

151.291 Responsibility for safety of water barriers owned by Commonwealth -- Transfer of ownership of water barrier -- Responsibility for safety after transfer -- Approval of transfer.

- (1) The cabinet shall enforce compliance with all applicable laws and regulations of all dams, reservoirs, levees, embankments, or other water barriers owned by the Commonwealth.
- (2) The cabinet may take whatever action that it deems necessary to maintain, repair or remove dams, reservoirs, levees, embankments, or other water barriers owned, acquired or constructed by the Commonwealth.
- (3) Funds expended pursuant to subsection (1) or (2) of this section may not be expended for any aesthetic or functional purposes that are not related to the safety or integrity of the water barrier.
- (4) Any person to whom the Commonwealth has transferred ownership of any dam, reservoir, levee, embankment or other water barrier shall maintain it in compliance with all applicable laws and regulations. The Commonwealth shall not expend funds to maintain, repair or remove any structure the ownership of which it has transferred after July 15, 1986, unless otherwise expressly provided by law or written agreement.
- (5) The secretary of the cabinet shall review and approve or disapprove every proposed transfer of any water barrier owned by the Commonwealth. No transfer of any water barrier owned by the Commonwealth shall occur except upon approval of the secretary of the cabinet. The secretary shall ensure that every proposed transfer is consistent with the terms and provisions of this section. Nothing herein shall be construed, however, to prevent the transfer of a water barrier by the Commonwealth without first bringing it into compliance with existing laws and regulations.

Effective: July 15, 1986

History: Amended 1986 Ky. Acts ch. 290, sec. 1, effective July 15, 1986. -- Created 1978 Ky. Acts ch. 206, sec. 3, effective June 17, 1978.