

FILED

2001 MAY -2 P 4: 28

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO.** 237

(By Senator Snyder )

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**PASSED** April 14, 2001

**In Effect** from **Passage**

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 237**

(SENATOR SNYDER, *original sponsor*)

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[Passed April 14, 2001; in effect from passage.]

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AN ACT to amend and reenact section eight, article one, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the historic preservation section; rules; permits; and establishing that county general revenue funds are not considered funds of the state.

*Be it enacted by the Legislature of West Virginia:*

That section eight, article one, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**MISCELLANEOUS BOARDS AND OFFICERS.**

**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 local  
24 government; to cooperate with state and federal agencies  
25 in archaeological work; to issue permits for the excavation  
26 or removal of human skeletal remains, grave artifacts and  
27 grave markers, archaeological and prehistoric and historic  
28 features under the provisions of section eight-a of this  
29 article; and to perform any other duties as may be assigned  
30 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

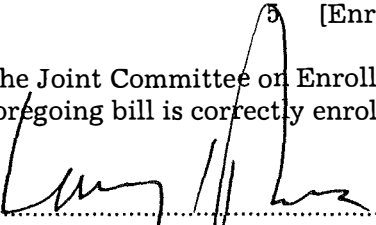
37 history; and (2) three years' experience in administration  
38 in the field of West Virginia history, history, historic  
39 preservation or archaeology. Notwithstanding these  
40 qualifications, the person serving as the deputy state  
41 historic preservation officer on the date of enactment of  
42 this article shall be eligible for appointment as the director  
43 of the historic preservation section. The director of the  
44 historic preservation section shall serve as the deputy state  
45 historic preservation officer.


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

60 (d) The director shall promulgate rules with the ap-  
61 proval of the archives and history commission and in  
62 accordance with chapter twenty-nine-a of this code  
63 concerning: (1) The professional policies and functions of  
64 the historic preservation section; (2) the review of and,  
65 when required, issuance of permits for all undertakings  
66 permitted, funded, licensed or otherwise assisted, in whole  
67 or in part, by the state as indicated in subsection (a) of this  
68 section, in order to carry out the duties and responsibilities  
69 of the section: *Provided*, That solely for the purposes of  
70 this section, funded, in whole or in part, by the State shall  
71 not include funding from any county's general revenue  
72 fund regardless of whether or not state funds are commin-  
73 gled with the county's general revenue fund; (3) the

74 establishment and maintenance of a West Virginia state  
75 register of historic places, including the criteria for  
76 eligibility of buildings, structures, sites, districts and  
77 objects for the state register and procedures for nomina-  
78 tions to the state register and protection of nominated and  
79 listed properties; (4) the review of historic structures in  
80 accordance with compliance alternatives and other  
81 provisions in any state fire regulation, and shall coordinate  
82 standards with the appropriate regulatory officials  
83 regarding their application; (5) review of historic struc-  
84 tures in conjunction with existing state or local building  
85 codes and shall coordinate standards with the appropriate  
86 regulatory officials for their application; and (6) any other  
87 rules as may be considered necessary to effectuate the  
88 purposes of this article.

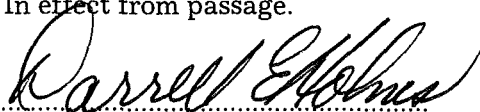
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

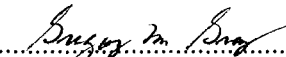
  
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Chairman Senate Committee

  
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Chairman House Committee

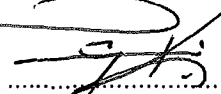
Originated in the Senate.

In effect from passage.

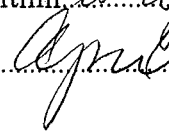
  
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Clerk of the Senate

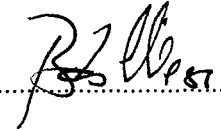
  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within  this the 

Day of , 2001.

  
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Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/00

Time 3:50 pm