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HOUSE BILL NO. 717

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL 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.*

Patrons—Peace, Bulova, Cole, Cox, J.A., Garrett, Howell, W.J., Janis, Lohr, Morgan, O'Bannon, Plum, Pollard, Scott, E.T., Scott, J.M., Shuler, Sickles and Ware, R.L.

Referred to Committee on Agriculture, Chesapeake 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 10.1-2202.4 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. 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 to match federal and other considerations, including the value of an in-kind contributions for the preservation of any endangered Virginia Civil War historic site listed in the "Report on the Nation's Civil War Battlefields," issued in 1993 or as hereinafter amended or reissued by the National Park Service's congressionally-endorsed Civil War Sites Advisory Commission (CWSAC). 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. Nonprofit organizations seeking grants from the Fund shall be required to provide at least \$1 in matching funds for each \$1 received from the Fund. As used herein, the term "matching funds" shall include both cash and the value of any in-kind contribution provided by a nonprofit organization or landowner, including the value of a bargain sale or donation. No state funds shall 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 an appraisal, environmental report, survey, title search and insurance policy, and other closing costs.

E. Grants from the Fund may be awarded for prospective purchases or for acquisitions on which the applicant has already closed. In the latter case, the applicant must demonstrate:

1. The closing occurred no more than 12 months prior to the date of application for the grant;
2. An identifiable threat to the resource or compelling need for preservation existed at the time of the purchase; and
3. The land is not currently protected by public ownership or a permanent protective interest in the land.

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

G. Priority in selection of applicants for funding shall be given to:

1. Battlefields listed as Priority I or II, or as Class A or B sites in the CWSAC report described in subsection A;
2. Parcels that lie within the core areas of the battlefield, as defined by the CWSAC, provided that:
 - a. Land proposed for acquisition that lies outside the core area but within the study area as defined by the CWSAC shall be eligible for funding but will be considered a lower priority than core area land;
 - b. Land proposed for acquisition that lies partially within the study area and partially outside the study area will be considered if the majority of such land lies within the study area;

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- 58 3. *Parcels that are contiguous or in close proximity to other protected battlefield land;*
59 4. *Grant requests for the following battlefields: Appomattox in Appomattox County; Brandy Station*
60 *in Culpeper County; Chancellorsville in Spotsylvania County; Cold Harbor in Hanover County;*
61 *Fredericksburg in the City of Fredericksburg and Spotsylvania County; Glendale in Henrico County;*
62 *New Market in Shenandoah County; and Petersburg in the City of Petersburg and Dinwiddie County;*
63 5. *Projects that further other public interests such as education, recreation, research, heritage*
64 *tourism promotion, or orderly community development; and*
65 6. *Projects where an identifiable threat to the resource or compelling need for preservation is*
66 *demonstrated.*
67 H. *The Director shall establish guidelines for the submittal and evaluation of grant applications and*
68 *for the award of grants from the Fund.*