

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2020 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **SB 90**

On page 1, line 8, after "principles held by" and before "any medical practitioner" insert "any Legislative Research Commission employee, leadership staff, security personnel, doorkeeper, state park employee, or Kentucky state trooper providing assistance in the Kentucky State Capitol, Capitol Annex, or Annex grounds during any and all legislative sessions or interim committee meetings of the Kentucky General Assembly,"; and

On page 3, line 20, delete "and"; and

On page 3, line 22, after "remunerate" replace ":" with "⋮"; and

On page 3, between lines 22 and 23, insert:

"(10) "Public servant" means any Legislative Research Commission employee, leadership staff, security personnel, doorkeeper, state park employee, or Kentucky state trooper providing assistance in the Kentucky State Capitol, Capitol Annex, or Annex grounds during any and all legislative sessions or interim committee meetings of the Kentucky General Assembly; and

"(11) "Legislative activity" means participation, regardless of form, in a meeting, gathering, hearing, discussion, drafting activity, or policy discussion of any subject matter during a regular legislative session, special legislative session, or legislative interim."; and

On page 3, line 27, after "conscience." add "A public servant shall have the right not to participate in any legislative activity which violates his or her conscience."; and

Amendment No. SFA 3

Rep. Sen. Morgan McGarvey

Committee Amendment \_\_\_\_\_

Floor Amendment \_\_\_\_\_

Adopted: \_\_\_\_\_

Rejected: \_\_\_\_\_

Signed: \_\_\_\_\_

LRC Drafter: \_\_\_\_\_

Date: \_\_\_\_\_

Doc. ID: XXXX

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On page 4, line 3, after "service." add "A public servant shall not be liable civilly, criminally, or administratively for expressing his or her viewpoint or conviction about a legislative activity and exercising his or her right of conscience with respect to providing support for such a legislative activity."

On page 4, line 6, after "conscience." add "A public servant shall not be subject to discrimination in any manner as a result of his or her decision to decline to participate in a legislative activity on the basis of conscience."; and

On page 4, between lines 16 and 17, insert:

"(6) Nothing in Sections 1 to 4 of this Act shall be construed to require any public servant to participate in any legislative activity because the legislative activity has been designated an emergency."; and

On page 5, between lines 11 and 12, insert:

"(3) No public servant shall be discriminated against because he or she:

(a) Provided, caused to be provided, or is about to provide to his or her employer, the Attorney General, any agency of the Commonwealth charged with protecting citizens of the Commonwealth from unlawful viewpoint or religious discrimination when he or she declines to participate in legislative activity due to conscience, the United States Office of Civil Rights, or any other federal agency charged with protecting citizens from unlawful discrimination with information relating to any violation based on failure to participate in a legislative activity due to conscience;

(b) Testified or is about to testify in a proceeding concerning a violation; or

(c) Assisted, participated, or is about to assist or participate in proceedings discussing legislative activity.

(4) No public servant shall be discriminated against because, on the basis of conscience, she or he discloses information she or he reasonably believes evinces gross legislative

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*mismanagement, gross legislative waste of funds, or abuse of legislative authority.*"; and

On page 5, line 14, insert "*(L)*" before "*Any*"; and

On page 5, line 14, delete "*person*" and insert "*medical practitioner or healthcare institution*"; and

On page 5, between lines 23 and 24, insert:

*"(2) Any public servant injured by a violation of Sections 1 to 4 of this Act shall have a civil cause of action in the Circuit Court of appropriate jurisdiction to enjoin further violations, to recover the actual damages sustained, and to recover the costs of the lawsuit and to provide any other appropriate relief, which may include reinstatement of an unelected public servant to his or her previous position. If a violation is found to have occurred, the court's order or judgment shall include a reasonable fee for the plaintiff's attorney of record. Any additional burden or expense on another public servant arising from the exercise of the right of conscience shall not be a defense to any violation of Sections 1 to 4 of this Act."*; and

On page 5, line 24 after "Medical" add "and Public Service".