

1 AN ACT relating to the administration of payroll systems and declaring an
2 emergency.

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

4 ➔Section 1. KRS 336.180 is amended to read as follows:

5 As used in this chapter, unless the context requires otherwise:

6 *(1) The term "candidate" means any person who has received contributions or made*
7 *expenditures, has appointed a campaign treasurer, or has given his or her*
8 *consent for any other person to receive contributions or make expenditures with a*
9 *view to bringing about his or her nomination or election to public office, except*
10 *federal office;*

11 *(2) The term "committee" includes the following:*

12 *(a) "Campaign committee," which means one (1) or more persons who receive*
13 *contributions and make expenditures to support or oppose one (1) or more*
14 *specific candidates or slates of candidates for nomination or election to any*
15 *state, county, city, or district office, but does not include an entity*
16 *established solely by a candidate which is managed solely by a candidate*
17 *and a campaign treasurer and whose name is generic in nature, such as*
18 *"Friends of (the candidate)," and does not reflect that other persons have*
19 *structured themselves as a committee, designated officers of the committee,*
20 *and assigned responsibilities and duties to each officer with the purpose of*
21 *managing a campaign to support or oppose a candidate in an election;*

22 *(b) "Caucus campaign committee," which means members of any caucus*
23 *groups who receive contributions and make expenditures to support or*
24 *oppose one (1) or more specific candidates or slates of candidates for*
25 *nomination or election to any state, county, city, or district office, or a*
26 *committee in Kentucky or in any other state. Caucus campaign committees*
27 *include, but are not limited to:*

- 1 1. The House Democratic caucus campaign committee;
2 2. The House Republican caucus campaign committee;
3 3. The Senate Democratic caucus campaign committee;
4 4. The Senate Republican caucus campaign committee; and
5 5. Subdivisions of the state executive committee of a minor political
6 party, which serve the same function as the above-named committees,
7 as determined by administrative regulations promulgated by the
8 Kentucky Registry of Election Finance;
9 (c) "Political issues committee," which means three (3) or more persons
10 joining together to advocate or oppose a constitutional amendment or ballot
11 measure if that committee receives or expends money in excess of one
12 thousand dollars (\$1,000);
13 (d) "Permanent committee," which means a group of individuals, including an
14 association, committee, or organization, other than a campaign committee,
15 political issues committee, inaugural committee, caucus campaign
16 committee, or a party executive committee, which is established as, or
17 intended to be, a permanent organization having as a primary purpose
18 expressly advocating the election or defeat of one (1) or more clearly
19 identified candidates, slates of candidates, or political parties, which
20 functions on a regular basis throughout the year;
21 (e) An executive committee of a political party; and
22 (f) "Inaugural committee," which means one (1) or more persons who receive
23 contributions and make expenditures in support of inauguration activities
24 for any candidate or slate of candidates elected to any state, county, city, or
25 district office;
26 (3) The term "contributing organization" means a group which merely contributes
27 to candidates, slates of candidates, campaign committees, caucus campaign

1 committees, or executive committees from time to time from funds derived solely
2 from within the group, and which does not solicit or receive funds from sources
3 outside the group itself;

4 (4) The term "contribution" means any:

5 (a) Payment, distribution, loan, deposit, or gift of money or other thing of
6 value, to a candidate, his or her agent, a slate of candidates, its authorized
7 agent, a committee, or contributing organization but shall not include a
8 loan of money by any financial institution doing business in Kentucky made
9 in accordance with applicable banking laws and regulations and in the
10 ordinary course of business. As used in this subsection, "loan" shall
11 include a guarantee, endorsement, or other form of security where the risk
12 of nonpayment rests with the surety, guarantor, or endorser, as well as with
13 a committee, contributing organization, candidate, slate of candidates, or
14 other primary obligor. No person shall become liable as surety, endorser, or
15 guarantor for any sum in any one (1) election which, when combined with
16 all other contributions the individual makes to a candidate, his or her agent,
17 a slate of candidates, its agent, a committee, or a contributing organization,
18 exceeds the contribution limits provided in KRS 121.150;

19 (b) Payment by any person other than the candidate, his or her authorized
20 treasurer, a slate of candidates, its authorized treasurer, a committee, or a
21 contributing organization, of compensation for the personal services of
22 another person which are rendered to a candidate, slate of candidates,
23 committee, or contributing organization, or for inauguration activities;

24 (c) Goods, advertising, or services with a value of more than one hundred
25 dollars (\$100) in the aggregate in any one (1) election which are furnished
26 to a candidate, slate of candidates, committee, or contributing organization
27 or for inauguration activities without charge, or at a rate which is less than

1 the rate normally charged for the goods or services; or

2 (d) Payment by any person other than a candidate, his or her authorized
3 treasurer, a slate of candidates, its authorized treasurer, a committee, or
4 contributing organization for any goods or services with a value of more
5 than one hundred dollars (\$100) in the aggregate in any one (1) election
6 which are utilized by a candidate, slate of candidates, committee, or
7 contributing organization, or for inauguration activities;

8 (5) The term "election" means any primary, regular, or special election. Each
9 primary, regular, or special election shall be considered a separate election;

10 (6) The term "electioneering communications" means:

11 (a) Any communication broadcast by television or radio, printed in a newspaper
12 or on a billboard, directly mailed or delivered by hand to personal
13 residences, or in telephone calls made to personal residences, or otherwise
14 distributed that:

15 1. Unambiguously refers to any candidate for any state, county, city, or
16 district office, or to any ballot measure;

17 2. Is broadcast, printed, mailed, delivered, made, or distributed within
18 thirty (30) days before a primary election or sixty (60) days before a
19 general election; and

20 3. Is broadcast to, printed in a newspaper, distributed to, mailed to or
21 delivered by hand to, in telephone calls made to, or otherwise
22 distributed to an audience that includes members of the electorate for
23 such public office or the electorate associated with the ballot
24 containing the ballot measure.

25 (b) The term "electioneering communications" does not include:

26 1. Any news articles, editorial endorsements, opinions or commentary,
27 writings, or letters to the editor printed in a newspaper, magazine, or

- 1 other periodical not owned by or controlled by a candidate, committee,
 2 or political party;
- 3 2. Any editorial endorsements or opinions aired by a broadcast facility
 4 not owned or controlled by a candidate, committee, or political party;
- 5 3. Any communication by persons made in the regular course and scope
 6 of their business or any communication made by a membership
 7 organization solely to members of such an organization and their
 8 families;
- 9 4. Any communication that refers to any candidate only as part of the
 10 popular name of a bill or statute; or
- 11 5. A communication that constitutes a contribution or independent
 12 expenditure as defined in this section;

13 ~~[(1) The term "labor organization" means any organization of any kind, or any agency~~
 14 ~~or employee representation committee, association or union which exists for the~~
 15 ~~purpose, in whole or in part, of dealing with employers concerning wages, rates of~~
 16 ~~pay, hours of employment or conditions of work, or other forms of compensation;]~~

17 ~~(Z) [(2)]~~ The term "employer" means all persons, firms, associations, corporations,
 18 public employers, public school employers, and public colleges, universities,
 19 institutions, and education agencies; ~~[and]~~

20 (8) The term "fundraiser" means an individual who directly solicits and secures
 21 contributions on behalf of a candidate or slate of candidates for a statewide-
 22 elected state office, or an office in a jurisdiction with a population in excess of
 23 two hundred thousand (200,000) residents;

24 (9) The term "independent expenditure" means the expenditure of money or other
 25 things of value for a communication which expressly advocates the election or
 26 defeat of a clearly identified candidate or slate of candidates, and which is made
 27 without any coordination, consultation, or cooperation with any candidate, slate

1 of candidates, campaign committee, or any authorized person acting on behalf of
 2 any of them, and which is not made in concert with, or at the request or
 3 suggestion of any candidate, slate of candidates, campaign committee, or any
 4 authorized person acting on behalf of any of them;

5 (10) The term "labor organization" means any organization of any kind, or any
 6 agency or employee representation committee, association or union which exists
 7 for the purpose, in whole or in part, of dealing with employers concerning wages,
 8 rates of pay, hours of employment or conditions of work, or other forms of
 9 compensation;

10 ~~[(3) The term "public employee" means an employee of a "public agency" as that term~~
 11 ~~is defined in KRS 61.870(1).]~~

12 (11) The term "political activities" means any contribution or independent
 13 expenditure made:

14 (a) To any committee;

15 (b) To any contributing organization;

16 (c) To any candidate;

17 (d) To any slate of candidates;

18 (e) To any fundraiser;

19 (f) For any electioneering communications;

20 (g) For any testimonial affair;

21 (h) In any manner intended to influence the outcome of any election;

22 (i) In any manner intended to otherwise promote or support the defeat of any:

23 1. Candidate;

24 2. Slate of candidates; or

25 3. Ballot measure; or

26 (j) In any manner intended to advance any position held by any person or
 27 entity other than the public employee regarding any:

- 1 1. Election;
- 2 2. Candidate;
- 3 3. Slate of candidates; or
- 4 4. Ballot measure;

5 (12) The term "public employee" means an employee of a "public agency" as that
 6 term is defined in KRS 61.870;

7 (13) The term "slate of candidates" means:

8 (a) Between the time a certificate or petition of nomination has been filed for a
 9 candidate for the office of Governor under KRS 118.365 and the time the
 10 candidate designates a running mate for the office of Lieutenant Governor
 11 under KRS 118.126, a slate of candidates consists of the candidate for the
 12 office of Governor; and

13 (b) After that candidate has designated a running mate under KRS 118.126,
 14 that same slate of candidates consists of that same candidate for the office
 15 of Governor and the candidate's running mate for the office of Lieutenant
 16 Governor. Unless the context requires otherwise, any provision of law that
 17 applies to a candidate shall also apply to a slate of candidates; and

18 (14) The term "testimonial affair" means an affair held in honor of a person who
 19 holds or who is or was a candidate for nomination or election to a state, city,
 20 county, or district political office designed to raise funds for the purpose of
 21 influencing the outcome of an election, otherwise promoting support for, or the
 22 defeat of, any candidate, slate of candidates, or ballot measure.

23 ➔Section 2. KRS 336.134 is amended to read as follows:

24 (1) It is unlawful for any public employer to deduct from the wages, earnings, or
 25 compensation of any public employee for:

26 (a) Any dues, fees, assessments, or other charges to be held for, transferred to,
 27 or paid over to a labor organization, unless the public employee has first

1 presented, and the public employer has received, a signed written
 2 authorization of such deductions; or

3 (b) Political activities.

4 (2) A public employee may revoke the written authorization described in subsection
 5 (1) of this section at any time by providing the public employer with written notice
 6 of his or her revocation

7 ~~[A public employer or a labor organization representing public employees shall not~~
 8 ~~deduct membership dues of an employee organization, association, or union from the~~
 9 ~~wages, earnings, or compensation of a public employee without the express written~~
 10 ~~consent of the public employee. This consent shall be made prior to any deductions being~~
 11 ~~made and may be revoked by the public employee at any time by written notice to the~~
 12 ~~employer].~~

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
 14 READ AS FOLLOWS:

15 No public employer shall assist, directly or indirectly, any labor organization, person,
 16 or other legal entity with the collection of dues, fees, assessments, payments, or other
 17 charges, or personal information related to them, if any of the funds are to be used for
 18 political activities.

19 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
 20 READ AS FOLLOWS:

21 Sections 1, 2, and 3 of this Act shall not apply to any deductions from a public
 22 employee's wages, compensation, or earnings, authorized by state or federal law or by
 23 the public employer, and made by the public employer's public employer in accordance
 24 with any joint wage agreement or collective bargaining contracts entered into, opted
 25 into, renewed, or extended prior to the effective date of this Act. However, any joint
 26 wage agreements or collective bargaining contracts entered into, opted into, renewed,
 27 or extended after the effective date of this Act, as well as any deductions made to a

1 public employee's wages, compensation, or earnings made in accordance with those
2 joint wage agreements or collective bargaining contracts or otherwise made after the
3 effective date of this Act, shall comply with Sections 2 and 3 of this Act.

4 ➔Section 5. KRS 336.990 is amended to read as follows:

- 5 (1) Upon proof that any person employed by the Education and Labor Cabinet as a
6 labor inspector has taken any part in any strike, lockout or similar labor dispute, the
7 person shall forfeit his or her office.
- 8 (2) The following civil penalties shall be imposed, in accordance with the provisions in
9 KRS 336.985, for violations of the provisions of this chapter:
- 10 (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be
11 assessed a civil penalty of not less than one hundred dollars (\$100) nor more
12 than one thousand dollars (\$1,000);
- 13 (b) Any corporation, association, organization, or person that violates KRS
14 336.190 and 336.200 shall be assessed a civil penalty of not less than one
15 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
16 offense. Each act of violation, and each day during which such an agreement
17 remains in effect, shall constitute a separate offense;
- 18 (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a
19 civil penalty of not less than one hundred dollars (\$100) nor more than one
20 thousand dollars (\$1,000) for each violation; ~~and~~
- 21 (d) Any labor organization who violates KRS 336.135 shall be assessed a civil
22 penalty of not less than one hundred dollars (\$100) nor more than one
23 thousand dollars (\$1,000) for each offense; and
- 24 (e) Any public employer or labor organization who violates Sections 2, 3, or 4
25 of this Act shall be assessed a civil penalty of not less than one hundred
26 dollars (\$100) nor more than one thousand dollars (\$1,000) for each
27 offense.

1 (3) Any labor organization, employer, or other person who directly or indirectly
2 violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.

3 (4) Any person aggrieved as a result of any violation or threatened violation of KRS
4 336.130(3) may seek abatement of the violation or threatened violation by
5 petitioning a court of competent jurisdiction for injunctive relief and shall be
6 entitled to costs and reasonable attorney fees if he or she prevails in the action.

7 (5) Any person injured as a result of any violation or threatened violation of KRS
8 336.130(3) may recover all damages resulting from the violation or threatened
9 violation and shall be entitled to costs and reasonable attorney fees if he or she
10 prevails in the action.

11 ➔Section 6. Whereas the Commonwealth has a compelling and immediate
12 interest in avoiding the appearance that public resources are being used to support
13 partisan political activity, an emergency is declared to exist, and this Act takes effect
14 upon passage and approval by the Governor, or upon its otherwise becoming law.