

REFERENCE TITLE: historic preservation; rangeland improvements; requirements

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

## **HB 2498**

Introduced by  
Representatives Cook: Barton, Bowers, Clodfelter, Finchem, Grantham,  
John, Mitchell, Payne, Rivero, Thorpe, Toma, Senator Pratt

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 F. THE STATE HISTORIC PRESERVATION OFFICER MAY NOT IMPLEMENT OR  
40 REQUIRE REVIEWS, INVENTORIES OR CONDITIONS OF A MEMORANDUM OF  
41 UNDERSTANDING THAT EXCEED APPLICABLE STATE LAW.

42 ~~F.~~ G. For the purposes of this section, "historic private burial  
43 sites and historic private cemeteries" means places where burials or  
44 interments of human remains first occurred more than fifty years ago, that

1 are not available for burials or interments by the public and that are not  
2 regulated under title 32, chapter 20, article 6.

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

5 41-862. Program; rangeland improvement projects; survey  
6 report

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

18 B. THE STATE HISTORIC PRESERVATION OFFICER IN CONJUNCTION WITH THE  
19 APPROPRIATE STATE AGENCY SHALL DEVELOP A STREAMLINED SURVEY REPORT PROCESS  
20 FOR RANGELAND IMPROVEMENT PROJECTS THAT ALLOWS ALL OF THE FOLLOWING:

21 1. AN INDIVIDUAL WHO HAS COMPLETED A NATIONAL CULTURE RESOURCES  
22 TRAINING PROGRAM OR A SIMILAR COURSE OF STUDY TO PERFORM THE SURVEY  
23 REPORT.

24 2. THE PROPERTY OWNER TO PROVIDE A SAFE BUFFER ZONE IN WHICH  
25 PROJECTS MAY BE MOVED TO AVOID DISTURBING HISTORIC ARTIFACTS.

26 3. SUPERVISED VOLUNTEERS TO REVIEW MINIMAL DISTURBANCE PROJECTS.

27 4. PROJECTS THAT PROVIDE A REASONABLE AND PRUDENT SAFE BUFFER ZONE  
28 OF NOT MORE THAN FIFTY FEET TO PROCEED WITHOUT A COMPLETE INVENTORY OF THE  
29 SITE THAT IS PROTECTED BY THE SAFE BUFFER ZONE.

30 C. THE STATE HISTORIC PRESERVATION OFFICE OR STATE MUSEUM IS THE  
31 SOLE RESPONSIBLE PARTY FOR SECURING, DEVELOPING AND PROVIDING AN INVENTORY  
32 AND THE COSTS ASSOCIATED WITH CONDUCTING SUCH AN INVENTORY RELATED TO THE  
33 DEVELOPMENT OF RANGELAND IMPROVEMENT PROJECTS THAT PRODUCE MINIMAL GROUND  
34 DISTURBANCE.

35 D. ALL SURVEY REPORTS MAY BE SUBMITTED TO THE STATE HISTORIC  
36 PRESERVATION OFFICER WITH APPROVAL OF THE DIRECTOR OF THE APPROPRIATE  
37 STATE AGENCY.