



KYA BILL DRAFTING GUIDE



IN PARTNERSHIP WITH
THE KENTUCKY
LEGISLATIVE RESEARCH
COMMISSION

This guide was created through a partnership between the Kentucky YMCA Youth Association and the Legislative Research Commission (LRC) of Kentucky – www.lrc.ky.gov. We hope it will help bill sponsors and other participants in KYA draft bills that are more authentic and that reflect the style and format of real-world legislation debated and voted on by the Kentucky General Assembly.

Need help finding a bill topic? Check out this year's Youth Governor's Agenda at www.kyymca.org/kya/resources, along with an archive of bills from past KYA sessions. For examples of bills written and filed by the Kentucky General Assembly, visit <http://www.lrc.ky.gov/legislation.htm> and click on any session to view bills from that year.

Bill drafting is its own kind of writing...

A legislative bill requires a technical, informational style of writing. Unlike a short story or a poem, a good bill should be written in very simple and straightforward language.

A bill is an expression of a specific legal enactment that describes what is required by law. Therefore it should NOT include stories, testimonials, explanations of statistics, or any impassioned or persuasive language. The bill should state what the law will be; save the flowery, eloquent language for debate!

The draft of a bill should follow the steps below in specifically the order in which they are shown:

I. TITLE

The title begins with "AN ACT relating to..." and then identifies the topic/issue the bill addresses. Kentucky's Constitution requires that no bill "relate to more than one subject, and that shall be expressed in the title..." (Const., § 51). A bill's title should be broad and general enough to encompass all the bill's provisions, but not so broad as to be misleading.

EXAMPLE: You could have a bill titled "An Act relating to public school standardized tests," but NOT just "An Act relating to schools" NOR "An Act relating to tests."

An Act relating to public school standardized tests

II. ENACTING CLAUSE

This clause is automatically included in your bill on our KYA template and online registration form, because failure to include this clause would invalidate the bill; it is the formal expression of legislative enactment. The title precedes the enacting clause, and all sections following the enacting clause become law:

Be it enacted by the Youth Assembly of the Commonwealth of Kentucky

The Kentucky YMCA changes the words "General Assembly" in the official state wording to "Youth Assembly" to reflect that the Kentucky Youth Assembly would enact the bills.

III. BODY – SECTIONS OF THE BILL

The body of a bill may contain multiple sections that have different legal impacts. Each section is numbered (Section 1., Section 2., Section 3., etc.). Broadly considered, any proposed bill will do one of three things:

- **Create*** brand new legal provisions; or
- **Amend** (change) existing legal provisions; or
- **Repeal** (get rid of) existing legal provisions.

The legal provisions that bills will create, amend or repeal are found in the **Kentucky Revised Statutes (KRS)**, which is the body of laws that govern the State of Kentucky.

Note: If your bill addresses the Constitution of Kentucky, please proceed to Section IV (pg. 5) of this guide.

***Beginner Bill Sponsors:** Students who are new to KYA or bill drafting are recommended to focus on creating new sections of KRS, as this format allows for the most simple and straightforward language in your bill. Amending or repealing existing statutes will require students to interact with and include discussion of those statutes, which is recommended for older and more experienced bill sponsors.

The **KRS** is divided into broad subject headings called “Titles”; each Title is subdivided into “Chapters.” Bill sponsors need to research the LRC website to identify the appropriate chapter where their sections will be created or amended/repealed (experienced bill sponsors): www.lrc.ky.gov/statutes

There are over 600 Chapters in the KRS (Kentucky has a lot of laws!). But using the Title headings and Chapter descriptions should help sponsors narrow it down to which chapter your bill belongs in. For example, a bill dealing with standardized tests would be created in “KRS Chapter 158: Conduct of Schools.”

A handy way of identifying an existing statute on a given subject is through a simple Google search. For example, if you type “KRS high schools tests” into a Google search bar it will bring up various links to laws on this subject. This will help bill sponsors identify the chapter of KRS that they will likely be working in, although more research may be needed to find the precise statute to be amended or repealed.

Sponsors may divide parts of the bill into different sections/subsections depending on whether the bill has various concepts; a bill addressing standardized tests may have one section identifying the types of tests used and another section about when they will be given.

Creating a Statute

If you are creating a new section in KRS, you must have a section of your bill for each new section of KRS that you create. Each new section created begins with an introductory clause that is all CAPITALIZED:

SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS: (1) All public school standardized tests shall consist of multiple choice style items. (2) All public school standardized tests shall be given no earlier than April 1 and no later than May 31.

Beginner Bill Sponsors: If you are a first-time sponsor only focusing on creating new sections of KRS, after all of your new sections are created, you will add a section that requires the amending or repealing of any statutes to the contrary. This is a “catchall” statement to indicate that anything contrary to the new sections your bill creates will no longer be valid:

Section 2. Any statute contrary to this Act shall be amended or repealed.



STOP

Beginner Bill Sponsors do NOT need to proceed to pg. 3-4 unless desired. If a Beginner Bill Sponsor has a bill addressing the Constitution, they can use the format for that type of bill on pg. 5 of the guide.

Experienced Bill Sponsors, or students who feel comfortable with advanced bill drafting, can proceed to pg. 3-4 of the Bill Drafting Guide to use the more advanced options of amending or repealing KRS sections by citing the section being amended, deleting and inserting language from the current written law, or deleting language entirely.

Amending a Statute

For each existing KRS section you are amending, there must be a separate section of your bill. Each amending section of the bill begins with a specific clause. It then provides directions for the exact amendments to be made:

Section 2. KRS 158.6453 is amended to read as follows: Amend (5)(b)3. to read as follows, "An on-demand assessment of student writing to be administered two (2) times within the high school grades;" Insert (5)(b)6. to read "A civics assessment to be administered in the tenth grade." Delete (5)(d). In (7), delete "shall" and insert "may" in its place. After "appropriate" insert "educational".

Repealing a Statute

Deleting a statute may be needed if the primary objective of the bill is to get rid of a law or if the statute conflicts with a proposed amendment. Statutes to be repealed are listed in one section beginning with a repeal clause:

Section 3. The following KRS section is repealed: 158.6458 - Plan for implementation of state assessment and accountability system

OR (if repealing multiple KRS sections)

Section 3. The following KRS sections are repealed: 158.6457 - Definitions for KRS 158.6452, 158.6453, 158.6455 and 158.6457; 158.6458 - Plan for implementation of state assessment and accountability system

Penalties (Optional)

Many bills include penalties for violations of statutes by creating or amending statutes. It is critical to identify with which section of the bill or statute the penalty is associated. If not part of the Penal Code, KRS Chapters 500-534, penalties are often found in other KRS Chapters and usually at the end in the .990 sections. A penalty may be a monetary fine, a loss of a license, a criminal punishment, all of these, or more. Courts may impose the following criminal penalties on particular felonies and misdemeanors:

- Capital Offense - Death penalty, life imprisonment, imprisonment for at least 25 years without parole, or imprisonment for 20 to 50 years
- Class A felony - 20 to 50 years or life imprisonment; fine of \$1,000 to \$10,000
- Class B felony - 10 to 19 years of imprisonment; fine of \$1,000 to \$10,000
- Class C felony - 5 to 9 years of imprisonment; fine of \$1,000 to \$10,000
- Class D felony - 1 to 4 years of imprisonment; fine of \$1,000 to \$10,000
- Class A misdemeanor - no more than 12 months of imprisonment; fine up to \$500
- Class B misdemeanor - no more than 90 days of imprisonment; fine up to \$250

Non-Codified Clauses: Appropriations & Effective Date (Optional)

Some bills include sections that are not codified, or written, into KRS. These non-codified sections are law that affects how the bill is to be carried out, but they are not permanent. They may be added to a bill as necessary:

- **Appropriations** – If a bill requires funds to carry out the law, include an appropriations clause. This authorizes a state agency to spend a max sum of money (numeric dollar amounts) for specified fiscal years:

Section 4. There is appropriated to the Department of Parks from the General Fund \$2,000,000 in fiscal year 2018-2019 for the purposes of the Beautification Program.

Important Bill Title Note: If a bill contains an appropriation, it should be reflected in the title with "and making an appropriation therefor." added to the end of the standard title.

The state fiscal year begins July 1 and ends the following June 30. Under KRS 45.229, funds unexpended at the end of a fiscal year lapse to the general fund surplus account. If it is desired that an unexpended balance carry forward to the next fiscal year, KRS 45.229 must be suspended. For example:

Section 4. There is appropriated to the Department of Parks from the General Fund \$2,000,000 in fiscal year 2018-2019 for the purposes of the Beautification Program. Notwithstanding KRS 45.229, any appropriation unexpended at the end of fiscal year 2018-2019 shall not lapse but be carried forward into the next fiscal year.

- **Effective Date** – In accordance with the Kentucky Constitution, most legislation takes effect ninety days after the close of the session. This happens automatically and does not need to be a section of your bill. The only reason to include a section in your bill addressing the effective date is if you intend to set an effective date that is earlier or later than this ninety day standard.

It is sometimes critical that a law go into effect **earlier** than ninety days, or immediately. If so, then the last section of your bill should include an emergency clause along with your effective date. The emergency clause must include a reason (“Whereas”) for the earlier effective date:

Section 5. Whereas it is difficult to obtain the required number of qualified persons for jury service, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Important Bill Title Note: If a bill contains an emergency clause, it should be reflected in the title with “and declaring an emergency.” added to the end of any title.

If a bill takes effect at any time **later** than ninety days after the session, in most cases to give state and local government agencies time to prepare, the last section in a bill should establish the effective date:

Section 5. This Act takes effect January 1, 2020.

IV. CONSTITUTIONAL AMENDMENT

Instead of changing the Kentucky Revised Statutes, some bills propose changing the Constitution of Kentucky.

If one of these bills passes, the proposed constitutional amendment is put on the ballot as a referendum at the next general election, and the voters may accept or reject the amendment. If the voters approve the amendment, it becomes part of the Constitution of Kentucky.

The text of the Kentucky Constitution can be found at <http://www.lrc.ky.gov/kyconstitutionapp>.

A proposed amendment may relate to one subject or multiple related subjects and amend as much as necessary and appropriate to accomplish the objectives of the amendments (Const., § 256).

A title for a constitutional amendment shall read:

AN ACT proposing an amendment to Section XX of the Constitution of Kentucky relating to...

OR, if creating a new section:

AN ACT proposing to create a new section of the Constitution of Kentucky relating to..."

Within the body of a bill, the section **amending** the Constitution shall read:

Section 1. It is proposed that Section 157 of the Constitution of Kentucky be amended to read as follows:

OR, if **creating** a new section, the entire introductory clause is CAPITALIZED:

SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

The final section of a bill proposing a constitutional amendment should read as follows:

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.