

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
____ DIVISION
CIVIL BRANCH

STUDENT DOE 1;
STUDENT DOE 2;
STUDENT DOE 3;
STUDENT DOE 4;
STUDENT DOE 5;
STUDENT DOE 6;
STUDENT DOE 7, individually,
proceeding under pseudonyms, and on
behalf of similarly situated current
students of Kentucky State University,

Plaintiffs,

v.

COMMONWEALTH OF KENTUCKY;
ANDY BESHEAR, in his official
capacity as Governor of the
Commonwealth of Kentucky;
KENTUCKY COUNCIL ON
POSTSECONDARY EDUCATION;
DR. AARON THOMPSON, in his
official capacity as President of the
Kentucky Council on Postsecondary
Education;
MADISON SILVERT, in his official
capacity as Chair of the Kentucky
Council on Postsecondary Education;
KENTUCKY FINANCE AND
ADMINISTRATION CABINET;
HOLLY M. JOHNSON, in her official
capacity as Secretary of the Kentucky
Finance and Administration Cabinet;
KENTUCKY DEPARTMENT OF
REVENUE;
THOMAS B. MILLER, in his official
capacity as Commissioner of the

Case Number 2026-CI-_____

**VERIFIED CLASS ACTION
PETITION FOR DECLARATION OF
RIGHTS, RESTRAINING ORDER,
TEMPORARY INJUNCTION, AND
PERMANENT INJUNCTION**

E8334742-EA54-4968-B54F-A41480642B80 : 000001 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

COM : 000001 of 000044

Kentucky Department of Revenue;
KENTUCKY STATE UNIVERSITY, by
and through the BOARD OF REGENTS
OF KENTUCKY STATE
UNIVERSITY;
TAMMI DUKES, in her official capacity
as Chair of the Kentucky State University
Board of Regents;
DR. KOFFI C. AKAKPO, in his official
capacity as President of Kentucky State
University,

Defendants.

INTRODUCTION

1. This is a Kentucky constitutional action under KRS §Chapter 418 and CR 65 to declare Senate Bill 185, 2026 Regular Session, Acts Chapter 120, [hereinafter “SB 185” or the “Act”], unconstitutional, invalid, void, and without legal effect.

2. Plaintiffs are current Kentucky State University students. They seek to preserve the *status quo* and prevent continued implementation and enforcement of SB 185 because the Act was not enacted in the manner required by the Kentucky Constitution, KRS §6.350, constitutes an *ex post facto* statute violating contract rights in violation of Kentucky’s Constitution, constitutes a single-entity statute in violation of Kentucky’s Constitution, and violates the public legislative-process rules governing fiscal and retirement-impact statements.

3. SB 185 was introduced as a bill relating to branch budget

recommendations. After the Senate had already given that branch-budget bill its first and second readings, the bill's statutory language was replaced with a Kentucky State University restructuring bill, without change in title.

4. The March 25 and March 26, 2026 Senate transcript portions establish the controlling facts. There was no motion to dispense with readings. There was no vote by a majority of all elected Senators to dispense with readings.

5. The purported third reading occurred by title only under the old title: "an act relating to branch budget recommendations." Senate Committee Substitute 1 was adopted only after that purported third reading. The title amendment identifying Kentucky State University and an emergency was adopted only after final Senate passage.

6. There was no motion to dispense with readings.

7. There was no vote by a majority of all elected Senators to dispense with readings.

8. Senate Committee Substitute 1 was adopted only after that purported third reading.

9. The title amendment was not even introduced, much less adopted, until after final passage of the Kentucky State University-specific Bill had already been adopted.

10. The enacted Act is not a branch-budget-recommendations act.

11. Instead, it converts KSU to a four-year residential polytechnic institution, declares a five-year financial exigency, imposes CPE prior approval over obligations and expenditures of \$20,000 or more, compels academic-program review and potential closure, caps in-person academic areas of study, authorizes employee terminations, imposes new admissions and enrollment consequences, and authorizes student-debt referral and tax-refund interception.

12. Under *Bevin v. Commonwealth ex rel. Beshear*, 563 S.W.3d 74 (Ky. 2018), readings under a non-germane title do not satisfy Section 46.

13. Section 46 is mandatory, judicially enforceable, and violated when a bill read as one subject is transformed into non-germane legislation on a different subject.

14. Because SB 185 was not read three times in the Senate as a KSU bill, and because no constitutional waiver occurred, SB 185 is void under Kentucky Constitution Section 26. *Id.*

15. SB 185 also suffers from additional constitutional and statutory defects.

16. The Act is KSU-only special legislation.

17. Such “special legislation” is precluded under Sections 59 and 60, as explained in *Coleman v. Jefferson County Board of Education*, No. 2023-SC-0498-DG, slip op. (Ky. Dec. 18, 2025, modified Dec. 19, 2025), because it singles out one public

university for a unique statutory regime when a general law for financially distressed public universities could be made applicable.

18. The emergency-effective-date provisions are also independently defective.

19. The bill and title read to the Senate at the purported third reading did not identify an emergency.

20. The title amendment adding “AN ACT related to Kentucky State University and declaring an emergency” was adopted only after final Senate passage.

21. In the alternative, even if any part of SB 185 survives, the emergency clause is ineffective unless the journals show the Section 55 yea-and-nay vote and set out at length the reasons for the emergency.

22. SB 185 also was advanced without the retirement-system actuarial analysis required by KRS §6.350 and without the fiscal-impact documentation required by Senate Rule 52 and House Rule 52 for measures affecting financial liability of public retirement systems.

23. The only Senate-side TRS actuarial letter is dated March 26, 2026, after the March 25 committee report and Orders placement, and does not provide the thirty-year, system-by-system, KSU-specific analysis required by KRS §6.350.

24. The posted actuarial-analysis document for House Committee Substitute 1 states only that the analysis “is being prepared.”

25. Finally, SB 185, as drafted, violates contracts entered into by KSU students, including, but not limited to, the Plaintiffs herein.

26. Immediate relief is necessary because the harm of implementation of this constitutionally void bill, to current KSU students, is immediate and irreparable.

27. Its implementation is irreversibly altering current students' programs, degree pathways, faculty relationships, accreditation posture, enrollment status, debt consequences, and the educational environment for which they enrolled at KSU.

28. The irreparable harm is intensified by KSU's unique status as Kentucky's 1890 land-grant university and only public HBCU, and by the Commonwealth's longstanding federally recognized commitments to enhance, rather than narrow, KSU's mission, programs, funding, facilities, land-grant activities, administration, faculty capacity, and student opportunity.

29. The need for anonymity and non-retaliation relief is immediate because SB 185 further provides that, for the duration of the declared financial exigency, KSU's President has "sole discretion as to the admission, readmission, or enrollment of any student or former student" who otherwise meets admission and enrollment criteria.

30. Public identification of the student Plaintiffs in an action challenging KSU, its Board, and its President would expose them to a concrete risk of retaliation or adverse treatment in the very enrollment and re-enrollment decisions placed in the President's

hands by the Act.

JURISDICTION, VENUE, NOTICE, AND JUSTICIABILITY

31. This Court has jurisdiction under KRS §418.040, KRS §418.045, and KRS §418.055 to declare rights, status, and legal relations affected by a Kentucky statute and to grant further necessary or proper relief.

32. Venue lies in Franklin Circuit Court under KRS §452.005 because this action challenges the constitutionality and validity of a Kentucky statute, seeks declaratory and injunctive relief, concerns state agencies and state officials, and arises from state conduct centered in Frankfort, Kentucky, including KSU, CPE, the Governor, the Finance and Administration Cabinet, and the Department of Revenue.

33. Plaintiffs are serving the Attorney General of Kentucky with this Petition and notice of constitutional challenge under KRS §418.075 and KRS §452.005.

34. This action is justiciable. *Bevin* held that a challenge under Section 46 is not a political question and that Kentucky courts have authority to determine whether the General Assembly complied with constitutional enactment requirements.

35. Sovereign immunity does not bar this action because Plaintiffs seek prospective declaratory and injunctive relief, not damages. *See Commonwealth v. Kentucky Retirement Systems*, 396 S.W.3d 833 (Ky. 2013); *University of Kentucky v. Moore*, 599 S.W.3d 798 (Ky. 2019).

36. Plaintiffs do not name the House, Senate, Legislative Research Commission, legislative officers, or legislators as defendants. KRS §418.075 and KRS §452.005 restrict making legislative-branch members, officers, employees, and organizations parties to constitutional challenges without consent.

PARTIES

37. Plaintiff Student Doe 1 is a current KSU student proceeding under a pseudonym to prevent retaliation, adverse enrollment or re-enrollment consequences, academic harm, reputational harm, and disclosure of personally identifying student information.

38. Student Doe 1 is subject to SB 185 implementation, including program restrictions, altered degree pathways, faculty loss, accreditation consequences, admissions/enrollment consequences, student-debt consequences, and mission/governance changes affecting educational opportunity. Student Doe 1's true identity will be lodged under seal or provided for in camera review as the Court directs.

39. Plaintiff Student Doe 2 is a current KSU student proceeding under a pseudonym for the same reasons.

40. Student Doe 2 is subject to SB 185 implementation and faces educational, programmatic, accreditation, enrollment, and institutional harms. Student Doe 2's true identity will be lodged under seal or provided for in camera review as the Court directs.

41. Plaintiff Student Doe 3 is a current KSU student proceeding under a pseudonym for the same reasons.

42. Student Doe 3 is subject to SB 185 implementation, including program, faculty, accreditation, degree-pathway, admissions/enrollment, and retaliation-related harms. Student Doe 3's true identity will be lodged under seal or provided for in camera review as the Court directs.

43. Plaintiff Student Doe 4 is a current KSU student proceeding under a pseudonym for the same reasons.

44. Student Doe 4 is subject to SB 185 implementation, including program, faculty, accreditation, degree-pathway, admissions/enrollment, and retaliation-related harms. Student Doe 4's true identity will be lodged under seal or provided for in camera review as the Court directs.

45. Plaintiff Student Doe 5 is a current KSU student proceeding under a pseudonym for the same reasons.

46. Student Doe 5 is subject to SB 185 implementation, including program, faculty, accreditation, degree-pathway, admissions/enrollment, and retaliation-related harms. Student Doe 5's true identity will be lodged under seal or provided for in camera review as the Court directs.

47. Plaintiff Student Doe 6 is a current KSU student proceeding under a

pseudonym for the same reasons.

48. Student Doe 6 is subject to SB 185 implementation, including program, faculty, accreditation, degree-pathway, admissions/enrollment, and retaliation-related harms. Student Doe 6's true identity will be lodged under seal or provided for in camera review as the Court directs.

49. Plaintiff Student Doe 7 is a current KSU student proceeding under a pseudonym for the same reasons.

50. Student Doe 7 is subject to SB 185 implementation, including program, faculty, accreditation, degree-pathway, admissions/enrollment, and retaliation-related harms. Student Doe 6's true identity will be lodged under seal or provided for in camera review as the Court directs.

51. Defendant Commonwealth of Kentucky controls or substantially influences the statutory, funding, governance, and administrative framework challenged in this action and is served through the Attorney General under CR 4.04(6).

52. Defendant Andy Beshear is Governor of Kentucky and is sued in his official capacity for prospective declaratory and injunctive relief relating to SB 185 and statewide implementation.

53. Defendant Kentucky Council on Postsecondary Education [hereinafter "CPE"] is charged by SB 185 with special financial, academic, programmatic,

admissions, debt-reporting, and implementation responsibilities concerning KSU.

54. Defendant Dr. Aaron Thompson is President of CPE and is sued in his official capacity.

55. Defendant Madison Silvert is Chair of CPE and is sued in his official capacity.

56. Defendant Kentucky Finance and Administration Cabinet is implicated by SB 185's fiscal controls, EMARS/fiscal-system implementation, and finance-related implementation obligations.

57. Defendant Holly M. Johnson is Secretary of the Finance and Administration Cabinet and is sued in her official capacity.

58. Defendant Kentucky Department of Revenue is implicated by SB 185's student-debt referral, collection, and tax-refund-interception provisions.

59. Defendant Thomas B. Miller is Commissioner of the Kentucky Department of Revenue and is sued in his official capacity.

60. Defendant Kentucky State University, [hereinafter "KSU"], by and through the Board of Regents of Kentucky State University, [hereinafter "Board"] is governed by its Board.

61. The Board is responsible under SB 185 for program-review submissions, program-closure recommendations, teach-out planning, and related implementation

decisions.

62. Defendant Tammi Dukes is Chair of the KSU Board of Regents and is sued in her official capacity.

63. Defendant Dr. Koffi C. Akakpo is President of KSU and is sued in his official capacity to effectuate relief relating to program review, admissions, student enrollment, personnel authority, financial reporting, and other SB 185 implementation duties.

CLASS ALLEGATIONS

64. Plaintiffs bring this action under CR 23 on behalf of all persons currently enrolled as students at Kentucky State University who are subject to, affected by, or threatened with implementation or enforcement of SB 185 / 2026 Ky. Acts ch. 120.

65. The class is so numerous that joinder is impracticable.

66. Common questions include whether SB 185 was constitutionally enacted; whether the Senate gave the KSU version of SB 185 three constitutionally effective readings; whether any waiver occurred; whether the title amendment occurred too late to cure the defect; whether SB 185 is void under Kentucky Constitution; and, whether enforcement should be enjoined.

67. Plaintiffs' claims are typical because all current KSU students face common institutional, educational, programmatic, accreditation, and enrollment harms

from implementation of the same allegedly void statute.

68. Defendants have acted or are preparing to act on grounds generally applicable to the class, making declaratory and injunctive relief appropriate classwide.

STANDING AND ACTUAL CONTROVERSY

69. Kentucky standing requires injury in fact, causation, and redressability. *See Commonwealth, Cabinet for Health & Family Services v. Sexton*, 566 S.W.3d 185 (Ky. 2018).

70. Plaintiffs have concrete and particularized injuries.

71. SB 185 threatens every Plaintiff's academic programs, degree pathways, course availability, faculty relationships, institutional accreditation, program continuity, admissions and continued-enrollment status, student debt consequences, tuition investment, and the educational environment for which they enrolled.

72. Plaintiffs' injuries are actual or imminent because SB 185 contains an emergency clause and has already taken effect, and Defendants are actively implementing, preparing to implement, or asserting authority under it.

73. Plaintiffs' injuries are fairly traceable to SB 185 and to Defendants' implementation or threatened implementation of SB 185.

74. Plaintiffs' injuries are redressable by a declaration that SB 185 is void, a declaration that the emergency clause is ineffective, and an injunction prohibiting

enforcement or implementation.

75. This is not a generalized taxpayer or citizen grievance. Plaintiffs sue as current KSU students directly affected by the Act.

76. Plaintiffs also face a concrete retaliation injury.

77. Publicly identifying current student challengers in a case against KSU, its Board, and its President would expose them to adverse discretionary treatment in admission, readmission, enrollment, registration, course access, program placement, degree progress, student-account handling, or other academic and administrative decisions.

78. SB 185 makes that risk immediate because it gives the KSU President sole discretion over admission, readmission, and enrollment for the entire financial-exigency period.

79. That retaliation risk is redressable by allowing Plaintiffs to proceed pseudonymously, by requiring any true-identify disclosure to occur only under seal or protective order, and by restraining retaliation or adverse treatment because of participation in this case.

FACTUAL ALLEGATIONS

80. KSU is Kentucky's 1890 land-grant university and only public Historically Black College or University.

81. The University of Kentucky is Kentucky's 1862 land-grant comparator.

82. As introduced, SB 185 was titled "AN ACT relating to branch budget recommendations."

83. The introduced bill amended KRS §48.030 and addressed branch budget recommendations and supporting budget documents.

84. The introduced bill did not mention KSU, KSU's mission, KSU's programs, KSU's finances, KSU admissions, student debt, CPE oversight, Department of Revenue collection, tax-refund interception, employee termination, HBCU status, land-grant status, or emergency enactment.

85. The LRC public action history shows first reading on March 19, 2026, and second reading on March 20, 2026. *See* LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>.

86. On March 19, 2026, the Senate gave SB 185 its first reading and returned it to Appropriations & Revenue.

87. On March 20, 2026, the Senate gave SB 185 its second reading and returned it to Appropriations & Revenue.

88. At both first and second reading, SB 185 remained the branch-budget-recommendations bill.

89. The KSU substitute and KSU/emergency title amendment had not yet been

introduced, much less adopted.

90. On March 25, 2026, after the first and second readings, the Appropriations & Revenue Committee reported Senate Committee Substitute 1 and Senate Committee Title Amendment 1. *Id.*

91. The public LRC summary of Senate Committee Substitute 1 begins with the words: “Delete original provisions; create new sections of KRS §Chapter 164 to define Kentucky State University’s (KSU) mission as a land grant polytechnic institution.” *Id.*

92. Senate Committee Substitute 1 retained the old title “AN ACT relating to branch budget recommendations” even though the text had been replaced with KSU-specific provisions and an emergency clause. *See* Senate Committee Substitute 1 to SB 185, <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/SB185/SCS1.pdf>.

93. Senate Committee Title Amendment 1 was the amendment that would change the title to “AN ACT relating to Kentucky State University and declaring an emergency.” *See* Senate Committee Title Amendment 1 to SB 185, <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/SB185/SCA1.pdf>.

94. The March 25 Senate video record confirms the sequence. The Clerk reported: “For Wednesday, March 25th, 2026, the Appropriations Revenue Committee has met and reports Senate Bill 185, an act relating to branch budget recommendations

should pass with Senate Committee sub one and Senate Committee title amendment one.” See Kentucky Senate video, Mar. 25, 2026. https://www.youtube.com/watch?v=oZmoqy-_wA4.

95. The presiding officer then stated: “That bill has been reported. It has already had two readings Uh when it is called today, it will actually be a third reading. Third and final constitutional reading.” See Kentucky Senate video, Mar. 25, 2026, https://www.youtube.com/watch?v=oZmoqy-_wA4.

96. That exchange confirms that the Senate intended to count two readings of the old branch-budget bill as readings of the new KSU substitute. But Bevin holds that non-germane readings do not satisfy Section 46.

97. The March 25 transcript contains no motion to dispense with readings of the KSU version and no vote by a majority of elected Senators to dispense with readings.

98. The only SB 185 motion reflected on March 25 was a motion to take SB 185 from Rules and place it in the Orders of the Day, which is not a motion to dispense with constitutional readings. See Kentucky Senate video, Mar. 25, 2026, https://www.youtube.com/watch?v=oZmoqy-_wA4.

99. On March 26, 2026, the floor motion was not a waiver. The motion was: “Mr. President, I move that Senate Bill 185 be taken from its place in the orders of the day, read for the third time by title only, and placed upon its passage.” See Kentucky

Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

100. The Clerk then read only the old, non-germane title: “Senate Bill 185, an act relating to branch budget recommendations, Senator McDaniel.” *See* Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

101. Thus, even the purported third reading was not a reading of a bill titled “relating to Kentucky State University” or “declaring an emergency.” It was a reading by title only of “an act relating to branch budget recommendations.”

102. Immediately after the old title was read, the Senator from Kenton asked the Clerk to report Senate Committee Substitute 1 and moved adoption. The substitute was adopted after the purported third reading. *See* Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

103. The Senate then adopted Senate Floor Amendment 1, also after the purported third reading.

104. The sponsor’s explanation confirmed that the substitute was KSU restructuring legislation, not branch-budget-recommendations legislation. The sponsor stated that the conversation started with the question: “how are we going to close Kentucky State University.” *See* Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

105. The sponsor then described KSU’s transition to a polytechnic university,

financial exigency, removal of employment protections for the time being, admissions requirements, student-debt restrictions, tax-refund interception, financial transactions in the state system, and CPE oversight. *See* Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

106. The March 26 video record reflects final passage before adoption of the title amendment. Only after final passage did the Senate take up and adopt Senate Committee Title Amendment 1. *See* Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

107. As a result, the title amendment identifying KSU and an emergency did not precede the purported third reading and did not precede final Senate passage.

108. The public LRC vote-history record identifies the March 26 vote as final passage, not as a waiver vote. It records “PASS SB 185 w/ SCS 1, SFA 1, SCA 1 (T)” and still captions SB 185 as “AN ACT relating to branch budget recommendations.” *See* LRC SB 185 vote history.

https://apps.legislature.ky.gov/record/26rs/sb185/vote_history.pdf.

109. The March 25 and March 26 Senate miscellaneous roll-call records show only convening/quorum votes, not any motion or vote to dispense with readings or to waive a required fiscal statement. *See* LRC Senate Miscellaneous Roll Call, Day 53, https://apps.legislature.ky.gov/record/26rs/senate_votes/53_misc_vote.pdf; LRC Senate

Miscellaneous Roll Call, Day 54.

https://apps.legislature.ky.gov/record/26rs/senate_votes/54_misc_vote.pdf.

110. The transcript and public-record evidence therefore establish that no constitutionally valid waiver of readings occurred.

FISCAL, ACTUARIAL, AND EMERGENCY DEFECTS

111. SB 185 materially affects KSU employment. The LRC summary of Senate Committee Substitute 1 states that SB 185 would require KSU to eliminate programs and “terminate staff as necessary.” *See* LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>.

112. The enacted Act authorizes termination of “any university employee, including tenured employees,” and provides that faculty and staff employed in programs closed under the Act shall be terminated. *See* Final enrolled SB 185, <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

113. KSU’s public retirement materials state that all regular, benefits-eligible employees must participate in one of four retirement programs, including the Teachers’ Retirement System of Kentucky for eligible faculty and professional staff. *See* KSU Retirement Plans page, <https://www.kysu.edu/president/human-resources/retirement-plans.php>.

114. KRS §6.350(1) provides that a bill which would increase or decrease

participation in the benefits, or change the actuarial accrued liability, of any state-administered retirement system “shall not be reported from a legislative committee” unless accompanied by an actuarial analysis. See KRS §6.350, <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=54874>.

115. KRS §6.350(2) requires that the actuarial analysis show the economic effect of the bill over a thirty-year period, including the effect on unfunded actuarial accrued liabilities and funding levels and a projection of annual employer costs.

116. KRS §6.350(2)(b) requires system-by-system projections if a bill affects more than one state-administered retirement system.

117. KRS §6.350(2)(c) provides that a statement that the cost is negligible or indeterminable is not compliance unless the systems certify the estimated number of individuals affected, estimated changes in benefit payments, estimated employer costs, and estimated administrative expenses.

118. The posted TRS actuarial letter for Senate Committee Substitute 1 is dated March 26, 2026, the day after the March 25 committee report and Orders placement. See Actuarial Analysis to Senate Committee Substitute 1. <https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/SCS1AA.pdf>.

119. The TRS letter acknowledges the KSU restructuring and staff-termination provisions but states there is no material increase or decrease in participation. It does not

provide a thirty-year KSU-specific projection, does not estimate the number of KSU employees affected, does not quantify changes to benefit payments, employer costs, or administrative expenses, and does not address KERS/KPPA-covered KSU employees. *See* Actuarial Analysis to Senate Committee Substitute 1.

<https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/SCS1AA.pdf>.

120. The posted actuarial-analysis document for House Committee Substitute 1 states: “The Actuarial Analysis Statement is being prepared. When the statement is available, this link will be updated.” *See* Actuarial Analysis to House Committee Substitute 1.

<https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/HCS1AA.pdf>.

121. Despite that statement, the public LRC action history shows the House reported HCS1 favorably, placed it in Orders, passed it 90-1, and the Senate concurred in HCS1 the same day. *See* LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>.

122. Likewise, the actions taken violated the 2026 General Assembly Rules of Procedure.

123. Both Senate Rule 52 and House Rule 52 require fiscal statements for bills that change the financial liability of any public retirement system administered by a state agency and prohibit placement in Orders until the fiscal statement is attached, unless the

requirement is waived by a majority of the elected members of the relevant chamber. See 2026 Senate and House Rules.

Senate: <https://legislature.ky.gov/Legislators/Documents/SenateRules2026.pdf>;

House: <https://legislature.ky.gov/Legislators/Documents/HouseRules2026.pdf>.

124. In addition, Senate Rule 53 and House Rule 53 require amended fiscal notes or fiscal statements for amendments to measures with fiscal notes or fiscal statements attached. *Id.*

125. No waiver of the required retirement/fiscal statement appears in the March 25 or March 26 Senate video records, the vote-history record, or the Senate miscellaneous roll-call records. See Kentucky Senate video, Mar. 25, 2026, <https://www.youtube.com/watch?v=oZmoqy-wA4>; Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>; LRC SB 185 vote history, https://apps.legislature.ky.gov/record/26rs/sb185/vote_history.pdf; LRC Senate Miscellaneous Roll Call, Day 53, https://apps.legislature.ky.gov/record/26rs/senate_votes/53_misc_vote.pdf; and LRC Senate Miscellaneous Roll Call, Day 54, https://apps.legislature.ky.gov/record/26rs/senate_votes/54_misc_vote.pdf.

126. The original SB 185 title contained no emergency language.

127. Senate Committee Substitute 1 retained the old branch-budget title.

128. The title amendment adding “Kentucky State University and declaring an emergency” was not adopted until after final Senate passage. See Senate Committee Substitute 1 to SB 185

<https://apps.legislature.ky.gov/recorddocuments/bill/26RS/SB185/SCS1.pdf>;

Senate Committee Title Amendment 1 to SB 185

<https://apps.legislature.ky.gov/recorddocuments/bill/26RS/SB185/SCA1.pdf>;

Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

129. Kentucky Constitution Section 55 provides that, except for general appropriation bills, no act becomes law until ninety days after adjournment unless, in an emergency, a majority of the members elected to each House concur by yea-and-nay vote entered on the journals, and the reasons for the emergency are set out at length in the journal of each House. See Kentucky Constitution Section 55, <https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=59>.

130. OAG 26-03 states that, absent an effective emergency or delayed-effective-date provision, legislation passed by the 2026 Regular Session becomes effective Wednesday, July 15, 2026. See OAG 26-03, <https://www.ag.ky.gov/Resources/Opinions/Opinions/OAG%2026-03.pdf>.

131. The public record presently available to Plaintiffs does not establish Section

55 compliance because the official House and Senate Journals are not published online. See LRC 2026 Regular Session Record.

<https://apps.legislature.ky.gov/record/26rs/record.html>.

132. Plaintiffs plead, in the alternative, that even if the Act were not void in its entirety, Defendants cannot enforce it before the normal effective date unless they prove Section 55 compliance.

SPECIAL AND ARBITRARY LITIGATION

133. SB 185 is KSU-specific.

134. No comparable emergency financial-exigency statute, polytechnic conversion, program cap, admissions restriction, student-debt bar, tax-refund-interception regime, or CPE expenditure-approval regime was imposed on the University of Kentucky or any other public postsecondary institution.

135. Instead, the Act singles out Kentucky's only public HBCU and 1890 land-grant university for extraordinary state control and mission conversion.

136. It does not create a general statewide framework applicable to any public university experiencing financial distress or accreditation risk.

137. A general law can be made applicable to financially distressed public universities, including uniform criteria for oversight, fiscal controls, accreditation preservation, program review, student protections, employee protections, and recovery

planning.

138. The Commonwealth's asserted interest in financial oversight, fiscal recovery, accreditation, or program alignment does not require a KSU-only statute.

139. Those interests can be served through generally applicable standards.

140. SB 185 also operates in the context of KSU's unique HBCU and 1890 land-grant status.

141. Rather than enhancing KSU's mission, programs, funding, facilities, faculty capacity, and student opportunity, the Act narrows and restructures those categories at the institution historically created because Black students were excluded from the original land-grant system.

142. The KSU-only structure supports Plaintiffs' claims under Kentucky Constitution Sections 59 and 60, as interpreted in *Coleman*, and under Kentucky Constitution Section 2's prohibition on arbitrary power.

RETALIATION RISK AND PRESIDENTIAL ENROLLMENT DISCRETION

143. SB 185 does not merely impose programmatic and fiscal changes.

144. It gives the KSU President extraordinary discretion over whether students and former students may be admitted, readmitted, or enrolled during the declared financial-exigency period.

145. Section 3(3) of the enrolled Act states: "Except as otherwise provided in

this section and notwithstanding any statute to the contrary, the president of Kentucky State University shall have sole discretion as to the admission, readmission, or enrollment of any student or former student of the university who otherwise meets the university's admission and enrollment criteria for the entire duration of the financial exigency declared in Section 1 of this Act.” See Final enrolled SB 185, Section 3(3), <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

146. Because Plaintiffs are current students who must remain enrolled, register for classes, continue degree progress, and in some instances seek readmission, course access, program placement, financial clearance, or administrative approvals, public disclosure of their identities would expose them to a meaningful risk of retaliatory or adverse action by officials empowered under SB 185.

147. The risk is heightened because the President whose discretion is expanded by SB 185 is a named Defendant in this action, and KSU, its Board, CPE, the Finance and Administration Cabinet, and the Department of Revenue have direct or indirect authority over student enrollment, program availability, debt treatment, expenditure approvals, and implementation decisions affecting Plaintiffs.

148. The threatened harm is not limited to formal expulsion or discipline. Retaliation may occur through discretionary enrollment or readmission decisions, delayed registration, denial of course access, program-placement decisions, financial holds,

scholarship or housing consequences, adverse treatment in student-debt processes, exclusion from teach-out or continuing-enrollment opportunities, or other academic and administrative burdens that could chill students from vindicating constitutional rights.

LEGAL FRAMEWORK

149. Kentucky Constitution Section 46 requires every bill to be read at length on three different days in each House unless the second and third readings are dispensed with by a majority of all members elected to the House in which the bill is pending. See Kentucky Constitution Section 46,

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=50>.

150. Kentucky Constitution Section 26 provides that laws contrary to the Constitution are void. See Kentucky Constitution Section 26,

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=28>.

151. Kentucky Constitution Section 51 requires that a law relate to one subject and that the subject be expressed in the title. See Kentucky Constitution Section 51,

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=55>.

152. Kentucky Constitution Section 55 governs when laws take effect and imposes specific journal requirements for emergency legislation. See Kentucky Constitution Section 55,

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=59>.

153. Kentucky Constitution Sections 59 and 60 prohibit special legislation where a general law can be made applicable. See Kentucky Constitution Section 59, <https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=63>; Kentucky Constitution Section 60, <https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=64>.

154. Kentucky Constitution Section 19 precludes any ex post facto laws that impact contract rights. See Kentucky Constitution Section 19, <https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=21>.

155. Kentucky Constitution Section 2 forbids arbitrary power. See Kentucky Constitution Section 2, <https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=4>.

156. The Kentucky Supreme Court's decisions in *Bevin* and *Coleman* supply the governing law and demonstrate why SB 185 is void.

157. The controlling passages are set forth below because they track the defects in SB 185 with precision.

158. *Bevin* controls the Section 46 analysis because it involved a non-germane gut-and-replace bill, prior readings under an old title, and a title amendment adopted after voting.

159. A title unrelated to the enacted law cannot provide the notice, deliberation,

and transparency Section 46 requires.

160. The *Bevin* Court recognized ordinary germane amendments and substitutes but distinguished wholesale replacement of one bill with a non-germane bill after readings have occurred.

161. *D & W Auto Supply v. Department of Revenue*, 602 S.W.2d 420 (Ky. 1980), holds that an enrolled act is presumed valid but that the presumption may be overcome by clear, satisfactory, and convincing evidence.

162. *Coleman* controls the Sections 59 and 60 analysis because it addresses a statute targeting one public institution for a governance regime not imposed on similarly situated institutions elsewhere in the Commonwealth.

163. The transcripts, public LRC action history, vote-history record, and miscellaneous roll-call records overcome any enrolled-act presumption and establish that SB 185 was not constitutionally enacted.

164. KRS §Chapter 418 authorizes declaratory relief.

165. CR 65.03 and CR 65.04 authorize restraining orders and temporary injunctions to prevent immediate and irreparable injury and to preserve the effectiveness of final judgment.

166. *Maupin v. Stansbury*, 575 S.W.2d 695 (Ky. App. 1978), instructs that temporary relief is appropriate when the movant shows probability of irreparable injury,

presents a substantial question on the merits, and the equities favor relief.

COUNT I
DECLARATION THAT SB 185 IS VOID UNDER
KENTUCKY CONSTITUTION SECTIONS 26 AND 46

167. Plaintiffs incorporate all preceding paragraphs as if set forth in their entirety herein.

168. The Senate did not give the KSU version of SB 185 three constitutionally effective readings on three different days.

169. The first two readings were readings of a branch-budget-recommendations bill, not the enacted KSU bill.

170. The purported third reading was by title only, and the Clerk read the old non-germane title: “an act relating to branch budget recommendations.”

171. The KSU substitute was adopted only after the purported third reading.

172. The title amendment was adopted only after final passage.

173. No motion to dispense with readings of the KSU bill was made and no vote to dispense with readings occurred.

174. Final passage cannot be transformed into a constitutional waiver because the motion and vote were for passage, not for dispensation of readings.

175. SB 185 was, therefore, enacted in violation of Section 46 and is void under Section 26.

176. Plaintiffs are entitled to a declaration that SB 185 / 2026 Ky. Acts ch. 120 is unconstitutional, invalid, void, and without legal effect.

COUNT II
DECLARATION THAT THE LATE TITLE AMENDMENT
DID NOT CURE THE SECTION 46 AND SECTION 51 DEFECTS

177. Plaintiffs incorporate all preceding paragraphs as if set forth in their entirety herein.

178. At the time of the purported third reading, the title read to the Senate was “an act relating to branch budget recommendations.”

179. At the time of final Senate passage, the title amendment changing the title to “AN ACT relating to Kentucky State University and declaring an emergency” had not yet been adopted.

180. The enacted Act concerns Kentucky State University and declares an emergency.

181. It does not concern branch budget recommendations in any germane sense.

182. The title amendment was adopted after final passage, not before the purported third reading and not before passage.

183. A post-passage title amendment cannot retroactively supply a constitutionally meaningful third reading under a germane title.

184. To the extent Defendants contend the post-passage title amendment cured

Section 51, it still cannot cure Section 46.

185. To the extent the Act was passed before the subject was expressed in the title, Plaintiffs are entitled to relief under Section 51 as well.

186. The late title amendment confirms, rather than cures, the Section 46 defect and supports a declaration that the Act was not constitutionally enacted.

COUNT III
DECLARATION THAT THE EMERGENCY CLAUSE IS INVALID
OR INEFFECTIVE UNDER KENTUCKY CONSTITUTION SECTION 55

187. Plaintiffs incorporate all preceding paragraphs as if set forth in full.

188. SB 185's original title contained no emergency language. The title read to the Senate at the purported third reading contained no emergency language. The title amendment adding emergency language was adopted only after final Senate passage.

189. Kentucky Constitution Section 55 allows emergency legislation to become effective upon approval by the Governor only when the elected-majority vote and journal requirements are satisfied, including that the reasons for the emergency be set out at length in the journal of each House.

190. The publicly available transcript and roll-call record do not show the Senate identifying the emergency in the title before passage, moving to adopt emergency treatment before passage, or setting forth at length reasons for the emergency before the purported final vote.

191. Because the official journals are not published online, Plaintiffs plead this count in the alternative and request expedited production or judicial notice of any certified journal entries on which Defendants rely.

192. If the Court does not declare SB 185 void in its entirety, it should declare that the emergency clause is invalid or ineffective unless Defendants prove strict compliance with Section 55.

193. If the emergency clause is invalid or ineffective, SB 185 cannot be enforced before the normal effective date of July 15, 2026, as reflected in OAG 26-03.

COUNT IV
DECLARATION OF STATUTORY AND LEGISLATIVE-PROCESS
VIOLATIONS

194. Plaintiffs incorporate all preceding paragraphs as if set forth in full.

195. SB 185 affects KSU employment and state-administered retirement-system participation by authorizing and requiring program-related employee terminations, including terminations of faculty and staff.

196. KSU benefits-eligible employees participate in state-administered retirement programs, including TRS and other plans.

197. As such, KRS §6.350 required a compliant actuarial analysis before SB 185 was reported from committee for full-chamber consideration.

198. Additionally, Senate Rule 52 and House Rule 52 required fiscal statements

for a measure changing the financial liability of a public retirement system before placement in Orders, unless waived by a majority of the elected members of the chamber.

199. The March 25 Senate committee report and Orders placement preceded the posted March 26 TRS actuarial letter.

200. The posted letter does not contain the thirty-year, KSU-specific, system-by-system analysis required by KRS §6.350 and does not certify the estimates required when an actuary asserts no material or indeterminable effect.

201. The posted actuarial-analysis document for House Committee Substitute 1 states only that the actuarial analysis is being prepared, yet HCS1 was reported, placed in Orders, passed by the House, and concurred in by the Senate.

202. No waiver of these fiscal or actuarial requirements appears in the public transcript or roll-call record.

203. Plaintiffs do not allege that Kentucky law requires a general state fiscal note for every bill.

204. Plaintiffs allege, instead, that this bill triggered the mandatory retirement-system actuarial-analysis requirements of KRS §6.350 and the corresponding statutory fiscal-impact statement requirements of Senate Rule 52 and House Rule 52.

205. The failure to comply with these statutory and rule-based requirements independently supports declaratory relief and, at minimum, supplies additional evidence

that SB 185 was advanced and enacted without the constitutionally meaningful consideration required by Section 46.

COUNT V
DECLARATION THAT SB 185 IS IMPERMISSIBLE SPECIAL LEGISLATION
UNDER KENTUCKY CONSTITUTION SECTIONS 59 AND 60

206. Plaintiffs incorporate all preceding paragraphs as if set forth in full.

207. SB 185 applies only to KSU.

208. As such, it imposes a unique financial-exigency regime, CPE approval requirement, mission conversion, academic-program cap, program-closure process, admissions restrictions, debt-enrollment restrictions, tax-refund-interception process, and personnel-termination authority on KSU alone.

209. No other Kentucky public university is subject to this statutory scheme.

210. Under *Coleman*, Sections 59 and 60 prohibit local or special legislation that targets a single person, place, object, or class without a reasonably articulable natural and distinctive basis, and Section 59 forbids special legislation where a general law can be made applicable.

211. Financial distress, accreditation concerns, program review, student protections, faculty protections, and fiscal oversight can be addressed through a general law applicable to all public universities meeting neutral criteria.

212. SB 185 does not set forth a general framework. It singles out Kentucky's

only public HBCU and 1890 land-grant university for unique burdens and mission conversion.

213. There is no reasonably articulable natural and distinctive basis for limiting this sweeping statutory regime to KSU while excluding similarly situated public postsecondary institutions or while failing to use neutral criteria applicable to any institution experiencing comparable fiscal or accreditation circumstances.

214. SB 185 violates Kentucky Constitution Sections 59 and 60 and is invalid.

215. The *Coleman* test also supports immediate classwide relief because SB 185 does not merely regulate KSU incidentally.

216. It imposes a unique statutory regime on one public university: mission conversion, five-year financial exigency, expenditure approval, program caps, program closure, admissions and readmission restrictions, student debt consequences, debt referral, tax-refund interception, and presidential discretion over enrollment.

217. Those subjects are not unique to KSU in any natural or distinctive sense; they are capable of general, neutral legislation applicable to all public universities that meet defined criteria.

218. SB 185 therefore fits *Coleman's* description of legislation that unfairly targets a single community for adverse treatment. KSU students, including Plaintiffs, are part of that affected community, and their educational status, degree pathways, faculty

relationships, institutional mission, and enrollment rights are directly affected by the special law.

COUNT VI
DECLARATION THAT SB 185 VIOLATES
KENTUCKY CONSTITUTION SECTION 2

219. Plaintiffs incorporate all preceding paragraphs as if set forth in full.

220. Kentucky Constitution Section 2 provides that absolute and arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority.

221. SB 185 is arbitrary because it imposes extraordinary KSU-only state control, mission conversion, program restrictions, employee-termination authority, admissions restrictions, and debt consequences without a general standard, without compliant fiscal and actuarial analysis, and without constitutionally effective readings.

222. The Act uses the alleged consequences of financial distress as the basis for stripping KSU of autonomy and narrowing its mission, instead of adopting neutral criteria and an evidence-based statewide framework.

223. SB 185 violates Section 2 and is invalid.

COUNT VII
DECLARATION THAT SB 185 VIOLATES
KENTUCKY CONSTITUTION SECTION 19

224. Plaintiffs incorporate all preceding paragraphs as if set forth in full.

225. Kentucky Constitution Section 19 prohibits any law impairing the obligation of contracts.

226. Plaintiffs and class members are current KSU students with existing contractual and quasi-contractual relationships with KSU, including registration agreements, student-account obligations, payment-plan relationships, scholarship and financial-aid commitments, housing and meal-plan agreements, catalog-based degree requirements, course-enrollment relationships, and program-continuation expectations.

227. Those relationships existed before SB 185 was enacted.

228. SB 185 imposes new statutory consequences on existing student debts and payment relationships by barring students with balances over \$1,000 due for more than 60 days from admission, readmission, enrollment, or continued participation in any online or in-person course, seminar, or program, absent a compliant payment plan.

229. SB 185 further impairs those relationships by requiring referral of qualifying debts to the Department of Revenue and authorizing interception of tax refunds.

230. These provisions substantially impair existing student contracts and student-university relationships by altering the consequences of preexisting balances, payment arrangements, course enrollment, registration, financial aid, scholarships, housing, degree progress, and continued enrollment.

231. The impairment is immediate and irreparable because a student excluded from courses, registration, programs, or continued enrollment may lose course sequencing, financial aid, housing, scholarships, clinical placements, internships, graduation timing, and degree progress.

232. SB 185's impairment is not reasonable or necessary to serve any legitimate public purpose as applied to current students with preexisting obligations and existing student-university relationships.

233. Less impairing alternatives were available, including prospective-only application of any new debt policy, preservation of existing payment plans and account arrangements, individualized notice and review, hardship procedures, extended cure periods, financial-aid reconciliation, and tailored student-success safeguards.

234. Plaintiffs are entitled to a declaration that SB 185's \$1,000 debt limitation, continued-enrollment bar, debt-referral provisions, and refund-intercept provisions violate Kentucky Constitution Section 19 as applied to current students' preexisting contractual and student-university relationships.

COUNT VIII
RESTRAINING ORDER, TEMPORARY INJUNCTION,
AND PERMANENT INJUNCTION

235. Plaintiffs incorporate all preceding paragraphs as if set forth in their entirety herein.

236. Defendants are implementing, preparing to implement, or asserting authority under SB 185.

237. Plaintiffs are likely to succeed on the merits and, at minimum, present a substantial constitutional question under *Bevin, D & W Auto Supply, Coleman*, Kentucky Constitution Sections 2, 26, 46, 51, 55, 59, and 60, KRS §6.350, Senate Rules 52 and 53.

238. Plaintiffs will suffer immediate and irreparable injury absent emergency relief.

239. Final judgment will be rendered ineffectual if SB 185 is implemented before the Court rules, including through program closures, teach-out filings, accreditation-facing submissions, faculty or staff termination, admissions changes, debt-based enrollment restrictions, debt referrals, tax-refund interceptions, expenditure restrictions, EMARS/fiscal changes, CPE approval regimes, or mission restructuring.

240. The equities favor preserving the *status quo*. Defendants have no legitimate interest in enforcing a void statute or in implementing an emergency-effective-date provision that was not constitutionally adopted.

241. The public interest favors constitutional compliance, protection of current students, and maintenance of the *status quo* pending adjudication.

242. Plaintiffs are entitled to temporary and permanent injunctive relief prohibiting enforcement or implementation of SB 185.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Certify this action as a class action under CR 23.01 and CR 23.02;
- B. Declare that SB 185 / 2026 Ky. Acts ch. 120 was not enacted in compliance with Kentucky Constitution Section 46;
- C. Declare that SB 185 / 2026 Ky. Acts ch. 120 violates Kentucky Constitution Sections 2, 19, 26, 46, 51, 55, 59, and 60 and is unconstitutional, invalid, void, and without legal effect;
- D. Declare that the title amendment adopted after final Senate passage did not cure the Section 46 defect;
- E. Declare that the emergency clause is invalid or ineffective unless Defendants prove strict compliance with Section 55 and, in the alternative, declare that SB 185 cannot be enforced before July 15, 2026;
- F. Declare that SB 185 was advanced in violation of KRS §6.350, Senate Rule 52, Senate Rule 53, House Rule 52, and House Rule 53;
- G. Enter an immediate restraining order under CR 65.03 prohibiting Defendants and all persons acting in concert with them from enforcing or implementing SB 185 pending a temporary-injunction hearing;
- H. Enter a temporary injunction under CR 65.04 prohibiting enforcement or implementation of SB 185 pending final judgment;
- I. Enter a permanent injunction prohibiting enforcement or implementation of SB 185;
- J. Specifically restrain and enjoin any SB 185-based academic-program closure, teach-out submission, substantive-change submission, faculty or staff termination, enrollment prohibition, continued-enrollment prohibition, admissions change, debt referral, tax-refund interception, expenditure-approval restriction, EMARS/fiscal-control change, CPE approval requirement, emergency-effective-date implementation, or other implementation action;
- K. Set this matter for expedited consideration under KRS §452.005 and CR 65;
- L. Waive bond or set a nominal bond under CR 65.05;
- M. Permit Plaintiffs to proceed pseudonymously as Student Doe 1 through Student Doe 7 and direct that their true identities be submitted only under seal, for in camera review, or pursuant to protective order;
- N. Enter a protective order prohibiting public disclosure of Plaintiffs' names, student-identifying information, academic records, enrollment status, student-account information, and participation in this action absent further order of the Court;
- O. Restrict Defendants and all persons acting in concert with them from retaliating

against Plaintiffs, putative class members, declarants, witnesses, or student supporters because of this action, including through admission, readmission, enrollment, registration, course access, program placement, grades, discipline, housing, scholarships or financial aid, student-debt treatment, collection or tax-refund interception, transcript access, degree progress, student leadership, or other academic or administrative action;

- P. Award Plaintiffs costs, attorneys' fees, and any further relief to which they are entitled.

VERIFICATION

I, Samantha Wigginton, declare under penalty of perjury, pursuant to 28 U.S.C. 1746, that I am a Plaintiff in this action; that I am currently enrolled as a student at Kentucky State University; that I have read the foregoing Verified Petition; and that the factual allegations concerning me, my enrollment, my academic program, and the threatened effects of SB 185 are true and correct to the best of my knowledge, information, and belief.

Date: May 21, 2026

/s/ Student Doe 1
Plaintiff

CERTIFICATION OF ATTORNEY GENERAL SERVICE AND NOTICE

Pursuant to KRS §418.075 and KRS §452.005, Plaintiffs certify that a copy of this Verified Class Action Petition and notice of constitutional challenge has been served on the Attorney General of Kentucky before or contemporaneously with filing. The challenged statute is SB 185 / 2026 Ky. Acts ch. 120. The constitutional defects alleged are violations of Kentucky Constitution Sections 2, 19, 26, 46, 51, 55, 59, and 60 and is unconstitutional, invalid, void, and without legal effect, rendering the Act void under Section 26.

MORRIS & MORRIS, P.S.C.

By: /s/ James M. Morris

James M. Morris

Tyler J. Morris

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217 North Upper Street

Lexington, Kentucky 40507

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ATTORNEYS FOR PUTATIVE CLASS

COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
____ DIVISION
CIVIL BRANCH

STUDENT DOE 1;
STUDENT DOE 2;
STUDENT DOE 3;
STUDENT DOE 4;
STUDENT DOE 5;
STUDENT DOE 6;
STUDENT DOE 7, individually,
proceeding under pseudonyms, and on
behalf of similarly situated current
students of Kentucky State University,

Plaintiffs,

v.

COMMONWEALTH OF KENTUCKY;
ANDY BESHEAR, in his official
capacity as Governor of the
Commonwealth of Kentucky;
KENTUCKY COUNCIL ON
POSTSECONDARY EDUCATION;
DR. AARON THOMPSON, in his
official capacity as President of the
Kentucky Council on Postsecondary
Education;
MADISON SILVERT, in his official
capacity as Chair of the Kentucky
Council on Postsecondary Education;
KENTUCKY FINANCE AND
ADMINISTRATION CABINET;
HOLLY M. JOHNSON, in her official
capacity as Secretary of the Kentucky
Finance and Administration Cabinet;
KENTUCKY DEPARTMENT OF
REVENUE;
THOMAS B. MILLER, in his official

Case Number 2026-CI-_____

**EMERGENCY MOTION FOR
RESTRAINING ORDER,
TEMPORARY INJUNCTION,
EXPEDITED HEARING, AND
MEMORANDUM IN SUPPORT**

E8334742-EA54-4968-B54F-A41480642B80 : 000045 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

TI : 000001 of 000048

capacity as Commissioner of the
Kentucky Department of Revenue;
KENTUCKY STATE UNIVERSITY, by
and through the BOARD OF REGENTS
OF KENTUCKY STATE
UNIVERSITY;
TAMMI DUKES, in her official capacity
as Chair of the Kentucky State University
Board of Regents;
DR. KOFFI C. AKAKPO, in his official
capacity as President of Kentucky State
University,

Defendants.

Come now Plaintiffs, current Kentucky State University students proceeding pseudonymously as Student Doe 1 through Student Doe 7, by counsel, and move this Court, pursuant to Kentucky Rules of Civil Procedure [hereinafter “CR”] 65.03, CR 65.04, CR 26.03, KRS Chapter 418, Kentucky Constitution §§ 2, 19, 26, 46, 51, 55, 59, and 60, Kentucky Revised Statute [hereinafter “KRS”] §6.350, Senate Rules 52 and 53, House Rules 52 and 53, and the Court’s inherent equitable authority, for an immediate restraining order, temporary injunction, protective order, non-retaliation relief, and expedited hearing enjoining Defendants from enforcing or implementing Senate Bill 185, 2026 Kentucky Acts Chapter 120, [hereinafter “SB 185” or the “Act”] pending adjudication of Plaintiffs’ Verified Petition for Declaration of Rights.

Plaintiffs rely upon the Verified Petition, the public Legislative Research Commission record, the March 25 and March 26 Senate proceeding transcripts, the public

Senate roll-call records, SB 185 as introduced and as enrolled, the public fiscal and actuarial website references, the student-contract and debt-impairment allegations in the Verified Petition, and any evidence submitted at hearing.

INTRODUCTION

This case presents an extraordinary and immediate constitutional violation. SB 185, was, quite simply, not enacted in the manner commanded by the Kentucky Constitution. It therefore is not a law that may be implemented while this action proceeds. It is void ab initio. SB 185 also substantially impairs current students' preexisting contractual and quasi-contractual relationships with KSU, in violation of Section 19 of the Kentucky Constitution.

Section 46 of Kentucky's Constitution requires that every bill be read on three different days in each House unless the second and third readings are formally dispensed with by a majority of all members elected to the House in which the bill is pending. Section 26 of the Kentucky Constitution provides that laws contrary to the Constitution are void, while § 51 separately requires that the subject of an Act to be expressed in its title. Section 19 further prohibits enactment of any law impairing the obligation of contracts, including laws that retroactively change the consequences of existing student-university payment, enrollment, and degree-progress relationships. See Kentucky Constitution Section 19.

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=21>.

Put bluntly, the Senate did not comply with § 46 of the Kentucky Constitution. All three Senate readings of SB 185 occurred when SB 185 was a bill “relating to branch budget recommendations.” The bill, as presented, and read, amended KRS §48.030 and concerned budget recommendations and supporting budget documents. It did not mention Kentucky State University, Kentucky’s public HBCU, CPE oversight, academic program closure, admissions, student debt, faculty terminations, tax refund intercepts, or emergency restructuring.

After the second reading, SB 185’s contents were entirely transformed, eliminating the “branch budget recommendations,” with a full-scale substitution of Kentucky State University-exclusive language – but still with the “branch budget recommendation” title.

As reflected in the public Senate video records for March 25 and March 26, 2026, the Senate never read the KSU bill three times. It never moved to dispense with readings of the KSU bill. It never took a roll-call vote to waive readings of the KSU bill by a majority of all elected Senators. On March 25, 2026, after the first two readings had already occurred, the Clerk reported: “Senate Bill 185, an act relating to branch budget recommendations.” The President then stated that “[t]hat bill has been reported. It has already had two readings ... when it is called today, it will actually be a third reading.

Third and final constitutional reading.” That statement did not make the prior readings constitutional. It instead confirms the constitutional defect: the Senate intended to treat two readings of the old branch-budget bill as readings of a not-yet-adopted KSU bill. See Kentucky Senate video, Mar. 25, 2026, <https://www.youtube.com/watch?v=oZmoqy-wA4>; Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

The March 26, 2026 the floor motion for SB 185 was to “read for the third time **by title only, and placed upon its passage.**” When the Clerk reported the title, the Clerk still did not report the “Kentucky State University” title or “emergency.” Instead, the Clerk reported: “Senate Bill 185, **an act relating to branch budget recommendations,** Senator McDaniel.”

Only after that old-title third reading, did the Senate take up Senate Committee Substitute 1, and only after that did the Senate adopt Senate Floor Amendment 1. Finally, only after the Senate’s passing of this Frankenstein Bill (without a single reference, in the reading, to “Kentucky State University”), which completed the Senate’s adoption of the Bill, did Senate Bill 185 get an untimely title change motion from a “AN ACT relating to branch budget recommendations” to “AN ACT relating to Kentucky State University and declaring an emergency.” Thus, the KSU bill did not receive even one constitutionally effective Senate reading under a germane title before final passage.

This is the precise constitutional defect condemned by the Kentucky Supreme Court in *Bevin v. Commonwealth ex rel. Beshear*, 563 S.W.3d 74 (Ky. 2018). There, a bill read under one non-germane title was later replaced with another subject. The Supreme Court held the resulting act void. SB 185 presents the same defect, but with an additional problem: the transcript shows that even the purported third reading was conducted under the old branch-budget title, and the title amendment was adopted only after final passage. *Id.*

Additional defects independently support temporary relief. SB 185 was advanced out of both the House Committee and the Senate Committee despite the absence of the mandatory KRS §6.350 actuarial analysis for a bill affecting participation in state-administered retirement systems. The House Committee Substitute actuarial-analysis document states that “[t]he Actuarial Analysis Statement is being prepared. When the statement is available, this link will be updated.” Despite that statement, the bill advanced and passed. See Actuarial Analysis to House Committee Substitute 1, <https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/HCS1AA.pdf>; LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>. Likewise, the Senate Committee received only a two-page TRS letter dated March 26, 2026 - after the March 25 committee report and Orders placement - and the letter does not provide the thirty-year, system-by-system, KSU-specific actuarial analysis required

by KRS §6.350. See Actuarial Analysis to Senate Committee Substitute 1, <https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/SCS1AA.pdf>; KRS §6.350, <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=54874>. Finally, the Act singularly focused upon Kentucky State University raises serious special-legislation concerns under *Coleman v. Jefferson Cnty. Bd. of Educ.*, No. 2023-SC-0498-DG, 2025 WL 3768584 (Ky. Dec. 19, 2025), reh'g denied Apr. 23, 2026, because it imposes a KSU-only regime when a general law for financially distressed public universities could be made applicable.

Immediate relief on behalf of the students, as a class, is necessary because SB 185 is an emergency act, and, therefore, unconstitutionally, took effect immediately. Its provisions compel near-term and irreversible action: program closures, SACSCOC filings, faculty and staff terminations, admissions restrictions, student debt exclusions, tax-refund intercepts, CPE expenditure controls, mission changes, five-year financial exigency regime, limits on academic areas of study, and irreversible accreditation consequences. Once programs are closed, teach-out submissions filed, faculty terminated, students barred, debts referred, and accreditation-facing actions taken, final judgment declaring the Act void will be rendered partially ineffectual. Immediate relief is also necessary because the Act alters the consequences of current students' preexisting student-account obligations, payment-plan relationships, registration agreements, housing

and meal-plan commitments, financial-aid and scholarship expectations, and catalog/course/program relationships before this Court can adjudicate the Section 19 claim.

The emergency also includes a concrete retaliation risk. SB 185 gives KSU's President - a named Defendant - sole discretion over admission, readmission, and enrollment of students and former students during the declared financial exigency. Students challenging the validity of that same Act should not be forced to reveal their identities publicly before the Court can protect them from retaliatory enrollment decisions or academic consequences. The requested protective relief is narrow. Plaintiffs seek to proceed as Student Doe 1 through Student Doe 7, to lodge their true identities under seal or for *in camera* review as the Court directs, and to restrain Defendants from public disclosure, retaliation, or adverse treatment because of participation in this constitutional challenge.

This Court need not decide the wisdom of any KSU policy. It need only enforce the Kentucky Constitution and Kentucky statutory mandates. Because the record establishes a substantial question on the merits, a strong probability of success, immediate irreparable harm, and equities that favor preserving the *status quo*, Plaintiffs request immediate restraining and temporary injunctive relief.

RELIEF REQUESTED

Plaintiffs request that the Court enter a restraining order and temporary injunction preserving the pre-SB 185 *status quo* and restraining Defendants, their officers, agents, employees, representatives, successors, and all persons acting in concert with them from enforcing, implementing, directing, approving, or requiring implementation of SB 185 in any manner pending a full hearing and further order of the Court. Plaintiffs further request the Court restrain Defendants from taking any action premised on SB 185's emergency-effective-date clause unless and until and unless Defendants first prove compliance with Kentucky Constitution Section 55. Plaintiffs further request that, at minimum, the Court restrain enforcement of SB 185's debt-based enrollment bar, continued-enrollment bar, debt-referral requirements, and tax-refund-interception provisions as applied to current students' preexisting student-university contracts, payment plans, student accounts, registrations, scholarships, financial aid, housing, meal plans, degree pathways, and course-enrollment relationships.

In addition, due to the potential for retaliation, Plaintiffs request that the Court prohibit the KSU President from using the "presidential discretion" granted by SB 185 Section 3(3), or any related KSU administrative discretion, to deny, delay, condition, burden, or otherwise adversely affect admission, readmission, enrollment, registration, course access, degree progress, or program participation for any Plaintiff or student participant because of this litigation.

Finally, Plaintiffs request an expedited temporary-injunction hearing under CR 65.04, a nominal bond, and expedited production or judicial notice of any certified journal entries Defendants contend establish compliance with §§46 or 55 or any waiver of statutory fiscal-statements requirements.

PROCEDURAL STANDARD

Civil Rule 65.03 authorizes a restraining order where a verified complaint, affidavit, or other evidence shows that the movant's rights are being or will be violated and that immediate and irreparable injury, loss, or damage will result before the adverse party can be heard. CR 65.04 authorizes a temporary injunction where it appears by verified complaint, affidavit, or other evidence that the plaintiff's rights are being or will be violated by the adverse party and that the plaintiff will suffer immediate and irreparable injury, loss, or damage pending final judgment, or that the adverse party's acts during litigation will tend to render final judgment ineffectual.

Kentucky courts apply the familiar *Maupin* standard. When the movant has shown a probability of irreparable injury, presented a substantial question on the merits, and shown that the equities favor issuance, temporary injunctive relief should be awarded. *Maupin v. Stansbury*, 575 S.W.2d 695, 699 (Ky. App. 1978). The Supreme Court has reaffirmed that a plaintiff must present a substantial question tending to create a substantial possibility of success on the merits. *Norsworthy v. Kentucky Bd. of Med.*

Licensure, 330 S.W.3d 58, 63 (Ky. 2009); *Beshear v. Acree*, 615 S.W.3d 780, 829-30 (Ky. 2020).

Kentucky law does not require a final decision on the merits at the temporary-injunction stage. The purpose of provisional relief is to preserve the *status quo*, prevent irreparable injury, and protect the Court's ability to render an effective final judgment. Where constitutional rights or due-process interests are threatened, irreparable harm is especially acute. *Norsworthy*, 330 S.W.3d at 63. The public interest is served by requiring governmental actors to comply with constitutional limitations and by preventing arbitrary or unlawful governmental action. *Beshear v. Goodwood Brewing Co., LLC*, 635 S.W.3d 788 (Ky. 2021).

Plaintiffs request a restraining order and temporary injunction together. To the extent a restraining order is entered first, Plaintiffs' simultaneous request for temporary injunction under CR 65.04 should remain pending, and the restraining order should remain in effect until the Court conducts a full hearing or enters a further order. *See Commonwealth, Dep't for Nat. Res. & Env'tl. Prot. v. Maynard*, 537 S.W.2d 169 (Ky. 1976); *Kentucky High Sch. Athletic Ass'n v. Edwards*, 256 S.W.3d 1 (Ky. 2008).

Because this case seeks public-interest constitutional relief and the requested injunction preserves the *status quo* rather than imposing monetary liability, Plaintiffs request that any bond be nominal, in the amount of \$100.00, or such other minimal

amount as the Court deems proper under CR 65.05.

FACTUAL RECORD

A. SB 185 was introduced, read twice, and third-read by the old branch-budget title.

SB 185 was introduced in the Senate on February 11, 2026 as “AN ACT relating to branch budget recommendations.” The introduced bill amended KRS 48.030. Its subject was supporting documents for branch budget recommendations. It did not mention Kentucky State University, KSU’s mission, KSU’s HBCU status, KSU’s land-grant status, KSU academic programs, faculty, admissions, student debt, CPE oversight of KSU, Department of Revenue collection of student debt, tax-refund interception, or emergency enactment. *See* Introduced SB 185.

https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/orig_bill.pdf.

The Legislative Research Commission bill page summarized the original bill as follows: “Amend KRS 48.030, relating to branch budget recommendations, to include supporting budget documents.” *See* LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>. The Senate gave SB 185 a first reading on March 19, 2026 and a second reading on March 20, 2026. *Id.* At both times, the bill remained “AN ACT related to branch budget recommendations.” *Id.* The KSU committee substitute and KSU title amendment had not yet been reported or adopted.

B. The KSU substitute was reported only after two readings.

On March 25, 2026, after the first two readings had already occurred, the Appropriations and Revenue Committee reported the bill with Senate Committee Substitute 1 and Senate Committee Amendment 1-title. The public LRC summary of Senate Committee Substitute 1 begins: “Delete original provisions; create new sections of KRS Chapter 164 to set forth the mission of Kentucky State University.” See LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>.

The March 25 Senate transcript confirms the sequence. The Clerk reported:

For Wednesday, March 25th, 2026, the Appropriations Revenue Committee has met and reports Senate Bill 185, **an act relating to branch budget recommendations** should pass with Senate Committee sub one and Senate Committee title amendment one.

See Kentucky Senate video, Mar. 25, 2026, 1:15:05-1:15:48, <https://www.youtube.com/watch?v=oZmoqy-wA4>. [Emphasis added]. The presiding officer then confirmed that the Senate intended to count the two prior readings of the branch-budget bill as readings of the new substitute bill:

That bill has been reported. It has already had two readings ... when it is called today, it will actually be a third reading. Third and final constitutional reading.

Id. at 1:15:05-1:15:48. This exchange is central. No Senator moved to dispense with the second and third readings of the KSU bill. No roll-call vote was taken to dispense with readings. The body merely proceeded on the erroneous premise that two readings of the old branch-budget bill could constitutionally count as readings of the new KSU bill.

A later motion placed SB 185 in the orders of the day, still not dispensing with the necessary readings:

Senator from Taylor: Mr. President, also I move that Senate Bill 185 be taken from Rules and placed in the orders of the day.

President: Without objection, Senate Bill 185 will be taken from the Rules Committee and placed in the orders of the day. Madam Clerk, please make sure that is noted in the journal.

Id. at 1:16:27-1:16:47. Taking a bill from Rules and placing it in the orders of the day is not a motion to dispense with constitutional readings. It is not a majority-of-all-members-elected vote. It is not a waiver under Ky. Const. § 46.

C. On March 26, the purported “third reading” was still the old non-germane, non-KSU-related title.

The March 26, 2026 Senate transcript removes any possible doubt. The motion was that SB 185 be taken from the Orders, “read for the third time by title only, and placed upon its passage.” [Emphasis added]. *See* Kentucky Senate video, Mar. 26, 2026, 32:43, <https://www.youtube.com/watch?v=ja0j-y3IsCk>. The Clerk then read the old title: “Senate Bill 185, an act relating to branch budget recommendations, Senator McDaniel.” *Id.* [Emphasis added]. The Senate then adopted the committee substitute by voice vote, with the President inquiring “[Voice vote taken]. Any opposed. [Voice vote taken]. The ayes have it. Senate Committee Substitute 1 to Senate Bill 185 is adopted.” *Id.* With that non-descript “voice vote,” and with no indication anywhere in the Bill’s Title, the entire

contents of SB 185 was switched from a branch budget recommendation to a special KSU-only Bill.

The Senate then adopted the committee substitute by voice vote, with the President inquiring “[Voice vote taken]. Any opposed. [Voice vote taken]. The ayes have it. Senate Committee Substitute 1 to Senate Bill 185 is adopted.” *See* Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

As demonstrated by the March 26, 2026 Transcript Portion, the substitute that included any reference, whatsoever, to KSU, was adopted after the purported third reading. As such, at the time of the purported third reading, the Senate had not yet adopted the KSU substitute. The bill read by title remained “**an act relating to branch budget recommendations.**”

The Senate next adopted Senate Floor Amendment 1 to SB 185, also after the purported third reading. The transcript states that the amendment changed the purchasing threshold in the substitute and changed the enrollment language from a limitation to a target. Again, however, **no reference was made to the bill relating to KSU.**

During floor explanation, the bill sponsor confirmed, for the very first time, the wholly different KSU subject of the Committee Substitute to SB 185. The discussion was not about branch budget recommendations as provided in the original Trojan Horse Bill. It was about KSU closure, KSU’s mission, KSU finances, faculty, student debt,

admissions, and tax refund interception.

In seeking passage of the newly-minted version, the Senator from Kenton stated:

As many of you know, the conversation that led us to ... our point today, started with a very basic question in January, **which is how are we going to close Kentucky State University.**

See Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>. [Emphasis added]. The same explanation described the substitute's KSU content: KSU would transition to a polytechnic university; financial exigency would be declared; employment protections would be removed for the time being; student-debt restrictions would be imposed; tax refunds would be intercepted; financial transactions would transfer to the state system; and CPE oversight would continue. *Id.* None of those subjects is germane to branch budget recommendations.

D. The title amendment was adopted only after passage, and there was no waiver vote.

The March 26 transcript further confirms that the title amendment was adopted after final passage. The transcript's final sequence reflects that SB 185 was passed as amended and only then was the title amendment reported and adopted. See Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

This sequence is independently fatal under both §§ 46 and 51 of Kentucky's Constitution. A title amendment adopted after the purported third reading and after final passage cannot retroactively create three readings of the KSU bill. It cannot make a non-

germane branch-budget title into a constitutionally effective reading of a KSU emergency restructuring act.

The public roll-call records confirm that there was no separate waiver vote. The March 25 Senate “other roll call votes” record shows only “CONVENE DAY 53.” See LRC Senate Miscellaneous Roll Call, Day 53, https://apps.legislature.ky.gov/record/26rs/senate_votes/53_misc_vote.pdf. The March 26 Senate “other roll call votes” record shows only “CONVENE DAY 54.” See LRC Senate Miscellaneous Roll Call, Day 54, https://apps.legislature.ky.gov/record/26rs/senate_votes/54_misc_vote.pdf. Neither record shows a motion or vote to dispense with readings of SB 185, much less a motion to dispense with readings of the KSU substitute after the substitute and title amendment were reported. See LRC Senate Miscellaneous Roll Call, Day 53, https://apps.legislature.ky.gov/record/26rs/senate_votes/53_misc_vote.pdf; LRC Senate Miscellaneous Roll Call, Day 54, https://apps.legislature.ky.gov/record/26rs/senate_votes/54_misc_vote.pdf.

The SB 185 vote-history record likewise confirms final passage, not waiver. It records the March 26 Senate vote as “PASS SB 185 w/ SCS 1, SFA 1, SCA 1 (T)” at 2:38:38 p.m., 38-0. Notably, that same Senate vote-history entry still captions SB 185 as “AN ACT relating to branch budget recommendations.” See LRC SB 185 vote history,

https://apps.legislature.ky.gov/record/26rs/sb185/vote_history.pdf. That record supports Plaintiffs' argument; it does not show a § 46 waiver.

A final-passage vote is not a constitutional motion to dispense with readings. Section 46 of the Kentucky Constitution expressly requires a majority of all members elected to the chamber to dispense with the second and third readings. Here, no such motion was made, no such vote was taken, and no such waiver occurred. Voice votes adopting a committee substitute and a floor amendment cannot serve as a constitutional waiver because they were not motions to dispense with readings and did not establish a majority of all elected Senators.

E. The enrolled Act immediately and irreversibly affects current students.

The Act that emerged from this defective process is not a budget-recommendations bill. It is a sweeping KSU-specific "emergency" act. SB 185 declares that KSU, Kentucky's only public HBCU and an 1890 land-grant university, and no other entity, "shall be a four (4) year residential polytechnic institution"; declares that "a state of financial exigency exists at Kentucky State University for five (5) years"; and, subjects KSU obligations and expenditures of \$20,000 or more to prior CPE approval, requiring program review for alignment with the new polytechnic mission. See Final enrolled SB 185.

<https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

SB 185 also requires lists of programs to maintain and programs recommended for SACSCOC closure or substantive change. It gives CPE power to direct amendments to those proposals, and requires KSU to close each program approved for closure by SACSCOC. It limits KSU to no more than ten in-person academic areas of study for five academic years, subject to limited exceptions.

Additionally, SB 185 further authorizes termination of “any university employee, including tenured employees,” and requires that faculty and staff in closed programs be terminated; imposes new admissions requirements; provides that students with balances over \$1,000 due and owing for more than a specified period may not be admitted, readmitted, enrolled, or permitted to continue in courses or programs, subject to limited payment-plan language; and requires debt referral and authorizes tax-refund interception. It contains an emergency clause and became effective immediately upon approval. See Final enrolled SB 185, Sections 2-4.

<https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

Those provisions directly affect Plaintiffs, and all other similarly-situated enrollees, as current KSU students. They affect available programs, degree pathways, course sequences, faculty, advising, accreditation, enrollment, tuition investments, student-debt consequences, and the continuing value and identity of the education for which Plaintiffs enrolled.

The Act substantially impairs existing student contracts and payment relationships. Plaintiffs and class members are current KSU students with preexisting contractual and quasi-contractual relationships with KSU. Those relationships include registration agreements, student-account obligations, payment-plan relationships, scholarship and financial-aid commitments, housing and meal-plan agreements, catalog-based degree requirements, course-enrollment relationships, and program-continuation expectations.

SB 185 imposes new statutory consequences on those existing relationships. Section 3(2) provides that an individual with an outstanding balance to KSU in excess of \$1,000 due and owing for more than sixty days “shall not be admitted or readmitted to the university or permitted to enroll or continue in any online or in-person course, seminar, or program at the university,” subject only to the limited payment-plan language in the Act. See Final enrolled SB 185, Section 3(2). <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

SB 185 further requires KSU to refer debts in excess of \$1,000 due and owing for more than ninety days to the Department of Revenue, grants KSU the right to intercept state and federal income tax refunds, and directs that the Department of Revenue “shall not decline” withholding for debts referred by KSU. See Final enrolled SB 185, Section 4, <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

Those provisions operate immediately on existing students and existing student

accounts. They substantially change the consequences of preexisting balances, payment plans, course registrations, financial-aid arrangements, scholarships, housing and meal-plan commitments, degree progress, and continued enrollment. They therefore present an additional substantial question under Kentucky Constitution Section 19. *See* Kentucky Constitution Section 19.

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=21>.

F. The Act purports to take emergency effect and immediately alters KSU.

Senate Bill 185’s title read to the Senate at the purported third reading contained **no emergency language**, and the KSU/emergency title amendment was not adopted until after final passage. Section 55 of Kentucky’s Constitution requires strict emergency-effective-date procedures, including yea-and-nay votes entered on the journals and reasons for the emergency set out at length in the journal of each House. No such provisions appear in the publicly-available journals, and no proper notice, or declaration of Emergency in the Title Amendment, took place until after passage of the underlying “branch budget recommendation” bill by the Senate on March 26, 2026. The failure to properly and timely declare an emergency precludes adoption of the “emergency” provisions claimed therein.

G. The General Assembly’s Actions Violate KRS §6.350.

Kentucky Revised Statute §6.350(1) directly precludes any action by the General

Assembly that would increase or decrease benefits or increase or decrease participation in the benefits in any state administered retirement system, unless and until certain structured actions are taken, providing:

(1) A bill which would increase or decrease the benefits or increase or decrease participation in the benefits or change the actuarial accrued liability of any state administered retirement system **shall not be reported from a legislative committee of either house of the General Assembly for consideration by the full membership of that house unless the bill is accompanied by an actuarial analysis.**

Id. [Emphasis added]. KRS §6.350 is mandatory. A bill affecting benefits, participation, or actuarial accrued liability of a state-administered retirement system shall not be reported from committee unless accompanied by an actuarial analysis.

As set forth hereinabove, Senate Bill 185 authorizes and requires unilateral decisions by the KSU President that can immediately affect KSU employee terminations, including faculty and staff in closed programs. KSU benefits-eligible employees participate in state-administered retirement programs, including TRS for eligible faculty and professional staff, providing that Kentucky State University states that it offers mandatory and voluntary retirement options for employees.¹ Under Mandatory Retirement Plan Options, KSU states: “All regular, benefits-eligible employees must participate in one of four retirement programs as required by state law.” *Id.* KSU further addresses “State Retirement Plans,” explaining:

¹ <https://www.kysu.edu/president/human-resources/retirement-plans.php>. Current as of May 21, 2026.

Teachers' Retirement System of Kentucky (TRS): Applies to positions requiring certification or a four-year college degree. Covers full-time faculty and professional staff who meet eligibility criteria. Part-time employees working 70% time or greater are also covered.

Id. The statutory trigger for KRS §6.350 is therefore present, and the General Assembly must demonstrate compliance therewith prior to consideration of SB 185.

1) *The House Fails to Identify Any Actuarial Analysis*

The House Committee actuarial-analysis document actually provides, in total: “The Actuarial Analysis Statement is being prepared. When the statement is available, this link will be updated.” See Actuarial Analysis to House Committee Substitute 1, <https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/HCS1AA.pdf>.

[Emphasis added]. Despite the lack of any actuarial, the public record shows HCS1 was reported, placed in Orders, passed by the House, and concurred in by the Senate. See LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>.

The House Committee, therefore, violated the strict protections afforded under KRS §6.350(1), *supra*, and, despite lacking any actuarial analysis, reported Senate Bill 185 out of Committee and to the full House. The actions subsequently taken by the Full House were, therefore, in direct contravention of the statutory provisions set forth therein.

2) *The Senate's Claimed "Actuarial Analysis" was Untimely*

The Senate's actions fare no better. The “Actuarial Analysis” attached to the Senate Committee is dated March 26, 2026. See Actuarial Analysis to Senate Committee

Substitute.

<https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/SCS1AA.pdf>.

However, as reflected in the Legislative Research Commission's actions related to SB 185, SB 185 was removed from the Committee on March 25, 2026 - prior to the date of the purported Actuarial Analysis. See LRC SB 185 bill-history page, <https://apps.legislature.ky.gov/record/26rs/sb185.html>. Accordingly, the Senate Committee's actions, in reporting on the Bill prior to receipt of the Actuarial Analysis, were violative of KRS §6.350(1), and the subsequent actions of the Senate were likewise contrary to the statutory mandate set forth therein.

3) *The Senate's Actuarial Analysis is Fundamentally Flawed*

Even assuming, *arguendo*, that the Senate's *ex post facto* Actuarial Analysis, is not untimely, the "analysis," itself, is fundamentally flawed. Under KRS §6.350(2), an "actuarial analysis" is a very structured analysis. Indeed, as delineated therein:

- (a) An actuarial analysis required by this section **shall show the economic effect of the bill on the state-administered retirement system over a thirty (30) year period** ...
- (c) **A statement that the cost is negligible or indeterminable shall not be considered in compliance with this section.** ...
- (d) An actuarial analysis shall state the actuarial assumptions and methods of computation used in the analysis and shall state whether or not the bill or resolution, if enacted, would, **in the opinion of the actuary**, make the affected state-administered retirement system actuarially unsound or, in the case of a system already actuarially unsound, more unsound. Actuarial cost methods and assumptions **that meet actuarial standards of practice established by the Actuarial Standards Board shall be used in all cost projections.**

(e) An actuarial analysis required by this section **shall be prepared by an actuary who is a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.**

Id. [Emphasis added]. The statute’s constrictions as to what can constitute a proper “actuarial analysis” continue, provided, in subsection (3) and (4):

(3)(a) An actuary commissioned to make an actuarial analysis that is required by this section, or for the purpose of seeking appropriations for a state-administered retirement system, **shall include in the analysis a complete definition of each actuarial term used in the analysis and, either in the analysis or in a separate actuarial valuation report made available as a public record, an enumeration and explanation of each actuarial assumption used to complete the actuarial analysis....**

(4) The actuarial analysis required by this section:

(a) **Shall be completed by the actuary retained by the affected state-administered retirement system.** The state-administered retirement systems shall provide the analysis without cost to the General Assembly;

(b) **Shall be provided in a uniform format established by the Legislative Research Commission;**

(c) **Shall include on the front page a summary of relevant data from the analysis,** including but not limited to:

1. The total nominal dollar savings or costs over the thirty (30) year period;
2. The net present value of savings or costs over the thirty (30) year period;
- and
3. The estimated change in the normal cost, if applicable; and

(d) **Shall include a certification by the actuary** that the information provided is accurate.

The Senate Committee “Actuarial Analysis” consists only of a two-page letter received from Robert B. Barnes, as the Deputy Secretary and General Counsel for the Teachers’

Retirement System. See Actuarial Analysis to Senate Committee Substitute 1, <https://apps.legislature.ky.gov/recorddocuments/note/26RS/sb185/SCS1AA.pdf>. The letter is in direct violation of nearly every section of KRS §6.350(2)-(4), inasmuch as there is no “analysis”; there is no “economic effect of the bill on the state-administered retirement system over a thirty (30) year period”; there is no identification of “actuarial assumptions and methods of computation used”; no analysis in compliance with “the Actuarial Standards Board”; no indication that Mr. Barnes is “an actuary who is a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries”; no inclusion of “a complete definition of each actuarial term used in the analysis and, either in the analysis or in a separate actuarial valuation report made available as a public record, an enumeration and explanation of each actuarial assumption used to complete the actuarial analysis”; nor any indication that Mr. Barnes was “the actuary retained by the affected state-administered retirement system”; or that the letter was “provided in a uniform format established by the Legislative Research Commission.” In addition, the letter fails to “include on the front page a summary of relevant data from the analysis,” and does not “include a certification by the actuary that the information provided is accurate.”

Kentucky Revised Statute §6.350(1) requires a **compliant** actuarial analysis before

any bill can reported from committee.² At minimum, the analysis must actually be completed by an Actuary. As such, the two-page minimalistic correspondence received by the Deputy Executive Secretary and General Counsel of the Teachers' Retirement System is, quite simply, not in compliance with minimum standards of KRS §6.350.

Accordingly, the Senate Committee's reporting of SB 185, prior to a KRS §6.350-compliant Actuarial Analysis was violative of KRS §6.350, and the subsequent actions undertaken by the Senate were contrary to statutory mandate.

H. SB 185 creates a concrete risk of retaliation and adverse student treatment.

Section 3(3) of SB 185 states: "Except as otherwise provided in this section and notwithstanding any statute to the contrary, the president of Kentucky State University shall have sole discretion as to the admission, readmission, or enrollment of any student or former student of the university who otherwise meets the university's admission and enrollment criteria for the entire duration of the financial exigency declared in Section 1 of this Act." See Final enrolled SB 185, Section 3(3), <https://apps.legislature.ky.gov/recorddocuments/bill/26RS/sb185/bill.pdf>.

That provision places current students in a uniquely vulnerable position. The students are challenging a statute that expands the authority of a named Defendant over the students' continued enrollment, readmission, course access, and degree progress.

² The actions of the General Assembly are, likewise, directly contrary to the mandatory Rules of Procedure, Rules 52 and 53, adopted by both houses on January 6, 2026, which, likewise, mandate inclusion of financial statements

Public disclosure of their names could chill participation, discourage witnesses and class members, and expose students to adverse discretionary treatment before the Court can adjudicate the constitutionality of SB 185.

The requested pseudonymity and non-retaliation relief will not prejudice Defendants. Plaintiffs' true identities can be lodged with the Court under seal, submitted for in camera review, or disclosed to counsel under an attorneys-eyes-only protective order for legitimate litigation purposes. Public disclosure is unnecessary to resolve the legal and legislative-process issues presented by the motion.

LEGAL ARGUMENT

I. Plaintiffs present a substantial question on the merits and a strong probability of success because SB 185 violates Kentucky Constitution Section 46.

A. *The holding in Bevin makes this challenge justiciable and mandatory.*

This case is controlled by the Kentucky Constitution and the Kentucky Supreme Court's decision in *Bevin v. Commonwealth ex rel. Beshear*, 563 S.W.3d 74 (Ky. 2018). In *Bevin*, the Supreme Court held that a Section 46 challenge is justiciable, that Section 46 is mandatory rather than directory, and that it was not reviewing "internal rules and processes" but the meaning of the Constitution itself: "We are confronted, instead, with the question of what Section 46 of the Kentucky Constitution means when it says that '[e]very bill shall be read at length on three different days in each House'; and whether

with any Bills, and Amendments thereto, prior to consideration by the full houses.

the enactment of SB 151 comports with that constitutional provision.” *Bevin v. Commonwealth ex rel. Beshear*, 563 S.W.3d 74, 81-90 (Ky. 2018).

The Court then rejected the notion that the judiciary has no role, invoking the foundational rule that “[i]t is emphatically the province and duty of the judicial department to say what the law is.” *Bevin, supra*. That rule is dispositive here because Plaintiffs ask this Court to decide whether SB 185 complied with the Constitution, not whether the Senate complied with an internal housekeeping rule.

Bevin also holds that the three-readings command is mandatory: “we are compelled to regard **the three-readings requirement of Section 46 as mandatory, rather than directory.**” *Bevin, supra*. [Emphasis added]. Thus, the violation cannot be excused as harmless legislative custom.

B. Bevin is factually indistinguishable from SB 185.

Bevin described the same gut-and-replace process used here. There, when the substitute was introduced, “[a]ll the readings of the bill, however, in both substance and title, were in its form as a bill pertaining to local wastewater services.” *Id.* The Court asked whether prior readings in the original form could count “after its transformation from a wastewater bill to a pension reform bill.” *Id.* Here, prior readings of a branch-budget bill cannot count after transformation into a KSU emergency restructuring bill.

The Court also emphasized that the old-title third reading did not save the bill:

“Thereafter, **the House again `read` SB 151 by its title as a wastewater services bill but with the substantive text of a pension reform bill.**” *Id.* [Emphasis added].

The March 26 Senate transcript shows the same thing: SB 185 was read by the title “branch budget recommendations” while the Senate then proceeded to adopt and pass a KSU bill. The parallel is even stronger because the title amendment in Bevin occurred after voting, and the same occurred here. Bevin states: “After the voting was completed, the title of SB 151 was then amended to identify it as a measure relating to retirement and public pensions.” *Id.* Here, the March 26 transcript shows the title amendment adding KSU and emergency language was adopted after the final-passage vote. See Kentucky Senate video, Mar. 26, 2026, <https://www.youtube.com/watch?v=ja0j-y3IsCk>.

C. Bevin holds that a non-germane title-only reading is constitutionally ineffective.

Bevin accepted title-only reading only on one essential premise: “the title so read is germane to the law being enacted.” *Id.* It then held that “it is equally absurd to suggest that Section 46 is satisfied **by reading the title of a bill that has absolutely nothing to do with the subject matter of the bill.**” *Id.* [Emphasis added].

The Court drew the line between ordinary amendments and wholesale replacement: “The complete elimination of all the words of the prior readings and their total replacement with words bearing no relationship to the title of the bill is a far

different matter with respect to Section 46 compliance.” *Id.* In the case at bar herein, Senate Committee Substitute 1 did the exact same thing precluded in *Bevin*, by deleting the branch-budget bill in its entirety and replacing it with a KSU-only restructuring act.

The purpose matters. *Bevin* held that Section 46 was adopted so that “every legislator had a fair opportunity to fully consider each piece of legislation that would be brought to a vote.” *Id.* The Court held: “That purpose cannot be achieved by reading a bill only by its title which has no rational relationship to the subject of the law being enacted.” *Id.* The same sentence resolves this motion.

Bevin controls. Section 46 is mandatory and justiciable. *Bevin* rejected the claim that courts must abstain from enforcing the three-readings requirement and held that legislation not enacted in compliance with Section 46 is constitutionally invalid and void. *Bevin* also held that a title-only reading is constitutionally effective only when the title is germane to the law being enacted. Reading a title that has nothing to do with the substance of the bill is not a reading of that bill within the meaning of Section 46.

Here, the first two readings were readings of the branch-budget bill. The purported third reading was also by the branch-budget title. The KSU substitute was adopted after that purported third reading. The title amendment was adopted after passage. No waiver occurred. SB 185 therefore received no constitutionally effective three readings in the Senate as a KSU emergency restructuring bill.

A final-passage vote cannot be repurposed as a Section 46 waiver. Section 46 requires a vote by a majority of all elected Senators to dispense with the second and third readings. The Senate voted to pass SB 185; it did not vote to dispense with readings of the KSU bill.

The enrolled-act presumption is overcome. Kentucky does not follow a conclusive enrolled-bill doctrine. D & W Auto Supply permits judicial review of legislative records where clear, satisfactory, and convincing evidence shows that constitutional requirements were not met. The transcripts, LRC action history, vote history, and roll-call records provide that evidence.

II. Plaintiffs are likely to succeed on the late-title, Section 51, and emergency-effective-date issues.

Section 51 of Kentucky's Constitution requires the subject of an act to be expressed in the title. Section 46 permits title-only readings **only because the title gives notice of the bill's subject**. At the purported third reading of SB 185, the Clerk read "branch budget recommendations." That title did not express KSU, financial exigency, polytechnic conversion, student debt, tax-refund interception, employee termination, or emergency enactment.

The title amendment adding KSU and emergency language came only after final passage by the Senate. It cannot retroactively create a germane reading. At minimum, the late title amendment confirms the Section 46 defect. As such, the use of the title only

readings, of the KSU-related Bill, were violative of Section 51.

Section 55 separately controls emergency effectiveness. The original bill and the title read at third reading contained no emergency title. The public transcripts do not show pre-passage emergency reasons set out in Senate proceedings. Because the official journals are not online, there is no evidence, prior to adoption, of any mandatory compliance with Section 55 regarding “emergencies.” Defendants should, therefore, be required to produce the journal entries upon which they rely, if any, in claiming that there was a valid “emergency” declared in the third reading of the “branch budget recommendation” bill. If strict Section 55 compliance cannot be shown, SB 185 cannot take effect before the normal effective date of July 15, 2026, as reflected in OAG 26-03. See OAG 26-03, <https://www.ag.ky.gov/Resources/Opinions/Opinions/OAG%2026-03.pdf>.

III. Plaintiffs present a substantial statutory and rule-based question under KRS §6.350 and the House and Senate fiscal-statement rules.

KRS §6.350 is mandatory. SB 185 authorizes and requires terminations of KSU faculty and staff. KSU employees participate in state-administered retirement programs. Neither the house, nor the senate, complied therewith. To make matters worse, the House continues to suggest that the information underlying SB 185 continues to be worked on, and will be supplemented – after the bill has already been adopted.

The Court should consider the KRS §6.350 and fiscal-statement defects with the

governing Kentucky authority in mind. In *Board of Trustees of the Judicial Form Retirement System v. Attorney General of the Commonwealth*, 132 S.W.3d 770 (Ky. 2003), the Supreme Court held that KRS §6.350 was procedural and that noncompliance did not, by itself, invalidate the act. But that holding does not end the TRO analysis.

Board of Trustees was not a case involving contemporaneous violations of Sections 46, 51, 55, 59, 60, and 2. It did not involve a bill read under a non-germane title, a title amendment adopted after passage, an emergency clause not identified until after passage, a KSU-only special act, or transcripts showing no waiver. Here, the KRS §6.350 and Rules 52-53 defects are not the sole basis for relief. They reinforce the constitutional claims by showing that the KSU bill was advanced without the fiscal and actuarial information required for informed consideration.

The *Board of Trustees* concurrence underscores the seriousness of the defect. Justice Wintersheimer wrote that KRS §6.350 “requires an actuarial analysis for any legislation which would increase the benefits or change the financial liability of any public retirement system before the legislation leaves committee for consideration by the full legislative body” and that the analysis “must accompany the legislation.” He further wrote that KRS §6.350 “mandates that the study be set out in detail and attached to the legislation for consideration before it can be enacted,” and that “**the legislature cannot simply ignore the existing statute.**” *Board of Trustees*, 132 S.W.3d at 786-87

(Wintersheimer, J., concurring). [Emphasis added].

The statutory defect is also preserved through Kentucky Constitution Section 15. The *Bevin* court recognized that the Court, in *Board of Trustees*, did not decide whether Section 15 requires an affirmative legislative act to suspend a statute such as KRS §6.350. Plaintiffs allege that no statute, “notwithstanding” clause, recorded motion, fiscal-statement waiver, or reading-waiver vote suspended the mandatory impact of KRS §6.350 as it pertains to adoption of SB 185.

For TRO purposes, Plaintiffs need not obtain a final ruling that KRS §6.350 alone voids SB 185. It is enough that the fiscal/actuarial defect supplies a substantial question, supports the Section 2 and Section 46 claims, and confirms that the Court should preserve the *status quo* rather than allow immediate implementation of an emergency KSU-only act passed without constitutionally effective readings and without required retirement-system fiscal information.

IV. Plaintiffs present a substantial special-legislation issue under *Coleman* and Sections 59 and 60 of Kentucky’s Constitution.

The Kentucky Supreme Court, in *Coleman v. Jefferson Cnty. Bd. of Educ.*, No. 2023-SC-0498-DG, 2025 WL 3768584 (Ky. Dec. 19, 2025), *reh’g denied* Apr. 23, 2026, at *3, expressly precludes “special-legislation.” The *Coleman* Court held that Sections 59 and 60 of Kentucky’s Constitution protect against both favoritism and adverse targeting: the provisions guard against laws that “unfairly provide[] a community

preferential treatment” or “unfairly target[] a particular community for adverse treatment.” *Coleman v. Jefferson Cnty. Bd. of Educ.*, No. 2023-SC-0498-DG, 2025 WL 3768584 (Ky. Dec. 19, 2025), reh ’g denied Apr. 23, 2026, at *3.

Coleman defines a special act as one that “either affects only a single person, place, or locale, or that arbitrarily discriminates against some persons, places, or things and favors others.” *Id.* at *3. SB 185 is KSU-only; it affects one institution, one campus community, and one student body – the only HBCU public institution in the entire Commonwealth. *Coleman* rejects generic deference as a substitute for the constitutional test. The Court gives deference to duly enacted statutes, but is “duty bound to ensure that legislative decisions stay within the important mandates of our Kentucky Constitution.” *Id.* at *1. The operative test, as established in *Coleman*, is whether there is “any articulable natural and distinctive reason for the class distinctions drawn by the legislature.” *Id.* at *4. The Court must ask what condition is being remedied, why one class is treated differently, why some members of a class are treated differently from others, and whether the legislature has good reasons. *Id.* at *4-*5.

Coleman’s application demonstrates why temporary relief is warranted. The Court held the statute invalid where “[n]othing on the face of the statute” suggested the governance change was “well-suited only” to the targeted district, and where the record was “devoid of any reasonably articulable natural and distinctive reasons” for the

limitation. *Coleman* at *6.

SB 185 is the same type of legislation. If the condition is financial distress, accreditation risk, fiscal instability, program alignment, student debt, or institutional oversight, a general neutral statewide framework can be made applicable **to all public universities meeting neutral criteria**. SB 185 instead singles out KSU, Kentucky's only public HBCU and 1890 land-grant institution, for adverse treatment. *Coleman* further explains that where a general law can be applied more broadly, Section 59 forbids the special law. *Id.* at *6. The Court should therefore preserve the *status quo* while it determines whether SB 185's KSU-only classification is unconstitutional. *Coleman* confirms the judicial remedy: when courts confront a law violating constitutional limitations, they are "unquestionably bound to declare the law unconstitutional and void." *Coleman* at *7.

Finally, Plaintiffs present a substantial contract-impairment claim under Section 19 of Kentucky's Constitution. Kentucky Constitution Section 19 provides that "[n]o ex post facto law, nor any law impairing the obligation of contracts, shall be enacted." See Kentucky Constitution Section 19.

<https://apps.legislature.ky.gov/Law/Constitution/Constitution/ViewConstitution?rsn=21>.

The Petition therefore properly pleads Section 19 because SB 185 does more than regulate prospectively; it changes the legal consequences of current students' existing

accounts, registrations, payment arrangements, course access, and continued-enrollment relationships.

Kentucky law recognizes that the student-university relationship is contractual in nature. In *University of Kentucky v. Regard*, 670 S.W.3d 903 (Ky. 2023), the Kentucky Supreme Court held that a student financial obligation and accompanying registration/bulletin documents can form a written contract between a public university and students. The Court rejected the view that the university merely offered students an opportunity to register; rather, students enter a relationship in which they pay tuition and fees in exchange for a collegiate-level education and related services. *Id.* at 918-20.

Section 19 is especially important where the Commonwealth later alters preexisting postsecondary-education contracts. In *Maze v. Board of Directors for the Commonwealth Postsecondary Education Prepaid Tuition Trust Fund*, 559 S.W.3d 354 (Ky. 2018), the Kentucky Supreme Court held that retroactive statutory amendments to preexisting prepaid-tuition contracts unlawfully impaired those contracts under Article I, Section 10 of the United States Constitution and Section 19 of Kentucky's Constitution. That principle applies here because SB 185 immediately alters existing student-university obligations and consequences after students have enrolled, registered, paid or obligated themselves to pay, entered payment plans, accepted financial-aid and scholarship arrangements, and pursued particular degree pathways.

The substantial-impairment inquiry also supports interim relief. *Jones v. Board of Trustees of Kentucky Retirement Systems*, 910 S.W.2d 710, 716 (Ky. 1995), explains that only after determining that legislative action substantially impairs a contract does a court decide whether the impairment is reasonable and necessary to serve a legitimate and important public purpose. Here, Plaintiffs have shown a substantial question because SB 185 creates new debt-based bars to admission, readmission, enrollment, and continued enrollment; changes the consequences of existing balances and payment arrangements; compels debt referral; and mandates tax-refund interception for current students who already have contractual and student-account relationships with KSU.

Those impairments are not reasonable or necessary as applied to current students at the temporary-relief stage. Less impairing alternatives were available, including prospective-only application of any new debt policy, preservation of existing payment plans and account arrangements, individualized notice and review, hardship procedures, extended cure periods, financial-aid reconciliation, and tailored student-success safeguards. At minimum, the Section 19 claim supplies an additional substantial constitutional question and independently supports restraining enforcement of SB 185's debt-based enrollment, continued-enrollment, debt-referral, and refund-intercept provisions while this case proceeds.

V. Plaintiffs present a substantial arbitrary-power claim under Section 2.

Section 2 of Kentucky's Constitution forbids absolute and arbitrary power. SB 185 is arbitrary because it imposes extraordinary state control, mission conversion, program restriction, admissions restriction, student-debt consequences, and personnel authority on one public HBCU without constitutionally effective readings, without compliant actuarial/fiscal analysis, and without a generally applicable standard. The Section 2 claim is reinforced by the same evidence supporting the Section 46, Section 55, Sections 59/60, Section 19, and KRS §6.350 claims. At minimum, it presents a substantial question warranting preservation of the *status quo*.

VI. Plaintiffs have standing and an actual controversy.

Plaintiffs are current KSU students directly affected by SB 185. They do not sue as generalized taxpayers or citizens. Their injuries are concrete and particularized: program disruption, faculty loss, course sequencing changes, degree-pathway harm, accreditation risk, admissions/enrollment consequences, student-debt consequences, and loss of the educational environment for which they enrolled. They also allege a direct Section 19 injury because the Act changes the consequences of existing student accounts, payment plans, registration agreements, housing and meal-plan arrangements, scholarships, financial aid, and degree-progress relationships.

Kentucky requires injury in fact, causation, and redressability. *Commonwealth, Cabinet for Health & Family Servs. v. Sexton ex rel. Appalachian Reg'l Healthcare, Inc.*,

566 S.W.3d 185 (Ky. 2018). Plaintiffs satisfy that standard. Their injuries are concrete and particularized: loss or threatened loss of degree pathways, course sequencing, program continuity, faculty mentorship, accreditation stability, admissions and enrollment status, student-account consequences, and educational value. Those injuries are caused by SB 185 and Defendants' implementation of SB 185. They are redressable by a declaration that the Act is void and an injunction preserving the *status quo*.

KRS §418.040 and KRS §418.045 authorize declaratory relief where a person's rights, status, or legal relations are affected by a statute. Plaintiffs' rights, status, and relations as current KSU students are affected immediately and directly by SB 185. An actual controversy exists because Defendants are implementing or preparing to implement SB 185 while Plaintiffs contend it is void.

VII. Plaintiffs will suffer immediate and irreparable harm absent relief.

As set forth herein, irreparable harm is present for several independent reasons:

A. Implementation will render final judgment ineffectual.

Civil Rule 65.04 specifically authorizes temporary relief where the adverse party's conduct during the litigation will tend to render final judgment ineffectual. That is precisely the danger here. SB 185 sets in motion program review, closure, teach-out, accreditation, financial-control, admissions, debt-referral, and employment actions. A later declaration that the Act is void cannot fully recreate degree pathways, reopen

programs without disruption, restore faculty-student relationships, restore applicant cohorts, undo tax intercepts, or undo accreditor-facing submissions.

Once programs are closed, students are placed into teach-out or forced-transfer pathways, faculty leave or are terminated, accreditation submissions are made, applicants enroll elsewhere, or students are barred from continued enrollment, the pre-SB 185 *status quo* cannot readily be restored. A later ruling that SB 185 is void would not automatically recreate degree pathways, restore faculty-student relationships, reopen programs without disruption, restore applicant cohorts, or undo accreditation consequences.

B. The constitutional injury itself supports immediate relief.

A governmental actor has no legitimate interest in enforcing a void statute. The Kentucky Constitution is not optional, and a statutory scheme enacted in violation of Section 46 creates immediate injury when state officials implement it. Kentucky courts recognize the need to protect rights pending adjudication when constitutional or due-process rights are threatened. *Norsworthy*, 330 S.W.3d at 63.

C. Current students face irreparable educational harm.

Plaintiffs selected KSU based on its programs, faculty, campus community, institutional mission, HBCU identity, land-grant role, and/or degree pathways. SB 185 threatens all of those interests. Students in nursing, criminal justice, social work, business administration, and other programs face uncertainty regarding course sequencing,

program availability, faculty mentorship, advising, internships, licensure and graduate-school pathways, accreditation, and timely graduation.

Educational opportunity is time-sensitive. Lost semesters, disrupted degree sequences, eliminated programs, and faculty departures cannot be fully compensated after final judgment. A student forced to transfer, delay graduation, or complete a materially different program has lost more than money. That student has lost the specific educational opportunity and institutional relationship for which he or she enrolled.

Debt, enrollment, and contract-impairment harm is immediate and irreparable.

SB 185's Section 19 injury is not merely monetary. A student barred from continued enrollment because of a newly imposed statutory debt threshold may lose an academic term, degree sequence, financial aid, scholarship eligibility, housing, meal-plan access, clinical placement, internship, program placement, or graduation timing. Debt referral and tax-refund interception also impose immediate collection consequences that can affect financial clearance, registration, transcript access, housing, and continued academic participation.

Once a student is removed from a course, denied enrollment, placed into a forced payment posture, referred to the Department of Revenue, or subjected to tax-refund interception under SB 185, a later judgment may not restore the lost educational sequence or undo the collateral academic and financial consequences. The Court should preserve

the pre-SB 185 contractual and enrollment *status quo* until the Section 19 claim is adjudicated.

D. Accreditation-facing harm is immediate and classwide.

Accreditation affects federal financial aid, transferability of credits, graduate-school and professional recognition, institutional grant eligibility, degree value, enrollment confidence, and institutional reputation. SB 185 places KSU in an accreditation catch-22 by imposing extraordinary state and CPE control over mission, programs, finances, personnel, and submissions while KSU must demonstrate institutional autonomy, governance integrity, educational continuity, faculty responsibility, and sound financial control.

The Court should not allow a constitutionally defective statute to compel accretion-facing submissions, program closures, teach-outs, or governance changes before the Court determines whether the statute exists as law.

E. The HBCU and 1890 land-grant context makes the harm uniquely serious.

KSU's status as Kentucky's only public HBCU and 1890 land-grant institution makes the harm unique. The record reflects a longstanding remedial framework in which KSU's mission, programs, funding, facilities, land-grant activities, administration, and student opportunity were not incidental; they were core areas of state obligation. SB 185 narrows and restructures precisely those categories. That context confirms the urgency of

preserving the *status quo*.

F. The emergency clause creates immediate injury even if the Act were otherwise valid.

If the emergency clause is invalid, the Act is not effective until the normal effective date. Immediate enforcement before that date itself causes irreparable harm by accelerating program, fiscal, admissions, personnel, and student-debt changes that should not occur unless the constitutional emergency requirements were satisfied.

G. Retaliation and disclosure harms are immediate and irreparable.

Plaintiffs' student status makes disclosure harm immediate. Once a student's identity is public, confidentiality cannot be restored. If a retaliatory enrollment, registration, course-access, program-placement, financial-hold, or degree-progress decision is made, a later judgment may not restore the lost semester, course sequence, clinical or professional pathway, scholarship opportunity, housing arrangement, faculty relationship, or academic standing. CR 65 relief is therefore necessary to preserve the Court's ability to grant effective final relief.

VIII. The equities and public interest overwhelmingly favor relief.

The balance of equities favors Plaintiffs. A temporary injunction preserves the *status quo* and prevents irreversible harm while the Court decides whether SB 185 was constitutionally enacted. Defendants remain free to operate KSU, manage ordinary fiscal controls, conduct audits, protect health and safety, support students, preserve

accreditation, and perform ordinary university operations unrelated to SB 185. The requested relief does not require the Court to appropriate funds, manage KSU day-to-day, or substitute judicial policy preferences for academic judgment.

Defendants, by contrast, have no legally cognizable interest in enforcing a statute that was not enacted in compliance with the Kentucky Constitution. If SB 185 is valid, a temporary pause will not destroy the Commonwealth's authority to act later. If SB 185 is void, implementation now will cause harms that cannot be undone.

The public interest likewise favors relief. The public has a paramount interest in enforcement of the Kentucky Constitution, transparent lawmaking, orderly legislative procedure, preservation of educational opportunity, protection of current students, protection of existing student contracts and payment relationships, preservation of accreditation, and prevention of irreversible action under a void statute. Public confidence in government is promoted, not undermined, when courts require compliance with constitutional enactment procedures.

IX. Bond should be nominal.

CR 65.05 requires security in such sum as the Court deems proper. Because the requested order preserves the *status quo* and prevents public officials from implementing a constitutionally defective statute, any monetary risk to Defendants is minimal. Plaintiffs request that the Court set bond at \$100.00 or another nominal amount.

CONCLUSION

Senate Bill 185 was not constitutionally enacted. The Senate read and reread a branch-budget bill, then used that procedural history to pass a non-germane KSU emergency restructuring bill. The transcript shows the KSU substitute was adopted after the purported third reading. The title amendment was adopted only after passage. No motion or vote to dispense with readings occurred. Bevin controls, and Section 46 requires relief. It also imposes new consequences on existing student-university contractual relationships in violation of Section 19, further supporting immediate relief.

WHEREFORE, Plaintiffs respectfully request that this Court enter an immediate restraining order and temporary injunction:

- Declaring, for temporary-relief purposes, that Plaintiffs have presented substantial questions and a strong probability of success that SB 185 was enacted in violation of Kentucky Constitution Section 46;
- Declaring, for temporary-relief purposes, that Plaintiffs have presented substantial questions regarding Sections 2, 19, 51, 55, 59, and 60, KRS 6.350, Senate Rules 52 and 53, and House Rules 52 and 53;
- Restraining Defendants from implementing or enforcing SB 185 pending a full hearing and further order of the Court;
- Specifically restraining program closures, SACSCOC submissions, faculty/staff terminations, admissions/enrollment restrictions, student-debt referral, tax-refund intercepts, debt-based admission or continued-enrollment bars as applied to current students with preexisting contractual or payment relationships, CPE approval requirements, EMARS transition, mission changes, and emergency-effective-date implementation described above to the extent premised on SB 185;
- Restraining Defendants from applying SB 185's \$1,000 debt limitation, continued-enrollment bar, debt-referral provisions, or tax-refund-intercept provisions to current students' preexisting student-account balances, payment plans, registrations, financial-aid arrangements, scholarships, housing or meal-plan agreements, course enrollments, degree pathways, or other student-university

- contractual relationships pending further order of the Court;
- Permitting Plaintiffs to proceed as Student Doe 1 through Student Doe 7 and directing that true identities be lodged under seal, submitted in camera, or disclosed only pursuant to protective order;
 - Restraining Defendants from disclosing Plaintiffs' identities or retaliating against any Plaintiff, putative class member, declarant, witness, or student supporter because of participation in this action;
 - Setting this matter for an expedited temporary-injunction hearing;
 - Setting bond at \$100.00 or another nominal amount; and
 - Granting all other relief to which Plaintiffs are entitled.

MORRIS & MORRIS, P.S.C.

By: /s/ James M. Morris

James M. Morris

Tyler J. Morris

Sharon K. Morris

217 North Upper Street

Lexington, Kentucky 40507

Telephone: (859) 281-6981

Facsimile: (859) 233-7876

ATTORNEYS FOR PUTATIVE CLASS

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served by e-mail and first-class mail, postage pre-paid, this the 21st day of May, 2026, to the below-referenced Agent for service of process on behalf of each of the Defendants herein:

Hon. Russell Coleman
 Kentucky Attorney General
servethecommonwealth@ky.gov
 1024 Capital Center Drive, Suite 200
 Frankfort, KY 40601

/s/ James M. Morris

ATTORNEY FOR PLAINTIFF



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KENTUCKY STATE UNIVERSITY

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Katrina Marshall

Franklin Circuit Clerk

Date: **5/21/2026**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

Served By

Title



E8334742-EA54-4966-B54F-A41480642B80 : 000093 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KENTUCKY COUNCIL ON POSTSECONDARY EDUCATI

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KENTUCKY STATE UNIVERSITY PRESIDENT

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Katrina Marshall

Franklin Circuit Clerk

Date: **5/21/2026**

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E8334742-EA54-4968-B54F-A41480642B80 : 000095 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: COMMONWEALTH OF KENTUCKY

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Franklin Circuit Clerk

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E8334742-EA54-4968-B54F-A41480642B80 : 000096 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KENTUCKY STATE UNIVERSITY

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Katrina Marshall

Franklin Circuit Clerk

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E8334742-EA54-4968-B54F-A41480642B80 : 000097 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: GOVERNOR ANDY BESHEAR

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Katrina Marshall

Franklin Circuit Clerk

Date: **5/21/2026**

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KSU BOARD OF REGENTS

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Katrina Marshall

Franklin Circuit Clerk

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KENTUCKY FINANCE AND ADMINISTRATION CABIN

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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Katrina Marshall

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Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



CIVIL SUMMONS

Plaintiff, DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL, Defendant

TO: KENTUCKY ATTORNEY GENERAL

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Kathryn Marshall

Franklin Circuit Clerk

Date: 5/21/2026

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

Served By

Title



E8334742-EA54-4966-B54F-A41480642B80 : 000101 of 000102

Presiding Judge: HON. THOMAS DAWSON WINGATE (648243)

CI : 000001 of 000001



Commonwealth of Kentucky
Kathryn Marshall, Franklin Circuit Clerk

Case #: 26-CI-00587

Envelope #: 13781984

Received From: JAMES MORRIS

Account Of: JAMES MORRIS

Case Title: DOE, STUDENT I ET AL VS. COMMONWEALTH OF KENTUCKY ET AL

Confirmation Number: 221179946

Filed On: 5/21/2026 9:26:50PM

#	<u>Item Description</u>	<u>Amount</u>
1	Court Facilities Fee	\$25.00
2	Access To Justice Fee	\$20.00
3	Money Collected For Others(Court Tech. Fee)	\$20.00
4	Money Collected For Others(Attorney Tax Fee)	\$5.00
5	Library Fee	\$3.00
6	Civil Filing Fee	\$150.00
	TOTAL:	<u>\$223.00</u>

E8334742-EA54-4968-B54F-A41480642B80 : 000102 of 000102