

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION NO. 18-CI-414
CIVIL ACTION NO. 18-CI-379
(CONSOLIDATED)
FILED ELECTRONICALLY

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**

AMENDED 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. This Amended Petition amends the original Petition in order to include additional claims based upon the claims by Respondent, Andy Beshear, that bills enacted into law by the Kentucky General Assembly are invalid under Section 46 of the Kentucky Constitution unless they are literally read three times at length and out loud on the floor of both the State Senate and House of Representatives. Such a ruling and requirement would invalidate virtually every bill passed by the General Assembly and signed by the Governor over many decades.

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), 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), counties will no longer be able to phase-in over several years their increased contributions to the county employees’ pension plan that will begin on July 1, 2018 (HB 362), and Kentucky will have neither an Executive Branch budget (HB 200) nor the additional revenue with which to implement it (House Bill 366). In addition, neither the legislature, the judiciary, nor the Kentucky Transportation Cabinet would have a budget for 2018–2020.

And this is not the only unprecedented argument made by the Attorney General. He also claims that Senate Bill 151 is invalid under Section 46 of the Kentucky Constitution because it was not read at length and out loud three separate times in each chamber of the General Assembly after the bill was amended by committee substitute on March 29, 2018. This claim—just like his claim under Section 56—would invalidate every single bill and resolution passed during the 2018 Regular Session, in addition to numerous laws enacted in scores of prior years—including former-Governor Steve Beshear’s landmark heroin legislation from 2015 and such significant legislation as KERA and even the statutes purporting to codify an “inviolable contract” between the Commonwealth and its rank-and-file employees, its public school teachers, its county employees, and its first-line defenders at the Kentucky State Police.

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 and 46 of the Kentucky Constitution of the passage and signing of every bill, joint resolution, and concurrent resolution passed during the 2018 General Assembly, in addition to numerous laws and resolutions from prior years.

NATURE OF ACTION

1. This Petition for a Declaration of Rights by Governor Bevin, on behalf of the Commonwealth, 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 and numerous bills passed during scores of prior legislative sessions.

4. Given the grave implications of the arguments made by the Attorney General regarding the application of Section 56 and Section 46 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 based upon claims he has asserted in Civil Action No. 18-CI-379, currently

pending in this Court. 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

¹ Affidavit of Melissa Bybee-Fields, Clerk of the Kentucky House of Representatives ¶ 3 (attached as Exhibit 1 to the original Petition for Declaration of Rights and incorporated to this Amended Petition by reference).

13. On January 8, 2018, the Speaker of the Kentucky House of Representatives resigned.²

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

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/>.

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."

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

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.

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

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.

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 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.

⁶ *Id.*, § 579 at 411.

32. Speaker 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, 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

⁷ See Exhibit 1 ¶ 5(A)-(F).

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

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 Civil Action No. 18-CI-379, Div. I, 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 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.

⁸ See *id.* ¶ 6.

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.

The “Three Readings” Requirement

40. Pursuant to the Kentucky Constitution, “[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.” *See* Ky. Const. § 46.

41. Section 39 of the Kentucky Constitution gives each chamber of the General Assembly the authority to establish the rules of its proceedings. The House of Representatives, both through the Rules of the House of Representatives and its custom, has determined that a committee substitute, when passed, becomes the original bill, and that a bill need only receive the three readings at some point during the legislative process. The Senate, through the same manner, has determined to follow the same rule.

42. There is no requirement under Kentucky law that a bill “as passed” receive three readings in each chamber or that a bill receive additional readings if its title and subject matter change.

The Attorney General’s Section 46 Claim

43. The Attorney General’s Complaint challenging the validity of Senate Bill 151 includes a claim arising out of Section 46 of the Kentucky Constitution.

44. Count II of the Attorney General’s Complaint alleges that Senate Bill 151 is unconstitutional under Section 46 of the Kentucky Constitution because it was not read at length three times in each chamber.

45. The Attorney General contends that the final form of any bill must literally be read three times on three different days at length and out loud.¹¹

46. According to the Attorney General, any bill that undergoes a change in subject matter must literally be read again at length and out loud three separate times in each chamber.

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

48. No bill or resolution identified in Paragraph 32 of this Amended Petition was literally read out loud and in its entirety three separate times in each chamber or even one time.

49. The theory would also require declaring numerous other statutes from decades of prior legislative sessions unconstitutional, including KERA and the four statutes purporting to enact "inviolable contracts" relating to employee pensions for state and county employees, public school teachers, and state police employees.

House Bill 430 of the 2000 Regular Session

50. House Bill 430, titled "An Act relating to the administration of justice" and passed during the Regular Session of the 2000 General Assembly, added fourth-degree assault (KRS 508.030) to the list of crimes eligible for prosecution as a hate crime under KRS 532.031.

¹¹ See Plaintiffs' 5-30-18 Reply at 27 filed in Civil Action No. 18-CI-379.

51. House Bill 430 was originally proposed as “An Act relating to judgeships,” and it related to the Commonwealth’s judicial districts.

52. House Bill 430 was read three times in the House and passed, and read two additional times in the Senate as “An Act relating to judgeships.”

53. Subsequently, House Bill 430 was amended in committee. The amendment added provisions of SB 28, which dealt with the inclusion of fourth-degree assault as a prosecutable hate crime under KRS 532.031. A title amendment further changed the title of House Bill 430 to “An Act relating to the administration of justice.”

54. House Bill 430 was read one additional time in the Senate before being passed. The House concurred with the amendments with no additional changes.

55. House Bill 430 was not literally read at length and out loud three times on the House and Senate floors in its final form, or even one time in any form.

House Bill 608 of the 2000 Regular Session

56. House Bill 608, titled “An Act relating to the public good” and passed during the Regular Session of the 2000 General Assembly, amended KRS 507.040 to provide that a person is guilty of second-degree manslaughter for causing the death of a child for leaving the child unattended in a motor vehicle in circumstances that manifest extreme indifference to human life.

57. House Bill 608 was originally proposed as “An Act relating to health insurance,” and it amended various statutes concerning health care in the Commonwealth.

58. House Bill 608 was read three times and passed in both chambers as “An Act relating to health insurance.”

59. Subsequently, a Free Conference Committee was appointed. The Free Conference Committee amended House Bill 608 to include the amendment to KRS 507.040. A title amendment further changed the title of House Bill 430 to “An Act relating to the public good.”

60. House Bill 608 was passed by both chambers in its amended form.

61. House Bill 608 was not literally read at length and out loud three times on the House and Senate floors, or even one time in any chamber.

Senate Bill 192 of the 2015 Regular Session

62. Senate Bill 192, titled “An Act relating to controlled substances” and passed during the Regular Session of the 2015 General Assembly, enacted numerous provisions related to substance-abuse treatment and tougher heroin penalties.

63. Former-Governor Steve Beshear signed Senate Bill 192 into law on March 25, 2015. The bill was hailed as “a sweeping bill to combat the onslaught of heroin abuse that is killing hundreds of Kentuckians every year.”¹²

64. Senate Bill 192 was originally proposed as “An Act relating to health care for inmates,” and—as its title suggested—related to inmate health care.

¹² See “Heroin bill signed into law, now in effect,” *Courier-Journal* (Mar. 25, 2015), <https://www.courier-journal.com/story/news/politics/ky-legislature/2015/03/25/heroin-bill-signed-law-kentucky-gov-steve-beshear-needle-exchanges-included/70439992/>.

65. Senate Bill 192 was read three times and passed in the Senate, and read three times in the House as “An Act relating to health care for inmates.”

66. Subsequently, Senate Bill 192 was amended by a committee substitute. The committee substitute replaced the original provisions with what eventually became Senate Bill 192. The bill as amended by the committee substitute was read a third time in the House and passed. A title amendment was passed changing the title of the bill to “An Act relating to controlled substances and declaring an emergency.”

67. The Senate did not concur with the changes, thus prompting appointment of a Conference Committee. Eventually, the chambers reached an agreement and passed the Conference Committee Report.

68. Senate Bill 192 was not literally read at length and out loud three times on the House and Senate floors in its final form, or even one time in any form.

House Bill 265 from the 2018 General Session

69. House Bill 265, titled “An Act amending the 2018-2020 state/executive branch budget, making an appropriation therefor, and declaring an emergency” and passed during the Regular Session of the 2018 General Assembly, amended the biennium executive-branch budget. This was a bill to fix issues with the executive-branch budget bill, including allowing the Kentucky Teachers’ Retirement System to fund health insurance for the dependents of certain educators. The bill also gives coal counties a bigger share of the state’s revenues from coal severance taxes.

70. House Bill 265 was originally proposed as “An Act relating to training for telecommunicators,” and it related to mandatory training for telecommunicators who provide dispatch for emergency medical conditions.

71. House Bill 265 was read three times in the House and passed, and read two additional times in the Senate as “An Act relating to training for telecommunicators.”

72. Subsequently, House Bill 265 was amended on the floor on the last day of the Regular Session of the 2018 General Assembly. The amendment replaced the prior bill in its entirety. A title amendment further changed the title of House Bill 265 to “An Act amending the 2018-2020 state/executive branch budget, making an appropriation therefor, and declaring an emergency.”

73. House Bill 265 was read one additional time in the Senate before being passed unanimously. The House concurred with the amendments with no additional changes by a vote of 80-11.

74. House Bill 265 was not literally read at length and out loud three times on the House and Senate floors in its final form, or even one time in any form.

House Bill 362 from the 2018 General Session

75. House Bill 362, titled “An Act relating to retirement and declaring an emergency” and passed during the Regular Session of the 2018 General Assembly, permits county employers under CERS to phase-in the required increased contributions under the retirement system that are take place July 1, 2018.

76. House Bill 362 was originally proposed as “An Act relating to high school students pursuing military careers,” and it created a new section of KRS mandating

schools offer the Armed Services Vocational Aptitude Battery test as well as excuse students for absences due to meeting with military recruiters.

77. House Bill 362 was read three times in the House and passed, and read two additional times in the Senate as “An Act relating to high school students pursuing military careers.”

78. Subsequently, House Bill 362 was amended on the floor near the end of the Regular Session of the 2018 General Assembly. The amendment replaced the prior bill in its entirety. A title amendment further changed the title of House Bill 362 to “An Act relating to retirement and declaring an emergency.”

79. House Bill 362 was read one additional time in the Senate before being passed 35-3. The House concurred with the amendments with no additional changes by a vote of 94-2. Both chambers subsequently overrode a veto of House Bill 362 by a vote of 94-2 in the House and 34-3 in the Senate.

80. House Bill 362 was not literally read at length and out loud three times on the House and Senate floors in its final form, or even one time in any form.

House Bill 592 from the 2018 General Session

81. House Bill 592, titled “An Act relating to public agencies” and passed during the Regular Session of the 2018 General Assembly, amended numerous requirements related to public agencies and required members of the Education and Workforce Development Cabinet to submit to criminal background checks if they have access to federal tax return information.

82. House Bill 592 was originally proposed as “An Act relating to education,” and it amended a provision of the KRS to insert gender-neutral language.

83. House Bill 592 was read twice in the House. Subsequently, House Bill 592 was transformed by committee substitute to create a number of changes to public agencies. The original language of the bill was removed, and the title was amended to “An Act relating to public agencies.” The bill was read a third time in the House and passed.

84. House Bill 592 was read once in the Senate and then amended by a committee substitute to include the mandatory criminal background checks for certain employees of the Education and Workforce Cabinet. The bill was then read two additional times and passed out of the Senate unanimously. The House concurred with the changes.

85. House Bill 592 was not literally read at length and out loud three times on the House and Senate floors in its final form, or even one time in any form.

The Inviolable Contracts

86. There is no indication that any of the bills enacting the four inviolable contracts with state employees were ever read out loud on the floors of the House and Senate and in their entirety even one time.

87. The general rules governing the legislative process in Kentucky have existed for decades. In 1955, the Legislative Research Commission initiated a comprehensive study to report on legislative organization and procedures (the “Report”). The Report concluded that—at that time—the General Assembly relied on the same legislative

processes used today, such as amending a bill to replace its entire contents. These practices were ongoing at least in 1954, and likely long before that date as well.

88. The four inviolable contracts identified in the Attorney General’s Complaint challenging Senate Bill 151 are enacted through KRS 21.480, KRS 61.692, KRS 78.852, and KRS 161.714, relating to judicial employees, rank-and-file state employees, county employees, and public school employees. Each of these statutes was passed after 1955 when the Report confirmed the General Assembly’s practices, which did not include literally reading each bill at length and out loud three times, or even one time, in each chamber. Upon information and belief, the bills creating the inviolable contracts for state employees were not read at length and out loud in each chamber three times. Thus, the statutes creating the inviolable contracts in the first instance do not satisfy the Attorney General’s Section 46 theory. If his claims and legal theories prevail, state employees, including public school teachers, are at risk of no longer having the “inviolable contract” they have depended upon.

The Kentucky Education Reform Act

89. House Bill 940, titled “An omnibus act to reform the Commonwealth’s system of common schools in response to the Supreme Court’s mandate in *Rose v. Council for Better Education, Inc.*; provide for raising revenues incidental thereto pursuant to provisions of 1990 HB 543; EMERGENCY” and passed during the Regular Session of the 1990 General Assembly, enacted landmark education reform in Kentucky. The bill is more commonly known as the Kentucky Education Reform Act (“KERA”).

90. House Bill 940 was not literally read at length and out loud three times on the House and Senate floors in its final form, or even one time in any form.

91. House Bill 940 was amended numerous times over the course of the 1990 Regular Session and was not literally read three times, or even one time, in each chamber following the amendments. Thus, if Attorney General Beshear's claims and legal theories prevail, KERA is at risk of being held invalid for the same reason.

The Legal Doctrine of Issue Preclusion Necessitates This Action

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

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

94. 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).

95. 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.

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

97. The “chief law officer” of the Commonwealth has claimed a bill is unconstitutional because it was not literally read at length and out loud in its final form three separate times, or even one time, in each chamber of the General Assembly. However, no bill or resolution passed during this legislative session, or during decades of legislative sessions, meets this standard.

98. 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, and many other legislative sessions over several decades, including the bills specifically identified above as examples.

99. The results of this would be disastrous. House Bill 362, for example, provides significant relief to Kentucky’s cities and counties by implementing a 10-year phase-in period for CERS pension contributions that are scheduled to increase substantially in 2018. If House Bill 362 is found invalid because it was passed using the same legislative process as Senate Bill 151, numerous cities and counties would be forced into financial distress and possibly bankruptcy.

100. Furthermore, the Attorney General, Commonwealth’s Attorneys, and County Attorneys could be precluded from defending multiple criminal laws enacted in prior legislative sessions—including those identified above—from challenges by criminals

and inmates seeking to overturn their convictions or defendants seeking to avoid prosecution and conviction.

101. 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's ill-conceived and ill-advised claims.

COUNT I

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

103. 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.

104. 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).

105. 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. Although he subsequently indicated he desires to abandon this claim, such a course of action does not foreclose others raising it with regard to Senate Bill 151 or any other statute enacted during the 2018 Regular Session. By raising this issue, the Attorney General opened a door that must be resolved on the merits.

106. The Attorney General's theory, if correct and consistently applied, would invalidate all legislation signed by Speaker Osborne during the Regular Session of the 2018 General Assembly.

107. 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.

108. 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.

COUNT II

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

110. Pursuant to the Kentucky Constitution, “[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.” *See* Ky. Const. § 46.

111. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution requires each bill to be literally read at length and out loud on the House and Senate floors three separate times, or at least one time.

112. No bill passed during the Regular Session of the 2018 General Assembly meets this criteria, nor does virtually any bill enacted during decades of prior legislative sessions.

113. The Attorney General's theory, if correct and consistently applied, would invalidate all legislation passed during the Regular Session of the 2018 General Assembly.

114. Additionally, the Attorney General's theory, if correct and consistently applied, would likely invalidate every law enacted over the last several decades because the General Assembly has never required that bills be literally read at length and out loud three times on the floor of each chamber. This would apply, for example, to the Kentucky Education Reform Act of 1990 (KERA), which was significantly amended over the course of the 1990 Regular Session and never read out loud and in its entirety three times in each chamber. The Attorney General's theory would also likely invalidate the employees' and teachers' "inviolable contracts" themselves, which, upon information and belief, were not literally read at length and out loud three times on the floor of each chamber when they were each enacted decades ago.

115. 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 in order to execute it faithfully.

116. Accordingly, Governor Bevin seeks a binding declaration that Section 46 of the Kentucky Constitution does not require the following bills, joint resolutions, and concurrent resolution to have been literally read at length and out loud three separate

times, or even one time, on the floor of each chamber of the General Assembly 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.

117. Governor Bevin further seeks a binding declaration that Section 46 of the Kentucky Constitution does not require every bill enacted over the last several decades, including KERA, former-Governor Steve Beshear's landmark heroin legislation, countless criminal statutes, the county pension phase-in bill, and the

“inviolable contracts” themselves, to have been literally read at length and out loud three separate times, or even one time, on the floor of each chamber.

COUNT III

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

119. Pursuant to the Kentucky Constitution, “[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.” *See* Ky. Const. § 46.

120. House Bill 430, titled “An Act relating to the administration of justice” and passed during the Regular Session of the 2000 General Assembly, added fourth-degree assault (KRS 508.030) to the list of crimes eligible for prosecution as a hate crime under KRS 532.031.

121. House Bill 430 was originally proposed as “An Act relating to judgeships,” and it related to the Commonwealth’s judicial districts. House Bill 430 was not literally read at length or out loud three separate times, or even one time, on the floor of each chamber of the General Assembly after its subject matter was changed.

122. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution forbids changing the subject matter of a bill without literally re-reading the bill on the floor of each house three additional times, or at least one time, in each chamber while in session.

123. The Attorney General's theory, if correct and consistently applied, would invalidate House Bill 430 and could nullify the hate-crime classification of any person's conviction under KRS 532.031 for fourth-degree assault.

124. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General's theory, if adopted by the courts, would invalidate House Bill 430, 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.

125. Accordingly, Governor Bevin seeks a binding declaration that House Bill 430, as passed by the Regular Session of the 2000 General Assembly, met the constitutional mandate under Section 46 that bills be read three times in each chamber despite the subject of House Bill 430 changing so as to require a title amendment and despite the fact that the bill was not literally read in its final form three times at length and out loud, or even one time, on the floor of each chamber while in session prior to its final passage.

COUNT IV

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

127. Pursuant to the Kentucky Constitution, "[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending." *See* Ky. Const. § 46.

128. House Bill 608, titled “An Act relating to the public good” and passed during the Regular Session of the 2000 General Assembly, amended KRS 507.040 to provide that a person is guilty of second-degree manslaughter for causing the death of a child for leaving the child unattended in a motor vehicle in circumstances that manifest extreme indifference to human life.

129. House Bill 608 was originally proposed as “An Act relating to health insurance,” and it related amended various statutes concerning health care in the Commonwealth. House Bill 608 was not literally read at length or out loud three separate times, or even one time, on the floor of each chamber of the General Assembly after its subject matter was changed.

130. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution forbids changing the subject matter of a bill without literally re-reading the bill on the floor of each house three additional times, or at least one time, in each chamber while in session.

131. The Attorney General’s theory, if correct and consistently applied, would invalidate House Bill 607 and could nullify any person’s conviction under KRS 507.040 for second-degree manslaughter for causing the death of a child for leaving the child unattended in a motor vehicle in circumstances that manifest extreme indifference to human life or preclude prosecution and conviction of such persons.

132. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General’s theory, if adopted, would invalidate House Bill 608, 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.

133. Accordingly, Governor Bevin seeks a binding declaration that House Bill 608, as passed by the Regular Session of the 2000 General Assembly, met the constitutional mandate under Section 46 that bills be read three times in each chamber, despite the subject of House Bill 608 changing so as to require a title amendment, and despite the fact that the bill was not literally read in its final form three times at length and out loud, or even one time, on the floor of each chamber while in session prior to its final passage.

COUNT V

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

135. Pursuant to the Kentucky Constitution, “[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.” *See* Ky. Const. § 46.

136. Senate Bill 192, titled “An Act relating to controlled substances” and passed during the Regular Session of the 2015 General Assembly, enacted numerous provisions related to substance-abuse treatment and tougher heroin penalties.

137. Former Governor Steve Beshear signed Senate Bill 192 into law on March 25, 2015. The bill was hailed as “a sweeping bill to combat the onslaught of heroin abuse that is killing hundreds of Kentuckians every year.”

138. Senate Bill 192 was originally proposed as “An Act relating to health care for inmates,” and—as its title suggested—it related to inmate health care. Senate Bill 192 was not literally read at length or out loud three separate times, or even one time, on the floor of each chamber of the General Assembly after its subject matter was changed.

139. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution forbids changing the subject matter of a bill without literally re-reading the bill on the floor of each house three additional times, or at least one time, in each chamber while in session.

140. The Attorney General’s theory, if correct and consistently applied, would invalidate Senate Bill 192 and undo the significant efforts to combat substance abuse in Kentucky over the last several years.

141. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General’s theory, if adopted, would invalidate Senate Bill 192, 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.

142. Accordingly, Governor Bevin seeks a binding declaration that Senate Bill 192, as passed by the Regular Session of the 2015 General Assembly, met the constitutional mandate under Section 46 that bills be read three times in each chamber, despite the subject of Senate Bill 192 changing so as to require a title amendment, and despite the fact that the bill was not literally read in its final form

three times at length and out loud, or even one time, on the floor of each chamber while in session prior to its final passage.

COUNT VI

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

144. Pursuant to the Kentucky Constitution, “[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.” *See* Ky. Const. § 46.

145. House Bill 265, titled “An Act amending the 2018-2020 state/executive branch budget, making an appropriation therefor, and declaring an emergency” and passed during the Regular Session of the 2018 General Assembly, amended the biennium executive-branch budget.

146. House Bill 265 was originally proposed as “An Act relating to training for telecommunicators,” and it related to mandatory training for telecommunicators who provide dispatch for emergency medical conditions. House Bill 265 was not literally read at length or out loud three separate times, or even one time, on the floor of each chamber of the General Assembly while in session after its subject matter was changed.

147. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution forbids changing the subject matter of a bill without literally re-reading the bill on the floor of each house three additional times, or at least one time, in each chamber while in session.

148. The Attorney General's theory, if correct and consistently applied, would invalidate House Bill 265 and nullify the amendments made to the executive branch budget for the 2018-2020 biennium.

149. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General's theory, if adopted, would invalidate House Bill 265, 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.

150. Accordingly, Governor Bevin seeks a binding declaration that House Bill 265, as passed by the Regular Session of the 2018 General Assembly, met the constitutional mandate under Section 46 that bills be read three times in each chamber, despite the subject of House Bill 265 changing so as to require a title amendment, and despite the fact that the bill was not literally read in its final form three times at length and out loud, or even one time, on the floor of each chamber while in session prior to its final passage.

COUNT VII

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

152. Pursuant to the Kentucky Constitution, "[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending." *See* Ky. Const. § 46.

153. House Bill 362, titled “An Act relating to retirement and declaring an emergency” and passed during the Regular Session of the 2018 General Assembly, permits county employers under CERS to phase-in the required increased contributions under the retirement system.

154. House Bill 362 was originally proposed as “An Act relating to high school students pursuing military careers,” and it created a new section of KRS mandating schools offer the Armed Services Vocational Aptitude Battery test as well as excuse students for absences due to meeting with military recruiters. House Bill 362 was not literally read at length or out loud three separate times, or even one time, on the floor of each chamber of the General Assembly while in session after its subject matter was changed.

155. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution forbids changing the subject matter of a bill without literally re-reading the bill on the floor of each house three additional times, or at least one time, in each chamber while in session.

156. The Attorney General’s theory, if correct and consistently applied, would invalidate House Bill 362 and nullify the relief provided to county employers under CERS, causing great financial injury to *many* counties, cities, and quasi-governmental entities throughout Kentucky.

157. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General’s theory, if adopted, would invalidate House Bill 362, 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.

158. Accordingly, Governor Bevin seeks a binding declaration that House Bill 362, as passed by the Regular Session of the 2018 General Assembly, met the constitutional mandate under Section 46 that bills be read three times in each chamber, despite the subject of House Bill 362 changing so as to require a title amendment, and despite the fact that the bill was not literally read in its final form three times at length and out loud, or even one time, on the floor of each chamber while in session prior to its final passage.

COUNT VIII

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

160. Pursuant to the Kentucky Constitution, “[e]very bill shall be read at length on three different days in each House, but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending.” *See* Ky. Const. § 46.

161. House Bill 592, titled “An Act relating to public agencies” and passed during the Regular Session of the 2018 General Assembly, amended numerous requirements related to public agencies and required members of the Education and Workforce Development Cabinet to submit to criminal background checks if they have access to federal tax return information.

162. House Bill 592 was originally proposed as “An Act relating to education,” and it amended a provision of the KRS to insert gender-neutral language. House Bill 592

was not literally read at length or out loud three separate times, or even one time, on the floor of each chamber of the General Assembly while in session after its subject matter was changed.

163. Andy Beshear, the chief legal officer of the Commonwealth, has filed a lawsuit alleging that Section 46 of the Kentucky Constitution forbids changing the subject matter of a bill without literally re-reading the bill on the floor of each house three additional times, or at least one time, in each chamber while in session.

164. The Attorney General's theory, if correct and consistently applied, would invalidate House Bill 592 and nullify the changes made to public agencies, including the mandatory requirement of criminal background checks for certain employees with access to federal tax information.

165. Because the Governor is charged with faithfully executing the laws of the Commonwealth and the Attorney General's theory, if adopted, would invalidate House Bill 592, 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.

166. Accordingly, Governor Bevin seeks a binding declaration that House Bill 592, as passed by the Regular Session of the 2018 General Assembly, met the constitutional mandate under Section 46 that bills be read three times in each chamber, despite the subject of House Bill 592 changing so as to require a title amendment, and despite the fact that the bill was not literally read in its final form

three times at length and out loud, or even one time, on the floor of each chamber prior to its final passage.

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;
3. A declaration that the rules adopted by each chamber of the General Assembly govern the process for determining whether a bill was read at length;
4. A declaration that Section 46 of the Kentucky Constitution does not require every bill to be literally read out loud and at length three times, or even one time, on the floor of each chamber while in session and that Section 46 does not require three additional readings of each bill in each chamber where the title and subject are materially changed; and
5. Any and all other relief to which the Petitioner may be entitled.

Respectfully submitted,

/s/ M. Stephen Pitt
M. Stephen Pitt
S. Chad Meredith
Matthew F. Kuhn
Office of the Governor
700 Capital Avenue, Suite 101
Frankfort, Kentucky 40601
(502) 564-2611 (phone)
(502) 564-1275 (fax)
Steve.Pitt@ky.gov

Chad.Meredith@ky.gov
Matt.Kuhn@ky.gov

Brett R. Nolan
Finance and Administration Cabinet
Office of the General Counsel
702 Capital Avenue, Rm. 392
Frankfort, Kentucky 40601
(502) 564-6660
Brett.Nolan@ky.gov

Katharine E. Grabau
Public Protection Cabinet
Office of Legal Services
656 Chamberlin Avenue, Suite B
Frankfort, Kentucky 40601
(502) 564-7760 (phone)
Katie.Grabau@ky.gov
Counsel for Governor Bevin

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were served via email this 13th day of June, 2018, to Andy Beshear, J. Michael Brown, La Tasha Buckner, S. Travis Mayo, Marc G. Farris, Samuel Flynn, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, Jeffrey Walther, Walther, Gay & Mack, 163 E. Main St., Suite 200, Lexington, KY 40588, David Leightty, Priddy, Cutler, Naake, Meade, 2303 River Road, Suite 300, Louisville, KY 40206, David Fleenor, Capitol Annex, Room 236, Frankfort, KY 40601, Eric Lycan, Office of the Speaker, Capitol Annex, Room 332, Frankfort, KY 40601, Mark Blackwell, 1260 Louisville Road, Frankfort, KY 40601, and Bill Johnson, Johnson Bearse, LLP, 326 West Main St., Frankfort, KY 40601.

/s/ Brett R. Nolan
Counsel for Governor Bevin