

Colorado Statutes - **CRS 12-47.1-1201-1202:**

Title 12 Professions and Occupations:

Health Care: General - Continued:

Article 47.1 **Colorado Limited Gaming Act:**

Part 12--

STATE HISTORICAL SOCIETY

12-47.1-1201. State historical fund - administration - legislative declaration.

12-47.1-1202. Expenditures from the state historical fund - legislative declaration.

12-47.1-1201. State historical fund - administration - legislative declaration.

- (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 remaining 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, preservation, 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 and archaeological structures, buildings, objects, sites, and districts;
 - (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) (a) The society shall make grants primarily to governmental entities and to nonprofit organizations; 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 governmental entity. 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.

- (b) As used in this subsection (2), "*governmental entity*" means the state and any state agency or institution, county, city and county, incorporated city or town, school district, special improvement district, authority, and every other kind of district, instrumentality, or political subdivision of the state organized pursuant to law. "*Governmental entity*" shall include any county, city and county, or incorporated city or town, governed by a home rule charter.
- (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 promulgate rules for the purpose of administering the state historical fund, which rules 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.
- (5) (a) (I) The general assembly hereby finds and declares that:
- (A) The state historical society, which was founded in 1879, has a unique role as the state educational institution charged with collecting, preserving, and interpreting the history of Colorado and the west. The state formally recognized the state historical society as a state agency by statute in 1915, and the general assembly has continuously made appropriations for the society since that time.
 - (B) The state historical fund created by subsection (5) (b) (II) of section 9 of article XVIII of the state constitution has grown significantly since its inception in 1991. In accordance with subsection (5) (b) (III) of section 9 of article XVIII of the state constitution, the general assembly hereby determines that it is appropriate to provide funding for the state historical society through the state historical fund.
 - (C) The use of a portion of the state historical fund for the support needs of the state historical society is consistent with the preservation purposes of the fund and of the society.
 - (D) Grants from the state historical fund by the society pursuant to subsection (1) of this section serve the state and its people well in promoting preservation purposes and economic development throughout the state.
- (II) Accordingly, it is the intent of the general assembly that the majority of the gaming revenues deposited in and available for distribution from the eighty percent portion of the state historical fund administered by the society shall continue to be used for such grants.
- (b) Subject to annual appropriation, the society may make expenditures for reasonable costs incurred by the society in connection with fulfilling the society's mission as a state educational institution to collect, preserve, and interpret the history of Colorado and the west and carrying out other activities and programs authorized by statute or rule. Such reasonable costs may include capital construction and controlled maintenance expenditures relating to properties owned, managed, or used by the society.
- (c) (I) All moneys received by the society shall be transmitted to the state treasurer, who shall credit the same to the state historical fund or other funds authorized by law. Such moneys include, but are not limited to, grants, admission fees, user charges, concessionaire fees, rentals, commissions, store sales,

service fees, program fees, membership fees, publications income, exhibit fees, special event fees, donations, and gifts.

- (II) All interest and income derived from the deposit and investment of moneys in the state historical fund or other funds authorized by law shall remain in such fund or funds and shall not be transferred or revert to the general fund or any other fund at the end of any fiscal year. The state treasurer shall be the custodian of such funds pursuant to section 24-80-209, C.R.S.

Source: L. 91: Entire article added, p. 1575, § 1, effective June 4. **L. 99:** Entire section amended, p. 1121, § 1, effective June 2. **L. 2003:** (1)(b), (1)(c), and (2) amended and (5) added, p. 440, § 1, effective March 5.

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) (Deleted by amendment, L. 2004, p. 743, § 1, effective May 12, 2004.)
 - (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) (Deleted by amendment, L. 2004, p. 743, § 1, effective May 12, 2004.)
 - (h) A provision that prohibits making grants for more than one year at a time;

- (i) A provision that requires a member of the governing body to disclose any personal interest in a grant before voting on the application; and
 - (j) A provision requiring the award of any grant in excess of fifty thousand dollars for any single residential property to be conditioned upon an agreement to repay the grant upon any sale or transfer of the property within five years of the date the grant is awarded. The amount to be repaid shall equal the amount of the grant less an amount equal to one-sixtieth of the amount of the grant for each full month occurring between the date the grant is awarded and the date of the sale or transfer of the property.
- (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.

Source: L. 99: Entire section added, p. 1122, § 2, effective June 2. L. 2004: (3)(e) and (3)(g) amended and (3)(j) added, p. 743, § 1, effective May 12.

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