

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.*