



DN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

granting bonding authority,
Gen. Cat.

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AN ACT to repeal 20.245 (4) (f) and 44.08; to amend 20.866 (1) (u); and to create 20.245 (3) (e), 20.866 (2) (zfm) and 44.49 of the statutes; relating to: authorizing the state historical society to award grants to acquire, protect or restore sites and structures that have great historical or cultural value, granting rule-making authority and making appropriations.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6
7
8
9

SECTION 1. 20.245 (3) (e) of the statutes is created to read:
20.245 (3) (e) *Principal repayment, interest and rebates.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the grants under s. 44.49, and to make the payments determined by the

1 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
2 obligations incurred in financing the grants under s. 44.49.

3 **SECTION 2.** 20.245 (4) (f) of the statutes is repealed.

4 **SECTION 3.** 20.866 (1) (u) of the statutes is amended to read:

5 **20.866 (1) (u) *Principal repayment and interest.*** A sum sufficient from moneys
6 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d),
7 (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), ~~(3) (e)~~, (4) (e) and (5) (e), 20.250
8 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih)
9 and (kd) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at),
10 (ba), (ca), (cb), (cc), (cd), (ce), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e),
11 (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and
12 (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc) and 20.867 (1) (a) and (b) and (3)
13 (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt
14 contracted under subchs. I and IV of ch. 18.

15 **SECTION 4.** 20.866 (2) (zfm) of the statutes is created to read:

16 **20.866 (2) (zfm) *Historical society; heritage trust program.*** From the capital
17 improvement fund, a sum sufficient for the historical society to award grants under
18 s. 44.49. The total amount of debt authorized under this paragraph may not exceed
19 the following amounts on the following dates:

- 20 1. Prior to July 1, 2000, \$2,000,000.
- 21 2. July 1, 2000, to June 30, 2001, \$4,000,000.
- 22 3. July 1, 2001, to June 30, 2002, \$6,000,000.
- 23 4. July 1, 2002, to June 30, 2003, \$8,000,000.
- 24 5. July 1, 2003, to June 30, 2004, \$10,000,000.
- 25 6. July 1, 2004, to June 30, 2005, \$12,000,000.

1 7. July 1, 2005, to June 30, 2006, \$14,000,000.

2 8. July 1, 2006, to June 30, 2007, \$16,000,000.

3 9. July 1, 2007, to June 30, 2008, \$18,000,000.

4 10. July 1, 2008, to June 30, 2009, \$20,000,000.

5 **SECTION 5.** 44.08 of the statutes is repealed.

6 **SECTION 6.** 44.49 of the statutes is created to read:

7 **44.49 Heritage trust program. (1) PURPOSE.** The legislature determines
8 that the provision of assistance by the state under this section and the awarding of
9 grants to the Wisconsin Trust for Historic Preservation under this section serve a
10 statewide public purpose by assisting in the protection and restoration of property
11 located in this state that is of great historical or cultural value to the people of this
12 state or of the nation.

13 **(2) DEFINITIONS.** In this section:

14 (a) "Local governmental unit" has the meaning given in s. 16.97 (7).

15 (b) "Trust" means the Wisconsin Trust for Historic Preservation.

16 **(3) GRANTS TO GOVERNMENTAL UNITS AND NONPROFIT ORGANIZATIONS.** (a) ~~The~~ state
17 historical society shall award grants to state agencies, local governmental units and
18 nonprofit organizations to acquire, protect or restore buildings, bridges,
19 archaeological sites, landscapes and museum sites and collections, that are
20 determined to be of great historical or cultural value. A grant recipient shall provide
21 a 25% match in funds or in-kind services.

22 (b) At least 50% of the amount awarded each year under par. (a) shall be
23 awarded for historic preservation.

24 (c) The state historical society shall ensure that all grant recipients under par.

25 (a) comply with the standards for rehabilitation in 36 CFR 67.7.

From the appropriation
under s. 20.866(2) (2fm)

*from the appropriation
under s. 20.266(2)(2fm)*

2

1 (d) The state historical society may award up to \$1,000,000 in grants under par.
2 (a) in the 1999-2000 fiscal year and up to \$1,500,000 in grants under par. (a) in each
3 of the 9 succeeding fiscal years.

4 (4) GRANTS TO THE TRUST. (a) Subject to par. (b), the state historical society
5 annually shall award a grant to the trust. In the 1999-2000 fiscal year, the amount
6 of the grant shall be \$1,000,000. In each of the 9 succeeding fiscal years, the amount
7 of the grant shall be \$500,000.

8 (b) The state historical society may award a grant under par. (a) only if the
9 following conditions are satisfied:

10 1. The bylaws of the trust state that the purpose of the trust is to develop and
11 support statewide initiatives promoting historic preservation and that, if the trust
12 dissolves, the trust shall in good faith take all reasonable measures to ensure that
13 all moneys paid to the trust under this subsection revert to the state.

14 2. The trust permits public inspection and copying of any record, as defined in
15 s. 19.32 (2), of the trust to the same extent as required of, and subject to the same
16 terms and enforcement provisions that apply to, an authority under subch. II of ch.
17 19.

18 3. The trust provides public access to its meetings to the same extent as is
19 required of, and subject to the same terms and enforcement provisions that apply to,
20 a governmental body under subch. V of ch. 19.

21 (c) The trust shall deposit all moneys received under par. (a) in an endowment
22 fund. The trust shall use the earnings of the endowment fund for the following
23 purposes:

24 1. To award grants to state agencies, local governmental units and nonprofit
25 organizations to acquire, protect or restore buildings, bridges, archaeological sites,

1 landscapes and museum sites and collections that are determined to be of great
2 historical or cultural value. The trust shall ensure that a grant recipient provides
3 a 25% match in funds or in-kind services.

4 2. To temporarily acquire property that is determined to be of great historical
5 or cultural value for the purpose of protecting or restoring the property.

6 (d) The trust shall comply, and shall ensure that all grant recipients under par.
7 (c) 1. comply, with the standards for rehabilitation in 36 CFR 67.7.

8 (e) The trust shall use the endowment principal, and earnings accruing to the
9 endowment principal after June 30, 2009, for historic preservation that is related to
10 commemorating the 200th anniversary of Wisconsin statehood.

11 (5) SUNSET. The state historical society may not award a grant under this
12 section after June 30, 2009.

13 (6) RULES. The state historical society shall promulgate rules to implement and
14 administer this section.

15 **SECTION 7. Appropriation changes; historical society.**

16 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
17 to the state historical society under section 20.245 (3) (a) of the statutes, as affected
18 by the acts of 1999, the dollar amount is increased by \$100,000 for fiscal year 1999–00
19 and the dollar amount is increased by \$100,000 for fiscal year 2000–01 to increase
20 the authorized FTE positions for the historical society by 1.0 GRP position for the
21 performance of services for the heritage trust program.

22 **SECTION 8. Effective date.**

23 (1) This act takes effect on July 1, 1999, or on the day after publication,
24 whichever is later.

25 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1168/P2dn
PG:kmgjf

March 8, 1999

Please review this draft carefully to ensure that it accomplishes your intent. In addition, please review the following:

A 1. Note the purposes for which grants may be awarded. Would it be better to use "historic preservation of historic property," thus utilizing the terms defined in s. 44.31 (2) and (3), stats.?

2. Should the draft require that at least 50% of the grants under ~~sub~~(4) (c) 1. be for "historic preservation"? What about the funds used by the trust under ~~sub~~(4) (c) 2.? (Again, note that "historic preservation" is defined in s. 44.31 (2), stats.)

3. Do you want to require the Legislative Audit Bureau to audit the trust's records?

4. The draft requires the trust's bylaws to specify the trust's mission and to provide for reversion to the state of moneys paid to the trust should the trust dissolve. OK? Do you want the requirements in ~~sub~~(4) (b) 2. and 3. (regarding public records and open meetings) also to be specified in the trust's bylaws?

5. If the historical society awards less than the maximum amount allowed under ~~sub~~(3) (b) in any year, do you want the maximum amount in succeeding years increased?

6. Is the trust, as a nonprofit organization, also eligible for a grant under ~~sub~~(3)?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

(A)

1. ~~Under this~~ Under Article VIII, section 7 (2) (a) 1., of the Wisconsin Constitution, ~~grants~~ ^{grants} awarded ~~to~~ ^d ~~grants~~ under this bill, because they are derived from the proceeds of public debt, may be used only "to acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, railways, buildings, equipment or facilities for public purposes". ~~Do you want to make this restriction explicit in the bill?~~ As I understand the provision, the grant may be used only for capital projects and not for research or to ^{commission} a study unless the study results ⁱⁿ _{in} subsequent construction. Do you want to make this restriction explicit in the bill?

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1168/P3dn
PG&RAC:kmg:jf

March 11, 1999

Please review this draft carefully to ensure that it accomplishes your intent. In addition, please review the following:

1. Under Article VIII, section 7 (2) (a) 1., of the Wisconsin Constitution, grants awarded under this bill, because they are derived from the proceeds of public debt, may be used only "to acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, railways, buildings, equipment or facilities for public purposes". As I understand the provision, the grants may be used only for capital projects and not for research or to commission a study unless the study results in subsequent construction. Do you want to make this restriction explicit in the bill?

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3. Should the draft require that at least 50% of the grants under s. 44.49 (4) (c) 1. be for "historic preservation"? What about the funds used by the trust under s. 44.49 (4) (c) 2.? (Again, note that "historic preservation" is defined in s. 44.31 (2), stats.)

4. Do you want to require the Legislative Audit Bureau to audit the trust's records?

5. The draft requires the trust's bylaws to specify the trust's mission and to provide for reversion to the state of moneys paid to the trust should the trust dissolve. OK? Do you want the requirements in s. 44.49 (4) (b) 2. and 3. (regarding public records and open meetings) also to be specified in the trust's bylaws?

6. If the historical society awards less than the maximum amount allowed under s. 44.49 (3) (b) in any year, do you want the maximum amount in succeeding years increased?

7. Is the trust, as a nonprofit organization, also eligible for a grant under s. 44.49 (3)?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

Wisconsin Heritage Trust Program

Objective

The Wisconsin Heritage Trust Program will provide a source of state funding to leverage private funds for the acquisition, protection, restoration, or stewardship of Wisconsin's historical and cultural treasures. This grant program will be funded from a \$20 million authorization over a 10-year period. \$2 million would be placed in the fund annually. While most of the appropriation will be used during the 10 year period, a portion will be set aside to establish a permanent endowment providing a fitting Sesquicentennial legacy to the State's Bicentennial and beyond.

Need

The need for this type of program is great. Many local and state government agencies and non-profits own or seek to own heritage properties that are in need of protection and/or restoration. These entities are not able to take advantage of the existing state incentive program, the Wisconsin Historic Preservation Tax Credit program, because they do not benefit from income tax credits. Many Wisconsin businesses and individuals own historical and cultural properties but do not have the funds necessary to maintain or restore these important sites.

Eligibility

Non-profit organizations, units of government, businesses, and individuals are eligible recipients. Qualifying projects include historic or culturally significant buildings and structures, archeological sites, viewsheds or landscapes, and museum and historic site collections. Recipient selection will be a competitive process. A minimum 25% match from other sources will be required for grant recipients. Grant caps would be set and reviewed each year. All protection, preservation, and restoration work will need to follow established guidelines.

Non-Endowed Portion of the Program

The State Historical Society's (SHS) Division of Historic Preservation (DHP) would administer this portion of the program. Consultants and other field experts will augment staff, as necessary, to assist with the review process, to monitor project progress, to provide assistance to grant recipients and to ensure adherence to appropriate design and professional guidelines.

A SHS staff review panel will review applications and recommend grant recipients. A Heritage Trust Board will be formed to review and approve the projects. This Board will include a member from each of the following agencies/organizations:

The State Historical Society's Historic Preservation Division
Wisconsin Archeological Survey
Wisconsin Association of Historic Preservation Commissions
Wisconsin Heritage Tourism Program
Wisconsin Main Street Program
Wisconsin Trust for Historic Preservation
1000 Friends of Wisconsin

Any funds remaining at the end of a fiscal year will be carried over to the next fiscal year. To ensure that projects receiving grants are protected from inappropriate treatment, a memo of agreement (MOA) will be signed between the State Historical Society and the grantee. This MOA may involve the use of an easement to protect the property and the state's investment.

Endowed Portion of the Program - The Wisconsin Heritage Trust Endowment

The creation of an endowment will provide ongoing financial support for historic preservation initiatives in perpetuity. It will provide an attractive vehicle to secure private donations to add to the endowment thereby substantially increasing the ability to safeguard and revitalize Wisconsin's heritage for generations to come. Importantly, it will also provide start up funding for the commemoration of the State Bicentennial.

The endowment will be administered by the Wisconsin Trust for Historic Preservation with the funds professionally managed and invested. All matters pertaining to the administration and investment of the funds will be available for public scrutiny. Private contributions will be actively solicited to supplement public funds.

FY2000-2008

During the first year of the Wisconsin Heritage Trust Program, \$1,000,000 of the appropriation will be provided to the Wisconsin Trust for Historic Preservation to create a permanent endowment. In FY2001-2008, an additional \$500,000 will be provided each year to add to the endowment. Disbursements equating to approximately 5% of the endowment balance will be made annually from accrued interest to provide low interest loans and/or grants.

FY2009-2045 and FY2048 Onwards

The endowment funds will continue to be administered by the Wisconsin Trust for Historic Preservation and additional private contributions sought. Annual disbursements approximating to the available endowment interest earned in the previous fiscal year will be made to eligible recipients for appropriate projects.

FY2046 and 2047

The total available interest earned on the public contribution to the endowment will be provided to the State for use as start up funding for the commemoration of Wisconsin's Bicentennial. The endowment interest earned on private contributions will continue to be expended as described in the preceding paragraph.

The Wisconsin Heritage Trust Endowment Fund would be utilized for three purposes:

1. To act as a Revolving Fund providing low interest loans for the restoration and revitalization of historic or culturally significant properties.
2. To provide grants for the restoration and revitalization of historic or culturally significant properties.
3. To sell and buy property recognizing that the Fund may receive gifts of property and to provide the opportunity for the Fund to strategically intervene when important historic/culturally significant structures are threatened by demolition or severe neglect.
Note: It is not the intent of the fund to own property but to dispose of it as soon as it's future can be assured.

Project recipients will be reviewed and approved by the Heritage Trust Board, as previously defined. The Board will also approve the administrative costs reasonably incurred by the Wisconsin Trust for Historic Preservation on an annual basis. These costs will be recovered from endowment interest.

MH/AG
2/22/99

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FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1168/P3dn
PG&RAC:kmg:jf

March 11, 1999

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(2 places)

3. Should the draft require that at least 50% of the grants under s. 44.49 (4) (c) 1. be for "historic preservation"? What about the funds used by the trust under s. 44.49 (4) (c) 2.? (Again, note that "historic preservation" is defined in s. 44.31 (2), stats.) del. par. (b)

4. Do you want to require the Legislative Audit Bureau to audit the trust's records? -no BUT
see notes

5. The draft requires the trust's bylaws to specify the trust's mission and to provide for reversion to the state of moneys paid to the trust should the trust dissolve. OK? Do you want the requirements in s. 44.49 (4) (b) 2. and 3. (regarding public records and open meetings) also to be specified in the trust's bylaws? see notes

6. If the historical society awards less than the maximum amount allowed under s. 44.49 (3) (b) in any year, do you want the maximum amount in succeeding years increased? Yes

7. Is the trust, as a nonprofit organization, also eligible for a grant under s. 44.49 (3)? Yes
(leave draft as is)

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
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4/7/99 mtg of Dave Jahr
& Mark Peterson

note

Ruth Haney (LFB) knows abt it

① What's "prop." mean in art VIII, sec. 7 (2) (a) L?

structural reports? what if report leads to no construction?
part back out of report?
or enclosure

② vs 4. Amend
no

but indep. agent hierarchically to

gov. & structure - Trust ~~has~~ contracts

③ p. 4 l. 20-22:

see that spec meetings

only apply to enclosure descriptive meetings

~~new stuff~~

~~④ p. 3 l. 15 "non-partially"~~

④ p. 3 l. 19: add tribal gov'ts
also p. 5 l. 1

(look into ch 20 for
gen'l law "as if"
this)

⑤ p. 3 l. 20: keep landscapes - ~~add~~ by including
hist. property
& write DN

⑥ p. 3 l. 22: add "a minimum of 252 sq ft"

(as determined by DHS)

(p. 5 too)

⑦ p. 5 l. 10:

~~② p. 5 l. 10-12~~

~~⑦ p. 4 l. 23-24~~ ^{after}
~~move to p. 11 as a condition~~

~~shall create an EF~~

⑦ p. 5 ^(interest)
can use some of \$ (to manage fund?)
(RAC will check out)

⑧ p. 5 l. 10-12
Δ to ~~#3~~ (C) 3.

~~⑨ p. 4 l. 15
new bylaws must ER ^{structure} gov. body to
body representing ^{best} interests of ^{predecessor} ^{of} ^{underlying} ^{trust}
trustees to make decisions about
operations
(+ this is the gap when mtgs
are subject to open mtgs.)~~

⑨ p. 3 l. 19-22 move to p. 3 l. 10-13
~~some~~ "emotional impact"

SOON DN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

for the preservation of historic property
regenerate

1 AN ACT to repeal 20.245 (4) (f) and 44.08; to amend 20.866 (1) (u); and to create
2 20.245 (3) (e), 20.866 (2) (zfm) and 44.49 of the statutes; relating to:
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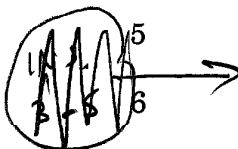
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12 ~~located in this state that is of great historical or cultural value to the people of this~~
13 ~~state or of the nation.~~ *INS-3-13*

14 (2) DEFINITIONS. In this section:

15 (a) "Local governmental unit" has the meaning given in s. 16.97 (7).

16 (b) "Trust" means the Wisconsin Trust for Historic Preservation.

17 (3) GRANTS TO GOVERNMENTAL UNITS AND NONPROFIT ORGANIZATIONS. (a) From the
18 appropriation under s. 20.866 (2) (zfm), the state historical society shall award
19 grants to state agencies, local governmental units and nonprofit organizations ~~to~~
20 ~~acquire, protect or restore buildings, bridges, archaeological sites, landscapes and~~
21 ~~museum sites and collections, that are determined to be of great historical or cultural~~
22 ~~value.~~ *for historic preservation* A grant recipient shall provide ~~25% matching~~ *matching* funds ~~of in-kind services.~~

23 ~~(b) At least 50% of the amount awarded each year under par. (a) shall be~~
24 ~~awarded for historic preservation~~

equal to 25% of the amount of the grant, except that the state historical society may require a recipient to provide matching funds equal to a higher percentage

1 (b) ~~(a)~~ The state historical society shall ensure that all grant recipients under par.
2 (a) comply with the standards for rehabilitation in 36 CFR 67.7.

3 (c) ~~(a)~~ The state historical society may award up to \$1,000,000 in grants under par.

4 (a) in the ~~1999-2000~~²⁰⁰⁰⁻⁰¹ fiscal year and up to \$1,500,000 in grants under par. (a) in each
5 of the 9 succeeding fiscal years. *INS. 4-5*

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7 annually shall award a grant to the trust from the appropriation under s. 20.866 (2)
8 (zfm). In the ~~1999-2000~~²⁰⁰⁰⁻⁰¹ fiscal year, the amount of the grant shall be \$1,000,000. In
9 each of the 9 succeeding fiscal years, the amount of the grant shall be \$500,000.

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11 following conditions are satisfied:

12 1. The bylaws of the trust state that the purpose of the trust is to develop and
13 support statewide initiatives promoting historic preservation and that, if the trust
14 dissolves, the trust shall in good faith take all reasonable measures to ensure that
15 all moneys paid to the trust under this subsection revert to the state.

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18 terms and enforcement provisions that apply to, an authority under subch. II of ch.
19 19.

20 2. ~~3~~ The trust provides public access to ~~its meetings~~ to the same extent as is
21 required of, and subject to the same terms and enforcement provisions that apply to,
22 a governmental body under subch. V of ch. 19.

23 (c) The ~~trust shall deposit all~~ moneys received under par. (a) ~~in~~^{shall constitute} an endowment
24 fund. The trust shall use the earnings of the endowment fund for the following
25 purposes:

any meeting held for the purpose of deliberations regarding the awarding of grants under par. (c) 1.

1 1. To award grants to state agencies, local governmental units and nonprofit
 2 organizations to ~~acquire, protect or restore buildings, bridges, archaeological sites,~~
 3 ~~landscapes and museum sites and collections that are determined to be of great~~
 4 ~~historical or cultural value.~~ ^{for historic preservation, including} The trust shall ensure that a grant recipient provides

5 ^{at least} ~~a 25% match in funds or in-kind services~~
 6 ^{historic}

7 2. To temporarily acquire property that is determined to be of ~~great~~ ^{historic} historical
 8 or cultural value for the purpose of ~~protecting or restoring the property.~~ ^{historic preservation}

9 (d) The trust shall comply, and shall ensure that all grant recipients under par.

10 (c) 1. comply, with the standards for rehabilitation in 36 CFR 67.7.

11 ~~(e) The trust shall use the endowment principal, and earnings accruing to the~~
 12 ~~endowment principal after June 30, 2009, for historic preservation that is related to~~
 13 ~~commemorating~~ ^{ate} the 200th anniversary of Wisconsin statehood.

INS.
5-12

14 (5) SUNSET. The state historical society may not award a grant under this
 15 section after June 30, ²⁰¹⁰ ~~2009~~.

16 ~~(6) RULES. The state historical society shall promulgate rules to implement and~~
 17 ~~administer this section.~~

18 **SECTION 7. Appropriation changes; historical society.**

19 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
 20 to the state historical society under section 20.245 (3) (a) of the statutes, as affected
 21 by the acts of 1999, the dollar amount is increased by \$100,000 for fiscal year 1999-00
 22 and the dollar amount is increased by \$100,000 for fiscal year 2000-01 to increase
 23 the authorized FTE positions for the historical society by 1.0 GRP position for the
 24 performance of services for the heritage trust program.

SECTION 8. Effective date.

A grant recipient shall provide matching funds equal to 25% of the amount of the grant, except that the trust may require a recipient to provide matching funds equal to a higher percentage.

3-13 ✓

~~for the general protection~~, restoration
located in this state
and rehabilitation of property that is
significant in the history, prehistory,
architecture, archaeology or culture of
this state, its rural and urban
communities or the nation

4-5 ✓

↓, except that if

the state historical society ~~may~~ awards
~~to any fiscal year~~
less than the maximum amount
allowed in ~~that~~ ^{any} fiscal year ^{or} the
maximum amount allowed in the
succeeding fiscal year is increased

by an amount equal to the difference
between the ^{amount awarded in the current fiscal year} ~~and~~ the
maximum amount allowed
in the ^{current} ~~previous~~ fiscal year ^{and} ~~the~~
~~amount awarded in the previous fiscal~~

~~may~~

5-12 ✓

(e) The trust shall contract with an independent certified public accountant to biennially audit ~~of~~ the endowment fund. The trust shall submit ~~a~~ a detailed report of the audit report to the governors and the joint committee on finance.

within 30 days after the completion of each ~~audit~~ audit,

(DN)

1. I did not add tribal governments to s. 44.49 (3) (a) because current law (see s. 20.002 (13), ^{stat.}) already includes tribal governments.

2. Should the open meetings requirements under s. 44.49 (4) (b) 2. also apply to meetings held to discuss the acquisition of property under s. 44.49 (4) (c) 2.?

~~3. As requested I am considering the definition of "historic property" to include a landscape but I'm not sure it's necessary. Isn't a landscape an "area or site"?~~

3.99 Article VIII, section 7 (2) (a) 1., of the Wisconsin Constitution would allow grants

under this bill to be used to

However,
"acquire...property") it's unclear

~~whether~~ whether the term "property", as
used in the constitution,
would include see "objects" within

~~the meaning of~~ ^{as} the ^{is a} latter term is
used in the definition of "historic property"

in s. 44.31 (3), stat. In other words,

it may be ~~unconstitutional~~ that grants
^{awards} ~~under this bill~~
I would not constitutionally be used to

acquire certain objects.

PLG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1168/P4dn
PG:kmg:km

April 9, 1999

1. I did not add tribal governments to s. 44.49 (3) (a) because current law (see s. 20.002 (13), stats.) already includes tribal governments.

2. Should the open meetings requirement in s. 44.49 (4) (b) 2. also apply to meetings held to discuss the acquisition of property under s. 44.49 (4) (c) 2.?

3. Article VIII, section 7 (2) (a) 1., of the Wisconsin Constitution would allow grants under this bill to be used to "acquire ... property". However, it's unclear whether the term "property", as used in the constitution, would include all "objects" as the latter term is used in the definition of "historic property" in s. 44.31 (3), stats. In other words, it may be that grants awarded under this bill could not constitutionally be used to acquire certain objects.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

11/23/99

Dave Jahr / Jund 6-3570

proposal 1168/99 for introduction

identical to vetoes provisions in Act 9

has a \$ amt p. 5 to:
+ \$ 25,000 99-00
+ \$ 50,000 00-01

505m

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 11/24/99

regenerate

1 AN ACT to repeal 20.245 (4) (f) and 44.08; to amend 20.866 (1) (u); and to create
2 20.245 (3) (e), 20.866 (2) (zfm) and 44.49 of the statutes; relating to:
3 authorizing the state historical society to award grants for the preservation of
4 historic property, granting bonding authority and making appropriations.

Analysis by the Legislative Reference Bureau

(see attached)

~~This is a preliminary draft. An analysis will be provided in a later version.~~
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 20.245 (3) (e) of the statutes is created to read:
6 20.245 (3) (e) *Principal repayment, interest and rebates.* A sum sufficient to
7 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
8 in financing the grants under s. 44.49, and to make the payments determined by the
9 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
10 obligations incurred in financing the grants under s. 44.49.

SECTION 2

as affected by
1999 Wisconsin Act
9, section 622,

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Prop w/99WA9, SEC. 628
Dr
INS.
2-12

~~SECTION 2. 20.245 (4) (f) of the statutes is repealed.~~

~~SECTION 2. 20.866 (1) (u) of the statutes is amended to read:~~

SECTION 2. 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (f), 20.190 (1) (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (3) (e), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih) and (kd) ^{and (km)} and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), ^(cf), (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (g), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc) ^{20.855 (8) (a)} and 20.867 (1) (a) and (b) and (3) (a), (b), ^{(bp), (br)} (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 4. 20.866 (2) (zfm) of the statutes is created to read:

20.866 (2) (zfm) *Historical society; heritage trust program.* From the capital improvement fund, a sum sufficient for the historical society to award grants under s. 44.49. The total amount of debt authorized under this paragraph may not exceed the following amounts on the following dates:

1. Prior to July 1, 2000, \$2,000,000.
2. July 1, 2000, to June 30, 2001, \$4,000,000.
3. July 1, 2001, to June 30, 2002, \$6,000,000.
4. July 1, 2002, to June 30, 2003, \$8,000,000.
5. July 1, 2003, to June 30, 2004, \$10,000,000.
6. July 1, 2004, to June 30, 2005, \$12,000,000.
7. July 1, 2005, to June 30, 2006, \$14,000,000.
8. July 1, 2006, to June 30, 2007, \$16,000,000.

The state may contract public debt in an amount not to exceed \$20,000,000 for this purpose.

1 9. July 1, 2007, to June 30, 2008, \$18,000,000.

2 10. July 1, 2008, to June 30, 2009, \$20,000,000.

3 ~~SECTION 5. 44.08 of the statutes is repealed.~~

4 SECTION 6. 44.49 of the statutes is created to read:

5 **44.49 Heritage trust program.** (1) PURPOSE. The legislature determines
6 that the provision of assistance by the state under this section and the awarding of
7 grants to the Wisconsin Trust for Historic Preservation under this section serve a
8 statewide public purpose by assisting in the protection, restoration and
9 rehabilitation of property located in this state that is significant in the history,
10 prehistory, architecture, archaeology or culture of this state, its rural and urban
11 communities or the nation.

12 (2) DEFINITIONS. In this section:

13 (a) "Local governmental unit" has the meaning given in s. 16.97 (7).

14 (b) "Trust" means the Wisconsin Trust for Historic Preservation.

15 (3) GRANTS TO GOVERNMENTAL UNITS AND NONPROFIT ORGANIZATIONS. (a) From the
16 appropriation under s. 20.866 (2) (zfm), the state historical society shall award
17 grants to state agencies, local governmental units and nonprofit organizations for
18 historic preservation. A grant recipient shall provide matching funds equal to 25%
19 of the amount of the grant, except that the state historical society may require a
20 recipient to provide matching funds equal to a higher percentage.

21 (b) The state historical society shall ensure that all grant recipients under par.
22 (a) comply with the standards for rehabilitation in 36 CFR 67.7.

23 (c) The state historical society may award up to \$1,000,000 in grants under par.
24 (a) in the 2000-01 fiscal year and up to \$1,500,000 in grants under par. (a) in each
25 of the 9 succeeding fiscal years, except that if the state historical society awards less

1 than the maximum amount allowed in any fiscal year the maximum amount allowed
2 in the succeeding fiscal year is increased by an amount equal to the difference
3 between the amount awarded in the current fiscal year and the maximum amount
4 allowed in the current fiscal year.

5 (4) GRANTS TO THE TRUST. (a) Subject to par. (b), the state historical society
6 annually shall award a grant to the trust from the appropriation under s. 20.866 (2)
7 (zfm). In the 2000-01 fiscal year, the amount of the grant shall be \$1,000,000. In
8 each of the 9 succeeding fiscal years, the amount of the grant shall be \$500,000.

9 (b) The state historical society may award a grant under par. (a) only if the
10 following conditions are satisfied:

11 1. The bylaws of the trust state that the purpose of the trust is to develop and
12 support statewide initiatives promoting historic preservation and that, if the trust
13 dissolves, the trust shall in good faith take all reasonable measures to ensure that
14 all moneys paid to the trust under this subsection revert to the state.

15 2. The trust provides public access to any meeting held for the purpose of
16 deliberations regarding the awarding of grants under par. (c) 1. to the same extent
17 as is required of, and subject to the same terms and enforcement provisions that
18 apply to, a governmental body under subch. V of ch. 19.

19 (c) The moneys received under par. (a) shall constitute an endowment fund.
20 The trust shall use the earnings of the endowment fund for the following purposes:

21 1. To award grants to state agencies, local governmental units and nonprofit
22 organizations for historic preservation, including historic preservation to
23 commemorate the 200th anniversary of Wisconsin statehood. A grant recipient shall
24 provide matching funds equal to 25% of the amount of the grant, except that the trust
25 may require a recipient to provide matching funds equal to a higher percentage.

1 2. To temporarily acquire historic property for the purpose of historic
2 preservation.

3 (d) The trust shall comply, and shall ensure that all grant recipients under par.

4 (c) 1. comply, with the standards for rehabilitation in 36 CFR 67.7.

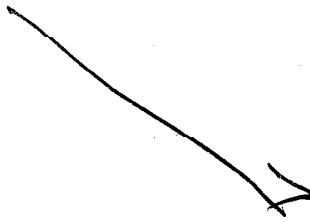
5 (e) The trust shall contract with an independent certified public accountant to
6 biennially audit the endowment fund. Within 30 days after the completion of each
7 audit, the trust shall submit a detailed report of the audit to the governor and the
8 joint committee on finance.

9 (5) SUNSET. The state historical society may not award a grant under this
10 section after June 30, 2010.

11 **SECTION 7. Appropriation changes; historical society.** *\$ 215,000*

12 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
13 to the state historical society under section 20.245 (3) (a) of the statutes, as affected
14 by the acts of 1999, the dollar amount is increased by ~~\$100,000~~ *\$ 50,000* for fiscal year 1999-00
15 and the dollar amount is increased by ~~\$100,000~~ *\$ 50,000* for fiscal year 2000-01 to increase
16 the authorized FTE positions for the historical society by 1.0 GRP position for the
17 performance of services for the heritage trust program.

18 ~~**SECTION 8. Effective date:**~~
19 ~~(1) This act takes effect on July 1, 1999, or on the day after publication,~~
20 ~~whichever is later.~~
21



1999

Nonstat File Sequence: **FFF**

LRB _____/____

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → action: → *NS: → effdate
For the text, execute: **create** → text: → *NS: → effdateA
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # ____ . **Effective date.**

(#1) () This act takes effect on

1. In the component bar: For the action phrase, execute: .. **create** → action: → *NS: → effdateE
For the text, execute: **create** → text: → *NS: → effdate
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # ____ . **Effective dates;**

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of section# 20: 8.66 (1) (4) (by ^{CS} SECTION 3) of the statutes takes effect on July 1, 2001. auto-ref. KM

1. In the component bar: For the budget action phrase, execute:.. **create** → action: → *NS: → 94XX
For the text, execute: **create** → text: → *NS: → effdate
2. Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9400 department code; and fill in "()" only if a "frozen" number is needed.

SECTION 94 ____ . **Effective dates;**

(#1) () The treatment of sections of the statutes takes effect on

(End)

ANALYSIS

This bill creates a heritage trust program ^{to be} administered by the state historical society and ~~under the program~~ ~~the bill~~

authorizes the issuance of up to \$20,000,000 in general obligation bonds

(up to \$2,000,000 in each of 10 years) for the

purposes of the program; ^{the historical society} ~~the historical society~~ ^{must} ~~to issue~~ award grants

to state agencies, local governmental units and nonprofit organizations for historic

preservation. A grant recipient must provide matching funds equal to 25% of the amount

of the grant. The bill ~~also~~ authorizes the ~~the~~ historical society to award up to

\$1,000,000 in ~~the~~ grants for this purpose in

the 2006-07 fiscal year and up ~~to~~ to

\$1,500,000 in grants
in each of the succeeding nine
fiscal years.

The bill also directs the historical
society to ^{annually} award a grant to the Wisconsin
Trust for Historic Preservation under certain
conditions: 1) the bylaws of the Trust must
state that the purpose of the Trust is to
develop and support statewide initiatives
promoting historic preservation and that, if
the Trust dissolves, it will take ^{all}
^{re} reasonable measures to ^{ensure} ensure that money
paid to the Trust under the program
revert to the State; and 2) the Trust
must provide public access to any meeting
held to ~~deliberate~~ ^{discuss} regarding the
awarding of grants as if the Trust ^{were} were
to the ~~same extent~~ a governmental body.

bill provides that the grants awarded
The ~~monies received by~~ the trust
~~constitute~~ ~~an~~ ~~endowment~~ (\$1,000,000 in
the 2000-01 fiscal year and
\$500,000 in each of the nine succeeding
fiscal years) constitute an endowment
fund. The trust must use the earnings
of the endowment fund to ^(INSERT) award grants
to state agencies, local governmental
units and nonprofit organizations for
the purpose of
x historic preservation, including historic
preservation to commemorate the 200th
anniversary of Wisconsin statehood. A
grant recipient must provide matching
funds equal to at least ^{25%} 25% of
the amount of the grant. ~~The trust~~

#1

INSERT

Temporarily acquire ^{historic} property for the
purpose of historic preservation and to

from 1999 WAPP, SEC. 628b.

auto-ref. KM
2-12

628b

SECTION ~~20.866~~ 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act ~~no. 1999~~, is repealed and recreated to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1) (c), (d), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), ~~(3) (e)~~ (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh), (ih), (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ce), (cf), ~~(ch)~~ (ea), (eq) and (er), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp), (br), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

9, section 628b, and 1999 Wisconsin Act (this act)

WPO: delete the shading from ~~the statute~~ this stat.;
→ actually, you will have to add this ref. if you use the "Old Act SECTION" routine. KG

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/14/1999

To: Senator Jauch

Relating to LRB drafting number: LRB-1168

Topic

Heritage grant program

Subject(s)

Higher Education - miscellaneous

1. **JACKET** the draft for introduction BA
in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction .
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362