbyist.*

26 *(3) (a) If a public agency engages in an activity prohibited by subsection (2) of this*
27 *section, a taxpayer or resident of the area served by the public agency may*

1 file an action for appropriate injunctive relief against the public agency to
 2 prevent further activity prohibited by subsection (2) of this section or the
 3 disbursement of any appropriated public funds for activities prohibited by
 4 subsection (2) of this section.

5 (b) If a taxpayer or resident prevails in an action filed pursuant to this
 6 subsection, the taxpayer or resident is entitled to recover from the public
 7 agency reasonable attorney's fees and costs incurred in bringing the action.

8 ➔Section 2. KRS 11A.020 is amended to read as follows:

- 9 (1) No public servant, by himself or herself or through others, shall knowingly:
- 10 (a) 1. Use or attempt to use his or her influence in any matter which involves
 11 a substantial conflict between his or her personal or private interest and
 12 his or her duties in the public interest.~~;~~
- 13 2. Use or attempt to use his or her influence in any matter which would
 14 be under the purview of the legislative branch of state government. A
 15 public servant may respond to requests for information or provide
 16 information or opinions about legislative matters affecting the agency
 17 to which he or she is employed;
- 18 (b) Use or attempt to use any means to influence a public agency in derogation of
 19 the state at large;
- 20 (c) Use his or her official position or office to obtain financial gain for himself,
 21 or herself, or any members of the public servant's family; or
- 22 (d) Use or attempt to use his or her official position to secure or create privileges,
 23 exemptions, advantages, or treatment for himself, or herself, or others in
 24 derogation of the public interest at large.
- 25 (2) If a public servant appears before a state agency, he or she shall avoid all conduct
 26 which might in any way lead members of the general public to conclude that he or
 27 she is using his or her official position to further his or her professional or private

1 interest.

2 (3) When a public servant abstains from action on an official decision in which he or
3 she has or may have a personal or private interest, he or she shall disclose that fact
4 in writing to his or her superior, who shall cause the decision on these matters to be
5 made by an impartial third party.

6 (4) The prohibitions imposed by subsection (1)(c) of this section shall not apply to
7 Professional Golfers' Association class A members who teach golf lessons and
8 receive a fee or lesson charge at golf courses owned and operated by the Kentucky
9 Department of Parks. Instruction provided by an employee of the Commonwealth
10 shall only be given while the employee is on his or her own personal time. The
11 commissioner of the Department of Parks shall promulgate administrative
12 regulations to establish guidelines for the process by which Professional Golfers'
13 Association class A members are approved to teach golf lessons at Kentucky
14 Department of Parks-owned golf courses. The exception granted by this subsection
15 is in recognition of the benefits that will accrue to the Kentucky Department of
16 Parks due to increased participation at state-owned golf courses.