



Alabama Department of Examiners of Public Accounts

Report on the **Alabama Historical Commission** **State of Alabama** **Montgomery, Alabama**

October 1, 2019 through September 30, 2023

Filed: September 6, 2024

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ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



Rachel Laurie Riddle
Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

P.O. Box 302251, Montgomery, AL 36130-2251
401 Adams Avenue, Suite 280
Montgomery, Alabama 36104-4338
Telephone (334) 242-9200
FAX (334) 242-1775

Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Alabama Historical Commission, Montgomery, Alabama, for the period October 1, 2019 through September 30, 2023, by Examiners Rodney Wagstaff and Karen McClure. I, Rodney Wagstaff, served as Examiner-in-Charge on the engagement, and under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Rodney Wagstaff'.

Rodney Wagstaff
Examiner of Public Accounts

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Department of
Examiners of Public Accounts

EXAMINER'S SUMMARY

**Alabama Historical Commission
October 1, 2019 through September 30, 2023**

PURPOSE AND SCOPE OF EXAMINATION

This report presents the results of an examination of the Alabama Historical Commission (the "Commission") and a review of the Commission's compliance with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. The examination was performed to determine whether the public officers, agents, and employees of the Commission properly and lawfully accounted for all money and other public assets, or resources received, disbursed, or in the custody of the Commission.

This examination included procedures to determine whether the Commission complied with the state laws and regulations that pertain to its financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. The Commission's internal control policies and procedures relating to the areas listed above were also reviewed; however, this examination did not encompass managerial and operational matters, such as whether the Commission accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

The mission and purpose of the Commission is described in the accompanying Agency Overview. The Commission's financial information for the examination period is shown on Exhibits 1 through 5.

RESULTS OF THE EXAMINATION

Nonconsumable personal property in the custody of the Commission was compared with the property records maintained by the Property Inventory Control Division of the State Auditor's Office as required by the *Code of Alabama 1975*, Section 36-16-9. Testing revealed no discrepancies.

Tests performed during the examination did not disclose any significant instances of noncompliance with applicable laws and regulations.

EXIT CONFERENCE

An exit conference was held on August 14, 2024. Individuals in attendance were Lisa D. Jones, Executive Director and Claire Nobles, Deputy Director, along with Examiners Rodney Wagstaff and Karen McClure from the Department of Examiners of Public Accounts.



Department of
Examiners of Public Accounts

AGENCY OVERVIEW

**Alabama Historical Commission
October 1, 2019 through September 30, 2023**

The Alabama Historical Commission (the “Commission”) operates under the provisions of the *Code of Alabama 1975*, Section 41-9-240 through 41-9-263. The Commission’s mission is the preservation of buildings and archaeological sites of historical significance. The Commission also acts as the federal government’s agent in determining the impact of federally involved undertakings on historic properties.

The *Code of Alabama 1975*, Sections 40-9F-30 through 40-9F-38, requires the Commission to develop standards for the approval of the substantial rehabilitation of qualified structures for which a tax credit is sought. This allows Alabama taxpayers the opportunity to rehabilitate their historic property and receive an income tax credit of up to 25% of qualified expenses associated with that rehabilitation.

The Executive Director serves as the head of the Commission as shown on Exhibit 6. Additional information on the Alabama Historical Commission can be found on their website at <https://ahc.alabama.gov/>.

The Commission operates from the following Special Revenue Funds maintained in the State Treasury:

- ◆ ***State Historic Preservation Fund (Operating Fund)*** – Established under authority of the *Code of Alabama 1975*, Section 41-9-255, to account for all moneys received by the Commission from admissions, inspection fees, gifts, donations, grants, leases, rentals, bequests, loans, governmental appropriations, or any other sources, either public or private. Such funds shall be used by the Commission to pay the costs of the maintenance, acquisitions, preservation, and operation of its acquisitions and for carrying out any and all of the purposes of this division, including the payment of the salaries of any employees of said Commission and any expenses of said Commission. Money contributed to or deposited in this fund for capital outlay projects and from any source other than state appropriations for operations shall not revert to the General Fund of the state but shall remain in the preservation fund until expended by the Commission.

- ◆ **Alabama Cultural Resources Preservation Trust Fund** – Created as a result of the May 1991 settlement of Civil Action Number CV-90-H-133-N in the United States District Court for the Middle District of Alabama, Northern Division to hold funds paid to the Commission by the TRANSCO Energy Company. At issue were alleged acts and omissions by TRANSCO during its construction of gas pipelines in Alabama during 1987 and 1988. The court ordered payment to the Commission of \$8,582,000 plus accrued interest. Fifty percent of the funds, by order of the court, are expended for the benefit of the affected counties.

The Commission is the trustee of the fund by court order. In June 1991, F. Lawrence Oaks, Executive Director of the Alabama Historical Commission and David G. Bronner, Secretary/Treasurer/CEO of the Employees Retirement System of Alabama (ERSA) entered an agreement whereby ERSA acts as investment advisor and custodian of the funds received by the Commission from the TRANSCO settlement. Under the agreement, ERSA invests the funds and distributes the income from the investments to the Commission at the direction of its Executive Director. The agreement stipulates that ten percent of the income is added to the corpus of the fund, and the corpus of the fund remains intact and unavailable for distribution unless the agreement is terminated.

The book value for the Alabama Cultural Resources Preservation Trust Fund on September 30, 2020, 2021, 2022, and 2023 was \$11,083,104.73, \$11,781,683.96, \$12,820,010.67, and \$13,803,409.71, respectively.

- ◆ **Historical Preservation Investment Fund** – Established under the authority of the *Code of Alabama 1975*, Section 41-9-249(7)(c), the Historical Preservation Investment Fund holds balances of operating funds which are not immediately needed by the Commission. Despite the fund's name, its balances are not invested. The fund's purpose is primarily segregating funds during the year which are reserved for use in budgeted capital projects. No funds are expended directly from the Historical Preservation Investment Fund. When funds are needed, the Commission transfers amounts to the State Historic Preservation Fund, the Commission's operating fund, for expenses.
- ◆ **BP Oil Fund – Historical Commission** – Created in 2014 as a result of the Deepwater Horizon incident. The fund holds monies for payment of costs related to the Gulf of Mexico BP oil spill damage, including project management costs. The fund has not been used since fiscal year 2020. The balance in the fund since the end of fiscal year 2023 was \$426.18.

Financial Information

Summary Schedule of Cash Receipts, Disbursements and Balances

All Funds

For the Period October 1, 2019 through September 30, 2023

| | State Historic Preservation Fund | Alabama Cultural Resources Preservation Trust Fund | Historical Preservation Investment Fund | BP Oil Funds - Historical Commission | Total |
|--|--|---|--|--|------------------|
| Receipts | | | | | |
| Filing Fees | \$ 546,780.37 | \$ | \$ | \$ | \$ 546,780.37 |
| General Sales Tax | 4,548.53 | | | | 4,548.53 |
| Lodgings Tax | 219.00 | | | | 219.00 |
| Not Otherwise Classified Miscellaneous | 38,639.69 | | | | 38,639.69 |
| Miscellaneous Fees-Not Otherwise Classified | 446,598.10 | | | | 446,598.10 |
| Civil Money Penalties | 225,000.00 | | | | 225,000.00 |
| Cash Dividends on Stock | 95,726.40 | 488,349.78 | | | 584,076.18 |
| Gain on Sale of Investments | | 1,794,551.77 | | | 1,794,551.77 |
| Interest Income | | 962,620.84 | | | 962,620.84 |
| Interest Income Short-Term Investments | | 88,039.02 | | | 88,039.02 |
| Securities Lending Income | | 29,993.57 | | | 29,993.57 |
| Buildings | 205,232.71 | | | | 205,232.71 |
| Lease of Oil and Gas Rights | 1,917,308.79 | | | | 1,917,308.79 |
| Insurance Recoveries | 1,129,443.72 | | | | 1,129,443.72 |
| Reimbursements Not Otherwise Classified | 2,276.68 | | | | 2,276.68 |
| Prior Year Refunds | 2,876.88 | | | | 2,876.88 |
| Admissions | 2,993,915.67 | | | | 2,993,915.67 |
| Other Resale Merchandise | 1,366,683.92 | | | | 1,366,683.92 |
| Salvage Equipment or Other Property | 10,059.85 | | | | 10,059.85 |
| Non-Governmental Operating Contribution | 119,205.85 | | | | 119,205.85 |
| Other Intragovernmental | 676,878.62 | | | | 676,878.62 |
| General Fund Appropriation | 17,742,772.00 | | | | 17,742,772.00 |
| Confederate Pension Fund | 2,949,817.72 | | | | 2,949,817.72 |
| Education Trust Fund Appropriation | 18,118,152.00 | | | | 18,118,152.00 |
| Transfer to the Alabama Cultural Resources Preservation Trust Fund | 250,000.00 | | | | 250,000.00 |
| Interfund State Programs | 580,218.94 | | | | 580,218.94 |
| Interfund Federal Programs | 400,000.00 | | | | 400,000.00 |
| Transfers from the Historical Preservation Investment Fund | 1,436,085.02 | | | | 1,436,085.02 |
| Federal Operating Reimbursement | 4,937,944.65 | | | | 4,937,944.65 |
| Total | \$ 56,196,385.11 | \$ 3,363,554.98 | \$ | \$ | \$ 59,559,940.09 |

Summary Schedule of Cash Receipts, Disbursements and Balances

All Funds

For the Period October 1, 2019 through September 30, 2023

| | State Historic Preservation Fund | Alabama Cultural Resources Preservation Trust Fund | Historical Preservation Investment Fund | BP Oil Funds - Historical Commission | Total |
|--|--|---|--|--|------------------|
| Disbursements | | | | | |
| Personnel Costs | \$ 11,459,275.86 | \$ | \$ | \$ | \$ 11,459,275.86 |
| Employee Benefits | 4,940,967.89 | | | | 4,940,967.89 |
| Travel, In-State | 111,318.68 | | | | 111,318.68 |
| Travel, Out-of-State | 31,992.60 | | | | 31,992.60 |
| Repairs and Maintenance | 361,052.38 | | | | 361,052.38 |
| Rentals and Leases | 182,107.43 | | | | 182,107.43 |
| Utilities and Communications | 907,960.54 | | | | 907,960.54 |
| Professional Services | 4,227,996.33 | | | | 4,227,996.33 |
| Supplies, Materials and Operating Expenses | 1,977,744.90 | | | 708.00 | 1,978,452.90 |
| Transportation Equipment Operations | 206,385.09 | | | | 206,385.09 |
| Grants and Benefits | 16,220,818.98 | | | | 16,220,818.98 |
| Capital Outlay | 1,758,292.53 | | | | 1,758,292.53 |
| Transportation Equipment Purchases | 327,001.31 | | | | 327,001.31 |
| Other Equipment Purchases | 379,242.09 | | | 1,960.49 | 381,202.58 |
| Transfer to the State Historic Preservation Fund | | 250,000.00 | 1,436,085.02 | | 1,686,085.02 |
| Total | 43,092,156.61 | 250,000.00 | 1,436,085.02 | 2,668.49 | 44,780,910.12 |
| Excess (Deficiency) of Receipts Over Disbursements | 13,104,228.50 | 3,113,554.98 | (1,436,085.02) | (2,668.49) | 14,779,029.97 |
| Cash Balances at Beginning of Year | 1,422,719.43 | 0.92 | 1,436,085.02 | 3,094.67 | 2,861,900.04 |
| Purchase of Investments | | 3,113,555.90 | | | 3,113,555.90 |
| Cash Balances at End of Year | 14,526,947.93 | | | 426.18 | 14,527,374.11 |
| Reserved of Year-End Obligations | (7,274,639.00) | | | | (7,274,639.00) |
| Unobligated Cash Balances at End of Year | \$ 7,252,308.93 | \$ | \$ | \$ 426.18 | \$ 7,252,735.11 |

Schedule of Cash Receipts, Disbursements and Balances
State Historic Preservation Fund
For the Period October 1, 2019 through September 30, 2023

| | 2022-2023 | 2021-2022 | 2020-2021 | 2019-2020 | Total |
|---|------------------|------------------|------------------|------------------|------------------|
| Receipts | | | | | |
| Filing Fees | \$ 133,427.90 | \$ 258,218.57 | \$ 155,133.90 | \$ | \$ 546,780.37 |
| General Sales Tax | | 473.99 | 4,074.54 | | 4,548.53 |
| Lodgings Tax | | | 219.00 | | 219.00 |
| Not Otherwise Classified Miscellaneous | 28,339.69 | | 10,300.00 | | 38,639.69 |
| Miscellaneous Fees-Not Otherwise Classified | 9,178.11 | 20,054.84 | 111,009.54 | 306,355.61 | 446,598.10 |
| Civil Money Penalties | 50,000.00 | 50,000.00 | 50,000.00 | 75,000.00 | 225,000.00 |
| Cash Dividends On Stock | 21,991.20 | 27,489.00 | 20,050.80 | 26,195.40 | 95,726.40 |
| Buildings | 44,702.64 | 63,698.23 | 57,058.77 | 39,773.07 | 205,232.71 |
| Lease of Oil and Gas Rights | 512,999.56 | 763,747.65 | 531,381.01 | 109,180.57 | 1,917,308.79 |
| Insurance Recoveries | 300,497.48 | 668,442.99 | 153,930.40 | 6,572.85 | 1,129,443.72 |
| Reimbursements Not Otherwise Classified | 2,276.68 | | | | 2,276.68 |
| Prior Year Refunds | 319.90 | 541.42 | 810.39 | 1,205.17 | 2,876.88 |
| Admissions | 832,872.82 | 869,834.69 | 686,049.23 | 605,158.93 | 2,993,915.67 |
| Other Resale Merchandise | 432,368.72 | 397,577.14 | 301,458.61 | 235,279.45 | 1,366,683.92 |
| Salvage Equipment or Other Property | 1,170.99 | 1,592.50 | 6,616.58 | 679.78 | 10,059.85 |
| Non-Governmental Operating Contribution | 15,650.12 | 47,293.80 | 14,298.69 | 41,963.24 | 119,205.85 |
| Other Intragovernmental | 190,816.62 | 177,496.00 | 165,639.00 | 142,927.00 | 676,878.62 |
| General Fund Appropriation | 5,699,087.00 | 5,060,849.00 | 4,319,993.00 | 2,662,843.00 | 17,742,772.00 |
| Confederate Pension Fund | 829,533.20 | 743,946.40 | 704,754.14 | 671,583.98 | 2,949,817.72 |
| Education Trust Fund Appropriation | 10,167,038.00 | 3,417,038.00 | 2,492,038.00 | 2,042,038.00 | 18,118,152.00 |
| Transfer from the Alabama Cultural Resources Preservation Trust | | | | 250,000.00 | 250,000.00 |
| Interfund State Programs | | | 44,218.94 | 536,000.00 | 580,218.94 |
| Interfund Federal Programs | | 208,577.72 | 165,223.88 | 26,198.40 | 400,000.00 |
| Transfers from the Historical Preservation Investment Fund | | | 78,143.03 | 1,357,941.99 | 1,436,085.02 |
| Federal Operating Reimbursement | 1,461,001.04 | 1,470,778.74 | 1,042,451.67 | 963,713.20 | 4,937,944.65 |
| Total | \$ 20,733,271.67 | \$ 14,247,650.68 | \$ 11,114,853.12 | \$ 10,100,609.64 | \$ 56,196,385.11 |

Schedule of Cash Receipts, Disbursements and Balances
State Historic Preservation Fund
For the Period October 1, 2019 through September 30, 2023

| | 2022-2023 | 2021-2022 | 2020-2021 | 2019-2020 | Total |
|--|------------------------|------------------------|------------------------|------------------------|------------------------|
| Disbursements | | | | | |
| Personnel Costs | \$ 3,217,019.67 | \$ 2,980,997.07 | \$ 2,709,077.54 | \$ 2,552,181.58 | \$ 11,459,275.86 |
| Employee Benefits | 1,332,290.18 | 1,271,510.15 | 1,159,423.09 | 1,177,744.47 | 4,940,967.89 |
| Travel, In-State | 36,531.03 | 36,914.75 | 16,237.01 | 21,635.89 | 111,318.68 |
| Travel, Out-of-State | 9,400.27 | 5,837.01 | 482.86 | 16,272.46 | 31,992.60 |
| Repairs and Maintenance | 96,792.83 | 83,750.21 | 106,711.73 | 73,797.61 | 361,052.38 |
| Rentals and Leases | 53,116.51 | 49,327.42 | 60,572.92 | 19,090.58 | 182,107.43 |
| Utilities and Communications | 235,716.37 | 245,722.12 | 223,757.43 | 202,764.62 | 907,960.54 |
| Professional Services | 853,960.67 | 1,736,986.83 | 875,518.60 | 761,530.23 | 4,227,996.33 |
| Supplies, Materials and Operating Expenses | 650,724.44 | 483,597.90 | 399,494.86 | 443,927.70 | 1,977,744.90 |
| Transportation Equipment Operations | 69,747.02 | 55,321.32 | 42,042.93 | 39,273.82 | 206,385.09 |
| Grants and Benefits | 8,713,668.88 | 3,521,425.53 | 1,839,397.37 | 2,146,327.20 | 16,220,818.98 |
| Capital Outlay | 717,580.89 | 362,585.89 | 505,065.76 | 173,059.99 | 1,758,292.53 |
| Transportation Equipment Purchases | 170,852.84 | 143,123.67 | | 13,024.80 | 327,001.31 |
| Other Equipment Purchases | 152,714.63 | 112,163.28 | 40,580.27 | 73,783.91 | 379,242.09 |
| Total | <u>16,310,116.23</u> | <u>11,089,263.15</u> | <u>7,978,362.37</u> | <u>7,714,414.86</u> | <u>43,092,156.61</u> |
| Excess of Receipts Over Disbursements | 4,423,155.44 | 3,158,387.53 | 3,136,490.75 | 2,386,194.78 | 13,104,228.50 |
| Cash Balances at Beginning of Year | <u>10,103,792.49</u> | <u>6,945,404.96</u> | <u>3,808,914.21</u> | <u>1,422,719.43</u> | <u>1,422,719.43</u> |
| Cash Balances at End of Year | 14,526,947.93 | 10,103,792.49 | 6,945,404.96 | 3,808,914.21 | 14,526,947.93 |
| Reserved for Year-End Obligations | <u>(7,274,639.00)</u> | <u>(4,194,971.40)</u> | <u>(3,085,680.98)</u> | <u>(997,851.35)</u> | <u>(7,274,639.00)</u> |
| Unobligated Cash Balances at End of Year | <u>\$ 7,252,308.93</u> | <u>\$ 5,908,821.09</u> | <u>\$ 3,859,723.98</u> | <u>\$ 2,811,062.86</u> | <u>\$ 7,252,308.93</u> |

Schedule of Cash Receipts, Disbursements and Balances
Alabama Cultural Resources Preservation Trust Fund
For the Period October 1, 2019 through September 30, 2023

| | 2022-2023 | 2021-2022 | 2020-2021 | 2019-2020 | Total |
|--|---------------|---------------|---------------|---------------|---------------|
| Receipts | | | | | |
| Cash Dividends on Stock | \$ 137,145.30 | \$ 119,589.68 | \$ 111,139.15 | \$ 120,475.65 | \$ 488,349.78 |
| Gain on Sale of Investments | 505,700.86 | 664,265.87 | 351,118.88 | 273,466.16 | 1,794,551.77 |
| Interest Income | 265,448.25 | 232,861.46 | 234,577.21 | 229,733.92 | 962,620.84 |
| Interest Income Short-Term Investments | 64,222.22 | 11,405.15 | 851.10 | 11,560.55 | 88,039.02 |
| Securities Lending Income | 11,875.41 | 9,732.04 | 6,026.74 | 2,359.38 | 29,993.57 |
| Total | 984,392.04 | 1,037,854.20 | 703,713.08 | 637,595.66 | 3,363,554.98 |
| Disbursements | | | | | |
| Transfer to the State Historic Preservation Fund | | | | 250,000.00 | 250,000.00 |
| Total | | | | 250,000.00 | 250,000.00 |
| (Deficiency) of Receipts Over Disbursements | 984,392.04 | 1,037,854.20 | 703,713.08 | 387,595.66 | 3,113,554.98 |
| Cash Balances at Beginning of Year | | | 0.92 | 0.92 | 0.92 |
| Purchase of Investments | 984,392.04 | 1,037,854.20 | 703,714.00 | 387,595.66 | 3,113,555.90 |
| Unobligated Cash Balances at End of Year | \$ | \$ | \$ | \$ 0.92 | \$ |

Schedule of Cash Receipts, Disbursements and Balances
Historical Preservation Investment Fund
For the Period October 1, 2019 through September 30, 2023

| | 2022-2023 | 2021-2022 | 2020-2021 | 2019-2020 | Total |
|--|-----------|-----------|-------------|----------------|----------------|
| <u>Receipts</u> | \$ | \$ | \$ | \$ | \$ |
| <u>Disbursements</u> | | | | | |
| Transfer to the State Historic Preservation Fund | | | 78,143.03 | 1,357,941.99 | 1,436,085.02 |
| (Deficiency) of Receipts Over Disbursements | | | (78,143.03) | (1,357,941.99) | (1,436,085.02) |
| Cash Balances at Beginning of Year | | | 78,143.03 | 1,436,085.02 | 1,436,085.02 |
| Unobligated Cash Balances at End of Year | \$ | \$ | \$ | \$ 78,143.03 | \$ |

Schedule of Cash Receipts, Disbursements and Balances
BP Oil Funds - Historical Commission
For the Period October 1, 2019 through September 30, 2023

| | 2022-2023 | 2021-2022 | 2020-2021 | 2019-2020 | Total |
|---|-----------|-----------|-----------|------------|------------|
| Receipts | \$ | \$ | \$ | \$ | \$ |
| Disbursements | | | | | |
| Supplies, Materials and Operating Expenses | | | | 708.00 | 708.00 |
| Other Equipment Purchases | | | | 1,960.49 | 1,960.49 |
| Total | | | | 2,668.49 | 2,668.49 |
| (Deficiency) of Receipts Over Disbursements | | | | (2,668.49) | (2,668.49) |
| Cash Balances at Beginning of Year | 426.18 | 426.18 | 426.18 | 3,094.67 | 3,094.67 |
| Unobligated Cash Balances at End of Year | \$ 426.18 | \$ 426.18 | \$ 426.18 | \$ 426.18 | \$ 426.18 |

Other Information

Commission Members and Official
October 1, 2019 through September 30, 2023

| Commission Members | | Term Expires |
|---------------------------------|----------|---------------------|
| Hon. James Day, Ph.D. | Chairman | 2024 |
| Hon. David Breland | Member | 2024 |
| Hon. Meghan Buchanan, Ph.D. | Member | 2026 |
| Hon. Ian Crawford, M.P.S. | Member | 2024 |
| Hon. Thomas L. Coley, Jr. | Member | 2023 |
| Hon. Pat Edington | Member | 2024 |
| Hon. Walter Givhan | Member | 2022 (1) |
| Hon. Lynne Hardee | Member | 2023 |
| Hon. Ralph Draughon, Jr., Ph.D. | Member | 2024 |
| Hon. James Griffith | Member | 2027 |
| Hon. Alex Krumdieck | Member | 2027 |
| Hon. Michelle Thompson | Member | 2026 |
| Hon. Angelo Mancuso, M.D. | Member | 2024 |
| Hon. Rebecca Williams | Member | 2024 |
| Hon. Kay Ivey | Member | Ex-Officio |
| Hon. Will Ainsworth | Member | Ex-Officio |

