

1 AN ACT relating to the expenditure of appropriated funds and declaring an
2 emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) Notwithstanding any statute, administrative regulation, or common law to the*
7 *contrary, and except as provided in this subsection, appropriations from the*
8 *general fund, any restricted fund, the road fund, or any federal funds, whether*
9 *for employee time or any other purpose, shall not be expended by an elected*
10 *statewide constitutional officer, except the Attorney General, or by any other state*
11 *official, employee, or agency, other than the Department of Public Advocacy in a*
12 *criminal matter, to bring or support a challenge to the constitutionality of any*
13 *legislative act or resolution of the General Assembly. Nothing in this section shall*
14 *limit any officer, official, employee, or agency in the defense of any action*
15 *brought against him or her by a party with proper standing.*

16 *(2) If the constitutionality of subsection (1) of this section is challenged through*
17 *litigation, the Attorney General shall be the sole named respondent for the*
18 *Commonwealth of Kentucky in such litigation and shall consult with the*
19 *Legislative Research Commission regarding defense of such litigation.*

20 ➔Section 2. This Act shall retroactively apply to January 1, 2022.

21 ➔Section 3. Whereas the provisions of this Act are imperative to the General
22 Assembly's constitutional authority to make the laws, the Governor's constitutional
23 obligation to enforce those laws, and the public's confidence in its elected chief legal
24 officer to advise as to the constitutionality of legislation, an emergency is declared to
25 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
26 otherwise becoming a law.