

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1189

AN ACT

AMENDING SECTIONS 41-511.04 AND 42-11110, ARIZONA REVISED STATUTES; RELATING TO PRIVATE HISTORIC CEMETERIES.

(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 to
3 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 custody
9 of other agencies by virtue of agreement with the state or as established by
10 law, for management, operation and further development as state parks and
11 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 state
14 for park or recreation purposes, except those falling under the jurisdiction
15 of other state agencies as established by law.

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

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

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

26 6. Enter into agreements with the United States, other states or local
27 governmental units, private societies or persons for the development and
28 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 historic
31 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 composed
36 of districts, sites, buildings, structures and objects significant in this
37 state's history, architecture, archaeology, engineering and culture which
38 meet criteria which the board establishes or which are listed on the national
39 register of historic places. Entry on the register requires nomination by
40 the state historic preservation officer and owner notification in accordance
41 with rules which the board adopts.

42 10. Accept, on behalf of the state historic preservation officer,
43 applications for classification as historic property received from the county
44 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 needs
14 of this state and the counties, cities and towns.
- 15 17. Coordinate recreational plans and developments of federal, state,
16 county, city, town and private agencies.
- 17 18. Receive applications for projects to be funded through the land and
18 water conservation fund, the state lake improvement fund and the law
19 enforcement and boating safety fund on behalf of the Arizona outdoor
20 recreation coordinating commission.
- 21 19. Provide staff support to the Arizona outdoor recreation
22 coordinating commission.
- 23 20. Maintain a statewide off-highway vehicle recreational plan which
24 shall be updated at least once every six years and shall be used by all
25 participating agencies to guide distribution and expenditure of monies under
26 section 28-1176.
- 27 21. Collaborate with the state forester in presentations to legislative
28 committees on issues associated with forest management and wildfire
29 prevention and suppression as provided by section 37-622, subsection B.
- 30 B. Notwithstanding section 41-511.11, the board may annually collect
31 and expend monies to plan and administer the land and water conservation fund
32 program, in conjunction with other administrative tasks and recreation plans,
33 as a surcharge to subgrantees in a proportionate amount, not to exceed ten
34 per cent, of the cost of each project. The surcharge monies shall be set
35 aside to fund staff support for the land and water conservation fund program.
- 36 C. A partnership fund is established consisting of monies received
37 pursuant to subsection B of this section, monies received from
38 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and
39 monies received pursuant to section 35-148. The board shall administer the
40 fund monies as a continuing appropriation for the purposes provided in these
41 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 register
9 of historic places and the Arizona register of historic places and otherwise
10 administer applications for listing historic properties on the national and
11 state registers.

12 3. Administer grants-in-aid for historic preservation projects within
13 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 state
17 agencies, political subdivisions of this state and other persons to ensure
18 that historic properties AND HISTORIC PRIVATE BURIAL SITES AND HISTORIC
19 PRIVATE CEMETERIES are taken into consideration at all levels of planning and
20 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 incentives.

27 E. THE STATE HISTORIC PRESERVATION OFFICER MAY:

28 1. COLLECT AND RECEIVE INFORMATION FOR HISTORIC PRIVATE BURIAL SITES
29 AND HISTORIC PRIVATE CEMETERIES FROM PUBLIC AND PRIVATE SOURCES AND MAINTAIN
30 A RECORD OF THE EXISTENCE AND LOCATION OF SUCH BURIAL SITES AND CEMETERIES
31 LOCATED ON PRIVATE OR PUBLIC LANDS IN THIS STATE.

32 2. ASSIST AND ADVISE THE OWNERS OF THE PROPERTIES ON WHICH THE
33 HISTORIC PRIVATE BURIAL SITES AND HISTORIC PRIVATE CEMETERIES ARE LOCATED
34 REGARDING THE AVAILABILITY OF TAX EXEMPTIONS APPLICABLE FOR SUCH PROPERTY.

35 3. MAKE THE RECORDS AVAILABLE TO ASSIST IN LOCATING THE FAMILIES OF
36 THE PERSON BURIED IN THE HISTORIC PRIVATE BURIAL SITES AND HISTORIC PRIVATE
37 CEMETERIES.

38 F. FOR THE PURPOSES OF THIS SECTION, "HISTORIC PRIVATE BURIAL SITES
39 AND HISTORIC PRIVATE CEMETERIES" MEANS A PLACE WHERE BURIALS OR INTERMENTS OF
40 HUMAN REMAINS FIRST OCCURRED MORE THAN FIFTY YEARS AGO, THAT ARE NOT
41 AVAILABLE FOR BURIALS OR INTERMENTS BY THE PUBLIC AND ARE NOT REGULATED UNDER
42 TITLE 32, CHAPTER 20, ARTICLE 6.

1 Sec. 2. Section 42-11110, Arizona Revised Statutes, is amended to
2 read:

3 42-11110. Exemption for cemeteries

4 A. Cemeteries as defined in section 32-2101 that are set apart and
5 used to inter deceased human beings AND HISTORIC PRIVATE BURIAL SITES AND
6 HISTORIC PRIVATE CEMETERIES AS DEFINED IN SECTION 41-511.04 are exempt from
7 taxation.

8 B. The owner of a cemetery, HISTORIC PRIVATE BURIAL SITE OR HISTORIC
9 PRIVATE CEMETERY shall initially establish qualification for exemption under
10 this section by filing an affidavit with the county assessor under section
11 42-11152. Thereafter, the owner is not required to file an affidavit under
12 section 42-11152 unless:

13 1. Any part of the property is no longer, or will not be, used as a
14 cemetery or has been rezoned, and the assessor shall sever that part of the
15 property from the exempt parcel.

16 2. Any interest in the title to any part of the property is conveyed
17 to a new owner.