

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2021 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 1/GA**

On page 5, line 8, after the word "during", insert the words "or related to"; and

On page 5, line 8, after the word "39F", insert the words "or to enforce the limitations in KRS Chapter 39A"; and

On page 5, after line 10, insert the following:

(6) Any executive order or other exercise of the powers enumerated in this chapter relating to an emergency under this chapter shall:

(a) Be narrowly tailored to meet the exigencies of the emergency;

(b) Be no broader or burdensome than is necessary to meet the exigencies of the emergency or immediate threat of an emergency;

(c) Not be under-inclusive;

(d) Be issued in response to an actual emergency or immediate threat of an emergency;

(e) Give due regard in its scope and duration for the impact upon the Commonwealth of Kentucky and its citizens; and

(f) Be in effect no longer than is necessary to meet the exigency giving rise to the emergency.

(7) In the event any person, including the Attorney General, brings an action for declaratory or injunctive relief to enforce this section, which may be brought in the county in which

Amendment No. _____

Rep. Rep. Savannah Maddox

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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he or she resides, or in which he or she suffered the injury, the burden of proof shall be on the government official defending the order to prove, by clear and convincing evidence:

(a) The existence of an emergency;

(b) The need for the emergency order issued;

(c) The narrow tailoring of the emergency order;

(d) That the emergency order was no broader than necessary to meet the exigencies of the emergency;

(e) That the emergency order is not under inclusive;

(f) That due regard was given for the impact on the Commonwealth in the emergency order on the public at large, public safety, and the long term economic impact on the Commonwealth and its citizens; and

(g) That the emergency order was or is in effect no longer than is necessary to meet the exigency giving rise to the emergency."; and

On page 19, delete Section 10 in its entirety and insert in lieu thereof the following:

"➔Section 10. If any section, subsection, or any provision of this Act is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions of this Act. The General Assembly specifically states its intention that it would have enacted the Act, or any section or subsection of this Act, without the severed part. The General Assembly specifically states its intention that it would enact the time limitations contained in Section 3 of this Act, including, without limitation, the fifteen (15) day limitation on declarations of emergencies and the prohibition against renewals of emergencies, for the same or similar circumstances, irrespective of whether or not the General Assembly or local legislative body could extend, limit, or terminate them."