

## OAG 16-002

April 22, 2016

*Subject:* Effective date of certain legislation passed during the 2016 Regular Session of the Kentucky General Assembly

*Requested by:* David A. Byerman, Director  
Legislative Research Commission

*Written by:* James M. Herrick  
Assistant Attorney General

*Syllabus:* In accordance with Section 55 of the Constitution of Kentucky, the effective date of legislation passed by the 2016 Regular Session of the Kentucky General Assembly, except for general appropriation measures and those containing emergency or delayed effective date provisions, is the first moment of Friday, July 15, 2016, since 90 full days will then have passed after final adjournment on April 15, 2016.

*Constitutional provision construed:* KY. CONST. § 55

*OAG cited:* OAG 07-002

### *Opinion of the Attorney General*

The following question, in substance, has been presented: What is the effective date of legislation, other than general appropriation bills and acts containing emergency or delayed effective date provisions, passed during the 2016 Regular Session of the Kentucky General Assembly, *the Assembly having finally adjourned on Friday, April 15, 2016?*

As discussed below, the effective date of legislation, other than general appropriation bills and acts containing emergency or delayed effective date provisions, passed during the 2016 Regular Session of the Kentucky General Assembly, is *the first moment of Wednesday, July 15, 2016*.

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 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.

(Emphasis added.)

"[U]ntil ninety days *after* the adjournment" (emphasis added), as used in Section 55 of Kentucky's Constitution (above), indicates that the day of adjournment (meaning the day of final adjournment for the session, termed "adjournment *sine die*") is to be *excluded* in computing the 90-day period. It follows that the 90th day shall be *included* in the period, in order that 90 full days shall expire *after* final adjournment, before certain legislation passed during the session becomes effective. See OAG 07-002.

Applying the analysis described above to the 2016 Regular Session, the General Assembly having adjourned *sine die* on April 15, 2016, we find the following, regarding legislation other than general appropriation bills or acts containing emergency or delayed effective date provisions: The first day of the 90-day period *after* the session is Saturday, April 16, 2016, and the 90th day of that period is Thursday, July 14, 2016. When the last moment of that 90th day has expired, ninety full days will have passed *after* the adjournment "sine die" of the 2016 Regular Session of the Kentucky General Assembly. It follows that legislation (except for general appropriation measures and those containing emergency or delayed effective date provisions) passed during the 2016 Regular

Session of the Kentucky General Assembly will be *effective on the first moment of Friday, July 15, 2016.*

Andy Beshear  
Attorney General

James M. Herrick  
Assistant Attorney General