

**CHAPTER 152****(SB 219)**

AN ACT relating to legislative involvement in litigation.

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

Section 1. KRS 418.075 is amended to read as follows:

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

- (1) In any proceeding which involves the validity of a statute, the Attorney General of the state shall, before judgment is entered, be served with a copy of the petition, and shall be entitled to be heard, and if the ordinance or franchise is alleged to be unconstitutional, the Attorney General of the state shall also be served with a copy of the petition and be entitled to be heard.
- (2) In any appeal to the Kentucky Court of Appeals or Supreme Court or the federal appellate courts in any forum which involves the constitutional validity of a statute, the Attorney General shall, before the filing of the appellant's brief, be served with a copy of the pleading, paper, or other documents which initiate the appeal in the appellate forum. This notice shall specify the challenged statute and the nature of the alleged constitutional defect.
- (3) The Attorney General shall notify the Legislative Research Commission of:
  - (a) The receipt of a petition and the nature of any proceedings involving the validity of a statute; and
  - (b) The entering of a final judgment in those proceedings, if the Attorney General is a party to that action.
- (4) *Pursuant to Sections 43 and 231 of the Constitution of Kentucky, members of the General Assembly, organizations within the legislative branch of state government, or officers or employees of the legislative branch shall not be made parties to any action challenging the constitutionality or validity of any statute or regulation, without the consent of the member, organization, or officer or employee.*

**Became law March 22, 2003, without Governor's signature.**