

Bill Drafting Manual

Kentucky General Assembly



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Foreword

This is the 16th edition of the Legislative Research Commission's Bill Drafting Manual, published initially in 1955 as part of the comprehensive study of the Kentucky legislative process.

This booklet should be helpful to new members of the General Assembly and those called upon to perform legislative drafting services. It is a guide to the correct form for bills and resolutions and provides information on style and constitutional limitations. Veterans of the legislative process will find it useful as a checklist of the specific characteristics and language of legislation in Kentucky.

The manual is not concerned with the substance of bills or resolutions. Legislative staff members professionally acquainted with the various subjects relating to public policy are available on an impartial, nonpartisan, confidential basis to draft bills upon the request of legislators or legislative committees.

This revision of the Bill Drafting Manual was undertaken by the Reviser of Statutes and staff of the Legislative Research Commission.

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Frankfort, Kentucky
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Table of Contents

Chapter 1: Preliminary Considerations.....	1
Introduction.....	1
Legislative Drafting Service	1
Overview—Preparation of Proposed Legislation	1
Assignment for Drafting of Proposed Legislation ...	1
Confidentiality	2
Timeliness	2
Pre-filing	2
Research and Reference—LRC Library	2
The Drafter’s Job	3
Getting Started—Relationship of Legislator or Committee and Drafter	3
First Step—Consultation and Comprehension.....	3
Second Step—Research.....	4
Third Step—Organization and Arrangement of Content.....	4
Subsequent Changes to the Original Draft.....	5
Chapter 2: Form of Bills.....	7
Introduction.....	7
Title.....	7
Constitutional Provisions	7
Validity of Title.....	7
Title Amendment	8
Wording of Titles.....	8
Appropriation or Emergency	9
Considerations for Including “And Making an Appropriation Therefor” in the Title of a Bill	9
Purpose.....	9
Necessary Vote Counts	9
What Is an Appropriation?	10
Examples.....	10
What Information Should I Relay to the Sponsor?.....	10
Title of Bill Amending or Repealing KRS Sections.....	11
Preamble	11

Preamble Not to Be Codified.....	11
Enacting Clause	11
Amending Existing Statutes.....	12
Steps to Take Before Amending Existing Law.....	12
Searchable LRC Databases.....	12
Section 51 of the Constitution.....	12
Conforming Amendments—Overview.....	13
Internal Renumbering of Existing KRS	
Sections in a Bill Draft—Conforming	
Amendments	13
Proposed Repeal of KRS Section—	
Conforming Amendments.....	13
Interdependent Statutes	14
KRS Effective Dates Dependent upon	
Federal Law	14
Format for Amendments to Existing Sections	15
Use of Underlining and Bracketing	15
Creating New Statutes.....	17
Repealing and Reenacting Existing Statutes.....	19
Repeal and Reenactment Uses	20
Body of the Bill.....	21
Relation of Bill’s Provisions to the Title	21
Sections of the Bill.....	21
Minimum Requirements	21
Organization and Arrangement.....	22
Bills Creating a New Range of Statutes.....	22
Bills Containing KRS Sections from	
Several KRS Chapters.....	23
Penalties	23
Clarity in Creation of Penalties.....	23
Examples from the Penal Code.....	24
History.....	24
Offenses—Penal Code	24
Offenses—Outside the Penal Code.....	25
Fines and Imprisonment.....	25
Additional Monetary Penalties	26
Nonmonetary Penalties	26
Prohibited Penalties	27
Effectiveness of Chosen Penalties	27

Costs of Imposition of Penalties	27
Conclusion	28
Statute Repeal Clauses	28
Catchlines and Importance of Using the Word “Repealed”	28
Repealing Legislation Enacted During an Ongoing Session	29
Effective Date of Repeals	30
Conformity Check.....	30
Implied Repeals	30
Effective Date or Emergency Clause.....	31
Effective Date to Correspond to Fiscal or Calendar Year	32
General Guidance on Statutory Construction	32
Use of Bill Drafts from Previous Sessions	32
Use of Bill Drafts from Other Jurisdictions.....	33
 Chapter 3: Principles of Drafting.....	 35
Introduction—Style and Language	35
Use of “Shall” and “May”.....	35
Tense and Voice.....	36
Choice of Words and Phrases	36
Phrases to Avoid	37
Expressions of Limitation.....	38
“Provided That”	39
Gender-Neutral Language.....	39
Punctuation	39
Spelling	40
Capitalization	40
Numbers.....	42
References to Time	43
Monetary Amounts	43
Abbreviations.....	43
Definitions.....	43
Statutory Definitions.....	44
Use of the Singular Extends to the Plural	45
Citations	45
References to Kentucky Law	45
Citing Federal Statutes and Regulations	46

Session Laws.....	47
Divisions Within a Bill	47
Section Breakdown	47
Purpose Clause or Policy Declaration.....	48
Severability Clause	48
Short Title	49
Consistency and Parallelism	50
Internal References Within a Bill	51
Catchlines.....	51
Conformity Checks	52
Conflicts	53
Examples—No Conflict.....	54
Examples—Conflict.....	55
The Role of the Staff Concerning Conflicts	56
 Chapter 4: Special Types of Legislative Drafting	57
Introduction.....	57
Constitutional Amendments.....	57
Classification of Cities.....	59
Judicial Legislation	60
Creating Agencies, Boards, or Commissions	60
Examples.....	62
Points to Remember.....	63
Authority to Promulgate Administrative Regulations	63
Bills Confirming Reorganizations	65
Title.....	66
KRS 12.020.....	66
Search for Affected Statutes	66
What Needs To Be Codified?	67
The Noncodified Provision Confirming the Executive Order	67
Other Noncodified Provisions.....	69
Appropriations	69
Budget Bills	69
Other Bills.....	70
Votes Needed for Enactment	70
Title.....	70
What Is an Appropriation?.....	71

Drafting a Bill That Creates or Changes a Source of Revenue.....	72
Administrative Hearings.....	74
KRS Chapter 13B.....	74
Drafting Bills Relating to Administrative Hearings.....	75
Chapter 5: Form of Resolutions.....	77
Introduction.....	77
Contents of a Resolution.....	77
Title.....	77
Preamble.....	77
Resolving clause.....	78
Sections.....	78
Simple Resolutions.....	78
Example.....	78
Concurrent Resolutions.....	79
Example.....	79
Joint Resolutions.....	80
Example.....	81
Special Types of Resolutions.....	82
Petitions.....	82
Directives to State Agencies.....	82
Confirmation of Appointments.....	82
Example.....	83
Study Resolutions.....	84
Forms of Study/Task Force Resolutions.....	84
Concurrent resolutions.....	84
Joint resolutions.....	84
Bills.....	84
Simple resolutions.....	84
Studies Involving Other Committees.....	85
Title.....	85
Examples.....	85
Preamble.....	85
Resolving Clause.....	85
Body.....	85
Membership of Legislative Task Forces/Special Committees.....	86

Required Membership Statement.....	87
Membership of Executive or Judicial Branch Task Forces.....	88
Study Expenses	88
Frequency of Meetings	88
Force of Law	88
Consultants.....	88
Specification of Study Questions and Deadlines ...	89
Recommendations or Not?.....	89
Staff Studies.....	89
Legislator Studies.....	89
Report/Study Deadlines	89
Language Required in All Study Resolutions.....	90
Directing Studies in Bills, Including Via Amendments	90
Example	91
Indexing Study Resolutions for the <i>Legislative Record</i>	91
Legislative Citations	91
 Chapter 6: Constitutional Considerations.....	 93
Introduction.....	93
Rights of Individuals.....	93
Special and Local Legislation.....	94
Revenue, Appropriations, and Debt.....	96
Public Officers	97
Other Limitations	98
 Chapter 7: Amendments and Substitutes.....	 99
Introduction.....	99
The Amendment Form.....	99
The Heading on the Amendment Form	99
Processing the Amendment Form.....	100
Methods of Amending	100
Changing a Current KRS Section, as Amended by the Bill.....	101
Changing Proposed New KRS Sections or Noncodified Sections in a Bill	103
Bill Title.....	103

Committee Substitutes	104
Piggyback Amendments	105
Creating Amendments and Amendment Summaries: The Highlights	105
Types of Amendments	105
Think First, Then Draft	105
Amendment Drafting	106
The Amendment Review	108
The Amendment Summary	109
 Chapter 8: Preparing Summaries for the <i>Legislative Record</i>	111
Introduction.....	111
Bills and Resolutions	111
Mechanics of Preparation of Summaries	111
Preparing a Bill Summary.....	111
Format and Word Usage for a Bill Summary	111
Summarizing Amendments to Existing Sections	113
Summarizing Repealers	113
Summarizing Constitutional Amendments	113
Summarizing Resolutions	114
Summarizing Companion or “Same As” Bills.....	114
Summarizing Bills that Confirm Reorganizations.....	114
Concluding Comments on Bill Summarization ...	115
Indexing Bill Summaries	115
Appropriations	116
Emergency or Special Effective Dates	116
Retroactive Legislation	116
Confirmations	116
Study Resolutions and Bills	117
Reorganizations.....	117
Naming of Roads, Etc.	117
Amendments	117
The Amendment Summary Form	117
Relationship to Original Bill Summary	117
Summarizing Piggyback Amendments.....	118
Summarizing Title Amendments	118
Summarizing Technical Corrections.....	118

Summarizing Committee Substitutes.....	118
Summarizing Emergency and Special Effective Date Amendments.....	119
Summarizing “Same As” Amendments.....	119
Indexing Amendment Summaries.....	119
Indexing Title Amendments and Technical Corrections.....	119
Indexing Piggyback Amendments.....	119
 Chapter 9: Production of Bills.....	121
Form of Bills.....	121
Entry of Bills into LRC’s Computerized Bill Preparation System.....	121
Proofing Bills.....	123
 Appendix A: Final Checklist for Drafters.....	125
Appendix B: Sample Bill Formats.....	127
Appendix C: List of Preferred Spellings and Usages.....	131
Appendix D: Examples of Use of Capitalization.....	137
Appendix E: Bill Drafting Glossary Items.....	143
Appendix F: Cross-Reference List for Index Headings for the <i>Legislative Record</i>	149
Appendix G: Sample Memorandum Concerning Potential Constitutional Issue.....	191
Appendix H: Highlights of Legislative Grammar.....	193
Appendix I: Sample Amendment Language.....	205
Appendix J: Rules of Codification.....	209
Appendix K: A Drafter’s Detailed Review of Bill and Resolution Drafts: What We’re Looking for in Statute Revision.....	215
 Index.....	225

Chapter 1

Preliminary Considerations

Introduction

The legislative power of the Commonwealth is vested in the General Assembly, which has exclusive power to create, amend, and repeal statutes. The quality of the legislation produced depends not only upon the substance of the laws, but upon their form and style. Inaccurate or careless drafting may produce bad laws or even invalidate a measure entirely. It is essential to legislators, administrators, courts, and the public that bills and resolutions be written in a clear, correct, and unambiguous style.

Legislative Drafting Service

Overview—Preparation of Proposed Legislation

The Legislative Research Commission, which is the staff agency of the General Assembly, is directed by statute to

[a]fford to any member of the General Assembly or any committee of either House of the General Assembly such information and assistance as may be practicable in the preparation of bills, memorials, resolutions, amendments, alterations and changes thereto, and revisions and substitutes thereof, proposed to be introduced into the General Assembly. (KRS 7.100(3))

The rules of each house require all bills proposed for introduction to be submitted to the Legislative Research Commission.

Assignment for Drafting of Proposed Legislation

Commission staff members are available to draft measures and to discuss proposed legislation with legislators and committees, both between and during sessions. Any legislator may submit a request for legislative drafting or may consult with members of the staff or with the Reviser of Statutes on the legal aspects of the methods and objectives of the proposed legislation. Thereafter, the proposal will

be drafted in the correct form for introduction. Bills drafted by legislators will be reviewed by the staff and by the Reviser or an assistant statute reviser before introduction. Requests for legislative drafting are submitted to the Director or a designated assistant, such as the Deputy Director for Committee and Staff Coordination, for assignment to the committee staff administrator of the relevant subject matter committee, who will assign the request to an appropriate drafter.

Confidentiality

By law, all drafting requests from legislators are treated with the strictest confidence and are not discussed outside the immediate staff. If conferences with other people or agencies seem advisable, the drafter will ask the sponsor's permission before taking this action. The legislator is to be assured that the request and the bill will be confidential.

Timeliness

Drafting requests should be submitted as early as possible before or during the session to give the staff enough time to prepare the documents. Every effort is made to handle requests promptly, but bills require considerable time for preparation, and one bill may require many drafts. The drafter must not sacrifice accuracy for speed.

Pre-filing

Members of the General Assembly and members-elect who have received their certificates of election may, when the General Assembly is not in session, pre-file bills and resolutions for introduction in the next succeeding regular legislative session with the Director of the Legislative Research Commission. Extending the period during which bills are publicized and discussed extends the period during which the Commission's bill drafting staff can be of the greatest benefit to members. See KRS 6.245, Pre-session filing of bills.

Research and Reference—LRC Library

Research and reference services of the Commission may be used by the legislator to obtain information on the subject of proposed

legislation. The Commission maintains a reference library of material on most subjects of legislative interest, information on programs of other states, uniform state legislation, and an index of bills and resolutions introduced in previous sessions. Any legislator may request that the Commission prepare a research memorandum or supply data needed in drawing up a legislative proposal.

The Drafter's Job

Getting Started—Relationship of Legislator or Committee and Drafter

The legislator or the committee determines the objectives and content of the legislation. The drafter's function is similar to that of a lawyer preparing documents for a client, and the drafter should be able to call upon a broad background of the law and government to accomplish the legislator's purposes. The drafter is responsible for suggesting alternative methods for accomplishing the legislator's objectives, pointing out the possibility of unconstitutionality of a proposal, and providing any counseling that will clarify the legislator's thinking. However, the legislator's ideas, and not the drafter's, must be incorporated in the bill. Ultimately it is the responsibility of the drafter to prepare the bill as the legislator directs, regardless of the drafter's thoughts on its desirability or propriety. The drafter should not express or promote personal ideas or interests but must remain an impartial technician. If the drafter exercises unwarranted discretion in regard to content, the legislation may produce results that the sponsor did not intend. The drafter should not become emotionally or personally attached to the bill or its eventual outcome and should not "lobby" for its passage or defeat.

First Step—Consultation and Comprehension

The first and most important step in preparing legislation is to understand the sponsor's objectives and gain a complete understanding of what the bill is intended to accomplish. At this point, initial policy questions and the general structure of the bill should be discussed. In some cases, several consultations with the legislator may be necessary to resolve policy questions that were not

anticipated in the initial instructions but arose in the process of drafting.

Second Step—Research

The second step is to carry out whatever research is necessary to prepare a good bill. The drafter should be able to visualize clearly how the bill will work, if enacted into law, and must possess or acquire a comprehensive knowledge of state and local governments and of judicial procedures. If unable to see how a law will work, the drafter must do the research necessary to find out. This research should include a check of the Constitution, statutes, and annotations. If it is found that the proposal or certain features of it may be unconstitutional, the drafter should immediately contact the sponsor to inform him or her of the potential problem and recommended solutions. A sample memorandum for that purpose is provided as Appendix G of this manual. However, sometimes even if a question of possible unconstitutionality is presented, the sponsor may choose to have the bill written as originally requested. Correspondence concerning the question of possible unconstitutionality should be retained by the drafter for future reference. It is often helpful to look at the laws of other states upon the same subject matter as the proposed bill. Also, the uniform acts of the National Conference of Commissioners on Uniform State Laws and suggested state legislation of the Council of State Governments may be helpful and can be found in our LRC library. In some cases considerable study is required before actual drafting can begin.

Third Step—Organization and Arrangement of Content

The third step is to develop a definite plan for organizing and arranging the proposed content of the legislation. The bill should be structured so that it flows logically, and all sections of the KRS and other noncodified provisions of the bill should be written as clearly and simply as possible, so that they can be understood by as many members of the public as possible, not just by those with expertise in a particular subject matter area. In some cases, an orderly and logical development of the bill will be achieved only after several tentative outlines have been made.

Subsequent Changes to the Original Draft

Several drafts of a particular bill may be necessary in order to achieve accuracy of expression. Other experienced bill drafters can be a great source of help. If needed, contact the Reviser for assistance in formulating the bill draft.

Chapter 2

Form of Bills

Introduction

A legislative bill consists of a title, an enacting clause, and a body of provisions to be enacted. Each part is essential and must be complete within itself. The correct forms of the title and enacting clause are defined by law and custom, but the form and length of the body of the bill depend on the purpose to be accomplished.

Title

Constitutional Provisions

The Constitution of Kentucky provides that “No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title ...” (Ky. Const. § 51). The purpose of the title is to give notice of the general subject dealt with in the bill, so that the members of the General Assembly and the public will know the particular field in which the bill proposes to legislate. A member of the legislature or anyone else should be able to determine by a bill’s title whether it deals with a subject of particular interest or concern.

Validity of Title

Questions about the validity of titles to acts come before the courts persistently. Failure to comply with the constitutional provisions for titles in Section 51 will invalidate a measure. The bill’s title should be broad and general enough to encompass all of its provisions, but must not be so broad as to be misleading.

Any title that misleads makes the act void. As an example, an act that provided for the annexation of unincorporated territory by a city has been held not included in the title “AN ACT relating to cities,” because it dealt with territory that was not a city. The biggest mistake in preparing titles is to use language that misleads about the

contents of the bill. Drafters must be very careful to make certain that the subject of the bill is expressed plainly in the title.

If broad language does not appear adequate or if the sponsor insists, a detailed title can be used. If a detailed title is used, it must be a complete index to the provisions of the bill. If a detailed title fails to mention a provision of the bill, the title, by implication, says that this provision is not in the bill, and so makes the enactment invalid. It follows that broad and general titles are safest and that detailed titles should be used with caution. Detailed titles are a particular problem if a bill is amended before passage because the amendment may require the title to be changed.

Title Amendment

If a title needs to be changed after the bill's introduction, a title amendment must be filed.

Wording of Titles

In most cases it is best to introduce a title with the words "AN ACT relating to" followed by an indication of the general subject, such as "income taxation," "mental health," or "public highways":

AN ACT relating to education.

If a bill has only one specific and limited purpose, it is acceptable to use the words "AN ACT providing for" followed by a simple, broad statement of the purpose:

AN ACT providing for the payment of travel expenses for state officers and employees.

Some titles may use both the phrase "relating to" and the phrase "providing for":

AN ACT relating to a compact between the Commonwealth of Kentucky and the Commonwealth of Virginia providing for the creation, development, and operation of an interstate park to be known as the Breaks Interstate Park.

Appropriation or Emergency

When a bill includes an appropriation or declares an emergency, the phrase “and making an appropriation therefor” or “and declaring an emergency” should be included in the title as a convenience to legislators. These bills must be approved by a majority of members elected to each house.

Considerations for Including “And Making an Appropriation Therefor” in the Title of a Bill

Purpose. By adding “and making an appropriation therefor” to the bill title, the bill drafter notifies members of the General Assembly of the vote requirements for the passage of the appropriation measure. Why is this important? Sections 36 and 46 of the Kentucky Constitution require acts or resolutions for the appropriation of money or the creation of debt to receive a specific number of votes for passage. Without the appropriation being stated specifically in the title, the appropriation may go unnoticed, potentially resulting in passage without the correct number of votes and risking a constitutional challenge.

Necessary Vote Counts. Under Sections 36 and 46 of the Kentucky Constitution, bills and resolutions that contain appropriations must receive a higher number of votes than nonappropriation measures to be enacted by the General Assembly.

- Bills or resolutions, other than appropriations – Section 46 – Two-fifths of the members elected *and* a majority of the members voting:
 - House: 40 *and* a majority of those voting
 - Senate: 16 *and* a majority of those voting
- Appropriations, even-numbered year – Section 46 – A majority of all the members elected:
 - House: 51
 - Senate: 20
- Appropriations, odd-numbered year – Section 36 – Three-fifths of all members elected
 - House: 60
 - Senate: 23

What Is an Appropriation? The definition of “appropriation” can be found in KRS 48.010. KRS Chapter 48 addresses budget issues in general. The Kentucky Supreme Court has also defined an appropriation to be “the setting apart of a particular sum of money for a specific purpose.” The definitions, in statute and by the Kentucky Supreme Court, are broad and generally include language that directs the expenditure of funds, even if the word “appropriation” is not specifically stated in the bill draft.

Examples

- Bills that direct or authorize a cabinet or other governmental entity to expend public funds
- Bills that create a new fund that may be expended by a public agency or entity
- Bills that create, increase, or decrease a statutory continuing appropriation that a public agency or entity may expend
- Bills that add or change a purpose for which an agency’s or entity’s fees may be expended
- Bills that add or change a purpose for which an existing fund may be expended by a public agency or entity
- Bills that authorize the imposition of a fee by a public agency or entity, and direct how the moneys may be expended
- Bills that add or change the purpose for which a statutory continuing appropriation may be expended

Anytime a bill authorizes, approves, or directs the expenditure of public funds, whether or not the word “appropriation” is actually used, the words “and making an appropriation therefor” should be included in the title of that bill.

What Information Should I Relay to the Sponsor? If the bill draft is determined by staff to be an appropriation, make sure that the sponsor is aware of the following:

- How or why this determination was made
- That the title of the bill should include “and making an appropriation therefor”
- The required vote count for passage of the bill

If the sponsor requests that the title not reflect the appropriation, the drafter may remove it from the title. However, the changing of the title does not mean that it is not an appropriation or that the lower vote count is permissible.

Drafters must submit all bills containing an appropriation to Appropriations and Revenue Committee Staff for their review before submitting the bill draft to Statute Revision.

Title of Bill Amending or Repealing KRS Sections

If the bill amends or repeals an existing statute, it isn't necessary for the title to state that fact or for it to designate the section number affected.

Preamble

Preamble Not to Be Codified

If a legislator insists, a preamble (a series of "WHEREAS" clauses) may be included in a bill following the title and preceding the enacting clause. It does not become a part of the Act, but states findings of fact and sets forth general policy. A preamble does not have the effect of a comparable clause in the body of the bill and should seldom be used in legislation. The courts have held that a preamble is merely an explanation for the passage of the act and that the facts set forth in it are not admissible as evidence.

See KRS 446.130: "The Kentucky Revised Statutes of 1942 are intended to speak for themselves"

A preamble to a bill follows the same form as the preamble to a resolution, with clauses commencing with the word "WHEREAS" setting forth the reasons for the legislation.

Enacting Clause

The wording of the enacting clause is fixed by Section 62 of the Constitution. It must be followed exactly in every bill. The identical clause is used for any kind of bill and may not be varied: "Be it

enacted by the General Assembly of the Commonwealth of Kentucky.”

Failure to include this clause will invalidate the bill; it is the formal expression of legislative enactment. The title and preamble of a bill precede the enacting clause. All sections following the enacting clause become law.

Amending Existing Statutes

Steps to Take Before Amending Existing Law

Few legislative proposals are completely new. Most amend, replace, or supplement existing statutes on the subject. It is important that the drafter check the statutes to be amended and cross-references to these statutes before preparing the bill. A substantially similar law may already be in force, other statutes may contain references to all or a subpart of the statute being amended, or the proposed law may conflict with other statutes that must also be amended or repealed. Unintentional conflicts should be avoided.

Searchable LRC Databases

The Legislative Research Commission maintains searchable electronic databases containing the Kentucky Revised Statutes (KRS Search) and the Kentucky Constitution (Constitution Search) to assist bill drafters in identifying potential conflicts with existing statutes or the Constitution. If a session is in progress, the drafter should also search the “Conflicts Reports” on the staff home page to find out whether the sections affected by his or her bill have already been proposed for amendment in other bills.

Section 51 of the Constitution

Section 51 of the Constitution provides in part:

[n]o law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended, or conferred shall be reenacted and published at length.

Under the decisions of the Supreme Court, Section 51 requires that when a section of an act is amended, the entire section, and not just

the part containing the amendment, must be set forth in the bill. The practical effect of this provision is that the legislature amends a law by setting forth the entire section as it will read when amended, and does not try to amend an act, chapter, or subsection by only citing KRS sections or by setting forth a part of the statute to be amended rather than the entire KRS section.

But Section 51 does not prohibit the enactment of laws that refer to other laws for some aspect of their operation. Thus, an act that grants the power of eminent domain, but provides that it may be exercised in the manner prescribed by a section of the KRS, is valid.

Conforming Amendments—Overview

If a statute is amended to include, change, or delete an in-text reference to another statute, the drafter should check to see if similar references exist in any other statute. If so, those statutes may need to be amended as well. When a statute is amended, the drafter should also check to see if reference is made to it in any other statute. If it is, the other statutes need to be checked for conflicts with the new amendment. This is particularly true for statutes in which penalty sections may be affected by a change in the provisions of the statute for which they provide the penalty.

Internal Renumbering of Existing KRS Sections in a Bill Draft—Conforming Amendments

If a section of a bill amending a KRS section proposes to change the format of the section by adding, renumbering, or deleting subsections, paragraphs, or divisions of paragraphs, the drafter must do a KRS search to see if there are any other references to that section throughout the KRS and, if there are, look at these other sections to see if their organization would conflict with the section proposed to be amended. If they do, the other sections need to be amended and included in the bill as conforming amendments.

Proposed Repeal of KRS Section—Conforming Amendments

If a bill proposes to repeal a KRS section, the drafter should perform a KRS search to locate any other KRS sections that refer to the

section proposed for repeal, and add a section to the bill currently being drafted amending those KRS sections to remove the reference to the section proposed for repeal. These amendments (and the amendments discussed in the two previous paragraphs) are called “conforming amendments” and generally are placed (in order by their KRS numbers) toward the end of the bill draft, as shown later in this chapter in the section entitled “Body of the Bill.” Here is an example:

Section 15. The following KRS section is repealed:
211.478 Distribution of trust fund moneys.

The drafter should search the KRS database for any citations in other KRS sections to KRS 211.478 and, if any exist, amend them in the current bill to delete the reference to KRS 211.478 and, if necessary, to substitute another KRS section or to make other changes.

Interdependent Statutes

Where possible, it is better drafting practice to avoid making any statute depend upon another statute for a phase of its operation. Subsequent amendment to or repeal of statutes cited by reference are an increasing source of potential litigation about the meaning of the statute. For example, if a statute creates a definition by saying: “Corporation has the same meaning as in KRS 271B.1-400,” what is the status of the definition when KRS Chapter 271B is repealed sometime in the future and is replaced with Chapter 271C? Drafters using such a definition in a bill draft will need to stay alert to changes in the referred to statute to ensure that the definition is still appropriate for all other purposes in statutes applying the definition by reference.

KRS Effective Dates Dependent upon Federal Law

Other problems are created by the inclusion of a provision stating that an act becomes effective upon the enactment of a particular federal act, since Section 60 of the Constitution of Kentucky prohibits most laws from becoming effective except upon the approval of the General Assembly. If the reference is mandated by federal law, then the Kentucky constitutional provision must give way, but in many instances the inclusion is not required by federal

law. When possible, it is better to simply use the language of the federal statute. Adoption of a federal statute by reference may create the same problems regarding amendment or repeal, as set out in the paragraph above, if the federal statute is changed or repealed.

Format for Amendments to Existing Sections

There should be a separate section of the bill for each existing section to be amended, and each of these should begin with an amending clause. The following form is used:

Section 2. KRS 165.040 is amended to read as follows:

The funds appropriated by the board of aldermen of a city of the first class as provided in KRS 165.030 may be paid to the treasurer of the university by the director of finance of the city in regular weekly~~[monthly]~~ installments.

Section 3. KRS 165.050 is amended to read as follows:

The board of aldermen of a city of the first class having a municipal university may assign~~[devote]~~ to university purposes funds derived from other sources as well as from taxes levied for general city purposes.

In amending one or more sections of an act or KRS chapter, only the sections that are to be changed should be amended. The entire act or chapter need not be set forth at length. But the entire statute being amended must be set out, not just the particular subsection or subdivision affected.

Use of Underlining and Bracketing

In bills amending existing sections, the new wording is underlined and the deleted wording is placed in brackets and struck through with a single line. Generally, the new wording should precede the bracketed wording, but there may be exceptions to this rule for the sake of convenience and clarity.

Drafters should only underline the space before a new word at the *end* of a block of text. For example, if “and” is added following a semicolon, the space before “and” would be underlined, too. Or, if a

new sentence is added at the end of a block of text, the space before the first word would need to be underlined. If the connecting new space between a semicolon or period and the new language added to a block of text is not underlined, the new language will be inserted as a new paragraph on the line following the end of the block of text.

Brackets and strikethrough are used only in a section that amends an existing statute. This type of section is introduced with the following clause:

KRS _____ is amended to read as follows:

If the first part of a sentence is bracketed and a small letter beginning the next word thereby becomes a capital letter, simply capitalize the first letter of that word. Existing words can be made either uppercase or lowercase, and bracketing and insertion of text is not necessary to effect that change.

We must include the space before the first word we intend to delete within the bracketed material. This is the required drafting method, and it is especially important because Bill Processing will not be proofing amended sections of bills unless Statute Revision has made changes to them. Drafters will still be performing the last check, but we might not be checking the spaces.

Amended statutes will still validate even if we bracket and strike through the wrong (or no) spaces. So again, it is important to make certain that the correct spaces are within the brackets.

Example 1: "... prevention of disease~~[in humans]~~;"

The space before "in" is included within the brackets. This will make certain that, when codified, there is no space before the semicolon.

Example 2: "... prevention of disease in~~[humans or]~~ animals;"

The space after “in” is included within the brackets. This still allows for a space before “animals” when the change is codified. But see

Example 3 exception, sort of: “... prevention of disease in plants and~~[humans or]~~ animals;”

The newly inserted material is placed immediately before the bracketed material. We preserve the spaces before and after “humans or” because we will still need them after codification.

Creating New Statutes

Any proposal to add a new section to a chapter of KRS must ordinarily be enacted as entirely new law and not as an amendment. Each new section created should be a separate section of the bill. The following form is used:

SECTION 27. A NEW SECTION OF KRS CHAPTER 363
IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 12 of this Act, “weight” means net weight. If any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

New sections of statutes are shown in underlined bold italics in the bill. All capital letters are used for the introductory clause when a new section is created.

The drafter selects the proper KRS chapter in which to place the new section. However, that decision is not binding on the Reviser, who may, even after enactment, place the section in a different chapter.

In some large bills, it will be desirable to establish a new KRS chapter. Check with the Reviser of Statutes, who will assign a chapter number for you. When a new KRS chapter is established, the following form is used in the first section of the bill:

SECTION 1. KRS CHAPTER _____ IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Occasionally it will be desirable to place a new section in a certain area of a KRS chapter, to take advantage of existing definitions, penalties, or other provisions. In this case, the following form is used:

SECTION 12. A NEW SECTION OF KRS 80.620 TO 80.720 IS CREATED TO READ AS FOLLOWS:

Failure to place the new section within the desired range will mean that the range's definitions and penalties do not apply to the new section.

If a chapter has been divided into subchapters (KRS Chapters 154 and 224), subtitles (KRS Chapters 271B and 304), or articles (KRS Chapter 355), the drafter needs to place a new section within a specific subchapter, subtitle, or article within the chapter. The introductory clause will look like this:

SECTION 20. A NEW SECTION OF SUBCHAPTER 30 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Drafters should not arbitrarily create an artificial range of statutes within which to place a new section. A range that is identified in an introductory clause should be a series of statutes enacted and placed together with common definitions and penalties.

Some sections of bills will not be codified as part of the Kentucky Revised Statutes. Appropriation sections, effective dates, emergency clauses, repealers, construction clauses, and temporary provisions are not compiled in statutes, and sections of the bill containing provisions of this type do not use the normal introductory clause. An appropriation, for instance, begins this way: "Section 21. There is appropriated _____."

Repealing and Reenacting Existing Statutes

A section of the statutes may be repealed and reenacted, with or without changing its text. This procedure is described in KRS 446.145.

If a statute is repealed and reenacted with no changes, its text should be set forth in the bill without underlining, bracketing, or striking through any language. The introductory clause should follow this form:

Section 2. KRS _____ is repealed and reenacted (or “reenacted as a new section of KRS Chapter _____,” if appropriate) to read as follows:

If the bill reenacts and amends a section of the statutes and makes changes in its text, the new language should be underlined and the deleted language should be bracketed and struck through. The introductory clause should read like this:

Section 5. KRS _____ is repealed, reenacted (or “reenacted as a new section of KRS Chapter _____,” if appropriate), and amended to read as follows:

A section may be repealed and reenacted with totally new text. In that case, or if the new version of the section is so different that bracketing and underlining are impracticable, the whole of the new text should be set forth in the bill and underlined. The introductory clause should follow this form:

SECTION 1. KRS _____ IS REPEALED AND REENACTED (or “REENACTED AS A NEW SECTION OF KRS CHAPTER _____,” if appropriate) TO READ AS FOLLOWS:

There are other options concerning repealing and reenacting statutes that a drafter may employ. Note the options that appear in the Glossary of the bill drafting application and consult with the Reviser if it is unclear which of the options should be selected.

Repeal and Reenactment Uses

Repeal and reenactment of existing statutes may be done for one of the following reasons:

- When the General Assembly wants to move statutes from one KRS chapter to another or to renumber statutes to a different location within the existing chapter. This can be the result of a reorganization, or maybe because of a shift in the nature of and responsibility for a particular program;
- When the General Assembly desires to reaffirm its actions taken in creating or amending a statute at an earlier time, or to correct any deficiency in the enacting process (lack of enacting clause, failure to meet sufficient vote threshold for enactment that has not been challenged, etc.). This is done by repealing and reenacting the statute without change. Example: repealing and reenacting statutes in bills passed after the 12 midnight adjournment deadline some years back;
- When the General Assembly wants to adopt well-settled judicial or administrative interpretations of the law, e.g., when the validity of administrative action standing by itself may be dubious or where ambiguities in a statute are resolved by reference to administrative practice. This is done by repealing and reenacting the statute with or without change;
- When new statutes are being created, and it is desired at that time to consolidate the treatment of all the laws on that subject. This is done by repealing and reenacting other statutes with or without change;
- When changes are desired to be made to the text of a statute that are dramatically different from the existing text such that just amending it would require substantial changes to the text and may be harder to follow. This is done by creating new language and not including the existing text as it would be amended;
- When the statutory text is to be changed in a way that would reflect a substantial shift in public policy. This is generally done by creating new language and not including the existing text as it would be amended; or
- When the law in an area is being updated, but the law being repealed needs to be replaced with one more suitable for the modern era. This may be done by changing the text of a statute as one would amend a statute or replace it with entirely new

language without showing the text of the earlier version of the statute.

Body of the Bill

The principal functions of a statute are: (1) to create; (2) to impose a duty or obligation; (3) to prohibit; and (4) to confer a privilege.

Relation of Bill's Provisions to the Title

The bill may contain any number of sections and provisions, so long as they all relate to the single subject expressed in the title. There is no limit to the number of details allowed in a bill or to its length. Every provision, however, must be germane to the subject of the bill. A bill that includes two totally different subjects may be declared to be void if challenged in court. In cases of doubt, it is better to draft two separate bills than to include provisions of questionable relationship to the title in a single bill.

Sections of the Bill

The substance of a bill is divided into sections. Short sections enable the drafter to present ideas clearly, make the sense of the bill easier to grasp, and facilitate amendment by subsequent legislatures. Generally, each distinct proposition should be a separate section, divided into as many subsections as necessary. Section catchlines—boldface phrases that precede KRS sections—are not shown within a bill draft but are added by the Reviser during codification. Catchlines are not part of the law.

Each amendment of an existing section of the statutes should be a separate section of the bill, beginning with an amending clause. Each new statute section created should also be a separate section of the bill. These rules apply even if the bill has only one section.

Minimum Requirements

The minimum requirements for any bill are a title, an enacting clause, and a single section for the body. Longer and more comprehensive bills may be divided into a number of parts. If a bill has been divided into parts, sections of the bill should still be numbered in a single sequence throughout the bill, not numbered in

separate sequences for each part. Consult with the Reviser if organizing a bill into parts is desired.

Organization and Arrangement

The body of a bill should be set forth in an orderly arrangement, with a logical sequence of provisions. Rules of English composition, such as parallelism, should be followed and an unrelated provision should not be inserted into a section. Good organization makes the bill easier to write, to understand, and to enforce. The more complicated the provisions, the more important it is to arrange them logically.

Bills Creating a New Range of Statutes

For bills creating a new range of statutes intended to be codified together as a distinct unit, the preferred arrangement of provisions is given below. Each part should constitute a separate section or sections of the bill.

TITLE

ENACTING CLAUSE

BODY

1. New substantive provisions
 - a. Definitions
 - b. Main provisions
 - c. Penalties
 - d. Short title (if necessary)^a
2. Conforming amendments to existing statutes (in order by their KRS numbers)
3. Repeals
4. Appropriations (not to be codified)
5. Temporary provisions and construction clauses (not to be codified)
6. Emergency clause or special effective date (not to be codified)

^a For an example of a codified short title, see KRS 367.6801: KRS 367.680 to 367.690 may be cited as the Consumer Protection in Eye Care Act.

Bills Containing KRS Sections from Several KRS Chapters

For bills whose provisions are spread out among several chapters and are not intended to be codified together in sequence, the drafter should arrange the sections in a logical manner to make it easier for the reader to understand how the bill works. The suggested order is given below. Each part should constitute a separate section or sections of the bill.

TITLE

ENACTING CLAUSE

BODY

1. Main substantive provisions (new and amended)
2. Conforming amendments to existing statutes (in order by their KRS numbers)
3. Repeals
4. Appropriations (not to be codified)
5. Temporary provisions and construction clauses (not to be codified)
6. Not-to-be codified short title (if necessary)
7. Emergency clause or special effective date (not to be codified)

Penalties

Clarity in Creation of Penalties

Penalties in the KRS are found, in general, in either the Penal Code, which is contained in KRS Chapters 500 through 534 (Title L of the KRS), in Crimes and Punishments, KRS Chapters 431 to 441 (Title XL of the KRS), or in other sections throughout the KRS, most often as the final section of a chapter. Sometimes, in creating a statute, the sponsor of the bill wants sanctions imposed for its violation. Usually these are criminal sanctions, and in this case, it is necessary to use particular care in writing the elements of the crime. If the elements of the crime are not clearly and simply stated, a court may be able to declare the statute unconstitutional due to vagueness.

The format of the Penal Code is frequently used. This is a strict outline format with the penalty as the last section.

Examples from the Penal Code

515.010 Definition.

The following definition applies in this chapter, unless the context otherwise requires:

“Physical force” means force used upon or directed toward the body of another person.

515.020 Robbery in the first degree.

- (1) A person is guilty of robbery in the first degree when, in the course of committing theft, he uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft and when he:
 - (a) Causes physical injury to any person who is not a participant in the crime; or
 - (b) Is armed with a deadly weapon; or
 - (c) Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.
- (2) Robbery in the first degree is a Class B felony.

History

The 1974 General Assembly, by its enactment of the Kentucky Penal Code (HB 232, Ky. Acts ch. 406) created Title L of the Kentucky Revised Statutes. Accompanying this codification of the substantive body of criminal law were repeal and amendment of numerous statutes, primarily sections of Title XL, Crimes and Punishments (HB 232; Ky. Acts ch. 406, secs. 296 to 336). There remained, however, a number of statutes in Title XL which either parallel or bear a direct relationship to provisions in the Penal Code.

Offenses—Penal Code

The classification of offenses under the Penal Code are: Class A felony, Class B felony, Class C felony, Class D felony, Class A

misdemeanor, Class B misdemeanor, and violation. Capital offenses and felonies result in the death penalty or imprisonment in the penitentiary as possible penalties. Misdemeanors result in jail time, fines, or both. Violations results in fines only. Consult the Penal Code for the specifics of each of these penalties. See

- KRS Chapter 532 Classification and designation of offenses – Authorized disposition.
- 532.030 Authorized dispositions – Generally – Instructions by judge.
- 532.060 Sentence of imprisonment for felony – Postincarceration supervision.
- 534.030 Fines for felonies.
- 534.040 Fines for misdemeanors and violations.

Offenses—Outside the Penal Code

If a drafter is creating a criminal offense elsewhere in the statutes, the Penal Code penalty structure or the Penal Code format is not controlling, although the Penal Code format may be used for the offense. Sometimes, penalties are found at the end of the chapter in a “990” section.

Several sections describing criminal offenses, but which are not a part of the Penal Code are found in KRS Chapters 431 to 441 – Crimes and Punishments (Title XL of the KRS).

See also KRS 532.020 – Designation of Offenses (Offenses outside the Penal Code).

Fines and Imprisonment

In most cases, if the imprisonment is to be served in the penitentiary, the offense is a felony. If the imprisonment is to be served in the county jail, the offense is a misdemeanor. In Kentucky, the practice has been that offenses with more than a year of imprisonment are felonies and those with sentences of up to one year are misdemeanors.

With regard to imprisonment, various qualifying terms may be used. Maximum sentences are always specified, and sometimes minimum sentences are specified. Other terms include permitting the

sentences to be served on weekends or other times convenient to the defendant. Sometimes statutes prohibit probating part of the sentence or increase the penalty for repeated offenses. Sometimes the first or second offense might be a misdemeanor and subsequent offenses felonies.

Fines provide an almost unlimited source of variation. The most commonly used provisions are minimum and maximum fines, but others—such as requiring the fine to be double or triple the amount of gain from the commission of the offense, requiring the fine to be double or triple the damages caused, or making each day a separate offense for fine purposes—are also relatively common. Daily fines are particularly common in regulatory offenses where many defendants are wealthy and can afford to pay minor fines as a cost of doing business.

Additional Monetary Penalties

Monetary penalties other than fines are sometimes imposed. Court costs, restitution to victims (either in the amount stolen or in the amount of damages), making the defendant pay the costs of prosecution, requiring the payment of a service fee to be divided among state agencies, and similar items have been required under state or federal law.

Nonmonetary Penalties

Various nonmonetary penalties have been imposed over the years and sometimes prove effective. Typical nonmonetary penalties include seizure and forfeiture of property used to commit a crime; seizure and forfeiture of the proceeds of crime; seizure and forfeiture of things purchased with the proceeds of the crime; revocation, suspension, or denial of licenses (motor vehicle operators, professional, occupational, etc.); forfeiture of public office; prohibition against holding future public office; prohibition against engaging in certain professions or activities; required education, reeducation, or repassing of tests; required medical or psychological treatment (drug treatment for certain drivers, etc.); and prohibitions against engaging in certain types of business.

Prohibited Penalties

The type and range of penalties are almost unlimited; however, several considerations emerge. The penalty must not be cruel or unusual. This constitutional prohibition generally refers to physical cruelty and torture. A more practical consideration is that the penalty chosen, or the combination of penalties chosen, should be designed to protect the public, deter criminal activity, and be neither so lenient nor so strict as to be disproportionate. Penalties that are too lenient do not discourage criminal activity and may, in fact, enhance certain types of violations, particularly where the defendant can afford to pay a fine or to weather the penalty easily. In this case, the fine or other penalty may become a permit fee for the violation of the law. If the penalty is too strict or is felt to be disproportionate to the crime, the public, through jurors or judges, will not impose the penalty or will seek ways to get around its imposition through suspending the sentences or similar tactics. In this case, police and prosecutors quickly learn that the penalty will not be enforced and enforcement may slacken.

Effectiveness of Chosen Penalties

In creating penalties that fit a crime, the drafter should look at the crime and look at the most frequent violators or potential violators of the law, and then consider what penalty would most likely deter the crime or constitute an adequate public sanction for its commission. Large fines, seizure of assets and property, and repayments of costs of prosecution may deter criminal activity by corporations or affluent defendants but have little meaning to those without financial resources. Imprisonment has an effect on anyone who might be incarcerated, and it can be utilized as a deterrent without regard to financial resources. Suspension or revocation of licenses has, in some cases, been found effective against professional misconduct.

Costs of Imposition of Penalties

Drafters need to think about the costs of imposing certain types of penalties, especially incarceration. Imprisonment in the penitentiary creates a long-term cost for the state; imprisonment in a county jail creates a cost for county government. Thus, other programs are being used either in lieu of incarceration or as an adjunct to

incarceration. For example, there are work-release programs for misdemeanants requiring inmates to pay all or part of the cost of incarceration; home incarceration programs requiring the defendants to stay in their homes with an approved monitoring device (which the defendants pay for); intensive probation; and community service.

Conclusion

Whichever penalty or combination of penalties is chosen, careful consideration of all these factors is necessary, as is careful drafting. Criminal statutes are more narrowly construed by the courts and are construed in favor of the defendant.

Statute Repeal Clauses

One of the most important steps in drafting a bill is to study the existing statutes on the subject. If a bill conflicts with or supersedes existing statutes, the prior law should be expressly repealed.

Statutes to be repealed are specifically enumerated in a special not-to-be-codified section of the bill.

Section 15. The following KRS section is repealed:

202A.016 Duty of county attorney.

Section 15. The following KRS sections are repealed:

202A.016 Duty of county attorney

202A.021 Hospitalization of minors – Admission or discharge of voluntary patients

202A.028 Hospitalization by court order – Transportation – Release

Catchlines and Importance of Using the Word “Repealed”

Under KRS 446.145(4), the catchline of a section being repealed must appear alongside the KRS section number, which must be checked carefully for accuracy. Including the word “repealed” in a bill section listing the statute numbers and catchlines sets that section out as a section that is not to be codified, pursuant to KRS 446.145(6)(a). The introductory clause for sections that are

repealing statutes must end with the word “repealed.” This is necessary for identification of these statutes in LRC’s computerized conflict-identification program. Also, each section being repealed must be listed as a separate indented paragraph—drafters may not specify repeal of a range of statutes or a complete KRS chapter.

Repealing Legislation Enacted During an Ongoing Session

To repeal legislation enacted at a current session, rather than using the “repeal” button in the bill drafting application, the drafter should use the “noncodified” button to add a section to his or her bill. In general, the bill number and section of the previously enacted bill need to be identified. Following are some examples of how this might be accomplished. However, since this is a step that is sought infrequently, it is recommended that the drafter first contact the Reviser of Statutes to discuss the best way to proceed.

To repeal an entire previously enacted bill at the same session by *inserting a noncodified section*:

Section 1. The following is repealed:

HB 340/EN as enacted at the 20XX Regular Session of the General Assembly. The reviser of statutes shall not codify the provisions of 20XX HB 340/EN, and they shall have no legal effect.

To repeal one section of a previously enacted bill at the same session by *inserting a noncodified section*:

Section 2. The following is repealed:

HB 340/EN, Section 2 amending KRS 123.456, as enacted at the 20XX Regular Session of the General Assembly. The reviser of statutes shall not codify the provisions of Section 2 of 20XX HB 340/EN, and they shall have no legal effect.

To repeal multiple sections of a previously enacted bill at the same session, but not the entire bill, by *inserting a noncodified section*:

Section 3. The following are repealed:

HB 340/EN, Sections 2 and 3 amending KRS 123.456 and 234.567 respectively, as enacted at the 20XX Regular Session of the General Assembly. The reviser of statutes shall not codify Sections 2 and 3 of 20XX HB 340/EN, and they shall have no legal effect.

To repeal multiple previously enacted bills at the same session by *inserting a noncodified section*:

Section 4. The following are repealed:
HB 340/EN and SB 44/GA as enacted at the 20XX Regular Session of the General Assembly. The reviser of statutes shall not codify the provisions of 20XX HB 340/EN and SB 44/GA, and they shall have no legal effect.

For any questions about this procedure, contact the Reviser of Statutes.

Effective Date of Repeals

If KRS sections are to be repealed on a date other than the effective date of the bill, use an introductory clause like this:

Section 10. Effective January 1, 2022, the following KRS sections are repealed:

Conformity Check

If a bill repeals any statutes, identify references in other statutes to the section being repealed by performing a conformity check using the KRS Search application. Any KRS section containing a reference to the repealed section must also be amended in the same bill. Likewise, if the internal numbering of a statute is altered, a conformity check must be performed to ascertain whether references to that statute in other statutes need to be altered to conform.

Implied Repeals

Prior law is not ordinarily revived when the law that repealed it is itself repealed. The old law cannot be reactivated by repealing the statute that superseded it.

When an existing statute is repealed, the penalty section of the same chapter should be checked to determine if there are penalties for the section to be repealed; if so, they should be amended to remove the penalty or be repealed entirely, as necessary.

The drafter should not rely on repeal by implication, because it requires the courts to decide whether conflicts exist between the new and prior laws. A new law supersedes prior laws that are in direct conflict, but much confusion can be avoided by directly repealing conflicting laws or by amending them to conform.

To protect specific prior law from implied possible repeal, a bill may state that no conflict is intended. This should be done by a not-to-be-codified construction clause, such as this one:

Section 19. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to the polluting of the waters thereof, or any conservation or mining laws, but it shall be held and construed as ancillary and supplemental thereto.

See KRS 446.100 Effect of repeal of prior repealer or amendment in Appendix J of this manual.

Effective Date or Emergency Clause

Special effective date and emergency clauses are set out in not-to-be-codified provisions at the end of a bill. Legislation takes effect 90 days after the close of the session, unless the bill sets a later date which would allow time for people to become familiar with the law and to comply with its provisions, or contains an emergency clause. Any effective date earlier than 90 days after sine die adjournment makes the bill an emergency and will require a stated reason constituting a legislative finding of fact for the emergency and concurrence of a majority of each chamber's members. If an emergency is declared, the phrase "and declaring an emergency" must be included in the bill's title. An example is:

Section 30. Whereas it is increasingly difficult to obtain the required number of qualified persons for jury service, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Effective Date to Correspond to Fiscal or Calendar Year

In some bills, it may be necessary to make the effective date correspond to the beginning of a fiscal year (July 1) or a calendar year, to expedite the bill's administration. A schedule of different effective dates for different sections may be established, if the act requires that administrative machinery be set up before the law's full operation. See examples:

Section 40. This Act takes effect January 1, 2022.

Section 10. Sections 1 to 6 of this Act take effect July 1, 2022.

General Guidance on Statutory Construction

General information and guidance on statutory construction is found in KRS Chapter 446, which contains information on many diverse subjects, including a lengthy section, "Definitions for statutes generally," at KRS 446.010. These rules of construction apply to the entirety of the Kentucky Revised Statutes unless a specific statute specifies another type of construction. Reference to KRS Chapter 446 may eliminate the necessity to draft specialized construction provisions for a statute under consideration. Bill drafters should be thoroughly familiar with this chapter.

Use of Bill Drafts from Previous Sessions

In some instances, the sponsor may ask that a bill from a previous session of the General Assembly be prepared for introduction at a current session. Rather than simply copying and submitting the document anew, the drafter has a duty to carefully evaluate all aspects of the draft to determine if any updates, corrections, or improvements are necessary to provide the sponsor with a bill that

will best achieve his or her objectives. The drafter must carefully check the previous draft for specific dates, references to agencies or officers, and any other material that may need to be changed to bring the proposal into conformity with current conditions. Necessary constitutional and statutory checks should not be omitted, since subsequent amendments to KRS sections in the earlier bill, other legislation, or court decisions may have affected the proposal since the time of its original drafting.

Use of Bill Drafts from Other Jurisdictions

A drafter can often find laws from other states that contain provisions that the drafter wants to include in a bill draft. In those cases, the drafter must be careful to make the necessary changes in the other state's laws to make them conform to officers and agencies in Kentucky.

The bill drafter should check cases interpreting the other state's law. If cases dealing with the constitutionality of the law are found, the drafter should check the Kentucky Constitution to determine whether there might be a constitutional problem if the other state's law were to be enacted in this jurisdiction.

The drafter should also get in touch with the state agency that enforces the other state's law to find out whether there have been problems with its administration. It may also be helpful to contact the legislative service agency in the other state for information.

Chapter 3

Principles of Drafting

Introduction—Style and Language

Bills should be drafted in language that is clear, accurate, and unambiguous. The language should be as simple as possible without sacrificing detail or meaning.

Observe accepted rules of form and grammatical construction, as in general composition. The United States Government Publishing Office *Style Manual* can answer particular questions. Other useful reference works are *The Chicago Manual of Style* and *Garner's Modern English Usage*. See also Appendix H of this manual.

Remember what James Bryce, a British jurist, said about the form of legislation: “[t]he merit of law consists in brevity, simplicity, intelligibility, and certainty”

Use correct English. Use language so clear that it conveys the same meaning to every reader.

Under KRS 446.015, all bills introduced in the General Assembly must be written “in nontechnical language in a clear and coherent manner using words with common and everyday meanings.”

Use of “Shall” and “May”

A duty, obligation, or prohibition is best expressed by “shall,” and a power, privilege, or right is best expressed by “may.” Under KRS 446.010, “shall” is mandatory and “may” is permissive.

In statutes, “shall” is best used as a synonym for “has a duty to.”

“Shall” imposes an obligation. It states a legal requirement. It directs a person, officer, agency, or other entity to perform an action or to behave in a particular way—for instance, “The operator of any

vehicle upon a highway shall operate the vehicle in a careful manner” (KRS 189.290).

“Shall” should not be used for a statement of fact. In legislation, a phrase like “there will be a solar eclipse” is better than “there shall be a solar eclipse.” Likewise, a statement like “A bicycle rider is exempt from this requirement” is better than “A bicycle rider shall be exempt from this requirement.”

The word “shall” does not belong in a definition. “Shall mean” should not be used when “means” can be substituted.

“Homer” means home run.
not “Homer” shall mean home run.

“May” is used when a person or group has discretion over whether to take action—for instance, “The cabinet may promulgate administrative regulations to implement this program.”

Tense and Voice

A statute is regarded as constantly speaking, so use the present tense. Its provisions apply with equal force at every moment it is in effect. It should, therefore, be written in the present tense, except when it states a condition precedent to its operation.

In statutes, the active voice is generally preferable to the passive voice. A sentence in the active voice, like “The officer shall distribute the documents,” specifically names the entity upon whom a duty is being imposed. The helps make the law clear and unambiguous.

Choice of Words and Phrases

Select short, familiar words and phrases that best express the intended meaning according to common and approved usage.

Do not use unnecessary synonyms, and do not use the same word in different senses.

Use pronouns only if their antecedents are unmistakable.

Do not use the words “said,” “wherefore,” “whatsoever,” or similar legalistic words of emphasis.

Avoid imprecise words of reference like “herein,” “above,” and “aforementioned.” These words do not clearly identify the statutory text they refer to. A phrase like “the requirements listed in subsection (9) of this section” is preferable to one like “the requirements listed herein.”

Avoid the expression “and/or.”

Avoid using contractions.

Omit needless words.

Use the shortest sentences that bring out the meaning intended.

Phrases to Avoid

The following phrases do not add to the clarity or meaning of a bill and should not be used unless they are absolutely necessary:

Avoid	Use
and/or	“and” for a conjunctive, “or” for a disjunctive. If necessary, use a phrase like “A, B, or both.”
any and all	(either word)
at the time	when
and the same hereby is	and is
bonds, notes, checks, and other evidences of indebtedness either directly or indirectly	evidences of indebtedness
final and conclusive	final
full force and effect	“force” or “effect”
hereafter	after the effective date of this Act
herein	in this chapter, in this section, in this subsection (as appropriate)
hereinbefore, hereinafter	(the specific number or letter of a section, subsection, etc.)

Avoid	Use
in the event that, in case	if
is authorized to, is empowered to	may
is defined and shall be construed to mean	means
is hereby required to	shall
it shall be lawful for X to	X may
Latin words	their English equivalents
means and includes	either "means" or "includes" as appropriate
null and void and of no effect	void
order and direct	(either word)
ordered, adjudged, and decreed	ordered
person of suitable age and discretion	adult
, provided that	". However," or ", if"
provisions of KRS ___	KRS ___
provisions of this section	this section
shall mean	means
"this Act" when referring to only part of a bill	"Sections __ and __ of this Act"
until such time as	until
when, where (for conditions)	if

This list of terms to avoid is neither complete nor binding in all cases. As a rule, however, prefer the simpler term to the more complex, and be as direct and explicit as possible.

Expressions of Limitation

If a provision is limited in its application or is subject to a condition, it is a good idea to begin the sentence with that limitation or condition.

For conditions, "if" is preferable to "when," "whenever," or "where."

“Provided That”

Avoid “provided that” and “provided, however,” unless absolutely necessary. The words “if” and “except” are more exact. If a new sentence is needed, begin it with the word “However” followed by a comma.

Gender-Neutral Language

KRS 446.020(2) provides that “[a] word importing the masculine gender only may extend and be applied to females as well as males.” This widespread and long-standing drafting convention permits masculine pronouns (he, him, his) to be used in a generic sense including both men and women when referring to an antecedent that may be either a man or a woman (a person, the member, the Governor).

Nevertheless, unless an unnecessarily lengthy, clumsy, or ambiguous construction would result, using the masculine pronouns to cover all persons can and should be avoided by drafting in a way to avoid the pronoun, by repeating the noun instead of using a pronoun, or by using—in moderation—both masculine and feminine pronouns together (“he or she,” “him or her,” “his or her”).

Generally accepted gender-neutral terms (e.g., the chair, a reasonable person, workers’ compensation) should be preferred to gender-specific ones (the chairman, a reasonable man, workmen’s compensation), but artificial terms (waitperson, watchperson) or devices (s/he, she/he) that have not gained general acceptance should not be used in bill drafts.

The plural pronoun “their” should not be used to refer to a singular antecedent. For example, a statute should not read, “A motorist shall present their license.”

Punctuation

Punctuate carefully. A misplaced comma, period, semicolon, or colon can change the meaning of a statute.

Ordinarily, use commas to separate the items in a series. Be sure to place a comma before the conjunction following the next-to-last item in the series (e.g., “red, white, and blue” *not* “red, white and blue”). Omitting the comma before the conjunction can create ambiguity. Use semicolons for a series of items containing commas.

Parentheses should not ordinarily be used within statutory text.

In expressing a fraction in words, use a hyphen between the elements of the fraction, but omit this hyphen between the numerator and denominator of a fraction when a hyphen appears in either or both of these elements.

one-tenth (1/10)
thirty-five sixtieths (35/60)
three-fourths (3/4)
twenty-two thirty-fifths (22/35)
seven one-hundredths (7/100)
two-thirds (2/3) of an inch

Quotation marks are not needed for a short title or a designation.

Section 5. Sections 1 to 3 of this Act may be cited as the Firefighter Appreciation Act.

Section 2. April 2021 is designated Legal Education Month in Kentucky.

Spelling

Use the preferred standard spelling for words rather than variant forms. A list of preferred spellings for some commonly occurring words appears in Appendix C of this manual.

Capitalization

In most cases, the rules contained in the *Style Manual* of the United States Government Publishing Office govern capitalization in bill drafting for the Kentucky General Assembly. This policy conforms

statutory practice, as much as possible, to common and everyday usage. A summary of major provisions of this policy is set out below. Appendix D provides a list of examples.

Capitals should be used for

- Commonwealth, when referring to the Commonwealth of Kentucky;
- the first word of a subsection, paragraph, subparagraph, subdivision, or subpart;
- the word “Act” for a particular legislative act;
- the word “Section” when followed by a number to denote a particular section within a bill;
- the full or short title of a particular state or federal act;
- the words “Chapter,” “Article,” “Subchapter,” and “Subtitle” when followed by numbers designating specific divisions within the Kentucky Revised Statutes (e.g., KRS Chapter 224, Article 2A of KRS Chapter 355);
- the General Assembly, the Senate, the House of Representatives, the Legislative Research Commission, and legislative committees and task forces when their full names are used;
- the name of an executive department, commission, or agency when named in full;
- the Court of Justice and its component parts;
- nouns or adjectives forming an essential part of a proper name, such as a particular county, river, or state; and
- titles of elected public officials who are chosen for office by a statewide vote under Sections 70 and 91 of the Kentucky Constitution: the Governor, the Lieutenant Governor, the State Treasurer, the Auditor of Public Accounts, the Commissioner of Agriculture, the Secretary of State, and the Attorney General.

Capitals should *not* be used for

- appointive state officers (e.g., the commissioner of the Department of Insurance, the secretary of the Labor Cabinet);
- county, municipal, and district officers (e.g., the county judge/executive, the water commissioner);
- substitutes for official titles (e.g., the board, the court, the commissioner of insurance), except for “the Commission” when

referring to the Legislative Research Commission and “the Authority” when referring to the Kentucky Public Pensions Authority;

- the words “federal” and “state,” when not part of a proper name, and
- the words “chapter,” “section,” “article,” “subchapter,” or “subtitle” when not followed by a number.

Numbers

Cardinal numbers should ordinarily be expressed in words followed by numerals enclosed in parentheses, e.g., twenty (20). But this rule does not apply to

- section numbers within an act;
- citations to statutes, constitutional provisions, case reports, and the like;
- dates and times;
- numeric entries in a table or schedule; or
- numbers in noncodified text.

This general rule for cardinal numbers applies to measurements, e.g., six (6) feet *not* six feet (6’); ten (10) inches *not* ten inches (10’’).

In expressing cardinal numbers in numeric parentheticals, ordinarily use common fractions instead of decimal fractions, e.g., one-half (1/2) *not* (0.5); four-tenths (4/10) *not* (0.4); one and one-half (1-1/2) *not* (1.5). For percentages with fractions, prefer decimal fractions, unless the fraction cannot be expressed as a terminating decimal, e.g., two and one-half percent (2.5%); one and one-fourth percent (1.25%); one-half of one percent (0.5%); *but* thirty-three and one-third percent (33-1/3%).

When expressing a number over one hundred, do not use “and,” e.g., three hundred thirty *not* three hundred and thirty.

Ordinal numbers should be expressed in words without any numeric representation in parentheses, e.g., the third reading, *not* the third (3rd) reading.

References to Time

Time should be expressed as follows: 2 p.m. *not* 2:00 p.m. or 2 o'clock p.m.; 2:30 p.m.; 12 noon *not* 12:00 noon or 12 p.m.; 12 midnight *not* 12:00 midnight or 12 a.m.

Dates should be expressed as follows: June 1, 2022; June 2022; June, July, and August 2022. A comma always follows a full date (June 1, 2011, and ...) except at the end of a sentence. For dates without a year, use "June 1" or "the first day of June"; do not use "June 1st" or "the 1st day of June."

Monetary Amounts

In the body of a bill, sums of money are expressed in words, with "dollars" or "cents" written out. A numeric representation should ordinarily be placed after the expression in words. In these parenthetical references, use the following forms: (\$10) *not* (\$10.00); (\$0.50) *not* (50¢); (\$0.001) *not* (1/10 of 1¢).

Figures may be used for an enumeration of monetary amounts in the budget bills, in lists of fees or costs, and in tables.

Abbreviations

Abbreviations should be used sparingly in a bill, except that the abbreviation "KRS" should always be used in citing particular sections of the Kentucky Revised Statutes. Sometimes it is preferable and permissible to use an acronym or an initialism for an agency, a law, or a technical term when it is used repeatedly in a bill. In that case, add a definition that specifies the acronym or initialism to be used in place of the formal name.

Definitions

Use definitions only

- when a word or phrase does not appear in a standard dictionary;

- when a word or phrase is used in a sense other than its dictionary meaning or is used in the sense of one of several dictionary meanings;
- to avoid repetition of a phrase; or
- to limit or extend the provisions of the act.

If a bill contains a group of sections intended to be codified together as a distinct unit, place definitions at the beginning of that group of sections. Once a term is defined, use the defined term, not the definition.

Do not write substantive provisions or artificial concepts into definitions. A definition merely clarifies the meaning of a term. It should not be used to establish legal principles or to compel behavior.

Statutory Definitions

Certain words are defined by law (as in KRS 446.010) and apply to all statutes, unless a different definition is used in a particular statute or group of statutes.

Here are some of the universal definitions:

- “Action” includes all proceedings in any court in the state.
- “Attorney” means attorney-at-law.
- “Bequeath” and “devise” are synonymous.
- “Bequest” and “legacy” embrace both real and personal estate.
- “Company” may include any corporation, person, partnership, joint stock company, or association.
- “Directors,” when applied to corporations, includes managers and trustees.
- “Domestic corporation” means a corporation formed by authority of this state.
- “Federal” refers to the United States.
- “Issue,” as applied to the descent of real estate, includes all lawful lineal descendants.
- “Legatee” and “devisee” are synonymous.
- “May” is permissive; “shall” is mandatory.

- “Oath” includes affirmation.
- “Peace officer” includes sheriffs, constables, coroners, jailers, marshals, police officers, and persons with similar authority to make arrests.
- “Penitentiary” includes all state penal institutions, except the houses of reform for young people.
- “Person” may extend to bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies.
- “Sworn” includes affirmed.
- “United States” includes territories, outlying possessions, and the District of Columbia.
- “Vacancy in office” applies whether occasioned by death, resignation, removal, or otherwise.
- “Violate” includes fail to comply with.
- “Will” includes codicils.

Use of the Singular Extends to the Plural

Under KRS 446.020, a word importing the singular number may extend to several persons or things. For instance, the phrase “a sheriff shall” imposes an obligation on all sheriffs.

Citations

References to Kentucky Law

All section and chapter references to the Kentucky Revised Statutes must be carefully checked for accuracy, using the current version of the statutory database.

References to an existing range of statutes should be expressed as “KRS ___ to ___.” Do not use the word “through” in range references. Under KRS 446.120(2), when a reference is made to several sections connected by the word “to,” the reference includes the sections whose numbers are given and all intervening sections.

A section of the Kentucky Constitution is cited as “Section ___ of the Constitution of Kentucky.”

Citations to state administrative regulations should be avoided if possible, since they might be altered while the statute referring to them remains the same. However, if a citation is insisted on, it should follow the format “801 KAR 4.170.”

Citing Federal Statutes and Regulations

To cite an entire title of the U.S.C. or C.F.R., you may use the format “Title 42 of the United States Code” or “Title 19 of the Code of Federal Regulations.”

To cite individual title sections, use the citation styles detailed below. In both cases, the first number cited is a reference to the specific title of the U.S.C. or C.F.R. containing the statute or regulation.

For citations to the United States Code, use these citation styles:

- For citation to an individual section of a particular title of the law: 49 U.S.C. sec. 322
- For citations to a block of consecutive sections of the law beginning with one statute and including all statutes to the end: 49 U.S.C. secs. 322 et seq.
- For citations to more than one section of the law: 49 U.S.C. secs. 322 and 323; or 49 U.S.C. secs. 322 to 388

For citations to the Code of Federal Regulations, use these citation styles:

- For citation to an entire part of a particular title of the C.F.R.: 23 C.F.R. pt. 43
- For citation to an individual section of a part of the C.F.R.: 23 C.F.R. sec. 43.211
- For citation to a block of consecutive sections of a part of the C.F.R. beginning with one regulation and including all regulations to the end: 23 C.F.R. secs. 43.445 et seq.
- For citation to more than one section of a part of the C.F.R.: 23 C.F.R. secs. 43.211 and 43.212; or 23 C.F.R. secs. 43.211 to 43.340

For C.F.R. cites, if a decimal appears in the last reference, it is a section. If there is no decimal, it is a part.

Session Laws

Kentucky session laws are cited using the format “2021 Ky. Acts ch. ___, sec. ___” or, for special sessions, “2021 (1st Extra. Sess.) Ky. Acts ch. ___, sec. ___.” Federal session laws are cited using the format “Pub. L. No. 116-210.”

Laws passed during an ongoing session are cited as “Senate Bill (or House Bill) ___ of the 2___ Regular Session of the General Assembly,” using the number that appears on the enrolled copy.

Divisions Within a Bill

Each distinct subject should be a separate section of a bill, divided when necessary into subsections, paragraphs, subparagraphs, subdivisions, and subparts. There can be no definite rule on how much should be placed in one section, but generally the contents of a section should correspond to the contents of a paragraph in ordinary composition.

Section Breakdown

If a section covers a number of contingencies, alternatives, requirements, or conditions, break it down into subsections designated by Arabic numerals in parentheses. If necessary, break down subsections into paragraphs designated by small letters in parentheses. If a further breakdown is necessary, designate subparagraphs with Arabic numerals, subdivisions with lowercase letters, and subparts with i., ii., iii., iv., etc.

If a section contains one subsection, it should contain at least one other subsection. There should not be a subsection (1) unless there is a subsection (2). The same principle applies to paragraphs, subparagraphs, subdivisions, and subparts.

These are the parts into which a section may be broken down:

Section

(1) Subsection

(a) Paragraph

1. Subparagraph

- a. Subdivision
 - i. Subpart

An illustration of the manner of breaking down a section is given in Appendix B.

When referring to a subsection or other part of a statute, be specific about where it appears in the statute. For example:

- subsection (2) of this section
- paragraph (a)1. of this subsection
- subsection (3)(b)4. of Section 5 of this Act
- KRS 888.111(3)
- KRS 888.112(4)(c)2.a.ii.

Purpose Clause or Policy Declaration

Sometimes a statute or group of statutes contains a declaration of legislative policy. This practice is contrary to the highest standards of drafting. The only purpose such a provision can serve is to give the general purpose of the legislature in adopting the enactment. If the language of a bill is not sufficiently clear to make its purpose plain, it is not properly drafted. In most cases, do not place a statement of purpose in a section of the statutes.

Severability Clause

A severability clause ordinarily is not necessary, because both statute and common law make statute provisions severable. KRS 446.090 provides that

if any part of a statute be held unconstitutional the remaining parts shall remain in force, unless the statute provides otherwise, or unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional part that it is apparent that the General Assembly would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being

executed in accordance with the intent of the General Assembly.

If a legislator insists upon such a clause, however, it should read as follows:

Section __. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

If the legislator wants the bill to be nonseverable, the bill drafter should include a nonseverability clause.

Short Title

A short title establishes a name for a statute or group of statutes.

Such a designation is not necessary for most bills, because legislation is commonly cited by statute number. A short title may be useful if a bill establishes a continuing program of considerable importance.

If a bill consists of a number of sections spread out among several chapters of the statutes, a short title given to the bill should not be enacted into codified law. A noncodified section creating the short title should be placed at the end of the bill, or as the next-to-last section if the bill contains an emergency clause or special effective date provision.

Section 20. This Act may be cited as the Interlocal Cooperation Act.

If a group of sections is to be codified together as a distinct unit in a single chapter of the statutes, any short title should be enacted into codified law as the last section of this group within the bill.

SECTION 10. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 10 of this Act may be cited as the Vital Statistics Act.

Consistency and Parallelism

Use the same arrangement of text and the same form of expression throughout a section, unless the meaning requires variations. For example:

The commissioner may:

- (1) Call meetings;
- (2) Issue orders; and
- (3) Set rules.

not The commissioner may:

- (1) Call meetings;
- (2) Issue orders; and
- (3) The commissioner may set rules.

If a group of subsections begins as a list, then all the divisions in that group should be part of that list. For example, a statute should *not* read like this:

The board may approve only those devices that are:

- (1) Yellow;
- (2) Blue; or
- (3) Red;
- (4) In determining the color of each device, the board may use generally accepted standards.

Similarly, if most of the subsections in a section constitute the same part of a sentence or begin with the same verb form, then all those subsections should match that sentence part or verb form. In a sequence of subsections, each subsection should represent the same grammatical unit. A statute should *not* read like this:

The commissioner shall not:

- (1) Receive compensation from any other source;
- (2) Employ counsel;

- (3) Be on the board of another similar entity; or
- (4) Acting as a consultant.

The same principles apply to paragraphs, subparagraphs, subdivisions, and subparts.

Internal References Within a Bill

In a bill section that amends or creates a statute, use a phrase like “**Section 4 of this Act**” to refer to a different section of the same bill. If the bill is enacted, the Reviser of Statutes will codify that language by replacing the phrase “**Section 4 of this Act**” with a statutory citation like “KRS 5.678.” The Reviser will also convert the phrase “**the effective date of this Act**” into a specific date. Since phrases like “**Section 7 of this Act**” and “**Sections 2 to 19 of this Act**” appear in bills but do not appear in the codified statutes, drafters should consider how those phrases will read once they are replaced with statutory references. Remember that, if a bill says “**Sections 1 to 4 of this Act**,” the final version of the statute will say something like “KRS 812.100 to 812.140.”

Do not use the three-word phrase “**in this Act**” without specifying any particular section number. Instead of writing “**in this Act**,” be specific, writing something like “**in Sections 5 and 6 of this Act**” or, for a newly established range, “**in Sections 1 to 12 of this Act**.”

In referring to a statute that is amended in a bill, use the bill section number instead of the KRS number. That is, if KRS 156.760 is amended in Section 11 of the bill, refer to it as “**Section 11 of this Act**” rather than as “**KRS 156.760**.” This puts the reader on notice that the statute is being amended, and it indicates where the amended version of the section can be found.

Catchlines

Boldfaced headings describing KRS sections, usually called “catchlines,” are not part of the law and should not be used in a bill. They are supplied by the Reviser when the law is incorporated into the Kentucky Revised Statutes.

Conformity Checks

When one section of the Kentucky Revised Statutes is amended, technical amendments may be required in other sections. If a bill changes the number or letter that designates a particular subsection, paragraph, subparagraph, subdivision, or subpart, the drafter must make sure that any reference to that designation appearing in any other section of the Kentucky Revised Statutes is amended to reflect the change. For example, if a bill amends KRS 888.888 so that subsection (1) becomes subsection (2), then any existing reference in the statutes to “KRS 888.888(1)” or to “subsection (1) of KRS 888.888” should be amended to read “KRS 888.888~~(1)~~(2)” or “subsection ~~(1)~~(2) of KRS 888.888.”

To determine whether such an amendment needs to be made, the drafter must do a conformity check. He or she must search the Kentucky Revised Statutes for references to the subsections, paragraphs, etc., whose designations are being changed. If the conformity check reveals such a reference, the KRS section containing that reference must be amended in the bill.

Likewise, if a bill repeals a KRS section, the drafter must do a conformity check for references to that section. If KRS 888.112 is repealed, any mention of that section appearing anywhere in the statutes must be identified, and in most cases the reference must be deleted from the statute in which it appears.

This procedure often involves adding sections to a bill. Sometimes the only reason for including a particular KRS section in a bill is to update a reference to another KRS section that is being repealed or whose internal numbering or lettering is being changed.

The best way to find KRS sections that must be amended for this purpose is to use the KRS Search application. The drafter will enter the number of the section being changed or repealed as the search term. For example, if a bill brackets and strikes through a subsection in KRS 888.111 and renumbers the remaining subsections, the drafter enters “888.111” as the search term to find all references to that section in the Kentucky Revised Statutes. If one of those

references should be changed because of the internal renumbering of KRS 888.111, or because the reference is no longer accurate in the absence of the substantive provisions of the subsection, then the drafter must include in the bill an amendment to the KRS section that contains the reference. Similarly, if KRS 888.112 is being repealed, the drafter should enter “888.112” as the search term to identify KRS sections that must be amended to delete or update references to the repealed statute.

Conflicts

An existing statute might be amended more than once during one legislative session. Two or more enacted bills may amend the same statute. Often, such multiple amendments are compatible with each other and can be incorporated together into the new version of the statute. But sometimes the amendments conflict. The meanings of the two changes might be contradictory, or the wording of one change might not be consistent with the wording of another. In this case, a choice must be made during codification: Which of the changes prevails?

The statutes provide guidance on the treatment of multiple amendments. KRS 7.136(3) calls for the codification of all amendments that “can be given effect and incorporated in the section in a manner which will make the section intelligible.” If the statute remains intelligible when all the changes are added, then all the changes will be included.

But if the amendments cannot be reconciled, the prevailing version is determined by the order in which they were enacted. The amendment that passed last will be codified. KRS 446.250 says

In the event of a conflict between measures amending the same section of statutes, the one which passes the General Assembly last shall prevail. For purposes of codification only, a House bill shall be deemed to have passed the General Assembly when signed by the President of the Senate and a Senate bill shall be deemed to have passed the General Assembly when signed by the Speaker of the House of Representatives.

Examples—No Conflict

Here is an example of a situation in which two amendments to the same statute do not conflict with each other. One bill is enacted that amends a statute as follows:

The agency shall maintain ***three (3)***~~[two (2)]~~ offices that are open Monday through Thursday of each week.

Another bill is enacted that amends the same statute as follows:

The agency shall maintain two (2) offices that are open Monday through ***Friday***~~[Thursday]~~ of each week.

The two amendments can be codified together. The new version of the statute will read:

The agency shall maintain three (3) offices that are open Monday through Friday of each week.

Here is another example of a situation in which there is no conflict. One bill amends a statute this way:

The officer may display lights that are:

- (1) Red;~~[and]~~
- (2) Blue; ***and***
- (3) Green.***

Another bill amends the same statute like this:

The officer may display lights that are:

- (1) Red;~~[and]~~
- (2) Blue; ***and***
- (3) Yellow.***

In codifying the changes, the Reviser of Statutes is authorized by KRS 7.136(1) to renumber subsections when necessary. Both amendments can be given effect, and the amended statute can read like this:

The officer may display lights that are:

- (1) Red;
- (2) Blue;
- (3) Green; and
- (4) Yellow.

Examples—Conflict

Here is an example in which a conflict does exist. One bill amends a statute like this:

The sheriff shall collect a fee, *not to exceed twenty-five dollars (\$25)*.

Another bill is enacted during the same session that amends the statute like this:

The sheriff shall collect a fee, *not to exceed fifty dollars (\$50)*.

These two amendments cannot be reconciled. They cannot both be incorporated into the statute if it is to remain intelligible. The amendment that prevails will be the amendment that was enacted last, as determined under KRS 446.250.

Here is another example of a conflict. One bill amends a statute to read as follows:

Class One contains sheep, goats, *horses*, and pigs. Class Two contains cats, dogs, *rabbits*, and squirrels. Class Three contains all animals that are not in Class One or Class Two.

Another bill amends the section this way:

Class One contains [~~sheep, goats, and pigs~~]. Class Two contains cats, dogs, and squirrels. Class Three contains] all animals [~~that are not in Class One or Class Two~~].

The overlapping insertions and deletions cannot all be incorporated into the final version of the statute. Whichever amendment was enacted last will prevail.

The Role of the Staff Concerning Conflicts

It is the duty of drafters and committee staff to keep track of all introduced bills, amendments, and committee substitutes that might conflict with legislation they have assisted in drafting or with legislation that is being considered by their committees. Sponsors and committee chairs should be notified of potential conflicts between introduced measures.

Potential conflicts can be identified using tables generated by LRC's computer database. On the Internet, the LRC Staff Home Page carries a listing called "Conflicts Reports." These reports can be used to find all legislation that proposes to amend particular KRS sections, and they indicate how far in the legislative process each piece of legislation has progressed. The tables are updated daily during each session, and they should be consulted regularly by drafters and committee staff.

Chapter 4

Special Types of Legislative Drafting

Introduction

Some particular subjects of legislation require special treatment in drafting. This chapter deals with several of these specific requirements.

Constitutional Amendments

Constitutional amendments may be proposed in either house of the General Assembly at a regular session. If approved by three-fifths of all members elected to each chamber, a proposed amendment is submitted to the voters at the next general election for members of the House of Representatives. Not more than four amendments may be voted on at one time. An amendment may relate to one subject or to multiple related subjects, and it may amend or modify as many articles or sections of the Constitution as necessary to accomplish the objectives of the amendment (Ky. Const., § 256).

In Kentucky, constitutional amendments are drafted as bills, rather than as resolutions, although they do not require the Governor's approval.

The customary title for a proposed amendment is "AN ACT proposing an amendment to Section ___ [or Sections ___, ___, and ___] of the Constitution of Kentucky relating to _____."

A section proposing an amendment to the Constitution requires a special introductory clause. In most cases, the clause should resemble one of the following examples:

Section 2. It is proposed that Section 157 of the Constitution of Kentucky be amended to read as follows:

SECTION 4. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

SECTION 6. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED AS 310 AND TO READ AS FOLLOWS:

Section 8. It is proposed that the following section [or sections] of the Constitution of Kentucky be repealed:

In 2019, the Kentucky Supreme Court ruled that the Kentucky Constitution requires the entire text of a proposed constitutional amendment to be presented to the voters on the ballot. The court also held that the entire text of the proposed amendment must be published at least 90 days before the election.

A bill that proposes to amend the Kentucky Constitution should include, at a minimum, the following:

- A section that states the question. This should provide a thorough and accurate summary of the changes in the Constitution that are proposed in the amendment.
- One or more sections that set forth in full the proposed changes in the Constitution, indicating insertions and deletions with underlining, brackets, and strikethrough.
- If the repeal of any sections of the Constitution is proposed, a section listing the proposed repeals.
- A section containing the following language: “This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.”

Unless otherwise provided in the bill, constitutional amendments are effective upon ratification by the voters.

Classification of Cities

Until 1994, Section 156 of the current Constitution of Kentucky provided for the division of cities into six classes, based on population. In November 1994, the voters of Kentucky ratified a constitutional amendment repealing that section and creating Section 156A, which authorizes the General Assembly to establish “such classifications of cities as it deems necessary based on population, tax base, form of government, geography, or any other reasonable basis”

In 2014, the General Assembly established a new classification system based on the form of government each city has adopted. Under KRS 81.005, cities are classified as follows:

Class	Governance Model
First	Alderman
Home rule	<ul style="list-style-type: none"> • City manager • Mayor-council • Commission

Until 2014, the General Assembly had to adopt a resolution before a city could change its classification. Now, however, no action by the General Assembly is required. A city changes its classification when it changes its governance model pursuant to KRS 83A.160, using the public referendum procedures set out in KRS 83A.120.

Any bill that imposes a requirement on a city of a particular class must treat all cities of that class the same. Section 156A of the Constitution says, “All legislation relating to cities of a certain classification shall apply equally to all cities within the same classification.” Legislation that is aimed at cities of a particular classification should not create narrow categories that are more restrictive than the classification. For instance, a statutory requirement that applies only to “a city of the home rule class with a population of less than one thousand (1,000)” would violate the Constitution, since it would apply to some cities of the home rule class and not to others.

Judicial Legislation

Sections 112 and 113 of the Kentucky Constitution allow the General Assembly, upon a certification of necessity by the Supreme Court, to reduce, increase, or rearrange existing judicial circuits and districts. The number of judges in each circuit and district may also be altered.

Bills changing judicial circuits amend KRS 23A.020, and those changing judicial districts amend KRS 24A.030. The number of judges assigned to the circuits and districts is set forth in other sections of KRS Chapters 23A and 24A.

The drafter should consider including noncodified language in the bill to establish a schedule for transition to a new set of circuits or districts and to provide for the election of new judges and Commonwealth's attorneys.

Creating Agencies, Boards, or Commissions

There are a number of questions to be considered if a bill creates a new agency, board, or commission. The following outline lists the most important ones. Not all of these items must be addressed in each bill establishing such a group, but they should all be considered by the drafter.

- A. Name of agency, board, or commission
- B. Purpose
- C. Independent agency or attached to department, cabinet, etc.
- D. Board members
 - Appointed (at large, from lists, by Governor) or elected
 - Voting or nonvoting
 - Some members ex officio (that is, by virtue of holding a particular office)?
 - Number
 - Term of office (four-year limit unless Constitution provides otherwise)
 - Staggering of first terms should be placed in noncodified language at the end of the bill

- Succession of members
- Removal for cause, for missing meetings, or for other reasons
- Pay—how much? Unpaid?
- Reimbursed for travel and other expenses?

E. Board

- Chair—how selected, term, how removed, pay
- Duties
- Administrative regulations—subject matter, authority to promulgate
- Advisory only, or direct agency operation?
- Set standards
- Hear appeals
- Manage day-to-day practices of agency
- Appoint executive director

F. Licenses, certifications, and permits

- Training required for application
- Examinations, reexaminations
- Qualifications for applicants
- Length of time license, certification, or permit is valid
- What does license, permit, or certification authorize one to do?
- Relicensure, recertification, new permits—terms, conditions, and standards
- Discipline
- Fees for licenses, certifications, and permits
- Who administers program?

G. Hearings

- For what?
- Who conducts?
- Notice and due process
- Appeals within agency
- Appeals to Circuit Court
- Limitations on appeals (bad-faith acts, procurement by fraud)

H. Employees

- How many?
- How funded?

- Attached to agency, board, or commission? Come from other agency?
 - Duties
 - Personal service contracts
 - Day-to-day administrative help
 - Merit system, nonmerit system?
- I. Offenses
- Operation without license, permit, or certification
 - False statement on application
 - Evil conduct or immoral conduct
 - Negligence
 - Failure to follow law or administrative regulations
 - Incompetence
 - Failure to keep up training
 - Failure to pay fee on time
 - Failure to secure required license, certification, or permit
- J. Penalties
- Civil—administered by agency? Tried in court?
 - Criminal
 - Administrative
 - Fine? Maximum, minimum
 - Jail? Maximum, minimum
 - Suspension of license, certification, permit—how long?
 - Revocation of license, certification, permit
 - What does it take to get license back?
 - Appeals from agency penalty decisions
- K. Funding the agency, board, or commission
- General fund appropriation
 - Fees
 - Taxes for operations of board, commission, agency
 - Federal and outside sources of revenue
 - Do the funds available meet the group's fiscal needs?
 - Have all costs of operation been taken into account?

Examples

In drafting a bill creating a licensing or regulatory board, a good model to follow is KRS Chapter 323, Architects. A good model for a bill creating an advisory commission is KRS 174.200 and 174.205, the Water Transportation Advisory Board.

Points to Remember

Two items mentioned in the outline are worth emphasizing. When providing staggered terms for the initial members of a new board or commission, place those provisions in a separate noncodified section near the end of the bill because they are only applicable during a short transition period. And under Section 93 of the Kentucky Constitution, the maximum term of office for a member of a board or commission, unless the Constitution specifies otherwise, is four years.

Authority to Promulgate Administrative Regulations

KRS Chapter 13A establishes a detailed procedure for the promulgation of administrative regulations by executive agencies and for their review by the legislative branch. The drafter should keep in mind the following points when granting an entity the authority to promulgate administrative regulations.

Draft in terms of “administrative regulations.” Do not use the terms “regulations” or “rules and regulations.” Do not authorize an administrative body to promulgate “policies and procedures.” If necessary, authorize it “to establish policies or procedures by the promulgation of administrative regulations in accordance with KRS Chapter 13A.”

Grant authority to “promulgate” administrative regulations. Do not use “adopt” or “promulgate and adopt” as the empowering verb.

The following examples illustrate specific authorizations for the promulgation of administrative regulations.

The commissioner may promulgate administrative regulations in accordance with KRS Chapter 13A to implement Sections 1 to 10 of this Act.

The department may establish license fees by the promulgation of administrative regulations in accordance with KRS Chapter 13A.

The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the procedure for appeals of its decisions.

If a bill draft establishes every requirement relating to a specific subject, do not authorize or require the administrative body to promulgate administrative regulations establishing those requirements. For example, if a bill draft establishes age requirements for licensure, the types of licensure, continuing education requirements, disciplinary matters, appeals, and fees, do not authorize the administrative body to cover these same topics by administrative regulation. If the draft contains a comprehensive scheme only relating to some topics, limit the authority to promulgate administrative regulations to those areas of the agency's jurisdiction not within the comprehensive scheme.

When a statute sets out a fee schedule with specificity, there is no need for authority to be granted for the establishment of fees by administrative regulation. If a bill's sponsor wants an administrative body to establish fees for certain items, specific authority should be set out to promulgate administrative regulations for these fees, and, if desired by the sponsor, a ceiling for these fees may be set out in the enabling statute.

The authority to promulgate administrative regulations may be required, even in detailed bill drafts, if an administrative body must comply with federal requirements or may choose to adopt the standards established by national professional or standards organizations.

If prior approval of an administrative body's proposed administrative regulation by another administrative body or state official is required, state this clearly.

The cabinet shall submit the plan to the Governor for approval.

In preparing a bill draft, the drafter should determine what decisions the sponsor wishes to leave to the discretion of an administrative

agency by giving it the power to promulgate administrative regulations. Areas for consideration include fees and fee ceilings, hearing procedures, and the establishment of forms.

Bills Confirming Reorganizations

***NOTE:** In the 2021 Regular Session, the General Assembly enacted HB 5 (2021 Ky. Acts ch. 5), which substantially modified the statutory processes by which executive officers propose reorganization plans and the General Assembly addresses those plans in legislation. At the time of the October 2021 revision of this manual, litigation challenging the substantive provisions of HB 5 was still pending. Therefore, the following information relating to bills addressing reorganizations has not been modified to reflect the changes necessary to effectuate HB 5's provisions. This language will be revised if necessary upon the conclusion of the current litigation.*

The General Assembly establishes, by statute, the organizational structure of the executive branch of state government. Permanent changes in that structure must be enacted by the General Assembly.

Executive-branch entities, including the Governor, other elected state executive officers, and the Kentucky Economic Development Partnership, may propose that the General Assembly make changes in the organization of the executive branch, and those executive entities may also make temporary changes themselves by adopting executive orders. Where a subsequent reorganization amends an earlier one and cannot stand on its own, the plans together constitute in effect a single subject matter and should be treated in a single bill.

The complexity of the bill draft confirming a reorganization can vary from a single noncodified section to a lengthy bill with both codified and noncodified sections. This will vary depending upon how involved the reorganization is and whether existing statutes need to be amended or repealed or new statutes need to be created to treat organizational units or administrative bodies dealt with in the reorganization.

The promulgating authority is required by KRS 12.028 to recommend legislation to the General Assembly to confirm a temporary reorganization plan. It is the assigned LRC bill drafter's responsibility in putting the authority's recommendation into a bill draft to locate statutes that need to be amended or repealed, to determine if new statutes need to be created, and to make sure that the noncodified provisions within the bill are in proper form and cover all necessary matters. Below are some specific points that the drafter should remember in preparing a bill draft confirming an executive reorganization.

Title

The title of reorganization bill drafts is typically "AN ACT relating to reorganization." It is not necessary to include in the title the name of the organizational unit or administrative body or the number of the executive order being confirmed.

KRS 12.020

This statute lists the departments, program cabinets and their departments, and major administrative bodies in the executive branch of state government. It will need to be amended to reflect the elimination or change of name of any entity already listed within it or to add any new entity that is created in a reorganization bill that is of the level shown by the listing. Departments and major offices within a cabinet are shown in this outline. Boards, authorities, commissions, and other entities with regulatory or decisional powers are usually not listed in KRS 12.020. They are often set out in the statutes concerning the organizational unit to which they are attached for administrative purposes.

Search for Affected Statutes

If the reorganization order eliminates or changes the name of any entity, the drafter should search for that entity's name in the statutory database to see if there are statutes with references to that name that need to be included in the bill for amendment or repeal. In doing this, the drafter should search by using the main subject within a name (e.g., "Mine Safety" rather than "Division of Mine Safety").

Sometimes entities' names are shown in an inverted or abbreviated form (e.g., Economic Development Cabinet) or in a combined form (the Economic Development and Labor Cabinets), and using the full name of an entity as the search phrase will not find these references. While using a key element within a name as the search phrase may result in a number of false hits, it should find any variant forms that a full name search would miss. It is a good idea for the drafter to keep a record of the names of entities searched with the statute numbers of relevant statutes found in the search.

What Needs To Be Codified?

The entire organizational structure of a cabinet is not set out in the statutes. Departments and major offices of a cabinet listed in KRS 12.020 typically are set forth in a statute in the specific chapter that deals with that cabinet. Divisions within departments are often set out for cabinets that have major regulatory or administrative authority. One possible test for determining whether or not to include a newly created organizational unit within a cabinet's statutory structure is to see if its predecessor is referenced in existing statutes setting out duties, imposing obligations, or protecting rights. It may also be necessary to provide for a new unit in a cabinet's statutory structure if the reorganization plan requires the creation of new statutes to treat new duties, obligations, or rights involving that unit.

The creation of a new administrative body may require the enactment of new statutes if that body is permanent in nature and has continuing and significant responsibilities, e.g., an oversight function, the development and periodic review of standards, or the promulgation of administrative regulations on a subject.

The Noncodified Provision Confirming the Executive Order

At or near the end of each reorganization bill confirming an executive order, there should be a noncodified section specifically dealing with the underlying executive order or resolution. The executive order or resolution should be identified with specificity. For gubernatorial reorganizations, use "Executive Order xx-xx, dated (month, day, and year)."

If a reorganization bill requires that some statutes be amended, repealed, or created to effectuate its confirmation, then the noncodified section confirming the executive order should include a qualifier (“to the extent it is not otherwise confirmed by this Act”). Here is an example, based on a section of 2018 Ky. Acts ch. 176:

Section 12. The General Assembly confirms Executive Order 2017-325, dated May 30, 2017, which establishes the Office of Administrative Hearings in the Public Protection Cabinet, to the extent it is not otherwise confirmed by this Act.

In acting on a reorganization plan, the General Assembly may make changes to it, either in to-be-codified or in noncodified sections. When changes are made, the qualifier in the noncodified section confirming the underlying executive order should read “to the extent it is not otherwise confirmed or superseded by this Act.” Here is an example of this situation from 2018 Ky. Acts ch. 78:

Section 10. The General Assembly confirms Executive Order 2017-889, dated December 13, 2017, to the extent it is not otherwise confirmed or superseded by this Act.

If a reorganization bill deals with organizational units that do not need to be set out in the statutes and if the bill does not require the amendment, repeal, or creation of any statutes, a single noncodified section may be all that is necessary to confirm the reorganization. This section should describe generally what the executive order involves but should not include all of its terms and provisions. For example, 2015 Ky. Acts ch. 125 has only the following provision, here slightly modified:

Section 1. The General Assembly confirms Executive Order 2014-987, dated December 17, 2014, relating to the reorganization of the Department for Libraries and Archives in the Education and Workforce Development Cabinet, to the extent it is not otherwise confirmed or superseded by this Act. The reorganization establishes the Division of Library Services; abolishes the Division of State Library Services,

the Division of Field Services, and the Division of Administrative Services; and changes the name of the Division of Public Records to the Division of Archives and Records Management.

Other Noncodified Provisions

It may be necessary to include provisions in noncodified language to deal with the transition between organizational units or administrative bodies, the terms of members of an administrative body, or other temporary matters. 1996 Ky. Acts ch. 310 contains the following examples:

Section 7. Upon establishment of this commission, the KentuckyServe Advisory Board created by Executive Order 93-86 shall be disbanded, and its duties to oversee the KentuckyServe effort are hereby delegated to the new commission.

Section 8. The initial membership of the Kentucky Community Service Commission shall consist of those individuals appointed by the Governor in Executive Order 94-6, dated January 3, 1994, and the terms of these initial members shall expire on the dates set out in that order.

Appropriations

Bills are often drafted to raise revenue and to designate the purposes for which the money may be spent.

Budget Bills

Many of the appropriations enacted by the General Assembly appear in the biennial budget bills. Every two years, a budget bill is drafted for each of the three branches of state government—executive, judicial, and legislative—plus a separate bill for the Transportation Cabinet, a separate bill for the highway construction plan, and a joint resolution adopting part of a six-year road plan. The appropriations in these bills and resolutions typically continue only during one biennium, and they are usually expressed in noncodified language.

KRS Chapter 48 establishes procedures for drafting, considering, and adopting the budget bills and resolutions.

Other Bills

Any bill enacted by the General Assembly may contain language appropriating money to implement a statutorily created program or to fund a legislative mandate. In a bill, an appropriation provision may appear either in noncodified or to-be-codified language.

Votes Needed for Enactment

The Kentucky Constitution establishes special voting requirements in the General Assembly for bills containing appropriations. Under Section 46, a bill “for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.” Section 36 sets a more stringent requirement for sessions in odd-numbered years, when “no bill raising revenue or appropriating funds shall become a law unless it shall be agreed to by three-fifths of all the members elected to each House.” By contrast, most bills enacted by the General Assembly need only the votes of two-fifths of the members elected to each chamber and a majority of the members voting.

Title

If a bill contains an appropriation, the title of the bill usually announces that fact. This puts the reader on notice that there is a special vote requirement. Some appropriation bills have been ruled out of order in the General Assembly or have been invalidated by the courts because they passed with enough votes for ordinary bills but not with enough votes for appropriation bills.

The budget bills often bear specialized titles that describe their role in appropriating money. For example, the 2018 executive branch budget bill (2018 Ky. Acts ch. 169) was titled “AN ACT relating to appropriations measures providing funding and establishing conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.”

Bills that are not budget bills but that do contain appropriations often have titles that read “AN ACT relating to _____ and making an appropriation therefor.”

What Is an Appropriation?

The courts and the legislature define the term “appropriation” broadly.

The Kentucky Supreme Court has defined “appropriation” as “the setting apart of a particular sum of money for a specific purpose.”

KRS 48.010(3)(a) defines “appropriation” as “an authorization by the General Assembly to expend a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in [KRS Chapter 48].”

KRS 48.010(3)(b) defines “appropriation provision” as “a section of an enactment by the General Assembly which is not provided for by this chapter and which authorizes the expenditure of funds other than by a general appropriation bill.”

These definitions require the drafter to consider whether to include the phrase “and making an appropriation therefor” in the title of a bill that directs the expenditure of funds, even when the word “appropriated” is not used in the bill.

The drafter should speak to the sponsor about the title of any bill that authorizes, approves, or directs the expenditure of public funds.

A bill probably contains an appropriation if it does any of the following:

- Directs or authorizes a cabinet or other governmental entity to expend public funds
- Creates a new fund that may be expended by a public agency or entity
- Creates, increases, or decreases a statutory continuing appropriation that a public agency or entity may expend
- Adds or changes a purpose for which the fees of a public agency or entity may be expended

- Adds or changes a purpose for which an existing fund may be expended by a public agency or entity
- Adds or changes the purpose for which a statutory continuing appropriation may be expended
- Authorizes the imposition of a fee by a public agency or entity and directs how the proceeds may be expended

On the other hand, if a bill simply establishes, increases, or decreases a fee, including a license fee, but does not deal in any way with the authority to expend funds generated by the fee, that bill probably does not contain an appropriation.

Drafting a Bill That Creates or Changes a Source of Revenue

The statutes describe four types of funds. Although these funds are statutorily described in the context of the budget, it is a good idea for us to identify funds as one of those four types if at all possible:

- **Revolving accounts** finance activities that are self-supporting in whole or in part.
- **Trust and agency accounts** receive and disburse contributions, gifts, donations, devises, and federal appropriations, and, when authorized by law, fees, rentals, admittance, sales, licenses collected, subventions, and other miscellaneous receipts of budget units.
- **Fiduciary funds** consist of moneys held by a budget unit in a trustee capacity.
- **Restricted funds** consist of budget unit receipts restricted as to purpose by statute.

Whenever a bill creates or alters a fee, tax, or other source of revenue, there are several questions to be considered.

The first consideration is whether the source of revenue will be deposited into the general fund or will be restricted and used for a specific purpose.

Under KRS 48.010, all moneys paid to the Commonwealth are deposited in the general fund and available for the general operation of state government, unless those moneys are restricted.

If the source of revenue is to be restricted, the drafter must consider whether an existing fund or account is available for use or whether a new fund or account should be statutorily created.

If a new fund or account is created, the following questions should be considered:

- What are the sources of the money?
- Who will administer the funds?
- What are the purposes for which the money is to be used?
- Should the bill contain appropriation language? For instance, should the bill say, “Moneys in the fund are hereby appropriated for the purposes set forth in this section [or “in Sections __ to __ of this Act” or “in KRS __ to __”]?”
- How is any interest earned on the funds to be used? If the interest earned on the moneys is to remain in the fund or account instead of being deposited in the general fund, a statement relating to that use of the interest should be included in the bill draft.
- Will the funds lapse into the general fund or the road fund after the fiscal year ends, as required under KRS 45.229? Or should the bill say “Notwithstanding KRS 45.229, any moneys remaining in the fund at the end of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year”?

Drafters who are working on legislation that creates or amends a fund or a source of revenue should consult with the staff of the Committee on Appropriations and Revenue. The Statute Reviser’s office and the office of LRC’s General Counsel are also available to offer assistance.

Sample fund creation language with the interchangeable parts bolded:

- (1) There is hereby established in the State Treasury a **trust and agency account** to be known as the **bill drafters’ caffeine boost** fund. The fund shall consist of moneys received from **the tax imposed by Section 2 of this Act, state appropriations, gifts, grants, and federal funds.**

- (2) The fund shall be administered by the **Legislative Research Commission**.
- (3) Amounts deposited in the fund shall be used for **buying coffee, espresso, and energy drinks for bill drafters employed by the Legislative Research Commission** and for no other purpose.
- (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (6) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.

Administrative Hearings

KRS Chapter 13B

KRS Chapter 13B establishes uniform procedures for administrative hearings. These hearings are formal adjudicatory proceedings conducted by cabinets, departments, boards, and other entities in the executive branch of state government. They determine the rights and duties of named persons.

KRS Chapter 13B applies to all administrative hearings that are not specifically exempted by statute. KRS 13B.020 lists hearings to which the chapter does not apply. The Attorney General may exempt a hearing that would conflict with federal law, would cause undue delay, or constitutes merely an informal part of the process. Such an exemption by the Attorney General is effective only if the agency establishes alternative procedures that are consistent with the intent of KRS Chapter 13B.

Without a hearing, an agency may take emergency action affecting the rights and duties of named persons if authorized to do so by statute. In case of immediate danger to public health, safety, or welfare, an agency official may issue an emergency order, and any person required to comply may request an emergency hearing to determine the propriety of the order.

All final orders resulting from administrative hearings are subject to judicial review. An appeal may be taken to the Circuit Court named in the agency's enabling statutes. If no court is named, the appeal may be taken to Franklin Circuit Court or the Circuit Court in which the appealing party resides or operates a business. Section 111 of the Kentucky Constitution allows the Kentucky Supreme Court to directly review the decisions of administrative agencies.

Drafting Bills Relating to Administrative Hearings

The Fifth and Fourteenth Amendments to the United States Constitution prohibit depriving any person of "life, liberty, or property, without due process of law." Drafters must be careful to preserve due process whenever a bill calls for the denial, suspension, or revocation of a license, permit, or certification or whenever it imposes a penalty for failing to comply with a statute or regulation.

Here are some additional questions to consider when a bill addresses administrative hearings:

- Does KRS Chapter 13B apply to the agency? Is the hearing exempt under KRS 13B.020? Should an exemption be created or deleted?
- If the bill specifies how an agency's hearings are to be conducted, should the hearing be exempted from KRS Chapter 13B?
- Should the bill allow an agency to take emergency action without a hearing?
- Should the bill specify a particular Circuit Court to which an agency's final order may be appealed?
- Should the bill dispense with specific instructions and instead provide that hearings will be conducted in accordance with KRS Chapter 13B?

Chapter 5

Form of Resolutions

Introduction

Resolutions are expressions of the opinion, sentiment, or will of the Senate, the House of Representatives, or the General Assembly as a whole. They need not meet the requirements for passage prescribed by the Constitution, unless they have the force and effect of law, in which case they are treated as bills in all respects. The Constitution requires that all resolutions requiring a vote of both houses, except those on a question of adjournment or constitutional amendment, must be sent to the Governor for approval or veto (Ky. Const. §§ 89 and 256).

There are three types of resolutions: simple, concurrent, and joint. The drafter should exercise great care in selecting the right kind for the purpose to be accomplished. The type of resolution chosen determines the legislative action required, and use of an incorrect form may delay the progress of the resolution in the General Assembly.

Contents of a Resolution

A resolution typically consists of a title, a preamble, a resolving clause, and a body, but a preamble isn't actually required in many cases.

Title. The title states the type and subject of the resolution. It should be clear and concise, giving a fair description of the resolution's content.

Preamble. The preamble (one or more paragraphs that begin with the word "WHEREAS") sets forth the situation or condition concerning which the resolution proposes action. Language in a preamble may be more rhetorical than in other forms of legal composition, but florid or discursive writing has no place in a resolution.

Resolving clause. The resolving clause (“Be it resolved ...”) is equivalent to the enacting clause of a bill and must be included in the exact form shown in the examples below. The form of the resolving clause depends on the kind of resolution and whether the action of one or both houses is required.

Sections. The noncodified sections that come after the resolving clause are equivalent to the body of a bill, express the sentiment of one or both chambers, as applicable, and set forth the action proposed. Each section, as well as each subdivision of a section, should be formatted using Heading 1. The final section often directs the Clerk of the House or Senate to deliver the resolution to the sponsor or transmit copies to one or more individuals or officials. The drafter should include in the final section the specific address of each recipient whenever possible, to assist the clerks in the timely transmission of each resolution to its intended recipient.

Simple Resolutions

A simple resolution deals with the affairs of one house only and requires action only by the legislative chamber concerned. Simple resolutions are used to

- express a sentiment, opinion, or principle of one chamber;
- express an opinion or request to another branch of state government;
- provide Senate confirmation of executive branch appointments;
- regulate procedure and conduct of the body; or
- convey to the Legislative Research Commission a request for services or recommendation for action.

Example

A RESOLUTION declaring January 31, 2023, to be Kentucky Adult Education Day.

WHEREAS, a fully skilled adult population is necessary for the development of Kentucky’s economy; and

WHEREAS, adult education enhances and expands economic growth in Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. This honorable body declares January 31, 2023, to be Kentucky Adult Education Day.

Section 2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to John Doe, 123 Main Street, Lexington, Kentucky 40507.

Concurrent Resolutions

A concurrent resolution expresses principles and opinions of the legislature. Concurrent resolutions are without force and effect of law outside the confines of the General Assembly and are used to

- authorize the expenditure of legislative funds;
- authorize interim committees;
- authorize joint rules, sessions, or committees;
- recognize distinguished service or express sorrow over a death;
- memorialize Congress or a federal agency;
- call upon Congress to propose an amendment to the United States Constitution;
- notify the Governor of the organization or adjournment of the General Assembly;
- receive messages; or
- direct the Legislative Research Commission to conduct an investigation or a study, which is discussed later in this chapter.

Example

A CONCURRENT RESOLUTION urging the United States Congress to enact legislation allowing states to permanently adopt daylight saving time.

WHEREAS, according to the United States Department of Transportation, daylight saving time saves energy and lives and reduces traffic injuries and crime; and

WHEREAS, under the Uniform Time Act of 1966, the United States Secretary of Transportation is directed to oversee the standard of time in the United States; and

WHEREAS, federal law allows for time zone change requests, but does not provide for a procedure to request that daylight saving time be made permanent;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The United States Congress is urged to enact legislation to allow states to permanently adopt daylight saving time.

Section 2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and each member of the Kentucky congressional delegation.

Joint Resolutions

A joint resolution generally has the force and effect of law and is treated as a bill in the parliamentary process, but it deals with individual, unusual, temporary, or subordinate legislation. Joint resolutions are used to

- accept gifts or grants made to the state;
- designate the state poet laureate, etc.;
- give specific directions to some state officer or agency;
- refer a matter to the people for referendum;
- ratify a proposed amendment to the United States Constitution;

- call for a United States Constitutional Convention to be convened; or
- direct an executive agency to conduct a study.

Example

A JOINT RESOLUTION directing the Tourism, Arts and Heritage Cabinet, in collaboration with the Buffalo Trace Area Development District, to develop a covered wooden bridges trail.

WHEREAS, Kentucky was once the home to hundreds of covered wooden bridges, yet only 13 remain standing within the Commonwealth today; and

WHEREAS, covered wooden bridges are a scenic connection to our past, and all covered wooden bridges in the Commonwealth are designated as state shrines and officially marked by the Kentucky Historical Society; and

WHEREAS, historians, genealogists, travelers, and tourists come from near and far to view, photograph, and experience covered wooden bridges; and

WHEREAS, the unmatched beauty and historic significance of covered wooden bridges in the Buffalo Trace Area Development District would bring an even greater number of visitors to the area if their existence and availability were more widely known;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Tourism, Arts and Heritage Cabinet, in collaboration with officials and representatives of the Buffalo Trace Area Development District, shall develop a covered wooden bridge trail to introduce, locate, and

popularize these historic state shrines in an effort to bring greater numbers of visitors to the area.

Special Types of Resolutions

Many resolutions concern petitions to federal or state agencies, directives to state agencies, confirmation of executive branch appointments, or requirements for studies to be conducted.

Petitions

Concurrent resolutions may be used to request Congress or some federal agency to take specific action to remedy a situation. The preamble describes the problem to be remedied. The body of the resolution requests specific action and directs the clerk to forward copies of the request to the persons petitioned or memorialized.

Directives to State Agencies

The General Assembly may use a joint resolution to direct specific action by a state agency.

Confirmation of Appointments

The appointment of members to state boards and commissions is an executive function, which may be prescribed by state law. Appointments may be made by the Governor or other officers within the executive branch, may be for a term of four years or less, and may be subject to the consent of the Senate (Ky. Const. § 93).

To maintain consistency among the various appointments brought for Senate confirmation each session, a simple resolution drafted for this purpose should

- clearly state in the title the confirmation of the appointment or reappointment, as applicable, using the most complete name known for the appointee and the full name of the board or commission;
- generally contain three “WHEREAS” clauses that adhere to a standard format, as set forth below; and
- in two noncodified sections, confirm the appointment or reappointment and direct the clerk of the Senate to forward a copy of the resolution to the appointee at a specific address

(typically included in the materials provided to the drafter) and to the Governor at his or her Capitol office.

Example

A RESOLUTION confirming the appointment of Donald Fauntleroy Duck to the Kentucky Fowl Weather Commission.

WHEREAS, on April 1, 2022, in accordance with KRS 123.4567 and by virtue of Executive Order 2022-0401, Governor Andy Beshear appointed Donald Fauntleroy Duck to the Kentucky Fowl Weather Commission to replace Ludwig Von Drake for a term expiring April 1, 2026; and

WHEREAS, the appointment is subject to Senate confirmation; and

WHEREAS, Donald Fauntleroy Duck has been determined to meet the requirements of KRS 123.4567, representing ducks with experience with meteorological education and barnyard policy;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate hereby confirms the appointment of Donald Fauntleroy Duck to the Kentucky Fowl Weather Commission.

Section 2. The Clerk of the Senate shall forward a copy of this Resolution and notification of its adoption to Donald Fauntleroy Duck, 1313 Webfoot Walk, Paducah, Kentucky 45678 and to Governor Andy Beshear, State Capitol, Room 100, Frankfort, Kentucky 40601.

Summarizing and indexing a resolution that confirms an appointment or reappointment should also follow a standard format.

Drafters should check the index heading CONFIRMATION OF APPOINTMENTS and a heading most appropriate to the subject matter of the board's or commission's work. The summary should provide a clear statement of the action taken, as in the following example:

Confirm the appointment of Donald Fauntleroy Duck to the Kentucky Fowl Weather Commission for a term expiring April 1, 2026.

Study Resolutions

Forms of Study/Task Force Resolutions

Concurrent resolutions. Concurrent resolutions should be used to direct legislative studies, in accordance with Senate and House Rules 64, and must be reviewed by the Deputy Director of Research and Communications prior to or after submission to Statute Revision. A concurrent resolution should not be used if a specific appropriation is attached to a legislative study. However, appropriations are rarely attached to in-house studies, as the cost generally comes from the budget of the Legislative Research Commission.

Joint resolutions. Joint resolutions should be used only if an executive or judicial branch entity is directed to do a study or to cooperate with providing information, or if a specific appropriation is attached to a study.

Bills. Bill should not be used unless the creation of a task force or study directive is part of a larger initiative that must be expressed as a bill. Study language in bills should be placed in noncodified sections.

Simple resolutions. Simple resolutions express the sentiment of only one chamber and should not be used for studies. They are sometimes used to ask an interim joint committee to consider or study an issue, but they are not binding.

Studies Involving Other Committees

If the study is to be conducted by or affects another committee, the drafter should contact that committee's committee staff administrator (CSA) to discuss specifics before drafting. The CSA's experience and knowledge of the subject matter can be invaluable when setting forth the parameters and specifics of the study.

Title

The title of a study resolution should simply state that the resolution directs the Legislative Research Commission or executive or judicial branch entity to conduct the study. If a task force is to be established, whether by the resolution or by LRC or the entity, it should be reflected in the title.

Examples

A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the possibility of a light rail system in the Commonwealth of Kentucky.

A CONCURRENT RESOLUTION establishing the Mileage-Based Transportation Funding Task Force.

A JOINT RESOLUTION directing the Energy and Environment Cabinet to create a task force to study the funding of water infrastructure projects in communities that lack traditional funding sources.

Preamble

The preamble ("WHEREAS" clauses) of a study resolution should provide background on why the study is being proposed.

Resolving Clause

It is important to use the correct resolving clause for the type of resolution being drafted.

Body

After the resolving clause, Section 1 of the resolution should request or direct the appropriate entity (LRC staff, interim joint committee,

task force/special committee, or executive or judicial branch entity) to do the study and set out the purpose of the study. Options are to

- Direct or request staff of LRC to conduct a study;
- Direct or request LRC to have a study conducted, including by a consultant hired by LRC;
- Direct or request LRC to have a statutory or an interim joint committee conduct a study or to direct or request that a specific statutory or interim joint committee conduct a study;
- Direct or request LRC to establish a task force/special committee to conduct a study; or
- Direct an executive or judicial branch entity to conduct a study, which should be done by joint resolution with the force and effect of law if the sponsor wants some assurance that the study will be undertaken.

When establishing the time frame within which the study is to be conducted and any deadlines for one or more reports, the drafter should keep in mind that many of the study request options above require LRC action after session, which may affect the study's start date.

Membership of Legislative Task Forces/ Special Committees

If a study is to be conducted by a legislative task force or special committee that is not to be performed by LRC staff or one or more interim joint committees:

- It should be stated that the task force/special committee is “of the Legislative Research Commission.”
- Section 1 of the resolution should create the task force/special committee and state the general purpose to be accomplished, and Section 2 should define the membership of the task force/special committee.
- In defining membership, remember that typically all appointments to legislative task forces should be made by LRC or by the President and the Speaker making individual appointments. Because these are legislative entities, LRC or its co-chairs are the appropriate appointing authorities, although outside entities may recommend appointments to LRC or to the President and Speaker.

- In order of preferred approach, members should be appointed in the following manner:
 - members and co-chairs appointed by LRC;
 - specific members appointed or nominated by the President and Speaker, appointments to be ratified by LRC;
 - specific members and Senate co-chair, appointed by the President; and specific members and House co-chair, appointed by the Speaker. The co-chairs of a legislative task force should always be members of the General Assembly. If directed by the sponsor, the Minority Floor Leaders also may be given ability to make appointments.
- If nonlegislative members are to be appointed to a legislative task force or special committee:
 - Language should list a person's title (not a name) for membership, but need not include "or designee" unless the President or Speaker specifically wants to authorize a designee.
 - Appointment by LRC or the President and Speaker from lists submitted by outside groups is permissible but should be avoided when possible, as obtaining the lists can significantly delay the appointment process and the work of the task force. LRC or the President and Speaker can be left to appoint members of specified groups without the necessity of requiring that lists be submitted.
- Do not end an individual membership designation with "and approved by the Legislative Research Commission." This is covered in the required language of Senate and House Rules 64.
- The resolution should not contain a deadline for when membership should be appointed.

Required Membership Statement. Every resolution that directs completion of a legislative study should include the following language:

Final membership of the task force is subject to the consideration and approval of the Legislative Research Commission.

Membership of Executive or Judicial Branch

Task Forces

The membership instructions above do not apply to studies directed to executive or judicial branch entities. Membership of executive or judicial branch task forces should be identified in the joint resolution or bill that directs the study.

Study Expenses

Do not mention expenses for legislative studies. LRC has guidelines in place for per diem and expense payments to legislators and nonlegislators, which will apply automatically. Joint resolutions or bills directing studies by executive or judicial branch entities may include an appropriation if the sponsor instructs.

Frequency of Meetings

Do not specify when the task force should hold its first meeting. This will be determined by when the LRC or President and Speaker have approved creation and membership of a task force. The Kentucky Revised Statutes and LRC policy contemplate monthly meetings of interim joint committees and task forces/special committees from June through November of the calendar year. The Legislative Research Commission must specifically approve meetings of greater frequency.

Force of Law

Keep in mind that because concurrent resolutions do not have the force of law, those drafted in a manner inconsistent with law and policy on the legislative meeting schedule may be ignored on this point. Joint resolutions have the force and effect of law and should be reserved for studies directed to be conducted by the executive or judicial branch.

Consultants

Neither interim joint committees nor task forces/special committees have the authority to retain consultants on their own. If the need of a consultant is anticipated, the resolution should recognize the authority of LRC to retain the consultant upon recommendation of the interim joint committee or task force/special committee.

Specification of Study Questions and Deadlines

The resolution should set out the specific questions to be addressed. These should be stated as researchable questions and not as policy determinations.

- In general, study questions should be stated in terms that can be addressed with information and analysis (how many, how much, how often, how effective, how efficient, who is affected) rather than with value judgments or opinions (adequacy, appropriateness, how good, how bad). Do not direct a feasibility study.
- The LRC economists are good resources to consult when looking at scope and deadlines.

Recommendations or Not?

Whether or not to require the formulation or submission of policy recommendations as part of the study will depend upon who is directed to complete the study.

Staff Studies

Resolutions directing studies to be completed by LRC staff should request a description of the problem, a detailed analysis, and the various policy options available, but should not request policy recommendations.

Legislator Studies

Resolutions directing studies to interim joint committees or task forces/special committees may include the requirement for recommendations. If the recommendations are to be in the form of a bill draft, this should be stated in the study resolution.

Report/Study Deadlines

Deadlines for the completion of a study or the submission of a report should not be arrived at randomly.

- Given the scope of some studies and the fact that studies, task forces, and special committees take time to coordinate, staff, and approve membership, real work often does not begin until well into the interim. Therefore, a deadline of October 1, for example, is not realistic.

- The due date for a legislative study must be a date within a legislative interim and, therefore, the latest a report can be due is December 1 (the last day of an interim) or the closest date in November if December 1 is a Saturday or Sunday.
- Reporting requirements and a deadline should be established, including to what group the study should be reported. Usually, a legislative study's report is to LRC for its referral to the appropriate interim joint committee, and is not directed to the Governor.
- An emergency clause should not be included in a study resolution.

Language Required in All Study Resolutions

Every resolution (or bill, under House Rule 50) that directs completion of a study by LRC staff, an interim joint committee, or a legislative branch task force/special committee must include the following language required by Senate and House Rules 64 in a separate section:

Provisions of this Resolution [or Bill] to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Resolutions directing studies by executive or judicial branch entities should not include the above provision.

Directing Studies in Bills, Including Via Amendments

A drafter may be asked to incorporate a study resolution into a bill, either as part of the original draft or through a committee substitute or an amendment. This should be done by creating one or more noncodified sections that follow the guidelines outlined for the body of a study resolution in this section. "Whereas" clauses should not be included unless the sponsor directs otherwise.

The noncodified study sections are inserted in the bill at some point after the enacting clause. If the sponsor wishes to include codified sections, or to retain existing text in the case of a committee

substitute or amendment, the noncodified study sections should be placed at or near the end of the draft. If the sponsor wishes to replace an entire bill with a study directive, the study sections will be placed after the enacting clause. Contact the Statute Reviser's Office or the Deputy Director of Research and Communications for additional information if you have any questions regarding the appropriate format.

Remember to include standard language that designates the legislative study/task force sections of the bill as having the legal status of a concurrent resolution.

Example

Section 10. Sections 6 to 9 of this Act shall have the same legal status as a Senate Concurrent Resolution.

Also keep in mind that a committee substitute or amendment to remove the contents of a bill that's been filed and to insert a study directive in its stead does not alter the classification of the draft, even if a title amendment is anticipated. If it's filed as a bill, it remains a bill. Likewise, a resolution retains its form at the filing, whether joint, concurrent, or simple.

Indexing Study Resolutions for the *Legislative Record*

All study resolutions and amendments directing studies should be indexed under STUDIES DIRECTED and one or more subject-matter-appropriate index headings.

Legislative studies should also be indexed under LEGISLATIVE RESEARCH COMMISSION.

Executive or judicial branch studies should also be indexed to reflect the agency or entity charged with the study.

Legislative Citations

For the purpose of extending the commendations, condolences, or congratulations of either chamber of the General Assembly, or to recognize a particular event or occasion, a legislative citation may

be issued instead of a resolution. Citations may not be used for procedural matters, for matters of a controversial or partisan political nature, or in place of resolutions memorializing the United States Congress; they are suitable only when appropriate to express the sentiment of either house with reference to a person or event (Senate and House Rules 65).

Citations avoid the printing and other procedural complexities attendant upon simple resolutions, and resolutions are not to be accepted for introduction in the House if the same action may be taken by adoption of a legislative citation (House Rule 64).

Citations do not proceed from one chamber to the other but stand adopted upon action by the chamber in which they originate.

Citations are prepared on artistically designed forms, suitable for framing, and bear the signature of the Senate President or House Speaker, as applicable; the signature of the sponsor; and the name of the person or event cited.

Those called on to draft legislative citations prepare the draft on a suitable work form, which is then transmitted to the clerk for presentation and, upon adoption, citations are spread at length upon the Journal and delivered to the sponsor.

Chapter 6

Constitutional Considerations

Introduction

The bill drafter needs to be thoroughly familiar with constitutional limitations on legislation. Although it is not his or her job to rule on the constitutionality or merit of a bill, the drafter should bring to the sponsor's attention any proposal that appears to contravene constitutional restrictions. A careful drafter will check court decisions to see if similar legislation previously has been declared unconstitutional. If so, it may be possible to draft the new legislation to overcome the objections raised in the court's decision. However, the sole authority over what is or is not included within a draft lies with the sponsor after the drafter has provided him or her with all relevant information.

Rights of Individuals

The most fundamental restrictions on legislative powers are those defined by the Bill of Rights (Ky. Const. §§ 1 to 26). A drafter should keep in mind that, among other constitutional restrictions, the General Assembly may not

- deprive persons of the right to life, liberty, property, the pursuit of happiness, or peaceable assembly, or the right to bear arms or apply for redress of grievances;
- prohibit religious freedom or give preference to any church or creed;
- restrict freedom of speech or of the press;
- grant exclusive emoluments or privileges, except for public service;
- take property for public use without compensation;
- pass bills of attainder;
- enact ex post facto laws;
- impair the obligation of contracts;
- deny the use of courts for redress;

- limit the amount to be recovered for injuries to persons or property; or
- deny the right of accused persons to *habeas corpus*, to know the charges against them, to secure witnesses, to testify on their own behalf, or to refrain from testifying against themselves.

The prohibition against “exclusive, separate public emoluments or privileges” in Section 3 of the Kentucky Constitution has long served as the basis of the Commonwealth’s guarantee of equal protection in evaluating class or partial legislation.

A drafter should keep in mind that while classifications are not per se unconstitutional and the General Assembly has wide latitude to enact laws that appear to affect similarly situated people differently, legislation that interferes with a fundamental right or is tailored to disadvantage one or more suspect classes may run afoul of equal protection guarantees of the Kentucky and United States Constitutions.

Although the Kentucky Constitution’s equal protection provisions are much more detailed and specific than the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, the standards for judicial review of legislative classifications under both equal protection guarantees are essentially the same:

- Strict scrutiny if a classification affects a fundamental right or disadvantages only a suspect class
- Intermediate or heightened scrutiny for quasi-suspect classifications, such as gender
- Rational basis if a claim does not interfere with a fundamental right or involve a suspect class

Special and Local Legislation

Special or local acts in the following cases are expressly prohibited by Section 59 of the Kentucky Constitution:

- Regulating the jurisdiction, practice, or circuits of the Court of Justice and its judges and justices
- Regulating the summoning, impaneling, or pay of jurors

- Changing venue
- Regulating punishment of crimes or misdemeanors
- Regulating the limitation of civil or criminal cases
- Affecting the estate of persons under disabilities, decedents, or minors
- Declaring persons of age or affecting the status of a minor
- Changing the law of descent or distribution
- Authorizing the adoption or legitimation of children
- Granting divorces
- Changing the names of persons
- Giving effect to invalid instruments
- Legalizing invalid acts of public officers
- Refunding money legally paid into the Treasury
- Assessing and collecting taxes
- Opening or altering private roads
- Chartering corporations; licensing ferry, bridge, or road companies; declaring streams navigable; regulating toll roads; or regulating the running at large of stock
- Changing fees of public officers or authorizing appointment of deputies
- Granting the right to lay railroad tracks
- Conducting elections
- Designating the places of voting or changing the boundaries of precincts
- Regulating the interest rate
- Creating, extending, enforcing, impairing, or releasing liens
- Protecting fish and game
- Regulating labor, trade, mining, or manufacturing
- Providing for the management of common schools
- Locating or changing county seats
- Providing for local elections on the sale of liquor
- Restoring citizenship to persons convicted of a crime

When a drafter receives a bill request involving special or local laws, he or she should keep in mind the following prohibitions of Section 60 of the Kentucky Constitution:

The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by

exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

In *Calloway County Sheriff's Department v. Woodall*, 607 S.W.3d 557 (Ky. 2020), the Kentucky Supreme Court reversed longstanding precedent and rejected the application of a classification test to Section 59 or 60 claims, stating:

To summarize, and for the sake of clarity going forward, state constitutional challenges to legislation based on classification succeed or fail on the basis of equal protection analysis under Sections 1, 2, and 3 of the Kentucky Constitution. As for analysis under Sections 59 and 60, the appropriate test is whether the statute applies to a particular individual, object or locale.

Revenue, Appropriations, and Debt

Some of the more important constitutional provisions concerning the General Assembly's fiscal powers are listed below:

- No money shall be drawn from the Treasury, except pursuant to law (Ky. Const. § 230).
- Money derived from excise or license taxation relating to gasoline and other motor fuels or from fees or excise or license taxation relating to registration, operation, or use of vehicles on public highways may not be expended for non-highway purposes (Ky. Const. § 230).

- Revenue bills must originate in the House (Ky. Const. § 47).
- The power to tax property may not be surrendered or suspended (Ky. Const. § 175).
- Debt may not be contracted in excess of five hundred thousand dollars (Ky. Const. § 49).
- Certain debt may not be authorized without approval of the voters (Ky. Const. § 50).
- Taxes may be levied only for public purposes (Ky. Const. § 171).

Public Officers

The Kentucky Constitution sets forth a number of restrictions that govern legislation dealing with public officers, including:

- Salaries or compensation of public officers may not be changed during the term for which they were elected (Ky. Const. §§ 42, 44, 120, 161, and 235).
- Compensation may not exceed constitutional limits (Ky. Const. § 246).
- All officers, except for statewide-elected officers, must be elected in even-numbered years (Ky. Const. §§ 31, 95, 97, 99, and 167).
- Appointments to executive boards and commissions must be made by the Governor or other officers within the executive branch, and may be subject to consent by the Senate (Ky. Const. §§ 27, 28, and 93; and *LRC v. Brown*, 664 S.W.2d 907 (Ky. 1984)).
- The legislature, or officers thereof, cannot appoint members to an executive board, and may not limit the executive to appointments to be chosen from lists submitted by the legislature (Ky. Const. §§ 27, 28, and 93; and *LRC v. Brown*, 664 S.W.2d 907 (Ky. 1984)).
- Members of the General Assembly may not be appointed to serve on policy-making executive boards or commissions, even in a nonvoting capacity, but may be appointed to serve on executive boards and commissions whose functions are advisory only (Ky. Const. §§ 27 and 28; and *LRC v. Brown*, 664 S.W.2d 907 (Ky. 1984)).

- Appointment of an officer must be for a certain term of years (Ky. Const. § 23).
- Inferior State officers and members of boards and commissions, not specifically provided for in the Kentucky Constitution, may be appointed or elected for a term not exceeding four years (Ky. Const. § 93).

Other Limitations

Other important constitutional restrictions on legislation include the following:

- No bill may relate to more than one subject, and that shall be expressed in the title (Ky. Const. § 51).
- No law shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in the Kentucky Constitution (Ky. Const. § 60).
- Regular elections must be held on the first Tuesday after the first Monday in November (Ky. Const. § 148).
- Local referendum elections are permitted only on matters pertaining to liquor, public roads and buildings, fencing, common schools, paupers, local government affairs, and stock running at large (Ky. Const. § 60).
- Statewide referendum elections are permitted only on the issues of contracting debt and classifying property for taxation, except for ratification of constitutional amendments or calls for a constitutional convention (Ky. Const. §§ 50, 171, 256, and 258).

Chapter 7

Amendments and Substitutes

Introduction

This chapter contains provisions that drafters should observe in order to maintain accuracy and uniformity in the preparation of amendments and committee substitutes. Some sample amendment language can be found in Appendix I of this manual.

The Amendment Form

LRC's amendment forms can be accessed using the Bill Drafting application and selecting the "Amendment" drafting radio button when creating a new document. The drafter will need to choose the correct bill number to be amended and select the type of amendment needed, as well as the amendment sponsor's name. The entire content of an amendment must be entered on the amendment form through LRC's computer system. This allows the Bill Processing staff to computer-engage adopted amendments into bills using the document ID number.

If an amendment contains large portions of bills previously entered into our system, the drafter may gain access to that bill's contents electronically if the bill was drafted within that drafter's group or by calling the Bill Processing staff to allow that bill to be shared with the drafter. Similarly, if an amendment is to include a new section amending a current statute, the text of that statute may be accessed from our internal statutory database the same as when completing a bill draft.

The Heading on the Amendment Form

The form ("House of Representatives" or "Senate" heading) to use depends on which chamber will receive the amendment you are preparing. For example, if a Senate bill is being amended in the House, use a form with a House heading.

Processing the Amendment Form

The amendment form contains the legislator's typewritten name and a line for his or her signature. This computer-generated form assigns page numbers and shows the total number of pages making up the amendment. The drafter's name will appear below the sponsor's name. Prior to delivery to the sponsor, all amendments must be reviewed and approved by the Statute Reviser's office for form and bear the approving reviser's initials.

Once the amendment is reviewed and initialed by a reviser, it will be forwarded to the drafter, who approves and initials it before it is ready to deliver to the sponsor. If possible, have the legislator sign the initial printed-out copy of the amendment before copying the number required for filing. Follow the specific chamber's rules regarding the number of copies to provide in addition to the original for filing. You should also provide the sponsor with an extra copy.

Methods of Amending

Use great care in adding, deleting, bracketing, and underlining material and in properly citing the page and line numbers where the changes are to be made in the bill. Be sure to refer to a unique location on the line to be amended so as not to create confusion. No specific words or phrases are required in describing the amendments to be made, but these are phrases that are commonly used:

- "Amend the title to read 'AN ACT relating to'"
- "On page xxx, after line xxx, insert the following:"
- "On page xxx, after line xxx, delete lines xxx to xxx in their entirety and insert in lieu thereof:"
- "Renumber subsequent sections accordingly" (this only applies to sections, not subsections, paragraphs, etc.)
- "Beginning on page xxx, line xxx, and continuing through page xxx, line xxx, delete Section xxx in its entirety"
- Bracket and strike through
- Opening bracket
- Closing bracket

There are also different ways to accomplish the same purpose when it comes to amending a bill. How a drafter chooses to draft the

amendment is up to the individual, but always keep in mind the drafter's job as set forth in Chapter 1, and consider what method accurately reflects the intent of the amendment, the speed with which the amendment is needed on the chamber floor, and if a certain method of amending a bill will make it easier for legislators to understand the changes being made. For example, you may have several small changes to make throughout an entire section of a bill. A drafter can type each individual change as separate lines on the amendment form, or he or she may choose to delete that section in its entirety and reinsert that same section with the amended language incorporated.

Very often it is faster for the drafter and the reviser for the drafter of an amendment to delete whole sections, paragraphs, lines, etc., of existing text in a bill and reinsert that same language (using the text of the statute in the system to ensure accuracy) with the amendment changes incorporated instead of setting out individual changes one by one. It is also easier for the sponsor and other legislators to read, and the simpler approach makes errors less likely to occur.

Some examples of amendment language can be found in Appendix I of this manual.

Changing a Current KRS Section, as Amended by the Bill

The comments in this section apply when the text of the section of the bill that you are amending is preceded by the introductory phrase "KRS xxx is amended to read as follows."

If you are to delete underlined material from the section, instruct the person reading your amendment to amend the bill on a cited page and line, e.g., "by deleting the word "government"." Do *not* bracket underlined material, since it is not in the current law.

If you are to eliminate material in codified sections that is not underlined, you are taking current statutory language out of the bill and out of the law. Therefore, remove these words or phrases with brackets and strikethrough. For example, instruct the reader to amend the bill on the cited page and line "by placing brackets around

and striking through the word “government.” The only material that is ever bracketed and struck through in a bill or amendment is current KRS language. Introductory clauses for sections, i.e., “Section xxx. KRS xxx is amended to read as follows,” are not in the KRS and should be amended by deleting or adding words or numbers, and not by bracketing or inserting underlined material.

If you are to add new material to a current section of law, do so by instructing the reader to add underlined material on the appropriate page and line. For example, “by inserting the word “government” after “state”.”

In adding, deleting, or bracketing and striking through material, be certain that the reference point you cite to the reader is unique. For example, if there are two instances of “to” on a given page and line, and you want to bracket and strike through the first one only, state “On page xxx, line xxx, by bracketing and striking through the first use of the word “to”.”

To restore the entirety of an existing KRS section to its current form rather than as amended by the bill, simply delete the appropriate section from the bill. (If you bracket the current law, you are effectively repealing it.) If you delete a section of the bill, be sure to renumber all subsequent sections accordingly. Also, check the text of the other sections in the bill, which may refer to a deleted or renumbered section, and change those references accordingly.

If you want to restore only part of an existing KRS section to its current form rather than as amended by the bill, do so by instructing the reader to delete the brackets and strikethrough from the appropriate word or words. For example, “On page xxx, line xxx, by deleting the brackets and strikethrough from the words “health maintenance organization”.” If the struck-through word or words that you wish to restore are not immediately preceded and followed by brackets, you must first close the existing struck-through material with a bracket, delete the strikethrough from the text to be restored, and then place a new opening bracket before the remaining struck-through material. For example, “On page xxx, line xxx, by placing a closing bracket after the word “~~sheriff~~”; removing the

strikethrough from the phrase “Commonwealth’s attorney,”; and placing an opening bracket before the word “~~special~~.”

If you bracket and strike through part of an existing section of the KRS, you should delete, rather than bracket and strike through, any underlined bold italic words that would appear between the brackets that you have added.

Changing Proposed New KRS Sections or Noncodified Sections in a Bill

Never use brackets or strikethrough to amend a section that begins “SECTION XXX. A NEW SECTION OF KRS CHAPTER XXX IS CREATED TO READ AS FOLLOWS.” Amend this type of section by instructing the reader to insert or delete material with underlined bold italics.

If you add a proposed new KRS section to a bill, its text should be in underlined bold italics.

Never use brackets, strikethrough, or underlined bold italics to amend a noncodified section that begins “Section xxx” immediately followed by substantive material (e.g., an appropriation, an emergency clause, or repealers). Amend a noncodified section by simply instructing the reader to insert or delete material without underlined bold italics.

Deleting a section from a bill requires that all subsequent sections in the bill be renumbered and that all internal references to deleted or renumbered sections be altered as well.

Bill Title

When drafting an amendment, always check the title of the bill to see if it would still apply if the amendment were adopted and engrossed into the bill. If necessary, a title amendment should be prepared. A title amendment is always a separate amendment to the bill and must be voted upon separately.

Titles are amended by a simple statement as in the example below.

Amend the title to read as follows: “AN ACT relating to ____.”

The statement should contain the new title as it should appear on the bill. When preparing the amendment, check “Title Amendment” in the box that appears in the bill drafting system on the computer screen. The system will insert the word “TITLE” on the amendment form.

Committee Substitutes

A committee may wish to change a bill so extensively that proposing an alternative version would be preferable to attempting a series of amendments. This may be done through the adoption of a committee substitute. A drafter may prepare a proposed committee substitute using the bill drafting template by selecting the correct type of proposed committee substitute (PSS or PHS) and making the desired changes. A proposed committee substitute is submitted to the reviser’s office for review, and any revisions are entered by the Bill Processing Room and proofed by the drafter in the same manner as bill requests.

Since technically it is considered an amendment, a committee substitute is always typed with the title of the original bill. If a title amendment is necessary, it is prepared on a separate amendment form and should be an amendment to the bill, not to the committee substitute.

If you are attaching one bill (or a portion of a bill) to another, whether by a proposed committee substitute or another form of amendment, it is important to check all internal references in the amendment. If one portion of the document has numerous internal references, you may want to consider using that as the base of the bill (so long as the sponsor is amenable) and adding everything else to it in order to avoid having to make numerous changes to the internal references.

Piggyback Amendments

Under House Rule 60 and Senate Rule 60, a piggyback amendment is an amendment containing the “substantial text” of the language of any other bill introduced during the session that has not passed the chamber in which the amendment is introduced. The rules apply to floor and committee amendments, but do not apply to committee substitutes. It is the drafter’s duty to identify a piggyback amendment by indexing it under PIGGYBACKED BILLS and preparing a summary for the *Legislative Record*.

The method to be used to identify piggyback amendments requires an analysis of the differences between the original bill and the amendment language. If the differences are sufficiently substantial that one could envision a reasonable legislator voting for (or against) the bill, but voting in an opposite manner on the amendments because of the differences, then the amendment is *not* a piggyback.

Creating Amendments And Amendment Summaries: The Highlights

Types of Amendments

A committee amendment is drafted to an introduced bill or to a bill that has passed one chamber for consideration when a committee acts upon the bill.

A floor amendment is drafted to a bill that has been passed out of a committee for consideration by the full chamber.

Committee substitutes are amendments, too.

Think First, Then Draft

Be sure you understand what the amendment sponsor wants to achieve with the amendment.

An amendment may not always be as “simple” as a sponsor, or someone else with the sponsor’s permission, indicates when making the request. A sponsor may direct you to make a change on a certain

page and line in the bill, but more changes may be needed elsewhere in the bill as a result.

Be careful when amending bills or treating subjects with which you are not familiar.

For complex amendments, try marking up a copy of the bill to be amended before starting to draft the amendment.

When making numerous changes to new language in a bill, it's almost always better to delete several sentences, lines, paragraphs, or pages and substitute several new sentences, lines, paragraphs, or pages rather than make many small specific changes within the new language.

If you need to make substantial additional changes to a KRS section already amended in a bill, consider deleting the entire section from the bill and reinserting the same section, amended as the sponsor now wants.

If you are asked to repeal a KRS section in an amendment, check first to see if the statute is already amended in the bill. If so, delete the amended section, then include the statute in a repealer section.

If you are asked to insert a section in a bill amending a KRS section, check first to determine whether the statute is already in the bill. If so, draft the amendment to make changes to that section, rather than inserting the statute section in the bill twice.

If the effect of an amendment concerning an amended KRS section in a bill is to restore the text of the statute to existing law, just delete the entire section.

Amendment Drafting

Create amendments in the bill drafting application, making sure to have the current session selected, then selecting Draft/New and clicking on the Amendment radio button.

Be sure you are amending the proper version of the bill.

If inserting additional sections to the bill or repealing a KRS section in the amendment, use the same buttons on the left side of the template that you would for a bill draft. Insert the section number from Edit/Insert Section Number. Put in the number between “Section” and the period.

Validate additional KRS sections being amended one at a time after inserting the section number, then enclose the entire section addition at the beginning and the end, including the section arrow, with quotation marks by using the Add Quotes button in the toolbar. Trying to insert quotation marks from the keyboard will not work; it will only insert a tab.

Be sure that the reference point you use is unique.

Think of the simplest way to accomplish the amendment’s purpose and draft your directions accordingly. If replacing all text on eight lines with a new version of those eight lines is easiest, do it. You may replace the entire contents of a bill following the enacting clause with a new version of the bill in an amendment if that’s the easiest thing to do, and the sponsor does not object.

Use quotation marks around language being referenced from the bill when you are making changes in an amendment as well as the language change you are making.

Be sure that directions about inserting, striking, bracketing, and deleting are clear to the reader.

Place newly created language before, rather than after, the language it replaces, just as you would in a bill draft.

Remove existing codified language by placing brackets around and striking through the existing language.

Change noncodified language (for example in an appropriation or emergency clause) by deleting and inserting language rather than by bracketing and striking through the language.

When inserting new statute subsections, paragraphs, subparagraphs, etc., it is best to insert them using the proper style heading they would receive when engrossed in the bill.

Specifically renumber subsections (or change alphabetical designations of paragraphs) when an amendment adds or deletes subsections or paragraphs within a statute.

See whether in-text references to sections of a bill must be changed when adding or deleting sections.

A conformity check must be performed for the same circumstances for an amendment as for a bill draft.

In new language within a bill, cross-reference an existing statute that is being amended in a bill by its section number within the bill and not by its statute number.

Check the title of the bill to make sure that the amendment falls within the scope of the title.

You can't change the title of a bill within a proposed committee substitute or in an amendment making other changes to the bill.

Spell-check and proof each amendment before submitting it for review.

Prepare and submit a fiscal statement identification form if the substance of your amendment or committee substitute requires it.

The Amendment Review

House and Senate rules require that any amendment offered by a committee or individual sponsor indicate that the amendment has been reviewed before being filed with the clerk. Amendments must be reviewed by Statute Revision, and the reviewer will electronically initial the amendment when it is correct. The drafter must also initial the amendment.

Send a completed amendment to Statute Revision from the amendment drafting application.

If corrections to an amendment are necessary, the reviewer will upload a markup of the necessary changes to the amendment and send it to the drafter.

When making corrections directed by Statute Revision, it is best to save the amendment with a new document ID number, then resend it to Statute Revision to the same person who initially reviewed it. If a different reviewer is asked to review the corrected amendment, he or she will have to review the entire amendment, since he or she will have to sign off on it.

Have the sponsor sign the amendment before you make copies for filing, if possible. Each committee's staff administrator should check with the Deputy Director for Committee and Staff Coordination before each session to be sure of the number of copies of the amendment needed for filing in each chamber and for any special instructions concerning delivery of amendments to sponsors.

The Amendment Summary

Prepare an amendment summary by accessing the Draft Details for that amendment, and using the same procedures as you would for a bill draft. You only need to summarize the changes the amendment is making, not the whole summary for the bill as it would be amended if the amendment is adopted.

It is best to prepare an amendment summary at the time you prepare the amendment, or as soon as you can after that, and send it to the amendment summary reviewer before leaving for the day by opening Draft Details for that amendment and clicking on the Transmit Summary button. *However, do not transmit the summary before the amendment is reviewed by Statute Revision.* Once the summary is transmitted, the amendment is not editable, and no corrections can be made to it.

Consider whether your amendment is a piggyback amendment under the House or Senate Rules and, if it is, index it under the index

heading PIGGYBACKED BILLS. Committee substitutes are *not* considered piggyback amendments. If the amendment is a piggyback, the narrative summary of the amendment should not say “Attach provisions of HB XX”; rather, it should state the summary of the bill being piggybacked at length.

If your amendment adds an emergency clause or special effective date clause to a bill, appropriately index it as EFFECTIVE DATES, DELAYED or EFFECTIVE DATES, EMERGENCY.

Title amendments should be indexed under TITLE AMENDMENTS, and the index entry should simply say “HB XX” or “SB XX/GA”. The narrative summary should read “Make title amendment.”

Chapter 8

Preparing Summaries for the *Legislative Record*

Introduction

The *Legislative Record* is the primary tool for finding bills, resolutions, and amendments during legislative sessions. Accuracy and thoroughness in summarizing and indexing items for the *Record* are essential if legislators, staff, executive agencies, lobbyists, the media, and the general public are to be able to find and understand the matters being considered by the General Assembly.

As a general rule, a summary starts with verbs and uses semicolons, while indexing uses nouns and commas.

Bills and Resolutions

Mechanics of Preparation of Summaries

Prepare the bill summary form by using LRC's Bill Drafting System and selecting the "Draft Details" tab.

Preparing a Bill Summary

Having written a bill, the drafter should know best what it does. Stress the main points. A summary should express the change in the law to be achieved by the bill. If a bill creates, tell what it creates and for what purposes. Avoid detailed exposition of provisions. When a bill increases or decreases something, always specify the previous amount. Tell how much of a change a bill makes as well as the fact that it makes a change. If a bill changes procedure for, say, selection of board members by election rather than appointment, express it that way. The phrases "instead of" and "rather than" are good tools for summaries of provisions like these.

Format and Word Usage for a Bill Summary

The general rule for preparation of narrative bill summaries is to begin each segment in your summary with a root verb. The action in the bill is in process of being accomplished. Say "create a board ..."

rather than “creates a board ...” or “a board is created ...” The following words are most useful for beginning your segments:

authorize, enable or permit, create or establish, direct or require, grant, appropriate, limit, exempt, prohibit or forbid, increase or decrease, change, include or exclude, redefine, add, amend, repeal

In segments dealing with amendments to existing statutes, if the description of the subject of the action necessarily falls near the end of the segment, use the term “relating to” immediately after the number of the section amended. For example, say: “Amend KRS 287.215, relating to the State Board of Podiatry, to redefine the terms, compensation, selection, and qualifications of members.”

End each segment except the last with a semicolon. Each segment but the first begins with a lowercase letter. Please use articles. Try not to use the term “the Act” or “this Act” in a summary.

Do not use the words “shall” or “may.” In mandatory legislation, the language “shall” is expressed in a summary by saying “require” or “direct.” Permissive language is expressed in the summary by the terms “authorize” or “permit.”

Avoid the words “specify,” “provide,” and “stipulate” as segment openers unless absolutely necessary.

When summarizing the establishment of a short title in an Act, the use of quotation marks is unnecessary.

Use Arabic numerals for numbers 10 and higher. Omit severability clauses in summarizing. Emergency clauses, however, must be indicated in the summary: Simply say “EMERGENCY” as the final word in the summary. The emergency clause, if any, customarily is placed at or near the end of the bill and is preceded by a “Whereas.” If the effective date is extraordinary, say, for example, “EFFECTIVE January 1, 2023” as your last segment.

Appropriations must be in the summary, in their exact dollar amounts, expressed in Arabic numerals. The summary should

include the word “APPROPRIATION” as your last or next to last (if there is also an emergency clause) segment.

Any taxation provisions made by the bill must also be in the summary.

Summarizing Amendments to Existing Sections

As a rule, if the bill amends more than five sections, begin the summary with “Amend various sections of KRS Chapter 347” rather than using a separate “amend” phrase for each section amended, as you would if the bill amends fewer sections. Occasionally a bill will amend a section or sections to effect a significant change in the law and will amend several other sections simply to bring them in conformity with the major change. In this case say, “Amend KRS 237.215 to increase ...; amend KRS 287.216 (or ‘various other sections’) to conform.”

Summarizing Repealers

Bills that repeal existing statutes without making any other change usually will read “The following KRS section is repealed: 84.240 Maximum property tax rate.” In this case you must look up the section and express its nature in your summary, which should read something like: “Repeal KRS 84.240, which establishes \$1.50 per \$100 of assessed valuation as the maximum property tax rate in cities of the second class.”

In other bills, several sections may be repealed when the bill makes significant changes in several existing sections or creates new sections. In this case, list in your summary each section being repealed without telling its specific content.

Summarizing Constitutional Amendments

A bill enacted by the General Assembly that concerns a constitutional amendment does not amend the Constitution by virtue of its enactment. The bill merely *proposes* an amendment for consideration by the electorate. In summarizing one of these, say “Propose to amend Section 84 of the Constitution ...” rather than “Amend Section 84”

Summarizing Resolutions

Opening verbs for resolutions are words such as: invite, petition, request, memorialize, congratulate, commend, urge, declare, commemorate, direct, etc. Form rules for bill summaries apply also to resolutions. Treat all resolution summaries as if they were bill summaries, and do not be concerned with the status of the resolution (whether it is joint, concurrent, or simple).

Summarize resolutions confirming appointments to executive boards and commissions like this: “Confirm the appointment of Sally Sue Southern to the Kentucky Registry of Election Finance for a term expiring August 15, 2024.”

When completing a summary for a resolution adjourning the House or Senate in honor or memory of a person, event, group, etc., use, for example, “Adjourn in honor of all bill drafters everywhere.” Do not include the name of the particular chamber that is adjourning. Doing so can create problems with summaries of “same as” resolutions that are being offered in both chambers.

Summarizing Companion or “Same As” Bills

To summarize a companion bill, import the original summary into the new bill’s summary form.

Summarizing Bills That Confirm Reorganizations

The summary for a confirmation bill, like any other summary, should set out the major elements of the bill in a clear and concise manner. The number of the underlying executive order or resolution should be included. For example:

Amend KRS 171.345 to eliminate provision for the Kentucky Military History Museum Committee and give the Kentucky Historical Society the authority to empanel an advisory committee and promulgate administrative regulations to administer the Kentucky Military History Museum; confirm Executive Order 2018-718.

Concluding Comments on Bill Summarization

All the contingencies of summarizing bills cannot be covered here. When you encounter difficulty, do not hesitate to ask questions. If in doubt about your summary, use too many words rather than too few. Summarizing bills is a task that requires a knack with words. Work rapidly and accurately. Try to review the summaries in the latest *Record* sometime before the session. A summary should depict what major thing, or things, the bill does; what changes it makes and to what extent; what main items of new law it establishes; or what it repeals. Do not try to analyze the bill. Tell what major items it affects, as succinctly and precisely as possible.

Indexing Bill Summaries

After the bill is drafted and summarized, it is necessary to index the bill. LRC staff has developed a list of index headings for use in the *Record*. See Appendix F of this manual. Index entries are not digests of the bill. The drafter must be selective in what is to be included. Within each main heading, consider what is the next most important aspect of the bill and use that point as the beginning for your entry.

Each index heading has its own distinctive number. Indexing is done on the LRC bill drafting application by selecting the “Draft Details” tab. To index the bill, the drafter should select several index topics that relate to the subject matter of the bill.

Indexing uses nouns or noun phrases and commas. For example:

Military History Museum, administration
not Military History Museum, administer

Historical Society, military history museum,
 promulgation
not Historical Society, military history museum, promulgate

After the index heading is selected, the drafter needs to create an entry for the index. An entry is placed next to each heading. The purpose of the entry is to inform readers more clearly how the bill relates to the heading. Do not repeat the index heading as part of the entry.

For instance, if the bill relates to creating training requirements for firefighters, the heading would be FIREFIGHTERS AND FIRE DEPARTMENTS. All that is necessary is to select that heading from the drop-down list of headings. For the entry, the drafter would then identify how the bill related to firefighters and fire departments by placing the words “Training requirements, creation” in the “Index Entries” tab.

Use as many primary index headings as necessary for persons looking for the bill or some of its more important features. Generally, more than one heading is required for each bill, but avoid the repeated use of a single heading that can be consolidated into one or two entries.

Appropriations. Be certain that bills containing appropriations are indexed under APPROPRIATIONS as well as under the normal index topics.

Emergency or Special Effective Dates. Bills that have an emergency clause or special effective date are indexed under EFFECTIVE DATES, DELAYED or EFFECTIVE DATES, EMERGENCY, as well as under the normal index topics.

For bills with emergency effective dates or appropriations, the appropriate index heading gives notice to the public and to legislators that voting requirements for these bills are different from those for a normal bill.

Retroactive Legislation. Bills with retroactive application are indexed under RETROACTIVE LEGISLATION and, without an emergency clause or special effective date, take effect 90 days after the close of session.

Confirmations. Resolutions confirming appointments to executive boards and commissions should be indexed under CONFIRMATION OF APPOINTMENTS and other appropriate subject matter index headings. There is no need to index them under STATE AGENCIES or STATE EMPLOYEES. Examples of entries for continuing appointments are below.

Southern, Sally Sue, Registry of Election Finance

Registry of Election Finance, confirmation, Sally Sue
Southern

Study Resolutions and Bills. Resolutions and bills directing studies should be indexed under STUDIES DIRECTED.

Reorganizations. Confirmation of reorganization bills should be indexed for the *Legislative Record* under the heading REORGANIZATIONS, with an entry giving the name of the organizational unit or administrative body involved and the identifying number of the executive order or resolution, e.g., “Kentucky Military History Museum, Executive Order 2018-718.” These bills may also be indexed under the specific subject area of the organizational unit or administrative body, e.g., under MILITARY AFFAIRS AND CIVIL DEFENSE with the entry “Reorganization, Kentucky Military History Museum, Executive Order 2018-718.”

Naming of Roads, Etc. When indexing something that is named, such as under HONORARY HIGHWAY DESIGNATIONS, do not put quotation marks around the specified name.

Amendments

The Amendment Summary Form

Amendment summaries are produced on a form designed especially for this purpose. Use LRC’s Bill Drafting application to draft an amendment summary. The summary should be prepared as soon as possible after the amendment is filed. To be included in the *Legislative Record*, the amendment summary must be transmitted by the end of the day it is filed on the chamber floor.

Relationship to Original Bill Summary

In most instances, the change in the bill wrought by the amendment will affect the language of the original summary. Your amendment summary, therefore, should relate to the original. For example, the bill as introduced may have proposed an annual salary increment of

\$4,000. If the amendment continues the increment, but by \$3,000 rather than \$4,000, say “Increase the annual compensation by \$3,000 rather than \$4,000.” Summarize what distinguishes the amendment from the bill, and do not repeat the portions of the original bill summary that are unchanged. If the change effected by the amendment is not mentioned in the summary of the original, you should summarize the amendment as if it were an original summary.

Summarizing Piggyback Amendments

If your amendment attaches the provisions of a second bill to the bill you propose to amend, in the amendment summary do *not* say “attach the provisions of HB (or SB) xxx” as your amendment summary. Instead, provide the actual summary narrative text of the second bill to describe what the provisions of that bill do. You may import the summary (with the correct document identification number) for the second bill into the summary for the piggyback amendment, and then delete any portion of the summary and index headings/entries that are not pertinent to the amendment. See also Indexing Piggyback Amendments later in this chapter. If the amendment makes changes to the language of the original bill being piggybacked, those should also be noted in the summary. If the second bill carries any amendments, you should indicate that.

Summarizing Title Amendments

For summaries of these, say simply, “Make title amendment.”

Summarizing Technical Corrections

Summaries of amendments making technical corrections to a bill should be indexed under TECHNICAL CORRECTIONS and need only say, “Make technical corrections.”

Summarizing Committee Substitutes

How a drafter summarizes a committee substitute depends on what the substitute does in relation to the original bill. Like any amendment, the summary should relate to the original summary if possible. Frequently used language includes, “Retain original provisions, with the following changes,” “Replace the entirety of the bill to,” or (in the case of piggyback amendments) “Retain the provisions of the bill and (insert summary from bill being

piggybacked onto the original bill, without naming it as a piggyback)”).

Summarizing Emergency and Special Effective Date Amendments

If the amendment adds an emergency clause to the bill, include in the summary as “EMERGENCY.” If it applies a special effective date, say, “EFFECTIVE July 31, 2021.” The use of capital letters in these summaries is designed to make the emergency or special date provision stand out.

Summarizing “Same As” Amendments

To summarize a same as amendment, import the original summary into the current summary form.

Indexing Amendment Summaries

For the most part, indexing amendment summaries follows the same procedures as indexing bill summaries. A few specific points are treated in the sections that follow.

Indexing Title Amendments and Technical Corrections. For amendments changing titles or making technical corrections, simply list the bill number under the appropriate heading: TITLE AMENDMENTS or TECHNICAL CORRECTIONS. All that goes on the entry line on the form is the number of the bill being amended. Omit the amendment number.

Indexing Piggyback Amendments. The heading for indexing piggyback amendments is PIGGYBACKED BILLS. For the entry under this heading, use the format, “SB 72 to HB 4.” Please be particularly alert for piggyback amendments.

Chapter 9

Production of Bills

Form of Bills

Senate Rule 50 and House Rule 50 set out the requirements relating to the form of bills for each house of the Kentucky General Assembly. Both rules provide that “[a]ll bills introduced shall be printed on the computerized bill preparation system of the Legislative Research Commission, and none otherwise prepared shall be accepted for introduction.”

Entry of Bills into LRC’s Computerized Bill Preparation System

The Legislative Research Commission’s computerized bill preparation system is contained in LRC’s Bill Drafting application. The application pulls up statutes from an internal statutory database maintained by the Legislative Research Commission. Although preliminary drafts of bills may be generated by LRC committee staff themselves using this system, the final copy used for jacketing and introduction is produced by LRC’s Bill Processing staff.

When a drafter completes work on a bill draft, he or she should always run a spell-check on the draft, paying close attention to words identified by the spell-check program and selecting the correct suggested word when appropriate. A drafter should never assume that everything in the draft is spelled correctly and skip the spell-check. Then the drafter must have the draft reviewed by another staff person on the same committee, unless the lack of time needed for the review makes it impossible. The peer review is very important not only for identifying misspelled words and formatting errors, but also for an assessment of how clearly the draft language is presented and whether there might be any logistical implementation problem with the draft’s language that someone without knowledge of the committee’s jurisdictional area would likely not be aware of.

Any bill not drafted by Appropriations and Revenue (A&R) staff that contains an appropriation, creates a statutory fund, or creates or modifies any tax or fee must be reviewed by A&R staff prior to being completed by the drafter. This review is essential to ensure that a bill draft's language will accomplish the sponsor's goal and address all factors necessary for correct implementation. It also gives A&R staff the ability to track potential changes to state funds.

Drafters are encouraged to add into the draft notes for a bill draft any information that would be helpful to Statute Revision staff in their review, such as the session and document ID number of a bill draft on which the current draft is based, who performed the peer review, and whether any potential constitutional issues with the draft have been discussed with the sponsor.

A drafter should ordinarily have the preliminary draft reviewed by Statute Revision staff and entered by Bill Processing staff before circulating it to the sponsor. Modifications can be made through subsequent revisions if necessary. Rough drafts by the drafter should not ordinarily be generated for circulation, but if a draft is circulated, the drafter should insert a "DRAFT" watermark on the bill draft from the bill drafting application before releasing it. Of course, release of any draft to anyone but the requesting sponsor is subject to the confidentiality requirements of KRS 7.120.

When a drafter has completed the draft and the peer review has been performed, the drafter then submits the draft, draft summary, and fiscal impact form to Statute Revision and Bill Processing simultaneously from the bill drafting application. When Statute Revision staff has completed the review of the bill draft, the reviser's edits are uploaded and both Bill Processing and the drafter are notified that the revisions can be viewed and the draft has moved to the next stage in the cycle. Bill Processing will then complete its preparation for the jacketed copy, making changes dictated by Statute Revision, and the drafter will review all revisions and carefully proof the processed document before giving his or her approval. The drafter may indicate any corrections that are needed, or approve the draft as prepared. Typographical errors or errors in adding or deleting language as Statute Revision directs may be

transmitted directly back to Bill Processing for correction. However, if a drafter needs to make other changes to the original version, a new bill draft document is prepared and submitted to Statute Revision and Bill Processing again.

Proofing Bills

A drafter must carefully proof bill drafts generated by Bill Processing staff against the original copy of the bill draft submitted by the drafter and edited by the reviser. On a marked-up copy, it is easy for a reviser's notations to be misread and mistyped by the person who is entering the text. Statutory citations in new language should have been verified prior to the submission of the draft or revision for review; the drafter should make sure that the citations were correctly typed or brought over from the submitted copy. A typographical error, if not corrected, may change the meaning of a measure or invalidate it entirely.

It is the personal responsibility of the assigned drafter to make sure that the draft produced by Bill Processing staff accurately reflects his or her submitted copy with any modifications made by the bill reviewer from Statute Revision. Except in extraordinary circumstances, this proofing should be done by the assigned drafter and should not be delegated to some other person. Taking the time to do a careful, thorough, and unhurried proofing is essential to ensure accurate bill drafts; doing this can avoid unnecessary amendments during the legislative process and prevent errors within enacted legislation.

Appendix A

Final Checklist for Drafters

Is the bill request in the appropriate form (bill, joint resolution, concurrent resolution, or simple resolution)?

If enacted, will the law accomplish its purpose?

Are constitutional limits on legislation observed?

Does the title express the subject adequately?

Is the enacting or resolving clause in the proper form?

Is each distinct part a separate section, subsection, or other subdivision?

Are cross-references to other sections within the bill correct?

Are provisions of the bill properly integrated with existing law?

Are all conflicting statutes specifically amended or repealed?

Have all statutes citing repealed or internally renumbered statutes been amended?

Are references to the Kentucky Revised Statutes and federal law or regulation accurate?

Are titles of public officers, agencies, and institutions exact within the bill and do they mirror what's in statute?

Is the bill free from ambiguities and conflicts?

Is the style clear and understandable?

Has the draft been spell-checked, proofed, and peer-reviewed?

Has the draft been submitted electronically to Statute Revision and Bill Processing staff?

Appendix B

Sample Bill Formats

Example 1

AN ACT relating to _____.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER _____ IS CREATED TO READ AS FOLLOWS:

(1) Text

(2) Text

(a) Text

(b) Text

(3) Text

(a) Text

1. Text

2. Text

(b) Text

1. Text

2. Text

a. Text

b. Text

(4) Text

SECTION 2. A NEW SECTION OF KRS CHAPTER ____
IS CREATED TO READ AS FOLLOWS:

Text

Section 3. KRS 5.010 is amended to read as follows:

- (1) Current text **new text**~~[deleted text]~~
- (2) Current text

(3) New text

Section 4. KRS 5.020 is amended to read as follows:

- (1) Current text
- (2) ~~[Deleted subsection~~
- (3) ~~]Current text~~

Section 5. The following KRS section is repealed:

5.030 Scope and applicability.

Notes

- Be sure to perform a KRS Search for the number of the statute being repealed in order to find any in-text references to that number that need to be addressed.
- In an amendment of an existing statute, new material (which is **underlined bold italics**) comes before the old material that is being removed (which is ~~[bracketed and struck through]~~).
- When removing an entire subsection in a section of the statutes, remember to renumber the remaining subsections. You must also do this when adding new subsections.

Example 2

Title AN ACT relating to _____, making an appropriation therefor, and declaring an emergency.

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

Definitions SECTION 1. A NEW SECTION OF KRS CHAPTER ___ IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act, unless the context requires otherwise:

(1) “ ” means _____ ; and

(2) “ ” means.

Main Provisions SECTION 2. A NEW SECTION OF KRS CHAPTER ___ IS CREATED TO READ AS FOLLOWS:

Penalties SECTION 3. A NEW SECTION OF KRS CHAPTER ___ IS CREATED TO READ AS FOLLOWS:

Any person who violates Section 2 of this Act shall be fined xx thousand dollars (\$x,xxx).

Short Title SECTION 4. A NEW SECTION OF KRS CHAPTER ___ IS CREATED TO READ AS FOLLOWS:

Sections 1 to 4 of this Act may be cited as the Bill Drafting

Manual Act.

**Amendments
to Conform**

Section 5. KRS ____ is amended to read as follows:

Repeals

Section 6. The following KRS sections are repealed:
123.456 Annual report – Filing requirement – Fee.
543.210 Appeal procedure.

Appropriation

Section 6. To carry out the purposes of this Act, there is appropriated to _____ out of the _____ fund in the State Treasury the sum of \$ _____ for the _____ fiscal year for the purpose of _____.

Temporary Provisions and Construction Clauses

Section 8. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to _____, but shall be held and construed as ancillary and supplemental thereto.

Emergency Clause

Section 9. Whereas _____, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Appendix C

List of Preferred Spellings And Usages

aboveground (adj.), *not* above ground

acknowledgment, *not* acknowledgement

a historical site, *not* an historical site

antidiscrimination, *not* anti-discrimination (similarly other words beginning with “anti”)

assure, when meaning “to make one confident about”

at-large (when used as an adjective phrase preceding a noun, e.g., an at-large member) *but otherwise* at large (e.g., a member at large, elected at large)

attorney-at-law, *not* attorney at law

attorney-in-fact, *not* attorney in fact

audiovisual, *not* audio-visual

biannual — *do not use*; use either semiannual or biennial, as appropriate

biennial — use in the sense of “occurring every two years” or “continuing or lasting for two years”; *do not use* biannual

birth month, *not* birthmonth

buses, *not* busses

bylaws, *not* by-laws

by-product, *not* byproduct

canceled, canceling, *not* cancelled, cancelling *but* cancellation, *not* cancelation

charter county government, *not* charter-county government

checkoff, *not* check-off

closely held (adj.), *not* closely-held

co-chair, *not* cochair

commingled, *not* comingled

composed of, *not* comprised of

copay, *not* co-pay

cost-benefit analysis, *not* cost benefit analysis, cost/benefit analysis

counseling, *not* counselling

court-appointed (adj.), *not* court appointed

cross-examine, cross-examination, *not* cross examine *or*
crossexamine

database, *not* data base

drugstore, *not* drug store

employee, *not* employe

ensure, meaning “to guarantee”

ex officio, *not* ex-officio

firefighter, *not* fire fighter *or* fireman

firefighting, *not* fire fighting

first-class mail, *not* first class mail

firsthand, *not* first hand *or* first-hand

for-profit corporation, *not* for profit corporation

fortune-telling, *not* fortunetelling

freestanding, *not* free standing *or* free-standing

full-time, *not* full time

fundraising, *not* fund raising *or* fund-raising

General Educational Development (GED) test, *not* GED test

guardrail, *not* guard rail

inpatient, *not* in-patient

installment, *not* instalment

insure, meaning “to indemnify”

interagency, *not* inter-agency

Internet, *not* internet
 intra-agency, *not* intraagency
 judgment, *not* judgement
 labeling, *not* labelling
 landowner, *not* land owner
 layoff, *not* lay-off
 lease-purchase agreement, *not* lease purchase agreement
 long-term care facilities, *not* long-term-care facilities
 lump-sum payment, *not* lump sum payment
 marijuana, *not* marihuana
 money or moneys, *not* monies
 motorboat, *not* motor boat
 multicounty, *not* multi-county
 multistate, *not* multi-state
 National Guard, member/members of the, *not* National
 Guardsman/Guardsmen
 nongovernment, *not* non-government
 nonhazardous, *not* non-hazardous
 nonprint, *not* non-print
 nonprofit, *not* non-profit
 nonresident, *not* non-resident
 outpatient, *not* out-patient
 part-time, *not* parttime *or* part time
 percent, *not* per cent
 picked-up employee contribution, *not* picked up employee
 contribution
 postsecondary, *not* post-secondary
 preaddressed, *not* pre-addressed (similarly other words beginning

with “pre” unless listed below, e.g., pre-existing)
preemptive, *not* pre-emptive
pre-existing, *not* preexisting
prehearing, *not* pre-hearing
prepaid, prepayment, *not* pre-paid, pre-payment
pretrial release, *not* pre-trial release
probable-cause hearing, *not* probable cause hearing
pro rata, *not* prorata
prorate(d), *not* pro-rate(d)
pro tem, *not* protem
publicly, *not* publically
re- — hyphenate a word beginning with “re” only if necessary to distinguish it from another word, e.g., re-create and recreate; re-mark and remark.
recordkeeping, *not* record keeping
re-create = to create again
reemployment, *not* re-employment
reevaluate, reevaluation, *not* re-evaluate, re-evaluation
reexamine, reexamination, *not* re-examine, re-examination
reinsure, reinsurer, reinsurance, *not* re-insure, re-insurer, re-insurance
re-mark = to mark again
reregister, reregistration, *not* re-register, re-registration
right-of-way, *not* right of way
rights-of-way, *not* rights of way *or* right-of-ways *or* right of ways
schoolteacher, *not* school teacher
secondhand, *not* second-hand *or* second hand
semiannual — use in the sense of “occurring every six months or twice a year”; *do not use* biannual

semitrailer, *not* semi-trailer

set-off and counterclaim

state-supported, *not* state supported

statewide, *not* state-wide

statutorily, *not* statutorially

stepchild, *not* step-child

tax-exempt — for bonds, obligations, etc.

theater, *not* theatre, except in the case of proper names, e.g.,
Actors Theatre of Louisville

third-party payor (etc.), *not* third party payor (etc.), *but* a third
party (when not used as an adjective phrase)

Thoroughbred, *not* thoroughbred (when referring to the breed of
horse)

time frame, *not* timeframe

transferable, *not* transferrable

United States, *not* U.S. (e.g., United States Coast Guard, *not*
U.S. Coast Guard), except U.S. should be used in metes and
bounds descriptions, case and statute citations, product
classifications

United States Route 27, *not* U.S. 27, U.S. Highway 27, U.S. Rt. 27

urban-county council (government, etc.), *not* urban county
council (government, etc.); also the urban-county, *not* the
urban county

vice chair, *not* vice-chair *or* vice-chairman

Vietnam, *not* Viet Nam

wastewater, *not* waste water

waterskiing, *not* water skiing, water-skiing

Web site, *not* Website *or* website

well-being, *not* well being

willful(ly), *not* wilful(ly)

workers' compensation, *not* workmen's compensation
workforce, *not* work force

Numerical Expressions—Monetary Amounts

one and one-half cents (\$0.015), *not* (1-1/2¢)

one hundred sixty-five thousand dollars (\$165,000), *not* one
hundred and sixty-five thousand dollars (\$165,000)

one-tenth of one cent (\$0.001), *not* (1/10¢)

seventy-five cents (\$0.75), *not* (75¢)

ten dollars (\$10), *not* (\$10.00)

Numerical Expressions—Percentages

one-half of one percent (0.5%), *not* (1/2 of 1%)

thirty-three and one-third percent (33-1/3%)

Numerical Expressions—Time

12 noon, *not* 12:00 noon *or* 12:00 p.m.

12 midnight, *not* 12:00 midnight *or* 12:00 a.m.

4 p.m., *not* 4:00 p.m. *or* 4 o'clock p.m.

Appendix D

Examples of Use of Capitalization

In listing the examples that follow, initial articles (a, an, the) have been disregarded in alphabetization.

For cases not illustrated or covered by the rules, check with the Reviser's office.

-A-

... account (do not capitalize names of accounts.)

Act of Congress

Act of Congress of May 26, 1959

the active militia

the adjutant general

administrative hearing

administrative law judge

the Administrative Office of the Courts

the Administrative Register of Kentucky

administrative regulation

the Air National Guard

the American Red Cross

the area development district BUT capitalize if the district's full name is used, e.g., Green River Area Development District; FIVCO Area Development District

the Armed Forces of the United States, the Armed Forces

the Army National Guard

the assistant attorney general

the Attorney General

the Auditor (when referring to the Auditor of Public Accounts)

the Authority (when referring to the Kentucky Public Pensions Authority)

-B-

the bar, BUT the Kentucky Bar Association

the board of elections, BUT the State Board of Elections

-C-

the Capitol

central standard time

the Chief Justice of the Commonwealth, the Chief Justice

the circuit clerk, the Circuit Court clerk, the clerk of the Circuit Court

the Circuit Court

Circuit Judge

Civil Rule 76

the Commission (but only when referring to the Legislative Research Commission)

the Commissioner of Agriculture, the Commissioner (when referring to the Commissioner of Agriculture)

the Commonwealth, the Commonwealth of Kentucky

the Commonwealth's attorney

the Congress of the United States; the Congress (when referring to this legislative body)

the congressional district, BUT the Sixth Congressional District

the Constitution of Kentucky, the Constitution of the United States, the Constitution (when referring to either of these two documents)

the county judge/executive, county judges/executive

the court (when used by itself)

the Court of Appeals

Criminal Rule 6

-D-

the District Court

the District Court clerk

District Judge

-E-

eastern standard time

the Executive Mansion

Executive Order 2022-315

extraordinary session, BUT 2021 First Extraordinary Session (capitalize if preceded or followed by a specific year)

-F-

the federal Clean Air Act
 the Federal Deposit Insurance Corporation
 the federal Food and Drug Administration
 the fire protection district
 the fiscal court
 the Franklin Circuit Court
 the Franklin Circuit Judge
 the Franklin County Fiscal Court
 the Franklin County judge/executive
 the Franklin District Court
 fund (the names of funds are not capitalized)

-G-

the General Assembly
 the general fund (except in a budget bill)
 the Governor-elect
 the Governor of Kentucky, the Governor
 the Governor's contingency fund
 the Governor's Executive Cabinet

-H-

the horse park, BUT the Kentucky Horse Park
 House Bill 61
 the House of Representatives, the House (when referring to the
 lower house of the Kentucky General Assembly)

-I-

Internet
 Interstate 95

-J-

the Job Training Partnership Act of 1982
 the judge (when not followed by the full name of the judge's
 court), BUT a Judge of the Franklin Circuit Court, the
 Judges of the Court of Appeals, a District Judge , a Circuit
 Judge
 the Justices of the Kentucky Supreme Court

-K-

Kentucky Administrative Regulations Service
the Kentucky Code of Military Justice
Kentucky Educational Television
the Kentucky Law Enforcement Foundation Program fund (full
names of programs are capitalized, but funds are not)
the Kentucky Open Records Act
the Kentucky Penal Code
KRS Chapter 56
Ky. Acts ch. _____, sec. ____ (preceded by session year)

-L-

the Legislative Research Commission, the Commission (when
referring to the Legislative Research Commission)
the Legislature (when referring to the General Assembly of the
Commonwealth of Kentucky)
the Lieutenant Governor

-M-

master commissioner
Medicaid
Medicare

-N-

the National Guard
the New State Capitol
the New State Capitol Annex
the North American continent

-O-

the Old Governor's Mansion
the Old State Capitol
the Old State Capitol Annex

-P-

presidential preference primary
President of the Senate

President of the United States, the President (when referring to the President of the United States)

President Pro Tem of the Senate, the President Pro Tem Program (capitalize programs when listing the full name)

Pub. L. No. 113-350

-Q-

-R-

regular session, BUT 2022 Regular Session (capitalize if preceded or followed by a specific year)
the Representatives (i.e., members of the Kentucky House of Representatives)

-S-

the Secretary of State
the Senate (when referring to the upper house of the Kentucky General Assembly)
Senate Bill 416
the Senators (i.e., members of the Kentucky Senate)
Social Security number
the Speaker of the House of Representatives, the Speaker of the House
the Speaker Pro Tem (when referring to that office in the Kentucky House of Representatives)
a special session
the state, BUT the State of West Virginia
the State Auditor
the state building code, BUT the Uniform State Building Code, Building Code
the State Capitol, BUT the state capital
the State Fair
state parks
State Route 236
the State Treasurer
the State Treasury, the Treasury
the Supreme Court

-T-

Thoroughbred (when referring to the breed of horse)
the Treasurer (when referring to the Treasurer of the
Commonwealth)

-U-

the Uniform Commercial Code
the United States Congress
United States Route 60
the university

-V-

Vice President of the United States

-W-

Web site

-X-

X-ray

-Y-

-Z-

Appendix E

Bill Drafting Glossary Items

Constitutional Create SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

Constitutional Create As SECTION 2. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO BE NUMBERED AS 300 AND TO READ AS FOLLOWS:

Constitutional Language Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.

Constitutional Repeal Section 4. It is proposed that the following section of the Constitution of Kentucky be repealed:
Section 19 Ex post facto law or law impairing contract forbidden – Rules of construction for mineral deeds relating to coal extraction.

Kentucky Rules of Evidence Create SECTION 5. A NEW SECTION OF THE KENTUCKY RULES OF EVIDENCE IS CREATED TO READ AS FOLLOWS:

New KRE Range SECTION 6. A NEW SECTION OF KENTUCKY RULES OF EVIDENCE 500 TO 515 IS CREATED TO READ AS FOLLOWS:

Emergency Clause Section 7. (INSERT REASON HERE) an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Study Boilerplate Section 8. The Legislative Research Commission shall have the authority to alternatively assign the

issues identified herein to an interim joint committee or subcommittee thereof and to designate a study completion date.

Study language replacing the entire text of a House bill Section 9. This Act shall have the same legal status as a House Concurrent Resolution.

Study language replacing the entire text of Senate bill Section 10. This Act shall have the same legal status as a Senate Concurrent Resolution.

Study language being added to the text of Senate bill Section 11. Sections 5 to 11 of this Act shall have the same legal status as a Senate Concurrent Resolution.

Study language being added to the text of a House bill Section 12. Sections 5 to 11 of this Act shall have the same legal status as a House Concurrent Resolution.

Whereas WHEREAS,

Now, therefore, NOW, THEREFORE,

New KRS Range SECTION 13. A NEW SECTION OF KRS 7.136 TO 7.199 IS CREATED TO READ AS FOLLOWS:

Create Chapter/Subchapter SECTION 14. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

Create Chapter/Subtitle SECTION 15. A NEW SECTION OF SUBTITLE 1 OF KRS CHAPTER 271B IS CREATED TO READ AS FOLLOWS:

Create Chapter/Article SECTION 16. A NEW SECTION OF ARTICLE 1 OF KRS CHAPTER 355 IS CREATED TO READ AS FOLLOWS:

Create and Number As SECTION 17. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO BE NUMBERED AS KRS 7.999 AND TO READ AS FOLLOWS:

Establish Chapter SECTION 18. KRS CHAPTER 900 IS ESTABLISHED AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Establish Chapter and Subchapter SECTION 19. KRS CHAPTER 750 IS ESTABLISHED, SUBCHAPTER 1 OF KRS CHAPTER 750 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Establish Chapter and Subtitle SECTION 20. KRS CHAPTER 800 IS ESTABLISHED, SUBTITLE 1 OF KRS CHAPTER 800 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Establish Chapter and Article SECTION 21. KRS CHAPTER 850 IS ESTABLISHED, ARTICLE 1 OF KRS CHAPTER 850 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Establish Subchapter SECTION 22. SUBCHAPTER 99 OF KRS CHAPTER 154 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Establish Subtitle SECTION 23. SUBTITLE 55 OF KRS CHAPTER 304 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

Establish Article SECTION 24. ARTICLE 12 OF KRS CHAPTER 355 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

New Subtitle Section Numbered As SECTION 25. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 271B TO BE NUMBERED AS KRS 271B.3-999 IS CREATED TO READ AS FOLLOWS:

New Subchapter Section Numbered As SECTION 26. A NEW SECTION OF SUBCHAPTER 2 OF KRS CHAPTER 14A TO BE NUMBERED AS KRS 14A.2-999 IS CREATED TO READ AS FOLLOWS:

New Article Section Numbered As SECTION 27. A NEW SECTION OF ARTICLE 1 OF KRS CHAPTER 355 TO BE NUMBERED AS KRS 355.1-999 IS CREATED TO READ AS FOLLOWS:

Repeal and Reenact – See KRS 446.145(5). Section 28. KRS 2.120 is repealed and reenacted to read as follows:
The fourteenth day of June of each year is “Flag Day.”

Repeal, Reenact and Amend – See KRS 446.145(5) Section 29. KRS 2.120 is repealed, reenacted, and amended to read as follows:
The fourteenth day of ~~June~~ July of each year is “Flag Day.”

Repeal and Reenact as New Section 30. KRS 2.120 is repealed and reenacted as a new section of KRS Chapter 12 to read as follows:
The fourteenth day of June of each year is “Flag Day.”

Repeal, Reenact and Amend as New Section 31. KRS 2.120 is repealed, reenacted as a new section of KRS Chapter 12, and amended to read as follows:
The fourteenth day of ~~June~~ July of each year is “Flag Day.”

Repeal and Reenact – See KRS 446.145(5) SECTION 32. KRS 7.112 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The rewritten language for this statute will appear as all new language. (The existing language of the statute will not appear in the section.)

Repeal and Reenact as New – See KRS 446.145(5) SECTION 33. KRS 2.120 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS CHAPTER 7 TO READ AS FOLLOWS:

The rewritten language for this statute will appear as all new

language. (The existing language of the statute will not appear in the section.)

Repeal, reenact, renumber Section 34. KRS 2.120 is repealed, reenacted, and renumbered as KRS 7.199 to read as follows:
The fourteenth day of June of each year is “Flag Day.”

Repeal, reenact, amend, renumber Section 35. KRS 2.120 is repealed, reenacted, amended, and renumbered as KRS 7.199 to read as follows:
The ~~tenth~~^[fourteenth] day of ~~July~~^[June] of each odd-numbered year is “Flag Day.”

Appendix F

Cross-Reference List for Index Headings for the *Legislative Record*

Abortion. *See* REPRODUCTIVE ISSUES

Absent voting. *See* ELECTIONS AND VOTING

0060 ACCOUNTANTS
See also AUDITS AND AUDITORS

Acknowledgements. *See* CIVIL PROCEDURE;
NOTARIES

0070 ACTUARIAL ANALYSIS
NOTE: Drafters should not assign this heading themselves.
Bills requiring actuarial analysis will be indexed under this
heading when that determination is made.

0080 ADMINISTRATIVE REGULATIONS AND
PROCEEDINGS

Adoption. *See* CHILDREN AND MINORS

0120 ADVERTISING

0130 ADVISORY BOARDS, COMMISSIONS, AND
COMMITTEES
See also STATE AGENCIES

0160 AERONAUTICS AND AVIATION

0200 AGED PERSONS AND AGING
See also HOSPITALS AND NURSING HOMES; PUBLIC
MEDICAL ASSISTANCE; RETIREMENT AND
PENSIONS

- 0240 AGRICULTURE
See also ANIMALS, LIVESTOCK, AND POULTRY;
COOPERATIVES; DAIRYING AND MILK
MARKETING; FOODS; GRAIN; TOBACCO
- 0280 ALCOHOLIC BEVERAGES
See also ALCOHOLISM; DISTILLED SPIRITS; MALT
BEVERAGES; WINE AND WINERIES
- 0320 ALCOHOLISM
See also ALCOHOLIC BEVERAGES; SUBSTANCE
ABUSE
- 0360 AMUSEMENTS AND RECREATION
See also ARTS AND CRAFTS; ATHLETICS; FAIRS;
FIREWORKS; GAMBLING; LOTTERY; PARKS AND
SHRINES; RACING; TOURISM
- 0380 ANIMALS, LIVESTOCK, AND POULTRY
See also AGRICULTURE; DAIRYING AND MILK
MARKETING; DOGS; FISH AND WILDLIFE; RACING
- 0400 ANNEXATION
See also PLANNING AND ZONING
- Annulment. *See* DOMESTIC RELATIONS
- Appointments, gubernatorial. *See* CONFIRMATION OF
APPOINTMENTS
- 0440 APPROPRIATIONS
See also BUDGET AND FINANCIAL
ADMINISTRATION
- 0480 ARBITRATION
See also PERSONNEL AND EMPLOYMENT

- 0500 ARCHITECTS
See also HOUSING, BUILDING, AND CONSTRUCTION
- 0520 ARCHIVES AND RECORDS
See also PUBLIC RECORDS AND REPORTS
- 0540 AREA DEVELOPMENT DISTRICTS
- 0560 ARTS AND CRAFTS
- 0600 ASSOCIATIONS
See also CHARITABLE ORGANIZATIONS AND INSTITUTIONS; COOPERATIVES; CORPORATIONS
- 0620 ATHLETICS
- 0640 ATTORNEY, COMMONWEALTH'S
See also PROSECUTORS
- 0660 ATTORNEY, COUNTY
See also PROSECUTORS
- 0680 ATTORNEY GENERAL
See also PROSECUTORS; PUBLIC OFFICERS AND EMPLOYEES
- 0720 ATTORNEYS
See also ATTORNEY, COMMONWEALTH'S; ATTORNEY, COUNTY; ATTORNEY GENERAL; PROSECUTORS; PUBLIC ADVOCATE
- 0760 AUCTIONEERS
- 0780 AUDITOR OF PUBLIC ACCOUNTS
See also AUDITS AND AUDITORS; PUBLIC OFFICERS AND EMPLOYEES

0800 AUDITS AND AUDITORS

See also ACCOUNTANTS; AUDITOR OF PUBLIC ACCOUNTS; BUDGET AND FINANCIAL ADMINISTRATION

Automobile insurance. *See* INSURANCE, MOTOR VEHICLE

Aviation. *See* AERONAUTICS AND AVIATION

0810 BACKGROUND CHECKS

0820 BAIL AND PRETRIAL RELEASE

0830 BANKRUPTCY

0840 BANKS AND FINANCIAL INSTITUTIONS

See also BONDS OF SURETY; BONDS, PUBLIC; INTEREST AND USURY; LOANS AND CREDIT; NEGOTIABLE INSTRUMENTS; SECURITIES

0880 BARBERS AND COSMETOLOGISTS

Bargaining, collective. *See* COLLECTIVE BARGAINING

Beer. *See* MALT BEVERAGES

Billboards. *See* ADVERTISING

Bingo. *See* GAMBLING

Birth control. *See* REPRODUCTIVE ISSUES

0920 BLIND OR DEAF PERSONS

See also DISABILITIES AND THE DISABLED

0930 BOARDS AND COMMISSIONS

See also STATE AGENCIES

0960 BOATS AND BOATING

See also WATERWAYS AND DAMS

Bombs and booby traps. *See* EXPLOSIVES; FIREARMS AND WEAPONS

1040 BONDS OF SURETY

1060 BONDS, PUBLIC

1070 BOUNDARIES

Bridges. *See* HIGHWAYS, STREETS, AND BRIDGES

1080 BUDGET AND FINANCIAL ADMINISTRATION

See also APPROPRIATIONS; AUDITOR OF PUBLIC ACCOUNTS; AUDITS AND AUDITORS; CAPITAL CONSTRUCTION; PURCHASING; STATE AGENCIES

Building and construction. *See* HOUSING, BUILDING, AND CONSTRUCTION

Burials. *See* CEMETERIES AND BURIALS

Buses, school. *See* EDUCATION, ELEMENTARY AND SECONDARY; TRANSPORTATION

1100 CAMPAIGN FINANCE

See also ELECTIONS AND VOTING; PUBLIC ETHICS

1105 CANNABIS

See also AGRICULTURE; DRUGS AND MEDICINES; SUBSTANCE ABUSE

1110 CAPITAL CONSTRUCTION

See also PUBLIC BUILDINGS AND GROUNDS; PUBLIC WORKS

Capital punishment. *See* CRIMES AND PUNISHMENTS

The Capitol. *See* PUBLIC BUILDINGS AND GROUNDS

1120 CEMETERIES AND BURIALS
See also DEATHS; EMBALMERS AND FUNERAL DIRECTORS

1160 CHAMBERS OF COMMERCE

1200 CHARITABLE ORGANIZATIONS AND INSTITUTIONS
See also RELIGION

1220 CHARTER COUNTY GOVERNMENT
See also LOCAL GOVERNMENT

Checks. *See* NEGOTIABLE INSTRUMENTS

1240 CHILDREN AND MINORS
See also DISABILITIES AND THE DISABLED; DOMESTIC RELATIONS; EDUCATION, ELEMENTARY AND SECONDARY; GUARDIANS; PARENTAL RIGHTS

Churches. *See* RELIGION

Cigarettes. *See* TOBACCO

1260 CIRCUIT CLERKS
See also CIVIL PROCEDURE; COURTS, CIRCUIT; COURTS, DISTRICT; CRIMINAL PROCEDURE

Circuit courts. *See* COURTS, CIRCUIT

1320 CITIES
Use for cities generally; for treatment of a specific class of cities, use the appropriate heading, e.g., CITIES, FIRST CLASS; CITIES, HOME RULE CLASS.
See also ANNEXATION; CITIES, CLASSIFICATION; FIREFIGHTERS AND FIRE DEPARTMENTS; HOME RULE; INTERLOCAL

COOPERATION; LOCAL GOVERNMENT;
 PLANNING AND ZONING; POLICE, CITY AND
 COUNTY; RETIREMENT AND PENSIONS;
 URBAN RENEWAL

1340 CITIES, CLASSIFICATION

1360 CITIES, FIRST CLASS

1400 CITIES, HOME RULE CLASS

1500 CIVIL ACTIONS

See also BANKRUPTCY; CIVIL PROCEDURE;
 CLAIMS; CONSUMER AFFAIRS; CONTRACTS;
 DOMESTIC RELATIONS; EMINENT DOMAIN AND
 CONDEMNATION; GARNISHMENT; LIENS;
 NUISANCES; WITNESSES

Civil defense. *See* MILITARY AFFAIRS AND CIVIL
 DEFENSE

1520 CIVIL PROCEDURE

See also CIVIL ACTIONS; CLAIMS; NOTARIES;
 NOTICES; WITNESSES

1560 CIVIL RIGHTS

See also AGED PERSONS AND AGING;
 CONSTITUTION, KENTUCKY; CONSTITUTION,
 UNITED STATES; DISABILITIES AND THE
 DISABLED; MEN; RACE RELATIONS; WOMEN

Civil service. *See* PUBLIC OFFICERS AND
 EMPLOYEES; for the state merit system, *see* STATE
 EMPLOYEES

1600 CLAIMS

Classes of cities. *See* CITIES, FIRST CLASS, etc.

1620 CLERGY

See also RELIGION

1640 COAL

See also ENERGY; ENVIRONMENT AND CONSERVATION; MINERALS AND MINING; SURFACE MINING; TAXATION, SEVERANCE

1720 COLLECTIVE BARGAINING

See also ARBITRATION; PERSONNEL AND EMPLOYMENT; PUBLIC OFFICERS AND EMPLOYEES; STATE EMPLOYEES

Colleges. *See* UNIVERSITIES AND COLLEGES

1760 COMMENDATIONS AND RECOGNITIONS

Use this heading for resolutions honoring a living individual and index by the person's surname; for a resolution honoring a deceased individual, *see* MEMORIALS.

1764 COMMERCE

See also BANKS AND FINANCIAL INSTITUTIONS; LABOR AND INDUSTRY; SALES; SMALL BUSINESS; TRADE PRACTICES AND RETAILING

Commercial Paper. *See* NEGOTIABLE INSTRUMENTS

1770 COMMITTEES

See also CONFERENCE COMMITTEE REPORTS

Common names. *See* SHORT TITLES AND POPULAR NAMES

Commonwealth's attorney. *See* ATTORNEY, COMMONWEALTH'S

- 1800 COMMUNICATIONS
See also NEWS MEDIA; NOTICES; PUBLIC UTILITIES;
TELEVISION AND RADIO
- 1810 COMPACTS, INTERSTATE

Competitive bidding. *See* PURCHASING

Condemnation. *See* EMINENT DOMAIN AND
CONDEMNATION
- 1820 CONFERENCE COMMITTEE REPORTS
- 1830 CONFIRMATION OF APPOINTMENTS
- 1840 CONFLICT OF INTEREST
See also PUBLIC ETHICS
- 1880 CONGRESSIONAL DISTRICTS
See also REDISTRICTING

Conservation. *See* ENVIRONMENT AND
CONSERVATION
- 1890 CONSOLIDATED LOCAL GOVERNMENTS
- 1900 CONSTABLES
See also PUBLIC OFFICERS AND EMPLOYEES
- 1920 CONSTITUTION, KENTUCKY
- 1930 CONSTITUTION, UNITED STATES
- 1960 CONSUMER AFFAIRS
See also ADVERTISING; LOANS AND CREDIT;
SALES; TRADE PRACTICES AND RETAILING

2000 CONTRACTS

Conveyances. *See* DEEDS AND CONVEYANCES

2080 COOPERATIVES

2120 CORONERS

See also DEATHS

Corporate income tax. *See* TAXATION, INCOME--CORPORATE

2160 CORPORATIONS

See also COOPERATIVES; PARTNERSHIPS; TAXATION, INCOME – CORPORATE

2200 CORRECTIONS AND CORRECTIONAL FACILITIES, STATE

See also JAILS AND JAILERS

2215 CORRECTIONS IMPACT

NOTE: Drafters should not assign this heading themselves. Bills requiring corrections impact analysis will be indexed under this heading when that determination is made.

Cosmetologists. *See* BARBERS AND COSMETOLOGISTS

2240 COUNTIES

Use for counties generally; for treatment of a specific class of counties, use the appropriate heading, e.g., COUNTIES WITH CITIES OF THE FIRST CLASS.

See also ANNEXATION; ATTORNEY, COUNTY; CONSTABLES; CORONERS; COUNTY CLERKS; COUNTY JUDGES/EXECUTIVE; COURTS, FISCAL; FIREFIGHTERS AND FIRE DEPARTMENTS; HOME RULE; INTERLOCAL COOPERATION; JAILS AND JAILERS; JUSTICES OF THE PEACE AND

MAGISTRATES; LOCAL GOVERNMENT; PLANNING AND ZONING; POLICE, CITY AND COUNTY; PROPERTY VALUATION ADMINISTRATORS; RETIREMENT AND PENSIONS; SHERIFFS; SPECIAL DISTRICTS; URBAN RENEWAL

2245 COUNTIES, CHARTER

2250 COUNTIES OF 75,000 OR MORE

2260 COUNTIES, URBAN

2280 COUNTIES WITH CITIES OF THE FIRST CLASS
County attorney. *See* ATTORNEY, COUNTY

2380 COUNTY CLERKS
See also FEES; PUBLIC RECORDS AND REPORTS

2390 COUNTY JUDGES/EXECUTIVE
See also COURTS, FISCAL

County police. *See* POLICE, CITY AND COUNTY

2395 COUNTY SURVEYOR

2440 COURT OF APPEALS

Court clerks. *See* CIRCUIT CLERKS; COUNTY CLERKS

Court commissioners. *See* JUDGES AND COURT COMMISSIONERS

2480 COURT REPORTERS

2500 COURT, SUPREME

2510 COURTS

Use for treatment of the Court of Justice and courts generally; for a specific court, use the appropriate heading, e.g., COURT, SUPREME
See also CIVIL PROCEDURE; COURT REPORTERS; JUDGES AND COURT COMMISSIONERS; JURIES AND JURORS; PROSECUTORS; PUBLIC ADVOCATE; WITNESSES

2520 COURTS, CIRCUIT

See also CIRCUIT CLERKS

2580 COURTS, DISTRICT

See also CIRCUIT CLERKS

2590 COURTS, FAMILY

See also DOMESTIC RELATIONS

2600 COURTS, FISCAL

See also COUNTY JUDGES/EXECUTIVE; JUSTICES OF THE PEACE AND MAGISTRATES

Credit. *See* LOANS AND CREDIT

Credit cards. *See* LOANS AND CREDIT

Credit unions. *See* BANKS AND FINANCIAL INSTITUTIONS

2750 CRIME VICTIMS

2760 CRIMES AND PUNISHMENTS

See also BAIL AND PRETRIAL RELEASE; CORRECTIONS AND CORRECTIONAL FACILITIES, STATE; CRIME VICTIMS; CRIMINAL PROCEDURE; JAILS AND JAILERS; PROBATION AND PAROLE

- 2800 CRIMINAL PROCEDURE
See also BAIL AND PRETRIAL RELEASE; CRIME VICTIMS; PROBATION AND PAROLE; PROSECUTORS; PUBLIC ADVOCATE; WITNESSES
- 2840 DAIRYING AND MILK MARKETING
See also ANIMALS, LIVESTOCK, AND POULTRY
- Dams. *See* WATERWAYS AND DAMS
- 2880 DATA PROCESSING
- Deadly weapons. *See* FIREARMS AND WEAPONS
- Deaf persons. *See* BLIND OR DEAF PERSONS; DISABILITIES AND THE DISABLED
- 2940 DEATHS
See also CEMETERIES AND BURIALS; CORONERS; EMBALMERS AND FUNERAL DIRECTORS
- 2945 DEEDS AND CONVEYANCES
See also PROPERTY; REAL ESTATE
- Defender, public. *See* PUBLIC ADVOCATE
- Delayed effective dates. *See* EFFECTIVE DATES, DELAYED
- 2948 DEMENTIA
See also MENTAL DISABILITY; MENTAL HEALTH
- 2950 DISABILITIES AND THE DISABLED
See also BLIND OR DEAF PERSONS; CIVIL RIGHTS; PUBLIC MEDICAL ASSISTANCE
- 2960 DISASTERS
See also EMERGENCY MEDICAL SERVICES; FLOOD CONTROL AND FLOODING

Discrimination. *See* CIVIL RIGHTS

2980 DISEASES

See also HEALTH AND MEDICAL SERVICES

Dissolution of marriage. *See* DOMESTIC RELATIONS

3000 DISTILLED SPIRITS

See also ALCOHOLISM; ALCOHOLIC BEVERAGES;
MALT BEVERAGES

District Courts. *See* COURTS, DISTRICT

Divorce. *See* DOMESTIC RELATIONS

3040 DOGS

3080 DOMESTIC RELATIONS

See also CHILDREN AND MINORS; PARENTAL
RIGHTS

3100 DRIVER LICENSING

3120 DRUGS AND MEDICINES

See also PHARMACISTS; SUBSTANCE ABUSE

3160 ECONOMIC DEVELOPMENT

See also AREA DEVELOPMENT DISTRICTS;
COMMERCE

3200 EDUCATION, ELEMENTARY AND SECONDARY

See also TEACHERS

3240 EDUCATION, FINANCE

3280 EDUCATION, HIGHER

See also EDUCATION, VOCATIONAL; UNIVERSITIES
AND COLLEGES

- 3320 EDUCATION, VOCATIONAL
- 3340 EFFECTIVE DATES, DELAYED
- 3342 EFFECTIVE DATES, EMERGENCY
- The elderly. *See* AGED PERSONS AND AGING
- 3360 ELECTIONS AND VOTING
See also CAMPAIGN FINANCE
- 3400 ELECTRICIANS
- Elementary education. *See* EDUCATION, ELEMENTARY AND SECONDARY
- 3420 EMBALMERS AND FUNERAL DIRECTORS
See also CEMETERIES AND BURIALS; CORONERS; DEATHS
- Emblems, state. *See* STATE SYMBOLS AND EMBLEMS
- Emblems, United States. *See* UNITED STATES
- Emergency effective dates. *See* EFFECTIVE DATES, EMERGENCY
- 3430 EMERGENCY MEDICAL SERVICES
See also DISASTERS; FLOOD CONTROL AND FLOODING
- 3520 EMINENT DOMAIN AND CONDEMNATION
See also PROPERTY
- Employment. *See* PERSONNEL AND EMPLOYMENT
- 3540 ENERGY
See also COAL; ENVIRONMENT AND CONSERVATION; FUEL; MINERALS AND MINING;

OIL AND NATURAL GAS; PUBLIC UTILITIES;
SURFACE MINING; TAXATION, SEVERANCE

3560 ENGINEERS AND SURVEYORS

3600 ENVIRONMENT AND CONSERVATION
See also FISH AND WILDLIFE; FOREST AND
FORESTRY; JUNKYARDS; LAND USE; PARKS AND
SHRINES; POLLUTION; WASTE MANAGEMENT;
WATER SUPPLY; WATERWAYS AND DAMS

3620 ESCHEATS

Estates. *See* WILLS, TRUSTS, AND ESTATES

3630 ETHICS
See also CAMPAIGN FINANCE; CONFLICT OF
INTEREST; PUBLIC OFFICERS AND EMPLOYEES;
PUBLIC RECORDS AND REPORTS; PUBLIC
SALARIES

3660 EXPLOSIVES

3680 FAIRS
See also AMUSEMENTS AND RECREATION

Farming. *See* AGRICULTURE

3700 FEDERAL LAWS AND REGULATIONS
See also UNITED STATES

3720 FEES

Feminism. *See* WOMEN

3760 FIDUCIARIES
See also GUARDIANS; WILLS, TRUSTS, AND
ESTATES

Financial administration. *See* BUDGET AND FINANCIAL ADMINISTRATION

Financial institutions. *See* BANKS AND FINANCIAL INSTITUTIONS

3800 FINANCIAL RESPONSIBILITY

Use for matters dealing with management of personal finance generally; for matters treating liability for specific topics, use the appropriate heading; e.g., for medical malpractice, use PHYSICIANS AND PRACTITIONERS. *See also* BANKRUPTCY; GARNISHMENT; LOANS AND CREDIT

3810 FIRE PREVENTION

See also FIREFIGHTERS AND FIRE DEPARTMENTS; SAFETY

3820 FIREARMS AND WEAPONS

See also EXPLOSIVES

3840 FIREFIGHTERS AND FIRE DEPARTMENTS

See also FIRE PREVENTION; SAFETY; SPECIAL DISTRICTS

3900 FIREWORKS

Fiscal courts. *See* COURTS, FISCAL

3910 FISCAL NOTE

NOTE: Drafters should not assign this heading themselves. Bills requiring fiscal notes will be indexed under this heading when that determination is made.

3920 FISH AND WILDLIFE

See also ANIMALS; ENVIRONMENT AND CONSERVATION; LICENSING; LIVESTOCK AND POULTRY

Flags. For the Kentucky state flag, *see* STATE SYMBOLS AND EMBLEMS; for the United States flag, *see* UNITED STATES and use flag as part of the subheading.

3960 FLOOD CONTROL AND FLOODING

See also DISASTERS; WATERWAYS AND DAMS

4000 FOODS

See also DAIRYING AND MILK MARKETING; GRAIN; TRADE PRACTICES AND RETAILING

4040 FORESTS AND FORESTRY

See also ENVIRONMENT AND CONSERVATION; PARKS AND SHRINES

4060 FUEL

See also COAL; ENERGY; MINERALS AND MINING; OIL NATURAL GAS; SURFACE MINING; PUBLIC UTILITIES

Funeral Directors. *See* EMBALMERS AND FUNERAL DIRECTORS

4080 GAMBLING

See also LOTTERY; RACING

Garbage. *See* WASTE MANAGEMENT

4120 GARNISHMENT

4160 GENERAL ASSEMBLY

See also CONFIRMATION OF APPOINTMENTS; LEGISLATIVE RESEARCH COMMISSION; PIGGYBACKED BILLS; PUBLIC ETHICS; REDISTRICTING

4240 GOVERNOR

See also CONFIRMATION OF APPOINTMENTS; PUBLIC OFFICERS AND EMPLOYEES

4260 GRAIN

4300 GUARDIANS
See also FIDUCIARIES

Handicapped. *See* DISABILITIES AND THE DISABLED

4310 HAZARDOUS MATERIALS

4360 HEALTH AND MEDICAL SERVICES
See also DEATHS; DRUGS AND MEDICINES;
EMERGENCY MEDICAL SERVICES; HOSPITALS
AND NURSING HOMES; MEDICAID; MENTAL
HEALTH; PHARMACISTS; PHYSICIANS AND
PRACTITIONERS; PUBLIC MEDICAL ASSISTANCE

4380 HEALTH BENEFIT MANDATE
NOTE: Drafters should not assign this heading
themselves. Bills requiring a health benefit mandate
statement will be indexed under this heading when that
determination is made.

Health insurance. *See* INSURANCE, HEALTH

Higher education. *See* EDUCATION, HIGHER

4400 HIGHWAYS, STREETS, AND BRIDGES

4440 HISTORICAL AFFAIRS
See also ARCHIVES AND RECORDS

4480 HOLIDAYS

4490 HOMELAND SECURITY

4500 HOME RULE

4505 HONORARY HIGHWAY DESIGNATIONS

4510 HORSES AND HORSE RACING

4520 HOSPITALS AND NURSING HOMES
See also NURSES

4560 HOTELS AND MOTELS

4600 HOUSING, BUILDING, AND CONSTRUCTION
See also ARCHITECTS; CAPITAL CONSTRUCTION;
ELECTRICIANS; INSPECTIONS; PLANNING AND
ZONING; PLUMBERS AND PLUMBING; PROPERTY;
URBAN RENEWAL

4610 HUNTING AND FISHING

4620 IMMIGRATION

Income tax. *See* TAXATION, INCOME--CORPORATE;
TAXATION, INCOME--INDIVIDUAL

Industry. *See* LABOR AND INDUSTRY

4640 INFORMATION TECHNOLOGY

Inheritance tax. *See* TAXATION, INHERITANCE AND
ESTATE

4660 INSPECTIONS

4680 INSURANCE
See also CLAIMS; FINANCIAL RESPONSIBILITY

4685 INSURANCE, HEALTH
See also HEALTH AND MEDICAL SERVICES

4690 INSURANCE, MOTOR VEHICLE
See also MOTOR CARRIERS; MOTOR VEHICLES

- 4720 INTEREST AND USURY
See also BANKS AND FINANCIAL INSTITUTIONS;
LOANS AND CREDIT
- 4760 INTERLOCAL COOPERATION
- 4780 INTERNATIONAL TRADE AND RELATIONS
- 4790 INTERNET
- 4800 INTERSTATE COOPERATION
- 4840 JAILS AND JAILERS
See also CORRECTIONS AND CORRECTIONAL
FACILITIES, STATE
- 4880 JUDGES AND COURT COMMISSIONERS
See also COUNTY JUDGES/EXECUTIVE; COURTS;
COURTS, FISCAL; COURT, SUPREME; JUDICIAL
CIRCUITS; JUDICIAL DISTRICTS; JUSTICES OF
THE PEACE AND MAGISTRATES
- 4910 JUDICIAL CIRCUITS
See also COURTS, CIRCUIT
- 4920 JUDICIAL DISTRICTS
See also COURTS, DISTRICT
- 4960 JUNKYARDS
- 5000 JURIES AND JURORS
See also COURTS; JUDICIAL CIRCUITS; JUDICIAL
DISTRICTS
- 5040 JUSTICES OF THE PEACE AND MAGISTRATES
See also COURTS, FISCAL; JUDGES AND COURT
COMMISSIONERS; JUDICIAL CIRCUITS;
JUDICIAL DISTRICTS

Kentucky Constitution. *See* CONSTITUTION,
KENTUCKY

5080 LABOR AND INDUSTRY
See also ARBITRATION; COLLECTIVE BARGAINING;
OCCUPATIONAL SAFETY AND HEALTH; WAGES
AND HOURS

5100 LAND USE
See also EMINENT DOMAIN AND CONDEMNATION;
ENVIRONMENT AND CONSERVATION; PLANNING
AND ZONING; REAL ESTATE; URBAN RENEWAL

5120 LANDLORD AND TENANT

Law enforcement. *See* PEACE OFFICERS AND LAW
ENFORCEMENT

Lawyers. *See* ATTORNEYS

Legal actions. *See* CIVIL ACTIONS

Legislative redistricting. *See* REDISTRICTING

5240 LEGISLATIVE RESEARCH COMMISSION
See also STUDIES DIRECTED

5280 LIBRARIES
See also ARCHIVES AND RECORDS

5320 LICENSING
See also OCCUPATIONS AND PROFESSIONS

5360 LIENS

5400 LIEUTENANT GOVERNOR

Livestock. *See* ANIMALS, LIVESTOCK, AND
POULTRY

5480 LOANS AND CREDIT

See also BANKS AND FINANCIAL INSTITUTIONS;
BONDS OF SURETY; INTEREST AND USURY;
LIENS

5500 LOCAL GOVERNMENT

See also CITIES; CITIES, CLASSIFICATION; CITIES,
FIRST CLASS; CITIES, HOME RULE CLASS;
COUNTIES; COUNTIES OF 75,000 OR MORE;
COUNTIES, URBAN; COUNTIES WITH CITIES OF
THE FIRST CLASS; INTERLOCAL COOPERATION;
LOCAL GOVERNMENTS, CONSOLIDATED; SPECIAL
DISTRICTS

5510 LOCAL MANDATE

NOTE: Drafters should not assign this heading themselves.
Bills requiring a local mandate statement will be
indexed under this heading when that determination is
made.

Locks and dams. *See* WATERWAYS AND DAMS

5516 LOTTERY

See also GAMBLING

Magistrates. *See* JUSTICES OF THE PEACE AND
MAGISTRATES

5520 MALT BEVERAGES

See also ALCOHOLIC BEVERAGES

Marriage. *See* DOMESTIC RELATIONS

5540 MEDICAID

See also PUBLIC MEDICAL ASSISTANCE

Medical services. *See* HEALTH AND MEDICAL
SERVICES

Medicare. *See* PUBLIC MEDICAL ASSISTANCE

Medicines. *See* DRUGS AND MEDICINES

5560 MEMORIALS

Use this heading for resolutions honoring a deceased individual and index by the person's surname; for a resolution honoring a living individual, *see* COMMENDATIONS AND RECOGNITIONS

5580 MEN

See also CIVIL RIGHTS; WOMEN

5590 MENTAL DISABILITY

See also ALCOHOLISM; DISABILITIES AND THE DISABLED; FIDUCIARIES; GUARDIANS; HOSPITALS AND NURSING HOMES

5600 MENTAL HEALTH

See also DEMENTIA; DRUGS AND MEDICINE; HOSPITALS AND NURSING HOMES; PUBLIC HEALTH

Merit system. *See* STATE EMPLOYEES

5640 MILITARY AFFAIRS AND CIVIL DEFENSE

See also VETERANS

Milk marketing. *See* DAIRYING AND MILK MARKETING

5680 MINERALS AND MINING

See also COAL; EXPLOSIVES; OIL AND NATURAL GAS; SURFACE MINING; TAXATION, SEVERANCE

Ministers, religious. *See* CLERGY

Minors. *See* CHILDREN AND MINORS

Motels. *See* HOTELS AND MOTELS

5720 MOTOR CARRIERS

Motor vehicle insurance. *See* INSURANCE, MOTOR VEHICLE

5760 MOTOR VEHICLES

See also BOATS AND BOATING; FINANCIAL RESPONSIBILITY; FUEL; INSURANCE, MOTOR VEHICLES; LICENSING; MOTOR CARRIERS; TRANSPORTATION

Natural gas. *See* OIL AND NATURAL GAS

5800 NEGOTIABLE INSTRUMENTS

See also BANKS AND FINANCIAL INSTITUTIONS

5840 NEWS MEDIA

See also TELEVISION AND RADIO

Newspapers. *See* NEWS MEDIA

5880 NOISE CONTROL

See also NUISANCES; POLLUTION

5920 NOTARIES

See also BONDS OF SURETY

5960 NOTICES

See also NEWS MEDIA

5980 NUCLEAR ENERGY

See also ENVIRONMENT AND CONSERVATION; WASTE MANAGEMENT

6000 NUISANCES

See also NOISE CONTROL

6010 NURSES

See also HEALTH AND MEDICAL SERVICES;
HOSPITALS AND NURSING HOMES

Nursing homes. *See* HOSPITALS AND NURSING
HOMES

6040 OBSCENITY AND PORNOGRAPHY

See also CRIMES AND PUNISHMENTS

Occupational education. *See* EDUCATION,
VOCATIONAL

6060 OCCUPATIONAL SAFETY AND HEALTH

See also LABOR AND INDUSTRY; SAFETY

6080 OCCUPATIONS AND PROFESSIONS

Use for the topic generally and for specific occupations and
professions not indexed specifically.

See also ACCOUNTANTS; ARCHITECTS;
ATTORNEYS; AUCTIONEERS; AUDITS AND
AUDITORS; BARBERS AND COSMETOLOGISTS;
CLERGY; CORONERS; COUNTY CLERKS; COUNTY
JUDGES/EXECUTIVE; COURT REPORTERS;
ELECTRICIANS; EMBALMERS AND FUNERAL
DIRECTORS; ENGINEERS AND SURVEYORS;
FIREFIGHTERS AND FIRE DEPARTMENTS; JAILS
AND JAILERS; JUDGES AND COURT
COMMISSIONERS; JUSTICES OF THE PEACE AND
MAGISTRATES; OPTOMETRISTS; PEACE OFFICERS
AND LAW ENFORCEMENT; PHARMACISTS;
PHYSICIANS AND PRACTITIONERS; PLUMBERS
AND PLUMBING; POLICE, CITY AND COUNTY;
POLICE, STATE; PROPERTY VALUATION
ADMINISTRATORS; PROSECUTORS; SHERIFFS;
TEACHERS; VETERINARIANS

Offices. *See* SPACE AND OFFICES

- 6120 OIL AND NATURAL GAS
See also EXPLOSIVES; MINERALS AND MINING;
TAXATION, SEVERANCE
- 6130 OPIOIDS
See also SUBSTANCE ABUSE
- 6160 OPTOMETRISTS
See also HEALTH AND MEDICAL SERVICES;
HOSPITALS; NURSING HOMES
- 6180 PARENTAL RIGHTS
See also CHILDREN AND MINORS; DOMESTIC
RELATIONS
- 6200 PARKS AND SHRINES
See also AMUSEMENTS AND RECREATION; FAIRS;
FORESTS AND FORESTRY; HISTORICAL AFFAIRS;
TOURISM
- Parole. *See* PROBATION AND PAROLE
- 6240 PARTNERSHIPS
See also CORPORATIONS
- 6300 PEACE OFFICERS AND LAW ENFORCEMENT
See also POLICE, CITY AND COUNTY; POLICE,
STATE; SHERIFFS
- Pensions. *See* RETIREMENT AND PENSIONS
- 6320 PERSONNEL AND EMPLOYMENT
See also PUBLIC OFFICERS AND EMPLOYEES;
RETIREMENT AND PENSIONS; STATE EMPLOYEES;
WAGES AND HOURS

- 6350 PHARMACISTS
See also DRUGS AND MEDICINE; HEALTH AND MEDICAL SERVICES; HOSPITALS AND NURSING HOMES
- 6440 PHYSICIANS AND PRACTITIONERS
See also HEALTH AND MEDICAL SERVICES; HOSPITALS AND NURSING HOMES
- Picketing. *See* CIVIL RIGHTS; LABOR AND INDUSTRY
- 6460 PIGGYBACKED BILLS
- 6480 PLANNING AND ZONING
See also ANNEXATION; HOUSING, BUILDING, AND CONSTRUCTION; JUNKYARDS; LAND USE; REAL ESTATE; URBAN RENEWAL
- 6520 PLUMBERS AND PLUMBING
See also HOUSING, BUILDING, AND CONSTRUCTION; INSPECTIONS; SEWER SYSTEMS
- 6560 POLICE, CITY AND COUNTY
See also PEACE OFFICERS AND LAW ENFORCEMENT
- 6600 POLICE, STATE
See also PEACE OFFICERS AND LAW ENFORCEMENT
- 6640 POLLUTION
See also NOISE CONTROL; WASTE MANAGEMENT
- Pornography. *See* OBSCENITY AND PORNOGRAPHY
- 6660 POVERTY
See also PUBLIC ASSISTANCE; PUBLIC MEDICAL ASSISTANCE

Poultry. *See* ANIMALS, LIVESTOCK, AND POULTRY

Practitioners. *See* PHYSICIANS AND PRACTITIONERS

Pretrial release. *See* BAIL AND PRETRIAL RELEASE

Privacy. *See* CIVIL RIGHTS

6700 PROBATION AND PAROLE

See also BAIL AND PRETRIAL RELEASE;
CORRECTIONS AND CORRECTIONAL FACILITIES,
STATE; CRIME VICTIMS; CRIMES AND
PUNISHMENTS; CRIMINAL PROCEDURES; JAILS
AND JAILERS

Professions. *See* OCCUPATIONS AND PROFESSIONS

Property tax. *See* TAXATION, PROPERTY

6720 PROPERTY

See also HOUSING, BUILDING, AND
CONSTRUCTION; PROPERTY VALUATION
ADMINISTRATORS; REAL ESTATE; TAXATION,
PROPERTY

6770 PROPERTY VALUATION ADMINISTRATORS

See also REAL ESTATE; TAXATION, PROPERTY

6780 PROSECUTORS

See also ATTORNEY, COMMONWEALTH'S;
ATTORNEY, COUNTY; ATTORNEY GENERAL

6790 PUBLIC ADVOCATE

See also ATTORNEYS; COURTS

6800 PUBLIC ASSISTANCE

See also MEDICAID; POVERTY; PUBLIC MEDICAL
ASSISTANCE

6820 PUBLIC AUTHORITIES

Public bonds. *See* BONDS, PUBLIC

6840 PUBLIC BUILDINGS AND GROUNDS

See also CAPITAL CONSTRUCTION; PUBLIC WORKS

6900 PUBLIC ETHICS

6910 PUBLIC HEALTH

See also AGED PERSONS AND AGING;
ALCOHOLISM; MENTAL DISABILITY; MENTAL
HEALTH; SUBSTANCE ABUSE

6915 PUBLIC MEDICAL ASSISTANCE

See also MEDICAID; POVERTY; PUBLIC
ASSISTANCE

6917 PUBLIC MEETINGS

6920 PUBLIC OFFICERS AND EMPLOYEES

See also ATTORNEY, COMMONWEALTH'S;
ATTORNEY, COUNTY; ATTORNEY GENERAL;
AUDITOR OF PUBLIC ACCOUNTS; BONDS OF
SURETY; CIRCUIT CLERKS; CORONERS; COUNTY
CLERKS; COUNTY JUDGES/EXECUTIVE;
FIREFIGHTERS AND FIRE DEPARTMENTS; FISH
AND WILDLIFE; FORESTS AND FORESTRY;
GENERAL ASSEMBLY; GOVERNOR; GUARDIANS;
JAILS AND JAILERS; JUDGES AND COURT
COMMISSIONERS; JUSTICES OF THE PEACE AND
MAGISTRATES; LIEUTENANT GOVERNOR; PEACE
OFFICERS AND LAW ENFORCEMENT; PUBLIC
SALARIES; SECRETARY OF STATE; SHERIFFS;
STATE AGENCIES; STATE EMPLOYEES;
TEACHERS; TREASURER

6930 PUBLIC PROTECTION

- 6960 PUBLIC RECORDS AND REPORTS
See also ARCHIVES AND RECORDS; AUDITOR OF PUBLIC ACCOUNTS; NOTICES
- 6990 PUBLIC SAFETY
- 7000 PUBLIC SALARIES
See also FEES; FINANCIAL RESPONSIBILITY
- 7040 PUBLIC UTILITIES
See also FUEL; OIL AND NATURAL GAS; SEWER SYSTEMS; WATER SUPPLY
- 7080 PUBLIC WORKS
See also CAPITAL CONSTRUCTION; HIGHWAYS, STREETS, AND BRIDGES; PUBLIC BUILDINGS AND GROUNDS; SEWER SYSTEMS; WATER SUPPLY; WATERWAYS AND DAMS
- 7100 PUBLICATIONS
See also ADVERTISING; PUBLIC RECORDS AND REPORTS
- Publications of legal notices. *See* NOTICES
- Punishments. *See* CRIMES AND PUNISHMENTS
- 7120 PURCHASING
See also CONTRACTS
- 7160 RACE RELATIONS
See also CIVIL RIGHTS
- 7200 RACING
See also GAMBLING
- Radio. *See* TELEVISION AND RADIO

7240 RAILROADS

See also TRANSPORTATION

Recognitions. *See* COMMENDATIONS AND RECOGNITIONS

7280 REAL ESTATE

See also DEEDS AND CONVEYANCES; EMINENT DOMAIN AND CONDEMNATION; HOUSING, BUILDING, AND CONSTRUCTION; LAND USE; LANDLORD AND TENANT; LIENS; PUBLIC RECORDS AND REPORTS; TAXATION, PROPERTY

Recording devices. *See* CRIMES AND PUNISHMENTS; PUBLIC UTILITIES

Recreation. *See* AMUSEMENTS AND RECREATION

7320 REDISTRICTING

See also CONGRESSIONAL DISTRICTS

7350 RELIGION

See also CHARITABLE ORGANIZATIONS AND INSTITUTIONS; CLERGY; SUNDAY CLOSING

7370 REORGANIZATION

See also STATE AGENCIES

7373 REPORTS MANDATED

7375 REPRODUCTIVE ISSUES

See also CIVIL RIGHTS; PHYSICIANS AND PRACTITIONERS; PUBLIC HEALTH

7380 RESEARCH AND METHODS

Restaurants. *See* FOODS

Retailing. *See* TRADE PRACTICES AND RETAILING

- 7400 RETIREMENT AND PENSIONS
- 7440 RETROACTIVE LEGISLATION
- Riots and disorders. *See* CRIMES AND PUNISHMENTS;
MILITARY AFFAIRS AND CIVIL DEFENSE
- 7480 SAFETY
See also HAZARDOUS MATERIALS; OCCUPATIONAL
SAFETY AND HEALTH; TRAFFIC SAFETY
- 7520 SALES
See also ADVERTISING; TRADE PRACTICES AND
RETAILING
- Sales and use tax. *See* TAXATION, SALES AND USE
- 7600 SCIENCE AND TECHNOLOGY
- Secondary education. *See* EDUCATION, ELEMENTARY
AND SECONDARY
- 7640 SECRETARY OF STATE
See also ARCHIVES AND RECORDS;
CORPORATIONS; NOTARIES
- 7680 SECURITIES
- Senior citizens. *See* AGED PERSONS AND AGING
- Severance tax. *See* TAXATION, SEVERANCE
- 7720 SEWER SYSTEMS
See also SPECIAL DISTRICTS; WASTE
MANAGEMENT

7760 SHERIFFS

See also FEES; PEACE OFFICERS AND LAW ENFORCEMENT; PUBLIC OFFICERS AND EMPLOYEES

7765 SHORT TITLES AND POPULAR NAMES

See also UNIFORM LAWS

Shrines. *See* PARKS AND SHRINES

Sidewalks. *See* HIGHWAYS, STREETS, AND BRIDGES

7770 SMALL BUSINESS

Sovereign immunity. *See* CLAIMS; STATE AGENCIES

7780 SPACE AND OFFICES

7800 SPECIAL DISTRICTS

See also AREA DEVELOPMENT DISTRICTS; FIREFIGHTERS AND FIRE DEPARTMENTS; LIBRARIES; SEWER SYSTEMS

Sports. *See* AMUSEMENTS AND RECREATION; ATHLETICS; RACING

7820 SPECIAL PURPOSE GOVERNMENTAL ENTITIES

7840 STATE AGENCIES

See also ADMINISTRATIVE REGULATIONS AND PROCEEDINGS; APPROPRIATIONS; BUDGET AND FINANCIAL ADMINISTRATION; PURCHASING; REORGANIZATION; STATE EMPLOYEES; STUDIES DIRECTED

State correctional facilities. *See* CORRECTIONS AND CORRECTIONAL FACILITIES, STATE

7850 STATE EMPLOYEES

State police. *See* POLICE, STATE

7880 STATE SYMBOLS AND EMBLEMS

7920 STATUTES

See also ADMINISTRATIVE REGULATIONS AND PROCEEDINGS; FEDERAL LAWS AND REGULATIONS; GENERAL ASSEMBLY; TECHNICAL CORRECTIONS

Sterilization. *See* REPRODUCTIVE ISSUES

Streets. *See* HIGHWAYS, STREETS, AND BRIDGES

Strip mining. *See* SURFACE MINING

8010 STUDIES DIRECTED

8020 SUBSTANCE ABUSE

See also ALCOHOLISM; CRIMES AND PUNISHMENTS

Supreme Court. *See* COURT, SUPREME

8040 SUNDAY CLOSING

See also CIVIL RIGHTS

8050 SUNSET LEGISLATION

8060 SURFACE MINING

See also COAL; MINERALS AND MINING; OIL AND NATURAL GAS; TAXATION, SEVERANCE

8070 SURVEYING

See also ENGINEERS AND SURVEYORS

8072 TASK FORCES, EXECUTIVE BRANCH

8073 TASK FORCES, JUDICIAL BRANCH

8074 TASK FORCES, LEGISLATIVE BRANCH

8075 TASK FORCES, LOCAL

8080 TAXATION

See also TAXATION, INCOME – CORPORATE;
TAXATION, INCOME – INDIVIDUAL; TAXATION,
INHERITANCE AND ESTATE; TAXATION,
PROPERTY; TAXATION, SALES AND USE;
TAXATION, SEVERANCE

8085 TAXATION, INCOME – CORPORATE

See also CORPORATIONS

8090 TAXATION, INCOME – INDIVIDUAL

8095 TAXATION, INHERITANCE AND ESTATE

See also COURTS, DISTRICT; DEATHS

8100 TAXATION, PROPERTY

See also DEEDS AND CONVEYANCES; EDUCATION,
FINANCE; PROPERTY; PROPERTY VALUATION
ADMINISTRATORS; SURFACE MINING

8105 TAXATION, SALES AND USE

See also EDUCATION, FINANCE

8110 TAXATION, SEVERANCE

See also COAL; ENERGY; MINERALS AND MINING;
OIL AND NATURAL GAS

8120 TEACHERS

See also CHILDREN AND MINORS; EDUCATION,
ELEMENTARY AND SECONDARY; EDUCATION,
HIGHER; EDUCATION VOCATIONAL

8140 TECHNICAL CORRECTIONS

- 8141 TECHNOLOGY
See also SCIENCE AND TECHNOLOGY
- 8145 TELECOMMUNICATIONS

Telephone. *See* PUBLIC UTILITIES
- 8150 TELEVISION AND RADIO
See also ADVERTISING; NEWS MEDIA

Tenant. *See* LANDLORD AND TENANT
- 8160 TEXTBOOKS
See also EDUCATION, ELEMENTARY AND SECONDARY; EDUCATION, HIGHER; EDUCATION, VOCATIONAL
- 8200 TIME
- 8220 TITLE AMENDMENTS
- 8240 TOBACCO
See also AGRICULTURE
- 8280 TOURISM
See also BOATS AND BOATING; HISTORICAL AFFAIRS; HOTELS AND MOTELS; PARKS AND SHRINES
- 8320 TRADE PRACTICES AND RETAILING
See also ADVERTISING; BANKS AND FINANCIAL INSTITUTIONS; DAIRYING AND MILK MARKETING; TAXATION, SALES AND USE
- 8360 TRAFFIC SAFETY
See also MOTOR VEHICLES; MOTOR CARRIERS

8440 TRANSPORTATION

See also AERONAUTICS AND AVIATION; BOATS AND BOATING; HIGHWAYS, STREETS, AND BRIDGES; MOTOR CARRIERS; MOTOR VEHICLES; RAILROADS

8460 TREASURER

Use for matters relating to State Treasurer

8520 UNEMPLOYMENT COMPENSATION

See also COLLECTIVE BARGAINING; LABOR AND INDUSTRY

8530 UNIFIED LOCAL GOVERNMENTS

Uniform Commercial Code. For matters dealing with the Code in its entirety, index under Uniform Commercial Code as a subheading of UNIFORM LAWS; for a specific area of the Code, *see* the appropriate specific heading, e.g., NEGOTIABLE INSTRUMENTS; SALES; etc.

8560 UNIFORM LAWS

See also ADMINISTRATIVE REGULATIONS AND PROCEEDINGS; FEDERAL LAWS AND REGULATIONS; GENERAL ASSEMBLY; STATUTES

8600 UNITED STATES

See also CONGRESSIONAL DISTRICTS; CONSTITUTION, UNITED STATES; FEDERAL LAWS AND REGULATIONS

United States Constitution. *See* CONSTITUTION, UNITED STATES

8640 UNIVERSITIES AND COLLEGES

See also EDUCATION, HIGHER; TEACHERS

Urban-counties. *See* COUNTIES, URBAN

8660 URBAN RENEWAL

See also EMINENT DOMAIN AND CONDEMNATION;
HOUSING, BUILDING, AND CONSTRUCTION;
PLANNING AND ZONING

Use tax. *See* TAXATION, SALES AND USE

Usury. *See* INTEREST AND USURY

8670 VAPING

8680 VETERANS

See also AGED PERSONS AND AGING; RETIREMENT
AND PENSIONS

8720 VETERINARIANS

See also ANIMALS, LIVESTOCK, AND POULTRY;
DOGS

Vocational education. *See* EDUCATION, VOCATIONAL

Voting. *See* ELECTIONS AND VOTING

8750 VETOED LEGISLATION

NOTE: Drafters should not assign this heading themselves.

8790 WAGERING

See also HORSES AND HORSE RACING

8800 WAGES AND HOURS

See also ARBITRATION; COLLECTIVE BARGAINING;
LABOR AND INDUSTRY; PUBLIC SALARIES;
SUNDAY CLOSING; UNEMPLOYMENT
COMPENSATION; WORKERS' COMPENSATION

8840 WASTE MANAGEMENT

See also ENVIRONMENT AND CONSERVATION;
HAZARDOUS MATERIALS; JUNKYARDS;
POLLUTION; SEWER SYSTEMS; WATER SUPPLY

8860 WATER SUPPLY

See also ENVIRONMENT AND CONSERVATION;
FLOOD CONTROL AND FLOODING; POLLUTION;
WATERWAYS AND DAMS

8880 WATERWAYS AND DAMS

See also BOATS AND BOATING; FLOOD CONTROL
AND FLOODING; WATER SUPPLY

Waterworks. *See* WATER SUPPLY

Weapons. *See* FIREARMS AND WEAPONS

8960 WEIGHTS AND MEASURES

Welfare. *See* PUBLIC ASSISTANCE

Wildlife. *See* FISH AND WILDLIFE

9040 WILLS, TRUSTS, AND ESTATES

See also COURTS, DISTRICT; FIDUCIARIES;
GUARDIANS; TAXATION, INHERITANCE AND
ESTATE

9060 WINE AND WINERIES

See also ALCOHOLIC BEVERAGES

9080 WITHDRAWN LEGISLATION

NOTE: Drafters should not assign this heading themselves.

9120 WITNESSES

See also COURTS; CRIME VICTIMS

9160 WOMEN

See also CIVIL RIGHTS; MEN

9200 WORKERS' COMPENSATION

See also COLLECTIVE BARGAINING; LABOR AND
INDUSTRY; PERSONNEL AND EMPLOYMENT

9210 WORKFORCE

Zoning. *See* PLANNING AND ZONING

Appendix G

Sample Memorandum Concerning Potential Constitutional Issue

MEMORANDUM

TO: Representative or Senator

FROM: Drafter

DATE: Today

RE: XX RS BR XX

You previously requested a bill draft to provide that the sky shall be green. As the bill drafter, I am obligated to let you know about potential constitutional or legal issues with respect to bills.

Kentucky used to have a provision in state law that required the sky to be green. However, the Blue Sky Party won a federal lawsuit in 2010, and the court held that Kentucky could not constitutionally impose a requirement that the sky be green. *Blue Sky Party v. Kentucky*, 1 F. Supp. 2 (E.D. Ky. 2010). The court held that making the sky green would be very confusing. Also, the court stated that federal requirements would prevail over the state requirements, under the Supremacy Clause of the United States Constitution. Therefore, it may be unlikely that a court would uphold imposing a green sky requirement.

Please let me know if you have any questions about this issue. You may contact me at (502) 564-8100, ext. 100 or at super.drafter@lrc.ky.gov. Thank you for your attention to this matter.

C: Bill folder

Appendix H

Highlights of Legislative Grammar

The Perils of Poor Punctuation

“Let’s eat, Grandma!” or “Let’s eat Grandma!”—a simple comma can make a world of difference, especially to Grandma.

Shall

We follow what is referred to as the “American rule” concerning the use of “shall.” We use “shall” in bill drafting only to mean “has a duty to” or “is required to,” and “shall not” to mean “has a duty not to” or “is prohibited from” doing something.

Shall/May

KRS 446.010 Definitions for statutes generally.

(26) “May” is permissive;

(39) “Shall” is mandatory;

A duty, obligation, or prohibition is best expressed by “shall,” and a power or privilege is best expressed by “may.” “Shall” should never be used to express the future. Its proper function is mandatory, and generally its use is permissible only when “must” or “has a duty to” could be substituted.

Examples of “Shall”

The court *shall* enter an order for the relief prayed for.

Service *shall* be made on the parties.

The secretary *shall* be reimbursed for all expenses.

not Any person bringing a malpractice claim *shall*, within fifteen (15) days of filing the action, file a request for mediation.

In the fourth example above, “shall” is incorrectly used in a directory, not mandatory, way—such that it equals “should.”

Examples of “May”

Use “may” to mean that someone has discretion to do something, or is permitted or authorized to do something. Do not use “may” when you mean “must.”

Suit *may* be brought in any District Court.

The cabinet *may* promulgate administrative regulations to implement the provisions of this section.

Should/Must

“Should” should never be used to mean “shall.”

“Must” means “is required to,” and is used in many types of drafting primarily when an inanimate object appears as subject of the clause, as in, “Notice must be sent within thirty (30) days.” However, we use the “American rule” and would substitute “shall” for “must” in the above example.

Active vs. Passive Voice

“Avoid the passive,” one often hears; yet many do not really understand what voice is in grammar, let alone what the passive voice is.

“Voice” refers to the relationship between the subject of a clause and its verb: If the verb performs the action of the subject (as in “Jane hit the ball”), the verb is active, whereas if it is acted upon (as in “The ball was hit by Jane”), the verb is passive. (Bryan A. Garner, *A Dictionary of Modern Legal Usage, Second Edition.*)

Typically, use of the passive voice results in a wordier sentence, disrupts the ordinary sequence of events in the reader’s mind, often causes dangling modifiers, and often obscures the actor.

Consider: “The ball was hit.” As in that sentence, passive voice may lead to vagueness, or lend itself to purposeful obfuscation. Small wonder that some politicians and government bureaucrats find so many uses for the passive.

While there are some legitimate uses for the passive voice, the active voice, especially in legislative drafting, is preferred because it is clearer and more direct, and it lets the subject of the sentence do the acting.

The clerk shall record the deed on the first day of the calendar quarter following its receipt. This says clearly who has the duty to act.

The deed shall be recorded in the clerk's office on the first day of the calendar quarter following its receipt. This is less clear because it doesn't specify who is to record the deed. No actor is designated.

Punctuating Essential and Nonessential Clauses

A clause is “essential” when it is necessary for the sentence to make sense. It takes no punctuation.

There is no doubt about her honesty.

A clause is “nonessential” when it is not necessary for the meaning or structural completeness of a sentence. It should be set off with two commas unless it is the introductory clause.

There is, no doubt, a reasonable explanation for her behavior at the board meeting.

Sometimes the only way to tell whether a clause is essential or nonessential is by the way you would say it aloud. If your voice tends to *drop* as you utter the expression, it is *nonessential*; if your voice tends to *rise*, the expression is *essential*.

Nonessential: Finch and Helwig would prefer, *therefore*, to limit the term of the agreement to two years.

Essential: Finch and Helwig would *therefore* prefer to limit the term to two years.

Introductory Elements

Introductory elements are items that begin a sentence and come before the subject and verb of the main clause. Set them off with a comma at the end of the introductory elements.

Before the judge can make a final decision, the parties' attorneys shall present all relevant evidence.
If annexation is approved, the city council may redraw district boundaries.

Compound Subjects and Predicates

Do not use commas to separate compound subjects or predicates. If two elements are joined by a coordinating conjunction, they should not be separated by commas.

Compound subject: *The Attorney General and the secretary of the Justice and Public Safety Cabinet* shall enforce this section.

Compound predicate: The Attorney General *shall enforce this section and prosecute* violators.

Compound Sentences

A compound sentence is composed of at least two independent clauses joined by a coordinating conjunction, such as *and*, *but*, *or*, or *nor*, and each clause contains a subject and predicate. Place a comma after the first independent clause right before the coordinating conjunction.

The Auditor noticed small discrepancies in the sheriff's reports, *and* on that basis the Auditor turned the results over to the Attorney General.

If a compound sentence consists of three or more independent clauses, punctuate the series like any other series.

The Attorney General shall initiate legal proceedings, the District Court shall hear the case, and any party may appeal to the Court of Appeals.

Don't confuse a compound sentence containing a compound predicate joined by a coordinating conjunction.

The Attorney General shall institute legal proceedings and shall also represent the Commonwealth on appeal.

Likewise, do not confuse a compound sentence with a simple sentence containing compound subjects.

The Attorney General and the secretary of the Justice and Public Safety Cabinet shall enforce this section.

Words to Use and Not Use

“Such” is a word to be avoided in preference to a definite article or other pronoun. However, we allow “such” if the reference is clear.

We discourage the use of hyphens when following “anti” or “non” before another word, as in “antidiscrimination” or “noninjury accident.” Sometimes, though, it just doesn't look right without a hyphen or it doesn't stand out as a distinct word, so we may let the hyphen slide.

Herein

The use of “herein” is imprecise and is strongly discouraged in bill drafting. Make reference to the specific bill section or sections or part or parts of a section to be sure the reader knows to what you are referring.

All applicants shall follow the requirements stated *in subsection (3) of this section*.

not All applicants shall follow the requirements stated *herein*.

This Act

Use of “this Act” not preceded by “Section xx of” or “the effective date of” in language that will be codified is, like “herein,” also imprecise and is not to be utilized. Keep in mind that “this Act” refers to an enacted bill, such as “2022 Ky. Acts ch. 100,” rather than a particular statute or statutes within the bill.

Instead cite to the specific section or sections of the bill that are relevant to your statement. In codification, we will replace references to “Section 3 of this Act” with a citation to the specific statute being created or amended in Section 3 of that Act.

However, it’s OK to use “this Act” in noncodified language like a construction clause or statement of temporary law that will not be codified.

Numbers in Parentheses

In codified text, we always spell out cardinal numbers and follow them with the numeral enclosed in parentheses, as in “a term of four (4) years.” However, we do not enclose numerals in parentheses for ordinal numbers, such as “third.” We do not say “the third (3rd) reading.”

In noncodified text, we use numbers without any parentheses. In noncodified text, we spell out numbers up to and including ten, and then use only numerals for larger numbers without the parenthetical reference. This rule also applies to bill and amendments summary text.

Comma Use in Dates

Dates should be expressed as follows: June 2022; June and July 2022; June, July, and August 2022; and June 1, 2022. A comma always follows a full date (June 1, 2022, and ...) unless it ends a sentence or unless the date is used as an adjective (the June 30, 2024 deadline).

For dates without a year, use “June 1” or “the first day of June”; never use “June 1st” or “the 1st day of June.”

Punctuation at the End of Quotations

Commas, periods, and question marks (and exclamation points, though probably not used in bill drafting) all go *inside* quotation marks. Semicolons and colons go *outside* quotation marks.

... shall contain the following statement: “This rule is for punctuating quotations.”

... and shall contain the following: “Are you a United States citizen?”

What to Call Parts of a Bill Section

- (1) Anything following a numeral in parentheses is a subsection.
 - (a) Anything following a lowercase letter in parentheses is a paragraph of a subsection.
 1. Anything following a numeral and a period is a subparagraph of a paragraph.
 - a. Anything following a lowercase letter and a period is a subdivision of a subparagraph.
 - i. Anything following a lowercase Roman numeral and a period is a subpart of a subdivision of a subparagraph.

Affect and Effect

Verb usually starts with *a*. Noun usually starts with *e*. When you *affect* something, you have an *effect* on it. There are exceptions, but they don’t occur often. The verb starts with *e* when you *effect* a change. The noun starts with *a* when it means “emotion.”

Assure/Ensure/Insure

- Assure—make a promise or convince
- Ensure—make certain something happens (“ensure that”)
- Insure—what an insurance company does

“I can assure you that we have ensured that you will be insured” equals “Don’t worry. We have made certain that you will be covered by insurance.”

Therefore/Therefor

“Therefore” is the usual word. It means “consequently” or “for that reason.”

There were three of us, but we only had two doughnuts.
Therefore, we couldn’t each eat a whole doughnut.

“Therefor” means “for that” or “for it.”

AN ACT relating to the control of wild animals and making an appropriation therefor.

Phrasal adjectives

When you use several words together and they act as an adjective (that is, they modify a noun), it's a good idea to hyphenate the phrase.

The red-and-green car is expensive.

Bond-trading activities

Class-action lawsuit

Government-owned business

Out-of-date publications

Law-school-sponsored training

Phrasal Adjective Hyphenation Exceptions

When there are numbers in a phrasal adjective, we omit the hyphen (“the four (4) year suspension”).

If the first word of the phrase is an adverb ending in *ly*, we omit the hyphen (“the hotly contested race”).

If the phrase appears in the predicate after the verb, there is usually no hyphen (“This rule is well worn.”).

Dangling and Misplaced Modifiers

When modifying words are separated from the words they modify, they can confuse the reader.

Sitting in the glass, he saw his false teeth.

Watching from the ground below, the birds flew higher and disappeared.

Born on July 1, 1949, Danny Lee Sims's contributions to the Commonwealth were numerous.

“Both died in an apartment Dr. Kevorkian was leasing after inhaling carbon monoxide.”—*The New York Times*, January 28, 1994

Comprise/Compose

Do not write “is comprised of.” The phrase “comprised of” is incorrect. “Comprise” means “contain; consist of.”

The USA comprises 50 states.

The book comprises three sections.

not “Moreover, the crowd in the mysterious room was comprised of adults, and Harry knew there were not nearly that many teachers at Hogwarts.”—J.K. Rowling, *Harry Potter and the Goblet of Fire*

It would be better to say that the crowd was *composed* of adults or was *made up* of adults.

Outline Form

Ohio Rules of Civil Procedure Rule 4(B):

The summons shall be signed by the clerk, contain the name and address of the court and the names and addresses of the parties, be directed to the defendant, state the name and address of the plaintiff’s attorney, if any, otherwise the plaintiff’s address, and the times within which these rules or any statutory provision require the defendant to appear and defend, and shall notify the defendant that in case of failure to do so, judgment by default will be rendered against the defendant for the relief demanded in the complaint.

Isn’t the following clearer?

The clerk shall:

- (1) Direct the summons to the defendant;
- (2) Include in the summons:
 - (a) The name and address of the:
 1. Court;
 2. Plaintiff;
 3. Defendant; and
 4. Plaintiff’s attorney; and
 - (b) Notice:

1. Of the time specified by statute or rule in which the defendant must appear and defend; and
 2. That if the defendant fails to appear and defend, a default judgment will be rendered for the relief requested in the complaint; and
- (3) Sign the summons.

Parallelism

Consider this:

“One of the first requisites for the writing of good clean sentences is to have acquired the art of enumeration, that is, of stringing together three or four words or phrases of identical grammatical value without going wrong.”—H. W. Fowler, *A Dictionary of Modern English Usage*

Each subdivision should represent the same grammatical unit as the others. *The following examples are not parallel.*

not The cat was grey, stringy, had matted fur, hungry, looked mad, acted like it hadn't eaten for a week, and stinky.

not The dog was:

Timid;

Brown; and

Had long fur.

not The sheriff shall:

Sign the summons;

Notify the judge; and

The summons must be delivered by noon.

Subject-Verb Agreement

Examples:

The zoo is closed.

The zoo that only contains snails is dull.

The zoo that contains bears, wolves, wolverines, porcupines, alligators, and snakes is fascinating.

The pig, not the piglets, was eating the food.

not “Evaluation of rookies and free agents are the fundamental reason for playing these games.”—*Dallas Morning News*, 1994

not “Barefaced defiance of morals and law were illegal.”—Lawrence M. Friedman, *Crime and Punishment in American History*

not When one of us suffer, all of us suffers.

Capitalization

Capitalize:

- Commonwealth, when referring to the Commonwealth of Kentucky
- The word “Act” for a particular legislative act
- The word “Section” when referring to a particular section in an act (that is, when the word is followed by a number)
- The full or short title of a particular state or federal act
- The words “Chapter,” “Article,” “Subchapter,” and “Subtitle” when followed by a number
- The General Assembly, the House of Representatives, the Senate, and legislative task forces and committees when their full names are used
- The name of an executive department, commission, or agency when named in full
- The Court of Justice and its component parts
- Titles of elected public officials who are chosen by a statewide vote or who exercise statewide jurisdiction

Do *not* capitalize:

- Appointive state officers
- County, municipal, and district officers
- Substitutes for official titles (the board, the court, the commissioner), except for “Commission” when referring to the Legislative Research Commission and “Authority” when referring to the Kentucky Public Pensions Authority
- The words “federal” and “state” when not part of a proper name
- The words “chapter,” “section,” “article,” “subchapter,” and “subtitle” when not followed by a number

Appendix I

Sample Amendment Language

- 1. Title Amendment: To amend the introduced or GA version of a bill (not a proposed or adopted committee substitute). Must be a separate amendment.**

Amend the title to read “AN ACT relating to financing of capital construction projects at postsecondary education institutions and declaring an emergency.”

- 2. Change existing codified language by bracketing and striking through. Change new language by deleting and inserting. Insert a new section in the middle of the bill and renumber subsequent sections. Change internal references to sections.**

On page 4, after line 12, insert the following:

“Section 4. KRS 68.270 is amended to read as follows:

Within *thirty (30)* ~~fifteen (15)~~ days after the budget is adopted by the fiscal court, the county judge/executive shall certify to the state local finance officer a copy of the original budget as approved by the state local finance officer, indicating clearly all changes made by the fiscal court. *The state local finance officer shall forward a copy of each county budget received to the Auditor of Public Accounts.*”; and

Renumber subsequent sections accordingly; and

On page 8, line 2, delete “*Section 5 of this Act*” and insert in lieu thereof “*Section 6 of this Act*”.

- 3. To change noncodified language, delete and replace; don’t bracket and strike through.**

On page 25, line 4, after “Section 10.” delete “This Act takes effect January 1, 2024.” and insert in lieu thereof “This Act takes effect July 1, 2023.”

4. Restore existing codified language being deleted from the statute.

On page 1, line 10, remove the opening bracket before the word “All”, and on page 1, line 13, remove the closing bracket after “KRS 248.360.”, and delete the intervening strikethroughs.

5. Be sure that the reference point is unique.

On page 25, line 15, after the first “and” on that line, insert “sheriff or deputy.”

6. Insert new subsections and change internal references.

On page 10, after line 6, insert the following:

(2) The fiscal court may transfer money from one (1) budget fund to another to provide for emergencies or increases or decreases in county employment in accordance with KRS 64.530(4).

(3) The order of the fiscal court making the transfer shall show the nature of the emergency or personnel increase or decrease and the reason for making the transfer.; and

On page 10, at the beginning of line 7, delete “(2)” and insert in lieu thereof “(4)”; and

On page 10, at the beginning of line 11, delete “(3)” and insert in lieu thereof “(5)”; and

On page 15, line 9, delete “subsection (2)” and insert in lieu thereof “subsection (4)”; and

On page 15, line 13, delete “subsection (5)” and insert in lieu thereof “subsection (7)”.

7. Inserting new language, bracketing and striking through existing statute language, restoring bracketed and struck-through language, and replacing a sentence of new language.

On page 1, line 2, insert “**fifty (50)**” before the first occurrence on that line of “twenty-five (25)” and place brackets around and strike through “twenty-five (25)”; and

On page 1, line 4, insert “**January**” before the word “July” and place brackets around and strike through “July”; and

On page 1, line 10, remove the opening bracket before the word “All”, and on page 1, line 13, remove the closing bracket after “KRS 248.350.”, and delete the intervening strikethrough; and

On page 2, lines 7 and 8, delete “**A license fee shall be paid on each warehouse building.**” and insert in lieu thereof “**An annual renewal fee shall be collected from the owner of each warehouse building.**”.

8. Insert emergency clause (will also require a separate title amendment).

On page 7, after line 9, insert the following:

“Section 6. Whereas it is increasingly difficult to obtain the required number of qualified persons for jury service, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.”

Appendix J

Rules of Codification

446.100 Effect of repeal of prior repealer or amendment.

- (1) A repealed section without a delayed effective date is revived when the section or act that repealed it is repealed by another statute enacted at the same session of the General Assembly.
- (2) A repealed section with a delayed effective date is revived by the enactment of a repealer of the section or act that repealed it at the same or any subsequent session of the General Assembly as long as it takes effect prior to the effective date of the original repealer.
- (3) An amended section without a delayed effective date remains unchanged with respect to an amendment which is repealed at the same session of the General Assembly which enacted the amendment.
- (4) An amended section with a delayed effective date remains unchanged with respect to that amendment if the section or the act making the amendment is repealed at the same or at a subsequent session of the General Assembly as long as the repealing act takes effect prior to the effective date of the original amendment.
- (5) No other action of the General Assembly repealing a repealer or an amendment shall have the effect of reviving the original language of the repealer or amendment as the case may be.

446.145 Manner of indicating amended, created, repealed, and repealed and reenacted sections and sections not intended to be codified.

- (1) Bills amending an existing section of the statutes shall indicate the material proposed to be deleted by brackets and by striking through the material.
- (2) Bills amending an existing section of the statutes shall indicate new material by underlining.
- (3) Bills creating a new section of the statutes shall begin with the phrase "A NEW SECTION OF KRS CHAPTER --- IS

CREATED TO READ AS FOLLOWS:” and shall contain underlining of all material in the section.

- (4) Bills repealing a section of the statutes shall list the statute number and headnote.
- (5)
 - (a) Bills repealing and reenacting a section of the statutes without change from the text of that statute as it read at the time of its repeal shall begin with the phrase “KRS --- is repealed and reenacted (or “reenacted as a new section of KRS Chapter ---”, if appropriate) to read as follows:” and shall not contain underlining of the reenacted text.
 - (b) Bills repealing and reenacting a section of the statutes with changes from the text of that statute as it read at the time of its repeal shall begin with the phrase “KRS --- is repealed, reenacted (or “reenacted as a new section of KRS Chapter ---”, if appropriate), and amended to read as follows:”, shall indicate the material proposed to be deleted by brackets and by striking through the material, and shall indicate new material by underlining.
 - (c) Bills repealing and reenacting a section of the statutes with text totally different from the text of that statute as it read at the time of its repeal or so substantially different that using the procedure set out in paragraph (b) of this subsection is impracticable shall begin with the phrase “KRS --- IS REPEALED AND REENACTED (or “REENACTED AS A NEW SECTION OF KRS CHAPTER ---”, if appropriate) TO READ AS FOLLOWS:” and shall indicate the reenacted text of the statute by underlining.
- (6) Sections of a bill not intended to be codified shall begin simply with the section number within the bill without any further introductory phrase, and the text of those sections shall be in normal type and not in all capitals or with underlining. These not-to-be-codified sections shall ordinarily be placed at the end of the bill or, in a bill having multiple parts, at the end of a particular part of that bill. Unless expressly drafted in a manner indicating codification is intended or unless determined by the reviser of statutes that codification is

appropriate and necessary, the following material shall not be codified, in conformity with KRS 7.131(3):

- (a) Repealers and repeals of repealers;
- (b) Appropriation provisions;
- (c) Temporary provisions;
- (d) Construction clauses, including severability clauses;
- (e) A short title, if necessary, for an act that is not a distinct codifiable unit; and
- (f) Effective date provisions.

446.250 Conflicting amendments – Last enactment to prevail.

In the event of a conflict between measures amending the same section of statutes, the one which passes the General Assembly last shall prevail. For purposes of codification only, a House bill shall be deemed to have passed the General Assembly when signed by the President of the Senate and a Senate bill shall be deemed to have passed the General Assembly when signed by the Speaker of the House of Representatives.

446.260 Repeal to prevail over amendment of same statute.

In the event of a conflict between a measure amending a statute and one repealing the same statute, the bill repealing the statute shall prevail unless the bill amending the statute specifically repeals the previous repeal.

446.270 Effect of failure to underline new language in amended statute.

In the event material is placed in a bill amending a statute which is not underlined and which is not contained in the original text of the statute, the material shall be considered as extraneous and shall have no force and effect and shall be deleted from any publication of the statutes by the statute reviser.

446.280 Effect of failure to indicate deleted material by brackets and strike through.

In the event material which was in the original text of a statute is deleted from the statute in a bill amending the statute but is not indicated by brackets and strike through, the deletion shall be

considered in error and shall have no force and effect and shall be retained in any publication of statutes by the statute reviser.

446.290 Effect of delayed repeal.

In the event a bill with a delayed effective date repeals a statute amended at the same session of the General Assembly, the statute shall be considered to be amended at the date specified in the amending act and shall stand repealed as of the date specified in the repealing act.

446.300 Effect of delayed amendment.

In the event a bill with a delayed effective date amends a statute repealed at the same session of the General Assembly, the repeal shall prevail and the amendment shall have no force and effect.

446.310 Procedure for technical correction on face of bill to be presented to Governor.

When the House or Senate clerk or a member of his staff makes a change or correction on the face of the bill to be presented to the Governor for his approval or other action, he shall deliver a copy of the bill containing the change to the statute reviser and shall affix his signature and the date of making the change on the face of the original bill and the copy sent to the statute reviser in a position near the changed material. Any change not so indicated and signed shall be null and void and shall not be placed in the statutes by the statute reviser.

446.320 Amendment of section with delayed effective date.

When the General Assembly amends a section of the statutes which, due to a delayed effective date at the time of enactment, is not effective when the amendment is enacted, such amendment shall not hasten the effective date of the statute, unless the General Assembly has clearly indicated that such is its intention by a change in the effective date.

7.123 Effect of revisory act on other acts adopted at same session.

If any act to revise and correct the Kentucky Revised Statutes adopted during a session of the General Assembly:

- (1) Amends or repeals and reenacts a statute section also amended or repealed and reenacted by another act adopted at the same session, then effect shall be given to both acts insofar as there is no conflict in substance. In the event of a conflict in substance between the acts, the nonrevisory act prevails to the extent of the conflict;
- (2) Repeals an act amended by another act adopted at the same session, then such repeal has no effect;
- (3) Amends or repeals and reenacts a statute section repealed by another act adopted at the same session, the repeal of the section by the nonrevisory act prevails.
- (4) Nothing in any act to revise and correct the Kentucky Revised Statutes adopted by the General Assembly shall be construed to effect any substantive change in the statute law of Kentucky and if any substantive change appears to be effected it shall be disregarded and the law as it existed prior to the effective date of the revisory act shall be given full force and effect.

7.136 Alterations permitted in maintaining official version of KRS.

- (1) The Commission, in maintaining the official version of the Kentucky Revised Statutes, shall not alter the sense, meaning, or effect of any act of the General Assembly, but may:
 - (a) Renumber sections and parts of sections of the acts of the General Assembly;
 - (b) Change the wording of headnotes;
 - (c) Divide or rearrange sections and parts of sections;
 - (d) Change words when directed by law;
 - (e) Change reference numbers to agree with renumbered chapters or sections, or to make corrections in reference numbers when sections referred to are repealed or amended and the correction can be made without change in the law;
 - (f) Substitute the proper section or chapter numbers for the terms “this act,” “the preceding section,” and the like;
 - (g) Change capitalization, spelling, and punctuation for the purpose of uniformity and consistency; and
 - (h) Correct manifest clerical or typographical errors.
- (2) In maintaining the official version of the Kentucky Revised

Statutes, the reviser of statutes may substitute the name of any agency, officer, or instrumentality of the Commonwealth or of a political subdivision whose name is changed by law or to which powers, duties, and responsibilities have been transferred by law, for the name which the agency, officer, or instrumentality previously used or of the agency which was previously vested with the same powers and charged with the same duties and responsibilities.

- (3) If any section or part of a section of a statute or of any act of the General Assembly is amended by more than one (1) act at the same session of the General Assembly, the Commission may incorporate in the statute the section as amended or altered by the several acts, if each of the amendments, changes, or alterations can be given effect and incorporated in the section in a manner which will make the section intelligible. If a conflict appears between any section amended in an act to revise and amend the Kentucky Revised Statutes and the same section in any other act adopted at the same session of the General Assembly, the change or alteration effected by the nonrevisory act shall be inserted in the section as incorporated in the statute publication.

Appendix K

A Drafter's Detailed Review of Bill and Resolution Drafts: What We're Looking for in Statute Revision

Validation

Has the bill draft passed the statute validation check? If so, a “v” will follow the document ID number in the lower left corner of the page.

Title

- Is the subject of the legislation addressed in the title? (Ky. Const. § 51)
- Does the title relate to only one topic?
- If the legislation contains an emergency clause, is the phrase “and declaring an emergency” included in the title?
- If the legislation contains an appropriation, does the title say so? The phrase “and making an appropriation therefor” should be included unless the sponsor doesn’t want it, but including it gives notice that a constitutional majority is needed for passage.

Enacting or Resolving Clause

Has the drafter used the correct enacting clause for a bill (Ky. Const. § 62) or resolving clause for a resolution (simple, concurrent, or joint)?

BR Number

Does the BR number appear on the bill or resolution? If the document was drafted in the bill drafting application, the computer will have supplied the number.

Format

- Here are the divisions of a section:
 - (1) Subsection -- Heading 2
 - (a) Paragraph -- Heading 3
 1. Subparagraph -- Heading 4
 - a. Subdivision -- Heading 5
 - i. Subpart -- Heading 11

When you resume the text of a subsection on a line that doesn't begin with "(1)" or "(2)," use heading 2 with a tab.

- Sometimes it's easier to check the format of a bill or resolution before reading its contents. On longer bills, it helps to make a list of sections that includes the page number on which each section begins. Or you can go into the bill draft in the drafting application and print out the KRS Affected report from Draft Details.
- Do the sections, subsections, paragraphs, subparagraphs, subdivisions, and subparts appear in the proper sequence?
- If there is a "(1)," there should be a "(2)." If there is an "(a)," there should be a "(b)."
- Are the margins flush on the right side of the page?
- When there is a list or an enumeration and each item ends with a semicolon, does the next-to-last item end with *and* or *or*? Which is the correct word? Has the drafter improperly used *and* or *or* in the same list?
- Does the correct punctuation appear at the end of each division of a section?
- Is a KRS section amended more than once in the same bill? Is a KRS section amended and repealed in the same bill?
- Has the drafter used the current version of each KRS section? "Same as" bills from earlier sessions sometimes contain out-of-date statutes. The draft will not validate if superseded statutes are used.

Section Lead-In Language

Is the proper lead-in used for each section? For example:

- "KRS ___ is amended to read as follows:"
- "A NEW SECTION OF KRS CHAPTER ___ IS CREATED TO READ AS FOLLOWS:"
- "A NEW SECTION OF KRS ___ TO ___ IS CREATED TO READ AS FOLLOWS:"
- "KRS ___ is repealed and reenacted to read as follows:" (For variants of this, see KRS 446.145.)

There are numerous section lead-in options. Become familiar with the ones found in the "Glossary" drop-down menu in the drafting application. Drafters should not type in any section lead-in

language. When they do, the field codes that are necessary for data collection programs to generate activity reports are omitted.

Organization and Clarity

- Is the bill organized clearly?
- Are the size and content of each section appropriate?
- Does the bill follow the pattern given in Appendix B?
- Is the bill “written in nontechnical language and in a clear and coherent manner using words with common and everyday meanings”? (KRS 446.015)

Capitalization

See Chapter 3, Appendix D, and Appendix H for more examples. Here are some examples of our usage:

- secretary of the Finance and Administration Cabinet—the secretary isn’t an elected official exercising statewide authority, so the word “secretary” isn’t capitalized.
- Commissioner of Agriculture—this is the one commissioner in state government whose title is capitalized.
- the Commission—only when referring to the Legislative Research Commission.
- the Authority—only when referring to the Kentucky Public Pensions Authority.
- the cabinet
- Section 5 of this Act
- this section
- subsection (1) of this section

Punctuation

- There should be a comma after the next-to-last item in a series (“red, white, and blue”).
- Quotation marks normally come after a comma or a period but before a semicolon, a colon, a question mark, or an exclamation mark (“... the tax.”) (“... the tax”;). This rule doesn’t apply when the punctuation is part of the quotation. (He exclaimed, “Don’t pay the tax!”)
- We usually do not hyphenate words beginning with “non” or “re.” However, if there could be confusion as to which word we

mean to use, we do. (“Recreate”: Are we creating something again or just having fun?)

- We don’t put commas in the phrase “including but not limited to.”
- We put commas before and after years (“July 15, 2020,”) except when the date is used as an adjective (“the July 15, 2020 deadline”).

Numbers

- In bills, but not in noncodified text, a cardinal number is usually expressed with a word followed by a numeral in parentheses—e.g., “two (2)” —but there are times when the word “one” should not be followed by “(1)” such as when “one” is used as a pronoun. We do have exceptions, like “three-dimensional” and “two-way street.”
- In resolutions, numbers do not have to be expressed with both words and numerals. The best rule is to spell out numbers from one to nine and to use numerals for numbers 10 and over. (Exception: When numbers appear close to each other and are part of a list or a comparison, they should be expressed in the same way—e.g., “from nine to fourteen.”)
- Ordinal numbers like “first” and “third” should not be followed by numerals in parentheses. If the first letter of a hyphenated ordinal number is capitalized, the letter following the hyphen is not capitalized (“Ninety-first,” not “Ninety-First”).
- Long numbers should have commas (“1,200”).
- We say “one hundred twenty,” not “one hundred and twenty.”
- If the membership of a particular body changes, be sure to check for other changes that need to be made to conform, like the quorum, any restrictions on the political affiliation of appointees, etc.

Spelling

- We follow Merriam-Webster’s Collegiate Dictionary, 11th Edition, and other standard dictionaries. Variant spellings are acceptable if they are listed in these dictionaries.
- Appendix C provides a list of preferred spellings and exceptions to the rules.

- A word search of the statutes can help using KRS Search. So can a search of credible sources on the Internet.

Word Use

- The word “such” should not be used as a synonym for “the,” “this,” or “those,” but the word has plenty of correct uses.
- “Shall” is best used as a synonym for “has a duty to,” but the statutes are full of other uses of the word. “Is” can often be substituted for “shall be.” Avoid “shall mean” in definitions.
- The phrase “comprised of” should never be used. “Comprise” means “include.” Use “composed of” instead.

Definitions

- It is OK to make use of existing definitions of words in other KRS chapters by saying, for instance, “Normal” has the same meaning as in KRS 123.456.
- Are the definitions accurate?
- Do they apply to the right range of statutes?
- Do existing definitions apply to the range in which a section is being placed? If so, are they consistent with the use of the words in the bill?
- A definition section belongs in the range it gives definitions for. That is, Section 1 of a bill which establishes definitions for a collection of statutes in the bill should say, “As used in Sections 1 to 8 of this Act,” not “As used in Sections 2 to 8 of this Act.”
- If a word is defined, is it actually used? Eliminate definitions for words not used.
- A definition is an equation, and the word “means” amounts to an equal sign. What’s to the left of “means” should match what’s to the right. If one side is a noun or a noun phrase, the other side should be a noun or a noun phrase. When the two sides of the equation don’t match, the word “denotes” or some other word of nonequivalence is better than the word “means.”
- Watch out for new sections that use existing definition sections. When we codify a bill, we won’t put a new section in a range that already has definitions, because we can’t assume that the General Assembly intends those existing definitions to apply to the new section. That is, if a drafter amends an existing section

that says, “As used in KRS 1.010 to 1.300 ...” and then goes on to create a new section that begins, “A NEW SECTION OF KRS CHAPTER 1 IS CREATED TO READ AS FOLLOWS,” we typically won’t codify that second section in KRS 1.010 to 1.300, even though the drafter probably intends us to do so. Always ask, if there is any doubt.

Ranges

- In bills, a range is expressed with the word “to,” not the word “through.” See KRS 446.120(2).
- If a range is cited, either as “KRS ___ to ___” or, if the range is established in the bill, as “Sections ___ to ___ of this Act,” make sure it’s a real range, with common definitions and penalties and common subject matter. If a group of statutes is not a real range, it should be listed in the bill by individual sections, even if that means saying “Sections 1, 2, 3, 4, and 5 of this Act.”
- Refer to a previously established range like “as required in KRS 1.100 to 1.200” instead of “as required in Sections 1 to 8 of this Act” even if the statutes in the range are sections in the bill.

Constitutionality

A bill’s sponsor should be notified if we think a bill can be challenged on constitutional grounds. A drafter should include a mention of that notice having been given in the draft notes, something like “Discussed constitutional question concerning special legislation with sponsor 2/25/22.”

Here are some constitutional considerations:

- Local or special legislation Ky. Const. §§ 59 and 60)
- Title (Ky. Const. § 51)
- Public officers (Ky. Const. §§ 23, 31, 42, 44, 95, 97, 99, 120, and 161, among others)
- Changing compensation of officers during term (Ky. Const. § 235)
- Impairing obligation of contracts (Ky. Const. § 19)
- Ex post facto laws. Penalties may not be increased retroactively, nor can past behavior be criminalized (Ky. Const. § 19, and U.S. Constitution)

- Four-year limit on term of appointment for inferior state officers, members of boards and commissions, and county or district officers (Ky. Const. §§ 93 and 107)
- Appointments to office may not be longer than for a term of years (Ky. Const. § 23)
- Compensation of public officers (Ky. Const. § 246)
- Restriction on appointment of members of General Assembly to boards and commissions, especially to policy-making ones (*LRC v. Brown*)
- Restriction on power of General Assembly to act while not in session (*LRC v. Brown*)
- Bills to raise revenue must originate in House of Representatives (Ky. Const. § 47)
- Revenue and debt (Ky. Const. §§ 49, 50, 171, 175, and 230, among others)
- Absolute and arbitrary power does not exist (Ky. Const. § 2)
- Bill of Rights (Ky. Const. §§ 1 to 26)
- U.S. Constitution—equal protection, commerce clause, and other provisions

Internal References

- Are they accurate?
- If the bill has changed since it was first drafted, have the internal references changed?
- If a KRS section appears in the bill, it should be referred to as “Section ___ of this Act” in new text, not as “KRS ___.”
- We refer to “subsection (2) of Section 1 of this Act” not “Section 1(2) of this Act.”
- We refer to “subsection (2)(a) of this section” not “paragraph (2)(a) of this section.” In other words, we refer to the larger subdivision first in the citation.
- We don’t need to change, in existing text not otherwise being amended, a reference to a KRS citation to a statute that is contained in one of the bill’s sections to “Section 4 of this Act.” A reference to a bill section should only be done when inserting new language that references the KRS.

Gender-Neutral Language

See Chapter 3. Generally, we use gender-neutral language in new text. Converting existing text to conform is also done as needed.

Notifying Others About Bills on Particular Subjects

- Bills that affect revenue and taxation, including any bills that make changes in KRS Chapters 134 to 143A, should be sent to the Appropriations and Revenue staff before being sent to Statute Revision. This includes bills that create or raise fees that go into the State Treasury or create a new statutory fund or modify the purpose of an existing fund.
- Bills that grant bonding authority should be sent to the staff economist’s office for review before being sent to Statute Revision.
- Study resolutions, and bills that amount to study resolutions, should be sent to the Deputy Director for Research and Communications for review, before being sent to Statute Revision.
- LRC’s Director, General Counsel, or Deputy Director for Committee and Staff Coordination should be notified about bills that concern the legislative branch—bills that would “affect the structure, procedures, duties, powers, or staffing of the Legislative Research Commission, LRC subcommittees, statutory committees, interim committees, task forces, or the Legislative Branch (including the General Assembly itself).”
- If a bill creates a new statutory committee, LRC’s Director, General Counsel, or Deputy Director for Committee and Staff Coordination should be notified. 2003 Senate Bill 221 contains statutes that created statutory committees (KRS 6.905, 6.940, 7A.110, 7B.030, 13A.020, 45.790, 45A.705, 158.647, and 248.723). Look at it or the statutes for a guide to the topics a bill like this should cover.

Appropriations

Be careful about bills that raise revenue, put money under state control, and dictate how money is to be spent. They may amount to appropriation bills, even if they don’t contain the word “appropriation.” Without evidence of prior review by A&R staff, we

will send submitted bills dealing with taxes or appropriations to A&R before we review them.

Effective Date

The effective date is the date on which a section becomes part of the Kentucky statutes. Some provisions that look like effective dates are deceptive. Two sentences that do not constitute special effective dates are “This Act applies to taxable years beginning after December 31, 2020,” and “This Act applies to transactions occurring after September 15, 2020.” These are perfectly acceptable instructions concerning the bill’s application, but they do not affect the effective date.

Forms

- Complete and submit the summary and the FISSTAT form with the bill draft to Statute Revision.
- Summary index entries should use nouns or noun phrases a reader would be looking for and be separated by commas.
- In a summary, each phrase should begin with a verb and end with a semicolon, except for the last phrase, which should end with a period.
- When referring to a KRS chapter, a summary should say “KRS Chapter 48,” not “KRS 48.”
- Special effective dates, emergency effective dates, and appropriations should be included in the summary and the index headings. Capital letters are used in the summary to indicate their inclusion in the bill, as in “EMERGENCY.”
- Studies should be indexed under STUDIES DIRECTED.
- We use a standard format for the summary and index of legislation that appoints or reappoints people to boards or commissions.

Resolutions

- Simple, concurrent, and joint resolutions are discussed in depth in Chapter 5.
- The Deputy Director for Research and Communications must review study resolution drafts before they are sent to Statute Revision for review.
- Each “WHEREAS” clause should end with “; and” except that the final “WHEREAS” clause should end with “;”
- Capitalization rules are relaxed in resolutions, and numbers should not be expressed with numerals in parentheses.
- The sections of a resolution should not begin with the word “That.”
- Appointments to legislative task forces should be made by LRC or by the Speaker of the House and the President of the Senate.
- Study resolutions should contain the language set forth in Chapter 5 (“Provisions of this Resolution to the contrary notwithstanding ...”).
- References in the text of a resolution, such as in the section directing it be sent to someone, should say “this Resolution,” not “this Simple Resolution,” “this Concurrent Resolution,” or “this Joint Resolution.”

Index

References are to pages of this manual.

-A-

Abbreviations, 43

Acts, citation of, 47

“Act, this,” use of phrase, 38, 51, 197

Administrative hearings, 74

Administrative regulations, drafting authority to promulgate, 63

Advisory commissions, model for bill creating, 60

Agencies, state

 bills creating, 60

 resolutions directing action by, 80

Amending bill drafts

 additions and deletions, indications of, 101

 changing a current KRS section, as amended by the bill, 101

 changing proposed new KRS sections or uncodified sections in a bill, 103

 committee substitutes, 104

 form, use of drafting template, 99

 heading to be used on form, 99

 highlights, 105

 indexing for *Legislative Record*, see separate main heading “Bill summaries”

 piggybacks, 105

 processing an amendment form, 100

 review of amendments, 108

 summaries and indexing, see separate main heading “Bill and amendment summaries”

 title amendment, 103

Amending existing statutes

 bracketing and strikethrough, 15

 constitutional provision concerning, 12

 of bills, 15

 references in other statutes, check for, 13, 30, 52

 underlining, 15

Amendment summaries, see separate main heading “Bill and amendment summaries”

“And/or” not to be used in bill drafting, 37

Appropriation provisions

generally, 9, 69

summarizing and indexing for *Legislative Record*, 112, 116

title, specification in, 9, 70

-B-

Bill and amendment summaries

amendments to bill drafts, summarizing and indexing

committee substitutes, 118

emergency and special effective dates, 116, 119

form for summary, 111, 117

indexing, generally, 119, Appendix F

piggyback amendments, 118, 119

relationship to original summary, 117

“same as” amendments, 114, 119

technical corrections, 118, 119

title amendments, 118, 119

companion bills, 114

confirmation of appointment, 116

constitutional amendments, 113

content, 111

existing sections, amendments to, 113

format, 111

index headings, Appendix F

indexing bill summaries, 115

indexing summaries of amendments to bills, 119

preparation, mechanics of, 111

reorganization of executive branch, bills confirming, 114, 117

repealers, 113

resolutions, 114

Bill Processing staff

role in bill production, 122

Bills and bill drafts

amending bill drafts, see separate main heading “Amending bill drafts”

amending existing statutes, see separate main heading “Amending existing statutes”

body of bills, generally, 21

arrangement, suggested, 22
bracketing and strikethroughs, 15
capitalization, see separate main heading “Capitalization”
chapter assignment in KRS, 17
checklists
 creating an agency, board, or commission, 60
 final checklist for drafters, Appendices A & K
confidentiality, 2
constitutional considerations, 93
creating agencies, boards, or commissions, 60
creating new statutes, 17
creating new chapters, 18
drafts from other jurisdictions, use of, 33
drafts from previous sessions, use of, 32
effective date, 31
emergency effective dates, see separate main heading
 “Emergency effective date”
enacting clause, 11
form, generally, 7
indexing for *Legislative Record*, see separate main heading
 “Bill and amendment summaries”
introductory clauses for sections
 existing statutes, amendments to, 15
 new statutes, 17
 noncodified sections, 18
minimum requirements, 21
new sections, placement within existing range, 18
penalty provisions, generally, 23
policy declaration, 48
preamble, 11
pre-filed bills, 2
production of bills, 121
purpose clauses, 48
ranges, 18
repeal and reenact, 19
repeal clauses, see separate main heading “Repeal clauses”
repeal of legislation enacted in ongoing session, 29
research, additional sources, 4
resolutions, see separate main heading “Resolutions”

- sample bill formats, Appendix B
- sections of bill draft, 21, 47
- severability or separability clauses, 48
- short title clause, 49
- style and usage, see specific topics as separate main headings, e.g., “Capitalization”
- subsections, use and format, 47
- summaries and indexing, see separate main heading “Bill and amendment summaries”
- title, see separate main heading “Title of bills”
- underlining, 15

Board, licensing, model for bill creating, 62

Boards and commissions, bills creating, 60

Bracketing and strikethrough

- in amendments to bills, 100

- in bills amending existing statutes, 15

-C-

Capitalization

- examples, list of, Appendix D

- policy summarized, 40

Catchlines for statutes

- new sections, 51

- repealing statutes, setting out catchlines when, 28

Checklists

- creating an agency, board, or commission, 60

- drafter checklists, Appendices A & K

Citation form

- Kentucky Administrative Regulations, 46

- Code of Federal Regulations, 46

- Constitution of Kentucky, 45

- Kentucky Revised Statutes, 45

- sections within a bill draft, 51

- session laws (the Acts), 47

- United States Code, 46

Citations, legislative, 91

Cities

- classification of, 59

Commas in series, 40

- Commissions, bills creating, 60
- Committee substitutes, 104
 - summarizing, 118
- Concurrent resolutions, see separate main heading “Resolutions”
- Confidentiality of bill drafts, 2
- Conflict identification
 - bills amending existing statutes, 12, 53
- Conforming amendments
 - when amending existing statutes, 13, 52, 108
- Congress, U.S., resolutions petitioning, 79, 82
- Consistency in arrangement and form, 50, Appendix B
- Constitution of Kentucky
 - amendments to
 - form of legislation, 57
 - summarizing for *Legislative Record*, 113
 - citation to, form of, 45
 - provisions of, relating to
 - amending existing statutes (§ 51), 12
 - amending the Constitution (§ 256), 57
 - cities, classification of (§ 156), 59
 - effectiveness of law only upon approval by General Assembly (§ 60), 14
 - elections, 97
 - enacting clause (§ 62), 11
 - judicial districts and circuits (§§ 112-113), 60
 - public officers, 97
 - resolutions (§ 89), 77
 - revenue, appropriations, and debt, 96
 - rights of individuals, protection of (§§ 1-26), 93
 - special and local acts, prohibition of (§§ 59-60), 94
 - title of a bill (§ 51), 7
- Contractions not to be used in bill drafting, 37
- Cross-references to other statutes, 13, 30, 51, 108

-D-

- Dates, expression of, in bill drafts, 43
- Definitions
 - placement of definition section in bill draft, 43
 - statutory definitions (KRS 446.010), list of, 44

use of, in bill drafting, 43

Drafter

confidentiality, duty of, 2

final checklists for drafters, Appendices A & K

functions of, 3

neutrality, 3

proofing responsibility of, 123

-E-

Effective date

emergency, see “Emergency effective date”

normal, 31

special, 31

summarizing and indexing for *Legislative Record*, 112, 116

Elections, constitutional provisions on, 97

Emergency effective date

form of clause, 31

position of clause in bill, 22, 31

summarizing and indexing for *Legislative Record*, 112, 116,
119

title, specification in, 9, 31

vote required for approval, 9

Executive orders, bills confirming, 65, 114, 116

-F-

Federal statutes, reference to, 14, 46

Fines, see subheading “penalty provisions” under heading “Bills and bill drafts”

-G-

Gender, masculine includes feminine, 39

Gender-neutral language, 39

Glossary, bill drafting application, Appendix E

-H-

Headnotes, see separate main heading “Catchlines for statutes”

-I-

Imprisonment, see subheading “penalty provisions” under

heading “Bills and bill drafts”

Indexing for *Legislative Record*, see separate main heading “Bill and amendment summaries”

-J-

Joint resolutions, see separate main heading “Resolutions”

Judicial legislation, form of bill for, 60

-K-

Kentucky Revised Statutes

abbreviated as KRS, 43

citations to, 45

-L-

Language in bill drafts, 35

“Legalese” to be avoided, 37

Legislation, local and special, constitutional prohibition against, 94

Legislative citations, 91

Legislative Record, see separate main heading for “Bill and amendment summaries”

Legislative Research Commission

library, 2

staff as drafters, 1

studies, see separate main heading “Study resolutions”

Licensing board, model for bill creating, 62

Limitations, placement of, in sentences, 38

Local and special legislation, constitutional provisions on, 94

-M-

Masculine includes feminine (KRS 446.020), 39

May, use of, 35

Model acts, use of, in drafting, 4

Monetary amounts, expression of in bill drafts, 43

-N-

Noncodified language of sections, 4, 29, 49, 60, 67, 69, 78, 90, 103, 198

Numbers

cardinal or counting, cardinal, 42

fractional, 40, 42
ordinal, 42
use of figures or words, 42, Appendix C

-O-

-P-

Parallelism in drafting, 50, Appendix H
Parentheses, use in text, 40, 42
Passive voice to be avoided, 36
Penal Code, format for penalty provisions, 24
Penalty provisions, see this subheading under heading “Bills and bill drafts”
Petitions or memorials, resolutions as, 79
Phrases, list of ones to be avoided, 37
Piggyback amendments, 105
Piggyback amendments, summarizing and indexing, 118, 119
Policy declaration, 48
Preamble, nature and purpose of, 11
Pre-filed bills, 2
Proofing of bills, 123
“Provided that ...,” avoid use of, 39
Public officers, constitutional provisions on, 97
Punctuation in bill drafting, 39
Purpose clauses, 48

-Q-

-R-

Ranges, 18, 22
Regulations, see separate main heading “Administrative regulations”
Reorganization of executive branch, bills confirming, 65, 117
Repeal and reenact sections, 19
Repeal clauses, generally, 28
 catchline of repealed section to be set out, 28
 effective dates, 30
 format, 28
 references to repealed statutes in other statutes, 30, 52

repeal by implication to be avoided, 30
 summarizing and indexing for *Legislative Record*, 113

Resolutions

concurrent, purposes and form of, 79
 constitutional provision on, 77
 joint, purposes and form of, 80
 legislative citations, 91
 simple, purposes and form of, 78
 special types of, 82
 study, see separate main heading “Study resolutions”
 summarizing and indexing for *Legislative Record*, 114
 types and parts of, 77

Revenue, appropriations, and debt, constitutional provisions on, 96

Reviser of Statutes

numbering new sections, 17

Rights of individuals, constitutional provisions on, 93

-S-

“Same as” amendments, drafting, summarizing, 119

“Same as” bills, drafting summarizing, 114

Sample bill formats, Appendix B

Section breakdown, 47

Section headings, see separate main heading “Catchlines for statutes”

Session laws (the Acts), citation of, 47

Severability or separability clauses, 48

Shall, use of, 35

Short title, generally, 49

act codified as a unit, 49

act in multiple chapters, 49

placement within Act, 22

Simple resolutions, see separate main heading “Resolutions”

Singular includes plural (KRS 446.020), 45

Special legislation, constitutional provisions on, 94

Spelling, generally, 40

preferred, list of, Appendix C

State agencies, resolutions directing action by, 80

Statutes

chapters, creating new, 17

- construction principles, 32
- cross-referencing, 14, 51
- new sections, 17
- numbering, 17
- placement within existing range, 18
- range of statutes, citation to, 45
- Statutory construction, 32
- Statutory definitions (KRS 446.010), list of, 44
- Studies, see separate main heading “Study resolutions”
- Study resolutions
 - form, 84
 - indexing, 91
 - review by Deputy Director for Research and Communications, 84
 - type of resolution, 84
- Style and usage, generally, Chapter 3
 - see also specific topics as separate main headings, e.g., “Capitalization”
- Such, avoidance of use of, 219
- Summaries for bills and amendments, see separate main heading “Bill and amendment summaries”

-T-

- Technical corrections, summarizing and indexing, 118, 119
- Time, expression of in bill drafts, 43
- Title of bills
 - appropriation phrase, 9
 - constitutional considerations, 7
 - content of, 7
 - emergency phrase, 9
 - purpose of, 7
 - reorganization of executive branch, bills confirming, 66
 - short title, purpose of, 49
 - specificity, 7
 - title amendment, 8, 103, 104
 - summarizing and indexing, 118, 119

-U-

Underlining

- in amending bill drafts, 100, 103

- in bill drafts, 15

Uniform acts, use of in drafting, 4

-V-

Verb tense and voice, 36

Vote counts required for certain bills and resolutions, 9

-W-

Words and phrases

- choice of, 36

- gender-neutral language, 39

- list of words and phrases to be avoided, 37

-X-**-Y-****-Z-**



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