

1 AN ACT relating to prohibited uses of tax dollars.

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

3 ➔Section 1. KRS 65.013 is amended to read as follows:

4 (1) Local, state, and federal tax dollars shall not be used to advocate, in partial terms,
5 for or against any public question that appears on the ballot, *to lobby as defined in*
6 *KRS 6.611, or to participate in any executive agency lobbying activity as defined*
7 *in KRS 11A.201.* For purposes of this section, "local" means and includes any city,
8 county, urban-county government, consolidated local government, unified local
9 government, charter county government, or special district.

10 (2) Any citizen of the Commonwealth aggrieved by a violation of subsection (1) of
11 this section shall have a cause of action in the Circuit Court of the county where
12 the violation occurred, the Circuit Court of the county in which a claimant
13 resides, or Franklin Circuit Court within one (1) year of the date the cause of
14 action accrued.

15 (3) (a) A cause of action under subsection (2) of this section may be asserted
16 against any entity in the Commonwealth, or any of its agents who approved
17 of or participated in the violation, for damages arising from the violation.

18 (b) A cause of action shall be deemed to have accrued at the time when the
19 funds are used as described in subsection (1) of this section or the claimant
20 receives the product of the expenditure, whichever occurs later.

21 (4) If multiple claimants commence a cause of action under subsection (2) of this
22 section, the cause of action is to be maintained as a class action in accordance
23 with Civil Rules 23.01, 23.02, and 23.03 of the Kentucky Rules of Civil
24 Procedure.

25 (5) A prevailing claimant shall be awarded damages of two hundred fifty thousand
26 dollars (\$250,000) for each violation of subsection (1) of this section. If multiple
27 claimants prevail in an action, the court shall divide two hundred fifty thousand

1 dollars (\$250,000) for each violation amongst all prevailing claimants equally.

2 (6) In addition to statutory damages as provided in subsection (5) of this section, any
3 claimant who prevails on a claim brought under subsection (2) of this section
4 shall be entitled to recover:

5 (a) Punitive damages;

6 (b) Injunctive or declaratory relief; and

7 (c) Reasonable attorney's fees and litigation costs.

8 (7) Any person who is found liable in civil court for a violation of subsection (1) of
9 this section shall be prohibited from holding a position of public trust or profit
10 within the Commonwealth for a period of ten (10) years commencing upon the
11 completion of all other civil penalties ordered by the court against the person.

12 (8) Sovereign, governmental, and qualified immunity are waived to the extent of
13 liability created under this section.

14 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) Any person who violates subsection (1) of Section 1 of this Act shall be guilty of a
17 Class D felony.

18 (2) Any person convicted of a violation of subsection (1) of Section 1 of this Act shall
19 be prohibited from holding a position of public trust or profit within the
20 Commonwealth for a period of ten (10) years, commencing upon the completion
21 of all other criminal penalties ordered by the court against the person.