HOUSE BILL NO. 483

INTRODUCED BY BRADLEY

BY REQUEST OF THE MONTANA HISTORICAL SOCIETY

IN THE HOUSE

JANUARY	27,		INTRODUCED ON EDUCATIO			
FEBRUARY	: 10,	1987	COMMITTEE I	RECON	MEND BILI	

- FEBRUARY 11, 1987 PRINTING REPORT.
- FEBRUARY 12, 1987 SECOND READING, DO PASS.
- FEBRUARY 13, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 83; NOES, 6.

DO PASS. REPORT ADOPTED.

TRANSMITTED TO SENATE.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE SENATE

- FEBRUARY 16, 1987
 - ON EDUCATION & CULTURAL RESOURCES.
- MARCH 17, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 20, 1987 SECOND READING, CONCURRED IN.
- MARCH 23, 1987 THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 23, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

House BILL NO. 483 1 1 INTRODUCED BY Brodley 2 2 BY REQUEST OF THE MONTANA HISTORICAL SOCIETY 3 3 4 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 5 5 6 LAWS ON ANTIOUITIES: PROVIDING THAT A HISTORIC PRESERVATION 6 OFFICER SHOULD IN SPECIFIED INSTANCES TO CLECT FROM 7 7 DISCLOSURE CERTAIN INFORMATION ON THE LOCATION OF HERITAGE 8 8 9 PROPERTIES: MAKING THE PROVISIONS RELATING TO THE NOMINATION 9 OF PROPERTY TO THE NATIONAL REGISTER OF HISTORIC PLACES 10 10 SIMILAR TO FEDERAL PROVISIONS; AMENDING SECTIONS 22-3-421, 11 11 22-3-423, AND 22-3-431, MCA; AND PROVIDING AN IMAEDIATE 12 12 13 EFFECTIVE DATE." 13 14 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 15 16 Section 1. Section 22-3-421, MCA, is amended to read: 16 17 "22-3-421. Definitions. As used in this part, unless 17 18 the context clearly indicates otherwise, the following 18 19 definitions apply: 19 20 (1) "Antiquities permit" means the permit granted for 20 exploration-or-field-investigations excavation, removal, or 21 21 22 restoration of heritage properties or paleontological 22 remains provided for in 22-3-432. 23 23 (2) "Heritage property" means any district, site, 24 24 building, structure, or object located upon or beneath the 25 25

Montana Legislative Council

earth or under water that is significant in American history, architecture, archaeology, or culture.

3 (3) "Historic preservation office" means the office
4 within the Montana historical society provided for in
5 2-15-1512.

6 (4) "Historic preservation officer" means the officer
7 provided for in 2-15-1512.

8 (5) "Paleontological remains" means fossilized plants 9 and animals of a geological nature found upon or beneath the 10 earth or under water which are rare and critical to 11 scientific research.

12 (6) "Preservation review board" means the board 13 provided for in 2-15-1512.

(7) "Register" means the National Register of Historic
 Places, the official list of the nation's heritage
 properties worthy of preservation because of national,
 state, or local significance.

18 (8) "Registered property" means any heritage property19 listed in the register.

20 (9) "State agency" means any executive agency of the 21 state of Montana."

Section 2. Section 22-3-423, MCA, is amended to read:
"22-3-423. Duties of historic preservation officer.
The historic preservation officer has the following duties
and responsibilities:

-2- INTRODUCED BILL HB.483

LC 0728/01

1

(1) follow necessary procedures to qualify the state
 for money that is now or will be made available under any
 act of congress of the United States or otherwise for
 purposes of historic preservation;

5 (2) conduct an ongoing statewide survey to identify
6 and document heritage properties and paleontological
7 remains;

8 (3) maintain a state inventory file of heritage
9 properties and paleontological remains and maintain a
10 repository for all such inventory work done in the state;

11 (4) evaluate and formally nominate potential register 12 properties according to the criteria established by the 13 register;

(5) prepare and annually review the state preservation
plan, register nominations, and historic preservation grant
activity;

17 (6) maintain, publish, and disseminate information
18 relating to heritage properties and paleontological remains
19 in the state;

20 (7) cooperate with and assist local, state, and
21 federal government agencies in comprehensive planning that
22 allows for the preservation of heritage properties and
23 paleontological remains;

24 (8) enter into cooperative agreements with the federal25 government, local governments, and other governmental

ensure preservation and protection of registered properties; 2 (9) adopt rules outlining procedures by which a state 3 agency that has no approved rules under 22-3-424(1) shall 4 consider heritage properties OI. 5 systematically paleontological remains on lands owned by the state and б avoid, whenever feasible, state actions or state assisted or 7 licensed actions that substantially alter such properties; 8 (10) protect from disclosure to the public any 9 information relating to the location or character of 10 heritage properties when disclosure would create a 11 substantial risk of harm, theft, or destruction to such 12 resources or to the area or place where the resources are 13 located; and 14 ti0;(11) any other necessary or appropriate activity 15 permitted by law to carry out and enforce the provisions of 16 17 this part." Section 3. Section 22-3-431, MCA, is amended to read: 18 "22-3-431. Registration of heritage properties. (1) 19 Any citizen of Montana may submit to the historic 20 preservation officer for his consideration the necessary 21 forms to nominate heritage properties to the register. 22 (2) (a) For private properties not-owned-by-the-state, 23 the historic preservation officer shall notify the owner of 24

entities or private landowners or the owners of objects to

25 the property and allow him a reasonable period of time to

-3-

-4-

l	concur or object to the nomination of the property for
2	registration. If the owner of the property, or a majority
3	of owners if the property has more than one owner, ob ects
4	to registration, the historic preservation officer may not
5	nominate the property unless the objection is withdrawn. If
6	there are no such objections, the historic preservation
7	officer may, upon approval by the preservation review board
8	andwiththe-written-concurrence-of-the-owner-or-owners-of
9	the-property, nominate heritage properties to the register.
10	Inthecaseofahistoricdistrictthehistoric
11	${\tt preservation-officer}$ -may-nominate-the-property-oni/-with-the
12	concurrence-of:
13	<pre>fa)a-majority-of-the-property-owners-of-the-district;</pre>
14	and
15	<pre>tb;the-owners-of-more-than-one-half-oftheproperty</pre>
16	in-the-district-
17	(b) The historic preservation officer and the
18	preservation review board may review the nomination of
19	property that was not nominated due to owner objection to
20	determine whether the property is eligible for registration.
21	If the historic preservation officer and the preservation
22	review board determine that the property is eligible for
23	registration, the preservation officer shall provide for the
24	register information about the property for determination of
25	registration eligibility.

1	(c) The historic preservation officer shall follow the
2	procedures mandated by 36 CFR 60.6 relating to seeking
3	property owner concurrence or objection to registration.

(3) For lands owned by the state, a county, or a 4 5 municipality, the historic preservation officer may, upon 6 approval by the preservation review board, nominate heritage 7 properties to the register. The historic preservation 8 officer shall notify the appropriate state governmental 9 agency and give public notice when any such governmental 10 property is being considered for nomination. Unless state 11 agency or public objections are submitted in writing within 12 30 days after notification, the historic preservation officer shall complete the nominations. When a-state an 13 14 agency or any citizen of Montana submits written objections. the historic preservation officer shall consider the 15 16 objections and may conduct a public hearing. If a hearing is 17 held, it shall be commenced within 30 days after the final 18 date for submission of written objections. Within 60 days 19 after submission of the objections or after the public 20 hearing, the historic preservation officer shall make a final decision on the proposed registration and prepare a 21 22 statement responsive to the objections submitted."

<u>NEW SECTION.</u> Section 4. Extension of authority. Any
 existing authority of the Montana historical society to make
 rules on the subject of the provisions of this act is

1 extended to the provisions of this act.

- 2 <u>NEW SECTION.</u> Section 5. Effective date. This act is
- 3 effective on passage and approval.

-End-

S. S

• • •

LC 0728/01

LC 0728/01

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	House BILL NO. 483
2	INTRODUCED BY Bradlen
3	BY REQUEST OF THE MONTANA HISTORICAL SOCIETY
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6	LAWS ON ANTIQUITIES; PROVIDING THAT A HISTORIC PRESERVATION
7	OFFICER SHOULD IN SPECIFIED INSTANCES PROTECT FROM
8	DISCLOSURE CERTAIN INFORMATION ON THE LOCATION OF HERITAGE
9	PROPERTIES; MAKING THE PROVISIONS RELATING TO THE NOMINATION
10	OF PROPERTY TO THE NATIONAL REGISTER OF HISTORIC PLACES
11	SIMILAR TO FEDERAL PROVISIONS; AMENDING SECTIONS 22-3-421,
12	22-3-423, AND 22-3-431, MCA; AND PROVIDING AN IMMEDIATE
13	EFFECTIVE DATE."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 22-3-421, MCA, is amended to read:
17	"22-3-421. Definitions. As used in this part, unless
18	the context clearly indicates otherwise, the following
19	definitions apply:
20	(1) "Antiquities permit" means the permit granted for
21	exploration-or-field-investigations excavation, removal, or
22	restoration of heritage properties or paleontological
23	remains provided for in 22-3-432.

24 (2) "Heritage property" means any district, site,25 building, structure, or object located upon or beneath the



earth or under water that is significant in American
 history, architecture, archaeology, or culture.

3 (3) "Historic preservation office" means the office
4 within the Montana historical society provided for in
5 2-15-1512.

6 (4) "Historic preservation officer" means the officer
7 provided for in 2-15-1512.

8 (5) "Paleontological remains" means fossilized plants 9 and animals of a geological nature found upon or beneath the 10 earth or under water which are rare and critical to 11 scientific research.

12 (6) "Preservation review board" means the board 13 provided for in 2-15-1512.

14 (7) "Register" means the National Register of Historic
15 Places, the official list of the nation's heritage
16 properties worthy of preservation because of national,
17 state, or local significance.

18 (8) "Registered property" means any heritage property19 listed in the register.

20 (9) "State agency" means any executive agency of the 21 state of Montana."

Section 2. Section 22-3-423, MCA, is amended to read: "22-3-423. Duties of historic preservation officer. The historic preservation officer has the following duties and responsibilities:

SECOND READING -2-HB-493

(1) follow necessary procedures to qualify the state
 for money that is now or will be made available under any
 act of congress of the United States or otherwise for
 purposes of historic preservation;

5 (2) conduct an ongoing statewide survey to identify
6 and document heritage properties and paleontological
7 remains;

8 (3) maintain a state inventory file of heritage
9 properties and paleontological remains and maintain a
10 repository for all such inventory work done in the state;

(4) evaluate and formally nominate potential register
 properties according to the criteria established by the
 register;

(5) prepare and annually review the state preservation
plan, register nominations, and historic preservation grant
activity;

17 (6) maintain, publish, and disseminate information
18 relating to heritage properties and paleontological remains
19 in the state;

(7) cooperate with and assist local, state, and
 federal government agencies in comprehensive planning that
 allows for the preservation of heritage properties and
 paleontological remains;

(8) enter into cooperative agreements with the federalgovernment, local governments, and other governmental

entities or private landowners or the owners of objects to 1 ensure preservation and protection of registered properties; 2 3 (9) adopt rules outlining procedures by which a state agency that has no approved rules under 22-3-424(1) shall 4 5 systematically consider heritage properties or paleontological remains on lands owned by the state and 6 7 avoid, whenever feasible, state actions or state assisted or я licensed actions that substantially alter such properties; 9 (10) protect from disclosure to the public any information relating to the location or character of 10 heritage properties when disclosure would create a 11 substantial risk of harm, theft, or destruction to such 12 13 resources or to the area or place where the resources are located; and 14 15 (11) any other necessary or appropriate activity permitted by law to carry out and enforce the provisions of 16 17 this part." 18 Section 3. Section 22-3-431, MCA, is amended to read: 19 "22-3-431. Registration of heritage properties. (1) Any citizen of Montana may submit to the historic 20 preservation officer for his consideration the necessary 21 forms to nominate heritage properties to the register. 22 (2) (a) For private properties not-owned-by-the-state, 23 the historic preservation officer shall notify the owner of 24

25 the property and allow him a reasonable period of time to

-3-

1	concur or object to the nomination of the property for
2	registration. If the owner of the property, or a majority
3	of owners if the property has more than one owner, objects
4	to registration, the historic preservation officer may not
5	nominate the property unless the objection is withdrawn. If
6	there are no such objections, the historic preservation
7	officer may, upon approval by the preservation review board
8	andwiththe-written-concurrence-of-the-owner-or-owners-of
9	the-property, nominate heritage properties to the register.
10	inthecaseofahistoricdistrict7thehistoric
11	preservation-officer-may-nominate-the-property-only-with-the
12	concurrence-of:
13	{a}a-majority-of-the-property-owners-of-the-district;
14	and
15	(b)the-owners-of-more-than-one-half-oftheproperty
16	in-the-district-
17	(b) The historic preservation officer and the
18	preservation review board may review the nomination of
19	property that was not nominated due to owner objection to
20	determine whether the property is eligible for registration.
21	If the historic preservation officer and the preservation
22	review board determine that the property is eligible for
23	registration, the preservation officer shall provide for the
24	register information about the property for determination of
25	registration eligibility.

,

....

1	(c) The historic preservation officer shall follow the
2	procedures mandated by 36 CFR 60.6 relating to seeking
3	property owner concurrence or objection to registration.
4	(3) For lands owned by the state, a county, or a
5	municipality, the historic preservation officer may, upon
6	approval by the preservation review board, nominate heritage
7	properties to the register. The historic preservation
8	officer shall notify the appropriate state governmental
9	agency and give public notice when any such governmental
10	property is being considered for nomination. Unless state
11	agency or public objections are submitted in writing within
12	30 days after notification, the historic preservation
13	officer shall complete the nominations. When a-state an
14	agency or any citizen of Montana submits written objections,
15	the historic preservation officer shall consider the
16	objections and may conduct a public hearing. If a hearing is
17	held, it shall be commenced within 30 days after the final
18	date for submission of written objections. Within 60 days
19	after submission of the objections or after the public
20	hearing, the historic preservation officer shall make a
21	final decision on the proposed registration and prepare a
22	statement responsive to the objections submitted."

23 <u>NEW SECTION.</u> Section 4. Extension of authority. Any
24 existing authority of the Montana historical society to make
25 rules on the subject of the provisions of this act is

LC 0728/01

1 extended to the provisions of this act.

2 <u>NEW SECTION.</u> Section 5. Effective date. This act is

3 effective on passage and approval.

.

•

٠

-End-

1	House BILL NO. 423	1
2	INTRODUCED BY Bradlen	2
3	BY REQUEST OF THE MONTANA HISTORICAL SOCIETY	3
4		4
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	5
6	LAWS ON ANTIQUITIES; PROVIDING THAT A HISTORIC PRESERVATION	6
7	OFFICER SHOULD IN SPECIFIED INSTANCES PROTECT FROM	7
8	DISCLOSURE CERTAIN INFORMATION ON THE LOCATION OF HERITAGE	8
9	PROPERTIES; MAKING THE PROVISIONS RELATING TO THE NOMINATION	9
10	OF PROPERTY TO THE NATIONAL REGISTER OF HISTORIC PLACES	10
11	SIMILAR TO FEDERAL PROVISIONS; AMENDING SECTIONS 22-3-421,	11
12	22-3-423, AND 22-3-431, MCA; AND PROVIDING AN IMMEDIATE	12
13	EFFECTIVE DATE."	13
14		14
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15
16	Section 1. Section 22-3-421, MCA, is amended to read:	16
17	"22-3-421. Definitions. As used in this part, unless	17
18	the context clearly indicates otherwise, the following	18
19	definitions apply:	19
20	(1) "Antiquities permit" means the permit granted for	20
21	exploration-or-field-investigations excavation, removal, or	21
22	restoration of heritage properties or paleontological	22
23	remains provided for in 22-3-432.	23
24	(2) "Heritage property" means any district, site,	24
25	building, structure, or object located upon or beneath the	25



LC 0728/01

earth or under water that is significant in American
 history, architecture, archaeology, or culture.
 (3) "Historic preservation office" means the office

4 within the Montana historical society provided for in 5 2-15-1512.

6 (4) "Historic preservation officer" means the officer
7 provided for in 2-15-1512.

8 (5) "Paleontological remains" means fossilized plants
9 and animals of a geological nature found upon or beneath the
10 earth or under water which are rare and critical to
11 scientific research.

12 (6) "Preservation review board" means the board
13 provided for in 2-15-1512.

14 (7) "Register" means the National Register of Historic
15 Places, the official list of the nation's heritage
16 properties worthy of preservation because of national,
17 state, or local significance.

18 (8) "Registered property" means any heritage property19 listed in the register.

20 (9) "State agency" means any executive agency of the21 state of Montana."

Section 2. Section 22-3-423, MCA, is amended to read:
"22-3-423. Duties of historic preservation officer.
The historic preservation officer has the following duties
and responsibilities:

-2- THIRD READING HB.483

1

25

1 (1) follow necessary procedures to qualify the state 2 for money that is now or will be made available under any 3 act of congress of the United States or otherwise for 4 purposes of historic preservation;

5 (2) conduct an ongoing statewide survey to identify 6 and document heritage properties and paleontological 7 remains;

8 (3) maintain a state inventory file of heritage
9 properties and paleontological remains and maintain a
10 repository for all such inventory work done in the state;

11 (4) evaluate and formally nominate potential register
12 properties according to the criteria established by the
13 register;

14 (5) prepare and annually review the state preservation
15 plan, register nominations, and historic preservation grant
16 activity;

17 (6) maintain, publish, and disseminate information 18 relating to heritage properties and paleontological remains 19 in the state;

20 (7) cooperate with and assist local, state, and
21 federal government agencies in comprehensive planning that
22 allows for the preservation of heritage properties and
23 paleontological remains;

(8) enter into cooperative agreements with the federalgovernment, local governments, and other governmental

2 ensure preservation and protection of registered properties; 3 (9) adopt rules outlining procedures by which a state agency that has no approved rules under 22-3-424(1) shall 4 systematically consider heritage properties 5 or paleontological remains on lands owned by the state and б avoid, whenever feasible, state actions or state assisted or 7 licensed actions that substantially alter such properties; 8 9 (10) protect from disclosure to the public any 10 information relating to the location or character of 11 heritage properties when disclosure would create a 12 substantial risk of harm, theft, or destruction to such resources or to the area or place where the resources are 13 14 located; and (11) any other necessary or appropriate activity 15 16 permitted by law to carry out and enforce the provisions of 17 this part." Section 3. Section 22-3-431, MCA, is amended to read: 18 19 "22-3-431. Registration of heritage properties. (1) Any citizen of Montana may submit to the historic 20 21 preservation officer for his consideration the necessary 22 forms to nominate heritage properties to the register. 23 (2) (a) For private properties not-owned-by-the-state, 24 the historic preservation officer shall notify the owner of

entities or private landowners or the owners of objects to

LC 0728/01

the property and allow him a reasonable period of time to

-3-

1	concur or object to the nomination of the property for	1	(c) The historic preservation officer shall follow the
2	registration. If the owner of the property, or a majority	2	procedures mandated by 36 CFR 60.6 relating to seeking
3	of owners if the property has more than one owner, objects	3	property owner concurrence or objection to registration.
4	to registration, the historic preservation officer may not	4	(3) For lands owned by the state, a county, or a
5	nominate the property unless the objection is withdrawn. If	5	municipality, the historic preservation officer may, upon
6	there are no such objections, the historic preservation	6	approval by the preservation review board, nominate heritage
7	officer may, upon approval by the preservation review board	7	properties to the register. The historic preservation
8	andwiththe-written-concurrence-of-the-owner-or-owners-of	8	officer shall notify the appropriate state governmental
9	the-property, nominate heritage properties to the register.	9	agency and give public notice when any such governmental
10	Inthecaseofahistoricdistrict;thehistoric	10	property is being considered for nomination. Unless state
11	preservation-officer-may-nominate-the-property-only-with-the	11	agency or public objections are submitted in writing within
12	concurrence-of:	12	30 days after notification, the historic preservation
13	<pre>fa)a-majority-of-the-property-owners-of-the-district;</pre>	13	officer shall complete the nominations. When a-state an
14	and	14	agency or any citizen of Montana submits written objections,
15	<pre>(b)the-owners-of-more-than-one-half-oftheproperty</pre>	15	the historic preservation officer shall consider the
16	in-the-district;	16	objections and may conduct a public hearing. If a hearing is
17	(b) The historic preservation officer and the	17	held, it shall be commenced within 30 days after 'the final
18	preservation review board may review the nomination of	18	date for submission of written objections. Within 60 days
19	property that was not nominated due to owner objection to	19	after submission of the objections or after the public
20	determine whether the property is eligible for registration.	20	hearing, the historic preservation officer shall make a
21	If the historic preservation officer and the preservation	21	final decision on the proposed registration and prepare a
22	review board determine that the property is eligible for	22	statement responsive to the objections submitted."
23	registration, the preservation officer shall provide for the	23	NEW SECTION. Section 4. Extension of authority. Any
24	register information about the property for determination of	24	existing authority of the Montana historical society to make
25	registration eligibility.	25	rules on the subject of the provisions of this act is

x

*

-6-

.

•

1 extended to the provisions of this act.

2 NEW SECTION. Section 5. Effective date. This act is

3 effective on passage and approval.

~

-End-

HB 0483/02

HOUSE BILL NO. 483 1 2 INTRODUCED BY BRADLEY 3 BY REQUEST OF THE MONTANA HISTORICAL SOCIETY 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS ON ANTIOUITIES: PROVIDING THAT A HISTORIC PRESERVATION 6 7 OFFICER SHOULD IN SPECIFIED INSTANCES PROTECT FROM DISCLOSURE CERTAIN INFORMATION ON THE LOCATION OF HERITAGE 8 9 PROPERTIES; MAKING THE PROVISIONS RELATING TO THE NOMINATION OF PROPERTY TO THE NATIONAL REGISTER OF HISTORIC PLACES 10 11 SIMILAR TO FEDERAL PROVISIONS; AMENDING SECTIONS 22-3-421, 22-3-423, AND 22-3-431, MCA; AND PROVIDING AN IMMEDIATE 12 13 EFFECTIVE DATE."

14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 22-3-421, MCA, is amended to read: 17 "22-3-421. Definitions. As used in this part, unless 18 the context clearly indicates otherwise, the following 19 definitions apply:

(1) "Antiquities permit" means the permit granted for
 exploration-or-field-investigations excavation, removal, or
 restoration of heritage properties or paleontological
 remains provided for in 22-3-432.

(2) "Heritage property" means any district, site,building, structure, or object located upon or beneath the

earth or under water that is significant in American
 history, architecture, archaeology, or culture.

3 (3) "Historic preservation office" means the office
4 within the Montana historical society provided for in
5 2-15-1512.

6 (4) "Historic preservation officer" means the officer
7 provided for in 2-15-1512.

8 (5) "Paleontological remains" means fossilized plants
9 and animals of a geological nature found upon or beneath the
10 earth or under water which are rare and critical to
11 scientific research.

12 (6) "Preservation review board" means the board13 provided for in 2-15-1512.

14 (7) "Register" means the National Register of Historic
15 Places, the official list of the nation's heritage
16 properties worthy of preservation because of national,
17 state, or local significance.

18 (8) "Registered property" means any heritage property
19 listed in the register.

20 (9) "State agency" means any executive agency of the21 state of Montana."

Section 2. Section 22-3-423, MCA, is amended to read:
"22-3-423. Duties of historic preservation officer.
The historic preservation officer has the following duties
and responsibilities:

Montana Legislative Council

-2-

1

1 (1) follow necessary procedures to qualify the state 2 for money that is now or will be made available under any 3 act of congress of the United States or otherwise for 4 purposes of historic preservation;

5 (2) conduct an ongoing statewide survey to identify and document heritage properties and paleontological 6 7 remains:

8 (3) maintain a state inventory file of heritage 9 properties and paleontological remains and maintain a repository for all such inventory work done in the state; 10

11 (4) evaluate and formally nominate potential register properties according to the criteria established by the 12 13 register:

(5) prepare and annually review the state preservation 14 15 plan, register nominations, and historic preservation grant 16 activity;

17 (6) maintain, publish, and disseminate information 18 relating to heritage properties and paleontological remains 19 in the state:

20 (7) cooperate with and assist local, state, and 21 federal government agencies in comprehensive planning that allows for the preservation of heritage properties and 22 23 paleontological remains;

24 (8) enter into cooperative agreements with the federal 25 government, local governments, and other governmental

-3-

HB 483

ensure preservation and protection of registered properties; 2 (9) adopt rules outlining procedures by which a state 3 4 agency that has no approved rules under 22-3-424(1) shall 5 systematically consider heritage properties or 6 paleontological remains on lands owned by the state and 7 avoid, whenever feasible, state actions or state assisted or 8 licensed actions that substantially alter such properties; 9 (10) protect from disclosure to the public any information relating to the location or character of 10 11 heritage properties when disclosure would create a 12 substantial risk of harm, theft, or destruction to such 13 resources or to the area or place where the resources are 14 located; and 15 (11) any other necessary or appropriate activity 16 permitted by law to carry out and enforce the provisions of 17 this part." Section 3. Section 22-3-431, MCA, is amended to read: 18 19 "22-3-431. Registration of heritage properties. (1) 20 Any citizen of Montana may submit to the historic 21 preservation officer for his consideration the necessary 22 forms to nominate heritage properties to the register. 23

entities or private landowners or the owners of objects to

(2) (a) For private properties not-owned-by-the-state, 24 the historic preservation officer shall notify the owner of 25 the property and allow him a reasonable period of time to

-4-

HB 483

HB 0483/02

1	concur or object to the nomination of the property for
2	registration. If the owner of the property, or a majority
3	of owners if the property has more than one owner, objects
4	to registration, the historic preservation officer may not
5	nominate the property unless the objection is withdrawn. If
6	there are no such objections, the historic preservation
7	officer may, upon approval by the preservation review board
8	andwiththe-written-concurrence-of-the-owner-or-owners-of
9	the-property, nominate heritage properties to the register.
10	Inthecaseofahistoricdistrict7thehistoric
11	preservation-officer-may-nominate-the-property-only-with-the
12	concurrence-of:
13	<pre>(a)a-majority-of-the-property-owners-of-the-district;</pre>
14	and
15	<pre>(b)the-owners-of-more-than-one-half-oftheproperty</pre>
16	in-the-district.
17	(b) The historic preservation officer and the
18	preservation review board may review the nomination of
19	property that was not nominated due to owner objection to
20	determine whether the property is eligible for registration.
21	If the historic preservation officer and the preservation
22	review board determine that the property is eligible for
23	recistration, the preservation officer shall provide for the
24	register information about the property for determination of
25	registration eligibility.

1	(c) The historic preservation officer shall follow the
2	procedures mandated by 36 CFR 60.6 relating to seeking
3	property owner concurrence or objection to registration.
4	(3) For lands owned by the state, a county, or a
5	municipality, the historic preservation officer may, upon
6	approval by the preservation review board, nominate heritage
7	properties to the register. The historic preservation
8	officer shall notify the appropriate state governmental
9	agency and give public notice when any such governmental
10	property is being considered for nomination. Unless state
11	agency or public objections are submitted in writing within
12	30 days after notification, the historic preservation
13	officer shall complete the nominations. When a-state an
14	agency or any citizen of Montana submits written objections,
15	the historic preservation officer shall consider the
16	objections and may conduct a public hearing. If a hearing is
17	held, it shall be commenced within 30 days after the final
18	date for submission of written objections. Within 60 days
19	after submission of the objections or after the public
20	hearing, the historic preservation officer shall make a
21	final decision on the proposed registration and prepare a
22	statement responsive to the objections submitted."
n 2	

23 <u>NEW SECTION.</u> Section 4. Extension of authority. Any
24 existing authority of the Montana historical society to make
25 rules on the subject of the provisions of this act is

-6-

-5-

•

HB 483

HB 0483/02

HB 483

HB 0483/02

HB 483

1 extended to the provisions of this act.

.

•

2 <u>NEW SECTION.</u> Section 5. Effective date. This act is

3 effective on passage and approval.

-End-

.