

1 AN ACT relating to civil actions.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 452 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Notwithstanding any other statute to the contrary except KRS 5.005, the original*
6 *venue for any civil action that:*

7 *(a) Challenges the constitutionality of a Kentucky:*

8 *1. Statute;*

9 *2. Executive order; or*

10 *3. Administrative regulation;*

11 *(b) Includes a claim for declaratory judgement or injunctive relief; and*

12 *(c) Is brought jointly or severally against:*

13 *1. Any state official in his or her official capacity, including but not*
14 *limited to any public servant as defined in KRS 11A.010; or*

15 *2. Any body, subdivision, caucus, committee, or member of the General*
16 *Assembly or the Legislative Research Commission;*

17 *shall be as provided in this section.*

18 *(2) (a) The plaintiff in an action described in subsection (1) of this section shall*
19 *file a complaint with the Circuit Court clerk in the county where the*
20 *plaintiff resides.*

21 *(b) The circuit clerk shall at once certify the action to the Chief Justice of the*
22 *Kentucky Supreme Court. Within four (4) days of the certification, the*
23 *Chief Justice shall randomly select one (1) Circuit Judge from each of the*
24 *three (3) districts established in subsection (3) of this section. The selected*
25 *judges shall convene as a panel.*

26 *(c) Any judge selected for the panel shall have all the powers and*
27 *responsibilities of a regular judge of the court. In addition, one (1) of the*

1 randomly selected judges shall be named by the Chief Justice as the chief
2 judge for the panel.

3 (d) 1. The chief judge may grant a temporary restraining order on a specific
4 finding, based on evidence submitted, that specified irreparable
5 damage will result if the order is not granted. The order shall remain
6 in force only until the full panel hears and determines any petition for
7 a preliminary injunction.

8 2. Any action of a single judge pursuant to this section may be reviewed
9 by the full panel at any time before a final judgment is issued in the
10 challenge for which the panel was convened.

11 (e) 1. The challenge shall be heard and any orders shall be entered in the
12 judicial circuit in which the petition was filed;

13 2. If subsequent challenges to the same statute, executive order, or
14 administrative regulation are filed in the same or any other Circuit
15 Court while the initial challenge is pending, the challenges shall be
16 consolidated and tried together.

17 (f) The panel shall decide the challenge by concurring vote of a majority of its
18 judges, and the decision shall be subject to the same rights of appeal as in
19 other civil actions.

20 (3) The districts from which Circuit Judges shall be selected for challenges under
21 this section are by county as follows:

22 (a) First District: Adair, Allen, Ballard, Barren, Boyle, Breckenridge, Bullitt,
23 Butler, Caldwell, Calloway, Carlisle, Casey, Christian, Clinton, Crittenden,
24 Cumberland, Daviess, Edmonson, Fulton, Graves, Grayson, Green,
25 Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Larue, Livingston,
26 Logan, Lyon, Marion, Marshall, McCracken, McLean, Meade, Mercer,
27 Metcalf, Monroe, Muhlenberg, Nelson, Ohio, Russell, Simpson, Spencer,

- 1 Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, and Webster;
- 2 **(b) Second District: Anderson, Bourbon, Carroll, Fayette, Franklin, Henry,**
- 3 **Jefferson, Jessamine, Oldham, Scott, Shelby, Trimble, and Woodford; and**
- 4 **(c) Third District: Bath, Bell, Boone, Boyd, Bracken, Breathitt, Campbell,**
- 5 **Carter, Clark, Clay, Elliott, Estill, Fleming, Floyd, Gallatin, Garrard,**
- 6 **Grant, Greenup, Harlan, Harrison, Jackson, Johnson, Kenton, Knott,**
- 7 **Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison,**
- 8 **Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan,**
- 9 **Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski,**
- 10 **Robertson, Rockcastle, Rowan, Whitley, and Wolfe.**
- 11 **(4) If a judicial circuit is split by the district borders established in subsection (3) of**
- 12 **this section, the names of Circuit Judges from that judicial circuit shall be**
- 13 **included in the random drawing pool for the districts established in subsection**
- 14 **(3) of this section which encompass that circuit.**