

DEPARTMENT OF HIGHER EDUCATION

HISTORICAL SOCIETY

STATE HISTORICAL FUND

8 CCR 1504-8

EDITOR'S NOTES*

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See page 1.

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8 CCR 1504-8

RULES AND PROCEDURES

STATE HISTORICAL FUND

STATEMENT OF BASIS AND PURPOSE

The State Historical Fund was established by amendment to Article XVIII, Section 9 of the Constitution of the State of Colorado, effective January 3, 1991. After payment of all ongoing expenses of any state agency administering the provisions of said Section 9, the Constitution directs the state treasurer to distribute 28% of the remaining balance into the State Historical Fund. Eighty percent of that amount is then directed to be distributed "for the historic preservation and restoration of historical sites and municipalities throughout the state in a manner to be determined by the general assembly".

The Colorado General Assembly subsequently adopted The Colorado Limited Gaming Act, codified as CRS 12-47.1-1201, which provides that the portion of the State Historical Fund reserved for statewide distribution be administered by the Colorado Historical Society as a grants program for a variety of historic preservation purposes enumerated therein. CRS 12-47.1-1201(4) was further amended in 1999 to provide that "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." CRS 12-47.1-1201 was further amended in 2003 to clarify the types of entities eligible to receive grants, to clarify the types of grants that may be made for educational purposes, to permit the Society to make expenditures for reasonable costs incurred by the Society in fulfilling its mission, and to establish a limitation on the proportion of the State Historical Fund which must be reserved for grants for preservation purposes.

The purpose of these rules is to define who may apply for grants from the State Historical Fund, the types of projects that qualify for funding, the basic application procedures, the standards to be applied to funded projects, and the use of the State Historical Fund by the Colorado Historical Society.

I. Qualifying Applicants

1.1 Pursuant to CRS 12-47.1-1201(2), 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.

1.2 When used in these rules, the term "governmental entity" shall have the meaning found in CRS 12-47.1-1201(2)(b) as follows: 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.

1.3 When used in these rules, the term "nonprofit organization" shall mean, any organization certified by the Internal Revenue Service as tax-exempt under Internal Revenue Code Section 501(c), (d), (e), (f), (k), or Section 521 (a). IRS certification must be obtained prior to going under contract with the Colorado Historical Society.

1.4 When used in these rules, the term "persons in the private sector", shall mean individuals, partnerships, business; trusts estates, associations, trusts, for profit corporations, or any other entity not defined as a "governmental entity" or as a "nonprofit organization" above.

1.5 In determining whether or not grants shall be awarded to each classification of "persons in the private sector", the Colorado Historical Society shall consider the competitive nature of the program, the ability of such persons to demonstrate public support for their project or program, and the general public benefit of making grants to such persons.

1.6 Persons in the private sector shall be considered to have made application "through a governmental entity", as used in 1.1.above if they obtain the written support of a governmental entity in the form adopted by the Colorado Historical Society, and submit that form at the time of application.

2. Qualifying Projects

2.1 All grants awarded from the State Historical Fund shall be made for historic preservation purposes as specifically described in CRS 12-47.1-1201 (1)(a) through (d).

2.2 Grant applications to the State Historical Fund for the purpose of excavation, stabilization, preservation, restoration, rehabilitation, reconstruction, or acquisition of historic and archaeological structures, buildings, objects, sites, and districts, may be submitted only after the subject property has been officially designated. Official designation requires that the property be listed in the State or National Registers of Historic Places, or through an official municipal or county landmarking process adopted by ordinance or resolution.

2.3 Exceptions to the provisions of 2.2 above may be permitted only when, at the time of application, the subject property is in imminent danger of being lost, demolished or seriously damaged, and when that property has been nominated to the State or National Registers of Historic Places, found eligible for listing in the State or National Registers of Historic Places, or has been nominated to a register of local landmarks, when such nomination provides at least the same level of protection as nomination to the State Register.

2.4 Grants may be made for the creation and support of loan or subgrant programs for historic preservation purposes as specifically described in CRS 12-47.1-1201 (1)(a) through (d). Any interest or principal payments generated by such programs shall continue to be used for those

purposes, including costs for the administration of the program, or shall be returned to the State Historical Fund.

3. Application Procedures and Selection Criteria

- 3.1 Applications for grants from the State Historical Fund shall be submitted on the forms adopted by the Colorado Historical Society. Such applications shall contain, at minimum, the name and address of the applicant, the amount requested, a scope of work, a budget, a description of the proposed project, a statement of community support for the project, and a statement of the public benefit that will result from the project.
- 3.2 The criteria for the selection of grants to be awarded from the State Historical Fund shall include, but not be limited to, the following:
- a. The applicants ability to successfully complete the project;
 - b. The project's relationship to historic preservation;
 - c. The significance of the historic or archaeological structure, building, object, site or district;
 - d. The timing and urgency of the project;
 - e. The community's support for the project;
 - f. The ability of the project to leverage funds from other sources; and
 - g. The benefit of the project to the people of the State of Colorado.

4. Applicable Standards

- 4.1 Pursuant to CRS 12-47.1-1202, all projects carried out with the assistance of the State Historical Fund involving the preservation, stabilization, restoration, rehabilitation, or reconstruction of designated properties shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, found at 36 CFR Part 68.
- 4.2 Every reasonable effort should be made for all other projects carried out with the assistance of the State Historical Fund to conform to the Secretary of the Interior's Standards for Archaeology and Historic Preservation, as found in the Federal Register, Vol. 48 No. 190, pages 44716 through 44742 (1983).
- 4.3 References to the Secretary of the Interior's Standards shall include any amendments made prior to the date of the adoption of these rules. Subsequent amendments shall not be included, unless specifically added by amendment to these rules.
- 4.4 The state publications depository and distribution center has been provided with a copy of all materials incorporated by reference into these rules, and such materials may be examined at any state publications depository library. Copies of such materials may also be obtained or examined by contacting the Director of the State Historical Fund at 1560 Broadway, Suite 400, Denver, Colorado, 80202.

5. Use of the State Historical Fund by the Colorado Historical Society

- 5.1 Pursuant to CRS 12-47.1-1201(5)(a)(11), 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 Colorado Historical Society shall continue to be used for grants. Grants from this majority portion shall not be awarded to the Colorado Historical Society for its use.
- 5.2 Pursuant to CRS 12-47.1-1201(5)(b), the Colorado Historical Society may, subject to annual appropriation, make expenditures for reasonable costs incurred by the society in connection with fulfilling the society's mission as a state educational institution, including capital construction and controlled maintenance expenditures relating to properties owned, managed, or used by the society. The terms "capital construction" and "controlled maintenance" shall have their meanings as found in: CRS 24-30-1301.