

SB 262

FILED

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WEST VIRGINIA LEGISLATURE OFFICE OF THE CLERK OF THE WEST VIRGINIA SENATE
CLERK OF STATE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

Senate Bill No. 262

(BY SENATOR SNYDER)

[Passed April 9, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 262

(BY SENATOR SNYDER)

[Passed April 9, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §29-1-8 of the Code of West Virginia, 1931, as amended, relating to removing language that prohibits the state from using a county's General Revenue Fund for historic preservation.

Be it enacted by the Legislature of West Virginia:

That §29-1-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

§29-1-8. Historic preservation section; director.

1 (a) The purposes and duties of the historic preservation
2 section are to locate, survey, investigate, register, identify,
3 preserve, protect, restore and recommend to the commis-
4 sioner for acquisition historic, architectural, archaeologi-
5 cal and cultural sites, structures and objects worthy of
6 preservation, including human skeletal remains, graves,
7 grave artifacts and grave markers, relating to the State of
8 West Virginia and the territory included therein from the

9 earliest times to the present upon its own initiative or in
10 cooperation with any private or public society, organiza-
11 tion or agency; to conduct a continuing survey and study
12 throughout the state to develop a state plan to determine
13 the needs and priorities for the preservation, restoration or
14 development of the sites, structures and objects; to direct,
15 protect, excavate, preserve, study or develop the sites and
16 structures; to review all undertakings permitted, funded,
17 licensed or otherwise assisted, in whole or in part, by the
18 state for the purposes of furthering the duties of the
19 section; to carry out the duties and responsibilities enu-
20 merated in the National Historic Preservation Act of 1966,
21 as amended, as they pertain to the duties of the section; to
22 develop and maintain a West Virginia State Register of
23 Historic Places for use as a planning tool for state and
24 local government; to cooperate with state and federal
25 agencies in archaeological work; to issue permits for the
26 excavation or removal of human skeletal remains, grave
27 artifacts and grave markers, archaeological and prehis-
28 toric and historic features under the provisions of section
29 eight-a of this article; and to perform any other duties as
30 may be assigned to the section by the commissioner.

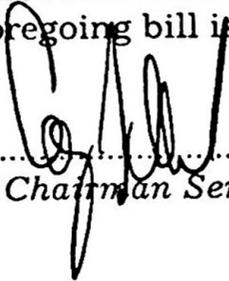
31 (b) With the advice and consent of the Archives and
32 History Commission, the commissioner shall appoint a
33 director of the historic preservation section who shall
34 have: (1) A graduate degree in one of the social sciences or
35 equivalent training and experience in the field of historic
36 preservation, archaeology, West Virginia history or
37 history; and (2) three years' experience in administration
38 in the field of West Virginia history, history, historic
39 preservation or archaeology. The director of the historic
40 preservation section shall serve as the deputy state historic
41 preservation officer.

42 (c) With the approval of the commissioner, the director
43 shall establish professional positions within the section
44 and develop appropriate organizational structures to carry

45 out the duties of the section. The director shall employ the
46 personnel with applicable professional qualifications to
47 fill positions within the organizational structure with the
48 minimum professional qualifications necessary to carry
49 out the provisions of the National Historic Preservation
50 Act of 1966, as amended. At the minimum, the following
51 professions shall be represented within the section staff:
52 Historian, architectural historian, a structural historian
53 who specializes in historical preservation, an archaeologist
54 specializing in historic and prehistoric archaeology and
55 such technical and clerical positions as are required.

56 (d) The director shall promulgate rules with the ap-
57 proval of the archives and history commission and in
58 accordance with chapter twenty-nine-a of this code
59 concerning: (1) The professional policies and functions of
60 the historic preservation section; (2) the review of and,
61 when required, issuance of permits for all undertakings
62 permitted, funded, licensed or otherwise assisted, in whole
63 or in part, by the state as indicated in subsection (a) of this
64 section in order to carry out the duties and responsibilities
65 of the section; (3) the establishment and maintenance of a
66 West Virginia State Register of Historic Places, including
67 the criteria for eligibility of buildings, structures, sites,
68 districts and objects for the State Register and procedures
69 for nominations to the State Register and protection of
70 nominated and listed properties; (4) the review of historic
71 structures in accordance with compliance alternatives and
72 other provisions in any state fire regulation and shall
73 coordinate standards with the appropriate regulatory
74 officials regarding their application; (5) review of historic
75 structures in conjunction with existing state or local
76 building codes and shall coordinate standards with the
77 appropriate regulatory officials for their application; and
78 (6) any other rules as may be considered necessary to
79 effectuate the purposes of this article.

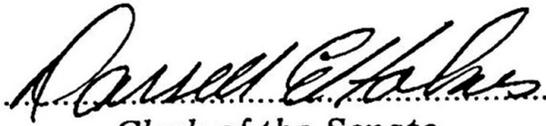
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

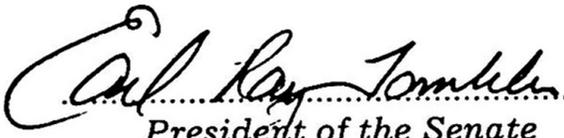

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 5th
Day of May, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 5 2009

Time 11:05 am