

1 SENATE BILL NO. 3

2 INTRODUCED BY B. HAWKS

3 BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATE AGENCIES AND THE MONTANA UNIVERSITY
6 SYSTEM TO BIENNIALLY REPORT TO THE PRESERVATION REVIEW BOARD ON THE STATUS AND
7 MAINTENANCE NEEDS OF AGENCY HERITAGE PROPERTIES; REQUIRING THE STATE HISTORIC
8 PRESERVATION OFFICER TO REPORT THE INFORMATION TO THE LEGISLATURE; AND AMENDING
9 SECTIONS 22-3-422, 22-3-423, AND 22-3-424, MCA."
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11 WHEREAS, hundreds of heritage properties have been entrusted to the state of Montana, and the state's
12 agencies are responsible for maintaining those properties on behalf of the state's citizens; and

13 WHEREAS, these properties are in danger of disappearing or falling into a state of disrepair from which
14 they may never recover; and

15 WHEREAS, preserving and maintaining heritage properties is important not only for fostering a sense
16 of identity and community, but also for the economic benefits to be realized through reusing buildings, attracting
17 tourism, and revitalizing downtown areas; and

18 WHEREAS, regular assessment by state agencies on the condition of the heritage properties under the
19 agencies' care will help ensure the state's ongoing stewardship of these valuable resources.
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21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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23 **Section 1.** Section 22-3-422, MCA, is amended to read:

24 **"22-3-422. Duties of preservation review board.** The preservation review board shall:

- 25 (1) recommend nominations to the register;
26 (2) approve or disapprove all nominations to the register;
27 (3) approve or disapprove additions to statewide inventories of heritage properties;
28 (4) review the annual work program that recommends preservation goals and grant allocations for the
29 next succeeding fiscal year; ~~and~~
30 (5) act in an advisory capacity to the historic preservation office and to state agencies; and

1 (6) convene a meeting on the first Tuesday in February of every even-numbered year to receive reports
2 from state agencies and the Montana university system on the status and stewardship of the agencies' and the
3 university system's heritage properties as required in 22-3-424 and to make recommendations regarding
4 management of the properties. The board may require that copies of the reports be submitted in advance of the
5 meeting."

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7 **Section 2.** Section 22-3-423, MCA, is amended to read:

8 **"22-3-423. Duties of historic preservation officer.** Subject to the supervision of the director of the
9 historical society, the historic preservation officer has the following duties and responsibilities:

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

12 (2) conduct an ongoing statewide survey to identify and document heritage properties and
13 paleontological remains;

14 (3) maintain a state inventory file of heritage properties and paleontological remains and maintain a
15 repository for all inventory work done in the state;

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

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

20 (6) maintain, publish, and disseminate information relating to heritage properties and paleontological
21 remains in the state;

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

24 (8) enter into cooperative agreements with the federal government, local governments, and other
25 governmental entities or private landowners or the owners of objects to ensure preservation and protection of
26 registered properties;

27 (9) adopt rules outlining procedures by which a state agency that has no approved rules under
28 22-3-424(1) shall systematically consider heritage properties or paleontological remains on lands owned by the
29 state and avoid, whenever feasible, state actions or state assisted or licensed actions that substantially alter the
30 properties;

1 (10) respond to requests for consultation under section 106 of the National Historic Preservation Act, as
2 provided for in 22-3-429;

3 (11) develop procedures and guidelines for the evaluation of heritage property or paleontological remains
4 as provided in 22-3-428;

5 (12) protect from disclosure to the public any information relating to the location or character of heritage
6 properties when disclosure would create a substantial risk of harm, theft, or destruction to the resources or to the
7 area or place where the resources are located; ~~and~~

8 (13) compile the information presented at the preservation review board meeting required in 22-3-422(6)
9 and report the information, along with any recommendations by the preservation officer or the review board, to
10 an appropriate legislative interim committee established under Title 5, chapter 5, part 2. The report required in
11 this subsection must also be incorporated into the biennial report required to be submitted to the governor and
12 the legislature under 22-3-107(8).

13 ~~(13)~~(14) any other necessary or appropriate activity permitted by law to carry out and enforce the
14 provisions of this part."
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16 **Section 3.** Section 22-3-424, MCA, is amended to read:

17 **"22-3-424. Duties of state agencies.** State agencies, including the Montana university system, shall:

18 (1) in consultation with the historical society adopt rules for the identification and preservation of heritage
19 properties and paleontological remains on lands owned by the state to avoid, whenever feasible, state actions
20 or state assisted or licensed actions that substantially alter heritage properties or paleontological remains on
21 lands owned by the state or, in the absence of such rules, act in compliance with rules adopted under 22-3-423;

22 (2) identify and develop, in consultation with the historic preservation officer, methods and procedures
23 to ensure that the identification and protection of heritage properties and paleontological remains on lands owned
24 by the state are given appropriate consideration in state agency decisionmaking;

25 (3) deposit in the historic preservation office all inventory reports, including maps, photographs, and site
26 forms, of heritage properties and paleontological remains; and

27 (4) report at each meeting of the preservation review board convened pursuant to 22-3-422(6) the
28 following information:

29 (a) a list of the heritage properties managed by the agencies as those properties have been identified
30 pursuant to this section;

