

AOC-105
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Page 1 of 1
Commonwealth of Kentucky
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Doc. Code: CI



CIVIL SUMMONS

Case No. 18-CI-414
Court ☒ Circuit ☐ District
County Franklin I

PLAINTIFF

Commonwealth of Kentucky, ex rel. Matthew G. Bevin, in his official capacity as
Governor of the Commonwealth of Kentucky

700 Capital Avenue, Suite 100

Frankfort

Kentucky

40601

VS.

DEFENDANT

Andy Beshear, in his official capacity as Attorney General of the Commonwealth of Kentucky

700 Capital Avenue, Suite 118

Frankfort

Kentucky

40601

Service of Process Agent for Defendant:

Andy Beshear

700 Capital Avenue, Suite 118

Frankfort

Kentucky

40601

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within 20 days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

Date: 4/18, 2018

By: [Signature]

Clerk

D.C.

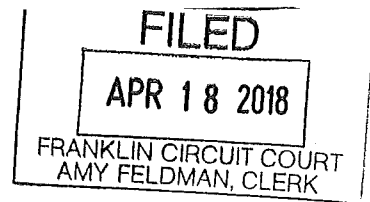
Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document) to:

700 Capital Ave, Ste 118, Frankfort, KY 40601

this 19 day of April, 2018.

Served by: Deanne Brandstetter
Executive Assistant Title



COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 18-CI- 414

COMMONWEALTH OF KENTUCKY, *ex rel.*
MATTHEW G. BEVIN, in his official capacity as
Governor of the Commonwealth of Kentucky
PETITIONER

v.

ANDY BESHEAR, in his official capacity as
Attorney General of the Commonwealth of Kentucky
RESPONDENT

SERVE: Attorney General
700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601-3449

PETITION FOR A DECLARATION OF RIGHTS

Petitioner Commonwealth of Kentucky, *ex rel.* Matthew G. Bevin in his official capacity as Governor of the Commonwealth of Kentucky, for his Petition for a Declaration of Rights, states as follows:

INTRODUCTION

Andy Beshear has become the first Attorney General in the history of the Commonwealth to claim that every law passed by a session of the General Assembly is invalid. By placing politics above the law, the “chief law officer” of the Commonwealth has publicly called into question every single act of the 2018 General Assembly.

In his first-of-its-kind, far-reaching argument, the Attorney General claims that because all bills passed this session were signed by Speaker Pro Tempore David W. Osborne, the bills are invalid as a violation of Section 56 of the Kentucky Constitution. This argument requires a tortured reading of the Kentucky Constitution and is directly at odds with settled precedent from Kentucky's highest court. If the Attorney General is right (and he is not), then comprehensive and much-needed reforms to Kentucky's foster care and adoption systems will not be implemented (House Bill 1), child marriage will continue (Senate Bill 48), pregnant inmates will not have access to long overdue medical care and substance abuse treatment (Senate Bill 133), increases to line-of-duty death benefits will not be implemented (House Bill 185), and Kentucky will have neither an Executive Branch budget (HB 200) nor the additional revenue with which to implement it (House Bill 366).

Because of the far-reaching implications of the Attorney General's unprecedented allegations, Governor Bevin brings this declaratory judgment action on behalf of the Commonwealth to confirm the constitutionality under Section 56 of the Kentucky Constitution of the signing of every bill, joint resolution, and concurrent resolution passed during the 2018 General Assembly.

NATURE OF ACTION

1. This Petition for a Declaration of Rights by Governor Bevin is governed by the Kentucky Declaratory Judgment Act, KRS 418.010, *et seq.*, and Kentucky Rule of Civil Procedure ("CR") 57.

2. KRS 418.040 provides that where “an actual controversy exists, the plaintiff may ask for a declaration of rights, either alone or with other relief; and the court may make a binding declaration of rights, whether or not consequential relief is or could be asked.”

3. An actual and justiciable controversy exists in this action regarding the validity of all bills and resolutions passed during the Regular Session of the 2018 General Assembly to which Speaker Pro Tempore David W. Osborne affixed his signature as presiding officer of the House of Representatives.

4. Given the grave implications of the arguments made by the Attorney General regarding the application of Section 56 of the Kentucky Constitution, expedited review pursuant to KRS 418.050 and CR 57 is appropriate.

PARTIES

5. Matthew G. Bevin is the Governor of the Commonwealth of Kentucky. Governor Bevin’s office is located in Franklin County, Kentucky, at 700 Capital Avenue, Suite 100, Frankfort, Kentucky 40601.

6. Governor Bevin, in his official capacity, brings this lawsuit on behalf of the Commonwealth of Kentucky, pursuant to his constitutional role as “Chief Magistrate” charged with the faithful execution of the laws of the Commonwealth. *See* Ky. Const. §§ 69, 81.

7. Andy Beshear, who is sued in his official capacity, is the Attorney General of Kentucky. Attorney General Beshear’s office is located in Franklin County, Kentucky, at 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601.

JURISDICTION AND VENUE

8. The Court has subject-matter jurisdiction over this matter pursuant to KRS 418.040 because an actual, justiciable controversy exists.
9. Venue is appropriate in this Court pursuant to KRS 452.405 because the Office of the Governor and the Office of the Attorney General are located in Frankfort, Franklin County, Kentucky. Furthermore, the facts that give rise to this cause of action occurred in Franklin County, and this action relates to alleged violations of the Kentucky Constitution.
10. This Court may exercise personal jurisdiction over the Attorney General, who maintains an office in Franklin County.

FACTUAL BACKGROUND

The Officers of the Kentucky General Assembly

11. Section 34 of the Kentucky Constitution provides that “[t]he House of Representatives shall choose its Speaker and other officers.”
12. In 2017, Representative David W. Osborne was elected as an officer of the House of Representatives, namely Speaker Pro Tempore.¹
13. On January 8, 2018, the Speaker of the Kentucky House of Representatives resigned.²

¹ Affidavit of Melissa Bybee-Fields, Clerk of the Kentucky House of Representatives ¶ 3 (attached as Exhibit 1).

² See, e.g., Adam Beam & Bruce Schreiner, “Jeff Hoover Resigns House Speaker Post,” STATE JOURNAL (Jan. 8, 2018, 4:51 PM), <https://www.state-journal.com/2018/01/08/jeff-hoover-resigns-house-speaker-post/>.

The Law on “Presiding Officers”

14. Section 56 of the Kentucky Constitution states that “[n]o bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session.”
15. The Kentucky Constitution does not state that the Speaker of the House is the presiding officer of the House of Representatives for purposes of Section 56.
16. The Speaker of the House often—but not always—serves as the “presiding officer” of the House of Representatives.
17. The Kentucky Constitution does not vest the authority to sign bills or to act as “presiding officer” in only one individual.
18. To suggest that the Kentucky Constitution requires that only one individual of each legislative chamber sign bills is inconsistent with the democratic principles espoused in the Kentucky Constitution and Kentucky’s deep-rooted and abiding hatred of tyranny.
19. Forbidding all but one individual from carrying out the duties of a presiding officer is also impractical and entirely unworkable for a legislative body. At times, a presiding officer will be called away from legislative duties due to illness, family emergency, travel, or other matters. To vest the authority to serve as presiding officer in one individual alone would hamstring the legislature and prevent the people’s business from being done.

20. Had the framers of Kentucky's Constitution wished to vest in the Speaker of the House of Representatives the singular authority to sign bills or act as "presiding officer," Section 56 of the Constitution would so state that requirement. It does not.

21. Section 39 of the Kentucky Constitution gives each chamber of the General Assembly the authority to establish the rules of its proceedings. The Rules of Procedure for the House of Representatives explicitly provide that other members of the House of Representatives, including the Speaker Pro Tempore, may serve as the "presiding officer."³

22. According to House Rule 63, which addresses the signing of bills, the House Enrolling Clerk shall deliver the original and enrolled copies of House bills and resolutions "signed by the Speaker" to the Senate Enrollment Committee.

23. House Rule 26 makes clear that any reference to the "Speaker" in the House Rules shall refer not only to the Speaker of the House but also to "any member, including the Speaker Pro Tempore, who is acting as the presiding officer."

24. House Rule 28 expressly tasks the Speaker Pro Tempore with "perform[ing] the duties of the Speaker in the absence of the Speaker or when empowered by the Speaker to perform the duties of the Chair."

25. Furthermore, House Rule 74 provides that, in the absence of a specific House Rule, the most recent edition of *Mason's Manual of Legislative Procedure* shall govern the proceedings.

³ The Rules of Procedure for the Kentucky House of Representatives are attached to the Clerk's Affidavit as Exhibit A.

26. *Mason's Manual of Legislative Procedure* is a parliamentary procedure manual adopted by the National Conference of State Legislatures and used as the parliamentary authority in seventy of the ninety-nine legislative chambers in the United States, including the Kentucky General Assembly.⁴

27. According to Section 575 of *Mason's Manual*, the duties of the presiding officer include: (a) to open the session and call the members to order; (b) to announce the business before the body; (c) to recognize the members entitled to the floor; (d) to state and put questions to vote; (e) to preserve order and decorum; (f) to restrain the members when engaged in debate; (g) to decide all points of order; (h) to inform the body on points of order; (i) to sign or authenticate all acts or orders of the body; (j) to receive and announce messages and communications; (k) to guide and direct the proceedings of the body; (l) to enforce all laws and regulations applicable to the body; and (m) to have general charge and supervision of the legislative chamber, galleries, and adjoining spaces.⁵

28. *Mason's Manual* further provides that “[w]hen it is necessary for the presiding officer to vacate the chair, the president pro tempore, the speaker pro tempore or the

⁴ MASON'S MANUAL OF LEGISLATIVE PROCEDURE (Nat'l Conf. of State Legislators, 2010 ed.); see also LEGISLATIVE RESEARCH COMMISSION, Glossary of Legislative Terms, “Mason's Manual”, <http://www.lrc.ky.gov/legproc/glossary.htm#M> (last accessed April 16, 2018) (further acknowledging that *Mason's Manual* “provid[es] a basis for ruling on questions of order in the General Assembly”); NCSL, *Mason's Manual*, <http://www.ncsl.org/research/about-state-legislatures/masons-manual-for-legislative-bodies.aspx> (last accessed April 16, 2018).

⁵ MASON'S MANUAL OF LEGISLATIVE PROCEDURE § 575 at 406-07.

vice chair should take the chair, and in the absence of the pro tempore or vice chair, the presiding officer next in order, if there be one.”⁶

29. The highest court in Kentucky has recognized that the presiding officer pro tempore “may sign bills as the presiding officer.” See *Kavanaugh v. Chandler*, 72 S.W.2d 1003, 1005 (Ky. 1934).

**Speaker Pro Tempore David W. Osborne Was The
Presiding Officer When He Signed Bills**

30. Throughout the Regular Session of the 2018 General Assembly, David W. Osborne was the Speaker Pro Tempore of the Kentucky House of Representatives.

31. During the Regular Session of the 2018 General Assembly, Speaker Pro Tempore Osborne (“Speaker Osborne”) carried out the duties of the presiding officer as described in *Mason’s Manual*, such as opening the session and calling the members to order, announcing business, recognizing members, putting questions to vote, preserving order and decorum, deciding points of order, informing the body on points of order, receiving and announcing communications, guiding and directing the proceedings of the body, enforcing applicable laws and regulations, and maintaining general charge and supervision over the legislative chamber, galleries, and adjoining spaces.

32. Speaker Osborne affixed his signature to the following enrolled bills, joint resolutions, and concurrent resolutions during the 2018 legislative session:

⁶ *Id.*, § 579 at 411.

A. Senate Bills 3, 5, 6, 19, 30, 37, 48, 56, 57, 61, 68, 70, 71, 73, 78, 86, 88, 91, 96, 97, 98, 101, 104, 106, 108, 109, 110, 112, 116, 119, 122, 123, 126, 129, 130, 131, 132, 133, 137, 138, 139, 140, 142, 144, 150, 151, 152, 160, 181, 182, 200, 201, 202, 203, 204, 210, 211, 228, 249, and 250;

B. House Bills 1, 2, 3, 4, 5, 11, 22, 30, 33, 46, 64, 68, 69, 70, 71, 74, 75, 81, 84, 92, 93, 96, 97, 100, 101, 114, 116, 120, 122, 124, 128, 130, 132, 133, 136, 138, 140, 142, 146, 147, 148, 150, 153, 157, 158, 164, 167, 168, 169, 176, 177, 185, 187, 191, 193, 198, 200, 201, 202, 203, 204, 207, 213, 214, 218, 220, 223, 241, 244, 246, 252, 259, 260, 261, 263, 264, 265, 270, 273, 274, 275, 277, 281, 289, 290, 291, 302, 305, 306, 307, 310, 314, 319, 323, 324, 327, 329, 334, 343, 345, 348, 356, 360, 362, 363, 366, 367, 369, 370, 373, 381, 385, 388, 394, 398, 400, 402, 424, 427, 429, 430, 431, 434, 443, 444, 454, 463, 464, 475, 476, 487, 497, 512, 513, 517, 527, 528, 530, 557, 586, 592, and 606;

C. Senate Joint Resolutions 52, 158, and 218;

D. House Joint Resolutions 33, 74, and 196;

E. Senate Concurrent Resolutions 171 and 176;

F. House Concurrent Resolutions 7, 35, 152, and 226.⁷

33. At the time Speaker Osborne affixed his signature to the bills and resolutions listed in Paragraph 32(A)-(F), above, Speaker Osborne was serving as the presiding officer of the House of Representatives.⁸

⁷ See Exhibit 1 ¶ 5(A)-(F).

⁸ See *id.* ¶ 6.

The Attorney General's Section 56 Claim

34. On April 11, 2018, Attorney General Andy Beshear filed a Complaint for a Declaration of Rights, a Temporary Injunction, and a Permanent Injunction in Franklin Circuit Court.

35. The Attorney General's action challenges the validity of Senate Bill 151.

36. Count III of the Attorney General's Complaint alleges that Senate Bill 151 is unconstitutional under Section 56 of the Kentucky Constitution because David Osborne, who signed the bill for the House, was not the House Speaker.

37. The Attorney General contends that the sole presiding officer of the House of Representatives is the Speaker of the House.⁹

38. According to the Attorney General, "Jeff Hoover is the most recent Speaker, and therefore the presiding officer whose signature is required."¹⁰

39. The Attorney General's theory, if adopted, requires that every piece of legislation passed during the 2018 legislative session be declared unconstitutional and invalid.

The Legal Doctrine of Issue Preclusion Necessitates This Action

40. Kentucky recognizes the legal doctrine of issue preclusion. *Yeoman v. Com.*, *Health Policy Bd.*, 983 S.W.2d 459, 464-65 (Ky. 1998).

41. Issue preclusion bars a party from relitigating an issue "actually litigated and finally decided in an earlier action." *Id.* at 465.

⁹ See *Beshear v. Bevin*, Civil Action No. 18-CI-00379, Memorandum in Support of Motion for Temporary Injunction at 12-13.

¹⁰ *Id.* at 13.

42. According to the Kentucky Supreme Court,

In order for issue preclusion to operate as a bar to further litigation, certain elements must be met: (1) at least one party to be bound in the second case must have been a party in the first case; (2) “the issue in the second case must be the same as the issue in the first case”; (3) “the issue must have been actually litigated”; (4) “the issue was actually decided in that action”; and (5) “the decision on the issue in the prior action must have been necessary to the court’s judgment” and adverse to the party to be bound.

Miller v. Admin. Office of the Courts, 361 S.W.3d 867, 872 (Ky. 2011) (quoting *Yeoman*, 983 S.W.2d at 465).

43. Issue preclusion may be raised as a defense regardless of whether the person was a party to the previous action. *Miller*, 361 S.W.3d at 872.

44. The “chief law officer” of the Commonwealth has claimed that Senate Bill 151 is unconstitutional because it was signed by the wrong person—however, that same person signed every bill and resolution passed this legislative session.

45. If the Attorney General were to prevail on that claim, then the Governor could be precluded from defending the validity of other laws enacted during the 2018 session.

46. Accordingly, the Governor has no choice but to bring this action to prevent a needless flurry of constitutional challenges and the confusion that would result for so many vital Kentucky laws, and to remove the cloud of uncertainty caused by the Attorney General.

COUNT I

47. Governor Bevin incorporates all previous allegations as if set forth fully herein.

48. Pursuant to the Kentucky Constitution, “[n]o bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session.” *See* Ky. Const. § 56.

49. Speaker Osborne was acting as the presiding officer of the Kentucky House of Representatives at the time he signed the bills and resolutions in Paragraph 32(A)-(F).

50. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging Speaker Osborne was not the presiding officer of the House of Representatives and that it was unconstitutional for him to sign Senate Bill 151.

51. The Attorney General’s theory, consistently applied, would invalidate all legislation signed by Speaker Osborne during the Regular Session of the 2018 General Assembly.

52. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General’s theory, if adopted, would invalidate every law passed during this most recent legislative session, including those already effective due to emergency clauses, there exists an actual justiciable controversy among the parties for purposes of KRS 418.040. Specifically, the Governor must know what the law is to execute it faithfully.

53. Accordingly, Governor Bevin seeks a binding declaration that David W. Osborne was the presiding officer of the House when he signed the following enrolled bills, joint resolutions, and concurrent resolutions on behalf of the House during the Regular Session of the 2018 General Assembly:

A. Senate Bills 3, 5, 6, 19, 30, 37, 48, 56, 57, 61, 68, 70, 71, 73, 78, 86, 88, 91, 96, 97, 98, 101, 104, 106, 108, 109, 110, 112, 116, 119, 122, 123, 126, 129, 130, 131, 132, 133, 137, 138, 139, 140, 142, 144, 150, 151, 152, 160, 181, 182, 200, 201, 202, 203, 204, 210, 211, 228, 249, and 250;

B. House Bills 1, 2, 3, 4, 5, 11, 22, 30, 33, 46, 64, 68, 69, 70, 71, 74, 75, 81, 84, 92, 93, 96, 97, 100, 101, 114, 116, 120, 122, 124, 128, 130, 132, 133, 136, 138, 140, 142, 146, 147, 148, 150, 153, 157, 158, 164, 167, 168, 169, 176, 177, 185, 187, 191, 193, 198, 200, 201, 202, 203, 204, 207, 213, 214, 218, 220, 223, 241, 244, 246, 252, 259, 260, 261, 263, 264, 265, 270, 273, 274, 275, 277, 281, 289, 290, 291, 302, 305, 306, 307, 310, 314, 319, 323, 324, 327, 329, 334, 343, 345, 348, 356, 360, 362, 363, 366, 367, 369, 370, 373, 381, 385, 388, 394, 398, 400, 402, 424, 427, 429, 430, 431, 434, 443, 444, 454, 463, 464, 475, 476, 487, 497, 512, 513, 517, 527, 528, 530, 557, 586, 592, and 606;

C. Senate Joint Resolutions 52, 158, and 218;

D. House Joint Resolutions 33, 74, and 196;

E. Senate Concurrent Resolutions 171 and 176;

F. House Concurrent Resolutions 7, 35, 152, and 226.

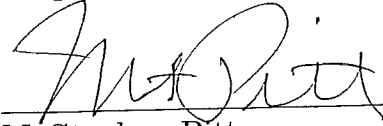
DEMAND FOR RELIEF

WHEREFORE, for the above reasons, Governor Bevin requests:

1. Entry of an order setting forth an expedited briefing and review schedule;
2. A declaration that David W. Osborne was the presiding officer of the Kentucky House of Representatives when he signed the bills and resolutions passed during the Regular Session of the 2018 General Assembly; and

3. Any and all other relief to which the Petitioner may be entitled.

Respectfully submitted,

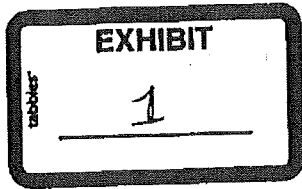


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Counsel for Governor Bevin

Dated this 18th day of April 2018.



COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION ____
CIVIL ACTION NO. 18-CI-____

COMMONWEALTH OF KENTUCKY, *ex rel.*
MATTHEW G. BEVIN, in his official capacity as
Governor of the Commonwealth of Kentucky

PETITIONER

v.

ANDY BESHEAR, in his official capacity as
Attorney General of the Commonwealth of Kentucky

RESPONDENT

**AFFIDAVIT OF MELISSA BYBEE-FIELDS, CLERK OF THE KENTUCKY HOUSE
OF REPRESENTATIVES**

Comes the Affiant, Melissa Bybee-Fields, and after first being duly sworn, for her Affidavit, states as follows:

1. I am over the age of eighteen, a resident of the Commonwealth of Kentucky, am competent to testify, and have personal knowledge of the matters stated herein.
2. I am the Clerk of the Kentucky House of Representatives.
3. On January 3, 2017, David W. Osborne was elected Speaker Pro Tempore of the Kentucky House of Representatives.
4. Osborne remained Speaker Pro Tempore throughout the duration of the Regular Session of the 2018 General Assembly.
5. Osborne affixed his signature to the following enrolled bills, joint resolutions, and concurrent resolutions during the 2018 legislative session:
 - A. Senate Bills 3, 5, 6, 19, 30, 37, 48, 56, 57, 61, 68, 70, 71, 73, 78, 86, 88, 91, 96, 97, 98, 101, 104, 106, 108, 109, 110, 112, 116, 119, 122, 123, 126, 129, 130, 131, 132,

133, 137, 138, 139, 140, 142, 144, 150, 151, 152, 160, 181, 182, 200, 201, 202, 203, 204, 210, 211, 228, 249, 250;

B. House Bills 1, 2, 3, 4, 5, 11, 22, 30, 33, 46, 64, 68, 69, 70, 71, 74, 75, 81, 84, 92, 93, 96, 97, 100, 101, 114, 116, 120, 122, 124, 128, 130, 132, 133, 136, 138, 140, 142, 146, 147, 148, 150, 153, 157, 158, 164, 167, 168, 169, 176, 177, 185, 187, 191, 193, 198, 200, 201, 202, 203, 204, 207, 213, 214, 218, 220, 223, 241, 244, 246, 252, 259, 260, 261, 263, 264, 265, 270, 273, 274, 275, 277, 281, 289, 290, 291, 302, 305, 306, 307, 310, 314, 319, 323, 324, 327, 329, 334, 343, 345, 348, 356, 360, 362, 363, 366, 367, 369, 370, 373, 381, 385, 388, 394, 398, 400, 402, 424, 427, 429, 430, 431, 434, 443, 444, 454, 463, 464, 475, 476, 487, 497, 512, 513, 517, 527, 528, 530, 557, 586, 592, and 606;

C. Senate Joint Resolutions 52, 158, and 218;

D. House Joint Resolutions 33, 74, and 196;

E. Senate Concurrent Resolutions 171 and 176; and

F. House Concurrent Resolutions 7, 35, 152, and 226.

6. Based upon my personal observations and review of the proceedings of the House of Representatives, at the time that Osborne signed each of the aforementioned bills, joint resolutions, and concurrent resolutions, he was acting as the "presiding officer" of the House of Representatives as that term is commonly understood in the Kentucky House of Representatives and under the House Rules of Procedure.

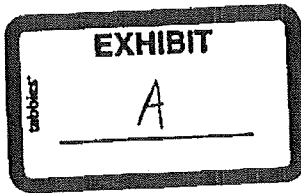
7. Attached as Exhibit A to this Affidavit is a true and accurate copy of the Rules of Procedure for the 2018 Regular Session of the House of Representatives ("House Rules of Procedure"). The House Rules of Procedure were adopted unanimously on January 10, 2018, through House Resolution 56.

9. I have made these statements freely, voluntarily, and without coercion, duress, or undue influence.

Melissa Bybee-Fields
MELISSA BYBEE-FIELDS

Subscribed and sworn to before me by Melissa Bybee-Fields on this the 17 day of April, 2018.

Bobbie Jo Spalding
NOTARY PUBLIC, STATE-AT-LARGE, KY



**Rules of Procedure
for the 2018 Regular Session
of the House of Representatives
(Adopted January 2, 2018)
(Amended January 10, 2018)**

Rule 1. Hours of Meeting. The House shall meet at times set by the Committee on Committees.

Rule 2. Quorum. A majority of the members elected to the House shall constitute a quorum. If a quorum is not present at the time fixed for a meeting of the House, five members may adjourn or recess from day to day or from time to time and fifteen members may order a call of the House and send for absent members.

Rule 3. Call of the House. Upon a call of the House, the Clerk shall call the roll. Absentees are then only noted, but no excuses shall be made until the full roll is called. The Clerk shall then call the absentees again. Excuses will be heard at this time. The doors of the House Chamber shall then be closed and the absentees not excused by the House may be sent for and arrested by the Sergeant-at-Arms and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall be immediately admitted to the floor of the House and names returned upon the Journal as present unless the House otherwise directs. Excuses for leaves of absence must receive a consent approval of two-thirds of the members elected.

ORDER OF BUSINESS

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Pledge of Allegiance.
3. Roll Call.

4. Reading and Approval of the Journal.
5. Introduction of Guests.
6. Second Reading of Bills.
7. Report of Committees.
8. First Reading of Bills.
9. Orders of the Day.
10. Motions, Petitions, Communications, and Announcements.
11. Introduction of Bills and Resolutions.
12. Meeting and Report of the Committee on Committees and the Rules Committee and Report of Reference of Bills to Committees.
13. Floor Amendments.
14. Adjournment.

Under the order of business Introduction of Guests, the Majority Caucus Chair and the Minority Caucus Chair shall be recognized to read a cumulative list of the guests for the day. No more than 30 minutes shall be allotted to Motions, Petitions, Communications, and Announcements.

Rule 5. Unfinished Business. Unfinished business which was being considered upon adjournment shall have precedence in the class of business to which it properly belongs upon the next succeeding legislative day.

MOTIONS

Rule 6. Reading of Motions. When a motion has been made and seconded, it shall be stated by the Speaker, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Rule 7. Withdrawal of Motions. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in the possession of the House and shall not be withdrawn without consent of the House. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Rule 8. Order of Questions. All questions, whether in Committee of the Whole or in the House, when not privileged questions, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Rule 9. Precedence of Motions. When a question is under consideration, no motion shall be in order except:

1. To call the House when there is no quorum present.
2. To fix the time to which the House shall adjourn.
3. To adjourn.
4. To take recess.
5. To lay on the table.
6. For the previous question.
7. To limit or extend limits of debate.
8. To postpone to a fixed time.
9. To lay on the Clerk's desk.
10. To refer or commit.
11. To amend.
12. To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged and

the first seven of them shall not be debatable.

A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to limit or extend limits of debate, to postpone to a time certain, to lay on the Clerk's desk, to refer or commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone to a fixed time.

Rule 10. Motion to Adjourn. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a member is speaking, while a vote is being taken or when the Committee on Committees is reporting; subject, however, to the limitations set out in Rule 9. A motion to adjourn or a motion to adjourn to a time certain shall be taken by roll call vote, unless the motion is made after the House has reached adjournment in the order of business under Rule 4, in which case adjournment shall be by voice vote unless a roll call is ordered by a majority of the members.

Rule 11. Motion to Table. The adoption of the motion to table, under these rules, defeats the subject matter under consideration. The reconsideration of the motion to table shall require approval of a majority of the members elected.

Rule 12. Previous Question. The previous question may be ordered by a majority of the members elected. On the call of the roll, no member shall be allowed to speak more than three minutes to explain a vote and shall not speak at all if the question is not a debatable question. The effect of the previous question shall be to put an end to debate on any pending amendment; to prevent the offering of additional amendments and to bring the House to an immediate vote upon any amendment that has been called and is in order. Once the previous question has been ordered,

and any pending amendment has been voted upon, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes, before the vote upon the main question.

Rule 13. Motion to Set the Limits on Debate. A motion to set a time limit for debate on a measure, in excess of that permitted under Rule 12, shall be in order unless the previous question shall have been ordered on the measure. The time limit set for debate under this rule shall be allotted by the Speaker evenly between the opponents of the measure and the proponents of the measure. Adoption of a motion under this rule does not prevent the offering of additional amendments.

Rule 14. Motion to Reconsider. A motion to reconsider a vote shall not be in order unless made by a member who voted upon the prevailing side of the question, nor shall that motion be in order unless made within two legislative days in which the House is in session next after the date the vote was taken and the bill or resolution is in the possession of the House; however, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any member. For purposes of this rule, a member who is recorded as "not voting" on a proposition which failed is considered to have voted on the prevailing side. Procedural motions, such as a motion to lay on the table or lay on the clerk's desk, shall not be subject to a motion to reconsider.

Rule 15. Motion to Lay on Clerk's Desk. The effect of the adoption of a motion to lay on the Clerk's desk under these rules is to place in charge of the Clerk the pending question and everything adhering to it. A motion laid on the Clerk's desk may be taken from the desk and proceeded with at any time in the same order as when laid on the Clerk's desk.

Rule 16. Motion to Strike Out Enacting Clause. A motion to amend by striking out the

enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Rule 17. Motion to Separate Part of a Measure. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Rule 18. Postponement of Measure. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Rule 19. Reading of Pending Papers. Any pending bill, resolution, motion or report shall be read upon the request of any member, with the concurrence of a majority of the members elected to the House, but it shall not again be read on the same day unless so ordered by the House.

Rule 20. Nominations. In all elections a previous nomination shall be made.

MEMBERS

Rule 21. Attendance of Members. No member shall be absent from a session of the House without leave from the House.

Rule 22. Decorum of Members. No member shall designate another member by name. All members shall treat fellow members with the utmost courtesy and respect. All members' remarks in debate shall be confined to the subject under debate, avoiding personality.

Rule 22A. Point of Personal Privilege. To be in order, a point of personal privilege must relate to allegations regarding the rights, reputation, or conduct of a member personally, in the member's capacity as a representative, that, if true, would incapacitate them for membership. Members who have the floor after claiming a point of personal privilege shall confine themselves to defending their own rights, reputations, or conduct, and not those of other members. Members

wishing to make general comments about pending legislation, media coverage, or other matters that would be out of order if raised as a point of personal privilege shall use Motions, Petitions, and Communications.

Rule 22B. Required Training. Each member of the House shall complete workplace harassment prevention training at the beginning of each session of the General Assembly.

Rule 23. Call to Order. If any member, in speech or otherwise, transgresses the rules of order or decorum, the member shall immediately be called to order by the chair and shall be seated. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from the member called to order, or upon the withdrawal of the objectionable language, the Speaker may permit the member to proceed, or may compel silence upon the member until the matter is disposed of. The ruling of the chair shall be subject to an appeal to the House. A member offending the House shall be liable to censure.

Rule 24. Debate. No member may speak more than once to the same subject until all members desiring to be heard have spoken, but nothing in this rule shall do away with the previous question if then in effect, nor permit debate on an undebatable motion.

No member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

Rule 25. Members Shall Vote at Seats. A member shall vote only when at the member's seat or visibly approaching it.

OFFICERS AND EMPLOYEES

Rule 26. Duties of Speaker. The Speaker shall take the chair every day precisely at the hour fixed for the meeting of the House and on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless the reading of the same is dispensed with by the House.

The Speaker shall preserve decorum and order and, in the event of any disorder in the gallery or in the House Chamber, may cause the same to be cleared of any persons creating disturbances or disorders.

All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when the paper is issued; and the presiding officer's signature shall be attested by the Clerk, when ordered by a majority of the members.

Any reference made to the Speaker in these rules shall refer to the Speaker of the House or, in the proper context, any member, including the Speaker Pro Tempore, who is acting as the presiding officer.

Rule 27. Appeal from Decision of Chair. The Speaker while presiding may speak to points of order in preference to members. The Speaker shall decide points of order and manner of procedure. If two or more members arise from their respective seats and address the chair, the Speaker shall determine who was first and recognize that member.

Any decision made by the Speaker shall be subject to appeal to the House. Every appeal shall be in writing and signed by at least two members. During the pendency of an appeal to the House from a decision of the chair, the Speaker shall vacate the chair and call the Speaker Pro Tempore to preside. When the Speaker Pro Tempore is presiding on an appeal to the House from a decision of the Chair, no motion or business shall be in order except the motion on appeal from the decision of the Chair, and that motion shall not be debatable. The ruling of the Speaker shall be sustained unless a majority of the members elected to the House oppose the ruling.

For purposes of an appeal, the Chair includes the Speaker, Speaker Pro Tempore, or other designee of the Speaker or Speaker Pro Tempore, or other member serving as Chair in the absence of the Speaker or Speaker Pro Tempore.

Rule 28. Speaker Pro Tempore. The House shall elect a Speaker Pro Tempore. The Speaker Pro Tempore shall perform the duties of the Speaker in the absence of the Speaker or when empowered by the Speaker to perform the duties of the Chair.

Rule 29. Duties of the Legislative Research Commission. The Legislative Research Commission shall have charge of all clerical, technical and procedural matters which relate to legislation including but not limited to: notification of committees of their appointment and business referred to them; keeping a calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills; supervising the engrossing and enrolling of bills; and such other matters as are assigned by the Committee on Committees.

Rule 29A. Duties of the Clerk. The Clerk shall have charge of clerical and administrative functions not assigned to the Legislative Research Commission and shall cooperate with the Commission to facilitate the work of the House. The Clerk shall read to the House papers ordered to be read; call the roll and note the answers of members when a question is taken by yeas and nays; assist the Speaker in taking the count when any vote of the House is taken; attest all writs, warrants and subpoenas issued by order of the House; certify to the passage of all bills and to the adoption of all joint and concurrent resolutions by the General Assembly; and make all reports to the Senate. The Clerk shall perform such other duties as are assigned by the Committee on Committees.

Rule 30. Journal of Proceedings. The Legislative Research Commission shall cause to be kept the Journal of the proceedings of the House. The Commission staff shall note upon the Journal all questions of order, together with the disposition of same, and the dates upon which all bills and resolutions were sent to committee and returned to the House. The House may correct errors in the Journal the day the Journal containing errors is presented to the House. No record

which is in the hands of the Commission staff and is required by law to be entered upon the Journal of the House shall be copied by any person until same shall have been entered upon the Journal and that Journal shall have been approved.

Half an hour before the time fixed for the meeting of the House each day, the Commission staff shall be present at the Clerk's desk with the Journal of the preceding session for inspection of any member of the House.

The Journal for each day, as soon as it has been approved by the House, shall be delivered by the Commission staff to the public printer. The Commission staff shall proofread and index the Journal upon return from the printer and make necessary typographical corrections.

Rule 31. Custody of Papers. The Legislative Research Commission shall have custody of all records, minutes, reports, and documents pertaining to legislation, and shall not allow them to be taken from its possession without the leave of the House, unless to be delivered to the chair of a committee to which they have been referred. The Legislative Research Commission staff shall cause to be enclosed on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference. The Director of the Legislative Research Commission shall implement a policy to provide for the maintenance and distribution of the records, papers, and bills of the legislative branch.

Rule 32. Accounts of Expenditures. The Legislative Research Commission shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House and Senate.

Rule 33. Printing of House Papers. The Legislative Research Commission shall have supervision and charge of all printing done for the House as certified by the Clerk and the public printer shall print only such documents and other matter as the Legislative Research Commission

authorizes. The Clerk shall report to the Speaker every failure to execute printing work correctly and promptly.

Rule 34. Duties of the Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms and the Doorkeeper to exclude or remove all persons not entitled to the floor of the House. One hour before convening of the House each day the Sergeant-at-Arms shall announce in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." The Sergeant-at-Arms shall then compel all persons who are not entitled to remain therein to leave the House Chambers and shall prohibit their entry until one hour after the House has adjourned.

Rule 35. Appointment and Conduct of Constitutional Employees. The constitutional employees of the House shall be appointed by election during the regular sessions of the General Assembly and shall serve one year terms or until the election of their successors.

All the constitutional employees of the House, shall, one hour before the meeting of the House each day, report to the Clerk, who shall report to the Committee on Committees whether or not all of the employees are on duty. The Committee on Committees, whenever it deems it necessary, shall report to the House any dereliction of duty.

Rule 36. Other Employees. All other professional, clerical and other services required by the House or its committees shall be furnished by the Legislative Research Commission, upon the request of the Committee on Committees. Employees performing such services shall be under the supervision of the Committee on Committees.

No officer or employee of the House shall receive any fee, tip or compensation from any member and violation of this rule shall be ground for dismissal.

COMMITTEES

Rule 37. Committee on Committees. There shall be a Committee on Committees composed of the Speaker of the House, the Speaker Pro Tempore, the Majority Caucus Chair, the Majority Floor Leader of the House, the Majority Whip, the Minority Floor Leader of the House, the Minority Caucus Chair, and the Minority Whip. The Speaker shall be Chair of the Committee and the majority of the Committee shall have full power to act on all matters referred to the Committee, either by these rules or by the action of the House. All bills and joint or concurrent resolutions shall, upon their introduction, be automatically referred to the Committee on Committees who shall refer same to the proper Committee not later than the fifth day in which the House is in session after the date of introduction. In the event of a vacancy on the Committee on Committees, the other remaining members of the majority or minority party's leadership serving on the Committee on Committees may determine whether there is a vacancy on the Committee on Committees and shall appoint a replacement for that member.

The Committee on Committees shall have supervision and control over all employees of the House, whether elected by the House or provided by the Legislative Research Commission, and the Committee on Committees shall see that they perform all of their duties to the House and the members thereof. The Committee on Committees is empowered to discharge any or all said employees and officers except the constitutional officers of the House. The Committee on Committees shall appoint the members of all standing and special committees and shall fill any vacancies thereon in accordance with Rule 39.

Rule 38. Standing Committees. The following shall be the standing committees of the House:

1. Agriculture
2. Appropriations and Revenue

3. Banking and Insurance
4. Economic Development and Workforce Investment
5. Education
6. Elections, Constitutional Amendments and Intergovernmental Affairs
7. Health and Family Services
8. Judiciary
9. Licensing, Occupations and Administrative Regulations
10. Local Government
11. Natural Resources and Energy
12. Small Business and Information Technology
13. State Government
14. Tourism and Outdoor Recreation
15. Transportation
16. Veterans, Military Affairs and Public Protection.

Rule 39. Appointment of Committees. The Committee on Committees shall appoint the Chair, Vice-Chairs and the members of all standing and special committees and shall fill any vacancies thereon. In making the appointments to standing committees, the Committee on Committees shall appoint a member with service in the immediately preceding regular session to at least one committee on which the member served in that previous regular session. That appointment to the one committee shall be at the preference of the member, and the Committee on Committees shall be bound by the member's preference for that one committee; provided, however, a member who was a committee chair in the preceding regular session shall select for reappointment the committee the member so chaired if the member wishes to be considered for

the chairmanship of that committee; if another selection is made, the member shall not be reappointed chair of the committee which the member chaired in the preceding regular session. A member of the Committee on Committees shall not serve as chair of a standing committee. A chair of a standing committee or statutory committee shall not serve as a member of the Committee on Appropriations and Revenue. The Committee on Committees shall select members of each standing and special committee in proportion to the representation of each political party in the House. The Vice-Chair shall act in the absence of the Chair. The Chair of any committee may appoint subcommittees to conduct hearings or study any matters which have been referred to the committee.

Before the Committee on Committees shall appoint the members of standing and special committees, the number of members on the committee to be appointed shall be established by the Committee on Committees. At the same time, the Committee on Committees shall establish the number of members of the committee of the majority party and the minority party.

Every member of the House shall be appointed to at least one standing committee.

In appointing the membership of standing committees, the Committee on Committees shall consider the predominant business interests or occupation of each member so that the private interests of a majority of a committee's members do not correspond to the jurisdiction of the standing committee.

Rule 40. Jurisdiction of Standing Committees. The Committee on Committees shall refer each bill to the Committee with control over the subject matter. All bills and resolutions on the same subject matter shall be referred to the same committee. The general jurisdiction of the several standing committees shall be:

1. **Agriculture:** matters pertaining to crops, livestock, poultry and their marketing;

disease control and warehousing; tobacco; stockyards; agricultural cooperatives and marketing associations; agriculture weights and measures; veterinarians; the State Fair; county fairs.

2. Appropriations and Revenue: matters pertaining to the executive budget and other appropriations of state monies; the levying of state and local taxes, including school taxes; property tax rates and assessments; the state debt; revenue bond projects; claims upon the treasury; accounting of state funds by local officers; audits for state purposes; budget and financial administration; payment, collection and refund of taxes.

3. Banking and Insurance: matters pertaining to banking; banks and trust companies; consumer loan companies; building and loan associations; credit unions; investment companies; industrial loan corporations; securities; the Blue Sky Law; mortgage guaranty insurance; assessment and cooperative insurance; fraternal benefit societies; hospital service corporations; burial associations; medical and dental service corporations; life, accident, indemnity and other forms of insurance; stock and mutual insurance companies; banking and insurance aspects of the Uniform Commercial Code; interest and usury; pawnbrokers; private credit; consumer credit; sale of checks; installment sales contracts; legal investments; principal and income.

4. Economic Development and Workforce Investment: matters pertaining to commerce, industry, and economic and industrial development; the workforce and the workplace; economic development planning, international trade and investment; investment companies and industrial loan corporations as they relate to economic and industrial development; recruitment of business and industry; small business matters relative to economic and industrial development; financing of business and industrial development; business regulatory matters, including the Uniform Commercial Code, relative to economic and industrial development; worker training; technology development and application; chambers of commerce; convention centers and publicly

owned exhibition and parking facilities; arts and arts exhibition facilities; state, interstate, and national parks and historic sites; travel promotion and advertising; wages and hours; garnishments; safety and health of employees; child labor; employment agencies; apprenticeship; unemployment compensation; workers' compensation; consumer protection; industrial weights and measures.

5. Education: matters pertaining to public primary, secondary and higher education; the State Board of Education; the State Department of Education; the powers and duties of local boards of education; conduct of schools; attendance; state support of education; the operation of school districts, teachers' qualifications and tenure; the school curriculum; teachers' retirement; school employees; pupil transportation; school property and buildings; vocational education and rehabilitation; universities and colleges; community colleges; regional education; educational television.

6. Elections, Constitutional Amendments and Intergovernmental Affairs: matters pertaining to the proposing of constitutional amendments and the calling of a constitutional convention; ratification of amendments to the United States Constitution; the election of officers to state, local and school board positions; election commissioners, officers and precincts; qualifications, registration and purging of voters; regular elections; primary elections; presidential and congressional elections; special elections to fill vacancies; contest of elections; corrupt practices and election financing; election offenses and prosecutions; voting machines; absentee ballots; intergovernmental cooperation; state-federal relations; interstate compacts.

7. Health and Family Services: matters pertaining to human development, health, and welfare; delivery of health services; support of dependents; public assistance; child welfare; adoptions; children's homes; disabled persons; family welfare; aid to the blind; commitment and care of children; mental health; substance abuse; health, medical and dental scholarships; local

health units and officers; vital statistics; communicable diseases; hospitals, clinics, and long-term care facilities; health professions; physicians, osteopaths and podiatrists; chiropractors; dentists and dental specialists; nurses; pharmacists; embalmers and funeral directors; psychologists; optometrists, ophthalmic dispensers; physical therapists; senior citizens; eliminating age discrimination; non-public sector retirement; problems of aging; violent acts against the elderly.

8. Judiciary: matters pertaining to contracts; the Uniform Commercial Code; debtor-creditor relations; ownership and conveyance of property; private corporations and associations; competency proceedings; administration of trusts and estates of persons under disability; descent, wills and administration of decedents' estates; domestic relations; support of dependents; statutory actions and limitations; eminent domain; arbitration; declaratory judgments; witnesses; evidence; legal notices; construction of statutes; civil procedure; the Supreme Court, the Court of Appeals, circuit courts and district courts; family courts; jurisdiction, rules, terms, judges, commissioners, selections, districts, qualifications, compensation and retirement; clerks of courts; juries, attorneys; receivers; court reporters; habeas corpus; crimes and punishments; criminal procedure; probation and parole; correctional facilities; civil rights; and juvenile matters.

9. Licensing, Occupations and Administrative Regulations: matters pertaining to professional licensing not assigned specifically to another committee; racing; prize fighting and wrestling; places of entertainment; alcoholic beverage control; private corporations; cooperative corporations and marketing associations; religious, charitable and educational societies; nonprofit corporations; professional service corporations; cemeteries; barbers and cosmetologists; professional engineers and land surveyors; architects; real estate brokers and agents; public accountants; detection of deception examiners; auctioneers; business schools; warehouses; partnerships; trade practices; review of administrative regulations.

10. Local Government: matters pertaining to the officers, organization, government and financing of city and county governments; city and county imposed taxes and licenses; special purpose assessment and taxing districts within a city; city revenue bond projects; city indebtedness; incorporation and classification of cities; forms of city government; charter county, urban-county, and consolidated local governments generally; county and special district debt; city and county finances and revenue; the imposition of duties and costs on cities and counties; special districts not assigned to another committee; the powers, duties and composition of fiscal court; compensation of city and county officers and employees; local government civil service systems and local government retirement systems; planning and zoning; interlocal cooperation and consolidation of local government services; county roads; public road districts; city streets and sidewalks; housing; manufactured housing; urban renewal and redevelopment; water districts; acquisition of waterworks and water districts by cities; financing of municipal improvements; urban service districts; fire protection districts; police departments, fire departments and local public safety agencies; issuance of bonds for county and special district projects; sewers; metropolitan sewer and sanitation districts; local air pollution control districts; city and county libraries; library districts; annexation of territory; public works; parks and playgrounds.

11. Natural Resources and Energy: matters pertaining to forestry; mining; soil and water conservation; flood control and water usage; drainage and irrigation; geology and water resources; waterways and dams; oil, gas and salt water wells; state and national parks; drainage districts; water pollution; air pollution; management of waste; protection of the environment; Natural Resources and Environmental Protection Cabinet; privately owned public utilities; rates, permits and certifications of convenience and necessity; water district rates; utilities in cities; public utility cooperatives; electric and gas utilities and cooperatives; oil and gas transmission companies;

municipal utilities and water works; energy and fuel development; energy waste disposal; the Public Service Commission; solar and other renewable energy; hydroelectric and thermonuclear energy; gasohol and other alternative fuels.

12. Small Business and Information Technology: development and support of small businesses; job creation and job-training programs; federal, state and local regulations that impact small businesses and their employees; all other matters not specifically assigned to another committee relating to administrative, regulatory or operating issues which, because of their smaller size, uniquely impact small business; information technology planning; statewide standards related to information technology; broadband Internet; Internet service providers.

13. State Government: matters pertaining to the sovereignty and jurisdiction of the Commonwealth; the General Assembly, its committees, officers and service agencies; redistricting; the Governor; the Lieutenant Governor; administrative organization; administrative regulations; administrative agencies; Department of Law; constitutional offices; state personnel; state retirement systems; public property and public printing; public officers, their terms, appointments, fees, compensation, removal, oaths and bonds; public information; disaster and emergency services; state and regional planning; libraries; archives and records; public corporations; Commonwealth's attorneys; circuit clerks.

14. Tourism and Outdoor Recreation: matters relating to tourism and travel promotion and development; state, interstate, and national parks and historic sites; fish and wildlife; small business matters relative to tourism development; hotels and motels generally; hotel and restaurant regulations; billboards; advertising related to tourism development; entertainment establishments; campgrounds; the Tourism Cabinet; hunting and fishing; boating; horseback riding; hiking; bird watching; rock climbing; recreational use of all-terrain vehicles; mountain biking; cycling;

kayaking; recreational land use.

15. Transportation: matters relating to airports and aviation; boats and boating; licensing of motor vehicles; operators and trailers; financial responsibility law; nonresident motorists; motor vehicle sales; railroad rates, service and operating regulations; motor carriers; matters pertaining to the construction and maintenance of the state highway system; the Transportation Cabinet; state aid for local roads and streets; the state police; the Federal Highway Safety Law; turnpike authority; state and federal highways; limited access facilities; use of road bond monies; automobile recyclers; highway beautification; bridges, tunnels and ferries; traffic regulations; vehicle equipment and storage; driver training schools.

16. Veterans, Military Affairs and Public Protection: military affairs and civil defense; national guard; veterans; retention of military bases; veterans' rights, benefits, and education; veterans' nursing homes; military memorials and cemeteries; fire prevention and protection; foods, drugs, and poisons; pure foods and drugs; trailer park regulations; hotel and restaurant regulations as they pertain to public health; sanitation plants; garbage and refuse disposal.

Rule 41. Rules Committee. There shall be a Rules Committee composed of the Speaker of the House, the Speaker Pro Tempore, the Majority Floor Leader, the Majority Caucus Chair, the Majority Whip, the Minority Floor Leader, the Minority Caucus Chair, and the Minority Whip. All bills and resolutions having been reported out of the committee to which referred and having received their second reading shall be referred to the Rules Committee. The Rules Committee may refer any bill or resolution before it back to a standing committee. If a bill which includes incarceration as a possible penalty has been received by the Rules Committee from a standing committee other than the Committee on Judiciary, the bill shall be referred to the Committee on Judiciary. No bill or resolution shall be referred back by the Rules Committee on more than one

occasion. All meetings of the Rules Committee shall be open. No bill may be kept in the Rules Committee for longer than five legislative days. Within that time, each bill must be reported to the floor or referred back to a standing committee. In the event of a vacancy on the Rules Committee, the other remaining members of the majority or minority party's leadership serving on the Rules Committee may determine whether there is a vacancy on the Rules Committee and shall appoint a replacement for that member.

The Majority Floor Leader shall while the Rules Committee is in session call bills and resolutions for consideration by the Rules Committee. A bill or resolution may be placed for consideration in the first order of business at the next regular Rules Committee meeting by a majority of the membership voting for such consideration.

Each member shall be given an opportunity upon request to appear before the Rules Committee when a bill of which the member is a sponsor or co-sponsor is under consideration including the subsequent vote thereon. No measure shall be posted in the Orders of the Day for final passage except by order of the Rules Committee unless otherwise ordered posted for the next succeeding legislative day by a majority of the members voting. The Rules Committee shall arrange the Orders of the Day so that all measures shall appear thereon for the consideration of the House, but the Rules Committee may not place in the Orders of the Day any bill or other measure in the possession of a standing or special committee of the House. The Rules Committee, prior to each day's session, shall post a notice in a regular place in the House Chamber listing the bills to be considered that day in the Orders of the Day. Should the House not complete any day's Orders of the Day, the bills and resolutions remaining unconsidered shall go to the top of the Orders of the Day on the next day that Orders of the Day are considered.

The Speaker of the House shall be the Chair of the Rules Committee. The Majority Floor

Leader of the House shall act for the Rules Committee in calling from the Orders of the Day any bills or resolutions in the order the Majority Floor Leader deems proper and shall be recognized by the Speaker for that purpose during all times that the Rules Committee is in charge of posting the Orders of the Day. The Speaker Pro Tempore shall act as chair in the absence of the Speaker.

Rule 42. Liaison Subcommittees. The Committee on Appropriations and Revenue shall be divided into the following eight standing subcommittees of no more than ten members each:

1. Subcommittee on Economic Development, Public Protection, Tourism and Energy;
2. Subcommittee on Personnel, Public Retirement and Finance;
3. Subcommittee on General Government;
4. Subcommittee on Justice, Public Safety and Judiciary;
5. Subcommittee on Primary and Secondary Education and Workforce Development;
6. Subcommittee on Postsecondary Education;
7. Subcommittee on Transportation;
8. Subcommittee on Health and Family Services.

The Committee on Committees shall appoint to each standing subcommittee no more than four members of the Committee on Appropriations and Revenue and no more than six members from the membership of one or more of the remaining standing committees of the House. No member of the Committee on Committees shall serve as a member of a liaison subcommittee. A member of the Committee on Appropriations and Revenue shall serve on no more than one standing subcommittee. The chair of each standing subcommittee shall be appointed by the Committee on Committees from among the members of the Committee on Appropriations and Revenue serving on the particular standing subcommittee.

The liaison subcommittee members of a standing subcommittee shall have full voting

authority in all matters before a standing subcommittee.

The Committee on Committees may assign the chair of a standing committee as an ex officio non-voting member of a standing subcommittee. The chairman and vice chairman of the Committee on Appropriations and Revenue shall serve as ex officio members of each standing subcommittee.

Rule 42A. Budget Review. The standing budget review subcommittees shall notify the membership of the standing substantive committees whose jurisdictional area will be affected by their action of any meetings or hearings and the members of the standing committees may participate as non-voting members.

When the budget review subcommittees have concluded their hearings and formulated their recommendations they shall communicate their recommendations to the affected standing committee or committees who may thereafter file a written response to the recommendations, which response shall be transmitted to the full Committee on Appropriations and Revenue with the subcommittee recommendations.

When the full Committee on Appropriations and Revenue has reported the final budget bill or bills to the floor, it shall notify the affected standing committees of the content of the budget relating to their areas of jurisdiction.

The Rules Committee shall not post for passage any budget bill less than one day after the bill has been finally reported out of committee, and no budget bill or amendment thereto shall be voted upon without providing at least twenty-four hours for review after the bill is posted for passage.

Rule 43. Enrollment Committee. The Committee on Committees shall appoint an Enrollment Committee of not more than seven members. The Enrollment Committee shall be

responsible for the engrossment and enrollment of bills and resolutions.

Rule 44. Conference Committees. When a House bill has been amended in the Senate and the House refuses to concur in the amendment, or when a Senate bill has been amended in the House and the Senate refuses to concur in the amendment and when neither will recede from that action, the Committee on Committees shall appoint a Conference Committee to meet a like committee from the Senate. The Conference Committee shall confer with the Senate Committee and report back to the House within a reasonable time, in the same manner as reports are made for House bills. The conference report shall make no recommendation other than agreement upon or rejection of the matter or matters in controversy, and shall be voted upon, and, if adopted the bill shall immediately be put upon its final passage.

Should a conference committee report its inability to submit a report, or if either house refuses to adopt its report, each house may appoint a free conference committee, consisting of three or more members. A free conference committee shall propose no new appropriation or any appropriation above the level originally designed by either chamber. The free conference report shall be voted on, and if adopted, the bill shall immediately be put upon its final passage.

A conference committee or free conference committee report shall be signed by a majority from each house or it shall not be in order.

Where both majority and minority conference or free conference reports are submitted, a motion to adopt the majority report shall first be considered and a motion to adopt a minority report shall not be in order unless a motion to adopt the majority report fails. Once the majority or minority report is adopted, the bill shall immediately be put upon its final passage.

Rule 44A. Majority and Minority Caucuses. The Majority Caucus of the House of Representatives shall consist of all House members of majority party affiliation. The Minority

Caucus of the House of Representatives shall consist of all House members of minority party affiliation. The majority and minority caucuses of the House of Representatives shall be committees, other than standing committees, of the House of Representatives and General Assembly.

Rule 45. Meetings of Committees. No committee except the Committee on Committees, the Enrollment Committee and a Conference Committee between the House and the Senate shall sit while the House is in session, unless by consent of the House. The Committee on Committees and Enrollment Committee may report at any time except during roll call or while a vote is being taken.

The Committee on Committees, in conference with committee chairs, shall schedule a definite time and place for the regular weekly meetings of each committee, and that schedule shall be posted in the House Chamber and published in the Legislative Record. A committee shall meet at the regular weekly scheduled time and place so long as business is pending before the committee. The Chair or a majority of any committee may call a special meeting in addition to those regularly scheduled.

The Chair shall keep a record of the attendance of members at meetings, which record shall be filed with the Clerk.

The Director of the Legislative Research Commission, under the direction of the Committee on Committees, shall assign a secretary to each committee and provide any professional, clerical or other employees required by any committee.

The Committee on Committees shall meet on call of the Speaker or on call of a majority of the members of the Committee on Committees.

Rule 46. Committee Reports. No bill or resolution shall be considered by the House

except on report of committee. A standing committee may report a bill or resolution in the following manner:

"With the expression of opinion that the same should pass," or

"With the expression of opinion that the same should pass, with the committee amendment attached thereto," or

"With the expression of opinion that the same should pass, with the committee substitute attached thereto," or

"With the expression of opinion that the same should not pass."

Rule 47. Standing and Special Committee Reports. It shall require a majority of the committee membership to report a bill or resolution. The chair shall keep a record of the vote of each member on the disposition of each bill, and shall report the total vote on each side to the House. The chair may sign reports on behalf of a majority of the committee members. The chair's signature shall attest to the action of a majority, but shall not be construed as the chair's personal approval or disapproval of the bill.

A committee report may be accompanied by a minority report, signed by those members who have dissented from the committee's report, and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. It shall require a majority of the members elected to adopt the minority report. The committee's report shall always be read before the minority report is read. Where both majority and minority reports are submitted, a motion to adopt the majority report shall first be considered, and a motion to adopt a minority report shall not be in order unless a motion to adopt the majority report fails.

Rule 48. Discharge Petition. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, a member may sponsor and file with the Clerk a written

request, signed by twenty-five or more members, to call the same up for consideration on the next succeeding legislative day after the filing of the request. The effect of this petition shall be to bring before the House the question of whether the committee to which the bill has been assigned has held the bill for an unreasonable time. Upon the motion of the member sponsoring the request, and if a majority of the members elected to the House concur that the bill has been held an unreasonable time, the bill shall be considered as though it had been regularly reported, and sent to the Rules Committee.

Rule 49. Procedure in Committee. The rules of procedure in the House shall be observed in committee insofar as the same are applicable. The committee chair, or the committee by majority vote in a regularly called meeting, shall post at least three calendar days prior to their consideration the bills and resolutions to be considered by the committee at its next meeting, provided that no bill or resolution shall be posted by the chair or the committee by a majority vote unless and until a request for posting form has been filed with the committee chair or secretary and approved by the committee chair as containing satisfactory information. No measure shall be considered except those posted, unless the measure is one which has been recommitted to the same committee from which it was previously reported with a favorable expression. A list of the measures to be considered shall be filed with the Clerk at least three calendar days prior to the meeting. In the case of prefiled House bills receiving the affirmative votes of a majority of the House members of the interim joint committee to which they were assigned, posting by the chair or the committee shall occur during the first four days of the session, and those bills may be considered by the appropriate committee during the first fifteen legislative days of the session. No posting request shall be required for those prefiled bills.

BILLS AND RESOLUTIONS

Rule 50. Form of Bills. All 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. Bills shall be offered as six distinctly legible copies. Identical bills for introduction in the other chamber may be exact reproductions of original bill provided one copy is authenticated by the Director of the Legislative Research Commission as the original to be introduced in the other chamber. The original shall be the official bill, and shall be retained by the Clerk for the use of the House until engrossed and sent to the Senate. A replacement original of a bill, generated pursuant to these Rules, shall thereafter be considered the original and official bill. One copy shall be used by committees; two copies shall be for the use of the media and shall be given to a person designated by the media; and one copy shall be provided to the Legislative Research Commission. Each copy shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the member introducing the bill shall be placed on each cover.

In all bills, as introduced and as printed, any new matter contained therein shall be underscored; and when an amendment proposes the elimination of matter in an existing law, that elimination shall be indicated on the bill by placing the material proposed to be eliminated in brackets, and by striking through the words to be eliminated with a single line so as not to render those words illegible. In any bill seeking to repeal existing sections of the Kentucky Revised Statutes, the sections sought to be repealed shall be identified by way of inclusion of the headnotes applied to each section as it appears in the Kentucky Revised Statutes. All bills recommending or reauthorizing a study by an interim committee, task force, or special committee of the Legislative Research Commission shall include the following language: "Provisions of this statute 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." The Legislative Research Commission staff shall see that all bills introduced have been prepared through the computerized bill preparation system of the Legislative Research Commission.

Rule 51. Introduction of Bills. A member may introduce bills and resolutions by filing them with the House Clerk on the floor or in the Clerk's office at any time the office is open. The member filing the bill or resolution shall be the primary sponsor of the bill or resolution, and with the sponsor's permission, one member may sign the bill as primary co-sponsor. Other members may co-sponsor the bill or resolution only with the sponsor's permission and by filing the proper papers with the Clerk. Bills and resolutions must be signed by the sponsors and co-sponsors with the member's legislative district numbers beside their signature. A co-sponsor may withdraw co-sponsorship of the bill or resolution with or without the sponsor's permission by filing the proper papers with the Clerk. Bills and resolutions filed after the House has concluded the Introduction and Reading of New Bills, in Rule 4, Order of Business, shall be considered as having been introduced the next succeeding legislative day. The House Clerk shall number bills in the order received and transmit a copy immediately after introduction on the House floor to the Committee on Committees for reference to committee.

In a regular session in an even-numbered year, no bill or resolution having the force of law shall be introduced after the thirty-eighth legislative day of the session. In a regular session in an odd-numbered year, no bill or resolution having the force of law shall be introduced after the fourteenth legislative day of the session.

The last two legislative days preceding the veto recess shall be reserved by the House exclusively for the business of concurring in amended House bills, receding from House

amendments, considering conference and free conference committee reports, and final passage and enrollment of legislation. No House bills or House resolutions having the force of law, other than those referred to in the previous sentence, shall be placed upon their passage later than the fifty-third legislative day in even-year regular sessions, nor later than the twenty-fifth legislative day in odd-year regular sessions; and on the fifty-fourth legislative day in an even-year regular session and on the twenty-sixth legislative day in an odd-year regular session, all bills other than those referred to in the previous sentence that remain in the Orders of the Day shall be returned to the Rules Committee.

The House shall not consider any bills or resolutions having the force of law for concurrence, recess, adoption of conference or free conference committee reports, or final passage if they are received after 5 p.m. on the final concurrence day of a regular session. Any legislative day falling after the veto recess shall be reserved by the House exclusively for the purposes of considering gubernatorial veto messages.

Rule 52. Fiscal Statement. A sponsor of a bill which, if enacted, would affect the revenues or expenditures of state government generally, may at any time by request cause the staff of the Legislative Research Commission to analyze and prepare a fiscal statement for the measure. The staff of the Legislative Research Commission shall analyze and prepare a fiscal statement for any bill which, if enacted, would fiscally affect local governments through the imposition of a local mandate; constitute a mandated health benefit; change the financial liability of any public retirement system administered by an agency of state government; or fiscally affect state or local corrections services in a significant manner, including any bill which would modify or create a criminal penalty or otherwise affect the population of a correctional system or facility.

The chair of the committee to which a bill has been referred may require that a fiscal

statement be attached to the bill prior to posting. The chair or a majority of the committee to which a bill has been referred may require that a fiscal statement be attached to the bill, or amendment thereof, prior to final committee action.

Members may require, by majority vote, that a fiscal statement be attached to any bill or amendment on the Orders of the Day relating to fiscal matters herein described. In that instance, the fiscal statement shall be attached to the bill, or amendment thereof, prior to final consideration of the bill on the floor of the House.

Rule 53. Fiscal Statements for Amendments. Any member proposing an amendment which relates to fiscal matters described in Rule 52 may cause a fiscal statement to be prepared. A fiscal statement shall be considered a public document upon introduction of the bill or amendment for which it was prepared.

Rule 54. Reference of Bills. The Committee on Committees shall refer all bills to the proper standing committee not later than the fifth day in which the House is in session after the date of introduction. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it shall be referred to the Rules Committee. In these instances, the Clerk shall distribute copies of the bill and its proposed amendment to each member of the Rules Committee. The Rules Committee may post these bills to the Orders of the Day for consideration of the amendment, and final passage, giving precedence to these bills over all other matters posted. When bills with amendments for concurrence are reached in the Orders of the Day, the Speaker shall first put the question of concurrence in the amendment, whereupon if that is favorable, the bill shall be put immediately upon its final passage. Bills originating in and passed by the Senate when reported to the House shall be referred to the Committee on Committees and shall take the same course as other bills.

Rule 55. Printing of Bills. Upon receipt of a bill, the Legislative Research Commission shall examine the form of the bill to ensure that it is free from errors of form or typography and has been assigned the proper KRS section or chapter numbers. If a formal change is necessary the Commission shall request the sponsor of the bill to sign a form approving the specified changes. If a bill is found to be correct, or corrections have been approved, the Commission shall authorize its printing.

The Legislative Research Commission shall have printed at least 200 copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House. Bills shall be printed in the order in which they are introduced and shall be distributed to members immediately upon receipt from the printer.

Rule 56. Readings of Bills. If a bill is reported with the expression of opinion that it should not pass, a vote may then be taken on whether it shall be read at length and be placed on the Calendar, if a majority of the members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Commission staff upon the Calendar to be kept by the staff, and shall then be entitled to its second reading the next succeeding legislative day.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with by a majority of all the members elected to the House and the bill read by its title.

Rule 57. Calendar; Consent Calendar. (1) In order to reduce the time required for final passage of bills posted in the Orders of the Day, a consent procedure for the consideration of uncontested bills shall be established and designated as follows:

(a) The Commission staff shall keep a Regular Calendar and a Consent Calendar for each legislative day showing the bills receiving their second reading.

(b) The Commission staff shall also keep a Regular Orders and a Consent Orders showing bills posted for final passage by the Rules Committee.

(2) Bills reported by a Standing Committee with a regular "should pass" or "should pass with committee amendment/substitute attached" recommendation shall be shown in the Regular Calendar on the day on which they are entitled to a second reading.

(3) A Standing Committee may at the time of favorably reporting any House or Senate Bill, recommend that it be placed in the Consent Calendar provided:

(a) The primary sponsor has so requested when it is a House Bill, and

(b) The bill receives a "should pass" or "should pass with committee amendment/substitute attached" recommendation from the committee by a unanimous vote of the members present.

Any House or Senate Bill thus reported shall be first placed in the Consent Calendar on the day on which it is entitled to a second reading and shall continue to be shown in that Calendar until taken therefrom by the Rules Committee and posted in the Consent Orders. Bills receiving a second reading should be so designated to distinguish them from bills which have already received their second reading.

(4) A certificate shall be attached to each bill recommended for the Consent Calendar showing the unanimous recommendation of the members present signed by the Chair.

(5) After a sufficient number of bills have accumulated in the Consent Calendar, the Rules Committee may post any or all of those bills to the Consent Orders for a day certain. On that day, the Consent Orders shall be called before the Regular Orders.

(6) Upon the call of the Consent Orders each bill in those Orders shall be given a third

reading by title only. The Speaker shall then allow a reasonable time for questions from the floor and any explanation necessary by the sponsor or committee chair. Consent Order bills may not be amended from the floor.

(7) The Clerk shall attach a roll call to each bill in the Consent Calendar and any member may at any time prior to passage of the Consent Orders record with the Clerk a "nay" or "pass" vote on any bill within the Consent Calendar or Consent Orders.

(8) Upon the call for the question on the Consent Orders, the Speaker shall instruct the Clerk to announce the "nay" and "pass" votes previously filed on each bill in the Consent Orders. All other members present in the chamber on the day and at the time the Consent Orders are called shall be considered as having voted "aye" and the roll call attached to each bill shall so reflect as the final vote.

(9) Upon the written petition of any member objecting to the placement or retention of any bill in the Consent Calendar or Consent Orders, or upon the filing of a floor amendment to the bill, the bill shall cease to be so considered and shall be placed in the Regular Calendar or Regular Orders as provided in these rules.

Rule 58. Orders of the Day. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House.

A bill may be recommitted or amended in accordance with these rules at any time before its passage. Bills shall be placed in the Orders of the Day in the order in which they have been given their first reading, and shall be taken therefrom in accordance with Rule 41. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute for it an identical

Senate bill which is in the Calendar of the House.

No bill shall be taken from the Orders of the Day unless it shall have been printed and previously distributed to members. No bill, amendment, or committee substitute relating to congressional or legislative redistricting shall be taken from the Orders of the Day unless it shall have been verified by Legislative Research Commission staff using the Commission's redistricting software, for plan integrity and geographic integrity. The verification shall be evidenced by the Legislative Record summary notation "PLAN INTEGRITY VERIFIED" and the "Geographic Integrity Verified" notation on amendments.

Rule 59. Final Passage. When a House bill has been amended in the Senate and the House has concurred in the amendment, or a Senate bill has been amended in the House, but the Senate refuses to concur, and the House recedes from its amendment, the bill shall immediately be placed upon its passage.

Rule 60. Amendments to Bills. All amendments offered shall be on sheets with a proper heading printed in black, furnished by the Commission staff, and shall bear the signature and district number of the members offering the same. An amendment prepared for one member but signed by another shall be considered the amendment of the member signing the amendment. All amendments shall give the proper page and line of the printed bill. An original and six copies of each amendment shall be introduced. No amendment shall be in order that is not germane to the matter under consideration and unless it shall have been printed and previously distributed by the Clerk to members at least one legislative day prior to consideration of the bill or resolution; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment, subject to appeal to the House.

Any amendment to a bill under consideration containing the substantial text of the language

of any other bill introduced during the session shall require for its consideration the affirmative vote of a majority of the members of the House. The commission staff shall cause those amendments to be identified when the bill proposed to be amended thereby is posted on the Orders of the Day. When a question is raised as to the identity of the proposed amendment containing the substantial text of any other bill introduced during the session, the Speaker shall rule thereon, subject to appeal to the House.

A committee substitute, upon its adoption, shall be considered as the original bill for purposes relating to the permissible degree of further amendment of the bill.

A proposal to amend the title of a bill shall be by separate title amendment. The question of adoption of an offered title amendment for a bill shall be presented to the body immediately after adoption of the bill.

A proposal to amend the Constitution of Kentucky shall be introduced as a bill, and no such proposal shall be in order if it is offered as an amendment to any bill.

If a proposed floor amendment to a branch budget bill will result, if adopted, in a loss of revenues or an increase in expenditures for a budget unit, the amendment shall specify by budget unit the amount and source of funds that will offset the loss of revenues or specify the budget unit or other source of funds that will support the increased expenditures. If a budget unit or other source of funds is specified, the amendment shall include all necessary language to effect the changes. It shall be out of order for a floor amendment to a branch budget bill to: (a) specify in general language that funds to support the change shall come from broadly defined sources, such as the budget of a particular cabinet, branch of government, or multiple unrelated budget units, unless the effect on each of these is specifically defined by program and amount; (b) require or permit any other branch or unit of government to determine which specific programs would be

affected; or (c) reduce the Budget Reserve Trust Fund.

Rule 61. Engrossment of Bills. Every House bill and joint resolution, together with the amendments thereto, which has been passed by the House and not subject to further amendment or motion, shall be engrossed by the Clerk. The Clerk shall endorse thereon the day of passage or adoption. The bill shall be delivered to the Senate in open session by the Clerk or someone designated by the Clerk, and Senate concurrence asked therein. A like procedure shall be observed toward Senate bills.

When engrossing a bill, the Clerk may incorporate amendments by means of typing or by generating a replacement original of the bill through computerized process.

Rule 62. Enrollment of Bills. All House bills and resolutions which have passed both the Senate and the House shall be delivered by the Clerk to the Enrolling Clerk, taking a receipt therefor, in the order in which passed. The Clerk shall keep the number and title of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate in a suitable record book attesting the fact and date of passage.

If a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, the Clerk shall engross those amendments in the original copy of the bill by typing or may generate a replacement original copy of the House bill through computerized process, before delivering the bill to the Enrolling Clerk of the House.

In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy can be produced, the Enrolling Clerk may enroll the bill or resolution by typing the same.

The original bill or resolution or replacement therefor, if applicable, and an enrolled copy shall be delivered to the Committee on Enrollment. The Enrolling Clerk shall certify that each is

in the exact form as finally passed prior to their delivery. The Committee on Enrollment and the Enrolling Clerk shall jointly compare the original bill with the enrolled copy, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House. If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled and delivered to the Committee on Enrollment as is first provided herein.

Rule 63. Signing of Bills. The Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions signed by the Speaker to the Chair of the Enrollment Committee of the Senate for presentation to the President of the Senate for the President's signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall present the enrolled bill or resolution to the Governor for the Governor's approval and take a receipt for same.

Rule 64. Resolutions. Resolutions having the force and effect of law shall be treated and considered as bills in all respects under these rules. A simple resolution expressing the will of the House shall upon its introduction be automatically referred to the Committee on Committees, which may refer it to the floor if it is honorary, benevolent, and does not direct further action; otherwise, it shall be referred to a standing committee. Simple resolutions referred to a standing committee may be considered for adoption only after receiving a recommendation from a standing committee and being posted for passage by the Rules Committee. A resolution shall not be accepted for introduction if offered in lieu of a legislative citation. No resolution shall be considered unless it shall have been distributed to all members. All resolutions recommending or reauthorizing a study by an interim committee, task force, or special committee of the Legislative Research Commission shall include the following language: "Provisions of this resolution 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." All resolutions recommending or reauthorizing a study, or which recommend or reauthorize creation of a task force or special committee of the Legislative Research Commission shall be concurrent or joint resolutions.

Rule 65. Legislative Citations. For the purpose of extending the commendations, condolences or congratulations of the General Assembly to a particular person, or to recognize a particular event or occasion, there may be issued a "Legislative Citation." Citations may not be used for procedural matters, matters of a controversial or partisan political nature, nor in place of resolutions memorializing the U.S. Congress, but only when appropriate to express the feeling of the House or of the General Assembly with reference to a person or event.

Staff of the Legislative Research Commission shall prepare proposed legislative citations for adoption by the House and shall assign those citations a number. The sponsor shall receive the original citation and a copy shall also be transmitted to the Clerk of the House prior to adoption. Each citation shall bear the signature of the sponsor and the name of the person or event cited, and upon adoption shall be spread at length upon the Journal. Citations shall be read by title and sponsor only and considered in the order of business "Motions, Petitions, Communications and Announcements."

VOTING

Rule 66. Roll Call. Any member, with a second, may require a roll call on any matter pending before the House. The names of members shall be arranged alphabetically when taking a yea and nay vote.

Any time these rules require a roll-call vote, or a yea and a nay vote of the members, that

vote may be taken by either a voice roll call or the electrical voting system, as ordered by the Speaker.

The Speaker, before each roll-call vote is taken, shall instruct the Clerk to sound the warning chimes installed in that part of the Capitol assigned to the use of the House.

During a roll call any one member, with a second, may request and be afforded a delay of two minutes prior to the closing of the roll. Only one such motion shall be observed during any one roll call.

Rule 67. Electrical Voting System. When the House is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the Speaker shall announce:

"The question is on the passage of (designating the matter to be voted upon). All in favor of the question shall vote 'yea,' and all opposed shall vote 'nay.' The House roll is now open for voting."

The Speaker shall recognize any member who rises for the purpose of explaining a vote. No member shall be allowed to speak more than three minutes to explain a vote, and shall not speak at all if the question is not a debatable question.

When sufficient time has been allowed the members to vote and to explain their vote, the Speaker shall announce: "Have all voted?" "Does anyone desire to change their vote?" and, after sufficient pause, shall lock the roll call system and instruct the Clerk to record the vote. It shall be the responsibility of each member to determine the accuracy of the member's individual vote as registered opposite the member's name on the electrical roll call board and advise the Speaker of any desired change before the roll call system is locked.

The Clerk shall immediately start the recording equipment, and when completely recorded,

shall present the result to the Speaker who shall announce same to the House. The Clerk shall enter upon the Journal the result in the manner provided by the rules of the House.

At the same time the vote is recorded by the electric recording equipment an original and five duplicate roll call sheets shall be made showing the vote, two of which duplicates shall be for use of the press, and one copy shall be furnished to the Legislative Research Commission.

With respect to any roll call vote on a question that is not on the passage of a bill, adoption of an amendment or committee substitute, concurrence or recession from a Senate amendment, adoption of a conference committee or free conference committee report, or override of a gubernatorial veto, the electrical voting system shall indicate that the question subject of the roll call vote is procedural in nature, and the roll call vote shall be described as a procedural vote on the original roll call sheet and on all duplicates.

Rule 68. Voting for Others Prohibited. No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to any penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be punished in a manner as the House may determine. If a person not a member shall vote or attempt to vote for any member, that person shall be barred from the floor of the House for the remainder of the session and may be further punished in any manner as the House may deem proper, in addition to the punishment as may be prescribed by law.

Rule 69. Pairing. All pairs announced in the House shall be entered on the Journal.

Rule 70. Adjournment Extended During Roll Call. When the roll is being called in taking a yea and nay vote, and the hour of an adjournment arrives, the same shall stand extended until after the yea and nay vote has been completed and the result announced.

PRIVILEGE OF THE FLOOR

Rule 71. Persons Entitled to the Floor. No person shall be permitted upon the floor of the House when in session and one hour before and after the House is in session except the present members of the General Assembly, former members of the General Assembly, and all officers and employees of the General Assembly. Bona fide news media correspondents shall be admitted to the floor when recommended by the Committee on Committees and shall be governed by the rules of the House and assigned by the Committee on Committees to a media section specifically set aside for them.

A special section of the gallery shall be reserved for the families and guests of members, who shall be admitted upon presentation of an identification card. Other persons shall be admitted to that part of the gallery not reserved for members' families. Members may submit the names of guests to their caucus chair. The Majority Caucus Chair and the Minority Caucus Chair shall read the names of their respective caucus members' guests to the House. Members shall not introduce guests from the floor.

Rule 72. Restriction of lobbying and access to the House Chambers and office areas. No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter that part of the Capitol while the House is in session. This rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House gallery by any person.

A sign, poster, or any other object, the purpose of which can be reasonably construed to indicate support or opposition to any measure before the House, and which is large enough to be generally visible from the House floor, shall not be permitted in the gallery.

Only authorized persons shall be allowed access to the office areas assigned for use of the

members and staff of the House. For the purposes of this paragraph, "authorized person" means a member of the General Assembly, an employee of the General Assembly or Legislative Research Commission, or a person having obtained specific access authorization from a member or employee. For the purposes of this paragraph, "office areas" means the fourth floor of the Capitol and the third and fourth floors of the Capitol Annex.

Rule 73. Restrictions. For purposes of this rule, "material" shall mean any letter, report, writing, article, booklet, pamphlet, image, photograph, object, or any other item, including any physical object or electronic transmission containing audio, video, or electronic communication, which is requested to be placed upon either the desk of a member on the House floor or in a member's office in the Annex. This material shall not be distributed unless the party interested in the distribution of the material is clearly and physically identified on the material to be distributed. All this material shall conform to accepted public taste, shall contain no matter appealing to prurient interest or without redeeming social value, and shall uphold the dignity of the legislative process. Material originating from the general public shall be delivered to the administrative offices of the Legislative Research Commission or the Clerk of the House and shall upon direction of the Clerk, after inspection, be placed on the members' desk in the Capitol Annex provided the following conditions are met:

- (1) Unless 100 copies are provided, all material should be individually addressed to each member expected to receive a copy;
- (2) If several pages or items are to be provided to each member, they should be securely fastened or placed together in an envelope; and
- (3) Sufficient copies of all material should be provided; staff shall not make additional copies of material.

Material that may be distributed by the Clerk in the House Chamber is restricted to official communications relating to pending legislation or the operation of the House, material sent by a member clearly identified on the face of the material or its attachments to any other member, or other material as designated by the Speaker's Office. The Sergeant-at-Arms shall be charged with the duty of ensuring that no individual other than employees of the House under the direction of the Clerk or House members shall cause materials of any nature to be distributed in the House Chamber. Questions as to the propriety of materials shall be referred to the Committee on Committees for resolution. Any material distributed by unauthorized individuals shall be collected from the members' desks and treated as litter, and any material submitted but not distributed that is unclaimed after one week shall be discarded. Material which is received via e-mail or received on diskette with a request for distribution electronically by LRC staff shall be refused or returned to the sender. Nothing in this rule restricts the right of any person to communicate directly with any member, either electronically or through the United States mail.

RULES

Rule 74. Mason's Manual. In the absence of a specific rule of the House, the most recent edition of *Mason's Manual of Legislative Procedure*, as adopted by the National Conference of State Legislatures, shall govern the proceedings, except that in all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all members elected thereto.

Rule 75. Change of Rules. The rules of the House, after their adoption shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the members elected to the House. No rule shall be suspended for the purpose of any action affecting the passage of a bill or resolution carrying the force of law unless the rule is suspended by a

majority of the members elected to the House. Whenever a rule is suspended, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.