

1 AN ACT relating to civil actions.

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

3 ➔Section 1. KRS 452.010 is amended to read as follows:

4 (1) The parties to any civil action in a Circuit Court may, by consent, have an order in  
5 or out of court for its removal to any other Circuit Court.

6 (2) A party to any civil action triable by a jury in a Circuit Court may have a change of  
7 venue when it appears that, because of the undue influence of his adversary or the  
8 odium that attends the party applying or his cause of action or defense, or because  
9 of the circumstances or nature of the case he cannot have a fair and impartial trial in  
10 the county.

11 **(3) Notwithstanding subsections (1) and (2) of this section and any other statute to**  
12 **the contrary, an action that includes a claim for declaratory judgment, injunctive**  
13 **relief, or other form of equitable or other relief, or challenges the**  
14 **constitutionality of a Kentucky constitutional provision, statute, or administrative**  
15 **regulation, which is brought jointly or severally against any state official,**  
16 **including but not limited to any executive branch office, agency, officer, and**  
17 **public servant as defined in KRS 11A.010, or the General Assembly, or any body,**  
18 **subdivision, caucus, committee, or member thereof, or the Legislative Research**  
19 **Commission, may be removed by one (1) or more of the defendants that are**  
20 **public offices, agencies, officers, or employees, to the Circuit Court of another**  
21 **county in Kentucky, subject to the following requirements:**

22 **(a) Within twenty (20) days after service of the complaint, notice of removal**  
23 **shall be filed with the clerk of the Circuit Court in which the action is**  
24 **originally filed and notice shall be served upon the plaintiff or plaintiffs;**

25 **(b) Upon such filing, the judge or judges in the Circuit Court and District**  
26 **Court, and any District Trial Commissioner, in the county in which the**  
27 **action is originally filed, shall take no further action in the case; and**

1        *(c) The clerk of the Circuit Court in which the action was originally filed shall,*  
 2        *no later than three (3) business days after the action is filed, absent consent*  
 3        *of all the parties for a longer period of time, select by random lottery draw,*  
 4        *in the presence of the parties or their counsel, unless they waive the right,*  
 5        *another Kentucky county in which venue shall then lie. In no event shall a*  
 6        *county be selected that is within the same judicial circuit as the county in*  
 7        *which the action was originally filed.*

8        ➔Section 2. KRS 452.090 is amended to read as follows:

9        *(1)* The court to which the action is removed shall have the same power as to its trial  
 10        and final disposition as the court from which it was removed.

11        *(2) In all non-injury civil actions transferred pursuant to Section 1 of this Act, the*  
 12        *Circuit Court Judge may, and is encouraged to, in the interests of justice,*  
 13        *considering the convenience to the court, the parties, their attorneys, and the*  
 14        *witnesses, hold hearings and the trial in the county in which the action was*  
 15        *originally filed.*

16        ➔Section 3. KRS 5.005 is amended to read as follows:

17        (1) ~~{An action challenging the constitutionality of any legislative district created by this~~  
 18        ~~chapter shall be brought in Franklin Circuit Court, which shall have exclusive venue~~  
 19        ~~in all matters relating to redistricting.~~

20        ~~(2) —~~ The Secretary of State shall be named as a defendant in any action challenging the  
 21        constitutionality of any legislative district created by this chapter.

22        ~~(2)~~~~{(3)}~~ The Legislative Research Commission may intervene as a matter of right in  
 23        any action challenging the constitutionality of any legislative district created by this  
 24        chapter.