INTRODUCED BY Horfer 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4 81-2503 THROUGH 81-2513, B.C.B. 1947, TO 5 REF LECT ADMINISTRATIVE CHANGES IN STATE HISTORIC PRESERVATION 6 PROGRAM: SUBSTITUTING MONTANA HISTORICAL SOCIETY FOR FISH 7 AND GAME DEPARTMENT: ADDING "ARCHITECTURAL" TO DEFINITION OF A SITE AND OBJECT: AND PROVIDING AN IMMEDIATE EPFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 81-2503, B.C.M. 1947, is amended to 12 13 read as follows: #81-2503. Definitions. As used in this act: 14 15 department-of-the-state-of-Hestanav 16 +2+(1) "Society" means the Montana historical society. 17 +3+(2) "Board" means the state board of land 18 commissioners. 19 20 (4) (3) "Historical" means after the advent of white 21 man into Montana. (5) (4) "Prehistorical" means before the advent of 22 23 white man into Montana. poncultural 24 (5) "Paleontological" means prehistorical material of a geological nature such as 25

1 fossilized plants and animals.

2 (7)(6) "Site" means any historic, prehistoric,
3 archaeologic, paleontologic, scientific, <u>architectural</u>, or
4 cultural site upon lands subject to this act.

5 (8)(7) "Object" means any historic, prehistoric,
6 archaeologic, paleontologic, scientific, architectural, or
7 cultural object or cluster of objects or materials,
8 buildings, structures, or combinations thereof.

9 (9) (8) "Registered site" means any site registered by
10 the department society as provided in this act or covered by
11 cooperative agreement under section 8 [81-2508]-of-this act.
12 (10) (9) "Registered objects" mean any object
13 registered by the department society as provided in this act
14 or covered by cooperative agreement under section 8
15 f81-2508]-of this act.

16 (11) (10) "Person" means any individual, partnership,
17 association, society, institute, corporation or the agents
18 thereof; the singular includes the plural."

Section 2. There is a new R.C.M. section that reads as
 follows:

21 Bontana historical society substituted in other
22 statutes. Wherever the word "department" appears in 81-2504
23 through 81-2513, the word "society" shall be substituted
24 therefor.

25 Section 3. Effective date. This act is effective on

INTRODUCED BILL

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HRH93

1 its passage and approval.

-- En d--

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2

fossilized plants and animals.

prehistoric.

Approved by Committee on State Administration <u>H</u> BILL NO. 493 1 INTRODUCED BY How 2 3 ш A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 81-2503 THROUGH 81-2513, R.C.H. 1947, 5 TO REF LECT ADMINISTRATIVE CHANGES IN STATE HISTORIC PRESERVATION 6 7 PROGRAM: SUBSTITUTING MONTANA HISTORICAL SOCIETY FOR FISH AND GAME DEPARTMENT: ADDING "ARCHITECTURAL" TO DEFINITION OF 8 SITE AND OBJECT: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 81-2503, R.C.M. 1947, is amended to 13 read as follows: "81-2503. Definitions. As used in this act: 14 15 16 department-of-the-state-of-Nontana, 17 (2) (1) "Society" means the Hontana historical society. (2) "Board" means the state board of land 18 19 commissioners. (4) (3) "Historical" means after the advent of white 20 21 man into Montana. (5) (4) "Prehistorical" means before the advent of 22 white man into Montana. 23 24 (6) (5) "Paleontological" means noncultural prehistorical material of a geological nature such as 25

archaeologic, paleontologic, scientific, architectural, or З a cultural site upon lands subject to this act. 5 (8) [7] "Object" means any historic, prehistoric. archaeologic, paleontologic, scientific, architectural, or 6 7 cultural object or cluster of objects or materials. 8 buildings, structures, or combinations thereof. 9 (8) "Registered site" means any site registered by 10 the department society as provided in this act or covered by cooperative agreement under section-8-F81-25081-of-this-act. 11 (10) "Registered objects" mean 12 any object 13 registered by the department society as provided in this act or covered by cooperative agreement under section - 8 14 15 F81-2508--of-this-act. (10) "Person" means any individual, partnership, 16 17 association, society, institute, corporation or the agents 18 thereof: the singular includes the plural."

(7) (6) "Site" means any historic,

19 Section 2. There is a new R.C.H. section that reads as 20 follows:

21 Montana historical society substituted in other
22 statutes. Wherever the word "department" appears in 81-2504
23 through 81-2513, the word "society" shall be substituted
24 therefor.

25 Section 3. Effective date. This act is effective on

SECOND READING

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HBHQS

1 its passage and approval.

-- En d--

1	HOUSE BILL NO. 493	1	fossilized plants and animals.
2	INTRODUCED BY HARPER	2	<del>(7)<u>(6)</u> "Site" means any historic, prehistoric,</del>
3		3	archaeologic, paleontologic, scientific, <u>architectural,</u> or
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMBIND SECTIONS	4	cultural site upon lands subject to this act.
5	81-2503 THROUGE 81-2513, R.C.H. 1947, TO REFLECT	5	<del>(8)<u>(7)</u> "Object" means any historic, prehistoric,</del>
6	ADMINISTRATIVE CHANGES IN STATE HISTORIC PRESERVATION	6	archaeologic, paleontologic, scientific <u>, architectural,</u> or
7	PROGRAM: SUBSTITUTING MONTANA HISTOBICAL SOCIETY FOR FISH	7	cultural object or cluster of objects or materials,
8	AND GAME DEPARTMENT; ADDING "ARCHITECTURAL" TO DEFINITION OF	8	buildings, structures, or combinations thereof.
9	SITE AND OBJECT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	9	-{9}(8) "Registered site" means any site registered by
10		10	the <del>department</del> <u>society</u> as provided in this act or covered by
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	cooperative agreement under <del>section-8-[</del> -81-2508 <del>]-of-this-ast</del> .
12	Section 1. Section 81-2503, B.C.M. 1947, is amended to	12	<del>(10)</del> "Registered objects" mean any object
13	read as follows:	13	registered by the <del>department <u>society</u> as provided</del> in this act
14	"81-2503. Definitions. As used in this act:	14	or covered by cooperative agreement under <del>section 8</del>
15	<del>(1)"Dopartmont"moansthestatofishandganc</del>	15	<del>[</del> 81-2508 <del>]-of-this-act</del> .
16	dopartzont-of-tho-state-of-dontana.	16	<del>(11)<u>(10)</u> "Person" means any individual, partnershif,</del>
17	<pre>(1) "Society" means the Montana historical society.</pre>	17	association, society, institute, corporation or the agents
18	(3) [2] "Board" means the state board of land	18	thereof; the singular includes the plural."
19	COMDISSIONERS.	19	<del>Section-2There-is-a-<b>ac</b>w-B.C.Hsection-that-reads-as</del>
20	(4) (3) "Historical" means after the advent of white	20	followst
21	man into Montana.	21	<del>Bontanahistoricalsocietysubstitutedi</del> nother
22	(5) (4) "Prehistorical" means before the advent of	22	<del>statutes</del>
23	white man into Hontana.	23	through81-2513,thewerd#socioty#-shall-be-substituted
24	<del>(6)<u>(5)</u> "Paleontological" means noncultural</del>	24	therefor.
25	prehistorical material of a geological nature such as	25	Section 2. Section 81-2504, B.C.B. 1947, is amended to
	THIRD READING		-2- HB 493

THIRD READING

1 read as follows:

2 #81-2504. Registration of sites and objects on state 3 land --- protection. The board is authorized on the a recommendation of the dopartment-and society to designate 5 for registration by the department sites and objects 6 situated on land under the control of the state of Montana. 7 The board may withdraw or reserve, at any time, sufficient 8 state land administered by the board as may be necessary for 9 the proper care and management of such sites and objects. No 10 state land may be sold nor any development shall be allowed 11 which will disturb the registered site or registered object 12 unless it is protected or excawated in accordance with this 13 act. The use of state land for the care and management of 14 such sites and objects is hereby declared by the legislature 15 to be a worthy object of the trust as specified in section 81-103. The board is authorized to take adequate steps to 16 17 protect such sites and objects."

18 Section 3. Section 81-2505, R.C.M. 1947, is amended to
19 read as follows:

20 \*\*81-2505. Permit to excavate, remove or restore
21 registered site or object. No person may excavate, remove or
22 restore any registered site or registered object without
23 first obtaining a permit from the department society. Said
24 permits are to be granted only after careful consideration
25 of the application for a permit, and be subject to the

1 strict compliance with the following guidelines:

(a) Permits may be granted only for work to be 2 3 undertaken by reputable suscuss, universities, colleges, or 4 other historical. scientific or educational institutions, societies or persons with a view toward dissemination of 5 6 knowledge about cultural properties, provided no such permit shall be granted unless the department society is satisfied 7 that the applicant or applicants possess the necessary 8 q qualifications to quarantee the proper excavation of those 10 sites and objects which may add substantially to man's 11 knowledge about Montana and its antiquities.

12 (b) The permit must specify that a summary report of 13 such investigations, containing relevant maps, documents, 14 drawings and photographs be submitted to the <del>department</del> 15 <u>society</u> which shall in turn submit the report to an 16 appropriate repository. The <del>department</del> <u>society</u> shall 17 determine the appropriate time period allowable between all 18 work undertaken, and submission of the summary report.

19 (c) Permits will be preferentially granted to resident 20 persons unless in the event that a state person is 21 unavailable, ungualified, or uninterested in the work 22 proposed for investigation. In the event that a permit is 23 granted to a nonstate person, there must be provision that 24 removed objects may not leave or must revert to the state of 25 Montana, provided that all specimens so collected shall be

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and remain the property of the state of Montana, and
 provided further that the department-and-the society may
 give permission for the loan of such materials for
 scientific or educational purposes."

5 Section 4. Section 81-2506, R.C.H. 1947, is amended to 6 read as follows:

7 "81-2506. Distribution of collection — loans only. 8 The dopartment and the society shall supervise the 9 distribution of all collections made under the provisions of 10 this act and shall distribute material from such collections 11 on loan only."

Section 5. Section 81-2507, R.C.E. 1947, is amended to
read as follows:

14 "81-2507. State historical register. The department
15 society is authorized and directed to compile and keep a
16 register of all registered sites and registered objects.
17 This register shall be known as the state historical
18 register."

19 Section 6. Section 81-2508, R.C.M. 1947, is amended to
20 read as follows:

21 "81-2508. Co-operative agreements with private owners.
22 The department society is authorized to enter into
23 cooperative agreements with private landowners or the owners
24 of objects to preserve, wark, maintain, excavate, or
25 otherwise deal with such sites and objects upon such terms

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1 as may be agreed upon by the department society and such 2 private owners. The cooperative agreements may contain a 3 clause that the sites and objects shall be registered under 4 this act, and also a provision that the state of Hontana 5 shall hold the owner barmless for any liability that may 6 occur while the property is under the control of the state 7 of Hontana."

8 Section 7. Section 81-2509, R.C.N. 1947, is amended to
9 read as follows:

10 "81-2509. Co-operation with governmental units. The 11 department society is authorized and directed to cooperate 12 with all federal, state and local government agencies, in 13 the identification, acquisition, restoration, enhancement, 10 preservation and administration of all such sites and 15 objects for the use and enjoyment of the people, and for the purpose of exhibition and interpretation of the history and 16 17 culture of the state of Montana."

18 Section 8. Section 81-2510, R.C.E. 1947, is amended to

19 read as follows:

20 \*81-2510. Injunction to prevent waste, destruction and 21 removal — protection program. The department society is 22 authorized and directed to apply to any district court of 23 the state of Montana for a writ of injunction to prevent the 24 waste, removal and destruction of any such registered site 25 or registered object. The department society shall not be

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required to give any bond in such application. Upon hearing 1 of the petition for injunction, the court may restrain 2 3 waste, removal or destruction upon said site, or of such object for a period of one (1) year. The court may also 4 5 provide in its order that during such period the department 6 society shall present to the parties involved a program for 7 the protection, preservation, restoration and maintenance of 8 the registered site or registered objects.\*

9 Section 9. Section 81-2511, R.C.H. 1947, is amended to
10 read as follows:

\*81-2511. Violation as misdemeanor -- penalty. Any 11 12 person who shall willfully infure, remove or damage any registered site or object thereon without obtaining a permit 13 or shall violate any of the regulations made by the 14 department society relating to state parks, historical, 15 16 paleontological or prehistorical sites. buildings. structures, monuments or objects, shall be guilty of a 17 misdemeanor and shall upon conviction be fimed not more than 18 19 one thousand dollars (\$1,000), or be imprisoned in the county jail for not more than six (6) months, or both such 20 21 fine and imprisonment."

22 Section 10. Section 81-2512, B.C.M. 1947, is amended
23 to read as follows:

24 \*81-2512. Report of discovered sites or objects -25 preservation. Any person conducting any activities,

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including survey, excavation or construction who discovers on any lands owned, leased or controlled by this state or any agency thereof, any object or objects as defined in this act, shall promptly report to the <u>department Society</u> the existence of any such site or object discovered in the course of such survey, excavation or construction, and shall take all reasonable steps to secure its preservation."

8 Section 11. Section 81-2513, R.C.M. 1947, is amended
9 to read as follows:

\*81-2513. Advisory council. The governor may appoint
an advisory council from properly qualified persons in the
fields of anthropology, archaeology, paleontology, and
history and other related disciplines to advise and consult
with the dopartment society and the board relating to all
matters of Hontana's antiquities."

Section 12. Effective date. This act is effective on17 its passage and approval.

-End-

HB C493/02

April 1, 1977

## SENATE STANDING COMMITTEE REPORT Committee on State Administration

That House Bill No. 493, third reading, be amended as follows:

1. Amend page 3, section 2, line 5.
Following: "the"
Strike: "department"
Insert: "society"

45th Legislature

HB 0493/03

1 HOUSE BILL NO. 493 1 fossilized plants and animals. 2 INTRODUCED BY HARPER 2 t7;(6) "Site" means any historic, prehistoric, 3 3 archaeologic, paleontologic, scientific, architectural, or A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 4 cultural site upon lands subject to this act. 4 81-2503 THROUGH 81-2513, R.C.M. 1947, TO REFLECT 5 5 (8)(7) "Object" means any historic, prehistoric. ADMINISTRATIVE CHANGES IN STATE HISTORIC PRESERVATION 6 6 archaeologic, paleontologic, scientific<u>, architectural</u>, or PROGRAM: SUBSTITUTING MONTANA HISTORICAL SOCIETY FOR FISH 7 7 cultural object or cluster of objects or materials, AND GAME DEPARTMENT; ADDING "ARCHITECTURAL" TO DEFINITION OF buildings, structures, or combinations thereof. R 8 9 SITE AND OBJECT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." (9)(8) "Registered site" means any site registered by 9 10 the department society as provided in this act or covered by 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 cooperative agreement under section-8-F81-2508-1-of-this-act. 11 12 Section 1. Section 31-2503, R.C.M. 1947, is amended to 12 (10) "Registered objects" mean any object registered by the department society as provided in this act 13 read as follows: 13 or covered by cooperative agreement under section--a #81-2503. Definitions. As used in this act: 14 14 F81-2508--of-this-act. 15 fl}--=Bepartment#---seans--the---state---fish----and----game 15 (11) "Person" weans any individual, partnership, department-of-the-state-of-Montana\* 16 16 17 t2)(1) "Society" means the Montana historical society. 17 association, society, institute, corporation or the agents 13 thereof; the singular includes the plural." 18 (3)(2) "Board" means the state board of land Section-2\*--There-is-a-new-R\*C\*M\*-section-that-reads-as commissioners. 19 19 20 ++++(3) "Historical" means after the advent of white follows+ 20 21 man into Montana. 21 Montona--historical--society---substituted---in---other (5)(4) "Prehistorical" means before the advent of statutesy--Wherever-the-word-"department"-appears-in-01-2504 22 22 23 white man into Montana. 23 through--81-2513y--the--word--"society"-shall-be-substituted (6)(5) "Paleontological" 24 means noncultural therefor. 24 prehistorical material of a geological nature such as 25 Section 2. Section 81-2504, R.C.M. 1947, is amended to 25

KEFERENCE BILL

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## 1 read as follows:

2 "81-2504. Registration of sites and objects on state 3 land -- protection. The board is authorized on the recommendation of the department-and society to designate 4 5 for registration by the department SOCIETY sites and objects situated on land under the control of the state of Montana. 6 7 The board may withdraw or reserve, at any time, sufficient state land administered by the board as may be necessary for 8 9 the proper care and management of such sites and objects. No 10 state land may be sold nor any development shall be allowed 11 which will disturb the registered site or registered object 12 unless it is protected or excavated in accordance with this 13 act. The use of state land for the care and management of 14 such sites and objects is hereby declared by the legislature to be a worthy object of the trust as specified in section 15 16 81-103. The board is authorized to take adequate steps to 17 protect such sites and objects."

18 Section 3. Section 81-2505, R.C.M. 1947, is amended to 19 read as follows:

20 #81-2505. Permit to excavate, remove or restore
21 registered site or object. No person may excavate, remove or
22 restore any registered site or registered object without
23 first obtaining a permit from the department society. Said
24 permits are to be granted only after careful consideration
25 of the application for a permit, and be subject to the

1 strict compliance with the following guidelines:

(a) Permits may be granted only for work to be 2 undertaken by reputable museums, universities, colleges, or 3 4 other historical, scientific or educational institutions, societies or persons with a view toward dissemination of 5 knowledge about cultural properties, provided no such permit 6 shall be granted unless the department society is satisfied 7 that the applicant or applicants possess the necessary я 9 qualifications to quarantee the proper excavation of those sites and objects which may add substantially to man's 10 knowledge about Montana and its antiquities. 11

12 (b) The permit must specify that a summary report of 13 such investigations, containing relevant maps, documents, 14 drawings and photographs be submitted to the <del>department</del> 15 <u>society</u> which shall in turn submit the report to an 16 appropriate repository. The <del>department</del> <u>society</u> shall 17 determine the appropriate time period allowable between all 18 work undertaken, and submission of the summary report.

19 (c) Permits will be preferentially granted to resident 20 persons unless in the event that a state person is 21 unavailable, unqualified, or uninterested in the work 22 proposed for investigation. In the event that a permit is 23 granted to a nonstate person, there must be provision that 24 removed objects may not leave or must revert to the state of 25 Montana, provided that all specimens so collected shall be

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and remain the property of the state of Montana, and
 provided further that the department--and--the society may
 give permission for the loan of such materials for
 scientific or educational purposes."

5 Section 4. Section 81-2506; R.C.M. 1947; is amended to
6 read as follows:

7 "81-2506. Distribution of collection -- loans only.
8 The department---and---the society shall supervise the
9 distribution of all collections made under the provisions of
10 this act and shall distribute material from such collections
11 on loan only."

12 Section 5. Section 81-2507, R.C.M. 1947, is amended to 13 read as follows:

14 #81-2507. State historical register. The department 15 society is authorized and directed to compile and keep a 16 register of all registered sites and registered objects. 17 This register shall be known as the state historical 18 register."

19 Section 6. Section 81-2508, R.C.M. 1947, is amended to 20 read as follows:

21 "81-2508. Co-operative agreements with private owners.
22 The department society is authorized to enter into
23 cooperative agreements with private landowners or the owners
24 of objects to preserve, mark, maintain, excavate, or
25 otherwise deal with such sites and objects upon such terms

as may be agreed upon by the department society and such private owners. The cooperative agreements may tontain a clause that the sites and objects shall be registered under this act, and also a provision that the state of Montana shall hold the owner harmless for any liability that may occur while the property is under the control of the state of Montana."

8 Section 7. Section 81-2509, R.C.M. 1947, is assended to 9 read as follows:

10 "81-2509. Co-operation with governmental units. The 11 department society is authorized and directed to cooperate 12 with all federal, state and local government agencies, in 13 the identification, acquisition, restoration, enhancement, 14 preservation and administration of all such sites and 15 objects for the use and enjoyment of the people, and for the purpose of exhibition and interpretation of the history and 16 17 culture of the state of Montana."

18 Section 8. Section 81-2510, R.C.H. 1947, is amended to 19 read as follows:

20 **\*81-2510.** Injunction to prevent waste, destruction and 21 removal --- protection program. The department society is 22 authorized and directed to apply to any district court of 23 the state of Montana for a writ of injunction to prevent the 24 waste, removal and destruction of any such registered site 25 or registered object. The department society shall not be

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required to give any bond in such application. Upon hearing 1 2 of the petition for injunction, the court may restrain waste, removal or destruction upon said site, or of such 3 4 object for a period of one (1) year. The court may also provide in its order that during such period the department 5 6 society shall present to the parties involved a program for 7 the protection, preservation, restoration and maintenance of the registered site or registered objects." 8

9 Section 9. Section 81-2511, R.C.M. 1947, is amended to 10 read as follows:

11 \*81-2511. Violation as misdemeanor -- penalty. Any person who shall willfully injure, remove or damage any 12 13 registered site or object thereon without obtaining a permit 14 or shall violate any of the regulations made by the 15 department society relating to state parks, historical, 16 paleontological or prehistorical sites, buildings, 17 structures, monuments or objects, shall be quilty of a 18 misdemeanor and shall upon conviction be fined not more than 19 one thousand dollars (\$1,000), or be imprisoned in the 20 county jail for not more than six (6) months, or both such 21 fine and imprisonment."

22 Section 10. Section 81-2512, R.C.M. 1947, is amended 23 to read as follows:

24 "81-2512. Report of discovered sites or objects -25 preservation. Any person conducting any activities.

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1 including survey, excavation or construction who discovers on any lands owned, leased or controlled by this state or 2 3 any agency thereof, any object or objects as defined in this 4 act, shall promptly report to the department society the existence of any such site or object discovered in the 5 course of such survey, excavation or construction, and shall 6 take all reasonable steps to secure its preservation." 7 8 Section 11. Section 61-2513, R.C.M. 1947, is amended 9 to read as follows: 10 "81-2513. Advisory council. The governor may appoint

11 an advisory council from properly qualified persons in the 12 fields of anthropology, archaeology, paleontology, and 13 history and other related disciplines to advise and consult 14 with the <del>department</del> <u>society</u> and the board relating to all 15 matters of Montana's antiquities."

16 Section 12. Effective date. This act is effective on

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17 its passage and approval.

-End-

HB 493