

1 AN ACT relating to eminent domain.

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

3 ➔Section 1. KRS 416.550 is amended to read as follows:

4 **(1) If, after meeting the requirements of subsection (2) of this section, a**~~Whenever~~
5 ~~any~~ condemnor cannot, by agreement with the owner thereof, acquire the property
6 right, privileges, or easements needed for any of the uses or purposes for which the
7 condemnor is authorized by law~~;~~ to exercise its right of eminent domain, the
8 condemnor may condemn such property, property rights, privileges, or easements
9 pursuant to the provisions of KRS 416.550 to 416.670. It is not a prerequisite to an
10 action to attempt to agree with an owner who is unknown or who, after reasonable
11 effort, cannot be found within the state or with an owner who is under a disability.

12 **(2) A condemnor that is seeking to condemn private property for any of the purposes**
13 **for which the condemnor is authorized by law to exercise the right of eminent**
14 **domain shall first:**

15 **(a) Engage in good faith negotiations with the owner or owners of the property**
16 **to voluntarily acquire the property rights, privileges, easements, or other**
17 **agreements to use and occupy the land sought;**

18 **(b) With the written consent of the property owner, make audio or video**
19 **recordings, or both, of all good faith negotiations required under paragraph**
20 **(a) of this subsection and, no later than one (1) week thereafter, submit the**
21 **recordings to the Attorney General, in the form and manner as the Attorney**
22 **General may prescribe, for review for compliance with the requirements of**
23 **this section. Prior to obtaining the consent of the property owner for making**
24 **an audio or video recording under this paragraph, the condemnor shall**
25 **inform the property owner that the recording will be subject to public**
26 **inspection in accordance with subsection (3) of this section. If the property**
27 **owner refuses to consent to a recording being made, then the requirements**

- 1 of this paragraph shall be waived;
- 2 (c) Not make any materially false or misleading statements when engaging in
- 3 the good faith negotiations required by paragraph (a) of this subsection;
- 4 and
- 5 (d) Not enter into any legally binding agreement with the property owner, or
- 6 seek condemnation, until after a survey has been conducted of the property
- 7 at the expense of the condemnor.
- 8 (3) Notwithstanding KRS 61.878 or any other provision of law to the contrary, any
- 9 recordings required under subsection (2)(b) of this section that have been
- 10 submitted to the Attorney General shall be nonexempt public records under the
- 11 Kentucky Open Records Act, KRS 61.870 to 61.884, and shall be subject to public
- 12 inspection.

13 ➔Section 2. KRS 416.570 is amended to read as follows:

14 Except as otherwise provided in KRS 416.560, a condemnor seeking to condemn
15 property or the use and occupation thereof, shall file a verified petition in the Circuit
16 Court of the county in which all or the greater portion of the property sought to be
17 condemned is located, which petition shall state that it is filed under the provisions of
18 KRS 416.550 to 416.670 and shall contain, in substance:

- 19 (1) Allegations sufficient to show that the petitioner is entitled, under the provisions of
- 20 applicable law, to exercise the right of eminent domain and to condemn the
- 21 property, or the use and occupation thereof, sought to be taken in such proceedings;
- 22 (2) An affirmation that the condemnor has complied with the requirements of
- 23 Section 1 of this Act;
- 24 (3) A particular description of the property and the use and occupation thereof sought
- 25 to be condemned; and
- 26 (4)~~(3)~~ An application to the court to appoint commissioners to award the amount of
- 27 compensation the owner of the property sought to be condemned is entitled to

1 receive therefor.