



June 20, 2018

FOR IMMEDIATE RELEASE

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Judge Shepherd rules in favor of Plaintiffs in the challenge to SB 151

First and foremost, KEA extends sincere thanks to the Attorney General and the Fraternal Order of Police for their continuing partnership and advocacy on this issue. Their support is key to our mutual success. We know the ruling from the Franklin Circuit Court will not be the last word, but we are heartened to know that there are still elected officials that respect the rights of the citizens of this state and who see value in upholding the rule of law

In a ruling that strikes at the heart of an underhanded legislative practice and that upholds logic, Judge Phillip Shepherd ruled today that the process by which the legislature passed SB151 during the waning days of the 2018 legislative session violates the clear requirements of Section 46 of the Kentucky Constitution. That decision, and the permanent injunction that accompanies it, means that none of the provisions of SB151 will go into effect for the foreseeable future. That is a significant win for public employees and, just as importantly, is a significant win for every citizen of the Commonwealth who values transparency in government.

The Order, which relies heavily on the record of debate that occurred during the 1891 Kentucky Constitutional Convention, quotes Delegate McDermott from that convention speaking in favor of the “three separate readings on three separate days” rule set out in Section 46: “Whenever a man wants to pass any thing that is wrong, he tries to keep it from being printed; he tries to keep its contents unknown.” Truer words were never spoken.

The Kentucky legislature’s practice of stripping legislation with two readings, replacing the contents entirely, reading the new bill a “third” time and passing it the same day as though nothing at all changed is not anything new. Seasoned observers of the General Assembly have grown to expect the tactic during the final days of each session. The fact that this underhanded process is business as usual to the General Assembly should be alarming to every citizen of the Commonwealth, and we are grateful to Judge Shepherd for pointing out the obvious problems with the practice. Public notice of proposed legislation and sufficient time to respond is, as Judge Shepherd correctly states, the “fundamental safeguard” for legislators and citizens. Informed judgment – not last-minute bait and switch – is what our elected officials owe us as citizens. That right is at the heart of the democratic process.