

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3443

By Delegates Maynor, Linville, A. Hall and Ridenour

[Introduced February 14, 2023; Referred to the
Committee on Economic Development and Tourism]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §29-1-15, relating to a development or improvement on land subject to review
3 by the State Historic Preservation Office or by any other agency, office, or component of
4 the Division of Culture and History; establishing the division shall not add any additional
5 impediment to such review beyond those required by applicable Federal laws, rules, or
6 regulations; and granting rule-making authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

**§29-1-15. Development or improvement on land; State Historic Preservation Office; rules
and regulations.**

1 All development or improvement on land, including any disturbance in a right-of-way,
2 construction project, or infrastructure project, subject to review by the State Historic Preservation
3 Office or by any other agency, office, or component of the Division of Culture and History for
4 prehistorical, historical, archaeological, architectural, or cultural value shall be conducted in the
5 most expedient manner possible. The division shall not add any additional impediment to such
6 review beyond those required by applicable Federal laws, rules, and regulations and shall have no
7 authority to comment, regulate, or otherwise cause another governmental entity to comment upon
8 or regulate, that activity, except in consideration for primacy or continued federal funding.

9 The commissioner shall have the power to make and promulgate rules and regulations in
10 in conformity with this section, and the commissioner shall modify, upon the effective date of this
11 legislation, any active rule in conflict with the provisions of this section.

NOTE: The purpose of this bill is to relate to a development or improvement on land subject to review by the State Historic Preservation Office or by any other agency, office, or component of the Division of Culture and History. The bill establishes that the division shall not add any additional impediment to such review beyond those required by applicable Federal laws, rules, or regulations. Finally, the bill grants rule-making authority.

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