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**HOUSE BILL NO. 2080**

Offered January 12, 2005

Prefiled January 11, 2005

*A BILL to amend and reenact § 10.1-2213 of the Code of Virginia, relating to appropriation of state funds for historic preservation.*

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Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:****1. That § 10.1-2213 of the Code of Virginia is amended and reenacted as follows:**

§ 10.1-2213. Procedure for appropriation of state funds for historic preservation.

A. No state funds, other than for the maintenance and operation of those facilities specified in § 10.1-2211 or § 10.1-2212 and for the purchase of property for preservation of historical resources by the Virginia Land Conservation Foundation as provided in Chapter 10.2 (§ 10.1-1017 et seq.) of this title, shall be appropriated or expended for or to historical societies, museums, foundations, associations, or local governments as set forth in the general appropriations act for the maintenance of collections and exhibits or for the maintenance and operation of sites and facilities owned by historical organizations unless:

1. A request for state aid is filed by the organization with the Department, on forms prescribed by the Department, on or before ~~the opening day of July 1~~ prior to each regular session of the General Assembly in an even-numbered year. Requests shall be considered by the Governor and the General Assembly only in even-numbered years. *No amendment shall be considered unless the Department has received a complete application from the organization by the same date as above.* The Department shall review each application made by an organization for state aid prior to consideration by the General Assembly. The Department shall provide a timely review of any amendments proposed by members of the General Assembly to the chairmen of the House Appropriations and Senate Finance Committees. The review shall examine the merits of each request, including data showing the percentage of nonstate funds raised by the organization for the proposed project. The review and analysis provided by the Department shall be strictly advisory. The Department shall forward to the Department of Planning and Budget any application which is not for the maintenance of collections and exhibits or for the maintenance and operation of sites and facilities owned by historical organizations. Such applications shall be governed by the procedures identified in § 2.2-1505.

2. Such organization shall certify to the satisfaction of the Department that matching funds from local or private sources are available in an amount at least equal to the amount of the request in cash or in kind contributions which are deemed acceptable to the Department. These matching funds must be concurrent with the project for which the state grant is requested. Contributions received and spent prior to the state grant shall not be considered in satisfying the requirements of this subdivision.

3. Such organization shall provide documentation of its tax exempt status under § 501 (c) (3) of the United States Internal Revenue Code.

4. *Such organization shall certify that the applicant has read and acknowledged all information and requirements regarding how the grants will be administered and how funds will be disbursed.*

For the purposes of this section, no grant shall be approved for private institutions of higher education or religious organizations.

B. In addition to the requirements of subsection A of this section, no state funds other than for those facilities specified in § 10.1-2211 or § 10.1-2212 shall be appropriated or expended for the renovation or reconstruction of any historic site as set forth in § 2.2-1505 unless:

1. The property is designated as a historic landmark by the Board and is located on the register prepared by the Department pursuant to § 10.1-2202 or has been declared eligible by the Board for such designation but has not actually been placed on the register of buildings and sites provided for in § 10.1-2202;

2. The society, museum, foundation, or association owning such property enters into an agreement with the Department that the property will be open to the public for at least 100 days per year for no less than five years following completion, renovation, or reconstruction;

3. The organization submits the plans and specifications of the project to the Department for review and approval to ensure that the project meets generally accepted standards for historic preservation; and

4. The organization owning the property grants to the Commonwealth a perpetual easement placing restrictions on the use or development of the property satisfactory to the Board, if the organization has

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59 received \$50,000 or more within a four-year period pursuant to this section. The easement shall be for  
60 the purpose of preserving those features of the property which led to its designation as a historic  
61 landmark; and

62 *5. The purpose of the grant, as well as the name of the recipient organization, is included in the*  
63 *Appropriation Act. The grant recipient must justify and request in writing approval by the Department*  
64 *for changes in the scope of the project prior to implementing those changes. If grant funds are used for*  
65 *something other than the purpose for which they were requested without prior review and approval by*  
66 *the Department, then all state funds must be returned.*

67 Nothing contained in this subsection shall prohibit any organization from charging a reasonable  
68 admission fee during the five-year period required in subdivision 2 herein if the fee is comparable to  
69 fees charged at similar facilities in the area.

70 C. The Department shall be responsible for the administration of this section and §§ 10.1-2211 and  
71 10.1-2212 and the disbursement of all funds appropriated thereto.

72 State funds appropriated for the operation of historical societies, museums, foundations and  
73 associations shall be expended for historical facilities, reenactments, meetings, conferences, tours,  
74 seminars, or other general operating expenses as may be specified in the general appropriations act.  
75 Funds appropriated for these purposes shall be distributed annually to the treasurers of any such  
76 organizations. The appropriations act shall clearly designate that all such funds are to be used for the  
77 operating expenses of such organization.

78 *D. All organizations receiving grants appropriated through this section and § 10.1-2212 shall be*  
79 *subject to the following requirements:*

80 *1. Expenditure of grant funds shall be subject to state procurement and accounting requirements;*

81 *2. State funds shall be matched on at least a 50:50 basis;*

82 *3. Except in the case of grants for operating costs, funds shall be disbursed only for reimbursement*  
83 *for approved activities;*

84 *4. Documentation on matching funds and approved expenditures shall be submitted with all requests*  
85 *for disbursement; and*

86 *5. Each grant recipient shall provide progress reports as prescribed by the Department. At a*  
87 *minimum such reports shall be submitted with reimbursement requests and a final report at the*  
88 *conclusion of the project.*