

02.10.20 Preservation Virginia – Website Legislative Archive

Preservation Virginia continues to monitor the following items:

Priority Budget Items

Governor Northam recently announced his [Historic Justice and Equity Agenda](#) which included funding for the Virginia Department of Historic Resources including funding for the historic marker program, African American cemetery preservation, and digitization of the Virginia African American History Trail. Governor Northam also proposed \$2.5 million in funding to the City of Alexandria to expand the museum at the Freedom House and \$4.5 million for the Black History Museum and Cultural Center of Virginia and the American Civil War Museum to support education programming for K-12 students aligned with the Virginia Standards of Learning, as well a funding commitment to reopen the Longdale Recreation Area (Green Pastures) listed as a Virginia’s Most Endangered Historic Place in 2018.

Council of Virginia Archaeologists (COVA) and Archaeological Society of Virginia (ASV) are working with Delegate Betsy Carr on a budget amendment to fund an Underwater Archaeology Program. Virginia has been without a program since 1989 and this funding would provide for one full time and one part time underwater archaeologist position to carry out obligations outlined in Code of Virginia §10.1-2214 requiring DHR to preserve and protect the Commonwealth’s underwater historic property.

Budget Amendments

In addition to the Governor’s introduced budget amendments, the House and Senate have respectively proposed the following amendments to the budget bill:

House

[Item 374 #14h](#) - **Rehabilitate Timberneck House** - This amendment provides \$350,000 the first year from the general fund to rehabilitate Timberneck House at Middle Peninsula State Park into an exhibit space with lodging.

[Item 385 #19h](#) - **Underwater Archaeology Program** - This amendment provides \$160,000 each year for the Department of Historic Resources to establish an underwater archaeology program to preserve and protect underwater cultural resources in the Commonwealth. This amendment establishes one full-time and one part-time position and an operational budget.

[Item 385 #1h](#)- **Battlefield Preservation Fund** - his amendment increases the general appropriation for the Battlefield Preservation Fund by \$1 million each year, to a total of \$2 million per year.

[Item 385 #2h](#) - **Historic Stanton Family Cemetery** - This amendment provides \$200 each year from the general fund for preservation and care of graves at Historic Stanton Family Cemetery in Buckingham County.”

[Item 385 #3h](#) - **Historical African American Cemeteries in Arlington** - This amendment provides \$1,330 each year from the general fund for preservation and care of graves at three Historical African American cemeteries in Arlington County.”

[Item 385 #4h](#) - **Restore Confederate Graves Funding** - This amendment restores funding for confederate cemeteries to the amounts provided in Chapter 854 (2019)).

[Item 385 #5h](#) - **Newtown Cemetery** - This amendment provides \$2,000 each year from the general fund for preservation and care of graves at Newtown Cemetery, a Historical African American cemetery in Harrisonburg, pursuant to House Bill 1234

[Item 385 #7h](#) - **Shenandoah Valley African American History Center**. This amendment provides \$825,000 each year from the general fund for improvements to the Shenandoah Valley African American History Center, Shenandoah Valley African American Heritage Trail, and visitor improvements to the New Market Battlefield.

[Item 385 #9h](#) - **Riverview Cemetery** - This amendment provides \$240 each year from the general fund for preservation and care of graves at Riverview Cemetery, a Historical African American cemetery near Woodstock, Virginia.

[Item 385 #10h](#) - **Winfree Cottage** - This amendment provides \$375,000 each year for the Virginia Museum of History and Culture to move Winfree Cottage, a historic structure lived in by Emily Winfree, from its temporary location to a permanent location at the Museum.

[Item 385 #11h](#) - **Mt. Zion Old School Baptist Church Cemetery** - This amendment provides \$385 each year for the care of historic African American graves at Mt. Zion Old School Baptist Church Cemetery in Loudoun, Virginia, pursuant to House Bill 314.

[Item 385 #12h](#) - **Wake Forest Cemetery** - This amendment provides \$655 each year from the general fund for preservation and care of graves at Wake Forest Cemetery, a Historical African American cemetery in Montgomery County, Virginia, pursuant to House Bill 210.

[Item 385 #15h](#) - **Battlefield Preservation Fund** - This amendment increases the general appropriation for the Battlefield Preservation Fund by \$3 million each year, to a total of \$4 million per year.

[Item 385 #17h](#) - **Cuffeytown Cemetery** - This amendment provides \$525 each year from the general fund for preservation and care of graves at Cuffeytownj Cemetery, a Historical African American cemetery in Chesapeake, Virginia, pursuant to House Bill 905.”

[Item 385 #18h](#) - **African American Cemeteries in Portsmouth** - This amendment provides \$75,000 each year for extraordinary repair costs at African American Cemeteries in Portsmouth

[Item 385 #22h](#) - **Funding for Our Soldiers Cemetery** - This amendment provides \$1,000 each year from the general fund to the United Daughters of the Confederacy for the maintenance and care of graves at the Old Soldier Cemetery in Mt. Jackson.

[Item 1 #1h](#) - **HB 181 - Support for Legislator Participation on Commission for Historical Statues in the U.S. Capitol** - This amendment provides \$2,400 from the general fund in each year pursuant to the passage of House Bill 181 in the 2020 General Assembly session to cover the costs of General Assembly member participation on the Commission for Historical Statues in the U.S. Capitol.

Senate

[Item 385 #3s](#) - **Underwater Archaeology** - This amendment funds one full time underwater archaeologist and one part time archaeologist to assess the effects of state projects on 1,142,000 acres of submerged state lands.

[Item 385 #5s](#) - **Underwater Archaeology** - This amendment provides requisite funding to support one full-time position and a wage employee at the Department of Historic Resources to create an Underwater Archaeology Program for the study and preservation of the Commonwealth's extensive underwater cultural resources.

[Item 385 #1s](#) - **African American History Center in New Market** - This amendment provides funding for the creation of the Shenandoah Valley African American history center and museum in New Market

[Item 385 #4s](#) - **Virginia Battlefield Preservation Fund** - This amendment provides an additional \$1.0 million GF in each year to the Virginia Battlefield Preservation Fund

Conservation Easements

[SB 621](#) - **Open-space and conservation easements; rule of construction.**

Patron: [Deeds](#)

Summary: Provides that if language in an open-space or conservation easement acquired pursuant to state law is ambiguous, such language shall be construed against the grantor and in favor of the grantee.

Status: On Third Reading in the Senate

Position: PVA is monitoring.

Department of Historic Resources

[SB 1055](#) - Historic Resources, Department of; duties.

Patron: [Ruff](#)

Summary: Requires the Director of the Department of Historic Resources to review and respond to any request from a federal agency for a consultation process under the Director's authority as the State Historic Preservation Officer for review, concurrence, or execution of reports, agreements, determinations, and other documents within 30 days or such period of time that is less than 30 days if requested by the federal agency. The bill provides that if the Director does not respond to the federal agency within the requested time, the Director's review will be deemed waived and, if the Director's approval, concurrence, or execution has been requested, such approval, concurrence, or execution shall be deemed granted. The bill also places certain deadlines by which the Director must take action on applications for a permit for an archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial.

Status: Failed to report (defeated) in General Laws and Technology (4-Y 9-N)

Position: PVA is monitoring.

Historic Rehabilitation Tax Credit

[HB 1156](#) - Historic rehabilitation tax credit.

Patron: [Lopez](#)

Summary: Increases from \$5 million to \$10 million the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, which may be claimed by a taxpayer in any taxable year.

Status: Subcommittee recommends laying on the table (9-Y 0-N)

Position: PVA supports.

Land Preservation Tax Credit

[SB 604](#) - Land preservation tax credit; verification requirements.

Patron: [Stuart](#)

Summary: Requires verification by the Department of Conservation and Recreation of the conservation value of a donation for credits of \$500,000 or more. Current law only requires such verification for credits of \$1 million or more.

Status: Defeated by Senate (18-Y 21-N)

Position: PVA is monitoring.

Open-Space Preservation

[HB 1622](#) - Open-Space Lands Preservation Trust Fund; acquisition of interests in property; recordation fee.

Patron: [Plum](#)

Summary: Authorizes the Virginia Outdoors Foundation, in administering the Open-Space Lands Preservation Trust Fund, to provide grants to persons conveying to the Foundation fee simple title or other rights to interests or privileges in property and to provide grants to localities acquiring such interests. Current law authorizes the Foundation to provide such grants for the acquisition of open-space and conservation easements. The bill also clarifies the imposition of the existing deed recordation fee, the revenue from which is distributed to the Foundation, and raises the fee amount from \$1 to \$3. The bill contains technical amendments.

Status: On Third Reading in the House

Position: PVA is monitoring.

[HB 1623](#) - Fee for open-space preservation.

Patron: [Plum](#)

Summary: Increases from \$1 to \$3 the fee for open-space preservation charged for every writing, document, and instrument admitted to record in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation. The bill also clarifies that the fee applies to any "writing, document, and instrument" admitted to record, replacing the term "deed."

Status: Passed House

Position: PVA is monitoring.

Derelict Buildings:

[HB 150](#) - Derelict residential buildings; civil penalty.

Patron: [Samirah](#)

Summary: Allows certain localities to impose a civil penalty not exceeding \$1,000 per month on owners of derelict residential property that have not submitted a required plan to renovate or demolish the derelict structure.

Status: Passed House

Position: PVA is monitoring.

HB 755 - Real property taxes; blighted and derelict properties in City of Petersburg.

Patron: [Aird](#)

Summary: Provides that, in the City of Petersburg, blighted properties and derelict structures shall constitute a separate class of property for local taxation of real property. The City of Petersburg may, by ordinance, levy a tax on blighted properties and derelict structures at a rate that exceeds the general real property tax rate by five and 10 percent, respectively. Any tax levied pursuant to such an ordinance shall be imposed upon a determination by the real estate assessor that a property constitutes a blighted property or derelict structure. The bill also provides that, in the City of Petersburg, delinquent tax lands may be sold six months after the locality has incurred abatement costs for buildings that have been condemned, constitute a nuisance, are a derelict building, or are declared to be blighted. The bill contains technical amendments.

Status: On Third Reading in the House

Position: PVA is monitoring.

Historical Statues and Monuments:

HB 181 - Historical Statues in the United States Capitol, Commission for; removal of Robert E. Lee statue.

Patron: [Levine](#)

Summary: Creates the Commission for Historical Statues in the United States Capitol to provide for the removal of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

The Commission will consist of six members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; one nonlegislative citizen member appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who serves ex officio with nonvoting privileges. The Department of Historic Resources will provide staff support to the Commission.

The Commission will also be required to (i) select a sculptor for the new statue, with preference given to a sculptor from Virginia; (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony of the new statue; and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.

The bill requires the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and requires the costs of the Commission's work to be borne by the Commission from such private funds as are collected by the Commission and general funds as are appropriated by the General Assembly.

Status: Subcommittee recommends incorporating (HB1406-Ward)

Position: PVA is monitoring.

[HB 1305](#) - Department of General Services; removal of Harry F. Byrd, Sr., statue.

Patron: [Walker](#)

Summary: Directs the Department of General Services to remove the statue of former Virginia Governor and U.S. Senator Harry F. Byrd, Sr., from Capitol Square.

Status: Referred to Committee on Rules

Position: PVA is monitoring.

[HB 1406](#) - Historical Statues in the United States Capitol, Commission for; removal of Robert E. Lee statue.

Patron: [Ward](#)

Summary: Creates the Commission for Historical Statues in the United States Capitol to provide for the removal of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

The Commission will consist of six members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; one nonlegislative citizen member appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who serves ex officio with nonvoting privileges. The Department of Historic Resources will provide staff support to the Commission.

The Commission will also be required to (i) select a sculptor for the new statue, with preference given to a sculptor from Virginia; (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony of the new statue; and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.

The bill requires the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and requires the costs of the Commission's work to be borne by the Commission from such private funds as are collected by the Commission and general funds as are appropriated by the General Assembly.

Status: Subcommittee recommends reporting with substitute (4-Y 1-N)

Position: PVA is monitoring.

SB 612 - Historical Statues in the United States Capitol, Commission for; removal of Robert E. Lee statue.

Patron: [Lucas](#)

Summary: Creates the Commission for Historical Statues in the United States Capitol to provide for the removal of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

The Commission will consist of six members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; one nonlegislative citizen member appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources, who serves ex officio with nonvoting privileges. The Department of Historic Resources will provide staff support to the Commission.

The Commission will also be required to (i) select a sculptor for the new statue, with preference given to a sculptor from Virginia; (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, for the removal and transfer of the Robert E. Lee statue, and for any unveiling ceremony of the new statue; and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.

The bill requires the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and requires the costs of the Commission's work to be borne by the Commission from such private funds as are collected by the Commission and general funds as are appropriated by the General Assembly.

Status: Passed By For The Day On The Senate Floor

Position: PVA is monitoring.

Billboards

HB 563 - Relocated billboard signs; maintenance and repair.

Patron: [Marshall](#)

Summary: Provides that existing provisions related to the maintenance and repair of nonconforming billboard signs do not apply to relocated billboard signs.

Status: Passed House

Position: PVA is monitoring.

[SB 968](#) - Relocated billboard signs; maintenance and repair.

Patron: [Marsden](#)

Summary: Provides that existing provisions related to the maintenance and repair of nonconforming billboard signs do not apply to relocated billboard signs.

Status: Reported from Transportation with amendments (14-Y 0-N)

Position: PVA is monitoring.

Courthouses

[HB 938](#) - Courthouse; relocation or expansion.

Patron: [Webert](#)

Summary: Provides that relocation or expansion of a courthouse to property within 1,000 feet of the parcel upon which the courthouse is located shall not trigger a referendum requirement. The existing statute exempts only relocation or expansion to contiguous land.

Status: Passed House

Position: PVA is monitoring.

Nonconforming Use

[SB 314](#) - Grandfathering certain nonconforming use; removes certain requirement.

Patron: [Stanley](#)

Summary: Removes the requirement that in order for a wall build on residential property to be grandfathered as a valid nonconforming use, the residential property owner must have been informed by a local official that such wall required no permit.

Status: Passed Senate

Position: PVA is monitoring.