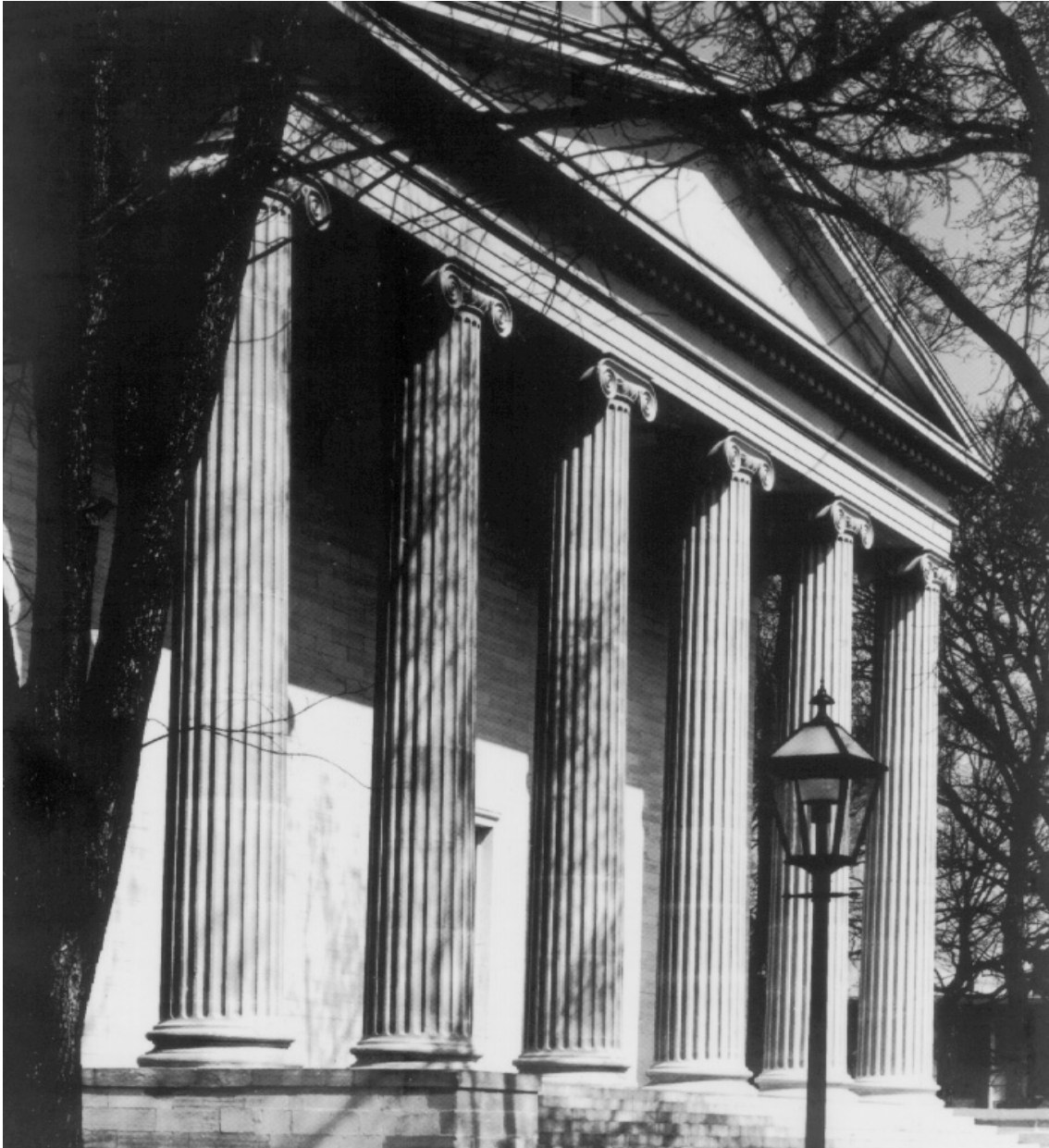


**THE CONSTITUTION
OF THE
COMMONWEALTH OF KENTUCKY**



Informational Bulletin No. 59

Revised December 2004

Legislative Research Commission

Frankfort, Kentucky

**THE CONSTITUTION
OF THE
COMMONWEALTH OF KENTUCKY**

**With an Explanatory Essay
By James T. Fleming**

**Compiled by
Laura H. Hendrix**

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FOREWORD

The Constitution of Kentucky is the principal law of the Commonwealth, the foundation upon which state and local government rest. Its authority is superseded only by the Constitution of the United States and federal law. The life of the Commonwealth and the lives of its citizens are governed, knowingly or otherwise, by the principles and strictures contained in this essential document. Kentucky's Constitution is, furthermore, a testament to the basic democratic principle of the right of self-government.

Kentucky's present Constitution, its fourth, was painstakingly written between the summer of 1890 and the spring of 1891, in the Old State Capitol. It is twice as long as the state's previous Constitution, written in 1850, and four times as long as the original 1792 Constitution, which was composed in a mere eighteen days. The current document reflects the political, social, and economic changes that had occurred in Kentucky during the first one hundred years of statehood, up to the time the present Constitution was written. Readers of the Constitution not only can learn what principles govern the state but also can gain some insight into the attitudes and concerns of those who framed the present document.

Seventy-seven attempts to amend the Constitution have been made since its implementation in 1892, but only thirty-nine have been successful, the most recent in 2002. In 1967, proposed major revisions in the present Constitution were submitted to the voters, the result of efforts by a special Constitution Revision Assembly created by the General Assembly. The vote was overwhelmingly against the proposed changes. Over the years, four unsuccessful attempts also have been made to call a constitutional convention to draft a new Constitution. The most recent such failure occurred in November 1977.

The often stormy history of Kentucky's Constitution and an enlightened discussion of many of its key provisions are contained in an accompanying essay by James T. Fleming, a former director of the Legislative Research Commission. The essay was written originally in 1952, the first year copies of the Constitution were published by the Commission, and updated by Mr. Fleming in 1966. Subsequent updates and revisions have been undertaken by LRC staff. This current document was prepared by Laura Hromyak Hendrix and edited by Tom Lewis.

Robert S. Sherman
Director

The Capitol
Frankfort, Kentucky
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THE STORY OF KENTUCKY'S CONSTITUTION AN EXPLANATORY ESSAY

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law That the people have an original right to establish, for their future government such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established, are deemed fundamental

Chief Justice John Marshall
Marbury v. Madison (1803)

CONSTITUTIONS PRIOR TO 1891

The first Constitution of Kentucky was written at Danville and adopted in 1792, the year of admission into the Union. This Constitution was a brief document modeled in many respects after that of the United States. The drafters recognized that conditions would change and included a provision for a later popular vote on the question of holding another convention to consider constitutional modifications.

In the first eight years of statehood, the population of Kentucky increased at the rate of twenty-seven percent per year. Changing conditions brought a demand for constitutional change. One controversy centered about the fact that the Governor and state Senators were not elected popularly, but were chosen by a body of electors. It was claimed that the Senate had aristocratic tendencies. This and the fact that most officials were appointed, and not elected, were not in keeping with the spirit of a rapidly expanding frontier.

The second Constitution, drafted by a convention sitting in Frankfort, was adopted in 1799. The Governor, Lieutenant Governor, and Senators were now to be elected by the state-at-large. The Governor appointed all the judges, who held office during good behavior. Recognition of slavery was included. This provision had also been in the 1792 Constitution.

In accordance with the mode of revision specified in the 1799 constitution, the question of calling a convention to amend that constitution was approved twice by the people in 1847 and 1848. The convention for this purpose met in Frankfort in 1849-50. This body concerned itself principally with the institution of slavery; providing for the election of all officers, particularly judges, by the people; organization of the judicial branch; and the inhibition of the use of the credit of the state for internal improvements. This third Constitution was completed in 1850. Work on revising it was not to commence until the late summer of 1890.

SCENE: THE OLD STATE CAPITOL, FRANKFORT, SEPTEMBER 8, 1890

The day was hot, toward the end of summer. Trees in the Capitol yard on Railroad Street were dusty, and horses clopped wearily down quiet Frankfort streets. More than a dozen passenger trains a day then passed through Frankfort, and for nearly a week, important people had been arriving from all parts of the state on the hot and grimy cars. A number came by turnpikes and on the steamboats which served the city back in the 1890's.

Ex-Governor J. Proctor Knott and Governor Simon Bolivar Buckner were delegates. William Goebel, doomed to be cut down by an assassin's bullet in another ten years, Cassius M. Clay, of Bourbon County, and a number of other leading political figures were in the group, which included one person from each of Kentucky's hundred representative districts. They were assembling at Frankfort to write a constitution, and their work has outlasted the lives of all of them. After a year, marked at times by bitter wrangling and hours of oratory, they placed their signatures on a document which to this day affects the life of every Kentuckian.

The constitutional convention was called to order on September 8, in the House chamber on the second floor of the Old Capitol. Only after 226 days of sessions did the convention adjourn on September 28, 1891. In the meantime it had done enough talking and writing to fill over 6,000 finely printed pages of paper, and it had drafted a constitution containing about 20,000 words.

HOW THE 1890 CONVENTION CAME TO BE CALLED

The 1850 Constitution had been adopted before the War Between the States. One section was aimed at protecting slavery, now a thing of the past. Other provisions left the General Assembly with almost unlimited power to enact special laws. Many parts of the Constitution were out of date, and the only way to change them was by calling a convention for the purpose of readopting, amending, or changing this Constitution.

The first attempt to call a convention was made in 1867. Two consecutive sessions of the General Assembly had to order a separate public vote on the question. At each of these elections, "a majority of those entitled to vote for Representatives" had to vote in favor of a convention. Then, a law finally could be passed to call a convention and provide for the election of one hundred delegates. For twenty years it had been impossible to get a favorable majority. The number of eligible voters was calculated from the local tax assessors' records, but many taxpayers did not vote. As a result, even when a majority of those voting favored a convention, they failed to add up to "a majority of those entitled to vote for Representatives."

In 1886 an act was passed which required all persons voting in the general election of 1887 to register at the time they cast their votes. By law, only those voters were declared eligible to vote for Representatives, which is one of the things they were doing at the 1887 election. Then, in 1888 and in 1889 referenda were held on the question of calling a convention. Each time a

majority of the “eligible voters” favored the proposal, so the General Assembly which met in the fall of 1889 passed a law calling for a constitutional convention

ECONOMIC AND SOCIAL CONDITIONS IN KENTUCKY IN THE 1890’s

Kentucky was an overwhelmingly rural state in 1890. Over eighty percent of its 1,858,000 people were farmers or residents of small rural communities, yet the impact of industrial development was affecting the thinking of the people. Railroads were opening up the coal fields. Timber resources were being exploited. Miles of turnpikes already linked many Kentucky communities, but the toll roads were provoking growing dissatisfaction. There were no automobiles, and the airplane was still a dream, along with radio, rocket ships, and the forty hour work week. Only a few houses had running water; a few businesses had telephones; and few people had seen an electric light bulb. There were common schools, but no compulsory education, and almost one-third of the population could not read. The cost of state government was about \$3.5 million a year compared to more than \$16 billion today.

Politically, two sets of forces were at work: the “corporations” which had developed into powerful interests since the 1850’s, and the “agrarians,” the large mass of ordinary people, sometimes puzzled about the effects of changing times on Kentucky’s government.

The corporations in their lusty fights for power and profit naturally tried to gain every possible advantage. Business combines were formed to control prices. Tax privileges were sought and sometimes bought. Cities and towns were persuaded or influenced into financing railroads, mills, and other business ventures. Largely because of this, the finances of many local governments were in chaos. A great number of Kentuckians felt that business literally was taking over the government. One speaker referred to the corporations as “. . . the hideous and dangerous spawn of inconsiderate legislation . . .” It was asserted that “. . . we have three houses in the legislative department of our State government: the Senate, the House of Representatives, and the Third House, and that the illegitimate monster unknown to the constitution of our fathers is the most potent of the three.”

These conditions had a great effect upon the members of the 1890 constitutional convention. But at the very same time, the national government was starting to regulate business. The Interstate Commerce Commission had been established to regulate the railroads, and the Sherman Antitrust Act, governing business combines and restraint of interstate commerce, was passed in the same year that Kentucky’s convention met. Many of the problems which provoked the writers of the Constitution already were being faced at a higher governmental level.

Most of the delegates to the constitutional convention felt that the real root of Kentucky’s governmental problems was the almost unlimited power of the General Assembly. One of them even said that “. . . the principle, if not the sole, purpose of the constitution which we are here to frame, is to restrain its [the Legislature’s] will and restrict its authority.” The framers desired regulation of big business, and they placed the controls in the Constitution. They wished to make

government more responsive to the people, and they provided for more elective officials. They also forbade these executive officers to serve more than one consecutive term in office. They wanted good officials, so they permitted the payment of substantial salaries. They overlooked, however, the effects of later economic changes which greatly lowered the value of the dollar.

They distrusted the General Assembly, so they wrote many details of law into the Constitution. They recognized the need for an easier way of changing it, so they inserted for the first time in any Kentucky Constitution a procedure for amending the basic law. They carefully designed the amendment provision, however, so that it would be much harder to change the Constitution than to change an ordinary statute. Apparently because they liked the new word better, they also changed the legal name of Kentucky! Instead of calling it a “State,” as the old Constitution did, they made it a “Commonwealth,” a more accurately descriptive term implying a separate political entity but not necessarily indicating complete sovereignty. Kentucky, Massachusetts, the Northern Mariana Islands, Pennsylvania, Puerto Rico, and Virginia officially are designated Commonwealths.

Who were these hundred men who laid the foundation of our present Kentucky government? According to the record, sixty of them were lawyers. Twenty were farmers. Of the remaining twenty, thirteen were doctors and seven were bankers or merchants. Most of the delegates were middle aged or older. Quite a few were active in politics, and the delegates included a former Governor, a future Governor, and The Honorable Simon Bolivar Buckner, Governor at the time. No real radicals were in the group, and nearly all the delegates represented rural sections. Seven were from Jefferson County.

In general, these men were earnest, unselfish, and amazingly patient. They were willing to labor over a thousand different details for months. The earlier Constitutions had been drafted in only a few weeks. As they pursued their tedious labors in the stately Old Capitol, an industrial revolution was roaring round their heads while they groped for ways to deal with it.

THE DOCUMENT THEY DRAFTED

. . . a Constitution is not an ornament; it is not like a counterfeit presentment of some of our cherished dead; it is something we must use every moment; it is far less like a portrait than it is like a suit of clothes or a house

Speech of Delegate E. J. McDermott
at the 1890 Constitutional Convention.

The job of the 1890-91 constitutional convention was a big one. It was to rewrite much of the basic law of Kentucky by drafting a new constitution defining the powers of government and the rights of individuals.

The delegates did not have to start from the beginning. They had the Constitution of 1850 as a guide, as well as the Constitutions of all the other states. Some very basic parts of the

Constitution of Kentucky were completely beyond their power to change. These were the provisions of the the Constitution of the United States which apply to the states.

It is proper to say that part of Kentucky's Constitution is actually contained in an entirely separate document, *The Constitution of the United States*, which provides in Article VI that:

This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all Treaties made . . . under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.

In the first place, the United States Constitution gives certain powers to the national government and thereby denies some of these to Kentucky and the other states. These powers, among others, include the regulation of foreign and interstate commerce, naturalization and bankruptcy laws, and establishment of post offices and post roads.

The federal Constitution also forbids the states' doing certain things such as making a treaty, coining money, impairing the obligation of contract, imposing a duty on imports or exports, and declaring war. States may not infringe upon certain rights granted to the people; they may not, for example, deprive a person of life, liberty, or property without due process of law or deny equal protection of law. Finally, the United States Constitution guarantees each state a republican form of government.

Within these limits and those practical limitations imposed by the attitudes and circumstances of the day, the framers were free to do anything they desired. Under the federal Constitution, "The powers not delegated to the United States . . . nor prohibited . . . to the States, are reserved to the States respectively, or to the people." The Kentucky constitutional convention thus had a wide range of discretion. The task of the delegates was to define the organization of the government and its three major branches: executive, legislative, and judicial. In addition, it had to spell out, and limit, the powers of the government.

This concept of placing limitations on the powers of government is important. The states and the people have all the powers not assigned to the national government. As a result, one state owns a major railroad line. Another one set up a chain of grain elevators. Kentucky, back in the early 19th century, built and operated a series of locks and dams on the state's waterways. One important part of the Constitution is the specific limitations and prohibitions it contains, but, in a sense, every positive grant of power in a state constitution is also a limitation. When the framers wrote, for instance, that "The legislative power shall be vested in a House of Representatives and a Senate . . ." " they prohibited the establishment of a single-chamber legislature such as Nebraska's. When the writers of the Constitution said nothing about a state corporation income tax, in effect they permitted such a tax to be adopted later, simply by not having forbidden it.

The men who labored through the year on Kentucky's Constitution came up with a document containing an enormous array of detail on many phases of state government. Particular emphasis

was placed upon the powers and duties of the General Assembly, and these were spelled out in great detail.

THE CONTENTS OF KENTUCKY'S CONSTITUTION

When the delegates left for home on April 11, 1891, their completed draft of the proposed constitution contained 272 sections, under 22 different headings. It was ready for printing and submission to the voters. The document defined and distributed the powers of the state among its governmental branches, set forth the powers and duties of local government, and the rights of individuals. In addition, it contained a mass of legislative detail.

The Bill of Rights

The Bill of Rights is the first major section. Section 4 has this revolutionary statement:

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

Section 4 was to be the legal basis for submitting a complete revision of the Constitution directly to the people in 1967. This attempt at general revision is discussed in the last part of this essay. But the Constitution also includes a rather difficult and slow-moving amending procedure.

Much of the material in the Bill of Rights was taken from the Constitution of 1850. Despite this, the delegates spent almost two months in debate and argument over this part of the Constitution. Examination of Kentucky's Bill of Rights will show that it contains a number of important provisions, such as religious freedom, and the right to trial by jury. Today, important protection against the violation of civil rights by the states is found in the 14th Amendment of the federal Constitution, as interpreted and applied by Congress and the courts.

Distribution of Powers

The structure and powers of Kentucky government were definitely modified by the work of the 1890 convention. The traditional three branches of government – the legislative to make the laws, the executive to enforce the laws, and the judicial to interpret laws and rights – were, of course, retained, along with the plan that each branch would be checked and balanced by the other two.

The Legislative Branch was drastically affected by the work of the delegates to the 1890 convention. The framers of the Constitution prohibited special laws applicable only to one city, town, or county. They went even a step further, and enumerated twenty-eight subjects on which special legislation was forbidden. The last session of the General Assembly under the 1850 Constitution had passed 1,926 acts, only 117 of which affected more than one county in Kentucky!

The delegates provided for the classification of cities on the basis of population, so that the different problems and needs of larger and smaller communities could be met and the evils of special legislation avoided at the same time.

The new Constitution also limited the regular sessions of the General Assembly to sixty days each two years. Under the old Constitution the legislators could vote to stay in session for more than sixty days, and they often did.

Legislators and other public officials were forbidden to continue to accept free passes and other privileges from the railroads. A specific constitutional provision reestablished the old State Railroad Commission, and a large amount of the General Assembly's former authority to regulate and grant privileges to railroads was eliminated. Over thirty sections of the new Constitution covered railroads and corporations generally, and in one sweeping provision all their previous grants of special or exclusive privilege were abolished, undoing much of the work of earlier legislatures.

The Executive Branch was not greatly changed. The Governor was granted an additional veto power to reject individual items in appropriations bills. Two more elective state officials were included in the Constitution: a Secretary of State and a Commissioner of Agriculture, Labor and Statistics. (The latter office is now generally referred to as the Commissioner of Agriculture; the Commissioner of Labor is a statutory office.) In addition, the framers of the new Constitution gave the Governor the duty of informing the General Assembly “. . . on the state of the Commonwealth . . .” and making recommendations for action on its part.

When the convention sat, the officers of the state were few in number and the officials provided for in the Constitution undoubtedly were intended to be the major departmental officers. Yet, in drafting the document, the delegates realized that there might be a need for additional officials, so they provided for the appointment or election of “inferior officers.” The delegates did this in an offhand manner, without even debating the provision. Today those “inferior officers” are the heads of virtually every major state department.

As the state government has taken on a growing number of programs, there has been a strong trend toward the creation of appointive statutory offices. Except in agriculture, appointive officers now are responsible for most of the state's executive functions. One of the biggest developments in the work of the Executive Branch has taken place under the phrase “inferior officers,” which was placed in the 1891 Constitution with only the most casual consideration.

The Judicial Branch underwent one major modification at the hands of the framers of the 1891 Constitution: the General Assembly was forbidden to create any courts in addition to those provided for in the Constitution. As a result, the Superior Court was abolished. Under the old Constitution there had been two “supreme courts” in the state, the Superior Court and the Court of Appeals. The Superior Court, created by the General Assembly, had final jurisdiction over matters where the amount of money involved was small. This division of justice between so-called “poor man's court” and “rich man's court” was denounced thoroughly at the convention.

A great deal of debate and discussion concerned constitutional provisions governing the local courts. Dozens of special courts had been created by laws to serve individual communities. Their powers and jurisdictions were confused. The delegates provided for a somewhat overlapping set of quarterly courts, county courts, justice of the peace courts, and police courts. The new Constitution also permitted the payment of prosecutors and justices by fees which gave them a direct monetary interest in securing convictions. The Court of Appeals decided, in December of 1956, that this age-old method of compensating justices on the basis of finding people guilty deprived defendants of due process of law.

The Judicial Branch underwent another major overhaul in 1976, after voters in the preceding general election approved a constitutional amendment to vest the judicial power of the Commonwealth exclusively in one Court of Justice, divided into a Supreme Court, a Court of Appeals, a trial court of general jurisdiction (Circuit Courts), and a trial court of limited jurisdiction (District Courts). The amendment contained many provisions similar to those which had been proposed ten years earlier by a Constitution Revision Assembly.

Members of the Court of Appeals at the time the amendment was adopted became members of the new Supreme Court. All statutes which applied to the Court of Appeals and all cases pending before it were transferred to the Supreme Court as well. However, where the old Court of Appeals was required to hear appeals in all criminal and many civil cases, the jurisdiction of the Supreme Court was limited to appeals in certain criminal cases (those involving judgments imposing a sentence of death, life imprisonment, or imprisonment for twenty years) and such other cases as its rules might provide.

The amendment established a new Court of Appeals consisting, initially, of fourteen members, but whose size could be altered subsequently by the General Assembly at the request of the Supreme Court. The amendment provided for the new Court to divide itself into panels of not less than three judges in order to expedite its work. Jurisdiction of the new Court was left to the General Assembly to determine. The changes in the appellate system were necessitated by problems that had arisen since 1891, due largely to population growth and an increase in the various phases of modern life which required government regulation. These problems had resulted in case backlogs, which delayed the hearing of appeals for several years in some cases.

Circuit Courts were altered little by the amendment. The principal change involved their funding. When previously the courts were financed through a combination of revenue derived from fees, fines and forfeitures collected by the courts and supplemental funds from the state and the counties in which they were located, the amendment required that the courts be entirely state-supported.

A major provision of the amendment was the establishment of district courts throughout the Commonwealth to replace locally-administered quarterly courts, county courts as judicial bodies, justices' courts, and police courts. Because of the complexity of implementing this portion of the amendment, its effective date was put off until two years after the rest of the amendment took effect.

The amendment made several other important changes in the Judicial Branch as well. It provided for the nonpartisan election of all judges and established judicial nominating commissions to make recommendations for filling vacant judgeships. It required, for the first time, that all judges be lawyers, a requirement only of Court of Appeals and Circuit Court Judges previously. It prohibited judges, while on the bench, from practicing law, running for elective office other than judicial office, or holding any office in a political party or organizations. It designated the Chief Justice of the Commonwealth as the executive head of the Court of Justice, requiring the Chief Justice to submit a budget for the entire court system and to perform all other necessary administrative functions relating to the system. It abolished the Clerk of the Court of Appeals as an elective office, but designated the Clerk elected at the time the amendment was adopted to serve as Clerk of the Supreme Court for the four years for which he was elected.

[Throughout the remainder of this essay, the highest court is referred to as the Supreme Court.]

A 2002 constitutional amendment permits the Supreme Court to designate one or more divisions of the Circuit Court as a Family Court division, which shall retain the jurisdiction of the Circuit Court and have additional jurisdiction as provided by the General Assembly.

Education

A new policy was written into the Kentucky Constitution that the General Assembly should “. . . provide for an efficient system of common schools throughout the state” The old Constitution had contained merely a provision for distributing the proceeds of the state common school fund. This fund originally had been established in 1837. In it was placed \$850,000 of the money given to Kentucky by the national government from the proceeds of public land sales. This money was soon “borrowed” by the state to finance extensive internal improvements. The state later refused to pay interest on this money, and the bonds showing that the money had been borrowed were burned by order of the Governor.

The 1848 General Assembly corrected this situation. New bonds were issued to cover interest due on the school fund, and a two-cent property tax was levied for a system of common schools. The drafters of the 1850 Constitution included a section making the capital of this common school fund “inviolable,” a permanent and perpetual obligation of the state. The earnings of the fund were to be distributed equitably to each county. The 1891 Constitution retained the school fund provisions and supplemented them by the now famous section 186, which provided that “Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year”

As a result of this provision, subsequently amended in 1941 and 1949, the basic measure of a local government’s eligibility for school funds until 1954 was the number of school age children it contained, rather than the number of students in schools.

The voters, at the 1953 election, approved a basic amendment to Section 186 of the Constitution. This amendment repealed the per capita distribution of school funds and permitted the General Assembly by general law to prescribe the manner of distribution of the common school fund. The General Assembly in 1954 adopted, and in 1956 financed fully, a foundation

program for education under which school funds are distributed on the basis of school needs and attendance.

Generally speaking, the actions of the convention helped bring the Constitution up to date in the field of education, by recognizing as a state responsibility a program which had been developing for over fifty years.

The framers of the new Constitution also provided that equal but separate school facilities should be maintained for white and Negro children. Recent United States Supreme Court decisions, holding that separate facilities based on race are in themselves unequal, have altered drastically the application of this provision and the segregated schools requirement was removed from the Constitution in 1996.

Almost sixty years before the modern controversy about separation of church and state, the delegates wrote that no portion of the school fund “. . . shall be appropriated to, or used by, or in aid of any church, sectarian or denominational school.” The delegates also decided to continue the provision under which the Superintendent of Public Instruction is an elective rather than appointive office.

The issue of public versus private higher education was vital at the time of the convention. The State Agricultural and Mechanical College had been growing rapidly. Numerous private sectarian colleges also existed throughout the state, and some of them were not in the best financial circumstances. Their supporters opposed and lobbied against extended public facilities. Others were against state colleges in principle. As Delegate Robert Rodes of Bowling Green put it,

It is a question of pure, practical common sense . . . that all the State can or ought to do properly is to give to every child within its borders a good, thorough common school education.

Opposition over the issue became rather bitter at times, but the supporters of private colleges won an apparent victory, since they managed to insert in the constitution a provision that any proposed new taxes for higher education must be submitted to the voters for prior approval a provision which, however, has had little actual effect upon the development of our state colleges and universities.

Local Government

The prohibition against special legislation, already mentioned, was among the most significant actions taken in this field.

In discussing the relation of the Constitution to local government in Kentucky, it is important to note that local units, such as counties, cities, and school districts, are legally subdivisions of the state government. They derive their power from the state, and can do only those things specifically permitted by the Constitution and the General Assembly.

The new Constitution abolished all the old city charters and required the General Assembly to enact general laws to replace the special acts granting charters to individual municipalities.

The authors of the Constitution recognized that the problems and needs of smaller towns were different from those of large cities. So they set up in the Constitution six different classes of cities, based on their population. General laws could at least be tailored to the differing needs of each class of city but no law could be made to apply to less than a whole class. An amendment adopted in 1994 authorized the General Assembly to classify cities based not only on population, but also by taking into account a city's tax base, form of government, geography, or any other reasonable basis. In the interest of limiting the power of elected officials, mayors of cities of the first and second classes were prohibited from serving consecutive terms. This constitutional prohibition remained in effect until 1986, when voters ratified an amendment permitting these mayors to run for a maximum of three consecutive terms.

Other sections of the Constitution set forth a general pattern of organization for cities, and established limits on their tax rates and borrowing powers. Because of the delegates' concern over the regulation and control of business, they included a provision forbidding any city or local governmental unit to grant a franchise or privilege for more than twenty years. In addition, the Constitution required that such franchises be awarded to the "highest and best bidder," to discourage concessions by city fathers to influential interests.

The framers of the 1891 Constitution spent long weeks of deliberation over provisions affecting county government. Clearly, they regarded the counties as among the most important units of the state government. At the time of the convention this was a valid attitude. The counties collected most of the property taxes, and most of the taxes levied at that time were property taxes. They provided whatever welfare services there were, enforced law and order, handled most of the court cases arising in the state, and were just beginning to take on responsibility for a function of prime importance – the construction and maintenance of a system of public roads. Furthermore, the political foundations of the state were strongly embedded in the county governments, as they still tend to be today. County political office was a stepping stone to greater things, and the state political organizations were to a large degree built out of county-level support. Unlike the initial prohibition against succession by mayors of cities of the first and second classes, all county officers except sheriffs were permitted to serve consecutive terms. In 1986, an amendment permitting sheriffs to immediately succeed themselves in office was ratified by the voters.

The Constitution provided for the election of practically every county official, and continued the arrangement for governing the counties by fiscal courts made up of the county judge (now called county judge/executive) plus from three to eight magistrates, who are also the local justices of the peace. The framers added a section permitting a county to elect three commissioners, from the county at large, to replace the magistrates and to provide a more modern form of government. Only thirteen counties currently have this arrangement.

Since 1891, a vast change has come about in the character of our government. Counties are no longer the chief administrative arms of state government. Most of their functions are either shared with or supervised by the state and some of their traditional duties have been abandoned as a result of the centralizing tendencies of the last quarter-century. Perhaps one of the greatest strengths of our counties lies in their importance to the political organization of the state, for

without such organization a prime characteristic of democratic government undoubtedly would be lost.

Many county officers still derive income from fees. At the time the present Constitution was written no thought was given to changing this arrangement, but a restriction was placed on the handling of fees in large cities and counties because it was alleged that certain officers in Jefferson County were making as much as \$50,000 a year from fees in 1890! The Constitution set a maximum limit of \$5,000 on the compensation of all officials and employees, including those of local government. The limit for local officers was raised to \$7,200 by a 1949 amendment. A Supreme Court decision, however, has in effect raised this maximum. The Court held that \$7,200, in terms of 1949 values, could be related to the purchasing power of the dollar at the present time.

Government Finances

About seventy percent of Kentucky's state tax revenue came from property taxes in 1890. Land and property were still the predominant sources of wealth in the state, and the property tax was not regarded as inequitable. The delegates were thoroughly aroused over the manner in which corporations had been escaping taxation. More than \$232,000,000 worth of corporation property was untaxed because it was "devoted to a public purpose." The framers provided that all property be taxed at a uniform rate, whether it was a highly profitable business or a small farm. Many members of the convention were in favor of exempting absolutely no property from taxation, and the question of taxing churches was discussed seriously and at length. A limited exemption was finally included, applicable to

. . . places actually used for religious worship . . . not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial . . . , institutions of purely public charity, [and] institutions of education not used or employed for gain

A 1990 amendment to Section 170 provides an exemption for all real property owned and occupied by, and all tangible and intangible personal property owned by, institutions of religion. A 1998 amendment to Section 170 permits the General Assembly to exempt motor vehicles and other personal property from property tax and also extends the homestead exemption to persons classified as totally disabled by any public or private retirement system.

Over the years, one of the real strictures on financing local governments and local school districts was the low level of assessment; generally property has been assessed at less than thirty percent of its true value. This resulted in limiting the taxing power of local governments and, in effect, made the tax assessor the over-all shaper of public finance policy. The Supreme Court in 1965, in an historic decision, held that the Constitution meant precisely what is said, in this instance, that property must be assessed at one hundred percent of its true value. This decision has meant that local governments have had available to them a greater potential of property tax revenues and a greater potential of full faith and credit indebtedness.

The maximum tax rates of counties, cities, towns, and taxing districts were written into Section 157 of the Constitution, but no property tax limit was set on the state or on school

districts. Very little was said about other possible forms of taxation, such as those on income, which in effect left the state government free to impose them, but a great deal was included in the Constitution concerning borrowing by both the state and localities. Recalling vividly how the state had its fingers burned in the early nineteenth century, and determined to prevent wild spending for public works, the framers retained a constitutional provision forbidding the state to go into debt more than \$500,000.

In the last quarter-century this rigorous provision has been weakened. Revenue bonds, interest bearing warrants, and holding company bonds have been interpreted as not falling within the constitutional debt limit, since they are not guaranteed by the full faith and credit of the Commonwealth. Finally, the Constitution prohibited the General Assembly from giving financial assistance to local governments except in the case of schools. State grants-in-aid, state taxes for local purposes, and any loan of the state's credit to localities were forbidden.

The authors of the 1891 Constitution were concerned largely with the big financial problems of the day as they saw them. These were in the field of local government. Ironically, in dealing with them, they tied the cities and counties to a property tax base which in only a few decades was to become somewhat obsolete, as new forms of wealth came into existence. They were not much concerned with the then less important matter of state government finances. As a result the state has been free to exploit new fields of taxation as needs have developed and times have changed.

Elections

One highly significant change in elections was made: the old method of "viva voce" voting, or voice voting, was replaced by the secret Australian ballot. Only mute persons could vote by ballot under the 1850 Constitution.

Two principles guided the delegates in drafting provisions for elections: a belief that as many officials as possible should be elected, since the average person should be capable of filling governmental offices, and a belief that democracy and honesty as well are fostered by rotation in office. The old Constitution permitted certain state officials to run for reelection without limit. A state treasurer, known as "Honest Dick Tate," had been elected nine times before the discovery that he had absconded with thousands of dollars from the State Treasury. The Governor, Lieutenant Governor, other state constitutional officers, as well as all judges, court clerks, and local officials are elective under the provisions of the present Constitution, and statewide elected constitutional officers were prohibited from being re-elected to two consecutive terms. An amendment adopted in 1992 permits statewide officers elected in 1995 and thereafter to serve two consecutive terms.

Kentucky had always taken a rather liberal position regarding the right to vote, in contrast to many other states. Property ownership or the prior payment of taxes has never been a voting qualification. The 1850 Constitution gave the vote to "every free white male citizen who met residence requirements." The 15th Amendment to the United States Constitution, which came later, forbade any state to deny a person the right to vote because of race, color, or previous condition of servitude. The authors of the 1891 Constitution of Kentucky never attempted to

circumvent this amendment, as some states have done, by the use of burdensome residence and registration requirements.

The voting rights of women had not been established in 1891, and the new Constitution limited the voting privilege to men as a matter of course. In 1920, the federal Constitution was amended to permit women to vote. Interestingly enough, Kentucky's Constitution contained an obsolete "male suffrage" provision until 1955 when the Constitution was amended to lower the voting age to age 18. Only then was the "male" requirement eliminated. An amendment to delete it was defeated in 1923. The 1891 Constitution had given women the right to vote in school elections, as they had been doing in some parts of the state.

At least two efforts were made to secure honest elections. Voters in cities and towns of 5,000 or more people were required to register, and registration was made permissive in the rest of Kentucky. Because of the distrust of big business which characterized the convention, any corporation convicted of trying to influence the outcome of an election was required to surrender its charter. This latter clause was invoked after the 1927 gubernatorial race, but the corporation involved surrendered its charter voluntarily and dissolved itself into subsidiary organizations.

The Constitution made no provision for political parties or primaries, which are a nomination process. In 1890, political parties chose their candidates at conventions. Today's Kentucky primaries are established by statutory provisions.

Historically, every year has been an election year in the Commonwealth. Since 1891, state and local elections in Kentucky have fallen in the odd-numbered years, while the election of national officers takes place in the even ones. This came about because, at the time the Constitution was being written, a bill was pending in Congress which would have given the national government extensive control over any election at which a national officer was being chosen. By keeping state and local elections separate from national races, the danger that they might be subject to federal supervision was eliminated. In 1979, an amendment was adopted that shifted elections for members of the General Assembly from odd to even years. An amendment ratified in 1992 moved all elections held in odd-numbered years to even-numbered years, except for elections for statewide constitutional officers. As a result, no elections will be held in one year of the four-year election cycle, with 1997 being the first election-free year.

The Amending Process

The proposal and adoption of amendments to the Constitution were provided for in the document prepared in 1890 and 1891. The earlier Kentucky Constitutions had contained no such provision. But they were much shorter than the 1891 Constitution, and contained little detail. As a result, the need for amending them was somewhat less.

The amendment question was thoroughly debated, and the general sentiment of the convention was that individual amendments should be permitted, but the process should be difficult enough to prevent arbitrary and capricious change.

Faith in the intelligence of the people and their ability to govern themselves was not wanting. A few members of the delegation argued for a simple and direct way of changing the Constitution. In a stirring, prophetic speech, delegate A. J. Auxier argued that:

There is nothing so sacred about any of this Constitution but what the people can alter, modify or change, and adapt it to the wants of the people when the emergency arises We are simply the representatives of the people. They sent us here to form a Constitution; not for the government of all the generations yet unborn, but to prepare a Constitution suitable for the government of the people at the present time.

Many changes have occurred since the Convention of 1849 The people have become more enlightened Great strides of progress have been made . . . and the Constitution that they framed then was not, in all things, adaptable to the present wants of the people of this State.

Are we going to arrogate ourselves to the assumption that we today are more enlightened than they will be fifty years from today? . . .

I predict that, before another Constitutional Convention shall be assembled in this hall, men will be navigating the air, instead of traveling in railroad coaches; that instead of going thirty or forty miles an hour, they will go two hundred miles an hour, and hundreds and thousands of unthought of things will be brought into existence; and new fields of operation and new systems of governments, or modifications, at least, will be required in those days yet to come We want to make some changes in our Constitution to adjust it to the present wants of the people. Why not give future generations the right to do the same?

The final outcome was an amendment procedure a little less difficult than in many states, and less restrictive than the original proposals considered by the delegates.

An amendment adopted in 1979 increased from two to four the number of amendments which can appear on the ballot at an election, beginning in 1980. An exception was 1982, a year of transition, when no amendment could appear on the ballot. The 1979 amendment also deleted the prohibition on resubmission of a failed amendment within five years. In addition this amendment permits specifically the amendment or modification of as many articles and sections as may be necessary to accomplish the objectives of the amendment, provided each treat a single subject or related subject matters. The 1980 General Assembly placed two amendments on the ballot; one amendment appeared in 1984; and two amendments were on the ballot in 1986. In 1988, two amendments appeared and passed with wide margins. For the first time, voters in the 1990 elections were presented with four proposed amendments, with only one being approved. Three proposed amendments appeared on the ballot in 1992. One amendment was placed on the ballot in 1994, one in 1996, two in 1998, 2000, and 2002, and one in 2004.

General Provisions

Numerous miscellaneous provisions were included in the document. Generally, they relate to specific issues of the time, and some of them now seem quaint and out of place. Included was a prohibition against lotteries. These often had been used to finance schools, streets, and even seminaries in the early nineteenth century. The prohibition was removed by the voters in 1988, and in 1992 charitable gaming was authorized. Each person holding public office was required to swear that he had not taken part in a duel, and armed bands of men were forbidden to come into the state. This latter provision was aimed at the squads of detectives and other groups sometimes brought in during labor strife.

A suggestive flash of foresight is reflected in a requirement that “. . . the General Assembly shall . . . fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals” The purpose of this provision was to permit the General Assembly to outlaw the evils of child labor. This was one of the first steps toward the broad blanket of laws and regulations which now protect the safety and health of our children.

A sincere interest in child welfare led to a provision for the establishment of Houses of Reform for children under age 18. This was a step forward for Kentucky, and the debates on the proposal are full of gruesome illustrations of the need for such an institution. At the time, even young children were often sentenced to the penitentiary, where their services might be sold to contractors who used them on chain-gangs. One delegate told of seeing four boys under the age of 12, shackled together in chains, being transported to prison by train. Another mentioned a 16-year-old who had been crushed and horribly crippled while doing convict labor on a construction job. Partially as a result of such conditions the framers also wrote into the Constitution a prohibition against the sale of prison labor to private contractors.

Finally, the convention helped settle once and for all a debate which had gone on for almost a hundred years: the location of the State Capital. Lexington wanted it, Louisville wanted it, and other cities also submitted their bids; but under Section 255, the Capital was to be located permanently at Frankfort unless removed by a two-thirds vote of each house of the 1891 General Assembly. Frankfort retained the Capital because of the zealous efforts of its citizens, and because neither Louisville nor Lexington supporters would give in to each other.

GETTING THE NEW CONSTITUTION APPROVED

At noon on April 11, 1891, after seven months of tedious work, the delegates filed to the front of the House chamber in the Old Capitol and signed the proposed Constitution. In a brief farewell address, President Cassius M. Clay adjourned the convention until the first Wednesday in September. As he put it, “The Constitution is now signed. Our work is done”

A great deal of work remained, however, before the draft was finally to become the fourth Constitution of Kentucky. By the time the convention adjourned, the people of the state were rather fed up with the whole business of revising the Constitution. They felt that too much time had been spent on the job, and from some quarters there was strong opposition to portions of the

draft. Many leading newspapers throughout Kentucky were against adoption. “Marse Henry” Watterson, editor of *The Louisville Courier-Journal*, called it “. . . confusion worse confounded.” It looked as though the voters were going to reject the proposed Constitution at the election of August 3.

Leading delegates took to the stump in behalf of their work. Gubernatorial candidates of both parties came out in favor of adoption. The opposition faded away. When all the votes were in, the count stood 213,432 in favor of the new Constitution, and only 74,017 opposed.

THE POST-RATIFICATION SESSION OF THE CONSTITUTIONAL CONVENTION

The delegates came together once more in September to celebrate their victory, and to make “. . . such alterations and amendments as are necessary to correct the style, remove ambiguities, and improve the phraseology of the Constitution.” They agreed that it would be “. . . improper and a breach of faith for this Convention to now incorporate or make any radical change in the Constitution as approved by the people”

The delegates struggled with their desires and consciences for a while, and then set to work on the Constitution. They did not finish until September 28. When this second session ended, the Constitution was a better, more polished document. It was also somewhat different from the draft which the voters had ratified. Instead of 272 sections, it had 263.

The delegates, on their own initiative, wrote in provisions forbidding the Superintendent of Public Instruction, the Auditor of Public Accounts, and the Clerk of the Supreme Court to succeed themselves in office. Members of the Railroad Commission were made elective instead of appointive. A requirement that appointive state officials be confirmed by the Senate was dropped. An entirely new section was added, requiring the General Assembly to provide for local option elections on the sale of alcoholic beverages.

These revisions were never submitted to the people for ratification. The statute calling for the convention had required that “. . . before any Constitution agreed upon by said Convention shall take effect or become operative, the same shall be submitted to the qualified voters of this Commonwealth” The old Constitution, however, did not require any such ratification, and when the last minute changes were challenged a year later, the Supreme Court held that the convention had not exceeded its authority in making these revisions. The main argument of the court was that to throw out the changes would be to “bring confusion and anarchy upon the State.”

THE MYSTERY OF THE MISSING CONSTITUTION

After the long, hectic work of the convention, an original copy of the document was written out “in a fine script hand” by William Randall Ramsey, the delegate from Laurel and Rockcastle

Counties. And on Monday, September 28, 1891, at 4:30 p.m., ninety-six delegates marched to the clerk's desk to sign this copy personally. On that same day, a committee of three members delivered the document to the Secretary of State, who issued a receipt for it.

But the only "original" copy of the 1891 Constitution now on file at Frankfort, at the Kentucky Historical Society in the Old Capitol, is a typewritten document apparently copied from the original. For nearly a century, the signed, hand-written copy of our present Constitution has been missing.

For that matter, the original draft of Kentucky's Constitution of 1850 has also disappeared from sight. And only in 1948 were the original copies of Kentucky's first two Constitutions (of 1792 and 1799) secretly returned to the Governor by an unnamed person who obtained the documents in an unrevealed manner.

Perhaps some day our present Constitution will be returned in a similar fashion. Or it may turn up in a musty pile of long forgotten papers. It may have been destroyed. At some point it was apparently stolen by a collector of historical documents or, to use the words of a writer who has explored the mystery of the missing Constitution, it may have been "rescued from imminent destruction."

In any case, the government of Kentucky continues to operate, unhampered by the fact that we have only a "carbon copy" of our most basic law.

PROPOSALS FOR CHANGE SINCE 1892

Amendment

Eighteen months of continuous legislative session were required to bring the laws of the state into some semblance of conformity with the new Constitution. Only a few weeks were enough to point up some basic defects in the document.

A fight which continued for twenty-four years began over the requirement that all property be taxed at a uniform rate, and an amendment was finally adopted in 1915 permitting the classification of property for taxation purposes. As early as 1903 an amendment was passed to permit cities to tax personal property on the basis of income, or through licenses or franchises, instead of levying a straight ad valorem tax. In 1909 another change was made, to allow counties to levy additional taxes for construction and maintenance of the public roads, which were becoming so important to the economy of the state. The same amendment permitted state grants to the counties for this function.

Altogether, the people have seen fit to amend the Constitution forty times. An amendment was necessary to permit the state to adopt a public assistance program in the 1930's. The Constitution was changed to require the earmarking of gasoline and motor vehicle taxes for the highway program. On three different occasions the state common school fund provision has been changed, in an effort to distribute more school money on the basis of differing local needs. The

maximum salary limit of state and local officials and employees has been revised. In 1955, the minimum voting age was lowered from age 21 to age 18 and household furnishings were exempted from the property tax.

A 1969 amendment requires farm land to be assessed according to the land's value for agricultural or horticultural use. The amendment also permits the General Assembly to provide reasonable differences in tax rates within a taxing district based upon the governmental services rendered. Older Kentuckians benefited from a 1971 amendment which exempted from taxation up to \$6,500 of the assessed value of a single family residence owned and occupied by a person 65 or older. The exemption was extended to other types of residences in 1975, and to certain disabled residents in 1981. The judicial system was reconstructed in 1975.

An amendment ratified in 1979 changed the election of General Assembly members from odd-numbered to even-numbered years, established a ten-day planning session of the General Assembly in odd-numbered years, and extended the period during which the General Assembly can meet. Under the provisions of this amendment, the General Assembly still is to meet for sixty legislative days beginning the first Tuesday after the first Monday in January in even-numbered years. However, now any day on which neither chamber convenes is not counted in the total, and the session can thus be extended until April 15. With this flexibility, the General Assembly can now pass all legislation, recess for the ten-day period during which the Governor may exercise the veto power, and then reconvene to consider overriding the Governor's vetoes.

In 1984, the voters approved an amendment which permitted sheriffs to succeed themselves, and in 1986, succession was also approved for mayors of cities of the first and second classes, permitting them to run for election for three successive terms.

The people gave their approval in 1988 to two proposals which had generated heated debate for many years – the broadform deed and lottery amendments. Under Section 19, as amended, mining of coal pursuant to any broadform deed is to be limited to methods of coal extraction utilized in the area at the time the deed was executed. The other amendment revised Section 226 to authorize the General Assembly to establish a state lottery as a mechanism for generating revenue. In extraordinary session in November 1988, the legislature enacted legislation which created the Kentucky lottery. In 1990, the voters approved an amendment to Section 170 relating to tax exemptions for property owned by institutions of religion.

Two amendments were ratified by the voters in 1992. The first amended Section 226, relating to lotteries, to authorize the General Assembly to enact laws permitting and regulating the conduct of charitable gaming. The second made numerous changes affecting the Executive and Legislative Branches of government and eliminated elections in one year of the four-year election cycle. The amendment required the joint election of the Governor and Lieutenant Governor; permitted statewide constitutional officers to serve two consecutive terms, beginning with those officers elected in 1995; allowed the Governor to retain the powers of the office when absent from the state; provided a procedure for determining whether the Governor is unable to carry out the duties of the office; removed the Lieutenant Governor as presiding officer of the Senate and allowed the Governor to assign duties to the Lieutenant Governor in addition to those prescribed by law; abolished the offices of Superintendent of Public Instruction and Register of

the Land Office; permitted the Senate to confirm appointments to state boards and commissions; and moved all elections to even-numbered years, except those for statewide constitutional office.

In 1994, Section 156 was repealed and a new Section 156a authorized the General Assembly to provide for the creation, organization, and governance of cities and to establish classifications of cities based on population, tax base, form of government, geography, or any other reasonable basis. The classifications that were in effect when the amendment was adopted would remain in force until changed by the General Assembly. A new Section 156b established a constitutional foundation for the city home rule statutes enacted by the General Assembly in 1980, by authorizing the General Assembly to permit cities to exercise any power and perform any function within their boundaries that serves a public purpose. Section 157 was amended to relax the restrictions on incurring long-term debt, allowing local governments to finance public projects for more than one year without having voter approval. Additionally, a new section 157b was added to the Constitution to clearly specify that cities, counties, and taxing districts must adopt a balanced budget for each fiscal year. That is, a budget in which expenditures to be made for the fiscal year do not exceed the revenues to be received for that fiscal year. The budget could be revised as needed within a fiscal year, but still must be balanced after the revision. An amendment to Section 158 changes the language regarding debt limits to base them on population alone, rather than on the class of city, and allows the General Assembly to establish additional limits on debt capacity.

In 1996, two provisions of the Constitution, Sections 180 and 187, were amended to remove language that allowed a local government to levy a poll tax on each person residing within the county or the city, and remove language requiring that separate schools for “white” and “colored” children be maintained. In 1998, Section 170 was amended to permit the General Assembly to exempt motor vehicles and other personal property from the property tax, and to extend the homestead exemption to persons classified as totally disabled by any public or private retirement system.

In 2000, Sections 36 and 42 were amended to provide that the General Assembly would meet in annual session in odd-numbered years for 30 days, provide that bills raising revenue or appropriating funds in an odd-numbered year session shall be agreed to by 3/5 of all members elected to each House, and provide that an odd-numbered year session shall adjourn by March 30. Also in 2000, Sections 201, 209, and 218 were amended to abolish the elected Railroad Commission, and its duties were transferred to an existing state agency.

In 2002, Section 112 was amended to permit the Supreme Court to designate one or more divisions of the Circuit Court as a Family Court division, which shall retain the jurisdiction of the Circuit Court and have additional jurisdiction as provided by the General Assembly. Additionally, in 2002, the provisions of Sections 190, 191, 192, 193, 194, 198, 200, 202, 203, 207, and 208 relating to corporations were repealed and replaced with a general provision in Section 190 that permits the General Assembly to regulate corporations’ powers, rights, duties, and liabilities by general laws.

In 2004, Section 233A was created to define marriage as a relationship between one man and one woman and to provide that only a marriage between one man and one woman would be valid

or recognized in Kentucky. Section 233A also provides that a legal status identical or similar to that of marriage for unmarried individuals is invalid and will not be recognized by the Commonwealth.

Thirty-eight proposed amendments have been rejected by the voters, including four which would have liberalized the process of amending the Constitution, the last in 1963. Four other proposals were thrown out on technical grounds. The basic provisions of sixteen of these thirty-eight proposals have been incorporated in amendments which finally were adopted. Rejected proposals included: requiring persons who have not paid their taxes to be prohibited from voting; abolishing the elective office of the Superintendent of Public Instruction; giving local governments the power to reorganize; requiring voice voting instead of secret ballot; authorizing a compulsory workers' compensation law; reducing the number of elected state executive officers to the Governor, Lieutenant Governor, Attorney General, and Auditor; permitting the General Assembly to set the salary of all public officers and employees; in 1969 and 1973; permitting the General Assembly to call itself into special session; and permitting the General Assembly to reject administrative regulations issued by an agency of the Executive Branch.

The amending process never really has had a fair trial under the present Constitution. Most amendments submitted related to particular problems of a particular time. The present amending process would permit revision of a complete article by way of a single amendment. This approach is all the more important in light of failures to revise the Constitution by calling a convention or direct submission of a new document to the people. The General Assembly did not submit constitutional amendments to the people either in 1965 or in 1967. A general policy agreement was reached to hold off submitting amendments pending the outcome of the work of the Constitution Revision Assembly. As mentioned earlier, no amendments were submitted in 1982 either.

Constitutional Convention

On four different occasions steps have been taken to call a constitutional convention, the most recent being November 1977. The first time, in 1931, less than twenty percent of those who voted in the previous election even bothered to check the question on their ballots and they voted against the proposal, 97,788 to 28,204. The issue was raised again in 1947, and this time almost fifty percent of the voters faced the question, only to vote it down, 191,876 to 144,692.

In December 1959, a special session of the General Assembly proposed a constitutional convention which would be limited to twelve areas of consideration. These twelve areas were as follows:

- (1) The organization and powers of municipal, county, and other local governments.
- (2) The Judicial Department and courts.
- (3) Compensation of public officers and employees.
- (4) The order of succession of persons entitled to act as Governor and the circumstances under which the Governor is disqualified to act.
- (5) Misdemeanor, malfeasance, and nonfeasance of public officers.
- (6) Official oaths.
- (7) The Railroad Commission.

- (8) The Legislative Department.
- (9) The mode of revision or amendment of the Constitution.
- (10) Incompatibility of offices.
- (11) Terms and tenure of state officers other than Governor and Lieutenant Governor.
- (12) Removal of limitations on the holding of real estate.

Limited revision was subsequently upheld by the Supreme Court. Passage of a bill in special session permitted action by the 1960 General Assembly which was due to begin its regular session early in January, thereby speeding up the process of calling the convention. Both sessions enacted the appropriate measure, and a Constitution Revision Committee was formed to review and report on proposed changes. The convention call was endorsed by most of the state's leading political, commercial, and educational organizations, and seemed to face no major organized opposition. The voters, however, rejected the convention call question at the November 1960, general election. The result was 324,777 in favor to 342,501 opposed. In the 1960 election almost 60 percent of those voting in the election voted on the constitutional question.

After both the 1974 and 1976 sessions of the General Assembly had approved bills calling for a referendum on a constitutional convention, the issue came before the voters once again in 1977. In this instance the response by the electorate again was negative, 165,311 in favor, and 254,934 opposed.

Judicial Interpretation

Only a limited number of major changes have been made in the 1891 Constitution via the process of amendment. Efforts to call a convention have failed dismally. However, the Supreme Court's interpretations of constitutional provisions have sometimes accommodated the needs of changing times with notable flexibility. As times have changed, the courts have been called upon to apply provisions of the Constitution to circumstances which were never anticipated by the framers. For example, a law permitting first and second class cities to levy an occupational license tax upon all persons working within the city limits was upheld by the Supreme Court in 1948. Such a tax had not been thought of at the time the Constitution was written.

Other examples of judicial interpretation have involved fiscal matters. The Commonwealth of Kentucky is an enormous enterprise, whose business transactions for 1998, as measured by the Gross State Product (GSP), involved over \$107 billion. At times, under the stress of emergency, it has been essential that money be borrowed, literally to keep the government in existence. In circumstances such as these, the Supreme Court at times has been quite liberal in its interpretation of the provisions of the Constitution. But it cannot be said that the court has overthrown the document or rewritten callously its meaning merely to fit the needs of the moment. As previously mentioned, the Supreme Court and the General Assembly have related the compensation of public officials to the value of the dollar. As the value of the dollar shrinks, the practical constitutional maximum automatically is raised. The effect of this is that in 2000 local officials have a \$50,833.61, rather than a \$7,200 maximum, and the \$12,000 limitation is now \$84,722.68. Another example of the court's broadening the meaning of the Constitution is in the upholding of revenue bonds on the basis that these do not constitute a full faith and credit indebtedness falling within the precise debt limitations of the present Constitution.

Constitution Review Commission

A Constitution Review Commission, created in 1949, came to the conclusion that the Constitution might be brought up to date and kept up to date by a judicious process of amendment. With this in mind, the commission recommended to the General Assembly a plan for liberalizing the amending process, which was rejected by the voters in 1951. The measure would have made it possible to submit more than two amendments for ratification at one time. In addition, however, the voters could be asked to approve more than one amendment by only a single vote, and this provision met strenuous objection. Finally, in 1979, the voters did approve an amendment increasing from two to four the number of amendments which may be considered at one election. However, since that time, the maximum number of amendments has been proposed only once, in 1990.

CONSTITUTION REVISION ASSEMBLY DIRECT PROPOSAL

In a continuing effort to bring about constitutional revision in Kentucky, the 1964 General Assembly passed legislation providing for a Constitution Revision Assembly, a statewide panel of Kentuckians of both political parties, representing all areas of the state and groups of Kentuckians.

House Bill 39, signed into law on February 7, 1964, charged the Constitution Revision Assembly as an agency of the Legislative Research Commission “to carry on a program of study, review, examination and exposition of the Constitution of Kentucky.” The Assembly would “analyze and appraise such suggestions for amendment or revision as may be made by any person or persons, groups or organizations pertaining to or in opposition thereto; and . . . bring to the public attention such proposals for revision or amendment of the Constitution in accordance therewith.” The Assembly was further directed to submit its findings and conclusions to the General Assembly.

To implement House Bill 39, a committee composed of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the Chief Justice of the Court of Appeals met to select membership of the Assembly. Thirty-eight delegates were selected on the basis of the thirty-eight senatorial districts, five delegates were selected from the state-at-large, and in accordance with the legislation, all living ex-Governors of the Commonwealth became members of the Assembly.

This fifty-member body convened for the first time in the House Chamber of the Old Capitol in Frankfort on February 17, 1964. It was in that chamber the present Constitution was debated, drafted, and approved by convention more than one hundred years ago.

At that first meeting five officers were elected. Five standing committees were established to deal with these broad subjects: State Government; Local Government; Bill of Rights and Elections; Education, Health and Welfare; and Revision Process. A sixth committee, the Coordinating Committee, was named and charged with coordinating the work of the other

committees. As a rule, each delegate was placed on two committees in accordance with individual preference.

The first eighteen months were largely taken up with the work on subcommittee and committee level. By November 17, 1965, however, the committee work was virtually complete and the Assembly met to debate committee proposals in preparation for submission of a final draft to the 1966 General Assembly.

The Assembly proceeded to a section-by-section consideration of the Constitution, reserving final action until a completed document was developed. The completed draft was approved by the Assembly on December 28, 1965. On January 3, 1966, the delegates reconvened in the Old Capitol to affix their signatures to the proposed Constitution.

The fundamental approach of the Constitution Revision Assembly was to revise the present Constitution rather than write a new one. Sections considered obsolete or statutory were deleted from the proposed document. Those sections considered in need of some change were amended. The remainder were retained unchanged. As a result the proposed document contained approximately 13,000 words organized into 157 sections as compared with the amended 1891 Constitution of 21,500 words and 266 sections. Still, about seventy percent of the final Assembly draft was taken unchanged from the 1891 Constitution.

Generally, the proposed changes were:

1. Bill of Rights

While the original twenty-six sections of the Bill of Rights were retained unchanged, three new sections were added: (a) permitting waiver of pre-trial indictment; (b) prohibiting unreasonable detention of material witnesses; and (c) protecting citizens against wiretapping and mechanical or electrical eavesdropping.

2. Legislative Department

The proposed legislative article reflected the feeling of most delegates that the General Assembly is over-restricted by the 1891 Constitution and unable to perform its proper role as a coordinate branch of government.

The major proposals for the Legislative Department were (a) designation of the General Assembly as a “continuing body,” capable of working through committees even when not in session; (b) provision for annual, rather than biennial, sessions with an optional three-month extension if approved by two-thirds vote; and (c) lengthening terms of Senators from four to six years, and terms of Representatives from two to four years.

Another significant proposal was removing the \$500,000 casual debt limit in the 1891 Constitution and setting the limit at two percent of the preceding year’s revenue.

3. Executive Department

Major proposals for the Executive Department of government were (a) reducing the number of elected Constitutional State Officers to four: Governor, Lieutenant Governor, Attorney General, and Auditor of Public Accounts and allowing these officers to succeed themselves in office once; (b) allowing the Governor to limit the length of special legislative sessions as well as the subjects to be considered; (c) deleting the requirement that the Governor be dispossessed of office when absent from the state; and (d) extending from ten to twenty days the period following a legislative session during which the Governor could veto bills, but allowing the General Assembly to pass upon his veto at their next session.

4. Judicial Department

The Judicial Article of the Assembly draft called for a unified court system with general control resting in the “Supreme” Court, which was the Court of Appeals under the 1891 Constitution. Other major proposals called for (a) creating an intermediate “Court of Appeals” of nine judges; (b) retention of the present circuit court system; and (c) consolidation of functions of the remaining inferior courts into a District Court in each county.

Changes were also proposed in the method of selection of judges and their terms of office. Judges of the two higher courts would be appointed for eight years, while judges of the lowest court, the District Court, would be elected for four years. Judges of the Circuit Courts would be elected or appointed for six years depending on the population of the districts, but in either case the voters could exercise their option to change the method of selection.

Each judge in the Commonwealth would be required to be a licensed attorney.

(Subsequently, most of these proposals were made a part of the Constitution by way of the Judicial Article Amendment of 1975.)

5. Local Government

Aiming toward more home rule at the local level, the CRA draft granted units of local government the power to create any form of government and exercise any powers not prohibited by their charters, general law, or the Constitution. This is the opposite approach from that embodied in the 1891 Constitution which limits the powers of local government to those specifically set forth by the General Assembly or the Constitution. The proposal also removed most local officers from the Constitution, allowing more legislative discretion.

The CRA draft also limited the power of the General Assembly to abolish or consolidate units of local government without approval of the voters in the affected areas.

6. Education

The major objective of the proposed article on education was to remove the chief state school officer from politics and provide more continuity in the office. To accomplish this, and retain voter control over education, the new draft called for an elected, rather than appointed, State

Board of Education, charged with the responsibility of appointing the Superintendent of Public Instruction.

7. Revision Process

The two methods of revision, amendment and convention, set forth in the 1891 Constitution were continued in the proposed Constitution, but with substantial changes.

The new proposal would allow a special session, rather than just a regular session, of the General Assembly to propose amendments, provided such amendments were included in the original call of the session; and the number of amendments which could be submitted to the voters at one time was increased from two to five.

The procedure for calling a convention was completely rewritten. Instead of requiring the approval by two General Assembly sessions, plus the voters at the polls, before a convention could be called, the CRA draft stated that a convention could be called by a three-fifths vote of the General Assembly in regular session. In addition the proposal required that any document drawn up by the convention be submitted to the voters for approval or rejection. The 1891 Constitution does not require voter approval of the final document.

The Constitution Revision Assembly convened again on February 22, 1966, at the request of the General Assembly to adjust the election scheduled on a biennial rather than annual basis. The General Assembly then provided for a rather unique method for submitting the draft Constitution to the voters.

Senate Bill 161, 1966 Regular Session, provided for direct submission of the proposed Constitution to the voters under Section Four of the Bill of Rights, which states that all power is inherent in the people and they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

This method of submission was subsequently approved by the Court of Appeals, and the draft Constitution was placed on the ballot for the general election on November 8, 1967.

Once again the Kentucky voters displayed their reluctance to change their Constitution, and the document was defeated by an overwhelming vote of 517,034 to 143,133. It did not carry a single county.

After a review of past failures at general revision, the best approach well may be to present broad constitutional amendments to be enacted and approved in the precise manner set forth in the 1891 Constitution. The 1979 amendment of Section 256 makes such a procedure all the more feasible.

Many Kentuckians are never aware they live under a Constitution. They never see it. They never feel it directly. The Constitution may exist as a vague conception of State government in the abstract, but it seems remote to every day life on rural mail routes and pleasant streets in little towns Yet without this set of fundamental principles to guide our local and State governments, the whole structure would fall down in confusion

(Allen M. Trout, 1947)

CONSTITUTION OF KENTUCKY

PREAMBLE

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS

That the great and essential principles of liberty and free government may be recognized and established, we declare that:

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 1. Rights of life, liberty, worship, pursuit of safety and happiness, free speech, acquiring and protecting property, peaceable assembly, redress of grievances, bearing arms. All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Free speech, right of, Const. 8; Religious freedom, right of, Const. 5.

Section 2. Absolute and arbitrary power denied.

Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 3. Men are equal – No exclusive grant except for public services – Property not to be exempted from taxation – Grants revocable. All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Private and local legislation prohibited, Const. 59; Property exempt from taxation, Const. 170.

Section 4. Power inherent in the people – Right to alter, reform, or abolish government. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 5. Right of religious freedom. No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical polity; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Freedom of worship, Const. 1; School money not to be used for sectarian schools, Const. 189.

Section 6. Elections to be free and equal. All elections shall be free and equal.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

*HISTORY: Not yet amended.
Elections, Const. 145 to 155.*

Section 7. Right of trial by jury. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

*HISTORY: Not yet amended.
Juries, Const. 248*

Section 8. Freedom of speech and of the press. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

*HISTORY: Not yet amended.
Free speech, Const. 1.*

Section 9. Truth may be given in evidence in prosecution for publishing matters proper for public information – Jury to try law and facts in libel prosecutions. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 10. Security from search and seizure – Conditions of issuance of warrant. The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 11. Rights of accused in criminal prosecution – Change of venue. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his

peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

*HISTORY: Not yet amended.
Local and special laws prohibited, Const. 59.*

Section 12. Indictable offense not to be prosecuted by information – Exceptions. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 13. Double jeopardy – Property not to be taken for public use without compensation. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

*HISTORY: Not yet amended.
Eminent domain, Const. 242.*

Section 14. Right of judicial remedy for injury – Speedy trial. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

*HISTORY: Not yet amended.
Courts, Const. 109, 124, 140-144.*

Section 15. Laws to be suspended only by General Assembly. No power to suspend laws shall be exercised unless by the General Assembly or its authority.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 16. Right to bail – Habeas corpus. All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 17. Excessive bail or fine, or cruel punishment, prohibited. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 18. Imprisonment for debt restricted. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 19. Ex post facto law or law impairing contract forbidden – Rules of construction for mineral deeds relating to coal extraction. (1) No ex post facto law, nor any law impairing the obligation of contracts, shall be enacted.

(2) In any instrument heretofore or hereafter executed purporting to sever the surface and mineral estates or to grant a mineral estate or to grant a right to extract minerals, which fails to state or describe in express and specific terms the method of coal extraction to be employed, or where said instrument contains language subordinating the surface estate to the mineral estate, it shall be held, in the absence of clear and convincing evidence to the contrary, that the intention of the parties to the instrument was that the coal be extracted only by the method or methods of commercial coal extraction commonly known to be in use in Kentucky in the area affected at the time the instrument was executed, and that the mineral estate be dominant to the surface estate for the purposes of coal extraction by only the method or methods of commercial coal extraction commonly known to be in use in Kentucky in the area affected at the time the instrument was executed.

TEXT AS RATIFIED ON: November 8, 1988.

HISTORY: 1988 amendment was proposed by 1988 Ky. Acts ch. 117, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 20. Attainder, operation of restricted. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 21. Descent in case of suicide or casualty. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death;

and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 22. Standing armies restricted – Military subordinate to civil – Quartering soldiers restricted.

No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Militia, Const. 219-225.

Section 23. No office of nobility or hereditary distinction, or for longer than a term of years. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than a term of years.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Term of office of county and district officers, Const. 99, 107; inferior state officers, Const. 91, 93.

Section 24. Emigration to be free. Emigration from the State shall not be prohibited.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 25. Slavery and involuntary servitude forbidden. Slavery and involuntary servitude in this State are forbidden, except as a punishment for crime, whereof the party shall have been duly convicted.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 26. General powers subordinate to Bill of Rights – Laws contrary thereto are void. To guard against transgression of the high powers which we have delegated, We Declare that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be void.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

DISTRIBUTION OF THE POWERS OF GOVERNMENT

Section 27. Powers of government divided among legislative, executive, and judicial departments. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 28. One department not to exercise power belonging to another. No person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

THE LEGISLATIVE DEPARTMENT

Section 29. Legislative power vested in General Assembly. The legislative power shall be vested in a House of Representatives and a Senate, which, together, shall be styled the General Assembly of the Commonwealth of Kentucky.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Power of pardon for treason vested in General Assembly, Const. 77.

Section 30. Term of office of Senators and Representatives. Members of the House of Representatives and Senators shall be elected at the general election in even-numbered years for terms of four years for Senators and two years for members of the House of Representatives. The term of office of Representatives and Senators shall begin upon the first day of January of the year succeeding their election.

TEXT AS RATIFIED ON: November 6, 1979.

HISTORY: 1979 amendment was proposed by 1978 Ky. Acts ch. 440, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 31. Time of election and term of office of Senators and Representatives. At the general election to be held in November, 1984, and every two years thereafter, there shall be elected for four years one Senator in each Senatorial District in which the term of his predecessor in office will then expire and in every Representative District one Representative for two years.

TEXT AS RATIFIED ON: November 6, 1979.

HISTORY: 1979 amendment was proposed by 1978 Ky. Acts ch. 440, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Vacancies, Const. 152.

Section 32. Qualifications of Senators and Representatives. No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Disqualification for dueling, using money or property to secure or influence election, receiving profit or public funds, or accepting free passes, Const. 150, 173, 197, 239; Special laws to legalize unauthorized acts prohibited, Const. 59.

Section 33. Senatorial and Representative districts. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial Districts, and one hundred Representative Districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative Districts for ten years. Not more than two counties shall be joined together to form a Representative District: Provided, In doing so the principle requiring every district to be as nearly equal in population as may be shall not be violated. At the expiration of that time, the General Assembly shall then, and every ten years thereafter, redistrict the State according to this rule, and for the purposes expressed in this section. If, in making said districts, inequality of population should be unavoidable, any advantage resulting therefrom shall be given to districts having the largest territory. No part of a county shall be added to another county to make a district, and the counties forming a district shall be contiguous.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 34. Officers of Houses of General Assembly. The House of Representatives shall choose its Speaker and other officers, and the Senate shall have power to choose its officers biennially.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Senate President, Const. 85, 86; Employees of General Assembly, number and compensation, Const. 249.

Section 35. Number of Senators and Representatives. The number of Representatives shall be one hundred, and the number of Senators thirty-eight.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 36. Time and place of meetings of General Assembly. (1) The General Assembly, in odd-numbered years, shall meet in regular session for a period not to exceed a total of thirty (30) legislative days divided as follows: The General Assembly shall convene for the first part of the session on the first Tuesday after the first Monday in January in odd-numbered years for the purposes of electing legislative leaders, adopting rules of procedure, organizing committees, and introducing and considering legislation. The General Assembly shall then adjourn. The General Assembly shall convene for the second part of the session on the first Tuesday in February of that year. Any legislation introduced but not enacted in the first part of the session shall be carried over into the second part of the session. In any part of the session in an odd-numbered year, no bill raising revenue or appropriating funds shall become a law unless it shall be agreed to by three-fifths of all the members elected to each House.

(2) The General Assembly shall then adjourn until the first Tuesday after the first Monday in January of the following even-numbered years, at which time the General Assembly shall convene in regular session.

(3) All sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere.

TEXT AS RATIFIED ON: November 7, 2000.

HISTORY: 2000 amendment was proposed by 2000 Ky. Acts ch. 407, sec. 1; 1979 amendment was proposed by 1978 Ky. Acts ch. 440, sec. 2, and ratified November 7, 2000; original version ratified August 3, 1891, and revised September 28, 1891.

Extraordinary sessions, Governor may call, Const. 80.

Section 37. Majority constitutes quorum – Powers of less than a quorum. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be prescribed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 38. Each House to judge qualifications, elections, and returns of its members – Contests. Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 39. Powers of each House as to rules and conduct of members – Contempt – Bribery. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and may punish for contempt any person who refuses to attend as a witness, or to bring any paper proper to be used as evidence before the General Assembly, or either House thereof, or a Committee of either, or to testify concerning any matter which may be a proper subject of inquiry by the General Assembly, or offers or gives a bribe to a member of the General Assembly, or attempts by other corrupt means or device to control or influence a member to cast his vote or withhold the same. The punishment and mode of proceeding for contempt in such cases shall be prescribed by law, but the term of imprisonment in any such case shall not extend beyond the session of the General Assembly.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 40. Journals – When vote to be entered. Each House of the General Assembly shall keep and publish daily a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of the members elected, be entered on the journal.

TEXT AS RATIFIED ON: August 3, 1891 and revised September 28, 1891.

HISTORY: Not yet amended.

Record of votes on bills, Const. 46.

Section 41. Adjournment during session. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Power of Governor to adjourn, Const. 80.

Section 42. Compensation of members – Length of sessions – Legislative day. The members of the General Assembly shall severally receive from the State Treasury compensation for their services: Provided, No change shall take effect during the session at which it is made; nor shall a session occurring in odd-numbered years extend beyond March 30; nor shall a session of the General Assembly occurring in even-numbered years continue beyond sixty legislative days, nor shall it extend beyond April 15; these limitations as to length of sessions shall not apply to the Senate when sitting as a court of impeachment. A legislative day shall be construed to mean a calendar day, exclusive of Sundays, legal holidays, or any day on which neither House meets.

TEXT AS RATIFIED ON: November 7, 2000.

HISTORY: 2000 amendment was proposed by 2000 Ky. Acts ch. 407, sec. 2; 1979 amendment was proposed by 1978 Ky. Acts ch. 440, sec. 3, and ratified November 6, 1979; original version ratified August 3, 1891, and revised September 28, 1891.

Extraordinary sessions, Governor may call, Const. 80.

SCHEDULE

As a part of this amendment and as a schedule of transitional provisions, for the purpose of this amendment:

1. The General Assembly shall convene in a regular session of 60 legislative days on the first Tuesday after the first Monday of January, 1980, and every two years thereafter.

2. The General Assembly shall convene as directed by this amendment for odd-numbered years on the first Tuesday after the first Monday of January, 1983, and every two years thereafter.

3. Representatives elected to office in November, 1979, shall serve a two year term, and their terms of office shall expire December 31, 1981.

4. Representatives elected to office in November, 1981, shall serve a three year term, and their terms of office shall expire December 31, 1984.

5. Senators elected to office in November, 1979, shall serve a four year term, and their terms of office shall expire December 31, 1983.

6. Senators elected to office in November, 1983, shall serve five years, and their terms of office shall expire December 31, 1988.

7. Senators elected to office in November, 1981, shall serve a five year term, and their terms of office shall expire December 31, 1986.

Section 43. Privileges from arrest and from questioning as to speech or debate. The members of the General Assembly shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 44. Ineligibility of members to civil office created or given increased compensation during term. No Senator or Representative shall, during the

term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Incompatible office, Const. 165, 237.

Section 45. Collector of public money ineligible unless he has quietus. No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 46. Bills must be reported by committee, printed, and read – How bill called from committee – Votes required for passage. No bill shall be considered for final passage unless the same has been reported by a committee and printed for the use of the members. Every 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. But whenever a committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: Provided, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

When vote to be entered in Journal, Const. 40.

Section 47. Bills to raise revenue must originate in House of Representatives. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto: Provided, No new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Power to tax, Const. 174, 175, 180, 181, 182.

Section 48. Resources of Sinking Fund not to be diminished – Preservation of fund. The General Assembly shall have no power to enact laws to diminish the resources of the Sinking Fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 49. Power to contract debts – Limit. The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: Provided, The General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Credit of state not to be loaned, exceptions, Const. 157a, 177; Debt of city or county not to be assumed, Const. 176.

Section 50. Purposes for which debt may be contracted – Tax to discharge – Public vote. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth except for the purposes mentioned in Section 49, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: Provided, The General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debt so contracted, or the interest thereon.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 51. Law may not relate to more than one subject, to be expressed in title – Amendments must be at length. No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much

thereof as is revised, amended, extended or conferred, shall be reenacted and published at length.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 52. General Assembly may not release debt to State or to county or city. The General Assembly shall have no power to release, extinguish or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any county or municipality thereof.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 53. Investigation of accounts of Treasurer and Auditor – Report, publication, submission to Governor and General Assembly. The General Assembly shall provide by law for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts, and the result of these investigations shall be reported to the Governor, and these reports shall be semiannually published in two newspapers of general circulation in the State. The reports received by the Governor shall, at the beginning of each session, be transmitted by him to the General Assembly for scrutiny and appropriate action.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Statement of receipts and disbursements of public money to be published, Const. 230.

Section 54. No restriction on recovery for injury or death. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 55. When laws to take effect – Emergency legislation. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 56. Signing of bills – Enrollment – Presentation to Governor. No 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; and

before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in the presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the Clerk of the latter House shall immediately present the same to the Governor for his signature and approval.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Passage over veto, Const. 88; Concurrent orders and resolutions, Const. 89.

Section 57. Member having personal interest to make disclosure and not vote. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 58. General Assembly not to audit nor allow private claim – Exception – Appropriations. The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed; but may appropriate money to pay such claim as shall have been audited and allowed according to law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Suits against the state, Const. 231.

Section 59. Local and special legislation. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

First: To regulate the jurisdiction, or the practice, or the circuits of the courts of justice, or the rights, powers, duties or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

Second: To regulate the summoning, impaneling or compensation of grand or petit jurors.

Third: To provide for changes of venue in civil or criminal causes.

Fourth: To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties or forfeitures.

Fifth: To regulate the limitation of civil or criminal causes.

Sixth: To affect the estate of cestuis que trust, decedents, infants or other persons under disabilities, or to authorize any such persons to sell, lease, encumber or dispose of their property.

Seventh: To declare any person of age, or to relieve an infant or feme covert of disability, or to enable him to do acts allowed only to adults not under disabilities.

Eighth: To change the law of descent, distribution or succession.

Ninth: To authorize the adoption or legitimation of children.

Tenth: To grant divorces.

Eleventh: To change the names of persons.

Twelfth: To give effect to invalid deeds, wills or other instruments.

Thirteenth: To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county or municipality thereof.

Fourteenth: To refund money legally paid into the State Treasury.

Fifteenth: To authorize or to regulate the levy, the assessment or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

Sixteenth: To authorize the opening, altering, maintaining or vacating of roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

Seventeenth: To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll gates or to regulate tolls; to regulate fencing or the running at large of stock.

Eighteenth: To create, increase or decrease fees, percentages or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies.

Nineteenth: To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

Twentieth: To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts or districts, except when new counties may be created.

Twenty-first: To regulate the rate of interest.

Twenty-second: To authorize the creation, extension, enforcement, impairment or release of liens.

Twenty-third: To provide for the protection of game and fish.

Twenty-fourth: To regulate labor, trade, mining or manufacturing.

Twenty-fifth: To provide for the management of common schools.

Twenty-sixth: To locate or change a county seat.

Twenty-seventh: To provide a means of taking the sense of the people of any city, town, district, precinct or county, whether they wish to authorize, regulate or prohibit therein the sale of vinous, spirituous or malt liquors, or alter the liquor laws.

Twenty-eighth: Restoring to citizenship persons convicted of infamous crimes.

Twenty-ninth: In all other cases where a general law can be made applicable, no special law shall be enacted.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 60. General law not to be made special or local by amendment – No special powers or privileges – Law not to take effect on approval of other authority than General Assembly – Exceptions. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the courts have jurisdiction to grant the same or to give the relief asked for. No law, except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes or other public roads,

public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 61. Provision to be made for local option on sale of liquor – Time of elections. The General Assembly shall, by general law, provide a means whereby the sense of the people of any county, city, town, district or precinct may be taken, as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated. But nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. All elections on this question may be held on a day other than the regular election days.

TEXT AS RATIFIED ON: November 5, 1935.

HISTORY: 1935 reenactment was proposed by 1934 Ky. Acts ch. 58, sec. 1; repeal (by implication) was proposed by 1918 Ky. Acts ch. 63, sec. 1, and ratified on November 4, 1919, effective July 1, 1920; original version ratified August 3, 1891, and revised September 28, 1891.

Local and special laws prohibited, Const. 59. This section was impliedly repealed by the enactment in 1919 of Const. 226a, which prohibited the manufacture, sale or transportation of intoxicating liquors. Const. 226a was repealed in 1935.

Section 62. Style of laws. The style of the laws of this Commonwealth shall be as follows: “Be it enacted by the General Assembly of the Commonwealth of Kentucky.”

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Other sections relating to the General Assembly: 1, 11, 15, 20, 22, 23, 63, 66, 67, 68, 70, 74, 75, 77, 79, 80, 84, 85, 86, 87, 88, 89, 90, 91, 93, 98, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 115, 117, 118, 120, 139, 140, 141, 142, 143, 145, 147, 148, 150, 151, 152, 153, 154, 155, 156, 160, 165, 166, 169, 170, 171, 172, 172a, 173, 174, 179, 180, 181, 182, 183, 185, 186, 188, 190, 196, 197, 199, 205, 206, 210, 220, 222, 223, 224, 225, 226, 227, 228, 231, 232, 233, 234, 235, 236, 238, 239, 241, 242, 243, 244, 244a, 245, 246, 247, 248, 249, 250, 252, 253, 255, 256, 258, 261, 262, 263.

COUNTIES AND COUNTY SEATS

Section 63. Area of counties – Boundaries – Creation and abolishment of counties. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing

contained herein shall prevent the General Assembly from abolishing any county.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 64. Division of county or removal of county seat, election required – Minimum population of county. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located, or as may hereafter be located, shall be moved, except upon a vote of two-thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Local and special laws prohibited, Const. 59.

Section 65. Striking territory from county – Liability for indebtedness. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be bound for its proportion of the indebtedness of the county from which it has been taken.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

County officers, Const. 97-108, 140-144. Other sections relating to counties: 52, 59, 60, 139, 147, 148, 152, 157, 157a, 158, 159, 161, 162, 164, 165, 171, 173, 176, 178, 179, 180, 181, 197, 227, 234, 253.

IMPEACHMENTS

Section 66. Power of impeachment vested in House. The House of Representatives shall have the sole power of impeachment.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 67. Trial of impeachments by Senate. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators present.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Chief Justice shall preside, Const. 84.

Section 68. Civil officers liable to impeachment – Judgment – Criminal liability. The Governor and all civil officers shall be liable to impeachment for any

misdeemeanors in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial and punishment by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Reprieves and pardons not allowed, Const. 77.

THE EXECUTIVE DEPARTMENT Officers for the State at Large

Section 69. Executive power vested in Governor.

The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the “Governor of the Commonwealth of Kentucky.”

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 70. Election of Governor and Lieutenant Governor – Term – Tie vote.

The Governor and Lieutenant Governor shall be elected for the term of four years by the qualified voters of the State. They shall be elected jointly by the casting by each voter of a single vote applicable to both offices, as shall be provided by law. The slate of candidates having the highest number of votes cast jointly for them for Governor and Lieutenant Governor shall be elected; but if two or more slates of candidates shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Time of elections, Const. 95.

Section 71. Gubernatorial succession. The Governor shall be ineligible for the succeeding four years after the expiration of any second consecutive term for which he shall have been elected.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 72. Qualifications of Governor and Lieutenant Governor – Duties of Lieutenant Governor.

The Governor and the Lieutenant Governor shall be at least thirty years of age, and have been citizens and residents of Kentucky for at least six years next preceding their election. The duties of the Lieutenant Governor shall be prescribed by law, and he shall have such other duties as delegated by the Governor.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 3; original version ratified August 3, 1891, and revised September 28, 1891.

Disqualification for dueling, using money or property to secure or influence election, receiving profit on public funds, or accepting free passes, Const. 150, 173, 197, 239; Special laws to legalize unauthorized acts prohibited, Const. 59.

Section 73. When terms of Governor and Lieutenant Governor begin. The Governor and the Lieutenant Governor shall commence the execution of the duties of their offices on the fifth Tuesday succeeding their election, and shall continue in the execution thereof until a successor shall have qualified.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 4; original version ratified August 3, 1891, and revised September 28, 1891.

Section 74. Compensation of Governor and Lieutenant Governor. The Governor and Lieutenant Governor shall at stated times receive for the performance of the duties of their respective offices compensation to be fixed by law.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 5; original version ratified August 3, 1891, and revised September 28, 1891.

Section 75. Governor is Commander-in-Chief of army, navy and militia. He shall be Commander-in-Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 76. Power of Governor to fill vacancies. He shall have the power, except as otherwise provided in this Constitution, to fill vacancies by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Vacancies to be filled by Governor, Const. 152.

Section 77. Power of Governor to remit fines and forfeitures, grant reprieves and pardons – No power to remit fees. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment, and he shall file with each application therefor a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be

vested; but he shall have no power to remit the fees of the Clerk, Sheriff or Commonwealth's Attorney in penal or criminal cases.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Pardon of person convicted of dueling, Const. 240.

Section 78. Governor may require information from state officers. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 79. Reports and recommendations to General Assembly. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 80. Governor may call extraordinary session of General Assembly, adjourn General Assembly. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no other shall be considered.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Regular sessions, time and place of, length, Const. 36, 42.

Section 81. Governor to enforce laws. He shall take care that the laws be faithfully executed.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Other sections relating to Governor: 36, 53, 68, 84, 85, 87, 88, 89, 90, 95, 96, 110, 18, 121, 140, 142, 150, 152, 171, 222, 225, 240, 245, 246, 247, 256.

Section 82. Succession of Lieutenant Governor. The Lieutenant Governor shall be ineligible to the office of Lieutenant Governor for the succeeding four (4) years after the expiration of any second consecutive term for which he shall have been elected.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 6; original version ratified August 3, 1891, and revised September 28, 1891.

Time of election, Const. 95; Disqualification for dueling, using money or property to secure or influence election, receiving profit on public funds, or accepting free passes, Const. 150, 173, 197, 239; Special laws to legalize unauthorized acts prohibited, Const. 59.

Section 83. (Repealed 1992) Catchline read at time of repeal: “Lieutenant Governor is President of Senate – Right to vote.”

REPEAL RATIFIED ON: November 3, 1992.

HISTORY: Repeal was proposed by 1992 Ky. Acts ch. 168, sec. 18; original version ratified August 3, 1891, and revised September 28, 1891.

Section 84. When Lieutenant Governor to act as Governor – President of the Senate not to preside at impeachment of Governor – Certification of disability of Governor. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, certify by entry on his Journal that he is unable to discharge the duties of his office, or be, from any cause, unable to discharge the duties of his office, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall be able to discharge the duties of his office. On the trial of the Governor, the President of the Senate shall not preside over the proceedings, but the Chief Justice of the Supreme Court shall preside during the trial.

If the Governor, due to physical or mental incapacitation, is unable to discharge the duties of his office, the Attorney General may petition the Supreme Court to have the Governor declared disabled. If the Supreme Court determines in a unanimous decision that the Governor is unable to discharge the duties of his office, the Chief Justice shall certify such disability to the Secretary of State who shall enter same on the Journal of the Acts of the Governor, and the Lieutenant Governor shall assume the duties of the Governor, and shall act as Governor until the Supreme Court determines that the disability of the Governor has ceased to exist. Before the Governor resumes his duties, the finding of the Court that the disability has ceased shall be certified by the Chief Justice to the Secretary of State who shall enter such finding on the Journal of the Acts of the Governor.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 7; original version ratified August 3, 1891, and revised September 28, 1891.

Section 85. President of Senate – Election – Powers. A President of the Senate shall be elected by each Senate as soon after its organization as possible and as often as there is a vacancy in the office of President, another President of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached and removed from office,

refuse to qualify, resign, or die, the President of the Senate shall in like manner administer the government.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 8; original version ratified August 3, 1891, and revised September 28, 1891.

Section 86. Compensation of President of the Senate. The President of the Senate shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and during the time he administers the government as Governor, he shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 9; original version ratified August 3, 1891, and revised September 28, 1891.

Maximum limit on compensation, Const. 246.

Section 87. Who to act as Governor in absence of Lieutenant Governor and President of the Senate. If the Lieutenant Governor shall be called upon to administer the government in place of the Governor, and shall, while in such administration, resign, or die during the recess of the General Assembly, if there be no President of the Senate, it shall be the duty of the Attorney General, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen, the Attorney General shall administer the government. If there be no Attorney General to perform the duties devolved upon him by this section, then the Auditor, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 10; original version ratified August 3, 1891, and revised September 28, 1891.

Section 88. Signature of bills by Governor – Veto – Passage over veto – Partial veto. Every bill which shall have passed the two Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General

Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the Secretary of State. The Governor shall have the power to disapprove any part or parts of appropriation bills embracing distinct items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Bill proposing Constitutional amendment or submitting classification of property to referendum not subject to veto, Const. 171, 256.

Section 89. Concurrent orders and resolutions on same footing as bill. Every order, resolution or vote, in which the concurrence of both Houses may be necessary, except on a question of adjournment, or as otherwise provided in this Constitution, shall be presented to the Governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 90. Contest of election for Governor or Lieutenant Governor. Contested elections for Governor and Lieutenant Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Tie vote, how determined, Const. 70.

Section 91. Constitutional State officers – Election – Qualification – Term of office – Duties – Secretary of State to record acts of Governor and report them to General Assembly. A Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Labor and Statistics, Secretary of State, and Attorney-General, shall be elected by the qualified voters of the State at the same time the Governor and Lieutenant Governor are elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their

election, and shall hold their offices until their successors are elected and qualified.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 11; original version ratified August 3, 1891, and revised September 28, 1891.

Disqualification for dueling, using money or property to secure or influence election, receiving profit on public funds, or accepting free passes, Const. 150, 173, 197, 239; Special laws to legalize unauthorized acts prohibited, Const. 59.

Section 92. Qualifications of Attorney General. The Attorney-General shall have been a practicing lawyer eight years before his election.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 93. Succession of elected Constitutional State Officers – Duties – Inferior officers and members of boards and commissions. The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, and Attorney General shall be ineligible to reelection for the succeeding four years after the expiration of any second consecutive term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers and members of boards and commissions, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, which may include a requirement of consent by the Senate, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 12; original version ratified August 3, 1891, and revised September 28, 1891.

Section 94. (Repealed 1992) Catchline at time of repeal: “Register of Land Office may be abolished.”

REPEAL RATIFIED ON: November 3, 1992.

HISTORY: Repeal was proposed by 1992 Ky. Acts ch. 168, sec. 18; original version ratified August 3, 1891, and revised September 28, 1891.

Secretary of State to perform the duties, KRS 56.020.

Section 95. Time of election of elected Constitutional State officers. The election under this Constitution for Governor, Lieutenant Governor, Treasurer, Auditor of Public Accounts, Attorney General, Secretary of State, and Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 13; original version ratified August 3, 1891, and revised September 28, 1891.

Time of election of public officers generally, Const. 148.

Section 96. Compensation of Constitutional State officers. All officers mentioned in Section 95 shall be paid for their services by salary, and not otherwise.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Maximum limit on salaries, Const. 246.

Officers for Districts and Counties

Section 97. Commonwealth's Attorney and Circuit Court Clerk – Election – Term. In the year two thousand, and every six years thereafter, there shall be an election in each county for a Circuit Court Clerk, and for a Commonwealth's Attorney, in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 14; original version ratified August 3, 1891, and revised September 28, 1891.

Abolishment of Office of Commonwealth's Attorney, Const. 108; Clerks of Courts, Const. 114.

Section 98. Compensation of Commonwealth's Attorney. The compensation of the Commonwealth's Attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State Treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of fines and forfeitures as have been collected and paid into the State Treasury, and not until so collected and paid.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Maximum limit on compensation, Const. 246.

Section 99. County officers, justices of the peace, and constables – Election – Term. At the regular election in nineteen hundred and ninety-eight and every four years thereafter, there shall be elected in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and who shall hold their offices four years until the election and qualification of their successors.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 15; 1984 amendment was proposed by 1984 Ky. Acts ch. 35, sec. 1, and ratified November 6, 1984; original version ratified August 3, 1891, and revised September 28, 1891.

Justices of the Peace, Const. 142.

Section 100. Qualifications of officers for counties and districts. No person shall be eligible to the offices mentioned in Sections 97 and 99 who is not at the time of his election twenty-four years of age (except Clerks of County and Circuit Courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year next preceding his election in the county and district in which he is a candidate. No person shall be eligible to the office of Commonwealth's Attorney unless he shall have been a licensed practicing lawyer four years. No person shall be eligible to the office of County Attorney unless he shall have been a licensed practicing lawyer two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of a Circuit Court, a certificate that he has been examined by the Clerk of his Court under his supervision, and that he is qualified for the office for which he is a candidate.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 101. Qualifications and jurisdiction of constables. Constables shall possess the same qualifications as Sheriffs, and their jurisdictions shall be coextensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 102. Officers for new counties. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 103. Bonds of county officers and other officers. The Judges of County Courts, Clerks, Sheriffs, Surveyors, Coroners, Jailers, Constables, and such other officers as the General Assembly may, from time to time, require, shall before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

What officers to give bond, liability on, Const. 224.

Section 104. Abolishment of office of assessor – Assessor may not succeed himself. The General Assembly may abolish the office of Assessor and provide that the assessment of property shall be made

by other officers; but it shall have power to reestablish the office of Assessor and prescribe his duties. No person shall be eligible to the office of Assessor two consecutive terms.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Property valuation administrator in lieu of assessor, KRS 132.370.

Section 105. Consolidation of offices of sheriff and jailer. The General Assembly may, at any time, consolidate the offices of Jailer and Sheriff in any county or counties, as it shall deem most expedient; but in the event such consolidation be made, the office of Sheriff shall be retained, and the Sheriff shall be required to perform the duties of Jailer.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 106. Fees of county officers – Fees in counties having seventy-five thousand population or more. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the Clerks of the respective Courts thereof (except the Clerk of the City Court), the Marshals, the Sheriffs and the Jailers, shall be paid out of the State Treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum of the fees collected by said officers, respectively, and paid into the Treasury.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Maximum compensation, Const. 246; Local and special laws prohibited, Const. 59.

Section 107. Additional county or district offices may be created. The General Assembly may provide for the election or appointment, for a term not exceeding four years, of such other county or district ministerial and executive officers as may, from time to time, be necessary.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 108. Abolishment of office of Commonwealth's Attorney. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's Attorney, to take effect upon the expiration of the term of the incumbents, in which event the duties of said office shall be discharged by the County Attorneys.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

THE JUDICIAL DEPARTMENT

Section 109. The judicial power – Unified system – Impeachment. The judicial power of the Commonwealth shall be vested exclusively in one Court of Justice which shall be divided into a Supreme Court, a Court of Appeals, a trial court of general jurisdiction known as the Circuit Court and a trial court of limited jurisdiction known as the District Court. The court shall constitute a unified judicial system for operation and administration. The impeachment powers of the General Assembly shall remain inviolate.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Local and special laws prohibited, Const. 59.

The Supreme Court

Section 110. Composition – Jurisdiction – Quorum – Special justices – Districts – Chief Justice. (1) The Supreme Court shall consist of the Chief Justice of the Commonwealth and six associate Justices.

(2)(a) The Supreme Court shall have appellate jurisdiction only, except it shall have the power to issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause, or as may be required to exercise control of the Court of Justice.

(b) Appeals from a judgment of the Circuit Court imposing a sentence of death or life imprisonment or imprisonment for twenty years or more shall be taken directly to the Supreme Court. In all other cases, criminal and civil, the Supreme Court shall exercise appellate jurisdiction as provided by its rules.

(3) A majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of business. If as many as two Justices decline or are unable to sit in the trial of any cause, the Chief Justice shall certify that fact to the Governor, who shall appoint to try the particular cause a sufficient number of Justices to constitute a full court for the trial of the cause.

(4) The Court of Appeals districts existing on the effective date of this amendment to the Constitution shall constitute the initial Supreme Court districts. The General Assembly thereafter may redistrict the Commonwealth, by counties, into seven Supreme Court districts as nearly equal in population and as compact in form as possible. There shall be one Justice from each Supreme Court district.

(5)(a) The Justices of the Supreme Court shall elect one of their number to serve as Chief Justice for a term of four years.

(b) The Chief Justice of the Commonwealth shall be the executive head of the Court of Justice and he shall appoint such administrative assistants as he deems necessary. He shall assign temporarily any justice or judge of the Commonwealth, active or retired, to sit in any court other than the Supreme Court when he deems such assignment necessary for the prompt disposition of causes. The Chief Justice shall submit the budget for the Court of Justice and perform all other necessary administrative functions relating to the court.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

The Court of Appeals

Section 111. Composition – Jurisdiction – Administration – Panels. (1) The Court of Appeals shall consist initially of fourteen judges, an equal number to be selected from each Supreme Court district. The number of judges thereafter shall be determined from time to time by the General Assembly upon certification of necessity by the Supreme Court.

(2) The Court of Appeals shall have appellate jurisdiction only, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies of the Commonwealth, and it may issue all writs necessary in aid of its appellate jurisdiction, or the complete determination of any cause within its appellate jurisdiction. In all other cases, it shall exercise appellate jurisdiction as provided by law.

(3) The judges of the Court of Appeals shall elect one of their number to serve as Chief Judge for a term of four years. The Chief Judge shall exercise such authority and perform such duties in the administration of the Court of Appeals as are prescribed in this section or as may be prescribed by the Supreme Court.

(4) The Court of Appeals shall divide itself into panels of not less than three judges. A panel may decide a cause by the concurring vote of a majority of its judges. The Chief Judge shall make assignments of judges to panels. The Court of Appeals shall prescribe the times and places in the Commonwealth at which each panel shall sit.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

The Circuit Court

Section 112. Location – Circuits – Composition – Administration – Jurisdiction. (1) Circuit Court shall be held in each county.

(2) The Circuit Court districts existing on the effective date of this amendment to the Constitution shall continue under the name Judicial Circuits, the General Assembly having power upon certification of the necessity therefor by the Supreme Court to reduce, increase or rearrange the judicial districts. A judicial circuit composed of more than one county shall be as compact in form as possible and of contiguous counties. No county shall be divided in creating a judicial circuit.

(3) The number of circuit judges in each district existing on the effective date of this amendment shall continue, the General Assembly having power upon certification of the necessity therefor by the Supreme Court, to change the number of circuit judges in any judicial circuit.

(4) In a judicial circuit having only one judge, he shall be the chief judge. In judicial circuits having two or more judges, they shall select biennially a chief judge, and if they fail to do so within a reasonable time, the Supreme Court shall designate the chief judge. The chief judge shall exercise such authority and perform such duties in the administration of his judicial circuit as may be prescribed by the Supreme Court. The Supreme Court may provide by rules for administration of judicial circuits by regions designated by it.

(5) The Circuit Court shall have original jurisdiction of all justiciable causes not vested in some other court. It shall have such appellate jurisdiction as may be provided by law.

(6) The Supreme Court may designate one or more divisions of Circuit Court within a judicial circuit as a family court division. A Circuit Court division so designated shall retain the general jurisdiction of the Circuit Court and shall have additional jurisdiction as may be provided by the General Assembly.

TEXT AS RATIFIED ON: November 5, 2002.

HISTORY: 2002 amendment was proposed by 2001 Ky. Acts ch. 163, section 1; 1974 repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1, and ratified November 4, 1975, effective January 1, 1976; original version ratified August 3, 1891, and revised September 28, 1891.

SCHEDULE

As a part of this amendment and as a schedule of transitional provisions, for the purpose of this amendment:

District judges elected for the term beginning on the first Monday in January of 2003, who possess the qualifications of a Circuit Judge and who are assigned by the Chief Justice to serve as family court judges on

or before the commencement of the term, shall on that date become Circuit Judges with terms of office coinciding with the terms of Circuit Judges generally, and another numbered division or divisions of that judicial circuit shall be created. When a District Judge becomes a Circuit Judge pursuant to this provision, that District Judgeship shall be abolished and there shall be no vacancy to fill. The General Assembly, upon the ratification of this amendment, shall enact legislation to implement the provisions of this amendment in a manner consistent with the Supreme Court's adjustment of any Circuit Court division as a family court division.

The District Court

Section 113. Location – Districts – Composition – Administration – Trial commissioners – Jurisdiction. (1) District Court shall be held in each county.

(2) The Circuit Court districts existing on the effective date of this amendment shall continue for District Court purposes under the name "Judicial Districts," the General Assembly having power upon certification of the necessity therefor by the Supreme Court to reduce, increase or rearrange the districts. A judicial district composed of more than one county shall be as compact in form as possible and of contiguous counties. No county shall be divided in creating a judicial district.

(3) Each judicial district created by this amendment initially shall have at least one district judge who shall serve as chief judge and there shall be such other district judges as the General Assembly shall determine. The number of district judges in each judicial district thereafter shall be determined by the General Assembly upon certification of necessity therefor by the Supreme Court.

(4) In a judicial district having only one judge he shall be the chief judge. In those districts having two or more judges they shall select biennially a chief judge and if they fail to do so within a reasonable time, the Supreme Court shall designate the chief judge. The chief judge shall exercise such authority and perform such duties in the administration of his district as may be prescribed by the Supreme Court.

(5) In any county in which no district judge resides the chief judge of the district shall appoint a trial commissioner who shall be a resident of such county and who shall be an attorney if one is qualified and available. Other trial commissioners with like qualifications may be appointed by the chief judge in any judicial district upon certification of the necessity therefor by the Supreme Court. All trial commissioners shall have power to perform such duties of the district court as may be prescribed by the Supreme Court.

(6) The district court shall be a court of limited jurisdiction and shall exercise original jurisdiction as may be provided by the General Assembly.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Clerks of Courts

Section 114. Selection – Removal. (1) The Supreme Court shall appoint a clerk to serve as it shall determine.

(2) The Court of Appeals shall appoint a clerk to serve as it shall determine.

(3) The clerks of the Circuit Court shall be elected in the manner provided elsewhere in this Constitution. The clerks of the Circuit Court shall serve as the clerks of the District Court. The clerks of the Circuit Court shall be removable from office by the Supreme Court upon good cause shown.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Appellate Policy – Rule-Making Power

Section 115. Right of appeal – Procedure. In all cases, civil and criminal, there shall be allowed as a matter of right at least one appeal to another court, except that the Commonwealth may not appeal from a judgment of acquittal in a criminal case, other than for the purpose of securing a certification of law, and the General Assembly may prescribe that there shall be no appeal from that portion of a judgment dissolving a marriage. Procedural rules shall provide for expeditious and inexpensive appeals. Appeals shall be upon the record and not by trial de novo.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 116. Rules governing jurisdiction, personnel, procedure, bar membership. The Supreme Court shall have the power to prescribe rules governing its appellate jurisdiction, rules for the appointment of commissioners and other court personnel, and rules of practice and procedure for the Court of Justice. The Supreme Court shall, by rule, govern admission to the bar and the discipline of members of the bar.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Offices of Justices and Judges

Section 117. Election. Justices of the Supreme Court and judges of the Court of Appeals, Circuit and District Court shall be elected from their respective districts or circuits on a nonpartisan basis as provided by law.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 118. Vacancies. (1) A vacancy in the office of a justice of the Supreme Court, or of a judge of the Court of Appeals, Circuit or District Court which under Section 152 of this Constitution is to be filled by appointment by the Governor shall be filled by the Governor from a list of three names presented to him by the appropriate judicial nominating commission. If the Governor fails to make an appointment from the list within sixty days from the date it is presented to him, the appointment shall be made from the same list by the chief justice of the Supreme Court.

(2) There shall be one Judicial Nominating Commission for the Supreme Court and the Court of Appeals, one for each judicial circuit, and one for each judicial district, except that a circuit and district having the same boundary shall have but one judicial nominating commission. Each commission shall consist of seven members, one of whom shall be the chief justice of the Supreme Court, who shall be chairman. Two members of each commission shall be members of the bar, who shall be elected by their fellow members. The other four members shall be appointed by the Governor from among persons not members of the bar, and these four shall include at least two members of each of the two political parties of the Commonwealth having the largest number of voters. Members of a judicial circuit or judicial district nominating commission must be residents of the circuit or district, respectively, and the lawyer members of the commission shall be elected by the members of the bar residing in the circuit or district, respectively. The terms of office of members of judicial nominating commissions shall be fixed by the General Assembly. No person shall be elected or appointed a member of a judicial nominating commission who holds any other public office or any office in a political party or organization.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 119. Terms of office. Justices of the Supreme Court and judges of the Court of Appeals and Circuit Court shall severally hold their offices for terms

of eight years, and judges of the District Court for terms of four years. All terms commence on the first Monday in January next succeeding the regular election for the office. No justice or judge may be deprived of his term of office by redistricting, or by a reduction in the number of justices or judges.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 120. Compensation – Expenses. All justices and judges shall be paid adequate compensation which shall be fixed by the General Assembly. All compensation and necessary expenses of the Court of Justice shall be paid out of the State Treasury. The compensation of a justice or judge shall not be reduced during his term.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Maximum limit on compensation, Const. 246.

Section 121. Retirement and removal. Subject to rules of procedure to be established by the Supreme Court, and after notice and hearing, any justice of the Supreme Court or judge of the Court of Appeals, Circuit Court or District Court may be retired for disability or suspended without pay or removed for good cause by a commission composed of one judge of the Court of Appeals, selected by that court, one circuit judge and one district judge selected by a majority vote of the circuit judges and district judges, respectively, one member of the bar appointed by its governing body, and two persons, not members of the bench or bar, appointed by the Governor. The commission shall be a state body whose members shall hold office for four-year terms. Its actions shall be subject to judicial review by the Supreme Court.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 122. Eligibility. To be eligible to serve as a justice of the Supreme Court or a judge of the Court of Appeals, Circuit Court or District Court a person must be a citizen of the United States, licensed to practice law in the courts of this Commonwealth, and have been a resident of this Commonwealth and of the district from which he is elected for two years next preceding his taking office. In addition, to be eligible to serve as a justice of the Supreme Court or judge of the Court of Appeals or Circuit Court a person must have been a licensed attorney for at least eight years. No district judge shall serve who has not been a licensed attorney for at least two years.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Disqualification for dueling, using money or property to secure or influence election, receiving profit on public funds, or accepting free passes, Const. 150, 173, 197, 239; Special laws to legalize unauthorized acts prohibited, Const. 59.

Section 123. Prohibited activities. During his term of office, no justice of the Supreme Court or judge of the Court of Appeals, Circuit Court or District Court shall engage in the practice of law, or run for elective office other than judicial office, or hold any office in a political party or organization.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 124. Conflicting provisions. Any remaining sections of the Constitution of Kentucky as it existed prior to the effective date of this amendment which are in conflict with the provisions of amended Sections 110 through 125 are repealed to the extent of the conflict, but such amended sections are not intended to repeal those parts of Sections 140 and 142 conferring nonjudicial powers and duties upon county judges and justices of the peace. Nothing in such amended sections shall be construed to limit the powers otherwise granted by this Constitution to the county judge as the chief executive, administrative and fiscal officer of the county, or to limit the powers otherwise granted by the Constitution to the justices of the peace or county commissioners as executive, administrative and fiscal officers of a county, or of the fiscal court as a governing body of a county.

TEXT AS RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal and reenactment proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

SCHEDULE

As a part of this amendment and as a schedule of transitional provisions, for the purposes of this amendment:

1. The Judges of the Court of Appeals in office on the effective date of this amendment shall become Justices of the Supreme Court, for the duration of their terms, and the election of successors shall be in accordance with those terms.

2. The Circuit Judges in office on the effective date of this amendment shall be continued therein for the duration of their terms. The term of office of eight years provided in this amendment for Circuit Judges shall

apply to the Circuit Judges elected at the election at which this amendment is adopted.

3. The term of office of Judges of the Court of Appeals created by this amendment shall be deemed to commence as of the first Monday, in January, 1976. The vacancies existing on that date by virtue of no election having been held for the office in November, 1975 shall be filled in accordance with Section 152 of the present Constitution and Section 118 as created by this amendment.

4. The term of office of Judges of the District Court shall be deemed to commence as of the First Monday in January, 1978, and judges shall be elected at the regular election next preceding that date. The District Court shall be constituted and organized as of the first Monday in January, 1978.

5. The quarterly courts, county courts as judicial bodies, justices courts and police courts in existence on the effective date of this amendment shall continue in existence until the first Monday in January, 1978. For that period those courts shall continue to be governed by the present Constitution and none of the provisions of this amendment shall apply to them, except that those courts shall be deemed a part of the unified judicial system and shall be subject to the general control and rulemaking power of the Supreme Court. The terms of any police court judges which commence on the first Monday in January, 1976, shall be reduced to two years from that date.

6. The Clerk of the Court of Appeals elected at the election at which this amendment is adopted shall serve as Clerk of the Supreme Court for the term for which he was elected, subject to removal by the Supreme Court for good cause.

7. Until otherwise provided by law the statutes applicable to the present Court of Appeals and not inconsistent with this amendment shall apply to the Supreme Court.

8. All causes and proceedings pending in the present Court of Appeals on the effective date of this amendment are transferred to and shall be decided or otherwise disposed of by the Supreme Court.

9. All causes and proceedings pending in the quarterly courts, county courts as judicial bodies, justices courts and police courts, on the first Monday in January, 1978, shall then be transferred to and decided by the Circuit Court or the District Court of the area, in accordance with the respective jurisdictions prescribed for the latter courts.

Section 125. (Repealed 1975) Catchline read at time of repeal: "Circuit Court for each county."

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 126. (Repealed 1975) Catchline read at time of repeal: “Jurisdiction of Circuit Courts.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 127. (Repealed 1975) Catchline read at time of repeal: “Appeal from Circuit Court.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 128. (Repealed 1975) Catchline read at time of repeal: “Circuit Court districts.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 129. (Repealed 1975) Catchline read at time of repeal: “Election of Circuit Judges – Term – Commissions – Removal.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 130. (Repealed 1975) Catchline read at time of repeal: “Qualifications of Circuit Judges.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 131. (Repealed 1975) Catchline read at time of repeal: “Terms of Circuit Courts.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 132. (Repealed 1975) Catchline read at time of repeal: “Additional Circuit Court districts – Population limits.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 133. (Repealed 1975) Catchline read at time of repeal: “Compensation of Circuit Judges.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 134. (Repealed 1975) Catchline read at time of repeal: “When districts may be changed.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 135. (Repealed 1975) Catchline read at time of repeal: “Only Constitutional Courts permitted.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 136. (Repealed 1975) Catchline read at time of repeal: “Special Judges of Circuit Courts.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 137. (Repealed 1975) Catchline read at time of repeal: “Circuit Court in county having population of 150,000 or more – Separate district – Additional judges – Branches – General Term – Clerk – Criminal cases.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 138. (Repealed 1975) Catchline read at time of repeal: “Certain counties may constitute separate district – Additional judges – Practice.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 139. (Repealed 1975) Catchline read at time of repeal: “Quarterly Court for each county – Jurisdiction – County Judge to preside.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

County Courts

Section 140. County Court for each county – Judge – Compensation – Commission – Removal.

There shall be established in each county now existing, or which may be hereafter created, in this State, a Court, to be styled the County Court, to consist of a Judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the Governor, and shall vacate his office by removal from the county in which he may have been elected.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Conflicting provisions, Const. 124.

Section 141. (Repealed 1975) Catchline read at time of repeal: “Jurisdiction of County Courts.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Justices of the Peace

Section 142. Justices’ districts – One Justice for each district – Jurisdiction and powers of Justices – Commissions – Removal. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General Assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one Justice of the Peace shall be elected as provided in Section 99. The General Assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of Justices of the Peace shall be coextensive with the county, and shall be equal and uniform throughout the State. Justices of the Peace shall be conservators of the peace. They shall be commissioned by the Governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Conflicting provisions, Const. 124.

Section 143. (Repealed 1975) Catchline read at time of repeal: “Police Court may be established in each city – Jurisdiction.”

REPEAL RATIFIED ON: November 4, 1975, effective January 1, 1976.

HISTORY: Repeal was proposed by 1974 Ky. Acts ch. 84, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Fiscal Courts

Section 144. Fiscal Court for each county – To consist of Justices of the Peace or Commissioners, and County Judge – Quorum. Counties shall have a Fiscal Court, which may consist of the Judge of the County Court and the Justices of the Peace, in which Court the Judge of the County Court shall preside, if present; or a county may have three Commissioners, to be elected from the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court. A majority of the members of said Court shall constitute a Court for the transaction of business. But where, for county governmental purposes, a city is

by law separated from the remainder of the county, such Commissioners may be elected from the part of the county outside of such city.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

SUFFRAGE AND ELECTIONS

Section 145. Persons entitled to vote. Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

3. Idiots and insane persons.

TEXT AS RATIFIED ON: November 8, 1955.

HISTORY: 1955 amendment was proposed by 1954 Ky. Acts ch. 2, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Right of suffrage not to be abridged on account of sex, U. S. Const., 19th Amendment.

Section 146. Soldiers or sailors stationed in State are not residents. No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 147. Registration of voters Manner of voting – Absent voting – Voting machines – Election defined – Election laws – Illiterate and disabled voters. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the state. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity, the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished

by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited, or any person absent from the county of his legal residence, or from the state, may be permitted to vote in a manner provided by law. Counties so desiring may use voting machines, these machines to be installed at the expense of such counties. The word elections in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The General Assembly shall pass all necessary laws to enforce this section, and shall provide that persons illiterate, blind, or in any way disabled may have their ballots marked or voted as herein required.

TEXT AS RATIFIED ON: November 6, 1945.

HISTORY: 1945 amendment was proposed by 1944 Ky. Acts ch. 5, sec. 1; 1941 amendment was proposed by 1940 Ky. Acts ch. 74, sec. 1, and ratified on November 4, 1941; original version ratified August 3, 1891, and revised September 28, 1891.

Section 148. Number of elections – Day and hours of election – Qualifications of officers – Employees to be given time to vote. Not more than one election each year shall be held in this State or in any city, town, district, urban-county or county thereof, except as otherwise provided in this Constitution. All regular elections of State, county, city, town, urban-county, or district officers shall be held on the first Tuesday after the first Monday in November. All elections by the people shall be between the hours of six o'clock a.m. and seven o'clock p.m., but the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employees, under reasonable regulations, at least four hours on election days, in which to cast their votes.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 16; original version ratified August 3, 1891, and revised September 28, 1891.

Time of election of Constitutional state officers, Const. 95.

Section 149. Privilege from arrest during voting. Voters, in all cases except treason, felony, breach of surety of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 150. Disqualification from office for using money or property to secure or influence election – Corporation not to use money or other thing of value to influence election – Exclusion from office for conviction of felony or high misdemeanor – Laws to regulate elections. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who

shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation, if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges and immunities thereunder; and if chartered by another State and doing business in this State, whether by license, or upon mere sufferance, such corporation, upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practices.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 151. Person guilty of fraud, intimidation, bribery, or corrupt practice to be deprived of office by suitable statutory means. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, in his canvass or election, been guilty of any unlawful use of money, or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice, and he shall be held responsible for acts done by others with his authority, or ratified by him.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 152. Vacancies – When filled by appointment, when by election – Who to fill. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: If the unexpired term will end at the next succeeding annual election at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district or State officers are to

be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor; all other appointments shall be made as may be prescribed by law. No person shall ever be appointed a member of the General Assembly, but vacancies therein may be filled at a special election, in such manner as may be provided by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

How and by whom vacancies filled, Const. 76, 85, 87, 118, 160, 222.

Section 153. Power of General Assembly as to elections. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Local and special laws prohibited, Const. 59.

Section 154. Laws as to sale or gift of liquor on election days. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale or gift of spirituous, vinous or malt liquors on election days.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 155. School elections not governed by Constitution. The provisions of Sections 145 to 154, inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

MUNICIPALITIES

Section 156. (Repealed 1994) Catchline read at time of repeal: "Cities divided into six classes – General laws to be made for each class – Population limits for classes – Assignment to classes – Organization of cities."

REPEAL RATIFIED ON: November 8, 1994

HISTORY: Repeal was proposed by 1994 Ky. Acts ch. 168, secs. 1 and 6; original version ratified August 3, 1891, and revised September 28, 1891.

Section 156a. General Assembly authorized to provide for creation, governmental structure, and classification of cities. The General Assembly may provide for the creation, alteration of boundaries, consolidation, merger, dissolution, government, functions, and officers of cities. The General Assembly shall create such classifications of cities as it deems necessary based on population, tax base, form of government, geography, or any other reasonable basis and enact legislation relating to the classifications. All legislation relating to cities of a certain classification shall apply equally to all cities within the same classification. The classification of all cities and the law pertaining to the classifications in effect at the time of adoption of this section shall remain in effect until otherwise provided by law.

TEXT AS RATIFIED ON: November 8, 1994.

HISTORY: Creation proposed by 1994 Ky. Acts ch. 168, sec. 1. Urban-county government, KRS Chapter 67A.

Section 156b. General Assembly authorized to permit municipal home rule for cities. The General Assembly may provide by general law that cities may exercise any power and perform any function within their boundaries that is in furtherance of a public purpose of a city and not in conflict with a constitutional provision or statute.

TEXT AS RATIFIED ON: November 2, 1994.

HISTORY: Creation proposed by 1994 Ky. Acts ch. 168, sec. 1.

Section 157. Maximum tax rate for cities, counties, and taxing districts. The tax rate of cities, counties, and taxing districts, for other than school purposes, shall not, at any time, exceed the following rates upon the value of the taxable property therein: For all cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars.

TEXT AS RATIFIED ON: November 8, 1994

HISTORY: 1994 amendment was proposed by 1994 Ky. Acts ch. 168, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Taxation by cities and counties, Const. 181.

Section 157a. Credit of Commonwealth may be loaned or given to county for roads – County may vote to incur indebtedness and levy additional tax for roads. The credit of the Commonwealth may be given, pledged or loaned to any county of the Commonwealth for public road purposes, and any county may be permitted to incur an indebtedness in any amount fixed by the county, not in excess of five per centum of the value of the taxable property therein, for public road purposes in said county, provided said additional indebtedness is submitted to the voters of the county for their ratification or rejection at a special election held for said purpose, in such manner as may be provided by law and when any such indebtedness is incurred by any county said county may levy, in addition to the tax rate allowed under Section 157 of the Constitution of Kentucky, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county for the purpose of paying the interest on said indebtedness and providing a sinking fund for the payment of said indebtedness.

TEXT AS RATIFIED ON: November 2, 1909.

HISTORY: Creation proposed by 1908 Ky. Acts ch. 36, sec. 1. Credit of Commonwealth not to be loaned, Const. 177.

Section 157b. Adoption of budget required for cities, counties, and taxing districts – Expenditures not to exceed revenues for fiscal year. Prior to each fiscal year, the legislative body of each city, county, and taxing district shall adopt a budget showing total expected revenues and expenditures for the fiscal year. No city, county, or taxing district shall expend any funds in any fiscal year in excess of the revenues for that fiscal year. A city, county, or taxing district may amend its budget for a fiscal year, but the revised expenditures may not exceed the revised revenues. As used in this section, “revenues” shall mean all income from every source, including unencumbered reserves carried over from the previous fiscal year, and “expenditures” shall mean all funds to be paid out for expenses of the city, county, or taxing district due during the fiscal year, including amounts necessary to pay the principal and interest due during the fiscal year on any debt.

TEXT AS RATIFIED ON: November 8, 1994.

HISTORY: Creation proposed by 1994 Ky. Acts ch. 168, sec. 3

Section 158. Maximum indebtedness of cities, counties, and taxing districts – General Assembly authorized to set additional limits and conditions. Cities, towns, counties, and taxing districts shall not incur indebtedness to an amount exceeding the following maximum percentages on the value of the taxable property therein, to be estimated by the last assessment previous to the incurring of the indebtedness: Cities having a population of fifteen thousand or more, ten percent (10%); cities having a population of less than fifteen thousand but not less than three thousand, five percent (5%); cities having a

population of less than three thousand, three percent (3%); and counties and taxing districts, two percent (2%), unless in case of emergency, the public health or safety should so require. Nothing shall prevent the issue of renewal bonds, or bonds to fund the floating indebtedness of any city, county, or taxing district. Subject to the limits and conditions set forth in this section and elsewhere in this Constitution, the General Assembly shall have the power to establish additional limits on indebtedness and conditions under which debt may be incurred by cities, counties, and taxing districts.

TEXT AS RATIFIED ON: November 8, 1994.

HISTORY: 1994 amendment was proposed by 1994 Ky. Acts ch. 168, sec. 4; original version ratified August 3, 1891, and revised September 28, 1891.

Law for borrowing money must specify purpose, Const. 178.

Section 159. Tax to pay indebtedness in not more than forty years must be levied. Whenever any city, town, county, taxing district or other municipality is authorized to contract an indebtedness, it shall be required, at the same time, to provide for the collection of an annual tax sufficient to pay the interest on said indebtedness, and to create a sinking fund for the payment of the principal thereof, within not more than forty years from the time of contracting the same.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 160. Municipal officers – Election and term of office – Officers ineligible – Fiscal officers. The Mayor or Chief Executive, Police Judges, members of legislative boards or councils of towns and cities shall be elected by the qualified voters thereof: Provided, The Mayor or Chief Executive and Police Judges of the towns of the fourth, fifth and sixth classes may be appointed or elected as provided by law. The terms of office of Mayors or Chief Executives and Police Judges shall be four years, and until their successors shall be qualified, and of members of legislative boards, two years. When any city of the first or second class is divided into wards or districts, members of legislative boards shall be elected at large by the qualified voters of said city, but so selected that an equal proportion thereof shall reside in each of the said wards or districts; but when in any city of the first, second or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the General Assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be four years, and until their successors shall be qualified. No Mayor or Chief Executive of any city of the first or second class, after the expiration of three successive terms of office to which he has been elected under this Constitution shall be eligible for the succeeding term. No fiscal officer of

any city of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal officer" shall not include an Auditor or Assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The General Assembly shall prescribe the qualifications of all officers of towns and cities, the manner in and causes for which they may be removed from office, and how vacancies in such offices may be filled.

TEXT AS RATIFIED ON: November 6, 1986.

HISTORY: 1986 amendment was proposed by 1986 Ky. Acts ch. 140, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Disqualification for dueling, using money or property to secure or influence election, receiving profit on public funds, or accepting free passes, Const. 150, 173, 197, 239; Special laws to legalize unauthorized act prohibited, Const. 59; Conflict with Judicial Article, Const. 124 and Judicial Article Schedule 5.

Section 161. Compensation of city, county, or municipal officer not to be changed after election or appointment or during term, nor term extended. The compensation of any city, county, town or municipal officer shall not be changed after his election or appointment, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he may have been elected or appointed.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Maximum compensation of officers, Const. 246; Salaries of officers not to be changed during term, Const. 235.

Section 162. Unauthorized contracts of cities, counties, and municipalities are void. No county, city, town or other municipality shall ever be authorized or permitted to pay any claim created against it, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 163. Public utilities must obtain franchise to use streets. No street railway, gas, water, steam heating, telephone, or electric light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 164. Term of franchises limited – Advertisement and bids. No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 165. Incompatible offices and employment's. No person shall, at the same time, be a State officer or a deputy officer or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employee thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a Notary Public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Incompatible offices, Const. 44, 237.

Section 166. Expiration of city charters granted prior to Constitution. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, except as provided in Section 167, shall continue in force under this Constitution, and all City and Police Courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 167. Time of election of city, urban-county, and town officers. All officers required to be elected in cities, urban-counties, and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November in even-numbered years.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 168, sec. 17; original version ratified August 3, 1891, and revised September 28, 1891.

Section 168. Ordinance not to fix less penalty than statute for same offense – Prosecution under one a bar. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Other sections relating to municipalities: 52, 59, 60, 143, 147, 148, 152, 170, 171, 173, 176, 178, 179, 180, 181, 197, 199, 201, 234, 242.

REVENUE AND TAXATION

Section 169. Fiscal year. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 170. Property exempt from taxation – Cities may exempt factories for five years. There shall be exempt from taxation public property used for public purposes; places of burial not held for private or corporate profit; real property owned and occupied by, and personal property both tangible and intangible owned by, institutions of religion; institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; household goods of a person used in his home; crops grown in the year in which the assessment is made, and in the hands of the producer; and real property maintained as the permanent residence of the owner, who is sixty-five years of age or older, or is classified as totally disabled under a program authorized or administered by an agency of the United States government or by any retirement system either within or without the Commonwealth of Kentucky, provided the property owner received disability payments pursuant to such disability classification, has maintained such disability classification for the entirety of the particular taxation period, and has filed with the appropriate local assessor by December 31 of the taxation period, on forms provided therefor, a signed statement indicating continuing disability as provided herein made under penalty of perjury, up to the assessed valuation of sixty-five hundred dollars on said residence and contiguous real property, except for assessment for special benefits. The real property may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a

corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemptions shall apply only to the value of the real property assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location. Notwithstanding the provisions of Sections 3, 172, and 174 of this Constitution to the contrary, the General Assembly may provide by law an exemption for all or any portion of the property tax for any class of personal property.

TEXT AS RATIFIED ON: November 3, 1998.

HISTORY: 1998 amendment was proposed by 1998 Ky. Acts ch. 227, sec. 1; 1990 amendment was proposed by 1990 Ky. Acts ch. 151, sec. 1, and ratified on November 6, 1990; 1981 amendment was proposed by 1980 Ky. Acts ch. 113, sec. 1, and ratified on November 3, 1981; 1975 amendment was proposed by 1974 Ky. Acts ch. 105, sec. 1, and ratified on November 4, 1975; 1971 amendment was proposed by 1970 Ky. Acts ch. 186, sec. 1, and ratified on November 2, 1971; 1955 amendment was proposed by 1954 Ky. Acts ch. 111, sec. 1, and ratified on November 8, 1955; original version was ratified on August 3, 1891, and revised on September 28, 1891.

Property not to be exempted by General Assembly, Const., § 3.

Section 171 State tax to be levied – Taxes to be levied and collected for public purposes only and by general laws, and to be uniform within classes – Classification of property for taxation – Bonds exempt – Referendum on act classifying property.

The General Assembly shall provide by law an annual tax, which, with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only and shall be uniform upon all property of the same class subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

The General Assembly shall have power to divide property into classes and to determine what class or classes of property shall be subject to local taxation. Bonds of the state and of counties, municipalities, taxing and school districts shall not be subject to taxation.

Any law passed or enacted by the General Assembly pursuant to the provisions of or under this amendment, or amended section of the Constitution, classifying property and providing a lower rate of taxation on personal property, tangible or intangible, than upon real estate shall be subject to the referendum power of the people, which is hereby declared to exist to apply only to this section, or amended section. The referendum may be demanded by the people against one or more

items, sections, or parts of any act enacted pursuant to or under the power granted by this amendment, or amended section. The referendum petition shall be filed with the Secretary of State not more than four months after the final adjournment of the Legislative Assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people under this section. All elections on measures referred to the people under this act shall be at the regular general election, except when the Legislative Assembly shall order a special election. Any measure referred to the people shall take effect and become a law when approved by the majority of the votes cast thereon, and not otherwise. The whole number of votes cast for the candidates for Governor at the regular election, last preceding the filing of any petition, shall be the basis upon which the legal voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the Legislative Assembly at any time any acts or bills are enacted, pursuant to the power granted under this section or amended section, prior to the year of one thousand nine hundred and seventeen. After that time the power of the referendum may be ordered either by the petition signed by five percent of the legal voters or by the Legislative Assembly at the time said acts or bills are enacted. The General Assembly enacting the bill shall provide a way by which the act shall be submitted to the people. The filing of a referendum petition against one or more items, sections or parts of an act, shall not delay the remainder of that act from becoming operative.

TEXT AS RATIFIED ON: November 2, 1915.

HISTORY: 1915 amendment was proposed by 1914 Ky. Acts ch. 94, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Local and special laws prohibited, Const. 59.

Section 172. Property to be assessed at fair cash value – Punishment of assessor for willful error. All property, not exempted from taxation by this Constitution, shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Property to be taxed according to value, Const. 174.

Section 172A. Assessment for ad valorem tax purposes of agricultural and horticultural land. Notwithstanding contrary provisions of Sections 171, 172, or 174 of this Constitution –

The General Assembly shall provide by general law for the assessment for ad valorem tax purposes of agricultural and horticultural land according to the

land's value for agricultural or horticultural use. The General Assembly may provide that any change in land use from agricultural or horticultural to another use shall require the levy of an additional tax not to exceed the additional amount that would have been owing had the land been assessed under Section 172 of this Constitution for the current year and the two next preceding years.

The General Assembly may provide for reasonable differences in the rate of ad valorem taxation within different areas of the same taxing districts on that class of property which includes the surface of the land. Those differences shall relate directly to differences between nonrevenue-producing governmental services and benefits giving land urban character which are furnished in one or several areas in contrast to other areas of the taxing district.

TEXT AS RATIFIED ON: November 4, 1969.

HISTORY: Creation proposed by 1968 Ky. Acts. ch. 103, sec. 1.

Section 172B. Property assessment or reassessment moratoriums. Notwithstanding contrary provisions of Sections 170, 171, 172, or 174 of this Constitution, the General Assembly may provide by general law that the governing bodies of county, municipal, and urban-county governments may declare property assessment or reassessment moratoriums for qualifying units of real property for the purpose of encouraging the repair, rehabilitation, or restoration of existing improvements thereon. Prior to the enactment of any property assessment or reassessment moratorium program, the General Assembly shall provide or direct the local governing authority to provide property qualification standards for participation in the program and a limitation on the duration of any assessment or reassessment moratorium. In no instance shall any such moratorium extend beyond five years for any particular unit of real property and improvements thereon.

TEXT AS RATIFIED ON: November 3, 1981.

HISTORY: Creation proposed by 1980 Ky. Acts ch. 113, sec. 2.

Section 173. Officer receiving profit on public funds guilty of felony. The receiving, directly or indirectly, by any officer of the Commonwealth, or of any county, city or town, or member or officer of the General Assembly, of any interest, profit or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town, district, or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 174. Property to be taxed according to value, whether corporate or individual – Income, license, and franchise taxes. All property, whether

owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution; and all corporate property shall pay the same rate of taxation paid by individual property. Nothing in this Constitution shall be construed to prevent the General Assembly from providing for taxation based on income, licenses or franchises.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

License and franchise taxes of counties and cities, Const. 181; Property to be assessed at fair cash value, Const. 172.

Section 175. Power to tax property not to be surrendered. The power to tax property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 176. Commonwealth not to assume debt of county or city – Exception. The Commonwealth shall not assume the debt of any county, municipal corporation or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion or to suppress insurrection.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 177. Commonwealth not to lend credit, nor become stockholder in corporation, nor build railroad or highway. The credit of the Commonwealth shall not be given, pledged or loaned to any individual, company, corporation or association, municipality, or political subdivision of the State; nor shall the Commonwealth become an owner or stockholder in, nor make donation to, any company, association or corporation; nor shall the Commonwealth construct a railroad or other highway.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Credit may be loaned for roads, Const. 157a.

Section 178. Law for borrowing money to specify purpose, for which alone money may be used. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Maximum indebtedness limited, Const. 49, 158.

Section 179. Political subdivision not to become stockholder in corporation, or appropriate money or lend credit to any person, except for roads or State

Capitol. The General Assembly shall not authorize any county or subdivision thereof, city, town or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads: Provided, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 180. Act or ordinance levying any tax must specify purpose, for which alone money may be used. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

TEXT AS RATIFIED ON: November 5, 1996.

HISTORY: 1996 amendment was proposed by 1996 Ky. Acts ch. 98, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 181. General Assembly may not levy tax for political subdivision, but may confer power – License and excise taxes – City taxes in lieu of ad valorem taxes. The General Assembly shall not impose taxes for the purposes of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions. And the General Assembly may, by general laws only, authorize cities or towns of any class to provide for taxation for municipal purposes on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an ad valorem tax thereon: Provided, Cities of the first class shall not be authorized to omit the imposition of an ad valorem tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.

TEXT AS RATIFIED ON: November 3, 1903.

HISTORY: 1903 amendment was proposed by 1902 Ky. Acts ch. 50, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Cities are authorized to levy all taxes provided for in Const. 181.

Section 182. Railroad taxes – How assessed and collected. Nothing in this Constitution shall be construed to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed and how taxes thereon shall be collected. And until otherwise provided, the present law on said subject shall remain in force.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Cities, counties and taxing districts, Const. 157, 157a, 158, 159. Other sections relating to revenue and taxation: 3, 50, 59, 184, 189, 230.

EDUCATION

Section 183. General Assembly to provide for school system. The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Local and special laws prohibited, Const. 59.

Section 184. Common school fund – What constitutes – Use – Vote on tax for education other than in common schools. The bond of the Commonwealth issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: Provided, The tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 185. Interest on school fund – Investment. The General Assembly shall make provision, by law, for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sinking Fund Commissioners in other good interest-

bearing stocks or bonds, which shall be subject to sale and reinvestment, from time to time, in like manner, and with the same restrictions, as provided with reference to the sale of the said stock in the Bank of Kentucky.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 186. Distribution and use of school fund. All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General Assembly shall by general law prescribe the manner of the distribution of the public school fund among the school districts and its use for public school purposes.

TEXT AS RATIFIED ON: November 3, 1953.

HISTORY: 1953 amendment was proposed by 1952 Ky. Acts ch. 89, sec. 1; 1949 amendment was proposed by 1948 Ky. Acts ch. 163, sec. 1, and ratified on November 8, 1949; 1941 amendment was proposed by 1940 Ky. Acts ch. 64, sec. 1, and ratified on November 4, 1941; original version ratified August 3, 1891, and revised September 28, 1891.

The 1953 amendment nullified a 1949 amendment which changed the percentage of school funds to be distributed on a per capita basis.

Section 187. Race or color not to affect distribution of fund. In distributing the school fund no distinction shall be made on account of race or color.

TEXT AS RATIFIED ON: November 5, 1996.

HISTORY: 1996 amendment was proposed by 1996 Ky. Acts ch. 98, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 188. Refund of Federal direct tax part of school fund – Irredeemable bond. So much of any moneys as may be received by the Commonwealth from the United States under the recent act of Congress refunding the direct tax shall become a part of the school fund, and be held as provided in Section 184; but the General Assembly may authorize the use, by the Commonwealth, of moneys so received or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions, and subject to the provisions of Section 184, concerning the bond therein referred to.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 189. School money not to be used for church, sectarian, or denominational school. No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by, or in aid of, any church, sectarian or denominational school.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

CORPORATIONS

Section 190. Regulation of corporations by General Assembly.

Except as otherwise provided by the Constitution of Kentucky, the General Assembly shall, by general laws only, provide for the formation, organization, and regulation of corporations. Except as otherwise provided by the Constitution of Kentucky, the General Assembly shall also, by general laws only, prescribe the powers, rights, duties, and liabilities of corporations and the powers, rights, duties, and liabilities of their officers and stockholders or members.

TEXT AS RATIFIED ON: November 5, 2002

HISTORY: 2002 amendment was proposed by 2002 Ky. Acts ch. 341, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 191. (Repealed 2002) Catchline at time of repeal: “Unexercised charters granted prior to Constitution revoked.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky. Acts ch. 341, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 192. (Repealed 2002) Catchline at time of repeal: “Corporations restricted to charter authority – Holding of real estate limited.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky. Acts ch. 341, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 193. (Repealed 2002) Catchline at time of repeal: “Stock or bonds to be issued only for money or for property or labor at market value – Watered stock void.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky. Acts ch. 341, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 194. (Repealed 2002) Catchline at time of repeal: “Corporations to have place of business and process agent in State.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky. Acts ch. 341, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 195. Corporation property subject to eminent domain; corporations not to infringe upon individuals. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals, and the exercise of the police powers of this Commonwealth shall never be abridged nor so construed as to permit

corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Taking private property for public use, Const. 13, 242.

Section 196. Regulation of common carriers – No relief from common-law liability. Transportation of freight and passengers by railroad, steamboat or other common carrier, shall be so regulated, by general law, as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Railroads, traffic with connecting carriers, discrimination prohibited, Const. 213, 215.

Section 197. Free passes or reduced rates to officers forbidden. No railroad, steamboat or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town or county officer, or member of the General Assembly, or Judge; and any State, district, city, town or county officer, or member of the General Assembly, or Judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the duty of the General Assembly to enact laws to enforce the provisions of this section.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 198. (Repealed 2002) Catchline at time of repeal: “Trusts and combinations in restraint of trade to be prevented.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky. Acts ch. 341, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 199. Telegraph and telephone companies – Right to construct lines – Exchange of messages.

Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each other’s messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other’s messages without unreasonable delay or discrimination. The General Assembly shall,

by general laws of uniform operation, provide reasonable regulations to give full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limits of such city or town.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 200. (Repealed 2002) Catchline at time of repeal: “Domestic corporation consolidating with foreign does not become foreign.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky.Acts ch. 341, sec.2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 201 Public utility company not to consolidate with, acquire or operate competing or parallel system – Common carriers not to share earnings with one not carrying – Telephone companies excepted under certain conditions.

No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying: Provided, however, That telephone companies may acquire by purchase or lease, or otherwise, and operate, parallel or competing exchanges, lines and structures, and the property of other telephone companies, if the state agency as may have jurisdiction over such matters shall first consent thereto, and if, further, each municipality wherein such property or any part thereof is located shall also first consent thereto as to the property within its limits, but under any such acquisition and operation toll line connections with the property so acquired shall be continued and maintained under an agreement between the purchasing company and the toll line companies then furnishing such service, and in the event they are unable to agree as to the terms of such an agreement the state agency as may have jurisdiction over such matters, shall fix the term of such agreement.

TEXT AS RATIFIED ON: November 7, 2000.

HISTORY: 2000 amendment was proposed by 2000 Ky. Acts ch. 399, sec. 1; 1917 amendment was proposed by 1916 Ky. Acts ch. 125, sec. 1, and ratified November 6, 1917; original version ratified August 3, 1891, and revised September 28, 1891.

Section 202. (Repealed 2002) Catchline at time of repeal: “Foreign corporations not to be given privileges over domestic.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky.Acts ch. 341, sec.2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 203. (Repealed 2002) Catchline at time of repeal: “Liabilities under corporate franchise not released by lease or alienation.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky.Acts ch. 341, sec.2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 204. Bank officer liable for receiving deposit for insolvent bank. Any President, Director, Manager, Cashier or other officer of any banking institution or association for the deposit or loan of money, or any individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony and subject to such punishment as shall be prescribed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 205. Forfeiture of corporate charters in case of abuse or detrimental use. The General Assembly shall, by general laws, provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 206. Warehouses subject to legislative control – Inspection – Protection of patrons. All elevators or storehouses, where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control, and the General Assembly shall enact laws for the inspection of grain, tobacco and other produce, and for the protection of producers, shippers and receivers of grain, tobacco and other produce.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 207. (Repealed 2002) Catchline at time of repeal: “Cumulative voting for directors of corporations – Proxies.”

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky.Acts ch. 341, sec.2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 208. (Repealed 2002) Catchline at time of repeal: “‘Corporation’ includes joint stock company or association.

REPEAL RATIFIED ON: November 5, 2002.

HISTORY: Repeal was proposed by 2002 Ky.Acts ch. 341, sec.2; original version ratified August 3, 1891, and revised September 28, 1891.

Other sections relating to corporations: 52, 59, 150, 163, 174, 177, 179, 210, 218, 241, 242, 244.

RAILROADS AND COMMERCE

Section 209 (Repealed 2000) Catchline at time of repeal: “Railroad Commission – Election, term, and qualifications of Commissioners – Commissioners’ districts – Powers and duties – Removal – Vacancies.”

REPEAL RATIFIED ON: November 7, 2000.

HISTORY: Repeal was proposed by 2000 Ky. Acts ch. 399, sec. 3; original version ratified August 3, 1891, and revised September 28, 1891.

Section 210. Common carrier corporation not to be interested in other business. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in any other business than that of a common carrier, or hold, own, lease or acquire, directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business, and the General Assembly shall enact laws to give effect to the provisions of this section.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 211. Foreign railroad corporation may not condemn or acquire real estate. No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 212. Rolling stock, earnings, and personal property of railroads subject to execution or attachment. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands, or under the

control, of any officer, agent or employee of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and to the same extent as such property of individuals in the hands of third persons.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 213. Railroad companies to handle traffic with connecting carriers without discrimination. All railroad, transfer, belt lines and railway bridge companies organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Regulation of transportation of freight and passengers by railroads to prevent unjust discrimination, Const. 196; Freight to be handled without discrimination, Const. 215.

Section 214. Railroad not to make exclusive or preferential contract. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 215. Freight to be handled without discrimination. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in

the same manner and for the same charges, and for the same method of payment.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 216. Railroad must allow tracks of others to cross or unite. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 217. Penalties for violating Sections 213, 214, 215, or 216 – Attorney General to enforce. Any person, association or corporation, willfully or knowingly violating any of the provisions of Sections 213, 214, 215, or 216, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars; and for the third offense, shall thereupon, ipso facto, forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, it shall, ipso facto, forfeit its right to do business in this State; and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 218. Long and short hauls. It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: Provided, That upon application to the state agency as may have jurisdiction over such matters, such common carrier, or person or corporation owning or operating a railroad in this State, may in special cases, after investigation by the appropriate state agency, be authorized to charge less for longer than for shorter distances for the transportation of passengers, or property; and the appropriate state agency may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operation of this section.

TEXT AS RATIFIED ON: November 7, 2000.

HISTORY: 2000 amendment was proposed by 2000 Ky. Acts ch. 399, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Other sections relating to railroads, 59, 177, 182, 196, 197, 201.

THE MILITIA

Section 219. Militia, what to consist of. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 220. General Assembly to provide for militia – Exemptions from service. The General Assembly shall provide for maintaining an organized militia, and may exempt from military service persons having conscientious scruples against bearing arms; but such persons shall pay an equivalent for such exemption.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 221. Government of militia to conform to Army regulations. The organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 222. Officers of militia – Adjutant General. All militia officers whose appointment is not herein otherwise provided for, shall be elected by persons subject to military duty within their respective companies, battalions, regiments or other commands, under such rules and regulations and for such terms, not exceeding four years, as the General Assembly may, from time to time, direct and establish. The Governor shall appoint an Adjutant-General and his other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers, and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their noncommissioned officers. The Governor shall have power to fill vacancies that may occur in elective offices by granting commissions which shall expire when such vacancies have been filled according to the provisions of this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Governor is Commander-in-Chief of militia, Const. 75.

Section 223. Safekeeping of public arms, military records, relics, and banners. The General Assembly

shall provide for the safekeeping of the public arms, military records, relics and banners of the Commonwealth of Kentucky.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

GENERAL PROVISIONS

Section 224. Bonds – What officers to give – Liability on. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

When officers to give bond, Const. 103.

Section 225. Armed men not to be brought into State – Exception. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly, or of the Governor when the General Assembly may not be in session.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 226. State lottery – Charitable lotteries and charitable gift enterprises – Other lotteries and gift enterprises forbidden. (1) The General Assembly may establish a Kentucky state lottery and may establish a state lottery to be conducted in cooperation with other states. Any lottery so established shall be operated by or on behalf of the Commonwealth of Kentucky.

(2) The General Assembly may by general law permit charitable lotteries and charitable gift enterprises and, if it does so, it shall:

(a) Define what constitutes a charity or charitable organization;

(b) Define the types of charitable lotteries and charitable gift enterprises which may be engaged in;

(c) Set standards for the conduct of charitable lotteries and charitable gift enterprises by charitable organizations;

(d) Provide for means of accounting for the amount of money raised by lotteries and gift enterprises and for assuring its expenditure only for charitable purposes;

(e) Provide suitable penalties for violation of statutes relating to charitable lotteries and charitable gift enterprises; and

(f) Pass whatever other general laws the General Assembly deems necessary to assure the proper functioning, honesty, and integrity of charitable lotteries and charitable gift enterprises, and the charitable purposes for which the funds are expended.

(3) Except as provided in this section, lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

TEXT AS RATIFIED ON: November 3, 1992.

HISTORY: 1992 amendment was proposed by 1992 Ky. Acts ch. 113, sec. 1; 1988 amendment was proposed by 1988 Ky. Acts ch. 116, sec. 1, and ratified on November 8, 1988; original version ratified August 3, 1891, and revised September 28, 1891.

Section 226a. (Repealed 1935) Catchline read at time of repeal: “Manufacture, sale or transportation of intoxicating liquors prohibited – Exception – Legislature to enforce.”

REPEAL RATIFIED ON: November 5, 1935.

HISTORY: Repeal was proposed by 1934 Ky. Acts ch. 58, sec. 1; creation proposed by 1918 Ky. Acts ch. 63, sec. 1, and ratified on November 4, 1919, effective July 1, 1920.

Section 227. Prosecution and removal of local officers for misfeasance, malfeasance, or neglect. Judges of the County Court, Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, Assessors, County Attorneys and Constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law, and upon conviction his office shall become vacant, but such officer shall have the right to appeal to the Court of Appeals. Provided, also, that the General Assembly may, in addition to the indictment or prosecution above provided, by general law, provide other manner, method or mode for the vacation of office, or the removal from office of any sheriff, jailer, constable or peace officer for neglect of duty, and may provide the method, manner or mode of reinstatement of such officers.

TEXT AS RATIFIED ON: November 4, 1919.

HISTORY: 1919 amendment was proposed by 1918 Ky. Acts ch. 62, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Appeal to Supreme Court subject to Supreme Court rules, Const. 110(2)(a).

Section 228. Oath of officers and attorneys. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar,

before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____ according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Manner of administering oaths, Const. 232; Form of oath altered on pardon of person convicted of dueling, Const. 240.

Section 229. Treason defined – Evidence necessary to convict. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Power of pardon for treason vested in General Assembly, Const. 77.

Section 230. Money not to be drawn from Treasury unless appropriated – Annual publication of accounts – Certain revenues usable only for highway purposes. No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually. No money derived from excise or license taxation relating to gasoline and other motor fuels, and no moneys derived from fees, excise or license taxation relating to registration, operation, or use of vehicles on public highways shall be expended for other than the cost of administration, statutory refunds and adjustments, payment of highway obligations, costs for construction, reconstruction, rights-of-way, maintenance and repair of public highways and bridges, and expense of enforcing state traffic and motor vehicle laws.

TEXT AS RATIFIED ON: November 6, 1945.

HISTORY: 1945 amendment was proposed by 1944 Ky. Acts ch. 9, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 231. Suits against the Commonwealth. The General Assembly may, by law, direct in what manner

and in what courts suits may be brought against the Commonwealth.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Claims against the State, Const. 58.

Section 232. Manner of administering oath. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 233. General laws of Virginia in force in this State until repealed. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 233A. Valid or recognized marriage - Legal status of unmarried individuals. Only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized.

TEXT AS RATIFIED ON: November 2, 2004.

HISTORY: Creation proposed by 2004 Ky. Acts ch. 128, sec. 1.

Section 234. Residence and place of office of public officers. All civil officers for the State at large shall reside within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 235. Salaries of public officers not to be changed during term – Deductions for neglect. The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Compensation of local officers not to be changed during term, Const. 161; Maximum limit on salaries, Const. 246.

Section 236. When officers to enter upon duties. The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Oath to be taken and bond executed before entering upon duties, Const. 103, 228.

Section 237. Federal office incompatible with State office. No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Incompatible office, Const. 44, 165.

Section 238. Discharge of sureties on officers' bonds. The General Assembly shall direct by law how persons who now are, or may hereafter become, sureties for public officers, may be relieved of or discharged from suretyship.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 239. Disqualification from office for presenting or accepting challenge to duel – Further punishment. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept or knowingly carry a challenge to any person or persons to fight in single combat, with a citizen of this State, with a deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth; and if said acts, or any of them, be committed within this State, the person or persons so committing them shall be further punished in such manner as the General Assembly may prescribe by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Oath as to dueling, Const. 228.

Section 240. Pardon of person convicted of dueling. The Governor shall have power, after five years from the time of the offense, to pardon any person who shall have participated in a duel as principal, second or otherwise, and to restore him to all the rights, privileges and immunities to which he was entitled before such participation. Upon presentation of such

pardon the oath prescribed in Section 228 shall be varied to suit the case.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 241. Recovery for wrongful death. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made, the same shall form part of the personal estate of the deceased person.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Recovery for injury or death not to be limited, Const. 54.

Section 242. Just compensation to be made in condemning private property – Right of appeal – Jury trial. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against any such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the course of the common law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Private property not to be taken without compensation, Const. 13.

Section 243. Child labor. The General Assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 244. Wage-earners in industry or of corporations to be paid in money. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 244a. Old age assistance. The General Assembly shall prescribe such laws as may be necessary for the granting and paying of old persons an annuity or pension.

TEXT AS RATIFIED ON: November 5, 1935.

HISTORY: Creation proposed by 1934 Ky. Acts ch. 59, sec. 1.

Section 245. Revision of statutes to conform to Constitution. Upon the promulgation of this Constitution, the Governor shall appoint three persons, learned in the law, who shall be Commissioners to revise the statute laws of this Commonwealth, and prepare amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection, in whole or in part. The said Commissioners shall be allowed ten dollars each per day for their services, and also necessary stationery for the time during which they are actually employed; and upon their certificate the Auditor shall draw his warrant upon the Treasurer. They shall have the power to employ clerical assistants, at a compensation not exceeding ten dollars per day in the aggregate. If the Commissioners, or any of them, shall refuse to act, or a vacancy shall occur, the Governor shall appoint another or others in his or their place.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 246. Maximum limit on compensation of public officers. No public officer or employee except the Governor, shall receive as compensation per annum for official services, exclusive of the compensation of legally authorized deputies and assistants which shall be fixed and provided for by law, but inclusive of allowance for living expenses, if any, as may be fixed and provided for by law, any amount in excess of the following sums: Officers whose jurisdiction or duties are coextensive with the Commonwealth, the mayor of any city of the first class, and Judges and Commissioners of the Court of Appeals, Twelve Thousand Dollars (\$12,000); Circuit Judges, Eight Thousand Four Hundred Dollars (\$8,400); all other public officers, Seven Thousand Two Hundred Dollars (\$7,200). Compensation within the limits of this amendment may be authorized by the General Assembly to be paid, but not retroactively, to public officers in office at the time of its adoption, or who are elected at the election at which this amendment is adopted. Nothing in this amendment shall permit any officer to receive, for the year 1949, any compensation in excess of the limit in force prior to the adoption of this amendment.

TEXT AS RATIFIED ON: November 8, 1949.

HISTORY: 1949 amendment was proposed by 1948 Ky. Acts ch. 172, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Compensation not to be changed during term, Const. 161, 235; Compensation of Governor, KRS 64.480; Deductions for neglect of duty, Const. 235.

Section 247. Public printing – Contract for – Officers not to have interest in – Governor to approve. The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 248. Juries – Number of jurors – Three-fourths may indict or give verdict. A grand jury shall consist of twelve persons, nine of whom concurring, may find an indictment. In civil and misdemeanor cases, in courts inferior to the Circuit Courts, a jury shall consist of six persons. The General Assembly may provide that in any or all trials of civil actions in the Circuit Courts, three-fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel. But where a verdict is rendered by a less number than the whole jury, it shall be signed by all the jurors who agree to it.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Right to jury trial, Const. 7; Local and special laws prohibited, Const. 59.

Section 249. Employees of General Assembly – Number and compensation. The House of Representatives of the General Assembly shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant at Arms, one Doorkeeper, one Janitor, two Cloakroom Keepers and four Pages; and the Senate shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant at Arms, one Doorkeeper, one Janitor, one Cloakroom Keeper and three Pages; and the General Assembly shall provide, by general law, for fixing the per diem or salary of all of said employees.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Officers of General Assembly, Const. 34, 85.

Section 250. Arbitration, method for to be provided. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences by arbitrators, the arbitrators to be

appointed by the parties who may choose that summary mode of adjustment.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 251. Limitation of actions to recover possession of land based on early patents. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one thousand eight hundred and twenty, against any person claiming such lands by possession to a well-defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title or interest in lands acquired by virtue of adverse possession under the laws of this Commonwealth.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Interest in land derived from Virginia not to be impaired by Kentucky, Compact with Virginia, Sections 7 to 10.

Section 252. Houses of reform to be established and maintained. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction and reformation of all persons under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 253. Working of penitentiary prisoners – When and where permitted. Persons convicted of felony and sentenced to confinement in the penitentiary shall be confined at labor within the walls of the penitentiary; and the General Assembly shall not have the power to authorize employment of convicts elsewhere, except upon the public works of the Commonwealth of Kentucky, or when, during pestilence or in case of the destruction of the prison buildings, they cannot be confined in the penitentiary.

That Section 253 of the Constitution be amended so that the Commonwealth of Kentucky may use and employ outside of the walls of the penitentiaries in such manner and means as may be provided by law, persons convicted of felony and sentenced to confinement in the penitentiary for the purpose of constructing or reconstructing and maintaining public roads and public bridges or for the purpose of making and preparing

material for public roads and bridges, and that the Commonwealth of Kentucky may, by the use and employment of convict labor outside of the walls of the penitentiary by other ways or means, as may be provided by law, aid the counties for road and bridge purposes, work on the State farm or farms.

TEXT AS RATIFIED ON: November 2, 1915.

HISTORY: 1915 amendment was proposed by 1914 Ky. Acts ch. 93, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 254. Control and support of convicts – Leasing of labor. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 255. Frankfort is state capital. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two-thirds of each House of the first General Assembly which convenes after the adoption of this Constitution.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

MODE OF REVISION

Section 256. Amendments to Constitution – How proposed and voted upon. Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more

than four amendments shall be voted upon at any one time. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately, but an amendment may relate to a single subject or to related subject matters and may amend or modify as many articles and as many sections of the Constitution as may be necessary and appropriate in order to accomplish the objectives of the amendment. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

TEXT AS RATIFIED ON: November 6, 1979.

HISTORY: 1979 amendment was proposed by 1978 Ky. Acts ch. 433, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

Section 257. Publication of proposed amendments. Before an amendment shall be submitted to a vote, the Secretary of State shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon in such manner as may be prescribed by law.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 258. Constitutional Convention – How proposed, voted upon, and called. When a majority of all the members elected to each House of the General Assembly shall concur, by a yea and nay vote, to be entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a Convention for the purpose of revising or amending this Constitution, and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly shall, in like manner, concur in such law, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the Convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a Convention, and if the total number of votes cast for the calling of the Convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be

enacted calling a Convention to readopt, revise or amend this Constitution, and such amendments as may have been made thereto.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 259. Number and qualifications of delegates. The Convention shall consist of as many delegates as there are members of the House of Representatives; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 260. Election of delegates – meeting. Delegates to such Convention shall be elected at the next general State election after the passage of the act calling the Convention, which does not occur within less than ninety days; and they shall meet within ninety days after their election at the Capital of the State, and continue in session until their work is completed.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 261. Certification of election and compensation of delegates. The General Assembly, in the act calling the Convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 262. Determination of election and qualifications of delegates – Contests. The Convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections. But the General Assembly shall, in the act calling the Convention, provide for taking testimony in such cases, and for issuing a writ of election in case of a tie.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

Section 263. Notice of election on question of calling convention. Before a vote is taken upon the question of calling a Convention, the Secretary of State shall cause notice of the election to be published in such manner as may be provided by the act directing said vote to be taken.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

SCHEDULE

That no inconvenience may arise from the alterations and amendments made in this Constitution, and in order to carry the same into complete operation, it is hereby declared and ordained:

First: That all laws of this Commonwealth in force at the time of the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions as require legislation to enforce them shall remain in force until such legislation is had, but not longer than six years after the adoption of this Constitution, unless sooner amended or repealed by the General Assembly.

Second: That all recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any city, town, county or subdivision thereof, and all fines, taxes, penalties and forfeitures due or owing to this State, or to any city, town, county or subdivision thereof; and all writs, prosecutions, actions and causes of action, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution. And all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be prosecuted as if no change had taken place, except as otherwise provided in this Constitution.

Third: All Circuit, Chancery, Criminal, Law and Equity, Law, and Common Pleas Courts, as now constituted and organized by law, shall continue with their respective jurisdictions until the Judges of the Circuit Courts provided for in this Constitution shall have been elected and qualified, and shall then cease and determine; and the causes, actions and proceedings then pending in said first named courts, which are discontinued by this Constitution, shall be transferred to, and tried by, the Circuit Courts in the counties, respectively, in which said causes, actions and proceedings are pending.

Fourth: The Treasurer, Attorney-General, Auditor of Public Accounts, Superintendent of Public Instruction, and Register of the Land Office, elected in eighteen hundred and ninety-one, shall hold their offices until the first Monday in January, eighteen hundred and ninety-six, and until the election and qualification of their successors. The Governor and Lieutenant Governor elected in eighteen hundred and ninety-one shall hold their offices until the sixth Tuesday after the

first Monday in November, eighteen hundred and ninety-five, and until their successors are elected and qualified. The Governor and Treasurer elected in eighteen hundred and ninety-one shall be ineligible to the succeeding term. The Governor elected in eighteen hundred and ninety-one may appoint a Secretary of State and a Commissioner of Agriculture, Labor and Statistics, as now provided, who shall hold their offices until their successors are elected and qualified, unless sooner removed by the Governor. The official bond of the present Treasurer shall be renewed at the expiration of two years from the time of his qualification.

Fifth: All officers who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors, as provided in this Constitution, shall hold their respective offices until their successors are elected or appointed and qualified as provided in this Constitution.

Sixth: The Quarterly Courts created by this Constitution shall be the successors of the present statutory Quarterly Courts in the several counties of this State; and all suits, proceedings, prosecutions, records and judgments now pending or being in said last named courts shall, after the adoption of this Constitution, be transferred to the Quarterly Courts created by this Constitution, and shall proceed as though the same had been therein instituted.

ORDINANCE

We, the representatives of the people of Kentucky, in Convention assembled, in their name and by their authority and in virtue of the power vested in us as Delegates from the counties and districts respectively affixed to our names, do ordain and proclaim the foregoing to be the Constitution of the Commonwealth of Kentucky from and after this date.

Done at Frankfort this twenty-eighth day of September, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundredth year of the Commonwealth.

TEXT AS RATIFIED ON: August 3, 1891, and revised September 28, 1891.

HISTORY: Not yet amended.

AMENDMENTS ADOPTED SINCE 1891

Year Adopted	Section(s) Amended	Purpose
1903	181	Authorize the General Assembly to provide by general law for levying by cities and counties of license fees and franchise taxes based on income derived from property or other sources.
1909	157a	Permit state to give, pledge, or lend credit to counties for road purposes and permit counties to levy a tax of 20 cents per \$100 of assessed property value to pay principal and interest on voted road and bridge bonds.
1915	171	Permit classification of property for tax purposes.
1915	253	Permit use of prisoners for road work.
1917	201	Permit telephone companies, under certain conditions, to buy or lease competing companies.
1919	227	Permit removal of local law enforcement officers for neglect of duty.
1919	226A	Prohibit manufacture, sale, or transportation of alcoholic beverages.
1935	226A	Repeal prohibition.
1935	244A	Permit old age pensions.
1941	186	Permit ten per cent of money appropriated by the legislature for school purposes to be used in an equalization fund, instead of being divided on a per capita basis.
1941	147	Permit the use of voting machines.
1945	147	Authorize the General Assembly to provide for absentee voting.
1945	230	Guarantee that receipts from certain tax sources shall be placed in the highway fund.
1949	246	Repeal the \$5,000 salary limit and substitute limits of \$12,000 per year for officials with statewide jurisdiction and mayors of first class cities, \$8,400 for circuit judges, and \$7,200 for all other officials.
1949	186	Changes from ninety to seventy-five the percentage of state appropriated school funds to be divided on a per capita basis.
1953	186	Repeal provisions of Section 186 which required school funds to be distributed on a per capita basis.
1955	145	Permit persons eighteen years of age or older to vote, provided they meet other qualifications, and remove the word "male" from the constitutional description of voters.
1955	170	Exempt all household goods from taxation.
1969	172A	Permit agricultural land in urban areas to be assessed for taxation at its value for agricultural purposes and permit a unit of local government to tax property at different rates, in different areas, based upon services.
1971	170	Exempt from taxation up to \$6,500 of the assessed value of a single family residence owned and occupied by a person age 65 or older.
1975	109-139 141,143	Restructure the state court system.
1975	170	Extend "homestead exemption" to residences other than single family dwellings.
1979	256	Increase from two to four the number of amendments to be considered at any one referendum.
1979	30, 31, 36,42	Change from odd-year to even-year for election of members of the General Assembly.
1981	170, 172B	Provide certain property tax exemptions for residents age 65 and older and for the disabled. Permits property tax moratoriums under certain circumstances to encourage repair and renovation of properties.
1984	99	Permit sheriffs to succeed themselves.

1986	160	Permit mayors of cities of the first and second classes to run for election for three successive terms.
1988	19	Limit the mining of coal conveyed by any broadform deed to methods of coal extraction utilized in the area at the time the deed was signed.
1988	226	Permit the General Assembly to establish a Kentucky state lottery, alone or in conjunction with other states.
1990	170	Exempt from property taxation all real property owned and occupied by, and all personal property owned by, institutions of religion.
1992	226	Permit the General Assembly to establish and regulate charitable gaming.
1992	70-74, 82-87, 91, 93, 94, 95 97, 99, 148, 167	Omnibus reform of Executive Branch and election schedule, including: succession for statewide officers; joint election of Governor and Lieutenant Governor; gubernatorial disability and absence from the state; abolition of elected Superintendent of Public Instruction; duties of Lieutenant Governor; and even-year elections for all but statewide officers.
1994	156, new 156a, new 156b, 157, new 157b, 158	Omnibus reform of local government structure and financing provisions.
1996	180, 187	Removed the requirement that public schools be racially-segregated and the authority for local governments to levy a poll tax.
1998	170	Permit the General Assembly to exempt motor vehicles and other personal property from property tax and extend the homestead exemption to persons classified as totally disabled by any public or private retirement system.
2000	36, 42	Provide that the General Assembly shall meet in annual session in odd-numbered years for 30 days, provide that bills raising revenue or appropriating funds in an odd-numbered year session shall be agreed to by 3/5 of all members elected to each House, adjourn odd-numbered year session March 30.
2000	201, 209, 218	Abolish the Railroad Commission.
2002	112	Permit the Supreme Court to designate one or more divisions of Circuit Court within a judicial circuit as a family court division.
2002	190, 191, 192, 193, 194, 198, 200, 202, 203, 207, 208	Omnibus reform of corporations provisions, permit regulation by general laws.
2004	233A	Provide that only a marriage between one man and one woman shall be valid or recognized as a marriage in Kentucky and that a legal status identical to or similar to that of marriage shall not be valid or recognized or unmarried individuals.

AMENDMENTS SUBMITTED TO POPULAR VOTE SINCE 1891 BUT DEFEATED

Year Submitted	Section(s) To Have Been Amended	Purpose
1897	181	Would have permitted municipalities to tax property on the basis of income.
1905	147	Would have required voice voting instead of secret ballot.
1907	145	Would have made payment of taxes a prerequisite to voting.
1913	171	Would have permitted the classification of property for tax purposes.*
1913	253	Would have permitted the employment of convict labor on public roads.*
1921	186	Would have provided that ten percent of the common school fund could be distributed on other than a per capita basis.
1921	91	Would have removed the Superintendent of Public Instruction from the list of elective officials.
1923	145	Would have permitted women to vote and hold office.
1925	246	Would have raised the \$5,000 salary limit for certain specified officials.
1927	147	Would have permitted absentee voting.
1927	246	Would have abolished the \$5,000 salary limit and substituted a provision that the General Assembly should fix reasonable compensation.
1929	256	Would have removed the two-amendment restriction.
1929	246	Would have removed the salary limit on Judges of the Court of Appeals.
1931	158	Would have raised the debt limits of cities and counties in certain cases.
1933	172	Would have permitted the General Assembly to exempt real and personal property from taxation by the state.
1937	New	Would have permitted the General Assembly to reorganize local government and would have permitted consolidation of cities and counties.
1937	256	Would have removed the limit on the number of constitutional amendments to be submitted at one time.
1939	145	Would have made women eligible to hold public office.**
1939	New	Would have authorized and directed the General Assembly to provide aid to dependent children and needy blind.**
1943	54	Would have permitted the General Assembly to pass a compulsory workers' compensation law.
1943	246	Would have removed the \$5,000 salary limit.
1951	256	Would have permitted an unlimited number of amendments to be submitted at one time and changed the time and manner of voting on amendments.
1953	91, 93	Would have removed the Secretary of State, Treasurer, Commissioner of Agriculture, Labor and Statistics, and the Superintendent of Public Instruction from the list of elective state officers.
1957	91, 93, 95, 96	Would have abolished the elective Superintendent of Public Instruction and established in his place a Commissioner of Education appointed by a nine-member Board of Education.
1959	New	Would have established a sales tax to provide a veterans' bonus.***
1959	99	Would have made sheriffs eligible to succeed themselves.
1963	246	Would have abolished the salary limit.
1963	256	Would have permitted the submission of five amendments to be voted on at one time.
1969	42	Would have authorized the General Assembly to meet annually for sixty legislative days and described a legislative day as one on which at least one house was in session.

1973	91, 93, 95, 99, 183, 209	Would have deleted the requirement that the Superintendent of Public Instruction be elected; allowed sheriffs to succeed themselves; established a seven-member State Board of Education; abolished the Railroad Commission.
1973	32, 36, 42	Would have required the General Assembly to meet annually for not longer than forty-five legislative days, which need not be consecutive, nor longer than four months (six months if approved by two-thirds of the members of both houses); required legislators to have resided in their districts for two years rather than one year prior to election.
1981	71, 82, 93, 99	Would have permitted statewide constitutional officers to serve two successive terms and would have permitted sheriffs to succeed themselves.
1986	91,93, 95, 183	Would have constitutionally established an appointed State Board of Education, which would have hired a state Superintendent of Public Instruction; would have abolished the constitutional office of elected Superintendent of Public Instruction.
1990	36	Would have allowed the General Assembly to call itself into extraordinary session.
1990	28	Would have allowed the General Assembly to create a system whereby it or a body it designated could reject administrative regulations promulgated by an agency of the Executive Branch.
1990	156, 157,157a, 158, 159 160, 166, 167, 170, 180, 181	Would have altered the structure and powers of local government.
1992	91, 93, 94, 95, 201, 209, 218	Would have deleted the election of the Secretary of State, Treasurer, Commissioner of Agriculture, Superintendent of Public Instruction, and Railroad Commission.
1998	36, 42	Would have required the General Assembly to meet annually in odd-numbered years for twenty-five days, would have reduced the organizational session by five days.

* Through error was not publicized as required by Section 256 of the Constitution and although placed on the ballot, voted upon and passed, was declared invalid. See *McCreary v. Speer*, 156 Ky. 783, 162 S.W. 99 (1914).

** Through error was not publicized as required by Section 256 of the Constitution and thus could not be placed on the ballot. See *Arnett v. Sullivan*, 279 Ky. 720, 132 S.W.2d 76 (1939).

*** Although ratified by the voters, this amendment was declared invalid by the Kentucky Court of Appeals. The Court held the subject of the amendment to be one properly addressed by statute rather than by a constitutional amendment. See *Stovall v. Gartrell*, 332 S.W.2d 256 (Ky. 1960.)

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