

REFERENCE TITLE: national monuments; justification; litigation

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2585

Introduced by
Representatives Thorpe, Barton, Senator Allen S: Representatives Allen J,
Borrelli, Campbell, Lawrence, Livingston, Shope

AN ACT

AMENDING SECTION 41-151.20, ARIZONA REVISED STATUTES; RELATING TO NATIONAL
MONUMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-151.20, Arizona Revised Statutes, is amended to
3 read:

4 41-151.20. Historical advisory commission; membership; terms;
5 expenses; duties; historic sites review committee;
6 national monuments; attorney general; litigation

7 A. A historical advisory commission is established consisting of
8 members appointed by the director for staggered terms of three years ending
9 on July 1. The commission membership of not less than ten nor more than
10 twenty-five members shall consist of experts in the disciplines of history,
11 arts and culture, architecture and archaeology, professional librarians and
12 archivists or persons otherwise associated with the interpretation, research,
13 writing, preservation or teaching of this state's heritage, including the
14 Indian nations' history and heritage, and the director of the Arizona
15 historical society, the director of the state museum, the director of the
16 Arizona state parks board, the director of the office of tourism or the
17 director's designee, the superintendent of public instruction or the
18 superintendent's designee and the state historic preservation officer.

19 B. Members shall serve without compensation but those employed by the
20 state shall be reimbursed for travel and subsistence by the department or
21 agency they represent and those who are not employed by the state are
22 eligible for reimbursement of expenses by the commission pursuant to title
23 38, chapter 4, article 2.

24 C. The commission shall:

25 1. Advise the legislature and state agencies on matters relating to
26 this state's history and historic preservation.

27 2. Recommend measures to the legislature and state agencies to
28 coordinate or improve the effectiveness of activities of state agencies and
29 agencies of the political subdivisions of this state and other persons
30 relating to the interpretation, research, writing and teaching of this
31 state's history, heritage and historic preservation, including the Indian
32 nations' history, heritage and preservation.

33 3. Advise the legislature and state agencies on the dissemination of
34 information pertaining to activities relating to historic preservation as
35 provided in paragraph 2 OF THIS SUBSECTION.

36 4. Encourage, in cooperation with appropriate public and private
37 agencies, the Indian nations and other persons, training and education in the
38 field of the interpretation, research, writing and teaching of this state's
39 history, heritage and historic preservation.

40 5. Assist in the establishment of the Arizona register of heritage
41 agriculture as provided in section 3-162.

42 6. MAINTAIN A CATALOG OF EACH EXISTING OR NEWLY CREATED NATIONAL
43 MONUMENT IN THIS STATE. FOR EACH NATIONAL MONUMENT, THE COMMISSION SHALL
44 REQUEST FROM THE FEDERAL GOVERNMENT THE FOLLOWING:

- 1 (a) A DETAILED ACCOUNTING OF EACH INDIVIDUAL ITEM TO BE PROTECTED.
2 (b) THE PRECISE GLOBAL POSITIONING SYSTEM LOCATION OF EACH ITEM TO BE
3 PROTECTED.
4 (c) THE SQUARE FOOTAGE THAT EACH ITEM TO BE PROTECTED OCCUPIES.
5 (d) THE TOTAL SQUARE FOOTAGE OF THE PARCEL OF LAND COMPRISING THE
6 NATIONAL MONUMENT.
7 (e) A PEER-REVIEWED JUSTIFICATION FOR THE PROTECTION OF THE OBJECT BY
8 THE FEDERAL GOVERNMENT.

9 7. DETERMINE WHETHER THE LIMITS OF A PARCEL COMPRISING A NATIONAL
10 MONUMENT IN THIS STATE ARE CONFINED TO THE SMALLEST AREA COMPATIBLE WITH THE
11 PROPER CARE AND MANAGEMENT OF THE OBJECTS TO BE PROTECTED BY THE NATIONAL
12 MONUMENT.

13 ~~6-~~ 8. Submit annually on September 30 a report of the commission's
14 activities to the director for inclusion in the annual report of the state
15 library.

16 D. A historic sites review committee consisting of nine members is
17 established to serve as a standing committee of the historical advisory
18 commission. The state historic preservation officer shall appoint committee
19 members for staggered terms of three years ending on July 1. The state
20 historic preservation officer may appoint persons other than commission
21 members to serve on the committee and shall appoint at least five persons who
22 are professionals qualified in the disciplines of history, prehistoric and
23 historic archaeology, architectural history or architecture. The committee
24 shall select annually at the first meeting a chairman who is a commission
25 member. The chairman shall report on committee activities at commission
26 meetings. The committee shall assist in the duties prescribed in this
27 section and by federal law, review nominations to the national and state
28 historic registers, provide general advice and guidance to the state historic
29 preservation officer and perform other duties as are necessary. On or before
30 September 1 of each year, the state historic preservation officer shall
31 submit a report of the committee's activities to the governor, the president
32 of the senate, the speaker of the house of representatives and the director,
33 including information prescribed in sections 41-862 and 41-881.

34 E. IF THE COMMISSION DETERMINES PURSUANT TO SUBSECTION C, PARAGRAPH 7
35 OF THIS SECTION THAT THE LIMITS OF A PARCEL COMPRISING A NATIONAL MONUMENT IN
36 THIS STATE ARE NOT CONFINED TO THE SMALLEST AREA COMPATIBLE WITH THE PROPER
37 CARE AND MANAGEMENT OF THE OBJECTS TO BE PROTECTED BY THE NATIONAL MONUMENT,
38 THE COMMISSION SHALL NOTIFY THE ATTORNEY GENERAL. ON RECEIPT OF THE NOTICE,
39 THE ATTORNEY GENERAL SHALL COMMENCE AN ACTION TO CONFINE THE LIMITS OF THE
40 PARCEL COMPRISING THE NATIONAL MONUMENT TO THE SMALLEST AREA COMPATIBLE WITH
41 THE PROPER CARE AND MANAGEMENT OF THE OBJECTS TO BE PROTECTED BY THE NATIONAL
42 MONUMENT.