

1 AN ACT relating to historical memorials.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
4 READ AS FOLLOWS:

5 *Sections 1 to 7 of this Act may be cited as the Kentucky Historical Memorials Act of*
6 *2018.*

7 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
8 READ AS FOLLOWS:

9 *As used in Sections 1 to 7 of this Act:*

10 *(1) "Chair" means the director of the Division of Historic Properties;*

11 *(2) "Committee" means the Committee on Kentucky Historical Memorials created in*
12 *Section 4 of this Act;*

13 *(3) "Public property" means all property owned, leased, entrusted to, or maintained*
14 *by the State of Kentucky; and*

15 *(4) The following definitions shall apply to all architecturally significant buildings,*
16 *memorial buildings, memorial schools, memorial streets, and monuments owned,*
17 *leased, entrusted to, or maintained by the State of Kentucky that have been*
18 *memorialized, established, named, dedicated, or erected as a monument:*

19 *(a) "Architecturally significant building" means a building owned, leased*
20 *entrusted to, maintained by the Commonwealth, or located on state property*
21 *that by its very nature, inherent design, or structure constitutes a*
22 *monument;*

23 *(b) "Memorial building" means a building, structure, park, or other*
24 *institution, other than a memorial school, that is located on state property*
25 *and has been erected for, or named or dedicated in honor of, an event, a*
26 *person, a group, a movement, or military service;*

27 *(c) "Memorial school" means a public K-12 or two (2) year postsecondary*

1 institution or facility that is located on state property and has been erected
 2 for, or named or dedicated in honor of, an event, a person, a group, a
 3 movement, or military service;

4 (d) "Memorial street" means a street that is located on state property and has
 5 been constructed for, or named or dedicated in honor of, an event, a person,
 6 a group, a movement, or military service; and

7 (e) "Monument" means a statue, portrait, or marker intended at the time of
 8 dedication to be a memorial to an event, a person, a group, a movement, or
 9 military service that is part of the history of the people or geography now
 10 comprising the State of Kentucky.

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
 12 READ AS FOLLOWS:

13 An architecturally significant building, memorial building, memorial school, memorial
 14 street, or monument that is located on state property or leased by, entrusted to, or
 15 maintained by the state shall not be relocated, removed, altered, renamed, or otherwise
 16 changed, except as provided in Section 6 of this Act.

17 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
 18 READ AS FOLLOWS:

19 (1) The Committee on Kentucky Historical Memorials is created, and the appointing
 20 authorities shall coordinate their appointments to ensure committee membership
 21 is inclusive and reflects the racial, gender, geographic, urban, rural, and
 22 economic diversity of the state. Members shall be appointed as follows:

23 (a) The Speaker of the House of Representative shall appoint:

24 1. Two (2) members of the House of Representatives, one (1) from the
 25 majority party and one (1) from the minority party; and

26 2. Two (2) members of the public;

27 (b) The President of the Senate shall appoint:

- 1 1 Two (2) members of the Senate, one (1) from the majority party and
2 one (1) from the minority party; and
3 2. Two (2) members of the public; and
4 (c) The Governor shall appoint two (2) members of the public.
5 (2) (a) The legislative members of the committee shall be appointed at the
6 beginning of the regular session of the General Assembly every four (4)
7 years beginning in 2019, and shall be nonvoting members of the committee.
8 (b) The public members of the committee shall be appointed by September 1,
9 beginning in 2019, and shall serve for terms of four (4) years that expire on
10 September 30, except that initial terms shall be staggered as provided in
11 subsection (4) of this section.
12 (3) The appointing authorities shall appoint all public members to the committee
13 from lists of nominees submitted by the following entities:
14 (a) The Kentucky Historical Society;
15 (b) The Historic Properties Advisory Commission;
16 (c) The Kentucky Department of Parks;
17 (d) The Kentucky African-American Heritage Commission;
18 (e) The Department for Libraries and Archives;
19 (f) The Tourism, Arts and Heritage Cabinet;
20 (g) The Department of Military Affairs; and
21 (h) The Council on Postsecondary Education.
22 Each entity shall submit two (2) names to the Speaker of the House of
23 Representatives, two (2) names to the President of the Senate, and two (2) names
24 to the Governor for consideration for appointment.
25 (4) The six (6) initially appointed public members shall draw lots to determine which
26 three (3) of those members shall serve an initial term of two (2) years expiring on
27 September 30, 2021, and which three (3) of those members shall serve an initial

1 term of four (4) years expiring on September 30, 2023.

2 (5) The committee shall hold an initial organizational meeting before October 1,
3 2019, at which time the members shall select a vice chair, who shall serve in that
4 position for one (1) year.

5 (6) The committee shall meet at least once each year, during the month of October,
6 to select a vice chair. Thereafter, the committee shall meet at the call of the chair
7 or a majority of the members of the committee. The committee shall have a
8 continuing existence and may meet, act, and conduct committee business at any
9 place within this state.

10 (7) Public members shall begin serving immediately upon appointment. Each public
11 member is subject to confirmation by the Senate during the next regular session
12 of the General Assembly after the appointment is made. A public member
13 appointee may serve in the position pending confirmation by the Senate. Failure
14 of the Senate to act on the appointment during the next regular session of the
15 General Assembly shall constitute confirmation by the Senate.

16 (8) Each member of the committee shall:

17 (a) Serve after the expiration of his or her term until his or her successor is
18 appointed or the member is reappointed to serve one (1) additional term
19 only; and

20 (b) Be reimbursed for actual expenses, which shall include meals, lodging, and
21 mileage.

22 (9) The Committee on Kentucky Historical Memorials shall be administered by the
23 Division of Historic Properties within the Department for Facilities and Support
24 Services in the Finance and Administration Cabinet.

25 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) The committee shall perform all duties prescribed by Sections 1 to 7 of this Act.

1 (2) The chair of the committee may create advisory subcommittees and appoint
 2 persons to a subcommittee, which may include:

3 (a) Members of the committee;

4 (b) Representatives from governmental agencies; and

5 (c) Members of the public with interest and expertise in the objectives of the
 6 committee.

7 (3) The chair of the committee shall create no more than two (2) active advisory
 8 subcommittees at any given time, unless the committee as a whole votes
 9 unanimously for additional subcommittees.

10 (4) Members of a subcommittee shall be reimbursed for actual expenses, which shall
 11 include meals, lodging, and mileage.

12 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
 13 READ AS FOLLOWS:

14 (1) Any entity exercising control of state property on which an architecturally
 15 significant building, memorial building, memorial school, memorial street, or
 16 monument is located or any citizen of Kentucky or any group of citizens of
 17 Kentucky may make a formal request to the committee to relocate, remove, alter,
 18 change, preserve, or rename any property identified in Section 3 of this Act
 19 through an application that includes, at a minimum, the following:

20 (a) A statement seeking the relocation, removal, alteration, preservation,
 21 renaming, or other change to the architecturally significant building,
 22 memorial building, memorial school, memorial street, or monument and
 23 the reasons for the request ; and

24 (b) Written documentation of the origin of the architecturally significant
 25 building, memorial building, memorial school, memorial street, or
 26 monument; the intent of the sponsoring entity at the time of dedication, if
 27 known; and any subsequent alteration, renaming, or other changes to the

1 architecturally significant building, memorial building, memorial school,
 2 memorial street, or monument.

3 (2) If the committee grants a request, the committee may provide reasonable
 4 conditions and instructions to ensure that the architecturally significant building,
 5 memorial building, memorial school, memorial street, or monument is properly
 6 restored, preserved, removed, altered, or renamed to the satisfaction of the
 7 committee.

8 (3) If the committee fails to act on a request ninety (90) days after all documents
 9 have been submitted to the committee, the waiver shall be deemed granted.

10 (4) Judicial review of the final decision of the committee may be sought in
 11 accordance with KRS 13B.140.

12 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
 13 READ AS FOLLOWS:

14 The Division of Historic Properties shall promulgate administrative regulations under
 15 KRS Chapter 13A for the implementation of Sections 1 to 7 of this Act.

16 ➔Section 8. KRS 11.026 is amended to read as follows:

17 (1) As used in this section, "state curator" means the director of the Division of Historic
 18 Properties within the Department for Facilities and Support Services in the Finance
 19 and Administration Cabinet, who shall have the following~~[with]~~ responsibilities:

20 (a) To chair the Committee on Kentucky Historical Memorials created in
 21 Section 4 of this Act; and

22 (b) To provide for the preservation, restoration, acquisition, and conservation of
 23 all decorations, objects of art, chandeliers, china, silver, statues, paintings,
 24 furnishings, accouterments, and other aesthetic materials that have been
 25 acquired, donated, loaned, and otherwise obtained by the Commonwealth of
 26 Kentucky for the Executive Mansion, the Old Governor's Mansion, the Vest
 27 Lindsey House, the New State Capitol, and other historic properties under the

1 control of the Finance and Administration Cabinet.

2 (2) The Historic Properties Advisory Commission is established to provide continuing
3 attention to the maintenance, furnishings, and repairs of the Executive Mansion,
4 Old Governor's Mansion, the Vest Lindsey House, and New State Capitol. The
5 commission shall be attached to the Finance and Administration Cabinet for
6 administrative purposes.

7 (3) The commission shall consist of fourteen (14) members, one (1) of whom shall be
8 the director of the Kentucky Heritage Council. It is recommended that one (1) shall
9 be the state curator, one (1) shall be the executive director of the Kentucky
10 Historical Society, one (1) shall be a resident of Franklin County with experience in
11 restoration, one (1) shall be the director of the Executive Mansion, one (1) shall be
12 the director of the Old Governor's Mansion, and the remainder of the membership
13 shall be selected from the state-at-large from persons with experience in historical
14 restoration.

15 (4) The officers of the commission shall consist of a chair~~chairman~~, who shall be
16 appointed by the Governor, and a secretary, who shall be responsible for the
17 keeping of the records and administering the directions of the commission. The
18 state curator of the Commonwealth of Kentucky shall serve as the secretary of the
19 commission. A member of the Governor's family may serve as an honorary,
20 nonvoting member of the commission. A simple majority of the membership shall
21 constitute a quorum for the transaction of business by the commission.

22 (5) The public members of the commission shall be appointed by the Governor and
23 shall serve terms of four (4) years except that of the members initially appointed,
24 two (2) members shall serve terms of one (1) year; two (2) members shall serve
25 terms of two (2) years; one (1) member shall serve a term of three (3) years; and one
26 (1) member shall serve a term of four (4) years. The executive director of the
27 Historical Society and director of the Executive Mansion shall serve on the

1 commission in an ex officio capacity. The persons holding the offices of executive
2 director of the Historical Society, director of the Executive Mansion, director of the
3 Kentucky Heritage Council, and state curator shall serve terms concurrent with
4 holding their respective offices.

5 (6) Each commission member shall be reimbursed for his or her necessary travel and
6 other expenses actually incurred in the discharge of his or her duties on the
7 commission.

8 (7) There is established in the State Treasury a historic properties endowment trust fund
9 which shall be administered by the director of the Division of Historic Properties
10 under the supervision of the Commissioner of the Department for Facilities and
11 Support Services. The fund may receive state appropriations, gifts, grants, and
12 federal funds and shall be disbursed by the State Treasurer upon warrant of the
13 secretary of finance and administration. The fund shall be used for carrying out the
14 functions of the Division of Historic Properties. The Division of Historic Properties
15 may publish written material pertaining to historic properties of the state and charge
16 and collect a reasonable fee for any such publications. The proceeds shall be
17 deposited to the credit of the fund and after paying the costs of publication, the
18 balance of the proceeds shall be used for purposes specified in KRS 11.027.

19 (8) In addition to the historic properties endowment trust fund, there shall be
20 established in the State Treasury a separate and distinct endowment trust fund
21 known as the Ida Lee Willis-Vest Lindsey House endowment trust fund, which shall
22 be jointly administered by the director of the Kentucky Heritage Council and the
23 director of the Division of Historic Properties under the supervision of the
24 commissioner of the Department for Facilities and Support Services. The fund may
25 receive state appropriations, gifts, grants, and federal funds and shall be disbursed
26 by the State Treasurer upon warrant of the secretary of finance and administration.
27 The fund shall be used solely for the benefit of, or related to, the Vest Lindsey

1 House, including but not limited to building maintenance and repairs, structural
2 restoration or renovation, acquisition and maintenance of furnishings or
3 decorations, and the development of interpretative materials regarding the historical
4 and architectural significance of the Vest Lindsey House and its relation to other
5 sites in the North Frankfort area. The creation of the Ida Lee Willis-Vest Lindsey
6 House endowment trust fund is intended to be a supplemental source of funds and
7 in no way restricts the expenditure of funds from the historic properties endowment
8 trust fund or any state fund for the benefit of the Vest Lindsey House.