

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2498

AN ACT

AMENDING SECTIONS 41-511.04 AND 41-862, ARIZONA REVISED STATUTES; RELATING
TO HISTORIC PRESERVATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-511.04, Arizona Revised Statutes, is amended
3 to read:

4 41-511.04. Duties; board; partnership fund; state historic
5 preservation officer; definition

6 A. The board shall:

7 1. Select areas of scenic beauty, natural features and historical
8 properties now owned by the state, except properties in the care and
9 custody of other agencies by virtue of agreement with ~~the~~ THIS state or as
10 established by law, for management, operation and further development as
11 state parks and historical monuments.

12 2. Manage, develop and operate state parks, monuments or trails
13 established or acquired pursuant to law, or previously granted to the
14 state for park or recreation purposes, except those falling under the
15 jurisdiction of other state agencies as established by law.

16 3. Investigate lands owned by ~~the~~ THIS state to determine in
17 cooperation with the agency that manages the land which tracts should be
18 set aside and dedicated for use as state parks, monuments or trails.

19 4. Investigate federally owned lands to determine their
20 desirability for use as state parks, monuments or trails and negotiate
21 with the federal agency having jurisdiction over ~~such~~ THE lands for the
22 transfer of title to the Arizona state parks board.

23 5. Investigate privately owned lands to determine their
24 desirability as state parks, monuments or trails and negotiate with
25 private owners for the transfer of title to the Arizona state parks board.

26 6. Enter into agreements with the United States, other states or
27 local governmental units, private societies or persons for the development
28 and protection of state parks, monuments and trails.

29 7. Plan, coordinate and administer a state historic preservation
30 program, including the program established pursuant to the national
31 historic preservation act of 1966, as amended.

32 8. Advise, assist and cooperate with federal and state agencies,
33 political subdivisions of this state and other persons in identifying and
34 preserving properties of historic or prehistoric significance.

35 9. Keep and administer an Arizona register of historic places
36 composed of districts, sites, buildings, structures and objects
37 significant in this state's history, architecture, archaeology,
38 engineering and culture that meet criteria that the board establishes or
39 that are listed on the national register of historic places. Entry on the
40 register requires nomination by the state historic preservation officer
41 and owner notification in accordance with rules that the board adopts.

42 10. Accept, on behalf of the state historic preservation officer,
43 applications for classification as historic property received from the
44 county assessor.

- 1 11. Adopt rules with regard to classification of historic property
2 including:
- 3 (a) Minimum maintenance standards for the property.
4 (b) Requirements for documentation.
- 5 12. Monitor the performance of state agencies in the management of
6 historic properties as provided in chapter 4.2 of this title.
- 7 13. Advise the governor on historic preservation matters.
- 8 14. Plan and administer a statewide parks and recreation program,
9 including the programs established pursuant to the land and water
10 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).
- 11 15. Prepare, maintain and update a comprehensive plan for the
12 development of the outdoor recreation resources of this state.
- 13 16. Initiate and carry out studies to determine the recreational
14 needs of this state and the counties, cities and towns.
- 15 17. Coordinate recreational plans and developments of federal,
16 state, county, city, town and private agencies.
- 17 18. Receive applications for projects to be funded through the land
18 and water conservation fund and the state lake improvement fund on behalf
19 of the Arizona outdoor recreation coordinating commission.
- 20 19. Provide staff support to the Arizona outdoor recreation
21 coordinating commission.
- 22 20. Maintain a statewide off-highway vehicle recreational plan.
23 The plan shall be updated at least once every five years and shall be used
24 by all participating agencies to guide distribution and expenditure of
25 monies under section 28-1176. The plan shall be open to public input and
26 shall include the priority recommendations for allocating available monies
27 in the off-highway vehicle recreation fund established by section 28-1176.
- 28 21. Collaborate with the state forester in presentations to
29 legislative committees on issues associated with forest management and
30 wildfire prevention and suppression as provided by section 37-1302,
31 subsection B.
- 32 B. Notwithstanding section 41-511.21, the board may annually
33 collect and expend monies to plan and administer the land and water
34 conservation fund program, in conjunction with other administrative tasks
35 and recreation plans, as a surcharge to subgrantees in a proportionate
36 amount, not to exceed ten percent, of the cost of each project. The
37 surcharge monies shall be set aside to fund staff support for the land and
38 water conservation fund program.
- 39 C. A partnership fund is established consisting of monies received
40 pursuant to subsection B of this section, monies received from
41 intergovernmental agreements pursuant to title 11, chapter 7, article 3
42 and monies received pursuant to section 35-148. The board shall
43 administer the fund monies as a continuing appropriation for the purposes
44 provided in these sections.

1 D. The state historic preservation officer shall:

2 1. In cooperation with federal and state agencies, political
3 subdivisions of this state and other persons, direct and conduct a
4 comprehensive statewide survey of historic properties and historic private
5 burial sites and historic private cemeteries and maintain inventories of
6 historic properties and historic private burial sites and historic private
7 cemeteries.

8 2. Identify and nominate eligible properties to the national
9 register of historic places and the Arizona register of historic places
10 and otherwise administer applications for listing historic properties on
11 the national and state registers.

12 3. Administer grants-in-aid for historic preservation projects
13 within this state.

14 4. Advise, assist and monitor, as appropriate, federal and state
15 agencies and political subdivisions of this state in carrying out their
16 historic preservation responsibilities and cooperate with federal and
17 state agencies, political subdivisions of this state and other persons to
18 ensure that historic properties and historic private burial sites and
19 historic private cemeteries are taken into consideration at all levels of
20 planning and development.

21 5. Develop and make available information concerning professional
22 methods and techniques for the preservation of historic properties and
23 historic private burial sites and historic private cemeteries.

24 6. Make recommendations on the certification, classification and
25 eligibility of historic properties and historic private burial sites and
26 historic private cemeteries for property tax and investment tax
27 incentives.

28 E. The state historic preservation officer may:

29 1. Collect and receive information for historic private burial
30 sites and historic private cemeteries from public and private sources and
31 maintain a record of the existence and location of such burial sites and
32 cemeteries located on private or public lands in this state.

33 2. Assist and advise the owners of the properties on which the
34 historic private burial sites and historic private cemeteries are located
35 regarding the availability of tax exemptions applicable for such property.

36 3. Make the records available to assist in locating the families of
37 persons buried in the historic private burial sites and historic private
38 cemeteries.

39 4. ENTER INTO AGREEMENT DOCUMENTS TO THE EXTENT CONSISTENT WITH
40 APPLICABLE STATE AND FEDERAL LAW.

41 F. For the purposes of this section, "historic private burial sites
42 and historic private cemeteries" means places where burials or interments
43 of human remains first occurred more than fifty years ago, that are not
44 available for burials or interments by the public and that are not
45 regulated under title 32, chapter 20, article 6.

1 Sec. 2. Section 41-862, Arizona Revised Statutes, is amended to
2 read:

3 41-862. Program; improvement projects; survey report

4 A. In cooperation with the state historic preservation officer,
5 each state agency shall establish a program to locate, inventory and
6 nominate to the Arizona register of historic places all properties that
7 are under the agency's ownership or control and that appear to meet the
8 criteria for inclusion on the register. Each state agency shall exercise
9 caution to ~~assure~~ ENSURE that the property is not inadvertently
10 transferred, sold, demolished, substantially altered or allowed to
11 deteriorate significantly. The state historic preservation officer shall
12 include the performance of state agencies in initiating and satisfying the
13 programmatic management of historic properties in the annual report to the
14 legislature and the governor as provided in section 41-151.20.

15 B. THE STATE HISTORIC PRESERVATION OFFICER IN CONJUNCTION WITH THE
16 APPROPRIATE STATE AGENCY SHALL DEVELOP A STREAMLINED SURVEY REPORT PROCESS
17 FOR IMPROVEMENTS AS DEFINED IN SECTION 37-101 THAT ALLOWS ALL OF THE
18 FOLLOWING:

19 1. AN INDIVIDUAL WHO HAS COMPLETED A NATIONAL CULTURE RESOURCES
20 TRAINING PROGRAM TO PERFORM THE SURVEY REPORT.

21 2. THE DESIGNATION OF BUFFER ZONES IN WHICH PROJECTS MAY BE MOVED
22 TO AVOID DISTURBING ARTIFACTS.

23 3. THE USE OF SUPERVISED VOLUNTEERS WHO HAVE COMPLETED A NATIONAL
24 CULTURAL RESOURCES TRAINING PROGRAM.

25 4. THE ESTABLISHMENT OF REASONABLE AND PRUDENT BUFFER ZONES OF AT
26 LEAST SEVENTY-FIVE FEET AROUND KNOWN SITE BOUNDARIES IN WHICH MAY BE
27 UNDERTAKEN WITH ARCHAEOLOGY MONITORING.

28 C. ALL SURVEY REPORTS MAY BE SUBMITTED TO THE STATE HISTORIC
29 PRESERVATION OFFICER WITH APPROVAL OF THE DIRECTOR OF THE APPROPRIATE
30 STATE AGENCY.

31 D. THIS SECTION DOES NOT INTERFERE WITH ANY TRIBAL CONTRACTS OR
32 TRIBAL CULTURAL RESOURCES.