

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 237

*An Act to amend the Code of Virginia by adding a section numbered 10.1-2202.4, relating to establishment of the Civil War Site Preservation Fund.*

[H 717]

Approved April 7, 2010

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 10.1-2202.4 as follows:**

*§ 10.1-2202.4. Civil War Site Preservation Fund established; eligibility; uses.*

*A. There is hereby created in the state treasury a special nonreverting fund to be known as the Civil War Site Preservation Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of general funds appropriated by the General Assembly and funds received as gifts, endowments, or grants from the United States government, its agencies and instrumentalities, and funds from any other available sources, public or private, including gifts and bequeaths. All such funds shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

*Moneys in the Fund shall be used by the Department solely for the purpose of making grants to private nonprofit organizations, hereafter referred to as "organizations," to match federal and other matching funds. All such grants shall be made solely for the fee simple purchase of, or purchase of protective interests in, any Virginia Civil War historic site listed in the "Report on the Nation's Civil War Battlefields," issued in 1993 or as amended or reissued pursuant to the Civil War Battlefield Protection Act of 2002 (P.L. 107-359) as amended or supplemented by new information by the National Park Service's American Battlefield Protection Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.*

*B. The Director shall establish, administer, manage, and make expenditures and allocations from the Fund.*

*C. Organizations seeking grant funding from the Fund shall be required to provide at least \$1 in matching funds for each \$1 received from the Fund for the proposed project. As used herein, the term "matching funds" shall include both cash and the value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project. No state funds may be included in determining the amount of the match.*

*D. Eligible costs for which moneys from the Fund may be allocated include acquisition of land and any improvements thereon (collectively referred to herein as land) or permanent protective interests, such as perpetual conservation easements, and costs associated with such acquisitions, including the cost of appraisals, environmental reports, any survey, title searches and title insurance, and other closing costs.*

*E. Grants from the Fund shall not exceed 50 percent of the appraised value of the land or permanent protective interest therein.*

*F. Grants from the Fund may be awarded for prospective purchases or for acquisitions on which the applicant has closed. In the latter case the applicant shall demonstrate:*

- 1. The closing occurred no more than 12 months prior to the date of application for the grant; and*
- 2. An identifiable threat to the resource or compelling need for preservation existed at the time of the purchase.*

*G. Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the Department or other holder a perpetual easement placing restrictions on the use or development of the land. In cases where the easement is granted to a holder other than the Department, all terms and conditions of the easement shall be reviewed by and found by the Department to (i) be consistent with the intent and purpose of the Virginia Conservation Easement Act (§ 10.1-1009 et seq.) and (ii) accomplish the perpetual preservation of the Civil War historic site. Such other holder shall demonstrate to the Department that it has the capacity and expertise to manage and enforce the terms of the easement.*

*H. Nothing in this section shall preclude the subsequent transfer of property acquired pursuant to this section to the United States government, its agencies and instrumentalities, subject to conservation provisions consistent with this section.*

*I. The Director shall establish, administer, manage, and make expenditures and allocations from the Fund and shall establish guidelines for applications, prioritization and award of grants from the Fund*

*in consultation with appropriate Civil War battlefield preservation interests. Consideration shall be given, but not limited to, the following: significance of the battlefield and the location of the proposed project in relation to core and study areas as well as proximity to other protected lands; threat to and integrity of the features associated with the battle in question; and the financial and administrative capacity of the applicant to complete the project and to maintain and manage the property consistent with the public investment and public interests, such as education, recreation, research, heritage tourism promotion, or orderly community development.*