

CHAPTER 399 (SB 70)

AN ACT proposing an amendment to Sections 201, 209, and 218 of the Constitution of Kentucky relating to abolition of the Railroad Commission.

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

Section 1. It is proposed that Section 201 of the Constitution of Kentucky be amended to read as follows:

No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying: Provided, however, That telephone companies may acquire by purchase or lease, or otherwise, and operate, parallel or competing exchanges, lines and structures, and the property of other telephone companies, if the ~~Railroad Commission or such other~~ state **agency**~~commission~~ as may have jurisdiction over such matters shall first consent thereto, and if, further, each municipality wherein such property or any part thereof is located shall also first consent thereto as to the property within its limits, but under any such acquisition and operation toll line connections with the property so acquired shall be continued and maintained under an agreement between the purchasing company and the toll line companies then furnishing such service, and in the event they are unable to agree as to the terms of such an agreement the ~~Railroad Commission or such other~~ state **agency**~~commission~~ as may have jurisdiction over such matters, shall fix the term of such agreement.

Section 2. It is proposed that Section 218 of the Constitution of Kentucky be amended to read as follows:

It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: Provided, That upon application to the **state agency as may have jurisdiction over such matters**~~Railroad Commission~~, such common carrier, or person or corporation owning or operating a railroad in this State, may in special cases, after investigation by the **appropriate state agency**~~commission~~, be authorized to charge less for longer than for shorter distances for the transportation of passengers, or property; and the **appropriate state agency**~~commission~~ may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operation of this section.

Section 3. It is proposed that the present Constitution of Kentucky be amended by repealing the following section.

209 Railroad Commission -- Election, term, and qualifications of Commissioners -
Commissioners' districts -- Powers and duties -- Removal -- Vacancies.

Section 4. It is further proposed as a part of this amendment and as a schedule of transitional provisions, for the purposes of this amendment, and any other provision of the Constitution of Kentucky notwithstanding, that:

- (1) Any Railroad Commissioner serving in office at the time of the ratification of this amendment shall continue in office until the expiration of his current term.
- (2) Upon the proposed amendment's approval by the voters of the Commonwealth, the statutory duties of the Railroad Commission shall continue in effect until the effective date of legislation enacted by the General Assembly to implement this amendment.

Section 5. 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.

Governor's signature not required

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