

1 AN ACT relating to legislative ethics.

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) A legislator or legislative agent shall not engage in discrimination against or*
6 *sexual harassment of any legislator, legislative agent, or employee of the*
7 *legislative branch of state government.*

8 *(2) Violation of this section by a legislator or legislative agent is ethical misconduct.*

9 *(3) A copy of a complaint of discrimination or sexual harassment filed by an*
10 *employee of the legislative branch of state government against a legislator or*
11 *legislative agent shall be transmitted by the executive director of the commission*
12 *or his or her designee to the chief human resources officer of the Legislative*
13 *Research Commission no later than one (1) business day after receipt of the*
14 *complaint.*

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

17 *As used in Sections 1 and 2 of this Act:*

18 *(1) "Discrimination" means any direct or indirect act or practice of exclusion,*
19 *distinction, restriction, segregation, limitation, refusal, denial, or any other act or*
20 *practice of differentiation or preference in treatment of any person, or the aiding,*
21 *abetting, inciting, coercing, or compelling of such an act or practice, that is*
22 *unlawful under KRS Chapter 344, Title VII of the Civil Rights Act of 1964, or*
23 *state or federal case law, or enforced in policy or regulation by the federal Equal*
24 *Employment Opportunity Commission or the Kentucky Commission on Human*
25 *Rights; and*

26 *(2) (a) "Sexual harassment" means any sexual advance, request for sexual favors,*
27 *or other verbal or physical conduct or communication of a sexual nature if:*

- 1 1. Submission to the advances, requests, conduct, or communication is
2 an explicit or implicit term or condition of obtaining or retaining
3 employment;
- 4 2. Submission to or rejection of the advances, requests, conduct, or
5 communication affects decisions concerning a person's employment;
- 6 3. The conduct or communication has the purpose or effect of
7 unreasonably interfering with a person's ability to perform his or her
8 job functions or of creating a hostile work environment; or
- 9 4. The conduct or communication is sexual harassment as described in
10 KRS Chapter 344, Title VII of the Civil Rights Act of 1964, or state
11 federal case law, or enforced in policy or regulation by the federal
12 Equal Employment Opportunity Commission or the Kentucky
13 Commission on Human Rights.
- 14 (b) "Sexual harassment" includes such conduct or communication as:
 - 15 1. Unwanted sexual contact or conduct of any kind, including sexual
16 flirtations, touching, advances, actions, propositions, intercourse, or
17 assault;
 - 18 2. Unwelcome verbal communication of a sexual nature, including lewd
19 comments or innuendo, sexual jokes or references, or offensive
20 personal references;
 - 21 3. Sexually demeaning, insulting, intimidating, or suggestive comments
22 or behavior directed at a person or in the presence of any person in a
23 public or private setting;
 - 24 4. The display in the workplace of sexually demeaning, insulting,
25 intimidating, or suggestive objects, pictures, or photographs;
 - 26 5. Sexually demeaning, insulting, intimidating, or suggestive written,
27 recorded, or electronically transmitted messages; or

1 6. Other sexual conduct or communication not specifically described but
2 which is substantially similar to the conduct or communication
3 described in this subsection.

4 (c) A single incident described in this subsection may constitute sexual
5 harassment, if it is linked to an employment benefit or is severe.

6 ➔Section 3. KRS 6.807 is amended to read as follows:

7 (1) Each legislative agent and employer, within seven (7) days following engagement
8 of a legislative agent, shall file with the commission an initial registration statement
9 listing the following:

10 (a) The name, business address and telephone number, and occupation of the
11 legislative agent;

12 (b) The name, brief description of the nature of the business, nature and identity
13 of the organized association, coalition, or public interest entity, business
14 address and telephone number of the employer, and the real party in interest
15 on whose behalf the legislative agent is lobbying, if it is different from the
16 employer. For the purposes of this section, if a trade association or other
17 charitable or fraternal organization that is exempt from federal income
18 taxation under Section 501(c) of the Internal Revenue Code is the employer,
19 the statement shall not list the names and addresses of each member of the
20 association or organization, if the association or organization itself is listed;

21 (c) The name, bill number, or a brief description of the legislative action for
22 which the legislative agent is or will be engaged in lobbying on behalf of their
23 employer or as a representative of the organized association, coalition, or
24 public interest entity;

25 (d) The date on which the legislative agent was engaged; and

26 (e) Certification by the employer and legislative agent that the information
27 contained in the registration statement is complete and accurate.

- 1 (2) The registration shall be valid through the next thirty-first day of December of an
2 odd-numbered year, unless previously terminated.
- 3 (3) (a) In addition to the initial registration statement required by subsection (1) of
4 this section, each legislative agent and employer shall file an updated
5 registration statement with the commission to be received by the commission,
6 not later than 4 p.m. on the fifteenth day of January, February, March, April,
7 May, and September of each year, for the period since the end of the period
8 covered by the previous report until the last day of the month preceding the
9 filing date. The commission may grant a reasonable extension of time for
10 filing the updated registration statement for good cause shown.
- 11 (b) The updated registration statement shall confirm the continuing existence of
12 each engagement described in an initial registration statement, and list the
13 specific bills or resolutions on which the agent lobbied under that engagement
14 during the period covered by the updated statement. Any statement of
15 expenditures required to be filed by KRS 6.821 and any details of financial
16 transactions required to be filed by KRS 6.824 shall be filed with the updated
17 registration statement.
- 18 (4) If a legislative agent is engaged by more than one employer, the agent shall file a
19 separate initial and updated registration statement for each engagement. If an
20 employer engages more than one (1) legislative agent, the employer shall file only
21 one (1) updated registration statement under subsection (3) of this section, which
22 shall contain the information required by subsection (3) of this section regarding all
23 legislative agents engaged by the employer.
- 24 (5) (a) A change in any information required by subsection (1)(a), (b), or (c) of this
25 section shall be reflected in the next updated registration statement filed under
26 subsection (3) of this section.
- 27 (b) Within thirty (30) days after the termination of an engagement, the legislative

1 agent who was employed under the engagement shall file written notice of the
2 termination with the commission.

3 (c) If the termination of a legislative agent leaves an employer without the
4 engagement of any legislative agents, within thirty (30) days after the
5 termination, the employer shall file written notice with the commission of its
6 intent to terminate its current registration.

7 (6) Upon registration pursuant to subsection (1) of this section, the ~~legislative agent~~
8 ~~shall be issued a card by the~~ commission **shall issue an electronic notification to**
9 **the legislative agent**, showing that the legislative agent is registered. The
10 registration ~~card~~ shall be valid from the date of its issuance through the next
11 thirty-first day of December of an odd-numbered year.

12 (7) Any legislative agent or employer who fails to file the initial registration statement
13 or updated registration statement, or who fails to remedy a deficiency in any filing
14 in a timely manner, may be fined by the commission an amount not to exceed one
15 hundred dollars (\$100) per day, up to a maximum total fine of one thousand dollars
16 (\$1,000) without the necessity of a complaint being filed, notwithstanding KRS
17 6.686(1)(a), but only after notice has been given to the alleged violator of the intent
18 of the commission to impose a fine, including the amount of the fine, and an
19 opportunity has been afforded the alleged violator to appear before the commission
20 or otherwise offer evidence as he **or she** may choose in mitigation of the imposition
21 of the fine.

22 (8) Any legislative agent or employer who intentionally fails to register shall be guilty
23 of a Class D felony.

24 ➔Section 4. KRS 6.811 is amended to read as follows:

25 (1) A legislative agent or employer shall not knowingly fail to register, as required
26 under KRS 6.807.

27 (2) A legislative agent or employer shall not knowingly fail to keep a receipt or

- 1 maintain a record which KRS 6.821 requires the person to keep or maintain.
- 2 (3) A person shall not knowingly fail to file a statement that KRS 6.807, 6.821, or
3 6.824 requires the person to file.
- 4 (4) A legislative agent or employer shall not knowingly offer, give, or agree to give
5 anything of value to a legislator, a candidate, or the spouse or child of a legislator or
6 candidate.
- 7 (5) A legislative agent shall not serve as a campaign treasurer, and shall not directly
8 solicit, control, or deliver a campaign contribution, for a candidate or legislator.
- 9 (6) A legislative agent shall not make a campaign contribution to a legislator, a
10 candidate, or his or her campaign committee.
- 11 (7) During a regular session of the General Assembly, an employer of a legislative
12 agent shall not make a campaign contribution to a legislator, candidate, campaign
13 committee for a legislator or candidate, or caucus campaign committee. This
14 subsection shall not apply to:
- 15 (a) Candidates for the General Assembly in a special election held during a
16 regular session of the General Assembly; or
- 17 (b) A member of the General Assembly who is a candidate, as defined in KRS
18 121.015, contemporaneously seeking election for a statewide office.
- 19 (8) An employer shall not knowingly employ, appoint, or retain a serving legislator or
20 former legislator as a legislative agent until at least two (2) years have elapsed from
21 the date on which he or she vacated his or her office.
- 22 (9) No person shall engage any person to lobby in exchange for compensation that is
23 contingent in any way upon the passage, modification, or defeat of any legislation.
24 No person shall accept any engagement to lobby in exchange for compensation that
25 is contingent in any way upon the passage, modification, or defeat of any
26 legislation. Violation of this provision is a Class D felony.
- 27 (10) A legislative agent or other lobbyist shall not go upon the floor of either house of

1 the General Assembly while the house is in session, except upon invitation of that
2 house. Violation of this provision is a Class B misdemeanor.

3 (11) If any legislative agent or employer violates any provision in subsections (4) to (8)
4 of this section, he or she shall for the first violation be guilty of ethical misconduct.
5 For the second and each subsequent violation, he or she shall be guilty of a Class D
6 felony.