

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.