

CHAPTER 281

PROFESSIONS AND OCCUPATIONS

SENATE BILL 99-232

BY SENATORS Anderson, Blickensderfer, Lamborn, and Powers;
also REPRESENTATIVES Spradley, Dean, Clapp, Kester, Larson, Lee, McElhany, Paschall, Smith, Stengel, Tupa, and Webster.

AN ACT

CONCERNING EXPENDITURES FROM THE STATE HISTORICAL FUND.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-47.1-1201, Colorado Revised Statutes, is amended to read:

12-47.1-1201. State historical fund - administration. (1) The state treasurer shall make annual distributions, from the state historical fund created by subsection (5) (b) (II) of section 9 of article XVIII of the state constitution, in accordance with the provisions of subsection (5) (b) (III) of said section 9. AS SPECIFIED IN SAID SUBSECTION (5) (b) (III), TWENTY PERCENT OF THE MONEYS IN THE STATE HISTORICAL FUND SHALL BE USED FOR THE PRESERVATION AND RESTORATION OF THE CITIES OF CENTRAL, BLACK HAWK, AND CRIPPLE CREEK. ~~The moneys remaining in the fund after such annual distribution~~ EIGHTY PERCENT OF THE FUND shall be administered by the state historical society. EXPENDITURES FROM THE FUND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 12-47.1-1202. The society shall make grants from THE EIGHTY PERCENT PORTION OF said fund ADMINISTERED BY THE SOCIETY for the following historic preservation purposes:

(a) The identification, evaluation, documentation, study, and marking of buildings, structures, objects, sites, or areas important in the history, architecture, archaeology, or culture of this state, and the official designation of such properties;

(b) The excavation, stabilization, restoration, rehabilitation, reconstruction, or acquisition of such designated properties;

(c) Education and training for governmental entities, organizations, and private citizens on how to plan for and accommodate the preservation of historic structures,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

buildings, and districts as well as archaeological sites;

(d) Preparation, production, distribution, and presentation of educational, informational, and technical documents, guidance, and aids on historic preservation practices, standards, guidelines, techniques, economic incentives, protective mechanisms, and historic preservation planning.

(2) The society shall make grants primarily to public entities; except that the society may make grants to persons in the private sector so long as the person requesting the grant makes application through a municipality or a county. The selection of recipients and the amount granted to a recipient shall be determined by the society, which determination shall be based on the information provided in the applications submitted to the society.

(3) The society may expend a portion of the state historical fund ADMINISTERED BY THE SOCIETY to cover such reasonable costs as may be incurred in the selection, monitoring, and administration of grants for historic preservation purposes. The society may employ such personnel in accordance with section 13 of article XII of the state constitution as may be necessary to fulfill its duties in accordance with this section.

(4) The society shall ~~have the authority to promulgate rules and regulations~~ for the purpose of administering the state historical fund, which ~~rules and regulations~~ may include criteria for consideration in awarding grants from such fund and standards for preservation which are acceptable to the society and which shall be employed by grant recipients.

SECTION 2. Part 12 of article 47.1 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-47.1-1202. Expenditures from the state historical fund - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT WHEN THE VOTERS APPROVED THE CONDUCT OF LIMITED GAMING IN THE CITIES OF CENTRAL, BLACK HAWK, AND CRIPPLE CREEK THEY BELIEVED THAT ALL MONEYS EXPENDED FROM THE STATE HISTORICAL FUND WOULD BE USED TO RESTORE AND PRESERVE THE HISTORIC NATURE OF THOSE CITIES AND OTHER SITES AND MUNICIPALITIES THROUGHOUT THE STATE. TOGETHER WITH THE LIMITATIONS CONTAINED IN SECTION 12-47.1-1201 ON THE EXPENDITURE OF MONEYS IN THE FUND THAT ARE SUBJECT TO ADMINISTRATION BY THE STATE HISTORICAL SOCIETY, THIS SECTION IS INTENDED TO ASSURE THAT EXPENDITURES FROM THE FUND BY THE SOCIETY AND BY THE CITIES OF CENTRAL, BLACK HAWK, AND CRIPPLE CREEK ARE USED FOR HISTORIC RESTORATION AND PRESERVATION.

(2) THE STATE HISTORICAL SOCIETY SHALL NOT EXPEND MONEYS FROM THE EIGHTY PERCENT PORTION OF THE STATE HISTORICAL FUND ADMINISTERED BY THE SOCIETY UNLESS THEY HAVE ADOPTED STANDARDS FOR DISTRIBUTION OF GRANTS FROM THAT PORTION OF THE FUND. AT A MINIMUM, SUCH STANDARDS SHALL INCLUDE REQUIREMENTS THAT ASSURE COMPLIANCE WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR TREATMENT OF HISTORIC PROPERTIES.

(3) THE GOVERNING BODIES OF THE CITIES OF CENTRAL, BLACK HAWK, AND

CRIPPLE CREEK SHALL NOT EXPEND MONEYS FROM THEIR TWENTY PERCENT PORTION OF THE STATE HISTORICAL FUND UNLESS THEY HAVE ADOPTED STANDARDS FOR DISTRIBUTION OF GRANTS FROM THAT PORTION OF THE FUND. AT A MINIMUM, SUCH STANDARDS SHALL INCLUDE THE FOLLOWING:

(a) REQUIREMENTS THAT ASSURE COMPLIANCE WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR TREATMENT OF HISTORIC PROPERTIES;

(b) A PROVISION THAT PROHIBITS A PRIVATE INDIVIDUAL FROM RECEIVING MORE THAN ONE GRANT FOR THE RESTORATION OR PRESERVATION OF THE SAME PROPERTY WITHIN ANY ONE-YEAR PERIOD;

(c) A PROVISION THAT LIMITS GRANTS TO PROPERTY THAT IS LOCATED WITHIN A NATIONAL HISTORIC LANDMARK DISTRICT OR WITHIN AN AREA LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES;

(d) A PROVISION THAT LIMITS GRANTS FOR RESTORATION OR PRESERVATION TO STRUCTURES THAT HAVE HISTORICAL SIGNIFICANCE BECAUSE THEY WERE ORIGINALLY CONSTRUCTED MORE THAN FIFTY YEARS PRIOR TO THE DATE OF THE APPLICATION;

(e) A PROVISION THAT PROHIBITS GRANTS THAT EXCEED ONE HUNDRED THOUSAND DOLLARS FOR A SINGLE RESIDENTIAL PROPERTY;

(f) A PROVISION THAT PROHIBITS ISSUING A GRANT TO A PRIVATE INDIVIDUAL WHO DOES NOT OWN THE RESIDENTIAL PROPERTY THAT IS TO BE RESTORED OR PRESERVED;

(g) A PROVISION THAT PROHIBITS USING A GRANT FOR PAYMENT OF ANY TAX LIABILITY THAT MAY BE INCURRED BY THE PERSON WHO RECEIVES THE GRANT;

(h) A PROVISION THAT PROHIBITS MAKING GRANTS FOR MORE THAN ONE YEAR AT A TIME; AND

(i) A PROVISION THAT REQUIRES A MEMBER OF THE GOVERNING BODY TO DISCLOSE ANY PERSONAL INTEREST IN A GRANT BEFORE VOTING ON THE APPLICATION.

(4) THE PROVISION CONTAINED IN PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION THAT REQUIRES THAT THE GOVERNING BODIES OF THE SPECIFIED CITIES NOT EXPEND MONEYS FROM THE STATE HISTORICAL FUND UNLESS THEY ADOPT STANDARDS THAT INCLUDE A PROVISION THAT LIMITS GRANTS TO PROPERTY THAT IS LOCATED WITHIN A NATIONAL HISTORIC LANDMARK DISTRICT OR WITHIN AN AREA LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES IS NOT INTENDED TO AFFECT THE STATUS OF THE CITIES AS APPROVED SITES FOR LIMITED GAMING UNDER SECTION 9 OF ARTICLE XVIII OF THE STATE CONSTITUTION IN THE EVENT THAT THE STATUS AS A HISTORICAL LANDMARK DISTRICT OR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES IS NOT MAINTAINED.

SECTION 3. Applicability. This act shall apply to moneys expended from the state historical fund on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 1999