

1 AN ACT relating to the funding of lawsuits instituted by the Commonwealth.

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

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

5 *(1) An executive branch official shall not expend any appropriations or funds,*
6 *including the use of state employee time or resources, to challenge any action of*
7 *the federal government without the written consent of the Attorney General.*

8 *(2) The Attorney General shall represent the Commonwealth in all litigation*
9 *affecting the Commonwealth. The Governor shall not use his or her office to take*
10 *a position on legal actions against the federal government without the written*
11 *consent of the Attorney General.*

12 *(3) (a) The Attorney General may bring a civil action to enjoin the Governor or an*
13 *executive branch official from violating subsection (1) or (2) of this section.*
14 *If the Governor or an executive branch official is found to have violated*
15 *subsection (1) or (2) of this section, his or her office shall reimburse the*
16 *Attorney General for any expenses incurred in bringing forth the action.*

17 *(b) Any executive branch official who violates subsection (1) of this section*
18 *shall have committed an act of malfeasance, and an abuse of his or her*
19 *office and may be subject to removal from his or her office as provided by*
20 *law.*

21 *(4) (a) Sovereign, governmental, and qualified immunity are waived to the extent*
22 *of liability created under this section.*

23 *(b) The Commonwealth waives immunity for prospective equitable and*
24 *declaratory relief under the Eleventh Amendment to the Constitution of the*
25 *United States for cases brought against it in federal jurisdictions for similar*
26 *causes of action to that of this section.*