

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 or**
13 **injunctive relief, challenges the constitutionality of a Kentucky constitutional**
14 **provision, statute, or administrative regulation, and is brought against any state**
15 **official in his or her official capacity, including but not limited to any executive**
16 **branch office agency, officer, and public servant as defined in KRS 11A.010, or**
17 **the General Assembly, or any body, subdivision, caucus, committee, or member**
18 **thereof, or the Legislative Research Commission, may be removed by one (1) or**
19 **more of the defendants that are public offices, agencies, officers, or employees, to**
20 **the Circuit Court of another county in Kentucky, subject to the following**
21 **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 notice pursuant to paragraph (a)
 3 of this subsection is filed, absent consent of all the parties for a longer
 4 period of time, select by random lottery draw, in the presence of the parties
 5 or their counsel, unless they waive the right, another Kentucky county in
 6 which venue shall then lie. In no event shall a county be selected that is
 7 within the same judicial circuit as the county in which the action was
 8 originally filed.

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

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

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

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

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

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

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