

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2880

By: Bryant

AS INTRODUCED

An Act relating to historic preservation; directing Secretary of State to refer a proposed act to the people for their approval or rejection; creating the Historic Preservation Investment Program; providing for administration of program; providing for promulgation of rules; providing purpose; limiting eligibility of properties; providing for certain grants from certain revolving fund; requiring certain matching funds under certain circumstances; requiring certain criteria for grants; providing for inspection of properties; permitting revocation of certain approval and recapture of certain funds; requiring promulgation of certain rules; creating the Historic Preservation Investment Program Revolving Fund; stating purposes; providing for expenditures from the revolving fund and providing procedures relating thereto; levying tax on real estate mortgages; amending 68 O.S. 1991, Section 1910, which relates to mortgage tax; providing for payment, collection, and remittance of certain additional mortgage tax; providing for deposit of monies into revolving fund; amending 62 O.S. 1991,

Section 203, as last amended by Section 9, Chapter 329, O.S.L. 1994 (62 O.S. Supp. 1995, Section 203), which relates to apportionment of monies; deleting certain reference; providing exception for certain monies which shall be apportioned and credited to general revenue fund; providing for codification; providing ballot title; directing filing; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided for by law, the following proposed statute.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.1 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. There shall be established by the Oklahoma Historical Society the Historic Preservation Investment Program. The program shall be administered by the Oklahoma Historical Society Board of Directors. The board shall promulgate any necessary rules to administer this program.

B. The Historic Preservation Investment Program shall be established for the purpose of the rehabilitation, restoration or stabilization, as these terms are defined in the Statewide Preservation Plan, of historic properties in this state. The program shall be limited to those historic properties which are either on the national or state register of historic places or are eligible to be on the national or state register of historic places.

The properties within the program shall be eligible to receive grants from the Historic Preservation Investment Program Revolving Fund. There shall be no limit on the amount of the grant available to an eligible historic property. Grants from the revolving fund to a historic property recipient not owned by the state shall require matching funds in cash to qualify for the grant. Whenever feasible, the board of directors shall administer the revolving fund so that available federal and private matching funds may be obtained.

C. In evaluating the applications for grants from the revolving fund, the board of directors shall specify certain criteria, including, but not limited to the following:

1. The level of historical significance of the property;
2. The condition of the property;
3. The urgency of the preservation work proposed;
4. Whether the property is endangered;
5. The type of work proposed;
6. A geographical distribution of assisted properties;
7. The administrative ability of the applicant;
8. The potential benefit to the community and the state;
9. Community support for the project; and
10. A plan for post-project maintenance of the property.

The board of directors shall be authorized to inspect any property for which grant monies have been awarded at any time within five (5) years after the completion of the grant project. The board of directors shall revoke or invalidate any approval granted to a project if the work performed was not undertaken as presented in the grant application or if further unapproved alterations or changes have been made. Any modifications to the property within the five-year period following the completion of the grant project shall be made in accordance with rules promulgated by the Oklahoma Historical Society. If the board of directors determines that any information in the grant application was misrepresented, falsified, or the work

performed was not undertaken as presented in the application, or any other unapproved alteration to the project has been made, or any rules promulgated by the Oklahoma Historical Society concerning this program have been violated, the grant monies shall be immediately returned by the grant recipient. The Oklahoma Historical Society shall have the authority to recapture these monies in any manner provided by law or rules promulgated by the Oklahoma Historical Society.

D. The board of directors shall promulgate rules to ensure a minimum standard of public access to any properties funded by grants pursuant to this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6.2 of Title 53, unless there is created a duplication in numbering, reads as follows:

A. There shall be created in the State Treasury a revolving fund for the Historic Preservation Investment Program within the Oklahoma Historical Society to be designated the "Historic Preservation Investment Program Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations. The fund shall consist of all monies authorized for deposit in the fund, including but not limited to gifts, grants, private donations and funds by government entities authorized to provide funding for the purposes authorized for use of the fund. All monies accruing to the credit of the fund shall be appropriated and may be budgeted and expended by the Oklahoma Historical Society for the purposes specified in this act. Expenditures from the fund shall be made upon warrants filed by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Oklahoma Historical Society Board of Directors shall be allowed to retain a maximum of ten percent (10%) of the monies in the revolving fund accruing on a monthly basis for the

administration of the program. One-half (1/2) of the remaining monies in the revolving fund shall be reserved for historic properties owned by the state, and one-half (1/2) shall be used for historic properties owned by county or municipal governments, county or municipal historical societies, or nonprofit organizations affiliated with the Oklahoma Historical Society. In no event shall any funds be used for cemeteries.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1904.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

In addition to the tax levied pursuant to Section 1904 of this title, a tax of ten cents (\$0.10) for each One Thousand Dollars (\$1,000.00) and each remaining fraction thereof shall be levied on each real estate mortgage. The tax levied pursuant to the provisions of this section shall be paid in accordance with subsection (c) of Section 1904 of this title.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 1910, is amended to read as follows:

Section 1910. ~~The A.~~ Except as provided in subsection B of this section, the county treasurer shall place to the credit of the common school fund of the county, for distribution as all other common school funds, all money collected under the provisions of this article.

B. The county treasurer shall collect the taxes levied pursuant to Section 4 of this act and remit on a monthly basis such funds to the Oklahoma Tax Commission which shall deposit the monies monthly into the Historic Preservation Investment Program Revolving Fund.

SECTION 6. AMENDATORY 62 O.S. 1991, Section 203, as last amended by Section 9, Chapter 329, O.S.L. 1994 (62 O.S. Supp. 1995, Section 203), is amended to read as follows:

Section 203. A. Except as otherwise provided by subsection B of this section, all monies that may come into the State Treasury,

~~pursuant to the provisions of Section 201 et seq. of this title,~~
together with all amounts that may be received by the State
Treasurer as investment income or as interest on average daily bank
balances, including investment income or interest on deposits from
funds deposited to the credit of the Constitutional Reserve Fund
created pursuant to Section 23 of Article 10 of the Oklahoma
Constitution, shall be apportioned and credited to the General
Revenue Fund for the current year.

B. The provisions of subsection A of this section shall not
apply to:

1. Interest received on deposits from funds under the control
of the Commissioners of the Land Office;

2. Funds in the Department of Human Services Federal
Disallowance Fund;

3. Interest received on deposits from funds under the control
of the Santa Claus Commission; ~~and~~

4. The Risk Management Revolving Fund; and

5. The Historic Preservation Investment Program Revolving Fund.

SECTION 7. The Ballot Title for the proposed act shall be in
the following form:

BALLOT TITLE

Legislative Referendum No. _____

State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure would create the Historic Preservation Investment
Program. The program would be managed by the Oklahoma
Historical Society. The program would help reform, restore, or
stabilize historic sites in this state. The historic sites
would be entitled to grant monies from the Historic Preservation
Investment Program Revolving Fund. Certain historic sites would
be required to match the grant monies with cash in order to
receive the grant monies. The grant monies may be returned to
the fund under certain conditions. This measure would levy a

new tax. The tax would be \$0.10 on each \$1,000.00 of a real estate mortgage. Monies collected from this tax would be placed into the Historic Preservation Investment Program Revolving Fund.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

 / YES, FOR THE ACT

 / NO, AGAINST THE ACT

SECTION 8. The Chief Clerk of the House of Representatives, immediately after the passage of this act, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 7 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 9. This act shall become effective January 1, 1997, if approved by the people of this state.

45-2-7805

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