

1 AN ACT relating to attorney's fees and declaring an emergency.

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

3 ➔Section 1. KRS 5.005 is amended to read as follows:

- 4 (1) An action challenging the constitutionality of any legislative district created by this  
5 chapter shall be brought before a Circuit Court panel of three (3) judges, as  
6 convened pursuant to this section, which shall have exclusive jurisdiction in all  
7 matters relating to redistricting.
- 8 (2) The Secretary of State shall be named as a defendant in any action challenging the  
9 constitutionality of any legislative district created by this chapter.
- 10 (3) The Legislative Research Commission may intervene as a matter of right in any  
11 action challenging the constitutionality of any legislative district created by this  
12 chapter.
- 13 (4) (a) Petitions to challenge the constitutionality of any legislative district created by  
14 this chapter may be filed with the Circuit Court clerk in the judicial circuit  
15 where the petitioner resides.
- 16 (b) The circuit clerk shall at once certify the challenge to the Chief Justice of the  
17 Kentucky Supreme Court. Within twenty (20) days of the certification, the  
18 Chief Justice shall randomly select three (3) current or retired Circuit Judges  
19 to convene as a panel. No judge serving on the panel shall be from the same  
20 Supreme Court district as any other judge serving on the panel.
- 21 (c) Any judge selected for the panel shall have all the powers and responsibilities  
22 of a regular judge of the court. In addition, one (1) of the randomly selected  
23 judges shall be named by the Chief Justice as the chief judge for the panel.
- 24 (d) 1. The chief judge may grant a temporary restraining order on a specific  
25 finding, based on evidence submitted, that specified irreparable damage  
26 will result if the order is not granted. The order shall remain in force  
27 only until the full panel hears and determines any petition for a

1 preliminary injunction.

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

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

7 2. If subsequent challenges to the same legislative redistricting plan are  
8 filed in the same or any other Circuit Court while the initial challenge is  
9 pending, the challenges shall be consolidated and tried together.

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

13 (g) A retired justice or judge serving on a panel convened under this section shall  
14 be compensated as provided by KRS 21A.110.

15 **(5) Notwithstanding any other law, including common law, attorney's fees shall not**  
16 **be awarded to any party in an action brought under this section.**

17 ➔Section 2. Whereas the boundaries of legislative districts have been recently  
18 redrawn and that may result in legal challenges in the courts of this Commonwealth, an  
19 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
20 the Governor or upon its otherwise becoming a law.