

SUMMARY OF CHALLENGES AND RECOMMENDATIONS

CHALLENGES TO THE DEMOCRACY PRINCIPLE: AN UPDATE ON FAST-TRACK MANEUVERS

Challenge	Explanation	Recommendation
Challenge 1: Readings Before Committee Action	Bill readings are steps required by Kentucky's Constitution: every bill must have a committee vote and readings on three separate days before the full House or Senate can vote on it. When readings are held <u>before</u> committee action, those floor votes can happen within hours after committee action, making public input nearly impossible.	Hold the required bill readings <u>after</u> a standing committee sends the bill to the whole House or Senate for action.
Challenge 2: Last-Minute Committee Substitutes	Committee substitutes are amendments made during committee meetings that replace most or all the language of the original bills. The new language is rarely available to members of the public until after the committee meeting adjourns, eliminating their opportunity to comment directly to the committee members.	Make committee substitutes available online at least one full day (24 hours) before the committee meetings where those substitutes will be considered.
Challenge 3: Floor Votes Immediately After Committee Action	When bills move immediately from committee to floor vote, the public (and even legislators themselves) have no time to understand what is being voted on.	Allow at least one full day (24 hours) between the last standing committee action on a bill and House or Senate floor votes on the bill.
Challenge 4: Floor Votes Immediately After Free Conference Committee Action	Free conference committees are appointed when the House and Senate disagree on what a bill should include. Their reports create a new version for both chambers to vote on. When those votes are held immediately after the reports are released, public analysis and input are eliminated.	Allow at least one full day (24 hours) between free conference committee revisions to a bill and House and Senate floor votes on that changed bill.

FURTHER CHALLENGES TO THE DEMOCRACY PRINCIPLE: ADDITIONAL TACTICS

Challenge	Explanation	Recommendation
Challenge 5: Loss Of Prefiled Bills	Traditionally, legislators could prefile draft bills before the legislative session began, making them available for other Kentuckians to analyze. In 2022, a bill eliminated the prefiling process, making it harder for the public to prepare for upcoming sessions.	Restore the prefiling process.
Challenge 6: Shell Bills	A shell bill is a bill with little or no substantive language that can serve as a placeholder for more substantive language to be inserted after the deadline for filing bills. When last-minute language is added and the bill progresses rapidly to a vote, the people of Kentucky have no time to understand and give input.	File genuine bills to address substantive legal changes, rather than last-minute shell bills.
Challenge 7: Committee Meetings Held at Irregular Times or Not At All	House and Senate Rules require standing committees to schedule and hold weekly meetings to transact pending business. When those committees cancel their scheduled meetings and then hold meetings at irregular times not on the public schedule, it becomes harder for members of the public to observe and participate in those meetings.	Transact most committee business during regularly scheduled meeting times. When additional meetings are needed, announce them in the daily legislative calendar published the night before.
Challenge 8: Inconsistent Access to Records of Legislative Actions	The Kentucky Constitution requires that each chamber publish a journal of Proceedings as its official record. Journal publication has lagged as many as five years after a session concludes. In addition, standing committees do not consistently keep and publish minutes of their meetings during the session. Without consistent access to records, public participation in the lawmaking process is hampered by incomplete information about past and proposed legislation.	<p>Publish each chamber's required journal within weeks after each session adjourns.</p> <p>Publish accurate, complete, digital, and freely available records online for each committee meeting.</p>