THE LEGISLATIVE RESEARCH COMMISSION AND THE LEGISLATIVE PROCESS

An Introduction to the Legislative Branch of the Commonwealth.

BEFORE WE START:

- Joshua Collins
  - Legislative Analyst, Education Committee
- Written materials include:
  - The PowerPoint; and
  - A document with links to citations, sources, and additional materials.

I WILL BE ABLE TO:

- Differentiate between LRC the statutory entity and the agency.
- Explain the role the agency plays and identify several services it provides.
- Identify different types and purposes of committees and access committee information.
- Explain different forms of legislation.
- Read statutory changes in a bill.
- Explain how to follow the legislative process.
- Navigate online resources provided by the LRC.

OVERVIEW

The Legislative Research Commission

THE LEGISLATIVE RESEARCH COMMISSION

- Established in 1948 as the agency to serve the General Assembly.
- "LRC" can refer to two possible entities:
  - ***Statutory commission*** established in KRS 7.090:
    - Governs the agency;
    - Composed of the leadership of both chambers; and
    - Co-Chaired by the President of the Senate and the Speaker of the House of Representatives; or
  - The ***agency***:
    - A director selected by the statutory commission; and
    - Non-partisan and partisan support staff for the General Assembly.

LRC: THE AGENCY

- Mostly detailed in ***KRS Chapter 7***.
- Duties include:
  - Maintaining a library;
  - Collect, summarize, and index information, including bills;
  - Assist the General Assembly through oversight committees;
  - Establish task forces, committees, subcommittees, or other entities to study or review issues;
  - Assist in preparing bills, resolutions, and amendments;

LRC: THE AGENCY

- Duties (cont.):
  - Prepare and publish a daily index and digest of legislative action;
  - Collect and distribute reports to members of the General Assembly;
  - Certain subpoena powers; and
  - Conduct, while the General Assembly is not in session, any and all business of the legislative department of government, except for the passage of legislation, which could be conducted by the legislative department of government or the General Assembly if the General Assembly were in session.

LRC: THE AGENCY

- ***Legislative Research Com'n v. Brown, 664 S.W.2d 907 (Ky. 1984)***:
  - Focused on the power of the LRC to act in the stead of the General Assembly while it is adjourned;
  - 1982 law had required administrative regulations be submitted and *accepted* by the LRC while not in session;
  - Appointments, reorganization, and some other executive branch activities;

LRC: THE AGENCY

- ***Legislative Research Com'n v. Brown (cont.)***:
  - "…the Kentucky General Assembly is not one of continuous session and . . . cannot legislate after it has adjourned ***sine die***";
  - "…the General Assembly may not delegate its authority to legislate"; and
  - "…LRC is totally an agent of the General Assembly and may aid and assist that branch of government. As we have also said, the LRC cannot do anything the General Assembly cannot do".

LRC: THE ORGANIZATION

- Switchboard and Message Center
- Print Shop
- Public Information
- Computing and Information Technology
- Inventory and Maintenance
- Facilities

LRC: THE ORGANIZATION

- ***Legislative Record*** - Compiles an up-to-date summary of all the legislative action during a session and publishes it in the *Legislative Record* each legislative day and at the conclusion of the legislative session.
- ***Budget Review*** – Assists in the development and oversight of the state's budgets and finances.
- ***Reviser of Statutes*** – During session, reviews bill drafts and amendments to ensure drafting standards. After session, compiles legislation becoming law into the Kentucky Revised Statutes.

LRC: PEGGY KING LEGISLATIVE REFERENCE LIBRARY

- Legislative Newspapers:
  - Interim Legislative Record - 1974 to date.
  - Final Legislative, Final Executive, and Final Action ***Legislative Record*** issues from 1950.
- Legislation:
  - KY Acts - 1820 to date.
  - ***House Journals*** - 1944 to date.
  - ***Senate Journals*** - 1944 to date.

LRC: PEGGY KING LEGISLATIVE REFERENCE LIBRARY (CONT.)

- Other reference materials:
  - Committee Minutes & Folders - last 4 years, then stored at State Archives.
  - Committee Meeting Tapes (Audio) - Interim Meeting Tapes kept 8 years, then destroyed; Session Meeting Tapes kept 4 years, then stored at State Archives.
  - Videotapes of General Assembly Sessions - 1992 to date.
  - General reference materials.

LRC: COMMITTEES

- Standing
- Interim Joint
- Statutory
- Special

LRC: ***STANDING COMMITTEES***

- Committees of the General Assembly when in session.
- Established by the Rules of the House or Senate and provided a jurisdiction.
- Membership established by the Committee on Committees of each chamber with a Chair and Vice-Chair.
- Hear and vote on legislation.
- Review administrative regulations.
- Hear testimony.

LRC: ***STANDING COMMITTEES***

HOUSE RULE 38

- Agriculture
- Appropriations and Revenue
- Banking and Insurance
- Economic Development & Workforce Investment
- Education
- Elections, Const. Amendments & Intergovernmental Affairs
- Families and Children
- Health Services
- Judiciary
- Licensing, Occupations, & Administrative Regulations
- Local Government
- Natural Resources & Energy
- Small Business & Information Technology
- State Government
- Tourism & Outdoor Recreation
- Transportation
- Veterans, Military Affairs, & Public Protection

LRC: ***STANDING COMMITTEES***

Senate Rule 38

- Agriculture
- Appropriations and Revenue
- Banking and Insurance
- Economic Development, Tourism, & Labor
- Education
- Families and Children
- Health Services
- Judiciary
- Licensing & Occupations
- Local Government
- Natural Resources & Energy
- State & Local Government
- Transportation
- Veterans, Military Affairs, & Public Protection

LRC: ***INTERIM JOINT COMMITTEES***

- Subcommittees of the Commission that combines membership of Senate and House standing committees (KRS 7.103).
- Has a Co-Chair from each chamber.
- Meet during the interim that begins on June 1 and continues through December 1 of each year.
- Hear testimony on issues which may include proposed legislation.
- Review administrative regulations.

LRC: ***STATUTORY COMMITTEES***

- Established as a subcommittee of the LRC.
- Membership, powers, and duties are established by statute with membership from both House and Senate.

LRC: ***STATUTORY COMMITTEES***

- Administrative Regulation Review Subcommittee
- Capital Planning Advisory Board
- Capital Projects and Bond Oversight
- Commission on Race and Access to Opportunity
- Consensus Forecasting Group
- Education Assessment & Accountability Review Subcommittee
- Government Contracts Review Committee
- Investments in IT Improvement & Modernization Projects Oversight Board
- Juvenile Justice Oversight Council
- Legislative Oversight & Investigations Committee
- Public Pension Oversight Board
- Tobacco Settlement Agreement Fund Oversight Committee

LRC: STATUTORY COMMITTEES

- ***Administrative Regulation Review Subcommittee (ARRS)***
  - Review and comment upon administrative regulations submitted to it;
  - Make nonbinding determinations concerning statutory authority;
  - Recommend the amendment, repeal, or enactment of statutes relating to administrative regulations; and
  - Amend with agency agreement, defer with agency agreement, or vote to find deficient 13A.320; 13A.300; 13A.030
  - Regs are then referred to the appropriate ***Standing*** or ***Interim Joint Committee*** for a second review.

LRC: STATUTORY COMMITTEES

- ***Government Contract Review Committee***
  - Review of all nonexempt memoranda of agreement by and between state agencies and of all nonexempt personal service contracts by state agencies and by off-budget agencies.
  - Examine the stated need for the service, whether the service could or should be performed by state personnel, the amount and duration of the contract or agreement, and the appropriateness of any exchange of resources or responsibilities.

LRC: ***SPECIAL COMMITTEES***

- KRS 7.100 authorizes LRC to establish task forces, committees, and subcommittees to study and review issues or subjects.
- Priority shall be given to those subjects requested by the General Assembly, but the Commission has authority to grant or deny the request to create an entity or assign the topic to an existing committee.

- Certificate of Need
- Jail and Corrections Reform
- KY Health and Human Services Delivery System
- Lottery Trust Fund
- Multimodal Freight Transportation System Improvement
- Local Government Annexation
- School and Campus Security

LRC: COMMITTEES

- ***Accessing committee information***:
  - GO TO Legislature.ky.gov
  - HOVER OVER “Committees”
  - CLICK ON the type of committee desired
  - CLICK ON the committee desired
- Membership, legislative calendar, meeting materials, and minutes

LRC: COMMITTEES

- Demonstration
- GO TO https://legislature.ky.gov/Pages/index.aspx

LRC: COMMITTEES

- Nonpartisan staff – Selected by the LRC to serve the committee as a whole
  - Committee Staff Administrator
  - Analyst
  - Assistant
- Partisan staff – Selected by chamber leadership to serve their members and assigned

LRC: COMMITTEE STAFF

- Nonpartisan staff duties include to:
  - Help prepare and operate committee meetings;
  - Assist in drafting legislation;
  - Provide impartial information on the subject matter such as various options or pros and cons of an issue;
  - Collect information in response to a legislator's questions; and
  - Respond to constituent questions.
- Nonpartisan committee staff ***do not provide legal opinions or legal services*** but can help refer statutes, regulations, publications, or executive branch agencies that may assist.

MORE THAN A SONG

The Legislative Process

HOW DOES A BILL BECOME A LAW?

- 1. A legislator submits a ***Bill Request*** as the sponsor:
  - Assigned a ***BR Number***;
  - Based on the subject of the request, assigned to a committee and a specific staff member to serve as drafter;
  - A bill request is *strictly confidential* and may only be shared upon the sponsor's direction;

HOW DOES A BILL BECOME A LAW?

Bill Request (cont.): What type of request is it?

- ***Resolution:***
  - Affairs of one house only and requires action only by the legislative chamber concerned; and
  - Chamber rules, express a sentiment of one chamber, Senate confirmation;
- ***Concurrent Resolution:***
  - Principles and opinions of the legislature;
  - Concurrent resolutions are without force and effect of law outside the confines of the General Assembly; and
  - Authorize joint sessions or committees, direct the conduct of an LRC investigation or study;

HOW DOES A BILL BECOME A LAW?

Bill Request (cont.): What type of request is it?

- ***Joint Resolution*:***
  - 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; and
  - Direct a state officer or agency to take a specific action; direct an executive agency to conduct a study; refer a matter to the people for referendum; and

HOW DOES A BILL BECOME A LAW?

Bill Request (cont.): What type of request is it?

- ***Bill*:***
  - Create, amend, or repeal statutes (codified language); and
  - Can include any of the previous types (noncodified language).
- *Both a bill or a joint resolution may contain an appropriation as noncodified language.

HOW DOES A BILL BECOME A LAW?

- 2. A bill draft is created:
  - ***Title***
    - *Ky. Const. Sec. 51*: "No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title …"
    - *Secs. 36 and 46*: Appropriations require higher number of votes. "and making an appropriation therefor" gives notice that this may be required.
    - *Sec. 55*: All legislation other than appropriations take effect 90 days after the close of session. May go into effect sooner if an emergency is declared and the reasoning is provided. The title must include "and declaring an emergency".

HOW DOES A BILL BECOME A LAW?

- Common draft outline:
  - ***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 (listed by number)
    - 4. Appropriations (not to be codified)
    - 5. Temporary provisions and construction clauses (not to be codified)
    - 6. Not-to-be codified ***short title*** (if necessary)
    - 7. ***Emergency clause*** or special effective date (not to be codified)

HOW DOES A BILL BECOME A LAW?

- Sample draft.
- GO TO ??????

HOW DOES A BILL BECOME A LAW?

- Drafting statutory changes:
  - Sec. 51: No 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; and
  - Drafting changes are made by:
    - ~~[Strikethrough and bracket to remove language]; and~~
    - ***<u>Underlined bold italics for new language; and</u>***
    - Old language is unchanged.

HOW DOES A BILL BECOME A LAW?

- 3. Sponsor approves a finalized draft.
- 4. Summary and indexing drafted for finalized draft.
- 5. Bill draft, summary, and index sent to ***Statute Revision*** to be proofed.
- 6. Finalized bill draft "***Jacketed***" and ready for filing.
- 7. Sponsor files bill and is given a House Bill or Senate Bill number.
  - BR 270 → ***HB*** 502;
  - BR 859 → ***SB*** 606; or
  - BR 007 → ***HR*** 1 or ***SR*** 2; ***HCR*** 3 or ***SCR*** 4; ***HJR*** 5 or ***SJR*** 6.

HOW DOES A BILL BECOME A LAW?

- 8. Bill is sent to ***Committee on Committees*** for referral to a standing committee
- 9. Once in possession of a ***standing committee***, the bill is placed on the agenda for a hearing

HOW DOES A BILL BECOME A LAW?

- 10. Committee:
  - Considers bill:
    - As-is, without changes; or
    - Amendments - require a motion, a second, and more ayes than nays to adopt through a:
      - ***Committee Substitute*** – the bill is replaced at length with changes included; or
      - ***Committee Amendment*** – directions for specific changes to be made to the bill; and
  - Reports bill by:
    - A motion and a second to report favorably: and
    - A constitutional majority to pass.

HOW DOES A BILL BECOME A LAW?

- 10. Committee (Cont.): Amendment terminology:
  - ***Proposed House Sub***. → ADOPTED → ***House Committee Sub.***
    - PHS 1 → HCS 1;
  - ***Proposed Senate Sub.*** → ADOPTED → ***Senate Committee Sub.***
    - PSS1 → SCS 1;
  - ***House/Senate Committee Amendment*** (HCA 1/ SCA 1);
  - ***Title Amendment***:
    - If an amendment causes the need of a change to the title, a title amendment will be adopted after the vote.

HOW DOES A BILL BECOME A LAW?

- 11. Bill is reported from committee, given its first reading, and placed on the ***Calendar*** for a second reading.
- 12. Bill is given its second reading and sent to the ***Rules Committee***.
- 13. Rules Committee places the bill on ***Orders of the Day*** for consideration or refers the bill back to another committee.

HOW DOES A BILL BECOME A LAW?

- 14. The bill is taken from the Orders of the Day and considered, may include committee subs/amendments or floor amendments.
  - ***House/Senate Floor Amendment*** (HFA 1/ SFA 1)
- 15. Passed out of the chamber and sent to the other chamber.

HOW DOES A BILL BECOME A LAW?

What vote is required?

- ***Standard bills or resolutions***, other than appropriations – Sec. 46 – Two-fifths of the members elected and a majority of the members voting:

  House: 40 and a majority of those voting;
  Senate: 16 and a majority of those voting;

- ***Appropriations, even-numbered year*** – Sec. 46 – A majority of all the members elected:

  House: 51 Senate: 20

- ***Appropriations, odd-numbered year*** – Sec. 36 – Three-fifths of all members elected:

  House: 60 Senate: 23

- ***Emergency clause*** – Sec. 55 – A majority of all the members elected:

  House: 51 Senate: 20

HOW DOES A BILL BECOME A LAW?

- 15. Passed out originating chamber (cont.):
  - New designations:
    - HB 606 → HB 606***/GA***
    - SB 502 → SB 502***/GA*.**
- 16. Transferred to second chamber for consideration.
- 17. Passed out of second chamber:
  - If unchanged, then HB 606/GA or SB 502/GA is delivered to the Governor; or

HOW DOES A BILL BECOME A LAW?

- 17. Passed out of second chamber (cont.):
  - If there are changes, then the originating chamber considers ***concurrence*** or ***nonconcurrence*** to the second chamber's changes:
    - Nonconcurrence → Ask second chamber to ***recede*** from amendments:
      - If second chamber refuses to recede from amendments → Rule 44:
        - ***Conference Committee*** – restricted to matter or matters in controversy; and
        - ***Free Conference Committee*** – propose an amendment to the bill at issue; or
    - Concurrence → Delivered to Governor.

HOW DOES A BILL BECOME A LAW?

- 17. Passed out of second chamber (cont.):
  - If the version that passes is different from the GA version, then it becomes ***engrossed***:
    - HB 606/GA → HB 606/***EN***
    - SB 502/GA → SB 502/***EN***.

HOW DOES A BILL BECOME A LAW?

- 18. Sent to the Governor:
  - Sec. 88: If governor signs the bill or does not veto within 10 days "(Sundays excepted)" the bill becomes law.
  - This is the cause for the ***Veto Recess*** during legislative session.
- 19. ***Veto Override***:
  - If vetoed, the Governor sends a message to the House and Senate. They may override the veto by a constitutional majority vote of both chambers. The bill is then sent to the Secretary of State and becomes law.

HOW DOES A BILL BECOME A LAW?

- 20. ***Effective Date*** - can be found in Constitution, codified language, or noncodified language and can be:
  - Standard: Sec. 55 established ***90 days after adjournment*** – Attorney General opinion;
  - ***Emergency***: Before the 90 days in Sec. 55, including upon approval of the Governor or otherwise becoming law;
  - Delayed: Any point after the 90 days. Reasons include:
    - Alignment with fiscal or school year; or
    - Allow a transition period; or
  - Any combination of the above.

HOW DOES A BILL BECOME A LAW?

- 21. ***Codification***:
  - KRS 7.131: The LRC maintains the official version of the Kentucky Revised Statutes;
  - If the bill makes changes to statutory law, the ***Reviser of Statutes*** will codify the changes;
  - KRS 7.136: Formats bill into a statute:
    - Assigning a KRS number;
    - Replacing “this section” with a section number;
    - Change wording of headnotes; or
    - Developing explanatory notes or cross references and
  - KRS 446.140: Titles, headings, and explanatory notes do not constitute any part of law…

HOW DOES A BILL BECOME A LAW?

The End of Session

- "***Sine Die***" – adjourn without a date to return at the end of session.
- After sine die, any bills that remain unpassed are dead.
- A bill would need to be re-filed and re-introduced at the next session that is the "***same as***" the previous year's bill.

HOW CAN WE HELP?

Resources Available from the LRC

FINDING THE LAW

- Kentucky Revised Statutes
  - GO TO Legislature.ky.gov
  - HOVER OVER “Kentucky Law”
  - HOVER OVER “Kentucky Revised Statutes”
  - CLICK ON “KRS Title Page”
- Helpful Hint: “CTRL + F” to find a specific chapter quickly.
- ALSO, click “Search” in upper-right corner.

FINDING THE LAW

- At the bottom of each statutory entry, you may find:
  - "***Effective***" detailing the date the current statute went into effect;
  - "***History***" detailing the various legislative changes that have been made to that statute in the past;
  - "***Legislative Research Commission Note***" with a possible explanation

FINDING THE LAW

- Kentucky Administrative Regulations
  - GO TO Legislature.ky.gov
  - HOVER OVER “Kentucky Law”
  - HOVER OVER “Kentucky Administrative Regulations”
  - CLICK ON “KAR List by Title” or “***Administrative Register***”
- Helpful Hint: Titles are assigned by agency.
- ALSO, click “Search” in upper-right corner.

FINDING THE LAW

- Demonstration
- GO TO https://legislature.ky.gov/Pages/index.aspx

STATUTORY HISTORY

- The "History" entry under statutes provides a reference to "***Kentucky Acts***" with a year, a chapter, and a section number. It will also note if the act was during a special session.
- Kentucky Acts
  - GO TO Legislature.ky.gov
  - HOVER OVER "Kentucky Law"
  - CLICK ON "Acts of the Kentucky General Assembly"
- Sessions from 1998 and after available on the website.
  - Use ***Acts Disposition Table*** to convert the Acts number to a bill number. Then go to the appropriate ***Legislative Record***.

STATUTORY HISTORY

- Demonstration
- GO TO https://legislature.ky.gov/Pages/index.aspx

THE RECORD

Tracking Legislation and Reviewing History

LEGISLATIVE RECORD

- Each Record is divided into Senate and House Bills and Resolutions.
- "Senate Bills"/"House Bills" and "Senate Resolutions"/"House Resolutions" display the bills by number to allow a quick look-up.
- There are displays for bills at certain stages of the process or that have been assigned to specific committees.
- "***Bill and Amendment Index Headings***":
  - A list in alphabetical order of the multitude of topics in which bills and amendments may be categorized.

LEGISLATIVE RECORD

Bill/Resolution Page

- Most recent action;
- Title;
- Links to the document (***Current/Final***, ***Introduced***);
- BR number;
- Sponsors;
- Summary of original version;
- Associated Index Headings of original version;

LEGISLATIVE RECORD

Bill/Resolution Page (cont.):

- Proposed Amendments;
- Votes;
- Actions:
  - Introductions;
  - Reports;
  - Readings; and
  - Votes; and
- Proposed Amendments.

LEGISLATIVE RECORD

- Demonstration
- GO TO https://legislature.ky.gov/Pages/index.aspx

LEGISLATIVE RECORD

- ***Bill Watch***
  - Track and receive notifications on bills during session.
  - https://www.kentucky.gov/services/pages/billwatch.aspx

LRC PUBLICATIONS

- Research Reports
- Informational Bulletins
- Research Memoranda
- Public Bill Room

QUIZ:

1. What are the two different LRCs and their roles?
2. Identify a part of the agency and detail a service they provide.
3. What is the difference between a statutory and a standing committee?
4. How do a concurrent and a joint resolution differ?
5. If a bill is passed out of the House, what is the version labeled when received in the Senate?
6. In a bill, how is new language shown and a statutory change?
7. What resource should I use If I wish to find bills about Mining filed in the 2010 Regular Session?

THE LEGISLATIVE RESEARCH COMMISSION AND THE LEGISLATIVE PROCESS

An Introduction to the Legislative Branch of the Commonwealth.

Questions?