



BILL DRAFTING MANUAL
Kentucky General Assembly

Informational Bulletin No. 117

(Revised 2011)

LEGISLATIVE
RESEARCH
COMMISSION

Frankfort, Kentucky

Bill Drafting Manual

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Legislative Research Commission
Frankfort, Kentucky
lrc.ky.gov

December 2011

Foreword

This is the 15th edition of the Legislative Research Commission's Bill Drafting Manual, published initially in 1955 as part of a comprehensive study of the Kentucky legislative process.

The booklet will be helpful to new members of the General Assembly and those called upon to perform legislative drafting service. 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 on 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 request by 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.

Robert Sherman
Director

Frankfort, Kentucky
December 2011

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Chapter 1

Preliminary Considerations

Sec. 101. 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 legislative product depends not only upon the substance of 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.

Sec. 102. Legislative Drafting Service

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 submission to the Legislative Research Commission of all bills proposed for introduction.

Commission staff members are available to draft measures and to counsel legislators and committees about proposed legislation, both between and during sessions. Any legislator desiring this service may submit a request for legislative drafting or may consult with a member of the staff or with the Reviser of Statutes on the legal aspects of the methods and objectives of proposed legislation, and the proposal will be drafted in proper form for introduction in the legislature. Bills drafted by legislators will be reviewed by the staff and by the Reviser prior to introduction. Requests for legislative drafting are submitted to the Director or a designated assistant for assignment to the appropriate drafter.

By law, all drafting requests from legislators are treated with the strictest confidence and are not discussed outside the immediate staff. If conferences

Sec. 102

with other persons or agencies seem desirable, the drafter will ask the sponsor's permission before taking such action. The legislator is assured that both the request and the bill will be confidential.

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

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 greatest benefit to members. See KRS 6.245.

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 on a particular problem or supply data needed in formulating a legislative proposal.

Sec. 103. The Drafter's Job

Determining the objectives and content of legislation is the prerogative of the legislator or committee. The drafter's function is similar to that of a lawyer preparing instruments for a client, and the drafter should be able to call upon a broad background of the law and government to accomplish the purposes of the legislator. It is the responsibility of the drafter to suggest alternative methods for accomplishing the objectives, point out the possibility of unconstitutionality of a proposal, and provide such counseling as will clarify the thinking of the legislator. However, the legislator's ideas, and not the drafter's, must be incorporated in the bill. Moreover, if a legislator wants a bill, it is the duty of the

drafter to prepare it, regardless of personal 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.

The first and most important step in preparing legislation is to comprehend the sponsor’s objectives and gain a thorough understanding of what the measure 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.

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 a bill will work if enacted into law. This requirement necessitates a comprehensive knowledge of the operations of all phases of the state and local governments and of judicial procedures. Thus, the bill drafter must become an expert in the field of government and, if unable to see how a law will work, do the research necessary to find out. This research must 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 and inform him or her of the potential problem and recommended solutions. A sample memorandum for that purpose is provided as Appendix H of this manual. This information should be included in the bill folder for future reference. Laws of other states on the same subject often are helpful. In some cases, considerable study of the problem is required before actual drafting can begin. The drafter should check the uniform acts of the National Conference of Commissioners on Uniform State Laws and the suggested state legislation of the Council of State Governments, which may be found in the Legislative Research Commission library.

The third preliminary is to develop a definite plan for organizing and arranging the proposed content. Clarity of expression must rest on clarity of thought and construction. In some cases, an orderly and logical development of the bill will be attained only after several tentative outlines have been made.

Sec. 103

Numerous drafts of a particular bill may be required to achieve accuracy of expression. If needed, contact the Reviser of Statutes for assistance in formulating a bill draft.

Chapter 2

Form of Bills

Sec. 201. 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 proper forms of the title and enacting clause are defined by law and custom, but the form and length of the body depend on the purpose to be accomplished.

Sec. 202. Title

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...” (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 may be informed of the particular field in which the bill proposes to legislate. The idea is that the member of the legislature or any other person should be able to determine by the title whether the bill deals with a subject of particular interest or concern.

No question of the form of legislation comes before the courts more persistently than the validity of titles to acts. The constitutional provision for titles is mandatory, and failure to comply with it will invalidate a measure.

A bill’s title should be broad and general enough to encompass all of the bill’s provisions, which should have a natural connection with the subject expressed in the title.

It must not be so broad, however, 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. Indeed, the cardinal sin in preparing titles is to use language that misleads

Sec. 202

about the contents of the bill. The highest degree of care, therefore, must be exercised to make certain that the subject of the bill is embraced 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. The rule *Expressio unius est exclusio alterius* applies to titles, so that 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 only with extreme caution. Detailed titles are a particular problem if a bill is amended before passage because the amendment may require the title to be changed.

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, such as “the payment of travel expenses for state officers and employees.”

AN ACT providing for the confidential treatment of public records.

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.

When a bill carries 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, as these bills must be approved by a majority of members elected to each house.

If the bill amends or repeals an existing statute, it is not necessary for the title to state that fact or for it to designate the section number affected. If the title indicates that the sole purpose of a bill is to amend specific sections of a named law, it cannot amend another law.

Sec. 203. Preamble

When insisted upon by a legislator, 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 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 is seldom used in legislation. The courts have held that a preamble is merely an explanation for the passage of the act, and the facts set forth in it are not admissible as evidence.

Preambles are used in a few special kinds of bills, such as those changing the classification of cities. 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 legislation.

Sec. 204. Enacting Clause

The style 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.

Sec. 205

Sec. 205. Amending Existing Statutes

Few legislative proposals are completely new. Most amend, replace, or supplement existing statutes on the subject. It is of the utmost importance that the drafter check the statutes and appropriate cross-references before preparing a bill. A substantially similar law may already be in force, other statutes may contain in-text references to the statute being amended, or the proposed law may conflict with other statutes that must be amended. Unintentional conflicts must be avoided. The Legislative Research Commission maintains searchable electronic statutory databases containing the Kentucky Revised Statutes and Kentucky Constitution to assist bill drafters in identifying potential conflicts with existing statutes or the Constitution. The drafter must also ascertain whether the affected statutes have been amended at the current session, if one is in progress. 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.

This provision under the decisions of the Kentucky Supreme Court requires: 1) that when a section of an act is amended, the entire section, and not just the amendment, must be set forth in the bill; and 2) that a subsection cannot be amended unless it is by itself a complete law and, in that case, the entire subsection must be set forth at length. The practical effect of this provision then 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 only by KRS sections.

It should be noted, however, that this provision 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 specific section of KRS, is valid. Neither does this provision prohibit amendments by implication, but amendments of this type are to be avoided if at all possible.

If a statute is amended to include, change, or delete an in-text reference to another statute, the drafter should check to see that similar references do not exist in other statutes. 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.

Where possible, it is better drafting practice to avoid making any statute depend upon another statute for a phase of its operation. Subsequent amendments to or repeal of statutes cited by reference are an increasing source of potential litigation about the meaning of the statute. For instance, if a statute creates a definition by saying, “‘Corporation’ has the same meaning as provided in KRS 271B.1-400,” what is its status when KRS Chapter 271B is repealed sometime in the future and is replaced by KRS 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.

Other problems are created by the inclusion of a provision stating that an act becomes effective on the enactment of a particular federal act, since Section 60 of the Constitution of Kentucky prohibits most laws from becoming effective except on the approval of the General Assembly. In cases where the reference is mandated by federal law, then the Kentucky constitutional provision must give way, but in many instances the inclusion is not mandated but done merely for convenience or uniformity. When possible, it is better form simply to use the language of the federal statute. Adoption of a federal statute by reference may create the same problems regarding amendment or repeal if the statute is changed or repealed.

Sec. 206. Format for Amendments to Existing Sections

There should be a separate section of the bill for each existing statute section to be amended, and each of these sections should begin with an amending clause. This facilitates later integration of the bill into the statutes. The following form is used:

Sec. 206

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:

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

Sec. 207. 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 paragraph. 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 paragraph, 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 paragraph is not underlined, the new language will be inserted as a new paragraph.

Brackets and strikethroughs 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, do not insert an underlined bold italic capital letter and bracket and strike through the existing lowercase letter. It is sufficient to capitalize that letter without underlining it.

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 strikethrough 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 **food 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.

Sec. 208. 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:

“Weight” as used in Sections 1 to 12 of this Act in connection with any commodity 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.

Sec. 208

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 _____.”

Sec. 208A. 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:

Sec. 209. 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 power or privilege.

Sec. 209

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 embraces two totally different subjects will be void. In cases of doubt, it is better to draft separate bills than to include provisions of questionable relationship to the title in a single 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 — the boldface phrases that precede KRS sections — are not shown within a bill draft but are added during codification.

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

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.

The body of a bill should be set forth in an orderly arrangement, with a logical sequence of provisions. Rules of English composition should be observed, and the insertion of an unrelated provision in a section should not be tolerated. 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 properly.

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)
2. Conforming amendments to existing statutes
(in order by their KRS numbers)
3. Repeals
4. Appropriations
5. Temporary provisions and construction clauses
6. Emergency clause or special effective date

For bills whose provisions are spread out among several chapters and are not intended to be codified together, the drafter should arrange the sections in a logical manner to facilitate understanding of the operation of the bill. The suggested order is given below. Each part should constitute a separate section or separate 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
5. Temporary provisions and construction clauses
6. Not-to-be-codified short title (if necessary)
7. Emergency clause or special effective date

Sec. 210. Penalties

Frequently, the sponsor of a statute wants sanctions imposed for its violation. Normally, these are criminal sanctions. In this case it is necessary to use particular care in writing the elements of the crime. If the elements of the

Sec. 210

crime are not clearly and simply stated, a court may be able to declare the statute unconstitutional due to vagueness. Thus, the format of the Penal Code (KRS Chapters 500 to 534) is frequently used. This is a strict outline format with the penalty as the last section.

If the drafter is adding a section to the Penal Code, he or she must utilize the Penal Code format and penalty structure. The penalty structure of the Penal Code is: capital offense, 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 result in fines only. The drafter should check the Penal Code for the specifics of each of these penalties.

If the drafter is creating a criminal offense elsewhere in the statutes, the Penal Code penalty structure or the Penal Code format is not controlling. In many chapters, the Penal Code format is used for the offense, while the penalty is found at the end of the chapter in a “.990” section.

Traditional penalties result in fines or 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. There is no distinction in the amount of a fine between misdemeanors and felonies.

With regard to imprisonment, various qualifying terms may be used. Maximum sentences are always specified; 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 a virtually 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 damage 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, other than fines, are sometimes imposed. Court costs, restitution to victims (either in the amount stolen or in the amount of damage), making the defendant pay the costs of prosecution, requiring payment of a service fee to be divided among state agencies, and similar items have been required under state or federal law.

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 proceeds of the crime; revocation, suspension, or denial of licenses (motor vehicle operators, professional, occupational, etc.); forfeiture of public office; prohibition against holding 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.

The type and range of penalty are virtually 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 neither be so lenient or 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 defendants 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 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.

Sec. 210

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 repayment 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 without regard to financial resources as a deterrent. Suspension or revocation of licenses has been found effective against professional misconduct in some cases.

Drafters need to think about the costs of imposing certain types of penalties, particularly 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 thereto. For example, there are work-release programs for misdemeanants requiring inmates to pay all or part of the costs of incarceration; home incarceration programs requiring the defendants to stay in their homes with approved monitoring devices (which the defendants pay for); intensive probation; and community service.

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

Sec. 211. Repeal Clause

One of the most important steps in drafting a bill is to study the 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 section of the bill.

Section 15. The following KRS section is repealed:

202.200 Judge to prepare history of patient's case.

or

Section 15. The following KRS sections are repealed:

- 202.200 Judge to prepare history of patient's case.
- 202.220 Commonwealth's or county attorney to furnish information.
- 202.270 Pauper idiots, epileptic and harmless lunatics — disposition of.

The catchline of the section being repealed must appear alongside the section number, which must be checked carefully for accuracy. To repeal legislation enacted at the current session, name the bill number and the section number to be repealed.

It is important that the introductory clause for sections that are repealing statutes end with "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; you may not specify a range of statutes or a complete chapter.

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, 2008, the following KRS sections are repealed:

If a bill contains repeals that take effect on different dates, use a separate section for each date.

If your bill repeals any statutes, identify references in other statutes to the section being repealed. Use the computer to search the statutes. Those sections containing reference to repealed sections must be amended.

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.

Sec. 211

When an existing statute section 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 repealed.

The drafter should not rely on repeal by implication, because it requires the courts to decide if 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.

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

Sec. 212. Effective Date or Emergency Clause

Legislation takes effect ninety days after the close of the session, unless the bill sets a later date or contains an emergency clause. The delay between passage and effect allows time for persons to become familiar with the law and to comply with its provisions.

An emergency clause requires the concurrence of a majority of members elected to each house. The phrase “and declaring an emergency” must be included in the title. The clause should constitute a legislative finding of the facts creating the emergency, and these facts should be stated.

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.

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 administration. A schedule of different effective dates for different sections may

be established, if the act requires that administrative machinery be set up prior to full operation.

Section 40. This Act takes effect January 1, 2011.

or

Section 10. Sections 1 to 6 of this Act take effect July 1, 2011.

Any effective date earlier than ninety days after *sine die* adjournment makes the bill an emergency and will require a reason and concurrence of a majority of each chamber's members.

A special-effective-date provision should ordinarily be the final section in a bill.

Sec. 213. General Guidance on Statutory Construction

General information and guidance on statutory construction may be found in KRS Chapter 446, which contains information on many diverse subjects. These rules of construction apply to the entire 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. Each bill drafter should be thoroughly familiar with the provisions of this chapter.

Sec. 214. Use of Bill Drafts from Previous Sessions

In some instances, the sponsor may request that a bill from a previous session of the General Assembly be prepared for introduction at a current session. The drafter must carefully check the previous draft to update any dates, references to agencies or officers, and other material in the bill necessary to bring the proposal into conformity with current conditions. Necessary constitutional and statutory checks should not be omitted since legislation or court decisions may have affected the proposal since the time of its original drafting.

Sec. 215

Sec. 215. Use of Bill Drafts from Other Jurisdictions

A drafter can often find laws from other states that contain provisions that the drafter desires 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 with 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 if there might be a constitutional problem if the other state's law were to be enacted in this jurisdiction.

The drafter should also contact the state agency that enforces the law to determine if there are problems with its administration. It may be helpful to contact the legislative service agency for information.

Chapter 3

Style and Language

Sec. 301. Introduction

Bills should be drafted to attain the greatest possible accuracy and clearness of meaning, presented in unambiguous language. Simplicity is highly desirable when it can be achieved without loss of meaning. Observe accepted rules of form and grammatical construction, as in general composition. The United States Government Printing Office *Style Manual* may be used to check particular questions of style, or examples of the point in question may possibly be found in the latest official edition of the Kentucky Revised Statutes.

Bear in mind Lord Bryce's observation: "In point of form, the merit of law consists of brevity, simplicity, intelligibility and certainty so that its provisions may be quickly found, easily comprehended, and promptly applied."

Specific Rules on Drafting

Sec. 302. Language

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

Under KRS 446.015, all bills introduced in the General Assembly are required to be written "in nontechnical language in a clear and coherent manner using words with common and everyday meanings."

Sec. 303. Use of "Shall" and "May"

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. In statutory usage "shall" does not denote the future tense any more than "may" does.

Sec. 304

Sec. 304. Tense and Mood

Use the present tense and the indicative mood. Avoid using the passive voice.

A statute is regarded as constantly speaking. It speaks as of the time when it is read or applied. It must, therefore, be written in the present tense, except for stating a condition precedent to its operation, which should be phrased in the perfect tense if it is required to be completed before the statute applies.

Sec. 305. Consistency and Parallelism

Use the same arrangement of text and the same form of expression throughout, unless the meaning requires variations.

Maintain parallelism in structure. For example, if a list of “the following duties” begins with gerunds (receiving, reviewing, issuing, etc.), do not shift to nouns (maintenance, licensure, etc.) or infinitives (to maintain, to license, etc.).

Sec. 306. 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 synonyms, and do not use the same word in different senses.

Use pronouns only if their antecedents are unmistakable.

Make free yet careful use of possessive nouns and pronouns.

Do not use the words “said,” “aforesaid,” “hereinabove,” “beforementioned,” “whatsoever,” or similar words of reference or emphasis.

Avoid using the word “such” as an adjective where an article or demonstrative pronoun may be used.

Do not use the expression “and/or.”

Do not use contractions.

Omit every needless word.

If a word has the same meaning as a phrase, use the word.

Use the shortest sentences that bring out the meaning intended.

Sec. 307. 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, personhole) or devices (s/he, he/she, she/he) that have not gained general acceptance should not be used in bill drafts.

Sec. 308. Punctuation

Punctuate carefully. Recast the sentence if a change in punctuation might change its meaning.

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 a comma before the conjunction can create an ambiguity. Use semicolons for series of items containing commas and at the end of elements that have been tabulated.

Parentheses should not ordinarily be used within statutory text.

Sec. 308

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)

three-fourths (3/4)

seven one-hundredths (7/100)

thirty-five sixtieths (35/60)

twenty-two thirty-fifths (22/35)

two-thirds (2/3) of an inch

Sec. 309. Spelling

Use the preferred standard spelling for words rather than variant forms. A list of preferred spellings for some commonly occurring words may be found as Appendix C to this manual.

Sec. 310. Definitions

Use definitions only

- when a word 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.

Do not write substantive provisions or artificial concepts into definitions.

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 defined, use the defined word, not the definition.

Sec. 311. Expressions of Limitation

If a provision is limited in its application or is subject to an exception or condition, it will frequently promote clarity to begin the sentence with the limitation, exception, or condition, or with an expression calling attention to any limitation that follows.

For conditions, use “if,” not “when” or “where.”

Sec. 312. Provisos

Avoid “provided that” and “provided, however,” unless absolutely necessary. Never use these terms to introduce an additional statement that can be expressed in a separate sentence. The words “if” and “except” are much more exact and can often be used instead of “provided.”

Sec. 313. Section Breakdown

If a section covers a number of contingencies, alternatives, requirements, or conditions, break it down into subsections designated by Arabic numbers in parentheses. If necessary, break down subsections into paragraphs designated by small letters in parentheses. Do not break down a paragraph unless this is unavoidable. If a further breakdown is necessary, designate subparagraphs with Arabic numbers without parentheses. An illustration of the manner of breaking down a section is given as Example 1 in Appendix B.

Use separate sections for separable provisions.

Sec. 314. Purpose Clause or Policy Declaration

Many times lawyers and others desire to incorporate as a part of the law a so-called preamble or policy declaration. 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 create a section of the statutes for this type of clause.

Sec. 315. Severability or Separability 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 is 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”

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

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.

Sec. 316. Short Title

A short title is not necessary for most bills, because legislation is commonly cited by statute number, not by title. 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. The not-to-be-codified section creating the short title should ordinarily be placed at the very 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 Kentucky Vital Statistics Act.

Sec. 317. Abbreviations

Abbreviations should be used sparingly if at all in a bill, except that the abbreviation “KRS” should always be used in citing particular sections of the

Kentucky Revised Statutes. Sometimes, however, it is preferable and permissible to use an acronym for a federal agency or federal law when the name is used repeatedly in a bill. In that case, add a definition that specifies the acronym to be used in place of the formal name.

Sec. 318. Capitalization

In most cases, the rules contained in the *Style Manual* of the United States Government Printing Office govern capitalization in bill drafting for the General Assembly of the Commonwealth of Kentucky. This policy attempts to make statutory practice more nearly conform to “common and everyday” usage. A summary of major provisions of this policy is set out below. Appendix E provides a list of examples.

Capitals should be used for the following:

- Commonwealth, when referring to the Commonwealth of Kentucky;
- The first word of a sentence or of a formally introduced series of items or phrases following a colon;
- The first word of each entry of an enumeration paragraphed after a colon;
- The word “Act” for a particular legislative act and “Section xx” for a particular section within an act;
- The full or short title of a particular state or federal act;
- The words “Chapter,” “Article,” “Subchapter,” and “Subtitle” in references to specific divisions within the Kentucky Revised Statutes (e.g., KRS Chapter 224, Article 2A of KRS Chapter 355);
- The General Assembly, its component houses, 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 an office by a statewide vote or who exercise statewide jurisdiction or authority (e.g., the Commissioner of Agriculture).

Capitals should *not* be used for

- Appointive state officers; county, municipal, and district officers;

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Substitutes for official titles, such as the board, the court, the commissioner, except for “the Commission” when referring to the Legislative Research Commission;

The words “federal” and “state,” when not part of a proper name; or

The words “chapter,” “section,” “article,” “subchapter,” or “subtitle” when not followed by a number.

Sec. 319. Citations

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

References to an existing range of statutes should be to “KRS xxx to xxx.” 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 both the sections whose numbers are given and all intervening sections.

Occasionally it is necessary to cite to a federal law or regulation. To cite to an entire title of the U.S.C. or C.F.R., you may use the format “as provided in Title 42 of the United States Code” or “as required by Title 19 of the Code of Federal Regulations.”

To cite to 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 more than one section of the law: 49 U.S.C. secs. 322 and 323 or 49 U.S.C. secs. 322 to 388; and

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 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 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; and

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 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.

In most cases, it is not the best practice to cite to state administrative regulations since they may change to the extent that the will of the General Assembly in enacting or amending a statute is compromised. However, if a citation is insisted on, it should follow the format “801 KAR 4.170.”

Session laws are cited as “2011 Ky. Acts ch. xxx, sec. xxx” or “2011 (1st Extra. Sess.) Ky. Acts ch. xxx, sec. xxx,” for extraordinary sessions. Federal session laws are cited as “Pub. L. No. 104-300.”

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

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

As a general rule, for existing statutes that are included within a bill, it is better to cross-reference to them in new language by their section numbers with the bill than to use their KRS numbers. That is, it is better to say “**Section 12 of this Act**” than to say “**KRS 156.760**.” This puts the reader on notice that the statute in question is within the bill and gives him or her the section number where it can be found.

Drafters should be specific in making internal cross-references to provisions within a particular act. Do not use ambiguous phrases like “according to the provisions of this Act” or “as provided by this Act.” Instead, refer directly to the section or sections treating the matter, e.g., “according to Section 4 of this Act,”

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“as provided by Sections 4, 5, 6, 7, and 8 of this Act.” In some cases, the reference may be made to “this chapter” or “this section.” Generalized references to “this Act” create difficulties in codification.

References to a range of sections within a particular bill (e.g., “as provided by Sections 6 to 10 of this Act”) should be used only if that group of sections is intended to be codified as a distinct unit within the Kentucky Revised Statutes with a common subject matter, definitions, penalties, and the like.

Sec. 320. Numbers

Cardinal numbers should ordinarily be expressed in words followed by a numeral enclosed in parentheses, except for

- section numbers within an act;
- citations to statutes, constitutional provisions, case reports, and the like;
- dates and times (as discussed in Sec. 321);
- numeric entries in a table or schedule; and
- numbers in noncodified text.

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). 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%).

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

Never use Roman numerals; Arabic numerals are preferred in all cases.

The general rule for cardinal numbers set out in paragraph 1 of this section applies to measurements, e.g., six (6) feet *not* six feet (6’); ten (10) inches *not* ten inches (10’’).

Sec. 321. References to Time

Dates should be expressed as follows: June 2011; June and July 2011; June, July, and August 2011; and June 1, 2011. A comma always follows a full date (June 1, 2011, and ...) unless it ends a sentence. For dates without a year, use “June 1” or “the first day of June”; never use “June 1st” or “the 1st day of June.”

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.

Sec. 322. 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, such as in the budget bills, in lists of fees, and in tables.

Other Stylistic Considerations**Sec. 323. Divisions Within a Bill**

Each distinct subject should be a separate section of a bill, divided into subsections when necessary. There can be no definite rule as to 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.

Sec. 324. Sections

Each section of a bill begins with the word “Section,” spelled out in full and followed by an Arabic number, then followed by the appropriate introductory clause. Section headings describing the section, 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. A section may

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be a complete paragraph or may be made up of several subsections, each beginning a paragraph designated by an Arabic number in parentheses.

Sections and subsections are numbered consecutively throughout the bill. The Reviser of Statutes has authority to rearrange sections when incorporating an act into the statutes.

Sec. 325. Subsections

Each subsection is usually a complete sentence or group of sentences. For enumerations, a subsection may be further divided into a series of paragraphs following a colon, each starting with lowercase letter in parentheses, indented, and all except the last paragraph ending with a semicolon. Paragraphs may also be used as independent divisions within a subsection.

The sections of a bill may be divided into subsections, paragraphs, subparagraphs, subdivisions, and subparts of subparagraphs. See Sec. 313. If a section seems to require further division beyond subparts of subdivisions, consider reconstructing it or arranging it into multiple sections.

Sec. 326. Words and Phrases

Select words and phrases carefully to attain clarity and precision of meaning. Use plain and unambiguous words, because laws are read by nonattorneys and nonspecialists, and they should be easily understood. Avoid ambiguous, indefinite, or superfluous words and phrases.

Sec. 327. Statutory Definitions

Certain words are defined by law (KRS 446.010) and apply to all statutes. These are some of those universal definitions:

Action includes all proceedings in any court;

Attorney means attorney at law;

Bequeath and *devise* are synonymous;

Bequest and *legacy* embrace either real or personal estates, or both;

Cattle includes horse, mule, ass, cow, ox, sheep, hog, and goat;

City includes town;

Company may include any person, partnership, joint stock company, or association;

Directors of corporations include managers and trustees;

Domestic corporation means one 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;

Land or *real estate* includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;

Legatee and *devisee* are synonymous;

May is permissive, *shall* is mandatory;

Oath includes affirmation;

Peace officer includes sheriffs, constables, coroners, jailers, marshals, policemen, metropolitan and urban-county government correctional officers, and persons with similar authority to make arrests;

Penitentiary includes all state penal institutions except the houses of reform;

Person may extend to bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability partnerships, joint stock companies, and limited liability companies;

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Personal estate includes chattels and real and other estate that passes to the personal representative upon the owner dying intestate;

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 failure to comply with;

Will includes codicils.

Under KRS 446.020, a word importing the masculine gender may extend to females. For a discussion of gender-neutral language in the Kentucky Revised Statutes, see Sec. 307 of this manual.

Under KRS 446.020, a word importing the singular number may extend to several persons or things.

Sec. 328. Other Suggestions on Wording

Good drafting requires that ambiguous, redundant, or unnecessarily complicated terms be avoided. 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
Any and all	(either word)
At the time	when
And the same hereby is	is

Bonds, notes, checks, and other evidences of indebtedness	evidences of indebtedness
Either directly or indirectly	
Except where otherwise provided	
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 section number)
In the event that, in case	if
Is authorized, is empowered	may
Is defined and shall be construed to mean	means
Is hereby required to	shall
It shall be lawful	may
Latin words	(an English equivalent)
Means and includes	either “means” or “includes” as appropriate
Null and void and of no effect	void

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Order and direct	(either word)
Ordered, adjudged, and decreed	adjudged
Person of suitable age and discretion	adult
Provided that . . .	(see Sec. 312)
Provision of law Provisions of this Act	law (a reference to the specific section or sections of the Act)
Sole and exclusive	exclusive
This Act	“Section ___ of this Act” or “Sections ___ to ___ of this Act”
Until such time as	until
Whenever	if
Whomsoever, whatsoever	

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.

Chapter 4

Special Types of Legislative Drafting

Sec. 401. Introduction

Some particular subjects of legislation recur frequently and require special treatment in drafting. This chapter treats drafting considerations in several of these areas.

Sec. 402. 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 house, the 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 submitted at one time. An amendment may relate to one subject or to multiple related subject matters, and it may amend or modify as many articles or sections of the Constitution as necessary and appropriate to accomplish the objectives of the amendment (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 proposing an amendment is: "AN ACT proposing an amendment to Section xx 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 two examples:

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

or

SECTION 5. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

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The final section of a bill proposing a constitutional amendment should read as follows:

Section 2. 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 resolution, constitutional amendments are effective upon ratification by the voters.

Sec. 403. Classification of Cities

In November 1994, the voters of Kentucky ratified a constitutional amendment that repealed former Section 156 of the Constitution, which provided for classification of cities into six classes based on population. The same amendment created a new Section 156a that authorizes the General Assembly to create “such classifications of cities as it deems necessary based on population, tax base, form of government, geography, or any other reasonable basis and enact legislation relating to the classifications” and provided that “[t]he classification of all cities and the law pertaining to the classifications in effect at the time of adoption of this section shall remain in effect until otherwise provided by law.” Because the General Assembly has not yet acted to provide for a new method of classification of cities, the classifications under the former Section 156 are still in effect.

Section 156 of the Constitution established six classes of cities and directed the General Assembly to assign cities to the classes to the appropriate classes, changing assignments as the population of cities changes. The classes, set by the Constitution, are as follows:

1st class	100,000 or more
2nd class	20,000 to 99,999
3rd class	8,000 to 19,999
4th class	3,000 to 7,999
5th class	1,000 to 2,999
6th class	less than 1,000

Cities are assigned to the proper class according to their population, as shown by the last federal census.

The usual form of bills to change the classification of cities is as follows:

AN ACT changing the classification of the City of Silver Grove, in Campbell County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Silver Grove, in Campbell County, is such as to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

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

Section 1. The City of Silver Grove, in Campbell County, is transferred from the sixth to the fifth class of cities.

Under KRS 81.032 to 81.036, prior to the reclassification of a city by the General Assembly, the legislative body must provide a certified resolution of the population to the General Assembly. This resolution must include the population of the area based on the most recent United States census. However, a city may by affidavit submit information showing new growth since the last census. The city must show by documentation that it meets the population requirements of Kentucky Constitution Section 156 in order to be reclassified.

The estimated population data and the constitutional population range for the requested class must be recorded with the summary of the legislative proposal in the official record of the General Assembly.

If the city is reclassified, the General Assembly must provide the Secretary of State with notice of the reclassification and a copy of the certified information presented to the General Assembly.

Sec. 404. Judicial Legislation

Sections 112 and 113 of the Constitution provide that the General Assembly, upon certification of the necessity therefor by the Supreme Court, may reduce, increase, or rearrange the judicial districts and circuits. No county

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may be divided in making these districts and circuits. Additionally, upon certification of the necessity therefor by the Supreme Court, the number of District and Circuit Judges may be increased or decreased.

Bills creating or changing judicial circuits commence with a preamble. Then, following the enacting clause, they amend the statutes to provide for the new circuit, create the new division of an existing circuit, or make the other desired changes. For bills creating new circuits, provision must be made for the election of the new judge and Commonwealth's attorney, along with provision necessary to protect the present Commonwealth's attorney.

Sec. 405. Creating Agencies, Boards, or Commissions

The following outline sets out points to be considered when creating an agency, board, or commission:

- A. Name of agency, board, etc.
- B. General purpose
- C. Independent agency or assigned to department, cabinet, etc.
- D. Board members
 - 1. Appointed (at large, from lists, by Governor), elected
 - 2. Number
 - 3. Term of office (4-year limit)
 - 4. Staggering of first terms
 - 5. Succession of members
 - 6. Removal, for cause, for missing meetings
 - 7. Pay, how much, unpaid
 - 8. Reimbursed for travel and other expenses
- E. Board
 - 1. Chair: how selected, term, how removed, pay
 - 2. Duties
 - 3. Administrative regulations promulgation
 - 4. Advisory only, direct agency operations

5. Hear appeals
6. Set standards
7. Manage day-to-day practices of agency
8. Appoint executive director

F. Licenses, certifications, permits

1. Training required for application
2. Examinations, reexaminations
3. Qualifications for applicants
4. Length of time license, etc., is valid
5. What does license, etc., authorize one to do?
6. Relicensure, recertification
7. Terms, conditions, or standards for relicensure
8. Discipline of licensees
9. Fees for licenses, etc.
10. Who administers program?

G. Agency orientation toward licensees

1. Friendly
2. Hostile

H. Hearings

1. For what?
2. Who conducts?
3. Notice and due process
4. Appeals within agency
5. Appeals to Circuit Court
6. Limitations on appeals (board acted in bad faith, procured by fraud, etc.)

I. Employees

1. How many?
2. How funded?
3. Attached to board, agency; come from other agency
4. Duties

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5. Personal service contracts
6. Where does day-to-day administrative help come from?
7. Merit system, nonmerit system

J. Offenses

1. Operation without license
2. False statement on license application, etc.
3. Evil conduct or immoral conduct of licensee
4. Negligence of licensee
5. Failure of licensee to follow law or agency regulations
6. Incompetence of licensee
7. Licensee does not keep up training
8. Licensee does not pay license fee on time
9. Persons do not secure required permit
10. Persons violate agency regulations
11. Persons violate statute relating to agency

K. Penalties:

1. Civil — administered by agency. Tried in court
2. Criminal
3. Administrative
4. Fine? Maximum. Minimum
5. Jail? Maximum. Minimum
6. Suspension of license, certification, etc. How long?
7. Revocation of license, certification, etc.
8. What does it take to get license back?
9. Appeals from agency penalty decisions

L. Funding the agency

1. General fund appropriation
2. Fees
3. Taxes for agency operations
4. Federal and outside sources of revenue
5. Do the funds available meet the fiscal needs of the agency?
6. Have all costs of operation been taken into account?

Licensing Boards. In drafting a bill creating a licensing or regulatory board, a good model to follow is KRS Chapter 323, Architects.

Advisory Commissions. A good model for a bill creating an advisory commission is KRS 174.200 to 174.210, the Water Transportation Advisory Board.

When providing staggered terms for the initial members of a new board or commission, consider placing the staggering provisions in a separate section of the bill that is not to be codified. It should be remembered that the maximum term of office, unless the Constitution specifies otherwise, is four years.

Sec. 406. 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 “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 the provisions of 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 [administrative body] shall implement the provisions of Sections 1 to 10 of this Act through the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A.

The [administrative body] shall establish license fees by the promulgation of administrative regulations in accordance with provisions of KRS Chapter 13A.

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The [administrative body] shall establish the procedure for appeals of its decisions by the promulgation of administrative regulations in accordance with provisions of KRS Chapter 13A.

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 as to some topics, limit the authority to promulgate administrative regulations to those areas of the agency's jurisdiction not within the comprehensive scheme.

The authority to promulgate administrative regulations is required, even in detailed bill drafts, if an administrative body is required to comply with federal requirements or chooses 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 Kentucky Emergency Operations Plan to the Governor for approval and promulgation. (Here, the Governor is to promulgate the administrative regulation.)

Before filing a proposed administrative regulation containing the Kentucky Emergency Operations Plan, the agency shall submit the plan to the Governor for approval. (Here, the Governor must approve the regulation, but the agency is the promulgating authority.)

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.

- (1) By administrative regulation promulgated in accordance with the provisions of KRS Chapter 13A, the board shall establish fees for:**
- (a) Initial licensure;**
 - (b) Licensure renewal;**
 - (c) Examinations; and**
 - (d) Continuing education courses.**
- (2) No fee shall exceed two hundred fifty dollars (\$250).**

(Language similar to subsection (2) should be used if the sponsor desires a ceiling to be set.)

In preparing a bill draft, the drafter should discuss with a bill's sponsor what areas, if any, the sponsor wishes to leave to the discretion of an administrative agency through the promulgation of administrative regulations. Areas for consideration include fees and fee ceilings, hearing procedures, the establishment of forms, and what official or administrative body is to be given the authority to promulgate administrative regulations.

Sec. 407. Bills Confirming Reorganizations

Under KRS 12.028(5), a temporary reorganization that is not confirmed by the General Assembly at the next regular session after its issuance terminates ninety days after sine die adjournment of that session. That subsection also provides that “[t]he subject matter of each executive order relating to reorganization shall be presented to the General Assembly in a separate bill.” 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(5) 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

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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; organizational units at a level lower than departments (e.g., divisions, branches, sections, units) are not set out in KRS 12.020. Boards, authorities, commissions, and other entities with regulatory or decisional powers are set out under the organizational unit to which they are attached for administrative purposes; advisory boards and commissions are not included within the statute’s listing.

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 any 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., “Child Support Enforcement” rather than “Division of Child Support Enforcement”). 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 leave a sheet in the bill folder indicating 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 out 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. Under KRS 12.028, the Governor, other elected state executive officers, and the Kentucky Economic Development Partnership may make a temporary reorganization. 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 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, 1994 Ky. Acts ch. 115 has only the following provision:

Section 1. The General Assembly hereby confirms Executive Order 92-502, dated May 19, 1992, which changes the name of the Division of Program Services within the Department of Local Government to the Division of Administrative Services. The Division of Administrative Services shall be responsible for all the administration

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and fiscal programs of the department, including personnel and payroll administration and computer support.

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”). An example of this is found in 1996 Ky. Acts ch. 263, here slightly modified:

Section 2. The General Assembly confirms Resolution 95-1 of the Kentucky Economic Development Partnership, relating to the reorganization of the Department of Financial Incentives, to the extent it is not otherwise confirmed by this Act, this resolution having been made by the Kentucky Economic Development Partnership under the powers and authorities granted to the partnership by KRS 154.10-010, 154.10-030, and 12.028.

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 1996 Ky. Acts ch. 310:

Section 6. The General Assembly confirms Executive Order 94-6, dated January 3, 1994, to the extent it is not otherwise confirmed or superseded by this Act.

Other Noncodified Provisions. It may be necessary to include provisions in noncodified language to deal with 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.

Sec. 408. Appropriations

An appropriation authorizes a state agency to spend a maximum sum of money from a named fund source in a specified fiscal year for a specified purpose. Appropriation amounts are expressed in numeric dollar amounts. The state fiscal year begins July 1 and extends through the following June 30. Therefore, appropriations are accomplished by means of noncodified provisions and not by the creation or amendment of statutes, since they are not intended to be permanent law. As such, budget bills are effective only for the duration of a biennium. Under KRS 45.229, funds unexpended at the end of a fiscal year lapse to the credit of the general fund surplus account. If it is desired that an unexpended balance carry forward to the next fiscal year, KRS 45.229 must be specifically suspended to direct that carryforward. Below is an example of an appropriation provision including the elements discussed in this paragraph.

There is appropriated to the Department of Parks from the General Fund \$2,000,000 in fiscal year 2002-2003 and \$1,000,000 in fiscal year 2003-2004 for the Park Entrance Beautification Program. Notwithstanding KRS 45.229, any General Fund appropriation unexpended at the end of fiscal year 2002-2003 shall not lapse but shall be carried forward into the next fiscal year.

Annual appropriations of funds from the State Treasury typically are contained in the biennial branch budget bills and budget amendments drafted by staff in LRC's Budget Review Office either as a line-item entry for a budget unit or included in a language provision following a budget unit's line-item entries. However, appropriations may also be made by inclusion of an appropriations section in other bills or amendments to other bills to implement a statutorily created program or legislative mandate. Usually, however, if a bill containing an appropriations section will be passed, that section will be deleted prior to passage, and the appropriation will be accommodated in the relevant biennial branch budget bill.

Appropriations may affect two budget areas of state agencies: the operating budget, containing administration and program expenditures; and the capital projects budget, containing capital construction, renovation, and lease expenditures, purchases of equipment, and issuance of bonds and necessary debt service amounts. The standard unit for appropriation is a department or agency, but sometimes a division, program, or group of consolidated organizational units within a department or cabinet may constitute an appropriation unit in the

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operating budget. Appropriations may not be transferred from one appropriation unit to another unit unless authorized by the budget bill, by charges for services, by statute, or by provisions of a temporary reorganization order. Capital projects or debt service appropriations may not be used for another purpose. Operating budget appropriation amounts are rounded to the nearest \$100, and capital projects budget appropriation amounts are rounded to the nearest \$1,000.

The fund sources of appropriations in the operating budget consist of the general fund, the road fund, restricted funds accounts, and federal funds accounts.

- The general fund consists of tax revenue collected under general tax laws and other designated receipts available for the activities, operations, and services of state government.
- The road fund consists of moneys from excise or license taxes relating to gasoline or other motor fuel products, and moneys derived from fees and excise or license taxes relating to registration, operation, or use of vehicles on public highways. Section 230 of the Kentucky Constitution dedicates those revenues for highways and bridges, vehicle regulation, and related state administrative purposes.
- Restricted funds are moneys collected by state agencies that are restricted by statute or a budget bill for expenditure toward general or specific uses by an agency. Restricted funds sources include regulatory or occupational licenses and fees, tuition, service charges, sales of goods or products, donations or grants from nonstate sources, and expendable receipts and earnings of trust-type programs. If a statute directs that an agency's restricted funds be used only for specific purposes, and an appropriation directs that they be used for a different purpose, the directing statute must be specifically suspended to permit the alternative use of those funds.
- Federal funds are moneys received by state agencies in the form of grants, contracts, or other assistance from the federal government for a specified purpose.

Capital projects requiring legislative appropriations and subsequent interim review by the Capital Projects and Bond Oversight Committee include capital

construction projects or information technology systems with a cost of \$400,000 or more, equipment with a cost of \$100,000 or more, a lease with an annual rental cost of \$200,000 or more, and construction with an annual use allowance of \$200,000 or more (judicial branch only). They are primarily funded from the capital construction fund, which consists of moneys appropriated under KRS 45.750 to 45.800, but may also be funded with state or agency bond issues, investment income, or other funds from private sources. If a capital project appropriation's funding source is bond funds, the corresponding debt service amount must also be reflected in the Operating Budget figures for that particular agency. Coal severance tax projects are funded from the local government economic development fund from the respective single county fund or from general-fund-supported bond funds for public purposes in coal-producing counties.

Due to the complex nature and importance of operating and capital projects budget appropriations, drafters without expertise in the budget area who receive a request to provide for such appropriations in bill drafts or amendments should first consult with the Assistant Statute Reviser in LRC's Budget Review Office. The Assistant Statute Reviser will then assist the drafter or coordinate assistance given to the drafter by other Budget Review or Capital Projects staff in the completion of the request.

(A note on capitalization: In the codified text of the Kentucky Revised Statutes, the initial letters in the names of funds are not generally capitalized. Thus the statutes speak of "the general fund" and of "the local government economic development fund." But in the branch budget bills and in noncodified appropriations sections of other bills, the names of funds usually have initial capital letters.)

Sec. 409. Administrative Hearings

KRS Chapter 13B, which contains KRS 13B.005 to 13B.170, the Albert Jones Act, was created to provide uniform statutory procedures for administrative agencies to follow when conducting statutorily required or permitted administrative hearings. KRS 13B.010 defines "administrative agency" as each state board, bureau, cabinet, commission, department, authority, office, or other entity in the executive branch of state government authorized to conduct administrative hearings. "Administrative hearing" is also defined in that

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statute as any type of formal adjudicatory proceeding conducted by an administrative agency as required or permitted by statute or administrative regulation to adjudicate the legal rights, duties, privileges, or immunities of a named person. KRS 13B.020 provides that KRS Chapter 13B applies to all administrative hearings conducted by an agency, except those specifically exempted in one of the agency's KRS sections. KRS 13B.125 permits an agency to take emergency action affecting the legal rights, duties, privileges, or immunities of named person without a hearing only if duly authorized by the agency's statutes to so act. KRS 13B.140 requires that any final order of an agency following a hearing be subject to judicial review, and permits parties to appeal to the Circuit Court of venue, as provided in the agency's enabling statutes, or if the statutes do not specify a venue for the appeal, in the Circuit Court in which the appealing party resides or operates a place of business. Section 111 of the Constitution of Kentucky provides that the General Assembly may authorize a direct appeal from an agency to the Court of Appeals, so if the sponsor wishes the agency to have that option, the statute would need to grant that authority. KRS 13B.160 then provides for a further appeal of the Circuit Court's ruling to the Court of Appeals.

The statutes discussed above should give bill drafters establishing administrative agencies or amending existing agency statutes food for thought in formulating a bill, so far as its attention to the provision of due process of law to persons affected by the agency's actions, which is the goal of the statutes providing for administrative hearings. Constitutional due process concerns, for example, are prompted by the denial, suspension, or revocation of a license, permit, or certification or the imposition of a penalty for violation of or noncompliance with a statutory or regulatory provision.

First, the drafter would need to determine whether KRS Chapter 13B's provisions would apply to the agency and the hearings it conducts, or whether they are specifically exempted from its application either by existing law or should be exempted by adding the agency or its hearings to the statutory listing of exempted agencies and hearings. Or, on the other hand, the sponsor may want to remove an exempted agency or its hearings from the list of statutory exemptions. If the sponsor wants the bill to specify how the agency's hearings are to be conducted rather than have KRS Chapter 13B's provisions govern them, the bill needs to specifically say that and set out the procedures to be followed instead. Further, if the agency would be permitted to take emergency

action concerning a person's legal rights, duties, privileges, or immunities without a hearing, the bill would need to provide that authority in statute. Likewise, if an agency's final order is to be appealable to a specific Circuit Court, the bill would need to provide that direction.

In the absence of special circumstances like those noted in the previous paragraph, the drafter would simply need to give the agency statutory authority to conduct hearings as necessary and require that all hearings be conducted in accordance with the provisions of KRS Chapter 13B.

Chapter 5

Form of Resolutions

Sec. 501. Introduction

Resolutions are expressions of the opinion, sentiment, or will of the General Assembly. 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 (Const., §§ 89, 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.

A resolution consists of a title, a preamble, a resolving clause, and a body.

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.

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.

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.

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The paragraphs that come after the resolving clause set forth the action proposed and are equivalent to the body of a bill. They comprise the matter that is resolved by the General Assembly.

Sec. 502. Simple Resolutions

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

- express an opinion or principle of one house;
- express an opinion or request to another branch of state government;
- regulate procedure and conduct of the body; or
- convey to the Legislative Research Commission a request for services or recommendation for action.

A sample simple resolution is below.

A RESOLUTION declaring January 31, 2008, 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, 2011, 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.

Sec. 503. Concurrent Resolutions

A concurrent resolution expresses principles and opinions of the legislature. It is without force outside the confines of the General Assembly and is used to

- authorize expenditure of legislative funds;
- authorize interim committees;
- authorize joint rules, sessions, or committees;
- express the General Assembly's recognition of service or 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 a study or investigation.

Below is an example of the form for a concurrent resolution.

A CONCURRENT RESOLUTION requesting and petitioning the United States Department of Agriculture to provide free seeds for the restoration of pastures and meadows in Kentucky destroyed by the drought of 1953.

WHEREAS, the severe drought of 1953 caused such damage to and destruction of the pastures and meadows of Kentucky as to constitute the entire state a disaster area;

NOW, THEREFORE,

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

Section 1. The Department of Agriculture of the United States is....

Concurrent resolutions are used for legislative study resolutions. This topic is discussed in Sec. 506 of this manual.

Sec. 504. 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. It is 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.
- Below is the proper form for a joint resolution.

A JOINT RESOLUTION authorizing and directing a comprehensive study of the workers' compensation program in Kentucky, and making an appropriation therefor.

WHEREAS, it is the responsibility of the legislature to guarantee a workers' compensation system to provide adequate benefits to injured workers at a fair and equitable rate to employers; and

WHEREAS, disabled workers and their families in Kentucky must subsist on a maximum of \$131 per week; and

WHEREAS, many serious questions have been raised regarding the ratemaking procedures utilized by the National Council on Compensation Insurance (NCCI) especially in the areas of classification and experience rating; and

WHEREAS, it has been reported that the results of an audit of the National Council directed by the state of South Carolina raised serious questions about the ratemaking procedures used by the National Council and the adequacy of its rates;

NOW, THEREFORE,

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

Section 1. The Governor shall hire a consulting firm to conduct a comprehensive study of the state's workers' compensation program. The consulting firm shall be charged with the responsibility to study and make recommendations on:

(1) The procedures utilized by the National Council on Compensation Insurance in workers' compensation rate calculation, with particular emphasis on the fairness and adequacy of the classification and experience rating systems;

(2) The level of workers' compensation premiums as compared to premium levels in other jurisdictions, using reasonable and reliable factors for comparison;

(3) The development of computer systems within Kentucky to effectively monitor the workers' compensation program in Kentucky;

(4) The feasibility of creating a competitive state fund or alternative system as another method available for purposes of insuring liability under KRS Chapter 342; and

(5) The feasibility of creating a competitive pricing mechanism for workers' compensation rates in Kentucky.

Sec. 505

Sec. 505. Special Types of Resolutions

Many resolutions concern petitions to federal or state agencies, directives to state agencies, or requirements for studies to be conducted. The following suggestions reflect usage and custom in the first two of these cases. Study resolutions are treated in Sec. 506.

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 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.

Sec. 506. Study Resolutions

Form of Study Resolutions. Resolutions directing studies should be either concurrent resolutions or joint resolutions, depending upon their nature and content as discussed below. Simple resolutions should be avoided because they express the sentiment of one chamber only, sometimes creating a false expectation for the sponsor that the study will be conducted. Bills should only be used when a study or the creation of a task force to perform a study is part of a larger initiative that must be expressed as a bill or when an appropriation is necessary to have the study performed.

Concurrent resolutions should be used for legislative studies pursuant to Senate and House Rules 64, unless there is a specific appropriation attached to the study. It is a rare occurrence for an appropriation to be attached to studies done in-house. Generally, the cost of LRC studies comes from the regular LRC budget. In the event that a legislative study does include a specific appropriation, then a bill, instead of a resolution, should be used, since appropriations can only be made by enactment of a law.

Joint resolutions should be used for executive branch studies or judicial branch studies.

The Opening Sections of a Study Resolution. The preamble (“WHEREAS” clauses) of a study resolution should provide background on why the study is being proposed.

The resolving clause should be in the correct form for the type of resolution being drawn.

After the resolving clause, the body of the study resolution should begin in Section 1 with an initial statement directing or requesting the appropriate entity (LRC, an interim joint committee, a statutory committee, a task force/special committee, etc.) to perform the study. The initial statement should also set out the purpose of the study. Options are to

- direct or request LRC to have a study conducted;
- direct or request LRC staff to conduct a study;
- direct or request LRC to have an interim joint committee or statutory 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.

All of the study requests noted above, except those directing or requesting LRC staff to conduct a study, will require LRC action after the session, which may delay the study start date.

Section 2 of the body of the study resolution should define the membership of the study entity if the study entity is a legislative task force, a legislative special committee, any executive or judicial branch entity, or any legislative group other than LRC or an interim or statutory committee.

Membership of Legislative Task Forces/Special Committees (not for studies by LRC staff or interim or statutory committees). When creating legislative task forces/special committees, the following preferences should be followed as possible, given requirements set by the sponsor:

Sec. 506

- It should be stated that the task force is “of the Legislative Research Commission.”
- In defining membership, remember that normally all appointments to legislative task forces should be made by LRC, or by the President of the Senate and the Speaker of the House making individual appointments. These are legislative entities. LRC or its co-chairs are the appropriate appointing authorities, although others may recommend appointments to LRC or to the President and Speaker. In order of preferred approach, members should be appointed in the following manner: 1) Members and chairs appointed by LRC; 2) President and Speaker appoint or nominate specific members, appointments to be ratified by LRC; or 3) Specific members, and Senate co-chair, appointed by the President of the Senate; specific members, and House co-chair, appointed by the Speaker of the House. (On occasion, if this method is used, the Minority Floor Leaders can also be given ability to make some appointments.)
- Please keep the following in mind when providing for members outside the legislative branch: 1) An ex officio designation is often accompanied with the language “or designee.” This is permissible. 2) Appointment by LRC or the President and Speaker from lists submitted by outside groups is permissible but should be avoided when possible. When such lists are required, practice has shown that obtaining the lists can significantly delay the appointment process and, therefore, 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.
- Regardless of specification for membership appointment, it is preferred that language be included stating that “final membership of the task force is subject to the consideration and approval of the Legislative Research Commission.”
- Resolutions should provide for LRC or the President and Speaker (as applicable) to appoint the co-chairs of the task force from among the legislative members, one a Senator and one a Representative. The co-chairs of a legislative task force should always be members of the General Assembly.

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

Operations of Interim Joint Committee, Statutory Committee, or Task Force/Special Committee Designated to Undertake Study. There is no need to mention expenses for most legislative studies directed by resolutions. LRC has guidelines in place for per diem and expense payments to legislators and nonlegislators, as appropriate. These will automatically apply. Bills directing studies by executive or judicial branch entities may include an appropriation if the sponsor instructs.

Statutory law 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. It is recommended that study resolutions be drafted to be consistent with this practice.

Interim joint committees, statutory committees, and task forces/special committees do not have the authority to retain consultants on their own. If the need for a consultant is anticipated, the resolution should recognize the authority of LRC to retain the consultant upon recommendation of the committee or task force/special committee.

Specification of Study Questions and Deadlines for All Studies. A section of the resolution should set out the specific questions to be addressed. These should be stated as researchable questions and not 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) and should ask for a description of the situation of interest.
- Resolutions directing studies to be completed by LRC staff would normally only request description, analysis, and policy options, not policy recommendations.

Sec. 506

- Resolutions directing studies to interim joint committees, statutory committees, or task forces/special committees can include the requirement that recommendations be made. If the recommendations are to be in the form of a bill draft, this should be stated in the study resolution.
- Reporting requirements and a reasonable and appropriate deadline should be established for all studies. Indicate to what group the study should be reported and the reporting deadline. For legislative studies, usually the report is to LRC for its referral to the appropriate committee, and because these are legislative study groups, reports are not usually made to the Governor. Generally, deadlines should be prior to the next session of the General Assembly, if that would provide adequate time for completion of the study and reporting of its results.

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 should include the language required by Senate and House Rules 64 in a separate section. That language reads as follows:

Provisions of this resolution [or statute--House Rule 50] 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.

This language need not be included in resolutions directing studies by executive or judicial branch entities.

Indexing. Index all study resolutions or amendments directing studies under the heading 8010 STUDIES DIRECTED. You should also index them under headings that match the subject matter of the resolution.

Directing Studies in Bills. You may, at times, be asked to incorporate a study resolution into a bill, either as part of the original draft or through an amendment. This should be done by using noncodified language and the guidelines outlined above, except that “WHEREAS” clauses need not be included. The noncodified language is inserted in the bill at some point after the enacting clause.

Sec. 507. Legislative Citations

For the purpose of extending the commendations, condolences, or congratulations of either house of the General Assembly, or to recognize a particular event or occasion, a “Legislative Citation” may be issued. Citations are not resolutions and 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.

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

Citations are prepared in single copy on artistically designed forms, suitable for framing, bear the signature of the sponsor and the name of the person or event cited, and upon adoption are spread at length upon the Journal.

Those called on to draft legislative citations prepare the draft on a suitable work form, which is then transmitted to the clerk for final typing and presentation to the sponsor.

Legislative citations avoid the printing and other procedural complexities attendant upon simple resolutions; and under the rules, resolutions are not to be accepted for introduction if the same action may be taken by adoption of a legislative citation.

Chapter 6

Constitutional Considerations

Sec. 601. 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. The 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 in the court's decision.

Sec. 602. Rights of Individuals

The most fundamental restrictions on legislative powers are those defined by the Bill of Rights (Ky. Const., §§ 1 to 26). The General Assembly may not deprive persons of the right to life, liberty, property, the pursuit of happiness, peaceable assembly, bearing arms, or redress of grievances; prohibit religious freedom and give preference to any church or creed; restrict freedom of speech or of the press; grant exclusive emoluments or privileges except for public service; or take property for public use without compensation. Accused persons have the right to *habeas corpus*, to know the charges against them, to secure witnesses, and to testify in their own behalf; they may not be compelled to testify against themselves. The use of the courts for redress of injury may not be denied, and the amount to be recovered for injuries to person or property may not be limited. The General Assembly may not pass bills of attainder, enact ex post facto laws, or impair the obligation of contracts.

Sec. 603. Local and Special Legislation

No special law may be enacted in any case where a general law may be made applicable, nor may any locality be exempted from the operation of a general act (Const., §§ 59, 60). A "special" law is one that applies only to particular persons, places, or things, or that separates them from the whole class to which the law might otherwise apply. A "local" law is one that operates

Sec. 603

within territorial limits other than the whole state or a properly constituted class therein.

In connection with local laws, or laws operating in local areas, Section 60 of the Constitution should be kept in mind. It reads:

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.

Local or special acts in the following cases are expressly prohibited by Section 59 of the 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;
- For assessment and collection of taxes;
- For 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; and
Restoring citizenship to persons convicted of a crime.

Sec. 604. Revenue 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 (Const., § 230);
Revenue bills must originate in the House (Const., § 47);
The power to tax property may not be surrendered or suspended (Const., § 175);
Debt may not be contracted in excess of five hundred thousand dollars (Const., § 49);
Certain debt may not be authorized without approval of the voters (Const., § 50);
Taxes may be levied only for public purposes (Const., §171).

Sec. 605. Public Officers

Certain restrictions regulate bills pertaining to public officers:

Salaries or compensation of public officers may not be changed during the term for which they were elected (Const., §§ 42, 44, 120, 161, 235);
Compensation may not exceed constitutional limits (Const., § 246);
Appointment of an officer must be for a certain term of years (Const., § 23); and
All officers, except for statewide elected officers, must be elected in even-numbered years (Const., §§ 31, 95, 97, 99, 167).

Sec. 606

Sec. 606. Other Limitations

Other important restrictions on legislation include the following:

Regular elections must be held on the first Tuesday after the first Monday in November (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 (Const., § 60);

No bill may relate to more than one subject, and that shall be expressed in the title (Const., § 51); and

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 (Const., §§ 50, 171, 256, 258).

Chapter 7

Amendments and Substitutes

Sec. 701. 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 amendments can be found in Appendix D.

Sec. 702. The Amendment Form

LRC's word processing system is used to generate all amendment forms. The forms are produced using the LRC Bill Drafting System, version 1.0, by selecting the "Amendment" drafting option. The person typing the amendment responds to a series of prompts before entering the text into the computer.

The entire content of an amendment must be entered on the amendment form through LRC's computer system. This allows the Bill Processing Room to computer-engross adopted amendments into bills using the document ID number.

Do not photocopy paste-up versions of amendments onto amendment forms. 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 Room 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.

In drafting an amendment for someone else to enter into the system, use plain paper and indicate a Senate or House heading, depending on the house for which the amendment is being prepared.

Sec. 703

Sec. 703. 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.

Sec. 704. Processing the Amendment Form

Initial each amendment that you prepare next to the page number at the bottom of each page of the form. If the amendment is very long, you need only initial the first and last pages.

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. Prior to delivery, all amendments must be reviewed by the statute reviser’s office for form and content and initialed by a reviser. If possible, have the legislator sign the initial printed-out copy of the amendment before copying the number required for filing. Each chamber’s rules require an original and six copies of each amendment for filing. You should also provide the sponsor with an extra copy.

Sec. 705. Methods of Amending

No set words or phrases are required in describing the amendments to be made. However, 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. Some examples of amendments can be found in Appendix D of this manual.

Sec. 706. 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 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 strikethroughs. 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 words "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 around 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

Sec. 706

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.

Sec. 707. 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 add (with underlining) or delete underlined material.

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

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

Sec. 708. 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 deleting and inserting material, without brackets or underlining, or by a simple statement as in the example below.

On page 1, line 1, amend the title to read as follows: “AN ACT relating to ____.”

Then write the new title as it should appear. When preparing the amendment, select “Title Amendment” in the box that appears on the computer screen. The computer system will insert the word “TITLE” on the amendment form.

Sec. 709. 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. Ordinarily a drafter preparing a proposed committee substitute should mark up a copy of the original bill to reflect desired changes, rather than generating a new document through the bill drafting template. A proposed committee substitute is submitted to the reviser’s office for review and then transmitted to the Bill Processing Room for entry and printing.

In jacketing committee substitutes, the jacket of the house of original introduction is used, even if the committee taking action is in the other house. On the jacket in the space above the bill number should be typed the words “COMMITTEE SUBSTITUTE FOR” and in the space below the words “INTRODUCED BY” should be typed the name of the committee, designating whether Senate or House committee.

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, because an amendment to a title is always done by a separate vote.

Chapter 8

Preparing Summaries for the Legislative Record

Sec. 801. 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.

Bills and Resolutions

Sec. 802. Mechanics of Preparation of Summaries

Prepare the bill summary form by using LRC's Bill Drafting System, version 1.0 and selecting the "Draft Details" tab. When the summary form is complete, transmit it electronically to the Bill Processing Room and insert a paper copy in the bill folder.

Sec. 803. 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, but omit how the thing is created, salaries of board members or how they are appointed, their authority to promulgate regulations, and the procedure for judicial review of decisions by the board. 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.

Sec. 804

Sec. 804. Format 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, reclassify (for cities), 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. 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. Each segment but the first begins with a lowercase letter.

Use Arabic numerals if possible. 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 “EFFECTIVE XXXXX XX, 2012” as your last segment. All such effective date and emergency segments should appear in all capital letters.

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

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

Do not say “first class cities” or “second class cities.” Say “cities of the first class,” “cities of the second class,” and so on.

Sec. 805. Summarizing Amendments to Existing Sections

Amendments to existing portions of the law are shown in bills by using underlined bold italics for new material and by bracketing and striking through deleted material. For example: “Possession of burglar’s tools is a Class ~~A~~*B* misdemeanor.” Some bills amend many sections, some only one or two. As a rule of thumb, if the bill amends more than six or seven 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 only three or four sections. Occasionally a bill will amend one or two 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.”

Sec. 806. 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.

Sec. 807. 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

Sec. 807

summarizing one of these, say “Propose to amend Section 84 of the Constitution...” rather than “Amend Section 84....”

Sec. 807A. Summarizing City Reclassification Bills

Bills proposing to reclassify one or more cities must be summarized to meet the requirements of KRS 81.034. That statute requires that the bill summary contain, for each city seeking reclassification in the bill, the estimated population data from the most recent decennial census and the constitutional population range for the classification requested.

Below are some examples of bill summaries for a variety of reclassification scenarios.

Reclassify Pikeville in Pike County with a population of 6,419 from a city of the third class to a city of the fourth class, which requires a population of 3,000 to 7,999.

Reclassify Guthrie in Todd County with a population of 1,457, Junction City in Boyle County with a population of 2,212, Greensburg in Green County with a population of 2,392, and Midway in Woodford County with a population of 4,627, all from cities of the fifth class to cities of the fourth class, which requires a population of 3,000 to 7,999.

Reclassify Wurtland in Greenup County with a population of 1,063 and Sadieville in Scott County with a population of 1,326 from cities of the sixth class to cities of the fifth class, which requires a population of 1,000 to 2,999; reclassify Midway in Woodford County with a population of 3,627 from a city of the fifth class to a city of the fourth class, which requires a population of 3,000 to 7,999.

Sec. 808. 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, 2011.”

When completing a summary for a resolution adjourning the House or Senate in honor or memory of a person, event, group, etc., use “Adjourn in honor of all bill drafters everywhere.” as an example. 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.

Sec. 809. Summarizing Companion Bills

To summarize a companion bill, state “Same as 2011 BR xxx” on the summary form.

Sec. 809A. 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. House Bill 622 from the 1996 Regular Session was summarized as follows:

Amend KRS 36.010 to create, within the Department of Military Affairs, the Office of State Programs consisting of three existing divisions: Division of Administrative Services, Division of Facilities Services, Division of Air Transport, and also consisting of the Bluegrass Station Division, which is created; confirm Executive Order 94-731.

Sec. 810. 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

Sec. 810

precisely as possible. Try to read the new summaries in each edition of the *Record* to keep current. (Perhaps you'll catch a few mistakes, too.)

Sec. 811. 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*. Appendix F of this manual contains the current list of index headings. An expanded version with cross-references between existing headings and from topics not having an index heading of their own is given in Appendix G.

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.

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 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" 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. Be certain that bills containing appropriations are indexed under "APPROPRIATIONS" as well as under the normal index topics and that bills that have an emergency clause or special effective date are indexed under "EFFECTIVE DATES, DELAYED" or "EFFECTIVE DATES, EMERGENCY" or "RETROACTIVE LEGISLATION," as well as under the normal index topics. For bills with emergency effective dates or appropriations, this gives notice to the public and to legislators that voting requirements for these bills are different from those for a normal bill.

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, Sally Sue Southern, confirmation

Resolutions and bills directing studies should be indexed under “STUDIES DIRECTED.”

Confirmation 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., “Department of Military Affairs, Executive Order 2011-731.” These bills may also be indexed under the specific subject area of the organizational unit or administrative body, e.g., under “MILITARY AFFAIRS” with the entry “Reorganization, Department of Military Affairs, Executive Order 2011-731.”

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. During the session, a good way to develop entries is to check those already existing in the *Legislative Record*.

Amendments

Sec. 812. The Amendment Summary Form

Amendment summaries are produced on a form designed especially for this purpose. Use LRC’s Bill Drafting System, version 1.0, to draft an amendment summary. The summary should be prepared as soon as possible after the amendment is filed.

Sec. 813

Sec. 813. 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.” You need not repeat the office or the compensation since your reference to the original accomplishes that. 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.

Sec. 814. 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 Sec. 822 of this manual. 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.

Sec. 815. Summarizing Title Amendments

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

Sec. 816. 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.”

Sec. 817. Summarizing Committee Substitutes

These are summarized usually as if they were original bills. Relate the substitute summary to the original summary if possible.

Sec. 818. 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, 2011.” The use of capital letters in these summaries is designed to make the emergency or special date provision stand out.

Sec. 819. Summarizing Same-as Amendments

Occasionally, identical amendments will be filed to the same bill. For your summary of these, say “Same as HFA (3)” or “SCA (1),” or whatever amendment is being repeated. On the index lines, say, “Same as (whichever bill and amendment).”

Sec. 820. 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.

Sec. 821. Indexing Title Amendments and Technical Corrections

For amendments changing titles or making technical corrections, simply list the bill number under the appropriate heading, “TECHNICAL CORRECTIONS” or “TITLE AMENDMENTS.” All that goes on the entry line on the form is the number of the bill being amended. Omit the amendment number.

Sec. 822

Sec. 822. 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

Sec. 901. 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.”

Sec. 902. Entry of Bills into LRC’s Computerized Bill Preparation System

The Legislative Research Commission computerized bill preparation system is contained in LRC’s Bill Drafting System, version 1.0. The system 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 Room staff.

In developing a bill draft, the drafter should ordinarily have the preliminary draft reviewed by Statute Revision staff and entered by the Bill Processing Room before circulating it to the sponsor. Modifications can be made through subsequent revisions if necessary. Rough drafts by the drafter should not be generated for circulation.

Drafts produced with the bill drafting system should be electronically submitted to the Bill Processing Room at the time the bill folder is submitted for review. On a draft prepared with the bill drafting system, the drafter should mark with a highlighter changes within statutes being amended; it is easy for an isolated change to be overlooked by the bill reviewer and bill processing staff. In drafts and revisions done by marking up photocopied or printed text, handwritten changes should not be made in black ink, but by using a pen with some other color of ink, so that the alterations can be readily identified. Drafters should write legibly, printing the text if their handwriting cannot be easily read.

Sec. 903

Sec. 903. Proofing Bills

Bill Processing Room staff simply copies over a draft prepared with the bill drafting system that is electronically submitted by the drafter and makes any changes required by statute revision's review. They then save the final draft with a new document identification number. That is the document used for the official version of the draft.

A drafter must carefully proof bill drafts generated by the LRC Bill Processing Room against the original copy of the bill draft submitted by the drafter and edited by the reviewer. On a marked-up copy, it is easy for a drafter's or reviewer'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.

When a draft generated by the Bill Processing Room is ready for proofing, the drafter receives a call from bill tracking staff. It is the personal responsibility of the assigned drafter to make sure that the draft produced by the Bill Processing Room 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 appropriate type of measure used?

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?

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 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?

Is the bill free from ambiguities and conflicts?

Is the style clear and understandable?

Has the draft been spellchecked and proofed?

Have changes to current law been highlighted?

Has the completed draft been electronically submitted to 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:

Appendix B

- (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.

(Be sure to check the number of the repealed statute for in-text references to the number you are repealing.)

NOTES: 1) In an amendment of an existing statute new material (which is underlined) comes before the old material that is being removed (which is ~~bracketed and struck through~~). 2) 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 the provisions of Section 2 of this Act shall be fined \$xxxx.

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:

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

Appendix B

- Appropriation Section 7. 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

antidiscrimination. NOT anti-discrimination (similarly other words beginning with “anti”)

a historical site, NOT an historical site

an habitual violator, NOT a habitual violator

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

by-product, NOT byproduct

Appendix C

bylaws, NOT by-laws

canceled, canceling, NOT cancelled, cancelling

cancellation, NOT cancelation

charter county government, NOT charter-county government

checkoff, NOT check-off

closely held (adj.), NOT closely-held

co-chair, co-chairman, NOT cochair, cochairman

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 (-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

fireman, SEE firefighter

first-class mail, NOT first class mail

for-profit corporation, NOT for profit corporation

fortune-telling, NOT fortunetelling

freestanding, NOT free standing NOR free-standing

full-time, NOT fulltime. Only as an adjective: I work full time. I'm a full-time student.

fundraising, NOT fund raising OR fund-raising

firsthand, NOT first-hand OR first hand

General Educational Development (GED) test, NOT GED test

guardrail, NOT guard rail

inpatient, NOT in-patient

insure, meaning “to indemnify”

installment, NOT instalment

interagency, NOT inter-agency

intra-agency, NOT intraagency

judgment, NOT judgement

labeling, NOT labelling

Appendix C

landowner, NOT land owner

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. Only as an adjective: I am a part-time student. I work
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)

pre-existing, NOT preexisting

preemptive, NOT pre-emptive

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

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

Appendix C

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

tax-exempt 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)

time frame, NOT timeframe

the urban-county, NOT the urban county

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.)

vice chairman, NOT vice-chairman

Vietnam, NOT Viet Nam

Wastewater, NOT waste water

waterskiing, NOT water skiing, water-skiing

well-being, NOT well being

willful(ly), NOT wilful(ly)

workers' compensation, NOT workmen's compensation

Numerical Expressions

Monetary Amounts

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

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

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

ten dollars (\$10), NOT (\$10.00)

Appendix C

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

Percentages

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

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

Times

12 noon, NOT 12:00 noon NOR 12:00 m.

12 midnight, NOT 12:00 midnight NOR 12:00 p.m.

4 p.m., NOT 4:00 p.m. or 4 o'clock p.m.

Appendix D

SENATE
KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2011 REGULAR SESSION

Amend printed copy of **HOUSE BILL 202/GA**

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.”

Amendment No. _____	Sen. <u>John James Solon</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>115129</u>

HOUSE OF REPRESENTATIVES
KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2011 REGULAR SESSION

Amend printed copy of **SENATE BILL 187/GA**

On page 4, after line 12, insert the following:

“Section 3. 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***”; and

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, line 22, delete “***subsection (2)***” and insert in lieu thereof “***subsection (4)***”.

Amendment No. _____
Committee Amendment _____
Floor Amendment _____
Adopted: _____
Rejected: _____

Rep. John James Solon
Signed: _____
LRC Drafter: LRC Staffer
Date: _____
Doc. ID: 115130

Appendix D

HOUSE OF REPRESENTATIVES
KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2011 REGULAR SESSION

Amend printed copy of **SENATE BILL 187/GA**

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 strikethroughs; and

On page 2, lines 7 and 8, delete the sentence "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.".

Amendment No. _____

Rep. John James Solon

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: LRC Staffer

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: 113081

HOUSE OF REPRESENTATIVES
KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2011 REGULAR SESSION

Amend printed copy of **HOUSE BILL 100/HCS**

On page 25, line 14, after "Section 10.", delete "This Act takes effect January 1, 2012.", and insert in lieu thereof "This Act takes effect July 1, 2012."

Amendment No. _____	Rep. <u>John James Solon</u>
Committee Amendment _____	Signed: _____
Floor Amendment _____	LRC Drafter: <u>LRC Staffer</u>
Adopted: _____	Date: _____
Rejected: _____	Doc. ID: <u>115132</u>

Appendix E

Examples of Use of Capitalization

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

This list is not intended to be all-inclusive. For cases not illustrated or covered by the rules, check with the Reviser's office.

-A-

...account (Do not capitalize names of accounts, except that the initial reference to an account is capitalized if enclosed in quotation marks.)

acquired immune deficiency syndrome BUT AIDS

Act of Congress

Act of Congress of May 26, 1959

the active militia

the adjutant general

administrative law judge

the Administrative Office of the Courts

the Administrative Register of Kentucky

administrative regulation

administrative hearing

AIDS, BUT acquired immune deficiency syndrome

AIDS-related complex

the Air National Guard

the American Red Cross

the Apprenticeship and Training Council

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 of Public Accounts, the Auditor (if referring to the Auditor of Public Accounts)

Appendix E

- B -

the bar, BUT the Kentucky Bar Association
the board
the Board of Claims
the board of elections, BUT the State Board of Elections

- C -

the Cabinet for Economic Development
the Cabinet for Families and Children
the Capital Plaza Authority
the Capital Projects and Bond Oversight Committee
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
the Citizen's Commission for Human Resources
Civil Rule 76
the Codes Administrators Association of Kentucky
the Commerce Cabinet
the Commission (but only when referring to the Legislative Research
Commission)
the Commission for Handicapped Children
the commissioner for health services
the commissioner for human support services
the commissioner for community based services
the Commissioner of Agriculture, the Commissioner (if referring to the
Commissioner of Agriculture)
the commissioner of the Department for Employment Services
the Commonwealth, the Commonwealth of Kentucky
the Commonwealth Credit Union
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 council
the Council for Health Services
the Council for Social Insurance
the Council for Social Services
the Council on Postsecondary Education
the county judge/executive, county judge/executives
the County Employees Retirement System
the County Officials Compensation Board
the court (when used by itself)
the Court of Appeals
the Crime Victims Compensation Board
Criminal Rule 6

- D -

the Deferred Compensation Systems
the Department for Administration
the Department for Environmental Protection
the Department for Health Services
the Department for Libraries and Archives
the Department for Local Government
the Department for Medicaid Services
the Department for Mental Health and Mental Retardation Services
the Department for Natural Resources
the Department for Public Advocacy
the Department for Surface Mining Reclamation and Enforcement
the Department of Administrative Services
the Department of Adult Correctional Institutions
the Department of Agriculture
the Department of Alcoholic Beverage Control
the Department of Business Development
the Department of Community Services and Facilities
the Department of Corrections
the Department of Criminal Justice Training
the Department of Education

Appendix E

the Department of Energy Production and Utilization
the Department of Energy Research and Development
the Department of Facilities Management
the Department of Financial Institutions
the Department of Fiscal Management
the Department of Fish and Wildlife Resources
the Department of Highways
the Department of Housing, Buildings and Construction
the Department of Information Systems
the Department of Insurance
the Department of Juvenile Justice
the Department of Kentucky State Police
the Department of Law
the Department of Military Affairs
the Department of Mines and Minerals
the Department of Parks
the Department of Processing and Enforcement
the Department of Professional and Support Services
the Department of Property Taxation
the Department of Revenue
the Department of Rural and Municipal Aid
the Department of State
the Department of the Arts
the Department of the Treasury
the Department of Travel and Tourism
the Department of Vehicle Regulation
the Department of Veterans' Affairs
the Department of Workers' Claims
the Department of Workforce Investment
the Department of Workplace Standards
the District Court
District Judge
the Division of Child Support
the Division of State Purchasing

- E -

eastern standard time
the Education and Workforce Development Cabinet
e-mail
the Energy and Environment Cabinet
the Environmental Quality Commission
the Executive Mansion
Executive Order 2011-762
extraordinary session BUT 2011 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 Finance and Administration Cabinet
the Financial Disclosure Review Commission
the fire protection district
the fiscal court
the Franklin Circuit Court
the Franklin Circuit Judge
the Franklin County judge/executive
the Franklin District Court
the Franklin County Fiscal Court
fund (The names of funds are not capitalized.)

- G -

the General Assembly
the general fund (except in a budget bill or budget memorandum)
the Governor-elect
the Governor of Kentucky, the Governor
the Governor's contingency fund
the Governor's Cabinet
the Governor's Council on Vocational Education
the Governor's Executive Cabinet

Appendix E

the Governor's General Cabinet
the Governor's Office for Policy and Management
the Governmental Services Center

- H -

the Historic Properties Advisory Commission
HIV infection, BUT human immunodeficiency virus
the Home Builders Association of Kentucky
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)
human immunodeficiency virus, BUT HIV infection

- I -

the Institute for Aging
the Institute for Children
Internet
Interstate 95

-J -

the Job Training Partnership Act of 1982
the Judicial Department
the Judicial Form Retirement System
the Judicial Retirement Plan
the Judicial Retirement System
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 Justice and Public Safety Cabinet
the Justices of the Kentucky Supreme Court

- K -

Kentucky Administrative Regulations Service
the Kentucky Association of General Contractors
Kentucky Authority for Educational Television
the Kentucky Bar Association
the Kentucky Board of Housing, Buildings and Construction
the Kentucky Board of Tax Appeals
the Kentucky Code of Military Justice
the Kentucky Commission on Human Rights
the Kentucky Commission on Women
the Kentucky Council on Agriculture
the Kentucky Economic Development Finance Authority
Kentucky Educational Television
the Kentucky Employees Retirement System
the Kentucky Firemen's Association
the Kentucky Harness Racing Commission
the Kentucky Health Care Cost Containment Advisory Committee
the Kentucky Higher Education Assistance Authority
the Kentucky Historical Society
the Kentucky Horse Park
the Kentucky Horse Park Commission
the Kentucky Horse Racing Commission
the Kentucky Housing Corporation
the Kentucky Industries for the Blind
the Kentucky Labor-Management Advisory Council
the Kentucky Law Enforcement Foundation Program fund
the Kentucky Local Correctional Facilities Construction Authority
the Kentucky Nature Preserves Commission
the Kentucky Occupational Safety and Health Review Commission
the Kentucky Open Records Act
the Kentucky Penal Code
the Kentucky School Facilities Construction Commission
the Kentucky Society of Architects
the Kentucky Society of Professional Engineers
the Kentucky State Fair Board
the Kentucky State Horse Park
the Kentucky State Police

Appendix E

the Kentucky State Racing Commission
Kentucky State University
the Kentucky Teachers' Retirement System
the Kentucky Turnpike Authority
KRS Chapter 56
Ky. Acts ch._____, sec. ____ (preceded by session year)

- L -

the Labor Cabinet
the Legislative Research Commission
the Legislators' Retirement Plan
the Legislature (when referring to the General Assembly of the Commonwealth
of Kentucky)
the Lexington-Fayette Urban-County Government
the library district
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 Occupational Safety and Health Standards Board
the Office for the Blind
the Office of Administration
the Office of Administrative Services
the Office of Aeronautics

the Office of Business and Technology
the Office of Communications and Community Affairs
the Office of Communications and Council Affairs
the Office of Corrections Training
the Office of Energy Policy and Evaluation
the Office of Equal Employment Opportunity Contract Compliance
the Office of General Counsel
the Office of Historic Properties
the Office of Inspector General
the Office of Labor-Management Relations
the Office of Legal and Legislative Services
the Office of Management Services
the Office of Minority Affairs
the Office of Personnel Management
the Office of Policy and Budget
the Office of Program Administration
the Office of Public Relations
the Office of Revenue Estimating and Economic Analysis
the Office of the Ombudsman
the Office of the Secretary
the Old Governor's Mansion
the Old State Capitol
the Old State Capitol Annex

- P -

the Parole Board
the Personnel Board
the Personnel Cabinet
plan (Ordinarily do not capitalize plans.) BUT the Judicial Retirement Plan, the
Legislators' Retirement Plan
President of the Senate
President of the United States, the President (if referring to the President of the
United States)
President Pro Tem of the Senate, the President Pro Tem
presidential preference primary
the Prevailing Wage Review Board
Program (Ordinarily capitalize programs when listing the full name.)

Appendix E

the Prosecutors Advisory Council
the Public Assistance Appeals Board
Public Law No. 112-300
Pub. L. No. 113-350
the Public Protection and Regulation Cabinet
the Public Service Commission

- Q -

- R -

the Railroad Commission
the Registry of Election Finance
regular session, BUT 2011 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 for families and children
the secretary of justice and public safety
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)
special session BUT 2011 Special Session (Capitalize if preceded or followed
by a specific year.)
the state, BUT the State of West Virginia
the State Air National Guard
the State Auditor
the State Board for Elementary and Secondary Education
the State Board of Elections
the state building code, BUT the Uniform State Building Code, the Kentucky
Building Code

the State Capitol, BUT the state capital
the State Department of Education
the State Fair
the State Fair Board
the State Investment Commission
the State Horse Park
the State Labor Relations Board
the State National Guard
the State Police
the State Police Personnel Board
the State Police Retirement System
the State Property and Buildings Commission
State Route 236
the State Treasurer
the State Treasury, the Treasury
the Supreme Court

- T -

the Teachers' Retirement System
the Tobacco Research Board
the Tourism, Arts and Heritage Cabinet
the Transportation Cabinet
the Treasurer (if referring to the Treasurer of the Commonwealth)

- U -

the Unemployment Insurance Commission
the Uniform Commercial Code
the United States Congress
the United States Geological Survey
the university
the University of Kentucky College of Law
the University of Louisville
the United States Department of Defense
United States Route 60
the urban-county government

Appendix E

- V -

Vice President of the United States

- W -

Web site
the Workers' Compensation Board

- X -

- Y -

- Z -

Appendix F
Index Headings for the Legislative Record

- 0060 ACCOUNTANTS
- 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
- 0120 ADVERTISING
- 0160 AERONAUTICS AND AVIATION
- 0200 AGED PERSONS AND AGING
- 0240 AGRICULTURE
- 0280 ALCOHOLIC BEVERAGES
- 0320 ALCOHOLISM
- 0360 AMUSEMENTS AND RECREATION
- 0380 ANIMALS, LIVESTOCK, AND POULTRY
- 0400 ANNEXATION
- 0440 APPROPRIATIONS
- 0480 ARBITRATION
- 0500 ARCHITECTS
- 0520 ARCHIVES AND RECORDS

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0540 AREA DEVELOPMENT DISTRICTS

0560 ARTS AND CRAFTS

0600 ASSOCIATIONS

0620 ATHLETICS

0640 ATTORNEY, COMMONWEALTH'S

0660 ATTORNEY, COUNTY

0680 ATTORNEY GENERAL

0720 ATTORNEYS

0760 AUCTIONEERS

0780 AUDITOR OF PUBLIC ACCOUNTS

0800 AUDITS AND AUDITORS

0820 BAIL AND PRETRIAL RELEASE

0830 BANKRUPTCY

0840 BANKS AND FINANCIAL INSTITUTIONS

0880 BARBERS AND COSMETOLOGISTS

0920 BLIND OR DEAF PERSONS

0960 BOATS AND BOATING

1040 BONDS OF SURETY

1060 BONDS, PUBLIC

- 1070 BOUNDARIES
- 1080 BUDGET AND FINANCIAL ADMINISTRATION
- 1100 CAMPAIGN FINANCE
- 1110 CAPITAL CONSTRUCTION
- 1120 CEMETERIES AND BURIALS
- 1160 CHAMBERS OF COMMERCE
- 1200 CHARITABLE ORGANIZATIONS AND INSTITUTIONS
- 1240 CHILDREN AND MINORS
- 1260 CIRCUIT CLERKS
- 1320 CITIES
- 1340 CITIES, CLASSIFICATION
- 1360 CITIES, FIRST CLASS
- 1400 CITIES, SECOND CLASS
- 1440 CITIES, THIRD CLASS
- 1480 CITIES, FOURTH - SIXTH CLASS
- 1500 CIVIL ACTIONS
- 1520 CIVIL PROCEDURE
- 1560 CIVIL RIGHTS
- 1600 CLAIMS

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1620	CLERGY
1640	COAL
1720	COLLECTIVE BARGAINING
1760	COMMENDATIONS AND RECOGNITIONS
1764	COMMERCE
1770	COMMITTEES
1800	COMMUNICATIONS
1820	CONFERENCE COMMITTEE REPORTS
1830	CONFIRMATION OF APPOINTMENTS
1840	CONFLICT OF INTEREST
1880	CONGRESSIONAL DISTRICTS
1890	CONSOLIDATED LOCAL GOVERNMENTS
1900	CONSTABLES
1920	CONSTITUTION, KENTUCKY
1930	CONSTITUTION, UNITED STATES
1960	CONSUMER AFFAIRS
2000	CONTRACTS
2080	COOPERATIVES
2120	CORONERS

- 2160 CORPORATIONS
- 2200 CORRECTIONS AND CORRECTIONAL FACILITIES, STATE
- 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.
- 2240 COUNTIES
- 2250 COUNTIES OF 75,000 OR MORE
- 2260 COUNTIES, URBAN
- 2280 COUNTIES WITH CITIES OF THE FIRST CLASS
- 2320 COUNTIES WITH CITIES OF THE SECOND CLASS
- 2360 COUNTIES WITH CITIES OF THE THIRD THROUGH
SIXTH CLASS
- 2380 COUNTY CLERKS
- 2390 COUNTY JUDGE/EXECUTIVES
- 2440 COURT OF APPEALS
- 2480 COURT REPORTERS
- 2500 COURT, SUPREME
- 2510 COURTS
- 2520 COURTS, CIRCUIT
- 2580 COURTS, DISTRICT

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2590	COURTS, FAMILY
2600	COURTS, FISCAL
2750	CRIME VICTIMS
2760	CRIMES AND PUNISHMENTS
2800	CRIMINAL PROCEDURE
2840	DAIRYING AND MILK MARKETING
2880	DATA PROCESSING
2940	DEATHS
2945	DEEDS AND CONVEYANCES
2950	DISABILITIES AND THE DISABLED
2960	DISASTERS
2980	DISEASES
3000	DISTILLED SPIRITS
3040	DOGS
3080	DOMESTIC RELATIONS
3120	DRUGS AND MEDICINES
3160	ECONOMIC DEVELOPMENT
3200	EDUCATION, ELEMENTARY AND SECONDARY
3240	EDUCATION, FINANCE

3280 EDUCATION, HIGHER

3320 EDUCATION, VOCATIONAL

3340 EFFECTIVE DATES, DELAYED

3342 EFFECTIVE DATES, EMERGENCY

3360 ELECTIONS AND VOTING

3400 ELECTRICIANS

3420 EMBALMERS AND FUNERAL DIRECTORS

3430 EMERGENCY MEDICAL SERVICES

3520 EMINENT DOMAIN AND CONDEMNATION

3540 ENERGY

3560 ENGINEERS AND SURVEYORS

3600 ENVIRONMENT AND CONSERVATION

3620 ESCHEATS

3630 ETHICS

3660 EXPLOSIVES

3680 FAIRS

3700 FEDERAL LAWS AND REGULATIONS

3720 FEES

3760 FIDUCIARIES

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3800 FINANCIAL RESPONSIBILITY

3810 FIRE PREVENTION

3820 FIREARMS AND WEAPONS

3840 FIREFIGHTERS AND FIRE DEPARTMENTS

3900 FIREWORKS

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

3960 FLOOD CONTROL AND FLOODING

4000 FOODS

4040 FORESTS AND FORESTRY

4060 FUEL

4080 GAMBLING

4120 GARNISHMENT

4160 GENERAL ASSEMBLY

4240 GOVERNOR

4260 GRAIN

4300 GUARDIANS

4310 HAZARDOUS MATERIALS

4360 HEALTH AND MEDICAL SERVICES

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.

4400 HIGHWAYS, STREETS, AND BRIDGES

4440 HISTORICAL AFFAIRS

4480 HOLIDAYS

4490 HOMELAND SECURITY

4500 HOME RULE

4520 HOSPITALS AND NURSING HOMES

4560 HOTELS AND MOTELS

4600 HOUSING, BUILDING, AND CONSTRUCTION

4620 IMMIGRATION

4640 INFORMATION TECHNOLOGY

4660 INSPECTIONS

4680 INSURANCE

4685 INSURANCE, HEALTH

4690 INSURANCE, MOTOR VEHICLE

4720 INTEREST AND USURY

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- 4760 INTERLOCAL COOPERATION
- 4780 INTERNATIONAL TRADE AND RELATIONS
- 4800 INTERSTATE COOPERATION
- 4840 JAILS AND JAILERS
- 4880 JUDGES AND COURT COMMISSIONERS
- 4910 JUDICIAL CIRCUITS
- 4920 JUDICIAL DISTRICTS
- 4960 JUNKYARDS
- 5000 JURIES AND JURORS
- 5040 JUSTICES OF THE PEACE AND MAGISTRATES
- 5080 LABOR AND INDUSTRY
- 5100 LAND USE
- 5120 LANDLORD AND TENANT
- 5240 LEGISLATIVE RESEARCH COMMISSION
- 5280 LIBRARIES
- 5320 LICENSING
- 5360 LIENS
- 5400 LIEUTENANT GOVERNOR
- 5480 LOANS AND CREDIT

5500 LOCAL GOVERNMENT

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.

5516 LOTTERY

5520 MALT BEVERAGES

5540 MEDICAID

5560 MEMORIALS

5580 MEN

5590 MENTAL DISABILITY

5600 MENTAL HEALTH

5640 MILITARY AFFAIRS AND CIVIL DEFENSE

5680 MINERALS AND MINING

5720 MOTOR CARRIERS

5760 MOTOR VEHICLES

5800 NEGOTIABLE INSTRUMENTS

5840 NEWS MEDIA

5880 NOISE CONTROL

5920 NOTARIES

5960 NOTICES

Appendix F

5980	NUCLEAR ENERGY
6000	NUISANCES
6010	NURSES
6040	OBSCENITY AND PORNOGRAPHY
6060	OCCUPATIONAL SAFETY AND HEALTH
6080	OCCUPATIONS AND PROFESSIONS
6120	OIL AND NATURAL GAS
6160	OPTOMETRISTS
6180	PARENTAL RIGHTS
6200	PARKS AND SHRINES
6240	PARTNERSHIPS
6300	PEACE OFFICERS AND LAW ENFORCEMENT
6320	PERSONNEL AND EMPLOYMENT
6350	PHARMACISTS
6440	PHYSICIANS AND PRACTITIONERS
6460	PIGGYBACKED BILLS
6480	PLANNING AND ZONING
6520	PLUMBERS AND PLUMBING
6560	POLICE, CITY AND COUNTY

6600 POLICE, STATE

6640 POLLUTION

6650 POPULAR NAMES AND SHORT TITLES

6660 POVERTY

6700 PROBATION AND PAROLE

6720 PROPERTY

6770 PROPERTY VALUATION ADMINISTRATORS

6780 PROSECUTORS

6790 PUBLIC ADVOCATE

6800 PUBLIC ASSISTANCE

6820 PUBLIC AUTHORITIES

6840 PUBLIC BUILDINGS AND GROUNDS

6900 PUBLIC ETHICS

6910 PUBLIC HEALTH

6915 PUBLIC MEDICAL ASSISTANCE

6920 PUBLIC OFFICERS AND EMPLOYEES

6960 PUBLIC RECORDS AND REPORTS

6990 PUBLIC SAFETY

7000 PUBLIC SALARIES

Appendix F

7040	PUBLIC UTILITIES
7080	PUBLIC WORKS
7100	PUBLICATIONS
7120	PURCHASING
7160	RACE RELATIONS
7200	RACING
7240	RAILROADS
7280	REAL ESTATE
7320	REDISTRICTING
7350	RELIGION
7370	REORGANIZATION
7375	REPRODUCTIVE ISSUES
7380	RESEARCH AND METHODS
7400	RETIREMENT AND PENSIONS
7440	RETROACTIVE LEGISLATION
7480	SAFETY
7520	SALES
7600	SCIENCE AND TECHNOLOGY
7640	SECRETARY OF STATE

7680 SECURITIES

7720 SEWER SYSTEMS

7760 SHERIFFS

7770 SMALL BUSINESS

7780 SPACE AND OFFICES

7800 SPECIAL DISTRICTS

7840 STATE AGENCIES

7850 STATE EMPLOYEES

7880 STATE SYMBOLS AND EMBLEMS

7920 STATUTES

8010 STUDIES DIRECTED

8020 SUBSTANCE ABUSE

8040 SUNDAY CLOSING

8060 SURFACE MINING

8080 TAXATION

8085 TAXATION, INCOME - CORPORATE

8090 TAXATION, INCOME - INDIVIDUAL

8095 TAXATION, INHERITANCE AND ESTATE

8100 TAXATION, PROPERTY

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8105	TAXATION, SALES AND USE
8110	TAXATION, SEVERANCE
8120	TEACHERS
8140	TECHNICAL CORRECTIONS
8150	TELEVISION AND RADIO
8160	TEXTBOOKS
8200	TIME
8220	TITLE AMENDMENTS
8240	TOBACCO
8280	TOURISM
8320	TRADE PRACTICES AND RETAILING
8360	TRAFFIC SAFETY
8440	TRANSPORTATION
8460	TREASURER
8520	UNEMPLOYMENT COMPENSATION
8530	UNIFIED LOCAL GOVERNMENTS
8560	UNIFORM LAWS
8600	UNITED STATES
8640	UNIVERSITIES AND COLLEGES

- 8660 URBAN RENEWAL
- 8680 VETERANS' AFFAIRS
- 8720 VETERINARIANS
- 8750 VETOED LEGISLATION
NOTE: Drafters should not assign this heading themselves.
- 8800 WAGES AND HOURS
- 8840 WASTE MANAGEMENT
- 8860 WATER SUPPLY
- 8880 WATERWAYS AND DAMS
- 8960 WEIGHTS AND MEASURES
- 9040 WILLS, TRUSTS, AND ESTATES
- 9080 WITHDRAWN LEGISLATION
- 9120 WITNESSES
- 9160 WOMEN
- 9200 WORKERS' COMPENSATION

Appendix G
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

0160 AERONAUTICS AND AVIATION

“AIDS.” *See* DISEASES

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

Appendix G

- 0280 ALCOHOLIC BEVERAGES
See also ALCOHOLISM; DISTILLED SPIRITS; MALT BEVERAGES
- 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
- 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
- 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
- 0820 BAIL AND PRETRIAL RELEASE
- 0830 BANKRUPTCY

Appendix G

- 0840 BANKS AND FINANCIAL INSTITUTIONS
See also BONDS OF SURETY; BONDS, PUBLIC; INTEREST AND USURY; LOANS AND CREDIT; NEGOTIABLE INSTRUMENTS; SECURITIES
- Bargaining, collective. *See* COLLECTIVE BARGAINING
- 0880 BARBERS AND COSMETOLOGISTS
- 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
- 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

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

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

Appendix G

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.

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, SECOND CLASS

1440 CITIES, THIRD CLASS

1480 CITIES, FOURTH - SIXTH CLASS

City police. *See* POLICE, CITY AND COUNTY

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

Coin-operated devices. See TRADE PRACTICES AND RETAILING

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

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Commercial Paper. *See* NEGOTIABLE INSTRUMENTS

1770 COMMITTEES

See also CONFERENCE COMMITTEE REPORTS

Common names. *See* POPULAR NAMES AND SHORT TITLES

Commonwealth's attorney. *See* ATTORNEY, COMMONWEALTH'S

1800 COMMUNICATIONS

See also NEWS MEDIA; NOTICES; PUBLIC UTILITIES; TELEVISION AND RADIO

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

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

Cosmetologists. *See* BARBERS AND COSMETOLOGISTS

County attorney. *See* ATTORNEY, COUNTY
- 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.
- 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

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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

2250 COUNTIES OF 75,000 OR MORE

2260 COUNTIES, URBAN

2280 COUNTIES WITH CITIES OF THE FIRST CLASS

2320 COUNTIES WITH CITIES OF THE SECOND CLASS

2360 COUNTIES WITH CITIES OF THE THIRD THROUGH SIXTH CLASS

2380 COUNTY CLERKS

See also FEES; PUBLIC RECORDS AND REPORTS

2390 COUNTY JUDGE/EXECUTIVES

See also COURTS, FISCAL

County police. *See* POLICE, CITY AND COUNTY

Court clerks. *See* CIRCUIT CLERKS; COUNTY CLERKS

Court commissioners. *See* JUDGES AND COURT COMMISSIONERS

2440 COURT OF APPEALS

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
- 2600 COURTS, FISCAL
See also COUNTY JUDGES/EXECUTIVE; JUSTICES OF THE PEACE AND MAGISTRATES
- Crafts. *See* ARTS AND CRAFTS
- 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

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- 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
- 2940 DEATHS
See also CEMETERIES AND BURIALS; CORONERS; EM-
BALMERS AND FUNERAL DIRECTORS
- 2945 DEEDS AND CONVEYANCES
See also PROPERTY; REAL ESTATE
- Defender, public. *See* PUBLIC ADVOCATE
- Delayed effective dates. *See* EFFECTIVE DATES, DELAYED
- 2950 DISABILITIES AND THE DISABLED
See also BLIND OR DEAF PERSONS; CIVIL RIGHTS; PUBLIC
MEDICAL ASSISTANCE
- 2960 DISASTERS
See also EMERGENCY MEDICAL SERVICES; FLOOD CON-
TROL 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
- 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

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- 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
- 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 AD-
MINISTRATION

Financial institutions. *See* BANKS AND FINANCIAL INSTI-
TUTIONS

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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 AND 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
- 4260 GRAIN
- 4300 GUARDIANS
See also FIDUCIARIES
- Handicapped. *See* DISABILITIES AND THE DISABLED
- 4310 HAZARDOUS MATERIALS

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- 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
- 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

Income tax. *See* TAXATION, INCOME CORPORATE; TAXATION, INCOME INDIVIDUAL

Industry. *See* LABOR AND INDUSTRY

Inheritance tax. *See* TAXATION, INHERITANCE AND ESTATE

4620 IMMIGRATION

4640 INFORMATION TECHNOLOGY

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

4800 INTERSTATE COOPERATION

4840 JAILS AND JAILERS

See also CORRECTIONS AND CORRECTIONAL FACILITIES, STATE

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- 4880 JUDGES AND COURT COMMISSIONERS
See also COUNTY JUDGES/EXECUTIVE; COURTS;
COURTS, FISCAL; COURT, SUPREME; JUDICIAL CIR-
CUITS; 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 DIS-
TRICTS
- 5040 JUSTICES OF THE PEACE AND MAGISTRATES
See also COURTS, FISCAL; JUDGES AND COURT COM-
MISSIONERS; JUDICIAL CIRCUITS; JUDICIAL DISTRICTS
- Kentucky Constitution. *See* CONSTITUTION, KENTUCKY
- 5080 LABOR AND INDUSTRY
See also ARBITRATION; COLLECTIVE BARGAINING; OCCU-
PATIONAL 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

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, SECOND CLASS; CITIES, THIRD CLASS; CITIES, FOURTH-SIXTH CLASS; COUNTIES; COUNTIES OF 75,000 OR MORE; COUNTIES, URBAN; COUNTIES WITH CITIES OF THE FIRST CLASS; COUNTIES WITH CITIES OF THE SECOND CLASS; COUNTIES WITH CITIES OF THE THIRD THROUGH SIXTH CLASS; INTERLOCAL COOPERATION; LOCAL GOVERNMENTS, CONSOLIDATED; SPECIAL DISTRICTS

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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

Medicaid. *See* PUBLIC MEDICAL ASSISTANCE

Medical services. *See* HEALTH AND MEDICAL SERVICES

Medicare. *See* PUBLIC MEDICAL ASSISTANCE

Medicines. *See* DRUGS AND MEDICINES

5540 MEDICAID

See also PUBLIC MEDICAL ASSISTANCE

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 DRUGS AND MEDICINE; HOSPITALS AND NURSING HOMES; PUBLIC HEALTH

Merit system. *See* STATE EMPLOYEES

5640 MILITARY AFFAIRS AND CIVIL DEFENSE

See also VETERANS' AFFAIRS

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

The needy. *See* POVERTY

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- 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

6160 OPTOMETRISTS

See also HEALTH AND MEDICAL SERVICES; HOSPITALS AND 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

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- 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 CON-
STRUCTION; JUNKYARDS; LAND USE; REAL ESTATE;
URBAN RENEWAL
- 6520 PLUMBERS AND PLUMBING
See also HOUSING, BUILDING, AND CONSTRUCTION; IN-
SPECTIONS; 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
- 6650 POPULAR NAMES AND SHORT TITLES
See also UNIFORM LAWS
- 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

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- 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
- Public bonds. *See* BONDS, PUBLIC
- 6820 PUBLIC AUTHORITIES
- 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 POVERTY; PUBLIC ASSISTANCE
- 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

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

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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; LANDLORD AND TENANT; LAND USE; LIENS; PUBLIC RECORDS AND REPORTS; TAXATION, PROPERTY

7320 REDISTRICTING

See also CONGRESSIONAL DISTRICTS

Recording devices. *See* CRIMES AND PUNISHMENTS; PUBLIC UTILITIES

Recreation. *See* AMUSEMENTS AND RECREATION

7350 RELIGION

See also CHARITABLE ORGANIZATIONS AND INSTITUTIONS; CLERGY; SUNDAY CLOSING

7370 REORGANIZATION

See also STATE AGENCIES

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 RETAIL-
ING

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; NO-
TARIES

7680 SECURITIES

Senior citizens. *See* AGED PERSONS AND AGING

Severance tax. *See* TAXATION, SEVERANCE

7720 SEWER SYSTEMS

See also SPECIAL DISTRICTS; WASTE MANAGEMENT

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- 7760 SHERIFFS
See also FEES; PEACE OFFICERS AND LAW ENFORCEMENT;
PUBLIC OFFICERS AND EMPLOYEES
- Short titles. *See* POPULAR NAMES AND SHORT TITLES
- 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
- 7840 STATE AGENCIES
See also ADMINISTRATIVE REGULATIONS AND PROCEED-
INGS; APPROPRIATIONS; BUDGET AND FINANCIAL AD-
MINISTRATION; PURCHASING; REORGANIZATION; STATE
EMPLOYEES; STUDIES DIRECTED
- State correctional facilities. *See* CORRECTIONS AND CORREC-
TIONAL 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

8060 SURFACE MINING

See also COAL; MINERALS AND MINING; OIL AND NATURAL GAS; TAXATION, SEVERANCE

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8080 TAXATION

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Sample Memorandum Concerning
Potential Constitutional Issue

MEMORANDUM

TO: Representative or Senator

FROM: Drafter

DATE: Today

RE: XX RS BR XX

You had 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

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