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

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

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

A. The board shall:

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

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

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

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

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

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

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

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

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

10. Accept, on behalf of the state historic preservation officer, applications for classification as historic property received from the county assessor.
11. Adopt rules with regard to classification of historic property including:
   (a) Minimum maintenance standards for the property.
   (b) Requirements for documentation.
12. Monitor the performance of state agencies in the management of historic properties as provided in chapter 4.2 of this title.
13. Advise the governor on historic preservation matters.
14. Plan and administer a statewide parks and recreation program, including the programs established pursuant to the land and water conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).
15. Prepare, maintain and update a comprehensive plan for the development of the outdoor recreation resources of this state.
16. Initiate and carry out studies to determine the recreational needs of this state and the counties, cities and towns.
17. Coordinate recreational plans and developments of federal, state, county, city, town and private agencies.
18. Receive applications for projects to be funded through the land and water conservation fund and the state lake improvement fund on behalf of the Arizona outdoor recreation coordinating commission.
19. Provide staff support to the Arizona outdoor recreation coordinating commission.
20. Maintain a statewide off-highway vehicle recreational plan. The plan shall be updated at least once every five years and shall be used by all participating agencies to guide distribution and expenditure of monies under section 28-1176. The plan shall be open to public input and shall include the priority recommendations for allocating available monies in the off-highway vehicle recreation fund established by section 28-1176.
21. Collaborate with the state forester in presentations to legislative committees on issues associated with forest management and wildfire prevention and suppression as provided by section 37-1302, subsection B.

B. Notwithstanding section 41-511.21, the board may annually collect and expend monies to plan and administer the land and water conservation fund program, in conjunction with other administrative tasks and recreation plans, as a surcharge to subgrantees in a proportionate amount, not to exceed ten percent, of the cost of each project. The surcharge monies shall be set aside to fund staff support for the land and water conservation fund program.

C. A partnership fund is established consisting of monies received pursuant to subsection B of this section, monies received from intergovernmental agreements pursuant to title 11, chapter 7, article 3 and monies received pursuant to section 35-148. The board shall administer the fund monies as a continuing appropriation for the purposes provided in these sections.
D. The state historic preservation officer shall:

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

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

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

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

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

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

E. The state historic preservation officer may:

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

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

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

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

F. For the purposes of this section, "historic private burial sites and historic private cemeteries" means places where burials or interments of human remains first occurred more than fifty years ago, that are not available for burials or interments by the public and that are not regulated under title 32, chapter 20, article 6.
Sec. 2. Section 41-862, Arizona Revised Statutes, is amended to read:

41-862. Program; improvement projects; survey report

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

B. The state historic preservation officer in conjunction with the appropriate state agency shall develop a streamlined survey report process for improvements as defined in section 37-101 that allows all of the following:

1. An individual who has completed a national culture resources training program to perform the survey report.
2. The designation of buffer zones in which projects may be moved to avoid disturbing artifacts.
3. The use of supervised volunteers who have completed a national cultural resources training program.
4. The establishment of reasonable and prudent buffer zones of at least seventy-five feet around known site boundaries in which may be undertaken with archaeology monitoring.

C. All survey reports may be submitted to the state historic preservation officer with approval of the director of the appropriate state agency.

D. This section does not interfere with any tribal contracts or tribal cultural resources.