



Commonwealth of Kentucky
Office of the Attorney General

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OAG 21-02

Subject: The effective date of legislation passed during the 2021 Regular Session of the Kentucky General Assembly.

Requested by: Jay D. Hartz, Executive Director
Legislative Research Commission

Written by: James M. Herrick
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Syllabus: Under Section 55 of the Kentucky Constitution, the effective date of legislation passed by the 2021 Regular Session of the Kentucky General Assembly, except for general appropriation measures and those containing emergency or delayed effective date provisions, is Tuesday, June 29, 2021, since 90 full days will then have passed after final adjournment on March 30, 2021.

Opinion of the Attorney General

On March 30, 2021, the 2021 Regular Session of the General Assembly adjourned *sine die*. Thus, the effective date of legislation, other than general appropriation bills and acts containing emergency or delayed effective date provisions, passed during this session is Tuesday, June 29, 2021.

Section 55 of the Constitution of Kentucky provides:

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 ye 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.

As used in Section 55, “until ninety days after the adjournment” means that the day of adjournment is excluded when calculating the 90-day period. It follows that the 90th day is included in the period so that 90 full days expire after final adjournment and before certain legislation passed during the session becomes effective. *See* OAG 19-005.

Under Section 55 of the Kentucky Constitution, the General Assembly having adjourned on March 30, 2021, *sine die*, it is the opinion of this Office that the first day of the 90-day period after the session is Wednesday, March 31, 2021, and the 90th day of that period is Monday, June 28, 2021. When that 90th day has expired, ninety full days will have passed after the adjournment *sine die* of the 2021 Regular Session of the Kentucky General Assembly. Thus, legislation (except for general appropriation measures and those containing emergency or delayed effective date provisions) passed during the 2021 Regular Session of the Kentucky General Assembly will be effective on Tuesday, June 29, 2021.

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