

HOUSE BILL NO. HB0117

Wyoming historic building preservation.

Sponsored by: Representative(s) Berger, Iekel, Martin and
Harvey and Senator(s) Job and Mockler

A BILL

for

1 AN ACT relating to the administration of government;
2 establishing a program to provide funding for cities,
3 towns, counties, school districts and joint powers boards
4 for the preservation of historic buildings; establishing an
5 account for the program; providing funding for the program;
6 amending business ready community funding provisions;
7 providing for administration; providing for a continuous
8 appropriation; and providing for an effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 9-12-801 through 9-12-803 are created
13 to read:

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15 **9-12-801. Wyoming building preservation program;**
16 **purpose; rulemaking.**

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2 (a) It is the purpose of this article to promote the
3 preservation of historic buildings in the state of Wyoming,
4 to prevent waste of resources and to promote economic
5 development at the city, town, school district, county and
6 local regional level.

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8 (b) The council shall establish and administer a
9 Wyoming historic building preservation program as provided
10 by this article. Any city, town, school district or county
11 may submit an application to the council for a grant under
12 the program on forms prescribed by and subject to rules
13 promulgated by the council. Grants may be applied for by a
14 joint powers board with the approval of all participating
15 agencies to the joint powers agreement. Grants may be made
16 by the council to purchase an historic building or to
17 preserve or enhance an historic building owned by the
18 applying entity and located within the boundaries of the
19 applying entity. Grants may be used to fund costs
20 associated with the purchase, preservation or enhancement
21 of such historic buildings in accordance with approved
22 applications and rules of the council.

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24 (c) Grants shall be used to finance not more than:

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(i) Fifty percent (50%) of the cost of the total project related to any one (1) building; or

(ii) Seventy-five percent (75%) of the cost of the total project related to any one (1) building, if qualified for this greater amount under rules adopted by the council.

(d) In adopting rules to implement this section and reviewing grant applications, the council shall consider the historic value of the building, the esthetic value of the building, the potential economic impact of purchasing, preserving or enhancing the building and the ability of an applicant to fund remaining costs of the proposed purchase, preservation or enhancement.

(e) A grant shall be made under this article only if the applicant demonstrates that upon receipt of the grant, all projected purchase, preservation or enhancement costs will be funded. The application shall identify the source of all funds to be used for these costs.

(f) As used in this article:

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2 (i) "Account" means the historic building
3 preservation account created by W.S. 9-12-802;

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5 (ii) "Within the boundaries of the applying
6 entity", for applications from a joint powers board, shall
7 mean within the boundaries of any participating agency in
8 the joint powers agreement.

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10 **9-12-802. Wyoming historic building preservation**
11 **account.**

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13 There is created the historic building preservation
14 account. Funds shall be credited to the account as
15 provided by W.S. 9-4-601(b) and as otherwise provided by
16 law. Funds in the account are continuously appropriated to
17 the council to be used only for grants authorized to be
18 made under this article.

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20 **9-12-803. Council duties; actions on grant**
21 **applications.**

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23 All complete applications to participate in the grant
24 program established under this article which conform with

1 the criteria established by law and rules promulgated under
2 this article which are submitted to the council shall be
3 considered by the council. The council shall approve or
4 disapprove each application it considers in accordance with
5 this article and rules of the council.

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7 **Section 2.** W.S. 9-4-601(b)(i), (iv)(A), (B),
8 (v)(intro) and (B) and 9-12-102(a)(vii) are amended to
9 read:

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11 **9-4-601. Distribution and use; funds, accounts,**
12 **cities and towns benefited; exception for bonus payments.**

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14 (b) The state treasurer shall ascertain and withhold
15 all bonus payments received from the federal government
16 attributable to coal, oil shale or geothermal leases of
17 federal land within Wyoming and shall distribute it as
18 follows:

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20 (i) Fifty percent (50%), the first seven million
21 five hundred thousand dollars (\$7,500,000.00) of which
22 shall be distributed as follows, but for the fiscal years
23 beginning ~~July 1, 2004 and~~ July 1, 2005 and ending June 30,
24 2015 any amount in excess of seven million five hundred

1 thousand dollars (\$7,500,000.00) shall be deposited in
2 accordance with paragraph (v) of this subsection, and
3 thereafter any amount in excess of seven million five
4 hundred thousand dollars (\$7,500,000.00) per year shall be
5 deposited into the school capital construction account
6 established under W.S. 21-15-111(a)(i):

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8 (iv) And:

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10 (A) Ten percent (10%) but not to exceed one
11 million six hundred thousand dollars (\$1,600,000.00) per
12 year, to an earmarked revenue fund account which may be
13 expended by the community college commission in accordance
14 with and in addition to appropriations available under W.S.
15 21-18-205(c). For the fiscal years beginning ~~July 1, 2004~~
16 ~~and~~ July 1, 2005 and ending June 30, 2015, any amount in
17 excess of one million six hundred thousand dollars
18 (\$1,600,000.00) shall be deposited in accordance with
19 paragraph (v) of this subsection. Thereafter any amount in
20 excess of one million six hundred thousand dollars
21 (\$1,600,000.00) together with any unexpended revenues
22 within the account at the end of any biennial budget period
23 shall be credited to the school capital construction
24 account established under W.S. 21-15-111(a)(i);

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(B) For the fiscal years beginning ~~July 1, 2004~~ and July 1, 2005 and ending June 30, 2015, forty percent (40%) to be deposited in accordance with paragraph (v) of this subsection and thereafter to the school capital construction account established under W.S. 21-15-111(a)(i).

(v) For the fiscal years beginning ~~July 1, 2004~~ and July 1, 2005 and ending June 30, 2015, after making the distributions provided for in paragraphs (i) and (iv) of this subsection the following amounts, as limited by and as reduced in accordance with this paragraph, shall be deposited in the ~~business ready community~~ historic building preservation account established by W.S. ~~9-12-602~~ 9-12-802. The amounts specified shall be deposited to the ~~business ready community~~ historic building preservation account in the fiscal year specified but only if as of July 1 of the specified fiscal year, using the most recent consensus revenue estimating group estimates, there is projected to be a positive balance in the school capital construction account as of June 30 of that fiscal year, after all appropriations from that account for the purposes specified in W.S. 21-15-111(a)(i), for that fiscal year are deducted.

1 Amounts deposited to the ~~business ready community~~ historic
2 building preservation account pursuant to this paragraph
3 shall be ~~deposited as provided by W.S. 9-4-602.~~ These
4 ~~deposits shall be~~ reduced as necessary to maintain a
5 projected positive balance in the school capital
6 construction account after all appropriations from that
7 account for the purposes specified in W.S. 21-15-111(a)(i),
8 for the applicable fiscal year, are deducted. After the
9 amounts are deposited in the ~~business ready community~~
10 historic building preservation account in accordance with
11 this paragraph, any remaining amounts shall be deposited in
12 the school capital construction account established under
13 W.S. 21-15-111(a)(i):

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15 (B) For ~~the each~~ fiscal year beginning with
16 the fiscal year commencing July 1, 2005 through the fiscal
17 year ending June 30, 2015 - ~~ten million dollars~~
18 ~~(\$10,000,000.00)~~ five million dollars (\$5,000,000.00).

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20 **9-12-102. Definitions.**

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22 (a) As used in this act, the following terms have the
23 following meanings, except where the context clearly
24 indicates otherwise:

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(viii) "This act" means W.S. 9-12-101 through

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~~9-12-603~~ 9-12-803.

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Section 3. W.S. 9-4-601(b) (v) (A) is repealed.

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Section 4. This act is effective July 1, 2005.

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(END)