

48.027 Appropriations not to be used by state official or agency to challenge constitutionality -- Limited exceptions -- Attorney General sole named respondent in challenge to this section.

- (1) Notwithstanding any statute, administrative regulation, or common law to the contrary, and except as provided in this subsection, appropriations from the general fund, any restricted fund, the road fund, or any federal funds, whether for employee time or any other purpose, shall not be expended by an elected statewide constitutional officer, except the Attorney General, or by any other state official, employee, or agency, other than the Department of Public Advocacy in a criminal matter, to bring or support a challenge to the constitutionality of any legislative act or resolution of the General Assembly. Nothing in this section shall limit any officer, official, employee, or agency in the defense of any action brought against him or her by a party with proper standing.
- (2) If the constitutionality of subsection (1) of this section is challenged through litigation, the Attorney General shall be the sole named respondent for the Commonwealth of Kentucky in such litigation and shall consult with the Legislative Research Commission regarding defense of such litigation.

Effective: April 13, 2022

History: Created 2022 Ky. Acts ch. 195, sec. 1, effective April 13, 2022.

Legislative Research Commission Note (4/13/2022). 2022 Ky. Acts ch. 195, sec. 2, provides that this statute, which was created by the Act, is retroactive to January 1, 2022.