

AN ACT relating to eminent domain.

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

➔Section 1. KRS 416.675 is amended to read as follows:

(1) Every grant of authority contained in the Kentucky Revised Statutes to exercise the power of eminent domain shall be subject to the condition that the authority be exercised:

***(a)*** Only to effectuate a public use of the condemned property; ***and***

***(b)*** *To grant the person whose property is condemned the right to access the service for which the property is condemned at the same rate the general public is charged for such services, including but not limited to water, sewage, electric, telephone, cable, wireless telecommunications, gas, or oil.*

(2) "Public use" shall mean the following:

(a) Ownership of the property by the Commonwealth, a political subdivision of the Commonwealth, or other governmental entity;

(b) The possession, occupation, or enjoyment of the property as a matter of right by the Commonwealth, a political subdivision of the Commonwealth, or other governmental entity;

(c) The acquisition and transfer of property for the purpose of eliminating blighted areas, slum areas, or substandard and insanitary areas in accordance with KRS Chapter 99;

(d) The use of the property for the creation or operation of public utilities or common carriers; or

(e) Other use of the property expressly authorized by statute.

(3) No provision in the law of the Commonwealth shall be construed to authorize the condemnation of private property for transfer to a private owner for the purpose of economic development that benefits the general public only indirectly, such as by increasing the tax base, tax revenues, or employment, or by promoting the general

economic health of the community. However, this provision shall not prohibit the sale or lease of property to private entities that occupy an incidental area within a public project or building, provided that no property may be condemned primarily for the purpose of facilitating an incidental private use.

- (4) The exercise of the power of eminent domain for the acquisition of property financed by state road funds or federal highway funds shall be exempt from the provisions of this section.