

**CHAPTER 53****(HB 202)**

AN ACT relating to sewer systems.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) The provisions of any other law, rule, or regulation notwithstanding, if any city, county, public body corporate or politic, or special district or subdistrict furnishes or proposes to furnish sewage treatment utility services to customers of another sewage treatment utility by means of all or any part of the installations owned or paid for by that other sewage treatment utility, then the city, county, public body, district, or subdistrict taking over or proposing to take over the customers shall pay just compensation for these installations prior to the time the customers are taken over. If an agreement for compensation is not reached, then just compensation for the installations shall be payable by the city, county, public body, district, or subdistrict after condemnation as provided for in the Eminent Domain Act of Kentucky.*
- (2) There is hereby granted to any city, county, public body corporate or politic, or special district or subdistrict the power of eminent domain with respect to sewage treatment plants, facilities, and installations owned by sewage treatment utilities. This power of eminent domain shall be exercisable in the manner prescribed by the Eminent Domain Act of Kentucky.*
- (3) Any city, county, public body corporate or politic, or special district or subdistrict shall be entitled to surcharge customers so as to recover the amount of compensation paid for installations acquired under this section by agreement or condemnation.*

Section 2. The following KRS section is repealed:

65.115 Compensation for sewage treatment utility property -- Eminent domain -- Surcharge to customers.

**Approved April 2, 2004**