

REFERENCE TITLE: state historic preservation office; duties

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2790

Introduced by
Representative Diaz

AN ACT

AMENDING SECTIONS 41-511.02 AND 41-511.04, ARIZONA REVISED STATUTES;
APPROPRIATING MONIES; RELATING TO THE ARIZONA STATE PARKS BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-511.02, Arizona Revised Statutes, is amended
3 to read:

4 41-511.02. Director; qualifications; state historic
5 preservation officer

6 A. The governor shall appoint a full-time director pursuant to
7 section 38-211 who shall:

8 1. Not be a member of the Arizona state parks board.

9 2. Serve at the pleasure of the governor.

10 3. Be qualified by successful experience in administration in
11 business or in government.

12 4. Have a knowledge of or training in the multiple use of lands and
13 the conservation of natural resources.

14 B. The governor shall designate a full-time employee of the board
15 with professional competence and expertise in the field of historic
16 preservation as the ~~the~~ state historic preservation officer~~the~~ to administer
17 the state historic preservation program.

18 C. THE STATE HISTORIC PRESERVATION OFFICER PURSUANT TO SUBSECTION B
19 OF THIS SECTION SHALL ONLY REPORT TO THE ARIZONA STATE PARKS BOARD AND NOT
20 ANY OTHER ENTITY OR PERSON REGARDING THE STATE HISTORIC PRESERVATION
21 PROGRAM OR ANY OTHER FUNCTIONS OR DUTIES OF THE STATE HISTORIC
22 PRESERVATION OFFICE.

23 D. THE STATE HISTORIC PRESERVATION OFFICER AND THE STATE HISTORIC
24 PRESERVATION OFFICE ARE SUBJECT TO PERFORMANCE EVALUATIONS AND
25 ADMINISTRATIVE OVERSIGHT BY ONLY THE ARIZONA STATE PARKS BOARD.

26 E. THE STATE HISTORIC PRESERVATION OFFICE SHALL SUBMIT THE OFFICE'S
27 ANNUAL BUDGET REQUEST DIRECTLY TO THE GOVERNOR'S OFFICE OF STRATEGIC
28 PLANNING AND BUDGETING. THE ARIZONA STATE PARKS BOARD MAY NOT REVIEW,
29 ALTER OR SUPPRESS THE OFFICE'S BUDGET REQUEST.

30 Sec. 2. Section 41-511.04, Arizona Revised Statutes, is amended to
31 read:

32 41-511.04. Duties; board; partnership fund; state historic
33 preservation officer; definition

34 A. The board shall:

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

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

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

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

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

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

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

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

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

27 10. Accept, on behalf of the state historic preservation officer,
28 applications for classification as historic property received from the
29 county assessor.

30 11. Adopt rules with regard to classification of historic property
31 including:

32 (a) Minimum maintenance standards for the property.

33 (b) Requirements for documentation.

34 12. Monitor the performance of state agencies in ~~the management of~~
35 ~~MANAGING~~ historic properties as provided in chapter 4.2 of this title.

36 13. Advise the governor on historic preservation matters.

37 14. Plan and administer a statewide parks and recreation program,
38 including the programs established pursuant to the land and water
39 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).

40 15. Prepare, maintain and update a comprehensive plan ~~for the~~
41 ~~development of~~ ~~TO DEVELOP~~ the outdoor recreation resources of this state.

42 16. Initiate and carry out studies to determine the recreational
43 needs of this state and the counties, cities and towns.

1 17. Coordinate recreational plans and developments of federal,
2 state, county, city, town and private agencies.

3 18. Receive applications for projects to be funded through the land
4 and water conservation fund and the state lake improvement fund on behalf
5 of the Arizona outdoor recreation coordinating commission.

6 19. Provide staff support to the Arizona outdoor recreation
7 coordinating commission.

8 20. Maintain a statewide off-highway vehicle recreational
9 plan. The plan shall be updated at least once every five years and shall
10 be used by all participating agencies to guide distribution and
11 expenditure of monies under section 28-1176. The plan shall be open to
12 public input and shall include the priority recommendations for allocating
13 available monies in the off-highway vehicle recreation fund established by
14 section 28-1176.

15 21. Collaborate with the state forester in presentations to
16 legislative committees on issues associated with forest management and
17 wildfire prevention and suppression as provided by section 37-1302,
18 subsection B.

19 22. SUPPORT THE STATE HISTORIC PRESERVATION OFFICE ONLY
20 ADMINISTRATIVELY BY PROVIDING FISCAL PROCESSING SERVICES, HUMAN RESOURCE
21 SERVICES OR INFORMATION TECHNOLOGY SERVICES. THE BOARD MAY NOT EXERCISE
22 ANY STRATEGIC OR POLICYMAKING CONTROL OVER THE STATE HISTORIC PRESERVATION
23 OFFICE.

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

31 C. ~~THE~~ partnership fund is established consisting of monies
32 received pursuant to subsection B of this section, monies received from
33 intergovernmental agreements pursuant to title 11, chapter 7, article 3
34 and monies received pursuant to section 35-148. The board shall
35 administer the fund monies as a continuing appropriation for the purposes
36 provided in these sections.

37 D. The state historic preservation officer shall:

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

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

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

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

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

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

21 E. The state historic preservation officer may:

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

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

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

32 4. COMMUNICATE FREELY AND DIRECTLY WITH THE GOVERNOR'S OFFICE, THE
33 LEGISLATURE AND ANY FEDERAL PRESERVATION AGENCIES WITHOUT THE CONSENT,
34 REVIEW OR PREAUTHORIZATION OF ANY OTHER PERSON OR ENTITY.

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

40 Sec. 3. Appropriation; state historic preservation office;
41 exemption

42 A. The sum of \$1,000,000 is appropriated from the state general
43 fund in fiscal year 2026-2027 to the state historic preservation office
44 for all of the following purposes:

- 1 1. Proactively managing this state's obligations under the national
- 2 historic preservation act.
- 3 2. Fixing antiquated database systems and improving access to
- 4 digital records and statewide historic resource data.
- 5 3. Restoring staffing and pay to nationally accepted levels.
- 6 4. Improving tribal consultation and local government technical
- 7 assistance in this state.
- 8 5. Supporting rural preservation efforts across this state.
- 9 B. The appropriation made in subsection A of this section is exempt
- 10 from the provisions of section 35-190, Arizona Revised Statutes, relating
- 11 to lapsing of appropriations.