

empowered the Committee to prepare and submit a complete revision, broader in its scope and more comprehensive in its purpose.<sup>5</sup>

The Legislature was giving more power and authority to this committee it had commissioned to "revise" the laws of the state. This change was noted by state Supreme Court:

The Kentucky Revised Statutes were, therefore, enacted as the law of the Commonwealth and not adopted as a compilation. The distinction is important. A compilation is merely an arrangement and classification of the legislation of a state in the exact form in which it was enacted, with no change in language. It is merely a bringing together in a convenient form of the various acts of legislation enacted over a period of time. It does not purport to restate the law or to be a substitute for prior laws. It does not require any legislative action in order to have the effect it is intended to have. \* \* \* A revision, on the other hand, contemplates a redrafting and simplification of the entire body of statute law. \* \* \* A revision is a complete restatement of the law. It requires enactment by the legislature in order to be effective and upon enactment it becomes the law itself, replacing all former statutes.<sup>6</sup>

We thus have a committee of lawyers re-creating the laws of the state. Such committees have become the new source of law in the nation. While the legislature will "enact the revision into law," this is no different than when the legislature approves the by-laws of a corporation. The laws of the corporation do not become laws of the legislature because of this. Rather, they are laws of the artificial legal entity (or corporation) which the legislature created, just as the "Revised Statutes of Kentucky" are laws of the artificial legal entity or commission that the legislature created.

This process is also no different than when the Legislature authorizes the laws of a city, or

approves a city charter. The laws and charter are not regarded as those of the Legislature, or as laws of the State. While the laws which the "committee" drafts are based upon original statutes of the Legislature, they are a complete restatement of them. New material is added, items are removed, provisions are modified. The results are, in legal parlance, laws that are of this artificial legal entity known as "The Commission on Revising Statutes" or "Reviser of Statutes." This legal entity is no different than a corporation or any other legal entity which the legislature created or commissioned.

The laws which this entity writes cannot be deemed the lawful statutes of the State. This is especially so since the various Constitutions of the land specify how each law is to come into being. It was never the intent that such a comprehensive mass of legislation containing every law of the State, and passed in one act, would be the mode for making laws. There are inherent problems associated with this method, as explained by one legal writer:

The usual practice is to introduce the revision [of statutes] as a single bill, sending it through the same process as any other bill. Obviously, however, the members of the legislature cannot give such a comprehensive measure adequate consideration. It is almost as difficult for a committee to do so.<sup>7</sup>

When the mass of laws from the committee is complete, the legislature is to approve it as a single statute, but because it is so massive not one single legislator will read the new body of law. There are no discussions in the legislature on any of the hundreds of new or revised laws of the committee. Further, it is required by fundamental law and constitutional mandates that a bill be read on three separate days in the legislature. This is impossible with the comprehensive codes that have been adopted in modern times. There thus is no real

5 *Fidelity & Columbia Trust Co. v. Meek*, 171 S.W.2d 41, 43, 44 (1943).

6 *Ibid.*, p. 44.

7 Walker, *Law Making in the United States*, p. 272.