

1 **H. B. 2230**

2  
3 (By Delegate Doyle)

4 [Introduced January 12, 2011; referred to the  
5 Committee on Government Organization.]

6  
7  
8  
9  
10 A BILL to amend and reenact §29-1-8 of the Code of West Virginia,  
11 1931, as amended, relating to prohibiting the demolition of a  
12 historic structure prior to a review of and the issuance of a  
13 permit for the undertaking by the Commissioner of the Division  
14 of Culture and History.

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

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

18 **ARTICLE 1. DIVISION OF CULTURE AND HISTORY.**

19 **§29-1-8. Historic preservation section; director.**

20 (a) The purposes and duties of the historic preservation  
21 section are to locate, survey, investigate, register, identify,  
22 preserve, protect, restore and recommend to the commissioner for  
23 acquisition historic, architectural, archaeological and cultural

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

24 (b) With the advice and consent of the Archives and History

1 Commission, the commissioner shall appoint a director of the  
2 historic preservation section who shall have: (1) A graduate  
3 degree in one of the social sciences or equivalent training and  
4 experience in the field of historic preservation, archaeology, West  
5 Virginia history or history; and (2) three years' experience in  
6 administration in the field of West Virginia history, history,  
7 historic preservation or archaeology. The director of the historic  
8 preservation section shall serve as the deputy state historic  
9 preservation officer.

10 (c) With the approval of the commissioner, the director shall  
11 establish professional positions within the section and develop  
12 appropriate organizational structures to carry out the duties of  
13 the section. The director shall employ the personnel with  
14 applicable professional qualifications to fill positions within the  
15 organizational structure with the minimum professional  
16 qualifications necessary to carry out the provisions of the  
17 National Historic Preservation Act of 1966, as amended. At the  
18 minimum, the following professions shall be represented within the  
19 section staff: Historian, architectural historian, a structural  
20 historian who specializes in historical preservation, an  
21 archaeologist specializing in historic and prehistoric archaeology  
22 and such technical and clerical positions as are required.

23 (d) The director shall promulgate rules with the approval of  
24 the archives and history commission and in accordance with chapter

1 twenty-nine-a of this code concerning: (1) The professional  
2 policies and functions of the historic preservation section; (2)  
3 the review of and, when required, issuance of permits for all  
4 undertakings permitted, funded, licensed or otherwise assisted, in  
5 whole or in part, by the state as indicated in subsection (a) of  
6 this section in order to carry out the duties and responsibilities  
7 of the section; (3) the establishment and maintenance of a West  
8 Virginia State Register of Historic Places, including the criteria  
9 for eligibility of buildings, structures, sites, districts and  
10 objects for the State Register and procedures for nominations to  
11 the State Register and protection of nominated and listed  
12 properties; (4) the review of historic structures in accordance  
13 with compliance alternatives and other provisions in any state fire  
14 regulation and shall coordinate standards with the appropriate  
15 regulatory officials regarding their application; (5) review of  
16 historic structures in conjunction with existing state or local  
17 building codes and shall coordinate standards with the appropriate  
18 regulatory officials for their application; and (6) any other rules  
19 as may be considered necessary to effectuate the purposes of this  
20 article.

21 (e) Notwithstanding any rule or other provision of this code  
22 to the contrary, a historic structure located in this state may not  
23 be demolished prior to a review and the issuance of a permit for  
24 the demolition by the commissioner.

NOTE: The purpose of this bill is to prohibit the demolition of a historic structure prior to a review of and the issuance of a permit for the undertaking by the Commissioner of the Division of Culture and History.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.