
SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 376 by Senator Gary Smith

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "enact" and insert "amend and reenact" and after "(18)" change
3 "(b)(iii)" to "(a)"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "persons;" delete the remainder of the line and delete line 4 and insert
6 "to provide for public employees; to provide for the definition of "governmental function";"

7 AMENDMENT NO. 3

8 On page 1, line 7, after "(18)" delete "(b)(iii) is hereby enacted" and insert "(a) is hereby
9 amended and reenacted" and delete lines 12 through 17 and insert the following:

10 "(18)(a) "Public employee" means anyone, whether compensated or not, who is:
11 (i) An administrative officer or official of a governmental entity who is not
12 filling an elective office.
13 (ii) Appointed by any elected official when acting in an official capacity, and
14 the appointment is to a post or position wherein the appointee is to serve the
15 governmental entity or an agency thereof, either as a member of an agency, or as an
16 employee thereof.
17 (iii) Engaged in the performance of a governmental function. **The term**
18 **"governmental function" shall include all of the following:**
19 **(aa) The administration or management of a program of a public agency**
20 **by a person who receives funding from the public agency for**
21 **administering or managing the program when the public agency directs**
22 **or regulates the person's administration or management of the program.**
23 **(bb) Those government programs that the law requires to be performed**
24 **by a governmental agency for the public's benefit and which are**
25 **specifically and statutorily mandated governmental functions.**
26 (iv) ~~Under the supervision or authority of an elected official or another~~
27 ~~employee of the governmental entity.~~ **"Governmental function" shall not**
28 **mean the provision of goods or services without the delegated**
29 **responsibility to administer or manage a program of a public agency.**
30 (v) Under the supervision or authority of an elected official or another
31 employee of the governmental entity."