

## CHAPTER 34

## (HB 277)

AN ACT relating to the promotion of history and declaring an emergency.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

*The General Assembly hereby finds and declares as follows:*

- (1) *The Commonwealth's public buildings and their surrounding grounds provide Kentucky's citizens and others a place at which they may conduct public business, visit and interact with government officials, and learn about the Commonwealth's history and government;*
- (2) *The Commonwealth's public buildings and public properties are themselves important symbols of Kentucky's history;*
- (3) *Whether it be former battlegrounds, Native American sites, parks, recreation areas, historic government sites, homes of famous Kentuckians, or any other site of interest, without historic artifacts, monuments, symbols, and texts on the properties and in the buildings, most persons would not even know of the significance of the site or building;*
- (4) *Kentucky is justly proud of its history, as the past is the prologue to how we live today, how our government functions, and what things we hold to be important to us;*
- (5) *It is not in Kentucky's best interest to hide its heritage or traditions, or the beliefs or deeply held opinions of its citizens;*
- (6) *It is in Kentucky's best interest that its public buildings and public properties reflect the Commonwealth's rich history by exhibiting items of significance to Kentucky's civic and cultural development;*
- (7) *The display of historic artifacts, monuments, symbols, and texts in and on the grounds of Kentucky's public buildings and public properties promotes its citizens' awareness of their common history and an appreciation of the persons and events contributing to that history;*
- (8) *The free exercise of religion, as well as the right to have no religion, is a right guaranteed by the Constitution of the United States and the Constitution of Kentucky;*
- (9) *The right of the people to express themselves is enshrined in the freedom of speech guaranteed by the Constitution of the United States and the Constitution of Kentucky;*
- (10) *While the authors of the Constitution of the United States and the Constitution of Kentucky were guaranteeing the free exercise of religion and prohibiting the establishment of a state-sponsored religion, these same authors and the public officials of that date publicly and regularly proclaimed a belief in a supreme being, prayed openly, and placed religious-based statements and symbols in and on their public buildings and properties, and that tradition has continued unbroken to this day;*
- (11) *The free exercise of religion, in all of its myriad expressions, is a significant component of Kentucky's historical heritage and may be acknowledged as such;*
- (12) *Historic artifacts, monuments, symbols, and texts, including but not limited to religious materials, may be displayed in Kentucky's public schools, within the framework of applicable legal precedents, if they are displayed in connection with a course of study that is academic, balanced, objective, and not devotional in nature, and that neither favors nor disfavors religion generally or any particular religious belief; and*
- (13) *Historic artifacts, monuments, symbols and texts, including but not limited to religious materials, may be displayed in Kentucky's public buildings and on Kentucky's public properties if they are displayed in a:*
  - (a) *Balanced, objective, and not solely religious manner;*
  - (b) *Manner that neither favors nor disfavors religion generally;*
  - (c) *Manner that neither favors nor disfavors any religious belief; and*
  - (d) *Manner which promotes the display of Kentucky's historic, cultural, political, and general heritage and achievements.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

*Any agency or instrumentality of state government may display historic artifacts, monuments, symbols, and texts, including but not limited to religious materials, in public buildings and public property owned by the Commonwealth if the display is consistent with the requirements of Section 1 of this Act.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

*Any city, county, charter county, urban-county government, consolidated local government, or special district, or any agency or instrumentality thereof, may display historic artifacts, monuments, symbols, and texts, including but not limited to religious materials, in public buildings and on public property owned by that unit of government if the display is consistent with the requirements of Section 1 of this Act.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

*Any school council organized pursuant to KRS 160.345 or, if none exists, the school's governing body, may authorize the display of historic artifacts, monuments, symbols, and texts, including but not limited to religious materials, in conjunction with a course of study that includes an elective course in history, civilization, ethics, comparative religion, literature, or other subject area that uses such artifacts, monuments, symbols, and texts as instructional material, if the display is:*

- (1) *Appropriate to the overall educational purpose of the course; and*
- (2) *Consistent with the requirements of Section 1 of this Act.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO READ AS FOLLOWS:

*In commemoration of the fiftieth anniversary of the resolution which passed through the 84th United States Congress and subsequently was signed by President Dwight D. Eisenhower on July 30, 1956, thereby making "In God We Trust" the national motto of the United States, the General Assembly hereby directs the Legislative Research Commission to display the national motto "In God We Trust" on the wall directly above and behind the dais of the Speaker of the Kentucky House of Representatives. The display shall be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives.*

Section 6. KRS 7.090 is amended to read as follows:

- (1) There is created a Legislative Research Commission as an independent agency in the legislative branch of state government, which is exempt from control by the executive branch and from reorganization by the Governor. The Commission shall have the duties, responsibilities, and powers assigned to it or authorized it by the General Assembly, by statute or otherwise.
- (2) The Legislative Research Commission shall be composed of the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Speaker Pro Tempore of the House of Representatives, the majority and minority floor leaders of the Senate and the House of Representatives, the majority and minority whips of the Senate, the majority and minority whips of the House, and the majority and minority caucus chairmen of the Senate and House of Representatives. Any vacancy in the Commission shall be filled by the remaining members thereof who are of the same chamber membership and political party affiliation as the person having vacated Commission membership. If the vacancy is in the membership of the House of Representatives, the successor shall be from the House, and if the vacancy is from the Senate membership of the Commission, the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term of his predecessor. The President of the Senate and the Speaker of the House of Representatives shall serve as co-chairmen of the Commission.
- (3) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the co-chairmen may determine. Meetings of the Commission shall be called by the co-chairmen on their own initiative, or at the written request of any three (3) members of the Commission. Any action of the Commission shall require an affirmative roll call vote of a majority of the Commission's entire membership. For attending meetings of the Commission or any of its subcommittees whose membership consists only of members of the Commission between sessions of the General Assembly, the members of the Commission shall be paid their necessary traveling expenses and in addition thereto an amount per day equal to the per diem compensation they receive during any session. For attending meetings of interim joint committees or other Commission subcommittees,

members of the Commission shall be paid an amount per day equal to that received by all other members of the committees or subcommittees who are not designated as chairmen or co-chairmen thereof.

- (4) The Commission shall appoint a director, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the Commission. The salary of the director shall be determined by the Commission. The Commission shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110.
- (5) Any professional, clerical, or other employees required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chairman of the committee shall advise the director of the Legislative Research Commission of his need for personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of the employees.
- (6) The director shall, at the discretion of the Commission and under its supervision and control, provide for the allocation of the work and activities of all employees of the Commission.
- (7) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.
- (8) The Legislative Research Commission shall constitute administrative offices for the General Assembly and the director shall serve as administrative officer for the assembly when it is not otherwise in session.
- (9) A Senate bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the Senate members of that interim joint committee. A House of Representatives bill may be pre-filed or approved as pre-filed by an interim joint committee if it receives the affirmative votes of a majority of the House members of that interim joint committee. An interim joint committee shall not pre-file a bill or approve a bill as pre-filed in any other manner.
- (10) The President of the Senate and the Speaker of the House of Representatives shall have the authority to approve the in-state and out-of-state per diem and expenses for members of their respective chambers.
- (11) ***The Legislative Research Commission shall display the national motto "In God We Trust" on the wall directly above and behind the dais of the Speaker of the House of Representatives. The display shall be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives.***

Section 7. The General Assembly of the Commonwealth of Kentucky takes notice of the fact that the monument inscribed with the Ten Commandments, which was originally given to the Commonwealth by the Fraternal Order of Eagles in 1971 and was displayed on the grounds of the New State Capitol for a period of time, was returned to the Fraternal Order of Eagles within the past few years and is now on display at the Hopkinsville Chapter of the organization. The General Assembly further takes notice of the fact that the Hopkinsville Chapter of the Fraternal Order of Eagles has expressed a willingness to return the monument to the Commonwealth. Therefore, the General Assembly directs the Historic Properties Advisory Commission to retrieve from the Fraternal Order of Eagles, Hopkinsville Chapter, the monument inscribed with the Ten Commandments and once again to locate that monument on the grounds of the New State Capitol, in accordance with applicable legal precedents and the provisions of Section 1 of this Act. In consultation with the Kentucky Historical Society, the Historic Properties Advisory Commission shall develop a marker to be placed next to the monument inscribed with the Ten Commandments detailing aspects of the legislative and judicial history related to the display of this monument of the Ten Commandments.

Section 8. Since the United States Court of Appeals for the Sixth Circuit has recently clarified what constitutes the promotion of history and since it is important that state government, units of local government, schools, and the public be able to implement the provisions of this Act at the earliest possible moment, 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.

**Approved March 24, 2006.**