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Changes in the 90's

Proposed Annual Legislative Sessions Amendment



Proposed Annual Legislative Sessions Amendment

At the November 3, 1998 election, Kentucky's voters will be asked whether to amend the state Constitution to allow the General Assembly to meet in a 25-day session in odd-numbered years. This question will appear on the ballot:

Constitutional Amendment No. 1

Are you in favor of amending the Kentucky Constitution to reduce the General Assembly's organizational session by five days and to allow the General Assembly to meet in interim session in odd-numbered years for twenty-five days?

Constitutional Changes Proposed by the Amendment

The proposed amendment would alter Section 36 of the Kentucky Constitution in two ways: it would reduce the organizational session held in odd-numbered years from 10 days to five days, and it would allow for an interim legislative session of not more than 25 days, to be convened on the first Tuesday in February in odd-numbered years. Section 42 of the Kentucky Constitution would also be amended to require that an interim legislative session adjourn no later than March 30 of the odd-numbered years. The current 60-day regular legislative session would continue to be held in even-numbered years.

Effective Date

If the proposed 25-day session amendment is approved by the voters on November 3, its provisions will take effect immediately. That means an organizational session of not more than five days would be held in January, 1999, and an interim session of not more than 25 days would be convened in February, 1999. If the proposed amendment is defeated, the odd-year organizational session of not more than 10 days would still be held, but the General Assembly would not meet again in regular session until January, 2000.

State Legislatures and Annual Sessions

Since World War II, state legislatures have faced increasingly complex issues, thus increasing legislative workloads. One of the ways states have attempted to expand the legislatures' capacity to deal with larger and more complex agendas is by shifting from biennial to annual legislative sessions. In the 1940s, only four state legislatures met in annual session. Within 20 years, that number had increased to 20, and by the mid-1970s, 42 state legislatures were holding annual sessions. Washington switched from biennial to annual sessions in 1986, leaving Kentucky and six other states: Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas, with biennial session legislatures.

Of the seven biennial session states, Kentucky, Nevada, and Arkansas meet for 60 days, while the remaining states meet for 80 days (North Dakota), 90 days (Montana), 140 days (Texas), or have no limitation on the length of the session (Oregon).

State Constitutional History

Kentucky has adopted four Constitutions since becoming a state. The first two, adopted in 1792 and 1799, allowed the General Assembly to convene for legislative business every year, with no limit on the length of its sessions. The state's third Constitution, adopted in 1850, limited legislative action to sessions of 60 days, to be held every other year. In 1859, an amendment

was adopted to allow the General Assembly to extend the 60-day biennial session if two-thirds of each of its chambers voted to do so. Votes to extend the biennial sessions of the late 19th century became common and biennial sessions became longer, illustrated by the 149-day session of the 1889-90 General Assembly. The state's fourth and current Constitution, adopted in 1891, abolished the General Assembly's option to extend the 60-day biennial sessions.

In 1979, Kentucky voters approved an amendment allowing the General Assembly to meet for up to ten days in odd-numbered years to elect legislative leaders, adopt rules of procedure, and organize committees, but not allowing any other legislative action. This odd-year session is referred to as the organizational session.

Under the Constitution, extraordinary, or special, sessions may be convened only by the Governor and are limited in scope to those subjects specified in the Governor's proclamations calling them. The length of special sessions is not restricted by the Constitution.

History of Annual Session Amendments in Kentucky

Three proposals to amend the 1891 Constitution to reestablish annual legislative sessions have been presented to the voters and each was defeated. While each was designed to permit greater flexibility and time in scheduling legislative business, the proposals differed in detail. The proposed new Constitution voted on in 1967 would have established 60-day annual legislative sessions, but would have allowed two-thirds of the members of both chambers to vote to also meet in an extended session of 30 days. The proposed constitutional amendment of 1969 also prescribed 60-day annual sessions, but without the provision for extending their lengths. The 1973 proposal called for 45-day annual sessions and permitted the General Assembly to spread the 45 days over a five-month period, which could be extended to six months by a two-thirds vote of each chamber.

The issue of annual sessions was revived in 1991, as the General Assembly met for 30 days in the longest extraordinary session since 1936, and more recently, as the General Assembly has been called into extraordinary session 12 times since that 1991 extraordinary session ended. Since 1971, there have been 23 special sessions, including 15 in the past 10 years, totaling 145 days. In recent years, a number of legislators have chosen to forego further legislative service, citing as their reason for retirement the numerous special sessions that adversely impact their ability to continue in their chosen professions.

During the 1998 session, debate on the issue of annual sessions revolved partially around the question of whether annual sessions would reduce the number of special sessions and make the demands of legislative service more predictable. The 1998 General Assembly voted to place the issue of the 25-day interim session before the voters in November.

**On the ballot
November 3, 1998:**

**Constitutional Amendment
No. 1**

Are you in favor of amending the Kentucky Constitution to reduce the General Assembly's organizational session by five days and to allow the General Assembly to meet in interim session in odd-numbered years for twenty-five days?

**KENTUCKY
LEGISLATIVE RESEARCH COMMISSION**

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