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SENATE BILL NO. 1306

Offered January 14, 2015

Prefiled January 14, 2015

A BILL to amend and reenact §§ 10.1-2200, 10.1-2202, and 10.1-2204 of the Code of Virginia, relating to acquisition of battlefield properties.

Patron—Watkins

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2200, 10.1-2202, and 10.1-2204 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-2200. Definitions.

As used in this subtitle, unless the context requires a different meaning:

"Battlefield property" means any real property in the Commonwealth that is listed in the Report on the Nation's Civil War Battlefields by the Civil War Sites Advisory Commission (Civil War Sites Advisory Commission/National Park Service, 1993, as amended); the Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States by the American Battlefield Protection Program of the National Park Service (U.S. Department of the Interior/National Park Service, 2007, as amended or superseded); or the Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields, Commonwealth of Virginia, by the American Battlefield Protection Program (U.S. Department of the Interior/National Park Service, 2009, as amended or superseded).

"Board" means the Board of Historic Resources.

"Department" means the Department of Historic Resources.

"Director" means the Director of the Department of Historic Resources.

§ 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, including buildings, structures, districts, objects, and sites, 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 battlefield properties and designated landmarks, or easements or

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59 interests therein;

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

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

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

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

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

74 15. To conduct a program of archaeological research with the assistance of the State Archaeologist
75 which includes excavation of significant sites, acquisition and maintenance of artifact collections for the
76 purposes of study and display, and dissemination of data and information derived from the study of sites
77 and collections;

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

79 17. [Expired.]

80 **§ 10.1-2204. Duties of Board of Historic Resources.**

81 A. The Board of Historic Resources shall:

82 1. Designate historic landmarks, including buildings, structures, districts, objects and sites which
83 constitute the principal historical, architectural, archaeological, and cultural resources which are of local,
84 statewide or national significance and withdraw designation either upon a determination by the Board
85 that the property has failed to retain those characteristics for which it was designated or upon
86 presentation of new or additional information proving to the satisfaction of the Board that the
87 designation had been based on error of fact;

88 2. Establish and endorse appropriate historic preservation practices for the care and management of
89 designated landmarks;

90 3. Approve the proposed text and authorize the manufacture of highway historical markers;

91 4. Acquire by purchase or gift *battlefield properties* and designated landmarks, or easements or
92 interests therein;

93 5. Review the programs and services of the Department of Historic Resources, including annual plans
94 and make recommendations to the Director and the Governor concerning the effectiveness of those
95 programs and services;

96 6. In cooperation with the Department, and through public lectures, writings, and other educational
97 activities, promote awareness of the importance of historic resources and the benefits of their
98 preservation and use; and

99 7. Apply for gifts, grants and bequests for deposit in the Historic Resources Fund to promote the
100 missions of the Board and the Department.

101 B. For the purposes of this chapter, designation by the Board of Historic Resources shall mean an act
102 of official recognition designed (i) to educate the public to the significance of the designated resource
103 and (ii) to encourage local governments and property owners to take the designated property's historic,
104 architectural, archaeological, and cultural significance into account in their planning, the local
105 government comprehensive plan, and their decision making. Such designation, itself, shall not regulate
106 the action of local governments or property owners with regard to the designated property.