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**HOUSE BILL NO. 2079**

Offered January 12, 2005

Prefiled January 11, 2005

*A BILL to amend and reenact § 10.1-2202 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 10.1-2208.1 and 10.1-2208.2, relating to the Virginia Historic Preservation and Museum Assistance Grant Program and Fund.*

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Patrons—Van Landingham and Plum

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Referred to Committee on General Laws**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-2202 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 10.1-2208.1 and 10.1-2208.2 as follows:**

§ 10.1-2202. Powers and duties of the Director.

In addition to the powers and duties conferred upon the Director elsewhere and in order to encourage, stimulate, and support the identification, evaluation, protection, preservation, and rehabilitation of the Commonwealth's significant historic, architectural, archaeological, and cultural resources; in order to establish and maintain a permanent record of those resources; and in order to foster a greater appreciation of these resources among the citizens of the Commonwealth, the Director shall have the following powers and duties which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;

2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;

3. To apply for and accept bequests, grants and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. The Director shall have the authority to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;

4. To perform acts necessary or convenient to carry out the duties conferred by law;

5. To promulgate regulations, in accordance with the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and not inconsistent with the National Historic Preservation Act (P.L. 89-665) and its attendant regulations, as are necessary to carry out all responsibilities incumbent upon the State Historic Preservation Officer, including at a minimum criteria and procedures for submitting nominations of properties to the National Park Service for inclusion in the National Register of Historic Places or for designation as National Historic Landmarks;

6. To conduct a broad survey and to maintain an inventory of buildings, structures, districts, objects, and sites of historic, architectural, archaeological, or cultural interest which constitute the tangible remains of the Commonwealth's cultural, political, economic, military, or social history;

7. To publish lists of properties designated as landmarks by the Board, to inspect designated properties from time to time, and periodically publish a complete register of designated properties setting forth appropriate information concerning those properties;

8. With the consent of the landowners, to provide appropriately designed markers for designated buildings, structures, districts, objects and sites;

9. To acquire and to administer designated landmarks and sites, or easements or interests therein;

10. To aid and to encourage counties, cities and towns to establish historic zoning districts for designated landmarks and to adopt regulations for the preservation of historical, architectural, or archaeological values;

11. To provide technical advice and assistance to individuals, groups and governments conducting historic preservation programs and regularly to seek advice from the same on the effectiveness of Department programs;

12. To prepare and place, in cooperation with the Department of Transportation, highway historical markers approved by the Board of Historic Resources on or along the highway or street closest to the location which is intended to be identified by the marker;

13. To develop a procedure for the certification of historic districts and structures within the historic districts for federal income tax purposes;

14. To aid and to encourage counties, cities, and towns in the establishment of educational programs and materials for school use on the importance of Virginia's historic, architectural, archaeological, and cultural resources;

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59 15. To conduct a program of archaeological research with the assistance of the State Archaeologist  
60 which includes excavation of significant sites, acquisition and maintenance of artifact collections for the  
61 purposes of study and display, and dissemination of data and information derived from the study of sites  
62 and collections; ~~and~~

63 16. To manage and administer the Historic Resources Fund as provided in § 10.1-2202.1-; *and*

64 17. *To manage and administer the Virginia Historic Preservation and Museum Assistance Grant*  
65 *Program and Fund as provided in §§ 10.1-2208.1 and 10.1-2208.2.*

66 § 10.1-2208.1. *Virginia Historic Preservation and Museum Assistance Grant Program.*

67 A. *The Virginia Historic Preservation and Museum Assistance Grant Program is hereby established*  
68 *within the Department to provide grants to implement and encourage the preservation and interpretation*  
69 *of historic properties for the economic, educational, and cultural benefit of Virginia citizens and*  
70 *communities.*

71 B. *The Department shall adopt procedures to administer the Virginia Historic Preservation and*  
72 *Museum Assistance Grant Program and Fund to carry out the purposes of the Program consistent with*  
73 *state procurement and accounting requirements. The procedures shall include: (i) application*  
74 *procedures; (ii) procedures for adequate public notice of available assistance; (iii) provisions and*  
75 *guidelines for the review of plans and specifications and the inspection of projects during construction*  
76 *or implementation; (iv) selection criteria that the Department shall consider in approving grant*  
77 *applications; (v) provisions and certifications to ensure that state funds are spent and accounted for*  
78 *appropriately and in accordance with state procurement requirements; and (vi) procedures for*  
79 *consulting with and reporting to the Board in the oversight of the Program and for consulting with*  
80 *other state agencies and preservation organizations as appropriate in developing and implementing the*  
81 *Program.*

82 §10.1-2208.2. *Virginia Historic Preservation and Museum Assistance Grant Fund; established.*

83 *There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia*  
84 *Historic Preservation and Museum Assistance Grant Fund, hereafter referred to as "the Fund." The*  
85 *Fund shall be established on the books of the Comptroller. All funds as may be appropriated and such*  
86 *gifts, donations, grants, bequests, and other funds as may be received shall be paid into the state*  
87 *treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and*  
88 *be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each*  
89 *fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall*  
90 *be used solely for the purposes of making grants to nonprofit organizations, localities, business entities,*  
91 *and individuals for the purpose of: (i) acquiring, rehabilitating, restoring, or interpreting historic*  
92 *properties; (ii) financing costs directly related to a rehabilitation or restoration project, which may*  
93 *include the costs of studies, surveys, plans and specifications, and architectural, engineering or other*  
94 *special services; or (iii) funding historic preservation education and promotion, including the research,*  
95 *survey, and evaluation of historic properties and the preparation of historic preservation planning*  
96 *documents and educational materials. Expenditures and disbursements from the Fund shall be made by*  
97 *the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.*