

AN ACT proposing an amendment to Sections 211 and 242 of the Constitution of Kentucky relating to eminent domain.

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

➔Section 1. It is proposed that Section 211 of the Constitution of Kentucky be amended to read as follows:

No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall ~~be entitled to the benefit of the right of eminent domain or~~ have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

➔Section 2. It is proposed that Section 242 of the Constitution of Kentucky be amended to read as follows:

Only the government shall possess the power of eminent domain, with the General Assembly establishing by general law those units of state and local government which may exercise this power. The General Assembly may also authorize a unit of state or local government to take, injure, or destroy property for the benefit of or subsequent transfer to a nongovernmental entity if the action meets the requirements of Section 13 of this Constitution and the nongovernmental entity bears the cost of the court judgment. The government ~~[Municipal and other corporations, and individuals invested with the privilege of taking private property for public use,]~~ shall make just compensation for property taken, injured or destroyed by *it* ~~[them]~~; which compensation shall be paid before such taking, or paid or secured, at the election of ***the condemnor*** ~~[such corporation or individual]~~, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages ~~[against any such corporation or individual]~~ made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the

course of the common law.

➔Section 3. This Act shall be known and may be cited as, "The Kentucky Landowner's Bill of Rights."

➔Section 4. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under KRS 118.415.