

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 10.1-2200, 10.1-2202, and 10.1-2204 of the Code of Virginia, relating
3 to acquisition of battlefield properties.

4 [S 1306]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That §§ 10.1-2200, 10.1-2202, and 10.1-2204 of the Code of Virginia are amended and reenacted**
8 **as follows:**

9 **§ 10.1-2200. Definitions.**

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

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16 Park Service, 2007, as amended or superseded); or the Update to the Civil War Sites Advisory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19 amended or superseded).

20 "Board" means the Board of Historic Resources.

21 "Department" means the Department of Historic Resources.

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

23 **§ 10.1-2202. Powers and duties of the Director.**

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

- 30 1. To employ such personnel as may be required to carry out those duties conferred by law;
- 31 2. To make and enter into all contracts and agreements necessary or incidental to the performance of
32 his duties and the execution of his powers, including but not limited to contracts with private nonprofit
33 organizations, the United States, other state agencies and political subdivisions of the Commonwealth;
- 34 3. To apply for and accept bequests, grants and gifts of real and personal property as well as
35 endowments, funds, and grants from the United States government, its agencies and instrumentalities,
36 and any other source. The Director shall have the authority to comply with such conditions and execute
37 such agreements as may be necessary, convenient or desirable;
- 38 4. To perform acts necessary or convenient to carry out the duties conferred by law;
- 39 5. To promulgate regulations, in accordance with the Virginia Administrative Process Act (§ 2.2-4000
40 et seq.) and not inconsistent with the National Historic Preservation Act (P.L. 89-665) and its attendant
41 regulations, as are necessary to carry out all responsibilities incumbent upon the State Historic
42 Preservation Officer, including at a minimum criteria and procedures for submitting nominations of
43 properties to the National Park Service for inclusion in the National Register of Historic Places or for
44 designation as National Historic Landmarks;
- 45 6. To conduct a broad survey and to maintain an inventory of buildings, structures, districts, objects,
46 and sites of historic, architectural, archaeological, or cultural interest which constitute the tangible
47 remains of the Commonwealth's cultural, political, economic, military, or social history;
- 48 7. To publish lists of properties, including buildings, structures, districts, objects, and sites,
49 designated as landmarks by the Board, to inspect designated properties from time to time, and
50 periodically publish a complete register of designated properties setting forth appropriate information
51 concerning those properties;
- 52 8. With the consent of the landowners, to provide appropriately designed markers for designated
53 buildings, structures, districts, objects and sites;
- 54 9. To acquire and to administer *battlefield properties* and designated landmarks, or easements or
55 interests therein;
- 56 10. To aid and to encourage counties, cities and towns to establish historic zoning districts for

57 designated landmarks and to adopt regulations for the preservation of historical, architectural,
58 archaeological, or cultural values;

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

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

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

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

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

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

75 17. [Expired.]

76 **§ 10.1-2204. Duties of Board of Historic Resources.**

77 A. The Board of Historic Resources shall:

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

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

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

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

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

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

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

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