

**171.394 Kentucky battlefield preservation fund -- Purposes and uses -- Grants program -- Eligible costs -- Easements -- Duties of council.**

- (1) There is hereby established in the State Treasury a trust and agency account to be known as the Kentucky battlefield preservation fund.
- (2) The account shall consist of moneys received from state appropriations, gifts, grants, and federal funds.
- (3) The account shall be administered by the Kentucky Heritage Council.
- (4) Notwithstanding KRS 45.229, moneys in the account not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- (5) Any interest earnings of the account shall become a part of the account and shall not lapse.
- (6) Moneys deposited into the account are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (7)
  - (a) Amounts deposited in the account shall be used exclusively by the Kentucky Heritage Council to provide grants. Grants shall be made to private nonprofit organizations.
  - (b) All grants shall be made solely for the fee simple purchase of, or purchase of protective interests in:
    1. Any Kentucky battlefield site considered in:
      - a. The report issued by the Civil War Sites Advisory Commission, National Park Service, 1993, as amended, entitled Report on the Nation's Civil War Battlefields; or
      - b. The report prepared by the American Battlefield Protection Program, National Park Service, U.S. Department of the Interior, September 2007, as amended, entitled Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States; or
    2. Any site associated with the Underground Railroad that is eligible for National Historic Landmark designation or for listing in the National Register of Historic Places.
- (8)
  - (a) Private nonprofit organizations seeking grant funding from the account shall be required to provide matching funds from any non-state sources as follows:
    1. On a dollar-for-dollar basis for Civil War battlefields and Underground Railroad sites; or
    2. One dollar (\$1) for each three dollars (\$3) from the account for Revolutionary War battlefields.
  - (b) For the purposes of this subsection, "matching funds" means cash or the donation of land, or interest therein, made by the landowner as part of the proposed project.
  - (c) No state funds may be included in determining the amount of the match.
  - (d) Grants from the account shall be based on the appraised value of the land or

permanent protective interests therein and the matching fund ratios established in paragraph (a) of this subsection.

- (e) Grants from the account may be awarded for prospective purchases.
- (9) Eligible costs for which moneys from the account may be allocated include:
- (a) Acquisition of land and any improvements thereon;
  - (b) Permanent protective interests;
  - (c) Conservation easements;
  - (d) Costs of appraisals;
  - (e) Environmental reports;
  - (f) Surveys;
  - (g) Title searches and title insurance; and
  - (h) Any other closing costs.
- (10) (a) Any eligible organization making an acquisition of land or interest therein shall grant to the Commonwealth a perpetual easement placing restrictions on the use or development of the land.
- (b) All terms and conditions of the easement shall be reviewed by and found by the Kentucky Heritage Council to be consistent with other conservation easements under KRS 67A.840 to 67A.850.
- (c) Any eligible organization shall demonstrate to the Kentucky Heritage Council that it has the capacity and expertise to manage and enforce the terms of the easement.
- (11) The Kentucky Heritage Council shall:
- (a) Establish, administer, manage, and make expenditures and allocations from the account;
  - (b) Establish guidelines for applications for grants of moneys from the account;
  - (c) Prioritize and award grants of moneys from the account; and
  - (d) Consider in relation to core and study areas of the sites identified in subsection (7)(b) of this section:
    - 1. The significance of the site;
    - 2. The location of the proposed project;
    - 3. The proximity to other protected lands;
    - 4. The threat to and integrity of the features associated with the historic significance of the site; and
    - 5. The financial and administrative capacity of the applicant to complete the project and to maintain and manage the property consistent with the public investment and public interest, including:
      - a. Education;
      - b. Recreation;
      - c. Research;
      - d. Heritage tourism promotion; or

e. Orderly community development.

- (12) Nothing in this section shall be construed to prevent the subsequent transfer of property acquired under this section to the United States of America, its agencies, or instrumentalities.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 13, sec. 1, effective June 29, 2023. -- Created 2020 Ky. Acts ch. 11, sec. 1, effective July 15, 2020.