

**CHAPTER 40****(HB 62)**

AN ACT relating to the Kentucky Military Heritage Act.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 5 of this Act, unless the context otherwise requires:*

- (1) *"Commission" means the Kentucky Military Heritage Commission.*
- (2) *"Military heritage" means any peacetime, wartime, or other military activity engaged in by any or all of the thirteen (13) original colonies prior to the creation of the United States, activities engaged in by the United States, activities engaged in by the Confederate States of America, and activities of the Kentucky Militia, the Kentucky National Guard, the Kentucky Air National Guard, and any other military, quasi-military, or partisan unit operating under the jurisdiction of the Commonwealth, or which operated within the Commonwealth. It includes, but is not limited to, the activities of any person who was born in Kentucky, who was a resident of Kentucky, or whose remains are interred in Kentucky as well as the activities of formal or informal military units, paid or volunteer.*
- (3) *"Military heritage site" means any historic geographic site of military heritage significance declared as such by the commission, pursuant to Sections 2, 3, and 4 of this Act.*
- (4) *"Military heritage object" means any building, fortification, statue, monument, marker, work of art, flag, aircraft, field piece, item of military equipment, weapon, or other physical object of military heritage significance declared as such by the commission, pursuant to Sections 2, 3, and 4 of this Act, including but not limited to buildings, sites, and other landmarks.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Military Heritage Commission is hereby established as an independent agency of the Commonwealth of Kentucky which is attached to the Kentucky Heritage Council for administrative and support purposes. The Heritage Council may request and receive additional administrative aid and support from the Kentucky Historical Society, the Department of Military Affairs, the Commission on Military Affairs, and the Department of Veterans' Affairs.*
- (2) *The Kentucky Military Heritage Commission shall consist of the adjutant general, the Director of the Kentucky Historical Society, the state historic preservation officer, the executive director of the commission on Military Affairs, and the commissioner of the Department of Veterans' Affairs.*
- (3) *The commission shall receive requests for designation of a geographic site as a military heritage site and for designation of an object as a military heritage object in accordance with Sections 1 to 5 of this Act and the administrative regulations promulgated thereunder.*

- (4) *The commission shall promulgate administrative regulations necessary to carry out Sections 1 to 5 of this Act and to protect military heritage sites and military heritage objects.*
- (5) *The commission may seek funding from any source, public or private, and may expend funds for the operation of the commission and for the protection of military heritage sites and military heritage objects.*
- (6) *The commission may employ such persons as it deems necessary, consistent with available funding, to carry out the duties of the commission.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

- (1) *Any person or organization may nominate a geographic location for designation as a military heritage site or to rescind a designation as a military heritage site.*
- (2) *Any person or organization may nominate an object for designation as a military heritage object or to rescind a designation as a military heritage object.*
- (3) *Private property shall not be designated as a military heritage site or as a military heritage object unless:*
  - (a) *The nomination is made by the owner of the property if held by a single owner or by all owners of the property if the property is held jointly; or*
  - (b) *The nomination is approved, in writing, by the owner of the property if held by a single owner or by all owners of the property if the property is held jointly.*
- (4) *The commission shall promulgate administrative regulations with regard to the process of designation of a military heritage site and a military heritage object and the characteristics of a qualifying site and qualifying object.*
- (5) *The commission shall meet not less than two (2) times per year to act upon nominations of geographic locations proposed as military heritage sites and nominations of objects as military heritage objects. The commission at any meeting may also act on requests to rescind any designation of a military heritage site or military heritage object.*
- (6) *To designate a site as a military heritage site or to designate an object as a military heritage object requires a majority vote of the members of the commission.*
- (7) *To rescind the designation of a site as a military heritage site or to rescind the designation of an object as a military heritage object requires a unanimous vote of the members of the commission.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

- (1) *Designation of an historic geographic site as a military heritage site means that the site cannot be destroyed, removed, or significantly altered, other than for repair or renovation without the written consent of the commission.*
- (2) *Designation of an object as a military heritage object means that the object cannot be destroyed, removed, sold, or significantly altered, other than for repair or renovation or temporary loan not exceeding one (1) year without the written consent of the commission.*
- (3) *The commission shall promulgate administrative regulations defining permitted and forbidden activities relating to military heritage sites and military heritage objects and*

*which activity requires either written permission of the commission or action by the commission to rescind the designation of the site as a military heritage site or rescind the designation of the object as a military heritage object.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

- (1) *Destruction, removal, sale, gift, loan, or significant alteration of a site designated as a military heritage site without the written approval of the commission or the commission's rescinding the designation of the site as a military heritage site is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.*
- (2) *Destruction, removal, sale, gift, loan, or significant alteration of an object designated as a military heritage object without the written approval of the commission or the commission's rescinding the designation of the object as a military heritage object is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.*
- (3) *The provision of this section shall not apply to repair, restoration, and temporary loan activities which are permitted by Section 4 of this Act.*

Section 6. This Act shall be known as the Kentucky Military Heritage Act.

**Approved March 12, 2002**