

Constitution, requiring him to “keep the records of the official acts of the legislative and executive departments.”²

As to whether a bill has become a law or not, the fact that the publication was verified by the Secretary of State is proof that it has:

The publication of an act in the volume of session laws of the year in which it purports to have been approved and verified by the secretary of state, creates a presumption that it became a law pursuant to the requirements of the constitution.³

As more laws became enacted, the usual or traditional mode of recording and publishing them gradually underwent a change:

The acts passed by each legislative session of Congress or of a state legislature are compiled at the end of the session in what is known as the “Statutes at Large” in the national government, or as “Session Laws” in the states. After a few years it becomes very difficult for judges, attorneys and the general public to know what the law is. Amendments have been made, many sections have been repealed, and even the legislators are often at a loss. At such time a compilation may be made. This is simply a gathering together, usually into a single volume, of all the laws in effect in a given jurisdiction. Changes in punctuation and spelling may be made, and repealed and unconstitutional laws eliminated, but little more. If a more constructive result is desired, a revision or codification may be ordered.⁴

So the laws of the state have traditionally been published by the Secretary of State in a book titled “Session Laws” (or in some cases “Acts” or Resolves” of the State), while the acts of Congress were always published in the “Statutes at Large.” But the law-making factories of the State Legislatures and Congress had created a problem with the mass of laws they enacted. It became difficult to keep track of all these laws, so it was decided that a new

method of simplifying the way they were published needed to be devised. Thus sometimes the laws were reorganized and recompiled into other books to get rid of the repealed and unconstitutional laws. These compilations were usually done by the Secretary of State since all the records were in his office.

The Statutes at Large and Session laws are themselves a compilation of laws. But a “revision” or “codification” is very different from a mere compilation. They are different because they are written or drafted by a commission or committee or some non-legislative source. Further, the laws are not just compiled together, they are altered and modified along with additions or deletions made to the contents. They then are passed off as the laws of the Legislature.

In a case in Kentucky we have an example of this change in the publication of laws. In 1894 the “first compilation” of the laws was conducted by “private editors.” This was just a reorganization of the existing laws. This type of compilation continued up to 1935. In 1936 the legislature “directed and empowered the Governor to appoint a committee, selected from a list submitted by the Board of Commissioners of the Kentucky Bar.” This committee of lawyers then “revised, codified, annotated and published” their work, calling it “the Statute law of Kentucky.” But this work was not much more than a compilation since the act authorizing it provided that the Committee “should not alter the language or sense of any act of the General Assembly.” In 1943, this provision was removed and the Legislature called for a “definite plan for revision and publication of the statutes.”

Thus, the Legislature was getting away from the idea of a mere compilation. It

2 *Florida Optometric Ass'n v. Firestone*, 465 So.2d 1319, 1321 (1985).

3 *Bound v. The Wisconsin Cent Ry. Co.*, 45 Wis. 543 (1878).

4 Harvey Walker, *Law Making in the United States*, N.Y., 1934, p. 268.