

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.*