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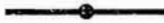
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2002 APR -3 P 3: 56

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session 2002*



**ENROLLED**

SENATE BILL NO. 701

(By Senator Helmic, et al )



PASSED March 8, 2002

In Effect 90 days from Passage

FILED

2002 APR -3 P 3: 57

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 701**

(BY SENATORS HELMICK, ROSS, MITCHELL, BOWMAN,  
ANDERSON, PLYMALE, LOVE, ROWE AND DEEM)

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[Passed March 8, 2002; in effect ninety days from passage.]

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AN ACT to amend article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty, relating to powers of the director of the division of natural resources to preserve the historical integrity of the town of Cass; and promulgating rules therefor.

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

That article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty, to read as follows:

**ARTICLE 5. PARKS AND RECREATION.**

**§20-5-20. Legislative findings relating to the historical town of Cass; powers of the director to preserve the integrity of the town and to promulgate rules therefor.**

1 (a) The legislature finds:

2 (1) That preserving heritage is essential to promoting the  
3 education, prosperity and general welfare of the people of  
4 this state;

5 (2) That the town of Cass, in Pocahontas County, is one  
6 of the few remaining historical logging towns in the  
7 United States and has been recognized as such by the  
8 national registry of historic places;

9 (3) That the town of Cass is richly endowed with numer-  
10 ous historic buildings, structures and sites, both public and  
11 private, which are representative of the historical and  
12 cultural heritage of the state of West Virginia;

13 (4) That historic buildings, structures and sites in the  
14 town of Cass should be identified, studied, preserved and  
15 protected for the general welfare of the residents of this  
16 state and this nation;

17 (5) That preserving and protecting the historical build-  
18 ings, structures and sites in the town of Cass will aid  
19 economic development in Pocahontas County and sur-  
20 rounding areas, lead to the improvement of property  
21 values, enhance this state's attraction of tourists and  
22 visitors and contribute to education in this state by  
23 preserving such heritage for future generations; and

24 (6) That it is in the public policy and the public interest  
25 of this state to engage in a comprehensive program of  
26 historic preservation within the area designated as the  
27 town of Cass by the national registry of historic places and  
28 to promote the use and preservation of such heritage for  
29 the education and general welfare of the people of this  
30 state.

31 Accordingly, this section shall be broadly construed in  
32 order to accomplish the purposes herein set forth.

33 (b) To carry out the purposes of this section within the  
34 jurisdictional limits of the town of Cass as designated by  
35 the national registry of historic places, the director may:

36 (1) Make a survey of buildings, structures and sites and  
37 designate as historic landmarks those principal buildings,  
38 structures and sites that are of local, regional, statewide or  
39 national historical or architectural significance;

40 (2) Mark buildings, structures and sites with appropri-  
41 ately designated markers with the consent of the property  
42 owners;

43 (3) Acquire by purchase, gift or lease and administer  
44 historic landmarks, buildings, structures and sites;

45 (4) Review applications for certificates of appropriate-  
46 ness and grant or deny the same in accordance with the  
47 provisions of this section;

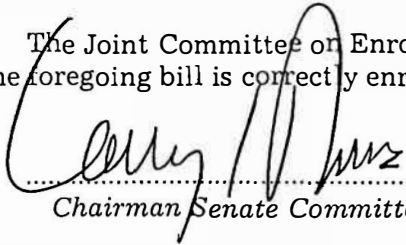
48 (5) Establish standards for the care and management of  
49 designated historic landmarks, buildings, structures and  
50 sites and, for failure of the owner to maintain the stan-  
51 dards as prescribed, withdraw any certificate of appropri-  
52 ateness;

53 (6) Seek the advice and assistance of individuals, groups  
54 and government entities that are conducting historical  
55 preservation programs and coordinate the same insofar as  
56 possible;

57 (7) Seek and accept grants, gifts, bequests, endowments  
58 or other funds to accomplish the purposes of this section;  
59 and

60 (8) Propose rules for legislative approval in accordance  
61 with the provisions of article three, chapter twenty-nine-a  
62 of this code for the protection of the historic integrity of  
63 the town of Cass and to effectuate the purposes of this  
64 section with regard to the use of lands both public and  
65 private within the town of Cass.

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

  
.....  
Chairman Senate Committee


  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
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Speaker House of Delegates

The within is approved this the 3rd  
Day of April, 2002.

  
.....  
Governor

RECEIVED

DATE

TIME

3/26/02

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