

151.700 Declaration of policy.

- (1) The General Assembly declares that based upon an implied contract between the Commonwealth and the United States government through the Secretary of the United States Army and his predecessors, the validity of which is evidenced by over one hundred (100) years of performance by the federal government, it is the responsibility of the United States Army Corps of Engineers and the United States Congress to operate and maintain the locks and dams on the Kentucky River and therefore urges the Congress and the corps to provide the funds necessary to properly maintain the locks and dams, the condition of which the General Assembly finds is deteriorating.
- (2) The General Assembly recognizes the historic importance of the Kentucky River locks and dams in providing a source of clean water supply for several hundred thousand citizens of the Commonwealth. Therefore, if the Congress and the corps fail to fulfill their responsibility for the Kentucky River locks and dams as stated in subsection (1) of this section and the Commonwealth thereby must assume ownership of the locks and dams, it shall be the public policy of the Commonwealth to protect the health and welfare of the citizens dependent upon this system of locks and dams for their source of clean water, and to that end, the Commonwealth shall provide for the proper maintenance of the Kentucky River locks and dams through the Kentucky River Authority. It shall be the public policy of the Commonwealth that should the United States Army Corps of Engineers and the United States Congress fail to fulfill their responsibility to maintain and operate the Kentucky River locks and dams, and should all efforts on the part of the Commonwealth fail to force the corps and Congress to fulfill their responsibility, then the Commonwealth shall assume ownership of all United States Army Corps of Engineers property, both real and personal, on or adjacent to the Kentucky River after ninety (90) days from the date on which the corps obtains final authority to dispose of such property. During that ninety (90) day period, the Commonwealth shall publish legal notice of its intention to assume ownership of the property.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 295, sec. 1, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 383, sec. 1, effective July 15, 1986.