



KY SB17 | 2017 | Regular Session

Kentucky Senate Bill 17 (*Prior Session Legislation*)

Status

Completed Legislative Action

Spectrum: Partisan Bill (Republican 8-0)

Status: Passed on March 16 2017 - 100% progression

Action: 2017-03-16 - signed by Governor (Acts, ch. 15)

Text: Latest bill text (Draft #2) [PDF]

Summary

Amend KRS 158.183 to permit students to voluntarily express religious or political viewpoints in school assignments free from discrimination; require local boards of education to ensure that the selection of student speakers is made in a viewpoint-neutral manner, the student's prepared remarks are not altered before delivery without student's consent, religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations, and no recognized religious or political student organization is discriminated against in the ordering of its internal affairs; allow students to display religious messages on items of clothing, access public school facilities during noninstructional time as a religious student organization, use school media to announce student religious meetings, and meet as a religious student group during noninstructional time and before and after school to the same extent as students undertaking such actions in a nonreligious manner; permit public schools to sponsor artistic or theatrical programs that advance students' knowledge of society's cultural and religious heritage; create a new section of KRS Chapter 158 to allow a teacher to teach about religion with the use of the Bible or other scripture without providing religious instruction, and to teach about religious holidays in a secular manner; amend KRS 158.186 to require annual notification to local school boards, school-based decision making councils, and certified employees of statutes pertaining to religious freedom and expression in schools; create a new section of KRS Chapter 164 to require public postsecondary education institution governing boards to ensure that students are permitted to voluntarily express religious or political viewpoints in assignments free from discrimination, the selection of student speakers is made in a viewpoint-neutral manner, the student's prepared remarks are not altered before delivery without the student's consent, religious and political organizations are allowed equal access to public forums on the same basis as nonreligious and nonpolitical organizations, no recognized religious or political student organization is discriminated against in the ordering of its internal affairs, and there are no restrictions on speech that occurs outdoors on campus and is protected by the First Amendment of the United States Constitution, except for restrictions that are reasonable, justified without reference to speech content, narrowly tailored to serve governmental interest, and limited to provide alternative options for the communication of the information.

Title

AN ACT relating to the expression of religious or political viewpoints in public schools and public postsecondary institutions.

Sponsors

Sen. Albert Robinson [R]	Sen. Danny Carroll [R]	Sen. C.B. Embry [R]	Sen. Rick Girdler [R]
Sen. Dan Seum [R]	Sen. Damon Thayer [R]	Sen. Mike Wilson [R]	Sen. George Wise [R]

History

Date	Chamber	Action
2017-03-16	Senate	signed by Governor (Acts, ch. 15)
2017-03-06	Senate	delivered to Governor
2017-03-06	Senate	enrolled, signed by Speaker of the House
2017-03-06	Senate	enrolled, signed by President of the Senate
2017-03-06	Senate	received in Senate
2017-03-06	House	3rd reading, passed 81-8
2017-03-02	House	posted for passage in the Regular Orders of the Day for Friday, March 3, 2017

Date	Chamber	Action
2017-03-01	House	2nd reading, to Rules
2017-02-28	House	reported favorably, 1st reading, to Calendar
2017-02-27	House	posted in committee
2017-02-21	House	to Education (H)
2017-02-10	House	received in House
2017-02-10	Senate	3rd reading, passed 31-3 with Committee Substitute and floor amendment (1)
2017-02-09	Senate	floor amendment (1) filed to Committee Substitute
2017-02-09	Senate	posted for passage in the Regular Orders of the Day for Friday, February 10, 2017
2017-02-09	Senate	reported favorably, to Rules with Committee Substitute
2017-01-07	Senate	to Veterans, Military Affairs, & Public Protection (S)
2017-01-04	Senate	returned to Committee on Committees (S)
2017-01-04	Senate	2nd reading
2017-01-04	Senate	taken from Committee on Committees (S)
2017-01-03	Senate	returned to Committee on Committees (S)
2017-01-03	Senate	1st reading
2017-01-03	Senate	taken from Committee on Committees (S)
2017-01-03	Senate	introduced in Senate

Kentucky State Sources

Type	Source
Summary	http://www.lrc.ky.gov/record/17RS/SB17.htm
Text	http://www.lrc.ky.gov/recorddocuments/bill/17RS/SB17/bill.pdf
Amendment	http://www.lrc.ky.gov/recorddocuments/bill/17RS/SB17/SCS1.pdf
Amendment	http://www.lrc.ky.gov/recorddocuments/bill/17RS/SB17/SFA1.pdf
Supplement	http://www.lrc.ky.gov/record/17RS/SB17/vote_history.pdf

Bill Comments

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Kentucky Governor Signs Anti-LGBTQ SB 17 into Law

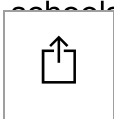
By Stephen Peters

March 20, 2017

The Human Rights Campaign called out Governor Matt Bevin for signing SB 17 into law, a measure that allows student groups at colleges, universities, and high schools to discriminate against LGBTQ students.

“Governor Bevin’s shameful decision to sign this discriminatory bill into law jeopardizes non-discrimination policies at public high schools, colleges, and universities,” said HRC Legal Director Sarah Warbelow. “No student should fear being excluded from a school club or participating in a school activity because they are LGBTQ. While of course private groups should have the freedom to express religious viewpoints, they should not be able to unfairly discriminate with taxpayer funds.”

SB 17 undermines inclusive “all comers” policies at public colleges, universities, and now high schools, by allowing student organizations to discriminate against students under the guise of . Many public colleges and universities have long had “all-comers” policies that require organizations receiving financial and other support from the institution not to



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participate in students groups and prevent such groups from discriminating against students with state funding. The Supreme Court upheld these all-comers policies as constitutional in the *Christian Legal Society v. Martinez* decision in 2010.

The attack on fairness and equality in Kentucky is part of an onslaught of bills being pushed in 2017 by anti-equality activists around the country. HRC is currently tracking more than 100 anti-LGBTQ legislative proposals in 30 states. For more information, visit <http://hrc.im/2017legislature>.

Filed under: [Transgender](#), [Transgender Children & Youth](#)

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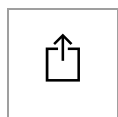
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XAVIER BECERRA

Attorney General

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PROHIBITION ON STATE-FUNDED AND STATE-SPONSORED TRAVEL TO STATES WITH DISCRIMINATORY LAWS (ASSEMBLY BILL NO. 1887)

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In AB 1887, the California Legislature determined that "California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people." (Gov. Code, § 11139.8, subd. (a)(5).) To that end, AB 1887 prohibits a state agency, department, board, or commission from requiring any state employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that (1) has the effect of voiding or repealing existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression; (2) authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression; or (3) creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender

expression. (Gov. Code, § 11139.8, subds. (b)(1), (2).) In addition, the law prohibits California from approving a request for state-funded or state-sponsored travel to such a state. (Gov. Code, § 11139.8, subd. (b)(2).)

The travel prohibition applies to state agencies, departments, boards, authorities, and commissions, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, and the California State University. (Gov. Code, § 11139.8, subd. (b).)

The law also requires the Attorney General to develop, maintain, and post on his Internet Web site a current list of states that are subject to the travel ban. (Gov. Code, § 11139.8, subd. (e).)

States Subject to AB 1887's Travel Prohibition

The following states are currently subject to California's ban on state-funded and state-sponsored travel:

1. Alabama
2. Kansas
3. Kentucky
4. Mississippi
5. North Carolina
6. Oklahoma
7. South Carolina
8. South Dakota
9. Tennessee
10. Texas

Exceptions

The Legislature created exceptions in AB 1887 that allow travel to banned states in certain circumstances. (Gov. Code, § 11139.8, subd. (c).) These exceptions only apply if travel to a subject state is "required." (*Ibid.*)

Specifically, AB 1887 does not apply to state travel that is required for any of the following purposes:

1. Enforcement of California law, including auditing and revenue collection.
2. Litigation.
3. To meet contractual obligations incurred before January 1, 2017.
4. To comply with requests by the federal government to appear before committees.
5. To participate in meetings or training required by a grant or required to maintain grant funding.
6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not subject to the travel prohibition.
7. For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office.

(Gov. Code, § 11139.8, subd. (c).)

Prohibition on State-Funded and State-Sponsored Travel to States with Discriminatory Laws (Assembly Bill No. 1887)

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AB 1887, State-Funded Travel Restrictions

AB 953, Racial and Identity Profiling Act of 2015

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OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

TO: Department Heads

FROM: Naomi M. Kelly, City Administrator 

SUBJECT: Update to Covered State List for City Contracts and Travel to States with Anti-LGBT Laws

DATE: June 30, 2017

Chapter 12X of the Administrative Code prohibits the City from entering into contracts with contractors located in states that have passed anti-LGBT laws since June 26, 2015. Chapter 12X also prohibits City-funded travel to such states. The Office of the City Administrator is responsible for publishing and maintaining a Covered State List, which identifies the states that are subject to these prohibitions. Section 12X.2 of the Administrative Code specifies that a state will be included on the Covered State List if it enacts a law that:

- Voids or repeals existing state or local protections against discrimination on the basis of Sexual Orientation, Gender Identity, or Gender Expression, or
- Authorizes or requires discrimination against same-sex couples or their families or that authorizes or requires discrimination on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of Sexual Orientation, Gender Identity, or Gender Expression

The following states will be added to the Covered State List based on recent legislative action meeting the definition above:

- Alabama:
 - o HB 24 allows private adoption and foster agencies to reject qualified LGBT adoptive or foster parents based on the agency's religious beliefs. HB 24 was signed into law and became effective on May 3, 2017.
- Kentucky:
 - o SB 17 allows student groups and organizations in K-12 schools and colleges to discriminate against classmates based on sexual orientation or gender identity. SB 17 was signed into law on March 16, 2017, and became effective on June 29, 2017.

- Texas:
 - o HB 3859 allows the state's foster and adoption system to discriminate against qualified LGBT families based on religious beliefs. The bill also gives foster care agencies the ability to discriminate against children in foster care. HB 3859 was signed into law on June 15, 2017, and becomes effective September 1, 2017.
 - o The addition of Texas to the Covered State List will be effective on September 1, 2017.

The list below indicates all the states currently on the Covered State List:

- Alabama
 - o HB 24 allows private adoption and foster agencies to reject qualified LGBT adoptive or foster parents based on the agency's religious beliefs. HB 24 was signed into law and became effective on May 3, 2017.
- Kansas
 - o SB 175 allows religious student organizations to reject members who are LGBT based on the organization's religious beliefs. SB 175 went into effect July 1, 2016.
- Kentucky
 - o SB 17 allows student groups and organizations in K-12 schools and colleges to discriminate against classmates based on sexual orientation or gender identity. SB 17 was signed into law on March 16, 2017, and became effective on June 29, 2017.
- Mississippi
 - o HB 1523 provides legal protections to people who use religious freedom as a basis to discriminate against LGBT individuals. HB 1523 went into effect July 1, 2016.
- North Carolina
 - o HB 142 prohibits local municipalities from enacting or amending any laws that regulate employment practices and public accommodations until 2020. This would prevent a municipality from enacting an LGBT non-discrimination ordinance or from repealing an existing discriminatory law in the areas of employment and public accommodations. HB 142 became effective August 1, 2016.
- South Dakota
 - o SB 149 would allow state funded adoption and foster care agencies to reject qualified LGBT individuals on the basis of the agency's religious beliefs. SB 149 went into effect on June 8, 2017.
- Tennessee
 - o HB 1840 allows counselors and therapists to refuse to serve LGBT individuals on the basis of religious beliefs. HB 1840 went into effect on May 2, 2016.
- Texas (effective September 1, 2017)
 - o HB 3859 allows the state's foster and adoption system to discriminate against qualified LGBT families based on religious beliefs. The bill also gives foster care agencies the ability to discriminate against children in foster care. HB 3859 was signed into law on June 15, 2017, and becomes effective September 1, 2017.
 - o The addition of Texas to the Covered State List will be effective on September 1, 2017.

The Covered State List is reviewed on a semiannual basis. When a state is removed or added, the Office of the City Administrator will make that information public and post the updated list on its website, available at <http://sfgsa.org/chapter-12x-anti-lgbt-state-ban-list>.

Should you have any questions on these policies or the legislation, please do not hesitate to contact me directly. Routine requests about contracting should be directed to Jaci Fong at (415) 554-6743 or oca@sfgov.org for Chapter 21 contracts.