

**CHAPTER 90****(SB 213)**

AN ACT relating to bill drafting and other legislative records.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 7 IS CREATED TO READ AS FOLLOWS:

- (1) *A member of the General Assembly is immune from disclosing in a civil or criminal court proceeding, or in an administrative or legislative proceeding, any communication:***
  - (a) *Made by the member of the General Assembly to a member of the staff of the Legislative Research Commission, or to a member of the staff of the General Assembly, with regard to a request for legislative drafting of bills or resolutions or amendments thereto or to any information surrounding such a request; or***
  - (b) *Received from a member of the staff of the Legislative Research Commission, or from a member of the staff of the General Assembly, with regard to a request for legislative drafting of bills or resolutions or amendments thereto or to any information surrounding such a request.***
- (2) *A member of the staff of the Legislative Research Commission or a member of the staff of the General Assembly is immune from disclosing in a civil or criminal court proceeding, or in an administrative or legislative proceeding, any communications:***
  - (a) *Made to him or her by a member of the General Assembly with regard to a request for legislative drafting of bills or resolutions or amendments thereto or to any information surrounding such a request; or***
  - (b) *Made to a member of the General Assembly with regard to a request for legislative drafting of bills or resolutions or amendments thereto or to any information surrounding such a request.***
- (3) *This section shall not apply to a criminal court proceeding in which a member of the General Assembly, a member of the staff of the Legislative Research Commission, or a member of the staff of the General Assembly is the subject of the proceeding, and a subpoena has been issued for the communication or related information.***
- (4) *The communications referenced in this section or documents related thereto are not subject to subpoena, deposition, writ of mandamus, interrogatory, or other disclosure.***
- (5) *Any order or subpoena purporting to compel testimony or the production of evidence which is prohibited under this section shall be unenforceable.***
- (6) *This section applies to a former legislator or former member of the staff of the Legislative Research Commission or General Assembly only with regard to communications made or received while a member of the General Assembly or member of the staff of the Legislative Research Commission or General Assembly. For purposes of this section, legislative interns, paid or unpaid, are considered to be members of the staff of the Legislative Research Commission or General Assembly, as applicable.***
- (7) *Records in the custody of the Legislative Research Commission or the General Assembly shall be available for distribution to the public, or open for inspection by any person.***

- (8) *As used in subsection (7) of this section, "records" includes bills and amendments introduced in the Senate or House of Representatives, Senate and House Journals, Acts of the General Assembly, roll call votes, final reports of committees, Kentucky Administrative Regulations, documents showing salary and expenses paid to members of the General Assembly and all employees of the legislative branch, contracts, receipts and work orders for repairs or renovations to legislative offices or facilities, items cataloged in the legislative library, the Legislative Record, and informational and educational materials offered by the public information office, including legislative videotapes and photographs, calendars, and meeting notices.*
- (9) *Requests for records or other documents in the custody of the Legislative Research Commission or the General Assembly shall be directed to the director of the Legislative Research Commission. Except for KRS 61.880(3), provisions of the Open Records Act, KRS 61.870 to 61.884, shall apply to a request for inspection or copies of documents or other items not set forth in subsection (8) of this section, and except that a request for a review under KRS 61.880 of any determination by the director shall be made to the Legislative Research Commission, which shall issue its decision within thirty (30) days. If the Legislative Research Commission does not issue its decision on a review of the director's determination within thirty (30) days of submission to it of the matter, the director's determination may be appealed to the Franklin Circuit Court within sixty (60) days of its issuance. For purposes of this subsection, any reference to the Attorney General in KRS 61.880 and 61.882 shall be read as the Legislative Research Commission.*

Approved March 18, 2003