

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 of Fish and Wildlife Resources shall waive any claim of*
11 *sovereign immunity and shall be liable for damages to the property of adjacent*
12 *landowners which result from the Department's regulations, policies,*
13 *management, and operations of 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 adjacent property is located, and an action under this section shall not be*
19 *removed to Franklin District or Circuit Courts. Notwithstanding KRS 49.060, the*
20 *Kentucky Claims Commission established in KRS 49.010 shall not have*
21 *jurisdiction to hear claims brought pursuant to this section.*