



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

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VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING HOUSE BILL 248 OF THE
2022 REGULAR SESSION

I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:

House Bill 248 of the 2022 Regular Session of the General Assembly in its entirety.

I am vetoing House Bill 248 because it violates the Kentucky Constitution in multiple ways. House Bill 248 prohibits any constitutional officer and any state official, employee or agency, with the exception of the Attorney General and the Department of Public Advocacy, from spending any public funds to challenge or support a challenge to the constitutionality of any law or resolution the General Assembly passes. This is a blatant attempt by the General Assembly to shield unconstitutional laws it passes from judicial review, barring access to courts in violation of Section 14 of the Kentucky Constitution, and invading the Executive and Judicial Branches of state government in violation of the strict separation of powers in Sections 27, 28 and 29 of the Kentucky Constitution.

Section 81 of the Kentucky Constitution makes it only the Governor's duty to take care that the laws are faithfully executed. The Kentucky Constitution is the supreme law of the Commonwealth. The Governor's duty under Section 81 is certainly to, above all other laws, ensure the Kentucky Constitution is faithfully executed, and House Bill 248 violates that section by attempting to prevent the Governor from carrying out that duty.

House Bill 248 prevents Kentucky courts from making their own determinations regarding standing and from reviewing laws to reach a complete determination as to their constitutionality, in violation of Sections 109, 110, 111, 112 and 116 of the Kentucky Constitution. Further, because House Bill 248 applies retroactively to January 1, 2022, it impairs existing contracts for legal services in violation of Section 19 of the Kentucky Constitution. By allowing the General Assembly to pass laws that cannot be challenged with any public funds, House Bill 248 gives the legislature absolute and arbitrary power, which the Bill of Rights of the Kentucky Constitution prohibits. Section 26 of the Kentucky Constitution makes the Bill of Rights inviolate and mandates that all laws that are contrary to the Bill of Rights and all laws contrary to the Constitution are void.

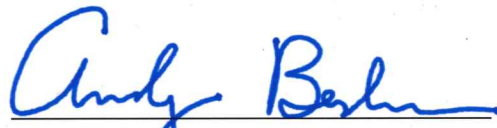
Under House Bill 248 any challenge to its constitutionality can be brought against only the Attorney General, further shielding the General Assembly from its encroachment on the other branches of government. House Bill 248 will make every constitutional officer other than the Attorney General and every state official, employee or agency spend their own personal money to challenge the constitutionality of a law, even though such challenges are always brought in an official capacity. And the prohibition even applies to federal funds that the General Assembly has no control over. Under its plain language, House Bill 248 applies to challenges to laws that may violate the United States Constitution as well as the Kentucky Constitution.

In addition, House Bill 248 violates the oath of office in Section 228 of the Kentucky Constitution that members of the General Assembly and all officers must take before entering on the execution of the duties of their offices, as well as all members of the bar must take before practicing law. That oath begins with swearing or affirming that the person will support the United States Constitution and the Kentucky Constitution, and requires that the person faithfully execute his or her office according to law. Contrary to supporting the United States Constitution and the Kentucky Constitution, House Bill 248 allows unconstitutional laws to go unchallenged, and prevents officers from faithfully executing the duties of their offices according to law.

House Bill 248 is an unconstitutional power grab by the General Assembly.

For these reasons, I am vetoing House Bill 248.

This, the 6th day of April, 2022.



Andy Beshear
Governor