

1 AN ACT relating to liability for damage to property adjacent to Department of Fish
2 and Wildlife Resources Commission-managed lands.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) As used in this section:

7 (a) "Adjacent landowner" means a person or entity that owns property that
8 abuts commission-managed lands; and

9 (b) "Commission-managed lands" has the same meaning as in KRS 150.0241.

10 (2) The department shall waive any claim of sovereign immunity and shall be liable
11 for damages to the property of adjacent landowners which result from the
12 department's administrative regulations, policies, management, and operations of
13 commission-managed lands.

14 (3) Adjacent landowners may seek recovery for loss of value, loss of temporary use,
15 loss of permanent use, loss of profit, diminished value of real property, court
16 costs, and attorney's fees.

17 (4) Claims for damages shall be brought in the Circuit Court of the county in which
18 the property of the adjacent landowner is located, and an action under this
19 section shall not be removed to Franklin District or Circuit Court.
20 Notwithstanding KRS 49.060, the Board of Claims created in KRS 49.010 shall
21 not have jurisdiction to hear claims brought pursuant to this section.