

1 AN ACT relating to the duties of the Attorney General.

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

3 ➔Section 1. KRS 15.020 is amended to read as follows:

4 **(1)** The Attorney General is the chief law officer of the Commonwealth of Kentucky  
5 and all of its departments, commissions, agencies, and political subdivisions, and  
6 the legal adviser of all state officers, departments, commissions, and agencies, and  
7 when requested in writing shall furnish to them his written opinion touching any of  
8 their official duties, and shall prepare proper drafts of all instruments of writing  
9 required for public use, and shall exercise all common law duties and authority  
10 pertaining to the office of the Attorney General under the common law, except  
11 when modified by statutory enactment.

12 **(2)** ***The Attorney General***~~[He]~~ shall communicate with the Legislative Research  
13 Commission as required by KRS 418.075.

14 **(3)** ***When notified of a challenge to the constitutionality of a duly enacted statute or***  
15 ***legislation of the General Assembly, the Attorney General shall intervene and***  
16 ***defend the constitutionality of said statute or legislation.***

17 **(4)** Except as otherwise provided in KRS 48.005 and 2000 Ky. Acts ch. 483, sec. 8, ***the***  
18 ***Attorney General***~~[he]~~ shall appear for the Commonwealth in all cases in the  
19 Supreme Court or Court of Appeals wherein the Commonwealth is interested, and  
20 shall also commence all actions or enter his appearance in all cases, hearings, and  
21 proceedings in and before all other courts, tribunals, or commissions in or out of the  
22 state, and attend to all litigation and legal business in or out of the state required of  
23 him by law, or in which the Commonwealth has an interest, and any litigation or  
24 legal business that any state officer, department, commission, or agency may have  
25 in connection with, or growing out of, his or its official duties, except where it is  
26 made the duty of the Commonwealth's attorney or county attorney to represent the  
27 Commonwealth. When any attorney is employed for any said agency, the same shall

1 have the approval of such agency before such employment.

2 **(5)** If any funds of any kind or nature whatsoever are recovered by or on behalf of the  
3 Commonwealth, in any action, including an ex rel. action where the Attorney  
4 General has entered an appearance or is a party according to statutory or common  
5 law authority, those funds shall be handled under KRS 48.005.

6 ➔Section 2. KRS 15.090 is amended to read as follows:

7 **(1)** The Attorney General may prosecute an appeal, without security, in any case from  
8 which an appeal will lie whenever, in his judgment, the interest of the  
9 Commonwealth demands it.

10 **(2) When the appeal is in regard to the constitutionality of a duly enacted statute or**  
11 **legislation of the General Assembly, the Attorney General shall intervene and**  
12 **defend the constitutionality of said statute or legislation.**

13 ➔Section 3. KRS 418.075 is amended to read as follows:

14 When declaratory relief is sought, all persons shall be made parties who have or claim  
15 any interest which would be affected by the declaration, and no declaration shall  
16 prejudice the rights of persons not parties to the proceeding.

17 (1) In any proceeding which involves the validity of a statute, the Attorney General of  
18 the state shall, before judgment is entered, be served with a copy of the petition, and  
19 shall be entitled to be heard, and if the ordinance or franchise is alleged to be  
20 unconstitutional, the Attorney General of the state shall also be served with a copy  
21 of the petition and be entitled to be heard.

22 (2) In any appeal to the Kentucky Court of Appeals or Supreme Court or the federal  
23 appellate courts in any forum which involves the constitutional validity of a statute,  
24 the Attorney General shall, before the filing of the appellant's brief, be served with a  
25 copy of the pleading, paper, or other documents which initiate the appeal in the  
26 appellate forum. This notice shall specify the challenged statute and the nature of  
27 the alleged constitutional defect.

1 (3) *When notified of a challenge to the constitutionality of a duly enacted statute or*  
2 *legislation of the General Assembly, or when an appeal involves the*  
3 *constitutional validity of a statute or legislation of the General Assembly, the*  
4 *Attorney General shall intervene and defend the constitutionality of said statute*  
5 *or legislation.*

6 (4) The Attorney General shall notify the Legislative Research Commission of:

7 (a) The receipt of a petition and the nature of any proceedings involving the  
8 validity of a statute; and

9 (b) The entering of a final judgment in those proceedings, if the Attorney General  
10 is a party to that action.

11 ~~(5)~~~~(4)~~ Pursuant to Sections 43 and 231 of the Constitution of Kentucky, members of  
12 the General Assembly, organizations within the legislative branch of state  
13 government, or officers or employees of the legislative branch shall not be made  
14 parties to any action challenging the constitutionality or validity of any statute or  
15 regulation, without the consent of the member, organization, or officer or employee.