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SENATE BILL NO. 462

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend the Code of Virginia by adding a section numbered § 10.1-2202.3, relating to the stewardship and preservation of historic properties owned or to be acquired by the Commonwealth; report.*

Patron—Devolites Davis

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 10.1-2202.3 as follows:***§ 10.1-2202.3. Stewardship of state-owned historic properties.*

A. *In order to protect the public interest in and benefit from historic resources that further public understanding and appreciation of the persons, places, and events that contributed substantially to the development and enhancement of our Commonwealth's and nation's rich history and culture, each state agency, including institutions of higher education, shall encourage, stimulate, and support the identification, recognition, maintenance, and consideration of the significant historic, architectural, and archaeological sites, buildings, and other such resources that are owned or controlled by such agencies and institutions.*

B. *The heads of state agencies and institutions shall identify, recognize, and maintain historic resources that are owned or controlled by such agencies and institutions. In consultation with the Department, each agency and institution shall:*

1. *Establish a preservation program to identify, evaluate, and nominate historic properties under that agency's or institution's ownership or control to be listed as Virginia Historic Landmarks;*

2. *Ensure that historic landmarks or properties under the jurisdiction or control of the agency or institution that are eligible to be historic landmarks are managed and maintained in a manner that preserves their historic, archaeological, architectural, and cultural values; and*

3. *Consider the potential effects of agency or institution actions on historic properties owned or controlled by an agency or institution of the Commonwealth as an early part of project planning, and make a reasonable effort to avoid, minimize, or mitigate those effects.*

C. *Each agency and institution shall also consider, as an early part of project planning, the potential effects its actions will have on any historic properties not under its jurisdiction or control, but affected by its actions, and make a reasonable effort to avoid, minimize, or mitigate those adverse effects.*

D. *Each agency and institution shall carry out the agency's or institution's preservation-related responsibilities in consultation with the Department and with other federal, state and local agencies, affected Native American tribes, and with appropriate private sector interests, including those with a legal or economic interest in the proposed action as well as organizations and entities with a demonstrated interest in historic preservation.*

E. *The Department shall provide guidance and technical assistance to assist agencies and institutions in carrying out the responsibilities described in this section. Such guidance and technical assistance shall include, but not be limited to: (i) reviewing and commenting on plans to transfer surplus state-owned historic properties pursuant to subsection A of § 2.2-1156; (ii) providing guidance and comments on agency or institution programs and projects; and (iii) providing comments through any other relevant state or federal review process. The Department shall develop implementation guidance and review procedures in consultation with the affected agencies.*

F. *The head of each agency or institution shall prepare an annual report of the agency's or institution's stewardship efforts during the reporting period, in a form consistent with regulatory or other guidance provided by the Department. The report shall be submitted to the Department, which shall certify each report, and submit a consolidated annual report to the Secretary of Natural Resources.*

INTRODUCED

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