

Bond Case Briefs

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PUBLIC PENSIONS - KENTUCKY

Bevin v. Commonwealth ex rel. Beshear

Supreme Court of Kentucky - December 13, 2018 - 563 S.W.3d 74

Trustees of teachers' and public employees' retirement systems, education association, police association, and Attorney General brought action against Governor to challenge validity of enactment of bill on public pension reform.

The Circuit Court entered summary judgment in favor of plaintiffs. Governor appealed.

The Supreme Court of Kentucky held that:

- Challenge based on three-reading requirement of state Constitution did not present non-justiciable political question;
- Constitution does not require the words of each bill to be collectively looked at and spoken aloud in its entirety; and
- Reading the bill by title dealing with wastewater services failed to satisfy Constitution.

Supreme Court would abstain from considering whether House of Representatives violated its own rule on amendments to bill when it replaced text of wastewater services bill, which had already been given one or more readings in each chamber, with text of pension reform bill in order to comply with three reading requirement of state Constitution; each House of the General Assembly could determine rules of its proceedings.

Challenge to enactment of senate bill on pension reform as violating three-reading requirement of state Constitution did not present non-justiciable political question; requirement to read each bill on three different days in each House was not a General Assembly rule to be defined, interpreted, and applied exclusively by General Assembly, what constituted a "reading" could be resolved under ordinary rules of constitutional interpretation without involving policy, Supreme Court could resolve issue with no lack of respect for legislature, the question presented no unusual need to adhere to political decisions already made, and no potential for embarrassment existed from multifarious pronouncements by various departments.

"Read at length" phrase in state Constitution stating "Every bill shall be read at length on three different days in each House" does not require the words of each bill to be collectively looked at and spoken aloud in its entirety.

Legislative practice of reading only title of bill and electronically publishing simultaneously the full text of the bill to the electronic legislative journal available on every legislator's desk satisfies constitutional mandate stating "Every bill shall be read at length on three different days in each House."

Reading bill by title stating "AN ACT relating to the local provision of wastewater services" after amendment eliminating provisions on wastewater services and substituting provisions for public pension reform failed to satisfy state Constitution mandate that "Every bill shall be read at length on

three different days in each House,” and, thus, enactment of the pension reform bill was void; purpose of three-reading requirement was to ensure fair opportunity for every legislator to fully consider each piece of legislation brought to a vote, and that purpose could not be achieved by reading a bill only by its title which had no rational relationship to bill’s subject.