

US Department of the Interior
National Park Service
National Center for
Preservation Technology and Training
Publication Number 1998-13

STATE HISTORIC PRESERVATION LEGISLATION DATABASE

FINAL REPORT

4 MAY 1998

Database and Report Prepared by
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for the
**NATIONAL CONFERENCE OF
STATE HISTORIC PRESERVATION OFFICERS**

in cooperation with the
NATIONAL CONFERENCE OF STATE LEGISLATURES

under a grant from the
**NATIONAL CENTER FOR PRESERVATION TECHNOLOGY AND TRAINING,
NATIONAL PARK SERVICE**

Funding for this report was provided as a grant from the National Park Service's National Center for Preservation Technology and Training (NCPTT), Natchitoches, Louisiana. The National Center for Preservation Technology and Training promotes and enhances the preservation of prehistoric and historic resources in the United States for present and future generations through the advancement and dissemination of preservation technology and training.

NCPTT's Preservation Technology and Training Grants program develops partners in nonprofit organizations, universities and government agencies throughout the United States to complete critical preservation work and lends significant support to developments in the conservation and preservation community.

STATE HISTORIC PRESERVATION LEGISLATION DATABASE

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I. INTRODUCTION

The *State Historic Preservation Legislation Database* was developed under a grant from the National Center for Preservation Technology and Training, National Park Service, by the National Conference of State Historic Preservation Officers in cooperation with the National Conference of State Legislatures. The database contains citations and summaries of all state legislation that specifically references historic preservation, historic properties, archeological sites or culturally significant human burials. It is organized by state and can be searched using a list of specific query topics. The database contains more than 1,900 individual entries.

The *State Historic Preservation Legislation Database* currently is available on the Internet at www.ncsl.org/programs/arts/statehist_intro.htm. The database eventually will be available directly from the National Conference of State Legislatures' home website at www.ncsl.org

The content of the database was researched and written by Jeffrey Shrimpton, historic preservation consultant, for the National Conference of State Historic Preservation Officers.

II. PURPOSE

The development of sound preservation policy and legislation at the state level has become increasingly important for the protection and enhancement of the nation's historic properties. Since passage of the National Historic Preservation Act of 1966, legislation enacted at the state and local levels has surpassed federal law in providing protection and assistance to historic properties, archeological sites, and culturally significant unmarked human burials and sacred sites. This trend is likely to continue as federal resources devoted to preservation diminish, and as the federal government continues to devolve responsibility for national programs to the states.

The National Conference of State Historic Preservation Officers (NCSHPO) and the National Conference of State Legislatures (NCSL) frequently field requests from their members about state historic preservation legislation, and have identified the need for uniform, comprehensive, current, and accessible data on the subject. NCSHPO has collected state statute citations as part of its annual *Directory of State Historic Preservation Programs*, relying on the individual state historic preservation officers (SHPOs) and their staffs to compile and prepare short paragraphs describing the laws. Yet the information in this published form has proved uneven and quickly outdated.

NCSL has collected information on all newly enacted historic preservation legislation, as well as other documents from state governments, including those produced by legislative study commissions. Yet the enormous body of legislation affecting historic and archeological properties in each state has precluded NCSL from collecting this data on its own. The result is that persons seeking information on state legislation relating to historic preservation have had a difficult time finding which states have legislation relevant to their interests, and in obtaining useful information on the content of those statutes.

With the advent of the Internet and the expansion of NCSL's online information service, NCSLnet, a solution to the problem is now available. The State Historic Preservation Legislation Database provides instant access to a vast array of historic preservation legislative topics to a wide audience of historic preservation professionals, students and advocates. Over half of the State Historic Preservation Officers are now connected, with more going online each month. All state Legislatures, through NCSL, are connected. Most universities and public libraries and many local governments and nonprofit organizations also now have Internet capabilities.

Local historic preservation commissions, for instance, are a largely volunteer force greatly in need of technical assistance and current information. These commissions and their professional staffs, as well as local planning departments and city attorneys, can use this database as a readily available reference source to research current policies in other locales. In the academic community, the database can provide scholars and students in historic preservation, architecture, archeology, community planning, public history, and law with a point of departure for analysis of preservation efforts nationally while providing models for implementation locally. State Historic Preservation Officers and statewide preservation organizations will have much-needed examples to take to their Legislatures. Likewise, state legislators and their staffs will have timely, comprehensive and comparative information on laws from all of the states and territories as they deliberate statutory changes in such areas as tax incentives for historic properties, local historic district enabling legislation, protection of archeological sites, and administration of the state historic preservation program.

III. METHODOLOGY

A. Data

The State Historic Preservation Legislation Database contains a comprehensive listing and narrative summaries for all state legislation with *explicit* references to:

- historic preservation;
- historic properties;
- archeological sites or materials collected from archeological sites; or
- culturally significant unmarked human burials and sacred sites.

The database contains citations from the legislative code books from the fifty states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands.¹ For the few cases where pertinent legislation has not been included in the code books, the act itself has been cited, if available. State constitution articles are also summarized where applicable. The database is organized by state, but may be cross-referenced online through a list of Query Topics or through

¹ Legislative citations for the Commonwealth of the Northern Marianas were not available for this project.

specific word searches.

All entries in the database reflect active legislation. Whether or not the states have funded or otherwise followed through on individual legislated programs has not been addressed by this project.

B. Developing the Database

There were three basic steps in developing the database:

1. Designing the format of the database;
2. Researching the legislation;
3. Establishing the list of Query Topics.

1. Designing the format of the database: An initial template was created for the database, establishing the data elements. After preliminary research into several state code books, the following data elements were selected:

- standard state abbreviation;
- name of the code book or other primary source containing the information;
- citation;
- section title;
- narrative summary;
- topics by which the particular citation may be cross-referenced.

The only data element to be excluded that was seriously considered for inclusion was the date of enactment for the legislation. Since the codes are readily amended by new legislation, a single date would be meaningless for many citations, and a series of dates would give no indication as to when specific amendments had been made.

The template was designed by NCSHPO using Microsoft Access, a database software already in use by both NCSHPO and NCSL. After the template was designed, it was sent to NCSL, which created the structure for the database and provided expert technical support for data entry throughout the course of the project.

2. Researching the legislation: This project was researched using the printed state code books at the Law Library of the Library of Congress and at the Law Library of Northeastern University, in Boston, Massachusetts. Inquiries were made into using online legislative services, such as WESTLaw, but such services were determined to be prohibitively expensive and beyond the budget of this project.

Data was researched state-by-state and was included only if it explicitly references, in some manner, historic preservation, historic properties, archeological sites, or culturally significant human burials. The listing under each of these topics in the indices of the state code books was the starting point for the research. The vast array of applicable legislation, however, required additional research under many other topics, including:

- individual state agencies, such as Natural Resources, Environmental Management, Parks and Recreation, Tourism, and even Alcohol Control and the state Gaming Commissions;
- the state capitol and other specific property types, including ghost towns, ironworks and sunken logs;
- environmental protection;
- cemeteries and the disposition of human remains;
- natural and recreational resources such as state- forests or land preserves, coastal zones, and scenic trails, highways, and rivers;
- building codes, fire codes, seismic codes, energy codes, and accessibility codes;
- Main Street programs and other economic development programs;
- tax incentives, such as income tax credits or property tax relief
- conservation easements;
- municipal and county planning and zoning;
- regulated activities that may affect historic properties,- such as outdoor advertising, mining, waste disposal sites, public utility sites, and cable television installation.

3. Establishing the list of Query Topics: Query topics were designed to allow researchers to search the database by subject. All query topics relate directly to actual state legislation. None of the topics is theoretical or speculative: there are no query topics for which there is no cited legislation.

The list of query topics was begun with basic historic preservation activities common to many states, such as:

- administration of the state historic preservation program
- local historic district ordinances
- archeology permits
- burial site protection
- state Capitol preservation
- historical marker programs
- state register of historic places
- building codes
- state income tax incentives
- local property tax relief
- state review and compliance.

As research progressed other query topics were added to reflect the legislative data collected. As the list became longer, the topics were organized into general categories called Primary Topics and more specific subcategories called Secondary Topics. Not all Primary Topics are divided into Secondary Topics.

Each data record is assigned at least one Primary Topic. In instances where the primary topic is divided into Secondary Topics, the record is also given a Secondary Topic. Some records are categorized into as many as four Primary and Secondary topics, depending on the complexity of the legislation.

Primary topics can be queried online directly from a list provided on the first page of the database. More specific searches can be made from within the primary topic by typing in a secondary topic from a list provided.

See Appendix 1 for a list of all Query Topics used in the database.

C. Content of the Legislative summaries

Summaries were written to provide an accurate account of the content of the legislation as it pertains to historic preservation. All pertinent points regarding the historic preservation aspects of the legislation are included in the summaries; administrative details are usually excluded for the sake of brevity, but not at the expense of clarity. Citations, section titles and sources are prominently stated on each record, if the user needs to find the full text of the legislation in the code book. The actual language used in the legislation is quoted wherever practical, although extensive paraphrasing was necessary on the longer legislation. No intent has been made to interpret the intent of the legislation or to judge its effectiveness. Only the pertinent facts of the legislation as taken from the state code books are stated.

Decisions also had to be made concerning how to divide each particular piece of legislation for entry into the database. For legislation that establishes state preservation programs, such as the state historic preservation agency, the state archeology office, a burial protection program, or an underwater archeology program, individual records, with citations and summaries, are created for each section of the legislation. This level of detail is necessary to understand fully the content of such laws. Legislation establishing a state historic preservation program, for instance, may contain a series of sections that each deal with an important part of the program: establishes a commission, creates a state register, grants authority to issue permits for excavations on state land, sets up a review process for state funded undertakings, etc. Each of these topics will be entered into the database as a separate record with its own citation and summary.

Other legislation, especially when dealing with a single topic, like local historic district enabling legislation or conservation easements, will be entered as a single record with a citation that includes a range of sections. Finally, there is legislation that is not primarily about historic

preservation, but may have a specific historic preservation element. This includes state building codes, specific state agency duties, environmental review responsibilities, the creation of nature preserves or recreational trails, or laws regulating the siting of mines or public utilities. In these cases, only the section pertinent to the historic preservation element is cited, and in many cases, a subsection will be referenced in the summary text.

See Appendix 2 for sample entries from the database.

See Appendix 3 for a list of all entries in the database by state, citation and title.

IV. REVIEW

All state historic preservation officers were provided an opportunity to review the first draft of the first state to be completed, California, in December 1996. NCSHPO partners were also provided the opportunity to comment on this draft, including NCPTT, NCSL, Heritage Preservation Services at the National Park Service, the Advisory Council on Historic Preservation, the National Trust for Historic Preservation, the National Alliance of Preservation Commissions, and Preservation Action. Comments were solicited not on the specific content of the California entries, but on the form and structure of the sample entries, on the level of detail provided in each entry, and on the choice of Query Topics. All comments were taken into serious consideration and were incorporated into the project as appropriate.

As entries for each state were completed, the State Historic Preservation Officer was provided an opportunity to review the database entries for legislation in his or her respective state. Comments once again were incorporated into the database as appropriate.

V. RECOMMENDATIONS

The *State Historic Preservation Legislation Database* is only as effective as it is timely. Regular updating of the database is critical. New legislation and amendments must be added and legislation that is repealed or has expired must be deleted. NCSHPO will continue to maintain the content of the database, either through contractual services or as a responsibility of the individual state historic preservation officers.

Linkage to other preservation websites is also important to create a broad awareness of the availability of this information. All SHPO websites will be linked to this database, and other organizations, such as the National Trust for Historic Preservation, have expressed interest in creating a link to the database. Other federal agencies and national nonprofit organizations will be approached about linking the database to their websites.

Finally, this database could be expanded in the future by adding summaries of pertinent state

regulations relating to historic preservation and, possibly, by creating a complementary database of state historic preservation case law.

VI. ACKNOWLEDGMENTS

The following individuals assisted greatly in the completion of this project:

Jennifer Moore-Evans of NCSL for creating the database and for providing tireless technical support;

Anita Zepp of NCSHPO for helping to create the initial data entry template on Microsoft Access;

Eugene Itogawa of the California Office of Historic Preservation for his detailed review and helpful suggestions during the initial design process of the database;

Jon Fernald, head librarian at the Cargill Law Library at Northeastern University in Boston, Massachusetts, for graciously allowing access to the library's collection;

and Rebecca Shrimpton for editing and assistance in developing the list of Query Topics.

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APPENDIX 1

QUERY TOPICS

STATE HISTORIC PRESERVATION LEGISLATION DATABASE

QUERY TOPICS

Primary Query Topics are in bold. Secondary Query Topics are listed beneath each corresponding primary query topic.

ARCHEOLOGICAL ACTIVITIES

- Cave Activity
- Criteria for Evaluation of Site
- Curation / Ownership of Artifacts
- Disposition of Human Remains
- Permit / Site Investigation Authority
- Underwater Archeological Activity
- Violation / Penalty / Enforcement

BUILDING STANDARDS

- Abrasive Cleaning
- Accessibility for the Disabled
- Building Code / Fire Code
- Elevator Safety Code
- Energy Conservation Code
- Lead Paint Abatement
- Natural Disaster / Emergency Standards

DEMOLITION OF DESIGNATED HISTORIC PROPERTY—prohibition / delay•

EASEMENT / PROPERTY CONTRACT

ETHNIC / RACIAL HISTORIC PRESERVATION ISSUES

- African American HP Issues
- Hispanic HP Issues
- Native American Burial / HP Issues
- Native Hawaiian Burial / HP Issues

GRANTS / LOANS

- Development Loans Applicable to HP
- Environmental Grant Program Applicable to HP
- Historic Preservation Grant Program
- Historic Preservation Loan Program
- Urban Redevelopment Grant Program Applicable to HP

HISTORICAL MARKERS

HISTORICAL SOCIETIES / NONPROFITS

HERITAGE TOURISM

LOCAL GOVERNMENT

- City / Town / Village
- County
- Housing Authority
- School District
- Urban Renewal / Development Authority

MAIN STREET PROGRAM

NATURAL/SCENIC PRESERVATION AREAS

- Coastal Zone
- Heritage Trees
- Natural Land Preserve
- Recreational Trail
- River Corridor
- Scenic Highway

PLAN—land use / comprehensive management

PRESERVATION ORDINANCE—local

-

PRIVATE PROPERTY ISSUES

PUBLICLY OWNED / AFFECTED HISTORIC PROPERTY—state policy

- Acquisition / Transfer
- Agency Cooperation with SHPO
- Agency Preservation Officer
- Environmental Impact Statement / Environmental Review
- Project Financing / Contracting
- Review and Compliance
- Survey / Registration/Recordation Responsibilities
- Use / Preservation / Maintenance

REGISTRATION / DESIGNATION

- Archeological Landmark / Preserve
- Heritage Area / Corridor--public / private
- Historic Homestead / Farm
- Local Designation
- National Register of Historic Places
- Reservation / Dedication of Land
- State Historical Park
- State Landmark / Memorial / Monument
- State Register of Historic Places
- Underwater Archeological Preserve

REGULATED INTRUSION ON HISTORIC PROPERTY

- Advertising
- Cable Television
- Helicopter Landing Facility
- Highway Construction! Traffic
- Landfill
- Manufactured Homes
- Mining Activity
- Nuclear / Hazardous Waste Disposal
- Overhead Utility Lines
- Power Generating Facility
- Solar Energy Panels

REGULATED REUSE OF HISTORIC PROPERTY

- Affordable Housing
- Brewpub -
- Gambling Casino

RESTRICTED / CONFIDENTIAL INFORMATION**STATE AGENCY / INSTITUTION**

- Alcohol Control
- Arts / Culture / Humanities Council
- College / University
- Corrections
- Department of State
- Economic Development / Commerce
- - - Education / Higher Education
- Environmental Affairs / Management / Protection
- Gaming Commission
- General Services / Public Buildings or Works / Capital Planning
- Governor's Office
- Health
- Housing / Community Development
- Mining / Reclamation
- Native American / Indian Affairs Commission
- Natural Resources / Conservation
- Parks / Recreation
- Pollution Control
- Public Utilities
- Revenue / Taxation
- State Lands Commission / Office
- Tourism
- Transportation / Highways
- Water Resources
- Youth Conservation Corps

STATE HISTORIC PRESERVATION ENTITY

- Burial Sites Board / Commission
- Capitol / Capital City Commission
- Civil War / Military Sites Commission
- Folklife Commission
- Heritage Area Authority / Board / Council
- State Advisory Council on Historic Preservation
- State Archeologist / Archeology Program
- State Commission / Authority / Trust / Board-- property specific
- State Historic Preservation Officer
- State Preservation Agency / Commission / Trust
- State Review Board
- State Underwater Archeology Commission / Board

STATE REVENUE SOURCES FOR PRESERVATION

- Automobile License Plates
- Gaming / Gambling Proceeds
- Lottery Proceeds
- State Archeology Fund
- State Capitol funding
- State Historic Preservation Fund
- Taxing Authority

SPECIFIC HISTORIC PROPERTY TYPE

- Aircraft
- Bank
- Barn / Farm Structure
- Battlefield
- Canal
- Capitol / Capital City
- Cemetery / Gravestone
- College / University
- County Courthouse
- Distillery
- Exploration / Pioneer Trail
- Fort
- Ghost Town
- Governor's Mansion
- Historic House
- Hospital -
- Hotel
- Industrial Property
- Ironworks
- Lighthouse -
- Logs--sunken
- Market
- Mission
- Prison
- Railroad
- School
- Ship / Boat
- Stone Wall
- Tavern
- Theater
- Underground Railroad

TAX INCENTIVES

- Business Tax Credit
- Community Contribution Tax Credit
- Franchise Tax Credit
- Income Tax Credit
- Income Tax Deduction
- Property Tax Relief
- Sales Tax Exemption

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APPENDIX 2

SAMPLE DATABASE ENTRIES

APPENDIX 2

SAMPLE DATABASE ENTRIES

<i>State</i>	<i>Source</i>	<i>Citation</i>	<i>Title</i>
ALABAMA	Code of Alabama	§28-4A-1	Alabama Brewpub Act
ARKANSAS	Arkansas Code	§13-6-201 through §13-6-216	Arkansas Archeological Survey
CALIFORNIA	California Public Resources Code	§5028	Natural disaster damage
COLORADO	Colorado Constitution	Art. 18,§9	Limited gaming permitted
GEORGIA	Official Code of Georgia	§44-10-20 through §44-10-31	Georgia Historic Preservation Act: historic preservation ordinances
MARYLAND	Code of Maryland	Art. 83B, §5-401 through §5-406	Commission on Indian Affairs
MASSACHUSETTS	Massachusetts General Laws	Ch. 9, §26B through §26D	State register of historic places
OHIO	Ohio Revised Code	§1506.30 through §1506.37	Submerged lands preserves
PUERTO RICO	Laws of Puerto Rico	Title 18 § 1560	Council for the Protection of the Land Archeological Patrimony: earth moving activities-authorization required
TEXAS	Texas Government Code	§442.008	Historic courthouses
VIRGINIA	Code of Virginia	§58.1-339.2	Historic rehabilitation tax credit
WISCONSIN	Wisconsin Statutes	§943.014	Demolition of historic building without authorization.

Source: Code of Alabama

Citation: §28—4A—1

Title: Alabama Brewpub Act

Summary:

Authorizes the state Alcoholic Beverage Licensing Board to issue brewpub licenses, subject to other qualifications, only if the applicant locates the brewpub in a historic building or site in a wet county or municipality, in which county beer was brewed for public consumption prior to the ratification of the Eighteenth Amendment to the U.S. Constitution in 1919. Defines historic buildings and sites as those properties determined to be eligible for listing in the National Register of Historic Places by the state historic preservation officer, or located in a registered historic district and certified by the U.S. Secretary of the Interior as being of historic significance to the district. Defines a brewpub as the premises on which beer is manufactured or brewed in a quantity not to exceed 10,000 barrels in any one year and is sold in unpackaged form at retail for on—premise consumption only. -

Primary Query Topic 1: State Agencies / Institutions

Secondary Query Topic 1: Alcohol Control

Primary Query Topic 2: Regulated Reuse of Historic Properties

Secondary Query Topic 2: Brewpub -

Primary Query Topic 3: Registration / Designation

Secondary Query Topic 3: National Register of Historic Places

Primary Query Topic 4:

Secondary Query Topic 4:

Source: Arkansas Code Annotated

Citation: §13-6-201 through §13-6-216

Title: Arkansas Archeological Survey

Summary:

Establishes the Arkansas Archeological Survey at the University of Arkansas to initiate, operate and maintain a program in archeology which shall undertake the following activities: excavation of archeological and historical sites, ruins and mounds for the purpose of securing data and objects relating to early man in Arkansas; fundamental research in archeology and encouragement of public cooperation in the preservation of Arkansas antiquities; research in and study of anthropology, soil, geology and related social and physical sciences to plan and aid in discovery of sites and artifacts and their proper assessment after discovery; publication of findings; display and custodianship of relics, artifacts and sites; and educational activities and encouragement of archeological societies, parks and museums. Directs the president of the University of Arkansas to appoint both a director of the Survey and a state archeologist Directs all state and local entities to cooperate with the Survey in order to give a statewide focus to the program. Authorizes the University of Arkansas to cooperate and contract with individuals and state and federal agencies in surveying and excavating archeological sites. Directs the State Highway Commission to enter into appropriate contracts and cooperative agreements with the University of Arkansas and the Federal Highway Administration and to extend state and federal funds in aid of archeological salvage and archeological preservation on all or any part of the land and rights-of-way under its control. Authorizes the president of the University of Arkansas to accept grants, bequests, devises, gifts and donations and to hold title to interests in land for purposes of a state program in archeological research. Directs the Survey to serve as the repository for copies of all archeological field notes, photographs and publications obtained through the use of state funds. Directs that all archeological objects found through the efforts of the Survey shall be deposited at the University of Arkansas Museum or a cooperating institution of higher learning. Directs that all artifacts, fossils, relics and other personal property discovered, donated or otherwise acquired through efforts of the survey shall be the property of the state held in trust by the University of Arkansas, which shall, to the extent possible, make these items available for scientific use or public display by appropriate public bodies at places throughout the state. Requests the Arkansas Archeological Society to review and evaluate the programs and activities of the Survey annually.

Primary Query Topic 1: State Historic Preservation Entities

Secondary Query Topic 1: State Archeologist/Archeology Program

Primary Query Topic 2: State Agencies / Institutions

Secondary Query Topic 2: College I University

Primary Query Topic 3: Archeological Activities

Secondary Query Topic 3: Permit / Site Investigation Authority

Primary Query Topic 4: State Agencies / Institutions

Secondary Query Topic 4: Transportation / Highways

State Historic Preservation Legislation Database:**California****Source:** California Public Resources Code**Citation:** § 5028**Title:** Natural disaster damage**Summary:**

Prohibits the demolition or significant alteration of any structure damaged by natural disaster, including earthquake, flood or fire, if the property is listed in the National Register of Historic Places, the California Register of Historical Resources, or in any local register of historic places, unless it presents an imminent threat to the public or damage to adjacent property, or unless the State Office of Historic Preservation determines that the structure may be demolished or altered. Enables any local government to apply for a determination by the State Office of Historic Preservation as to whether a structure meeting the above description shall be demolished, destroyed, or significantly altered.

Primary Query Topic 1: Demolition of Designated Historic Property—prohibition / delay*Secondary Query Topic 1:***Primary Query Topic 2:** State Historic Preservation Entities*Secondary Query Topic 2:* State Historic Preservation Officer**Primary Query Topic 3:** Building Standards -*Secondary Query Topic 3:* Natural Disaster / Emergency Standards**Primary Query Topic 4:***Secondary Query Topic 4:*

Source: Colorado Constitution

Citation: Art. 18, §9

Title: Limited gaming permitted

Summary:

(3) Permits limited gaming to take place only in the Colorado cities of Central, Black Hawk and Cripple Creek. Directs that limited gaming shall only be conducted in structures which conform, as determined by the respective municipal governing bodies, to the architectural styles and designs that were common to the areas prior to World War I and which conform to the requirements of applicable respective city ordinances, regardless of the age of the structures. (5) Establishes a limited gaming fund in the state treasury, to consist of up to 40% of the adjusted gross proceeds of limited gaming to be paid by each licensee; directs that percentage be determined annually by the Limited Gaming Commission, according to criteria established by the General Assembly. Establishes the state historical fund, into which the state treasurer shall transfer 28% of the limited gaming fund, after payment from the limited gaming fund of expenses incurred by the Limited Gaming Commission or other state agencies in administering this section, at the end of each fiscal year. Directs that 20% of the state historical fund shall be used for the preservation and restoration of the cities of Central, Black Hawk and Cripple Creek, to be distributed to the governing bodies of the respective cities according to the proportion of the gaming revenues generated in each city. Directs that 80% of the state historical fund be used for the historic preservation and restoration of historical sites and municipalities throughout the state in a manner to be determined by the General Assembly.

Primary Query Topic 1: Grants / Loans

Secondary Query Topic 1: Historic Presentation Grant Program or Authorization

Primary Query Topic 2: Funding Sources for State or Local Preservation Program

Secondary Query Topic 2: Gaming / Gambling Proceeds

Primary Query Topic 3: State Agencies / Institutions

Secondary Query Topic 3: Gaming Commission / Authority

Primary Query Topic 4: Regulated Reuse of Historic Properties

Secondary Query Topic 4: Gambling Casino

State Historic Preservation Legislation Database:**Georgia****Source:** Official Code of Georgia Annotated**Citation:** §44–10–20 through §44–10–31**Title:** Georgia Historic Preservation Act: historic preservation ordinances**Summary:**

Establishes a uniform procedure for use by counties and municipalities to enact ordinances providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures and works of art having a special historical, cultural or esthetic value. Exempts from compliance with this article cities and counties that have adopted ordinances relative to planning and zoning for historic purposes as of March 31, 1980. Requires the governing body of a county or municipality electing to enact such an ordinance to establish or designate a historic preservation commission, the number of members to be determined by the governing body, with a majority of members having special interest, experience or education in history or architecture and all residing in the historic preservation jurisdiction of the municipality or county. Authorizes a local commission to prepare an inventory of properties within its jurisdiction having the potential for designation and to recommend to the local governing body properties or districts to be designated by ordinance as historic. Requires the commission to prepare a report on the significance of each property or district prior to designation and to submit the report for comment to the Historic Preservation Division of the Department of Natural Resources. Requires the commission and the local governing body to hold a public hearing on a proposed ordinance and to notify the owners and occupants of each designated property or district within thirty days following the adoption of the ordinance. Directs that any ordinance designating a property or district as historic must require that a certificate of appropriateness be obtained from the commission prior to any material change being made by a property owner or occupant to the appearance of a designated property or of a property within a designated district. Exempts the Department of Transportation and local governments from obtaining a certificate of appropriateness, but requires that a local government allow the local commission to comment on any project within the commission's jurisdiction. Prohibits a commission from considering interior engagements having no effect on exterior architectural features. Requires that the rejection of a certificate of appropriateness by a commission shall be binding upon the local building inspector, who shall not issue a building permit. Authorizes a commission, in passing upon applications, to modify strict adherence to the provisions of this article where the result would be exceptional practical difficulty or undue hardship upon an owner of a specific property. Allows a person adversely affected by a determination of a commission to appeal such determination to the local governing body, and from there to the superior court. Enables a local governing body or a local commission to institute any appropriate action in a court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or historic district not in compliance with the provisions of an ordinance adopted under this article.

Primary Query Topic 1: Preservation Ordinance—local*Secondary Query Topic 1:***Primary Query Topic 2:** State Agencies / Institutions*Secondary Query Topic 2:* Transportation / Highways**Primary Query Topic 3:***Secondary Query Topic 3:***Primary Query Topic 4:***Secondary Query Topic 4:*

State Historic Preservation Legislation Database:**Maryland****Source:** Annotated Code of Maryland**Citation:** Art. 83B, §5–401 through §5–406**Title:** Commission on Indian Affairs**Summary:**

Establishes the nine—member Commission on Indian Affairs in the Department of Housing and Community Development to initiate, direct, and coordinate projects that further the understanding of Indian history and culture. Directs the commission to undertake duties that include the following: conduct and publish a survey of historic buildings, sites, artifacts, archives and repositories; undertake a comprehensive study- of indigenous American Indian tribes and their influence upon Maryland history and culture; and locate, preserve and disseminate information about significant buildings and sites related to Indian history and culture.

Primary Query Topic 1: Ethnic I Racial Historic Preservation Issues*Secondary Query Topic 1: Native American Burial and Other Preservation Issues***Primary Query Topic 2:** State Agencies / Institutions*Secondary Query Topic 2: Housing / Community Development***Primary Query Topic 3:** State Agencies / Institutions*Secondary Query Topic 3: Native American / Indian Affairs Commission / Office / Board***Primary Query Topic 4:***Secondary Query Topic 4:*

Source: Massachusetts General Laws

Citation: Ch. 9, §26B through §26D

Title: State register of historic places

Summary:

Defines a “site” as any building, structure, district or area including those underground, that is one hundred fifty years old or more and significant in the history, archeology or culture of the nation, the commonwealth or its communities as determined by the Massachusetts Historical Commission. Directs the commission to establish and maintain a state register of historic places to contain the following: all districts, sites, buildings or objects listed or determined eligible for listing in the National Register of Historic Places; all locally designated historic districts and landmarks; all structures and sites subject to a preservation easement approved or held by the commission; all certified historic or archeological landmarks; and any districts, structures, buildings or sites nominated for the state register. Directs the commission to promulgate regulations for nominating properties for listing in and removal from the state register. Directs the commission to use criteria for listing in the National Register as a guide in establishing criteria for listing in the state register. Enables the commission to accept a nomination from any local government or state agency for listing a property in the state register and to include in the state register any property for which a nomination is made if the commission determines that the property is eligible.

Primary Query Topic 1: Registration / Designation

Secondary Query Topic 1: State Register of Historic Places

Primary Query Topic 2:

Secondary Query Topic 2:

Primary Query Topic 3:

Secondary Query Topic 3:

Primary Query Topic 4:

Secondary Query Topic 4:

Source: Ohio Revised Code Annotated

Citation: §1506.30 through §1506.37

Title: Submerged lands preserves

Summary:

Enables the director of Natural Resources, with the approval of the director of the Ohio Historical Society, to establish Lake Erie Submerged Lands Preserves. Directs such a preserve as any area of submerged land that contains a single watercraft or aircraft of historical value, two or more watercraft or aircraft constituting abandoned property, or other features of archeological, historical, recreational, ecological, environmental, educational, scenic, scientific or geological value. Requires any person who wishes to recover, alter, salvage or destroy any abandoned property that is located on, in, or in the immediate vicinity of and associated with a submerged watercraft or aircraft in Lake Erie, and which has a fair market value of \$100 or more, to obtain a permit to do so from the director of Natural Resources that also has been approved by the director of the Ohio Historical Society. Prohibits the issuance of permits for other than historical or scientific purposes, or for operations that will adversely affect the integrity of the preserve as a whole. Claims ownership of and title to all abandoned property that is submerged in Lake Erie for the state. Requires the director of the historical society to determine the historical or monetary value of all salvaged property before allowing its release, and to retain all such property that is determined to have historical value, or a percentage of all salvaged coin or currency that was intended for distribution as payroll. Requires the permit holder to remit 10% of the value of all abandoned property to the state treasury on release of that property. Establishes the Lake Erie Submerged Lands Preserves Fund to be composed of moneys collected from the release of salvaged property, gifts or any federal grants received by the Department of Natural Resources. Enables the state attorney general to bring civil action in court to enforce compliance with or restrain violation of these sections, to enjoin further removal of abandoned property or archeological material from Lake Erie, or to require restoration of an area affected by any violation of these sections. Creates the Submerged Lands Advisory Committee to make recommendations to the Coastal Resources Advisory Council, the directors of the Department of Natural Resources and the historical society, and the General Assembly.

Primary Query Topic 1: Registration / Designation

Secondary Query Topic 1: Underwater Archeological Preserve / Register

Primary Query Topic 2: Archeological Activities

Secondary Query Topic 2: Permit / Site Investigation Authority

Primary Query Topic 3: Archeological Activities

Secondary Query Topic 3: Curation / Ownership of Artifacts

Primary Query Topic 4: State Agencies / Institutions

Secondary Query Topic 4: Natural Resources

Source: Laws of Puerto Rico Annotated

Citation: Title 18 §1560

Title: Council for the Protection of the Land Archeological Patrimony: earth moving activities—authorization required

Summary:

Directs that no construction or reconstruction work, nor excavation, extraction or earth-moving works may be initiated or continued at any site for which there is prior documentation or reliable indications of the presence of archeological material, unless authorization from the Council for the Protection of the Land Archeological Patrimony is obtained. Prohibits the issuance of a construction permit by the Permits and Regulations Administration or the issuance of a permit for excavation, extraction or earth moving by the Department of Natural Resources unless the contractor or owner of the works presents evidence of the council's authorization. Requires the contractor or owner to suspend work at a site about which there is no previous documentation or reliable indications of archeological material if archeological material is discovered after work is initiated. Requires the contractor or owner to notify the council within 24 hours of such discoveries. Directs the council to determine within three days of notification if the contractor or owner shall be required to present a declaration of archeological impact, for which the council is directed to establish regulations, forms and criteria. Declares that the arbitrary destruction of any material, structure or site of land archeological interest or the voluntary failure to notify the council of the initiation of a construction, earth—moving or excavation project shall be deemed a felony. Directs that a person convicted of such violations shall be punished with a fine of not less than \$1,000 nor more than \$25,000, or imprisonment for a term of not less than one year nor more than three years, or both, in addition to the indefinite stoppage of the project until all requirements of this chapter are met.

Primary Query Topic 1: Publicly Owned / Affected Historic Property—state policy

Secondary Query Topic 1: *Review and Compliance*

Primary Query Topic 2: Archeological Activities

Secondary Query Topic 2: *Permit / Site Investigation Authority*

Primary Query Topic 3: Archeological Activities

Secondary Query Topic 3: *Violation / Penalty / Enforcement*

Primary Query Topic 4:

Secondary Query Topic 4:

Source: Texas Government Code

Citation: § 442.008

Title: Historic courthouses

Summary:

Requires a county to notify the Texas Historical Commission of the county's intention to demolish, sell, lease or damage the historical or architectural integrity of a county courthouse, and to wait for 180 days before undertaking such action on any courthouse which the commission determines to have historical significance worthy of preservation. Directs the county to cooperate with any interested person during the 180—thy period to preserve the historical integrity of the courthouse. Enables the county to carry out ordinary maintenance and repairs to a courthouse without notifying the commission.

Primary Query Topic 1: Local Government

Secondary Query Topic 1: County

Primary Query Topic 2: Specific Historic Property Types

Secondary Query Topic 2: County Courthouse

Primary Query Topic 3: Publicly Owned / Affected Historic Property—state policy

Secondary Query Topic 3: Review and Compliance

Primary Query Topic 4:

Secondary Query Topic 4:

Source: Code of Virginia

Citation: §58.1– 339.2

Title: Historic rehabilitation tax credit

Summary:

Establishes an income tax credit equal to a percentage of eligible expenses incurred during the certified rehabilitation of a property listed or eligible for listing in the Virginia Landmarks Register, either individually or certified as contributing to the significance of a historic district. Sets the following schedule for the amount of the credit: 10% of eligible expenses for the year beginning January 1, 1997, 15% in 1998, 20% in 1999, and 25% in 2000 and thereafter. Requires rehabilitation work to be consistent with the U.S. Secretary of the Interior’s Standards for Rehabilitation, the cost of which must amount to at least 50% of the assessed valued of the building for local real estate tax purposes for the year before rehabilitation expenses were incurred. Requires application by the taxpayer to the Department of Historic Resources, which shall determine the amount of eligible rehabilitation expenses and issue a certificate to the qualifying taxpayer. Directs the director of the Department of Historic Resources to establish necessary regulations for the program, including fees.

Primary Query Topic 1: Tax Incentives

Secondary Query Topic 1: Income Tax Credit for Rehabilitation

Primary Query Topic 2:

Secondary Query Topic 2:

Primary Query Topic 3:

Secondary Query Topic 3:

Primary Query Topic 4:

Secondary Query Topic 4:

Source: Wisconsin Statutes Annotated

Citation: §943.014

Title: Demolition of historic building without authorization

Summary:

Establishes a penalty for the intentional demolition of a historic building or structure without a permit issued by a local government or without an order issued under §66.05 if the building is listed in the national or state registers of historic places, included in and contributing to a district so listed or included on a locally designated list of historic places. Directs that the person responsible for such demolition may be fined an amount equal to twice the fair market value of the historic building and the land upon which it was located immediately prior to demolition and may be imprisoned for not more than nine months. Exempts state agency actions that have complied with §44.39 through §44.42 from any penalties under this section.

Primary Query Topic 1: Demolition of Designated Historic Property—prohibition / delay

Secondary Query Topic 1:

Primary Query Topic 2:

Secondary Query Topic 2:

Primary Query Topic 3:

Secondary Query Topic 3:

Primary Query Topic 4:

Secondary Query Topic 4:

STATE HISTORIC PRESERVATION LEGISLATION DATABASE

FINAL REPORT

APPENDIX 3

**ENTRIES in the DATABASE LISTED BY
STATE, CITATION and TITLE**

CODE OF ALABAMA: HISTORIC PRESERVATION LEGISLATION

<i>Page</i>	<i>Citation</i>	<i>Title</i>
1	§ 9-2-10	Department of Conservation and Natural Resources: duties as to preservation
2	§ 9-7-10 through § 9-7-20	Preservation, development, etc., of coastal areas
3	§ 9-16-83	Surface mining permits—contents of application
4	§ 9-16-96	Designation of areas unsuitable for coal mining
5	§11-68-1 through §11-68-15	Historic preservation commissions and architectural review boards
6	§13A-7-23.1	Desecration, defacement, etc., of memorial of dead
7	§28-4A-1	Alabama Brewpub Act
8	§40-8-1	Assessment rate
9	§40-8-3	Rate of taxation: allocation
10	§41 - 3-1 through §41-3-6	Aboriginal mounds, earthworks and other antiquities
11	§41 - 9-240 through §41 - 9-249	Alabama Historical Commission
12	§41- 9-249.1	Contracts for recovery or salvage of archeological treasures
13	§41-9-251 through §41-9-253	Cahaba Historical Site
14	§41 - 9-255	Alabama State Historic Preservation Fund
15	§41-9-261	Commission as agency responsible for preservation and restoration of state Capitol
16	§41 - 9-262	Fort Tombeckbee Historical Advisory Board
17	§41 - 9-311	Historic Chattahoochee Compact
18	§41 - 9-320 through §41-9-332	Tannehill Furnace and Foundry Commission
19	§41 - 9-335 through §41-9-337	St. Stephens Historical Commission
20	§41 - 9-340 through §41-9-358	USS Alabama Battleship Commission
21	§41 - 9-510	State Capitol Advisory Committee
22	§41 - 9-530 through §41-9-532	Governor's Mansion Advisory Board
23	§41 - 9-709	Alabama Indian Affairs Commission
24	§41-10-135 through §41-10-154	Historical Preservation Authorities Act of 1979
25	§41-10-170 through §41-10-182	Historic Blakeley Authority
26	§41-10-230 through §41-10-240	Africatown, U.S.A. State Park and Historic Preservation Authority
27	§41-12-1 through §41-12-3	White House of the Confederacy

ALASKA STATUTES: HISTORIC PRESERVATION LEGISLATION

<i>Page</i>	<i>Citation</i>	<i>Title</i>
1	§27.21.260	Areas unsuitable for surface coal mining
2	§29.55.010 through §29.55.020	Creation of local historical district commissions; establishment of historical districts
3	§34.17.010 through §34.17.060	Uniform Conservation Easement Act
4	§41.21.020	Duties of Department of Natural Resources
5	§41.21.622	Alaska Chilkat Bald Eagle Preserve: historical, cultural and burial sites
6	§41.35.010	Alaska Historic Preservation Act: declaration of policy
7	§41.35.020	Title to historic, prehistoric and archeological resources and local display
8	§41.35.030 through §41.34.040	Designation of monuments and historic sites; administration and financial support
9	§41.35.050	Regulations
10	§41.35.060	Power to acquire historic, prehistoric or archeological properties
11	§41.35.070	Preservation of historic, prehistoric and archeological resources threatened by public construction
12	§41.35.080	Permits
13	§41.35.090 through §41.35.100	Notice required of private persons; excavation and removal of historic, prehistoric or archeological remains on private land
14	§41.35.200 through §41.35.220	Unlawful acts; criminal penalties; civil penalties; enforcement authority
15	§41.35.300 through §41.35.380	Alaska Historical Commission
16	§44.37.040	Duties of Department of Natural Resources with respect to historic preservation and archeology
17	§45-98-010 through §45.98.070	Historical District Loan Act
18	§46.40.020	Alaska coastal management program: objectives

AMERICAN SAMOA CODE: HISTORIC PRESERVATION LEGISLATION

<i>Page</i>	<i>Citation</i>	<i>Title</i>
1	§17.0101 through §17.0105	American Samoa Cultural Institutions
2	§18.0204	American Samoan parks system–classification–mapping

ARIZONA REVISED STATUTES: HISTORIC PRESERVATION LEGISLATION

Page	Citation	Title
1	§ 5-522	Use of monies in state lottery fund
2	§ 9-462.01	Zoning regulations
3	§13-3702	Defacing or damaging petroglyphs, pictographs, caves or caverns
4	§13-3702.01	Excavating certain sites; collecting certain specimens
5	§27-973	Mining unit reclamation plan: approval; criteria
6	§28-106	Transportation Board: powers and duties
7	§28-1869	Roadside parks; historical markers
8	§33-271 through §33-276	Conservation easements
9	§34_437	Public buildings and improvements: historic buildings exceptions
10	§36-861 through §36-862	Mutilation or disinterment of dead bodies; removal of dead body with certain intents or malice
II	§41-501 through §41 - 503	Arizona State Parks Board Heritage Fund
12	§41-511 through §41-511.04	Arizona State Parks Board
13	§41-512 through §41 - 518	Establishment of parkways and historical and scenic roadways
14	§41-519	Arizona Conservation Corps
15	§41 - 833	Prescott Historical Society of Arizona: powers and duties
16	§41 - 841 through §41 - 843	Archeological discoveries: permits; prohibiting unnecessary defacing of site or object
17	§41 - 844	Duty to report discoveries; disposition of discoveries
18	§41 - 845	Unlawful reproduction of original archeological specimen
19	§41- 846	Archeological discoveries: violation; classification
20	§41 - 847	Archeology Advisory Commission
21	§41-861	Historic preservation: agency responsibilities
22	§41 - 862	Historic preservation: state agency program
23	§41 - 863	Historic preservation: records
24	§41 - 864	Historic preservation: review of agency plans
25	§41 - 865	Historic preservation: disturbing human remains or funerary objects
26	§41 - 866	Historic preservation: acquisition and preservation fund
27	§41- 881	Historic property rehabilitation program
28	§41-1352	Historical Advisory Commission; Historic Sites Review Committee
29	§41-1505.02	Main Street Program
30	§41-2306	Office of Tourism: director
31	§42-161 through §42-162	Taxation: definition of historic property classification of property for taxation
32	§42-227	Taxation: determination of assessed valuation

ARKANSAS CODE: HISTORIC PRESERVATION LEGISLATION

Page	Citation	Title
1	§ 8-6-706	Solid waste landfill permits
2	§13-6-201 through §13-6-216	Arkansas Archeological Survey
3	§13-6-301 through §13-6-308	Archeological sites
4	§13-6-401 through §13-6-409	Human skeletal burial remains
5	§13-7-104	Administration of historic preservation program
6	§13-7-105	Archeological Survey to perform archeological functions
7	§13-7-106	Historic preservation program: powers and duties
8	§13-7-107	State Historic Preservation Officer appointment and duties
9	§13-7-108	Review Committee: powers and duties
10	§13-7-109	State Register of Historic Places
11	§13-7-201 through §13-7-206	Commemorative Commission
12	§13-7-301 through §13-7-309	Territorial Capitol restoration
13	§13-7-401 through §13-7-405	Prairie Grove Battlefield Commission
14	§13-7-501 through §13-7-507	Historic Preservation Loan Act
15	§14- 56-41 4	Building and zoning regulations: preparation of plans
16	§14-172-201 through §14-172-212	Historic districts
17	§15-12-101 through §15-12-103	Arkansas Natural and Cultural Resources Council
18	§15-20-301 through §15-20-319	Arkansas Environmental Quality Act'
19	§15-20-401 through §15-20-410	Conservation Easement Act
20	§15-20-601 through §15-20-607	Arkansas Cave Resources Protection Act
21	§15-23-301 through §15-23-315	Arkansas Natural and Scenic Rivers System Act
22	§15-58-501	Surface coal mining: designation of land as unsuitable
23	§15-58-503	Surface coal mining: regulations generally
24	§22-3-501 through §22-3-504	Capitol Grounds Commission
25	§22-4-107	Reservation of parks for public use
26	§22-9-208 through §22-9-211	Public works: renovation of historic sites
27	§2542-105	Examination and copying of public records

CALIFORNIA HISTORIC PRESERVATION LEGISLATION

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1	Constitution	Art. 13, § 8 •'	Open space lands; enforceable restriction; valuation; historical property
2	Business and Professions Cede	§5498	On-premises advertising; exemptions
3	Civil Cede	§815 through §816	Conservation easement
4	Education Cede	§39381	Public school facilities: sale or lease of historic building nonprofit organization.
5	Education Cede	§81380	Community colleges: sale or lease of historic building nonprofit organization
6	Government Cede	§ 6254	Exemption of public records from disclosure
7	Government Cede	§ 6254.10	Disclosure of archeological site information not required
8	Government Cede	§ 8162.5 through § 8162.9	Capitol View Protection Act
9	Government Cede	§ 9149 through § 9149.17	Historic State Capitol Commission
10	Government Cede	§15399.1 through §15399.8	California Main Street Program
11	Government Cede	§27288.2	Historical resources designation; certified resolution
12	Government Code	§37361	Acquisitions by local legislative body
13	Government Code	§37381.1	Conveyance to historical association or society
14	Government Cede	§50280 through §50290	Historical property contracts (Mills Act)
15	Government Cede	§65303	Elements permitted as part of general plan
16	Government Cede	§65852.3	Manufactured homes
17	Health and Safety Cede	§ 7050.5	Removal of human remains from location other than a dedicated cemetery
18	Health and Safety Cede	§17922.2	Hazardous building ordinances and programs
19	Health and Safety Cede	§18950 through §18961	State Historical Building Code
20	Health and Safety Cede	§37600 through §37661	Marks Historical Rehabilitation Act of 1976
21	Penal Cede	§622 1/2	Objects of archeological or historical interest
22	Penal Cede	§623	Caves
23	Public Resources Cede	§ 2621.7	Earthquake fault zoning; exemptions

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24	Public Resources Code	§ 5020 through § 5020.4 .	State Historical Resources Commission	
25	Public Resources Cede	§ 5020.5	Archeological sites and specimens	
26	Public Resources Cede	§ 5020.6	State Historic Preservation Officer	
27	Public Resources Code	§ 5020.7	Legislative intent	
28	Public Resources Cede	§ 5021	Consideration and registration of landmarks	
29	Public Resources Cede	§ 5022 through § 5022.6	Agreements for erection of signs and markers	
30	Public Resources Code	§ 5023	Repair and maintenance of historical place markers	
31	Public Resources Code	§ 5024	State-owned historical resources: policy	
32	Public Resources Code	§ 5024.1	California register of historical resources	
33	Public Resources Cede	§ 5024.5	State-owned historical resources: notice of proposed action	
34	Public Resources Cede	§ 5024.6	State Office of Historic Preservation	
35	Public Resources Cede	§ 5025.11 through § 5025.12	Certification of historic routes	
36	Public Resources Code	§ 5025.3	Governor's Mansion	
37	Public Resources Code	§ 5026	National Register of Historic Places; application for entry	
38	Public Resources Code	§ 5027	Demolition or alteration of state-owned structure on National Register of Historic Places	
39	Public Resources Cede	§ 5028	Natural disaster damage	
40	Public Resources Code	§ 5029	Designation by certified resolution	
41	Public Resources Cede	§ 5031 through § 5033	Qualified historical property	
42	Public Resources Cede	§ 5038 through § 5038.3	El Pueblo de Los Angeles State Historic Park	
43	Public Resources Code	§ 5070 through § 5077.8	California Recreational Trails	
44	Public Resources Cede	§ 5078 through § 5078.6	State Heritage Networks	
45	Public Resources Code	§ 5079 through § 5079.65	California Heritage Fund	
46	Public Resources Code	§ 5096.124	Availability of moneys in State, Urban, and Coastal Park Fund	
47	Public Resources Cede	§ 5096.231	California Parklands Fund	

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48	Public Resources Cede	§ 5097.1 through § 5097.6 .	Archeological, paleontological, and historical sites	
49	Public Resources Cede	§ 5097.91 through § 5097.94	Native American Heritage Commission	
50	Public Resources Code	§ 5097.95	Cooperation of agencies with Native American Heritage Commission	
51	Public Resources Cede	§ 5097.96	Inventory of sacred places	
52	Public Resources Cede	§ 5097.97	Investigations; legal actions	
53	Public Resources Cede	§ 5097.98	Notification of discovery of Native American human remains	
54	Public Resources Code	§ 5097.99	Obtaining or possessing Native American artifacts or human remains	
55	Public Resources Cede	§ 6309	Shipwreck and historic maritime resources program	
56	Public Resources Code	§ 6313	Title to abandoned shipwrecks	
57	Public Resources Cede	§ 6314	Destruction or removal of abandoned shipwrecks	
58	Public Resources Code	§14300	California Conservation Corps: projects	
59	Public Resources Cede	§21001	California Environmental Quality Act: legislative intent	
60	Public Resources Code	§21080.14	California Environmental Quality Act: affordable residential housing development	
61	Public Resources Code	§21083.2	California Environmental Quality Act: archeological resources	
62	Public Resources Code	§21084.1	California Environmental Quality Act: historical resource; substantial adverse change	
63	Public Resources Code	§22051	Ventura-Los Angeles Study Commission: study of factor affecting or modifying zone	
64	Public Resources Cede	§25527	Prohibited areas as sites for nuclear facilities	
65	Public Utilities Cede	§1002	Public utilities certification factors	
66	Revenue and Taxation Code	§ 220.5	Exemptions; aircraft of historical significance	
67	Revenue and Taxation Code	§ 439 through § 439.3	Historical property	
68	Revenue and Taxation Code	§24357.7	Qualified conservation contribution	

CONNECTICUT GENERAL STATUTES: HISTORIC PRESERVATION LEGISLATION

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1	§ 4-66c	Urban action bonds
2	§ 4b-60	Commission on Capitol Preservation and Restoration
3	§ 4b-64	When notice of intent to dispose of, demolish or transfer certain structures required to be given Connecticut Historical Commission and affected municipality
4	§ 7-1 47a through § 7-147k	Historic district authorized
5	§ 7-1 47p through § 7-147y	Historic property ordinances authorized
6	§ 8-2	Zoning: regulations
7	§ 8-216b	Housing site development agencies. Financial assistance for housing and community development projects
8	§10-321	Connecticut Historical Commission: appointment, duties and powers.
9	§10-321a	State register of historic places: definition
10	§10-321b	State grants-in-aid for restoration of historic structures and landmarks
11	§10-321c	Plaques and markers. Freedom Trail
12	§10-321d	Acquisition of historic structures and landmarks by the Connecticut Historical Commission
13	§10-321e	Placement of markers and monuments by Connecticut Historical Commission
14	§10-321f	Federal contracts and assistance
15	§10-321g	Director, appointment, duties and powers
16	§10-321q	State Historic Preservation Board. Municipal boards
17	§10-382	Native American Heritage Advisory Council
18	§10-383	Museum of Natural History designated as repository for artifacts found during archeological investigation of state land
19	§10-384	Designation of site as state archeological preserve
20	§10-385	State archeological preserve: regulations
21	§10-386	Permit for archeological investigation on state lands
22	§10-387	Review by state agencies of policies and practices for consistency with archeological preservation
23	§10-388	Human burials
24	§10-389	Regulations establishing procedures for storage, analysis, and reburial of human skeletal remains

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25	§10-390	Penalty	
26	§10-391	Inventory of Native American burial sites and cemeteries	
27	§10a-112	State archeologist.	
28	§10a-112a	State Museum of Natural History, Office of Archeology	
29	§12-127a	Abatement of taxes on structures of historical or architectural merit	
30	§13b-31b through §13b-31e	Alteration of state highway system: designation of scenic roads	
31	§19a-315 through §19a-315c	Use of ancient burial place. Protection of grave markers. Maintenance of burial places	
32	§22a-1 through §22a-1g	Environmental protection	
33	§22a-19a	Historic structures and landmarks.	
34	§23-10h through §23-10i	Heritage parks	
35	§25-204	Protected Rivers Act: resource inventory	
36	§29-259	Exemption from code for urban homesteading property and historic structures	
37	§29-406	Permit for demolition of particular structure. Exemption. Waiting period.	
38	§32-6a	Committee for the Restoration of Historic Assets in Connecticut. Grants	
39	§47-18a	Notice of listing of historic structure on National Register of Historic Places	
40	§47-42c	Acquisition of restrictions	

COLORADO REVISED STATUTES: HISTORIC PRESERVATION LEGISLATION

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1	Constitution Art. 18, §9	Limited gaming permitted
2	§ 6-7-104	Residential building energy conservation: exemptions
3	§12-47.1-1201	State historical fund - - administration
4	§12-47.1-516	Limited gaming act: licensed premises --safety conditions
5	§12-47.1-517	Limited gaming act: buildings - - accessible to persons with disabilities
6	§18-4-511	Defacing property
7	§24-30-1305	Life cycle cost - - application
8	§24-32-2001	Colorado Youth Conservation and Service Corps: legislative declaration
9	§24-60-1901 through §24-60-1905	Cumbres and Toltec Scenic Railroad Compact: ratification of compact
10	§24-65.1-202	Criteria for administration of areas of state interest
11	§24-80- 401	Title to historical, prehistorical and archeological resources
12	§24-80- 402	Administration of part 4
13	§24-80- 403 through §2480-405	State archeologist
14	§24.80- 406	Permits
15	§24-80- 407	Agreements
16	§24-80- 408	Properties not owned by the state
17	§24-80- 409	Penalty - - injunction - - temporary restraining order
18	§24-80- 410	State monuments
19	§24-80- 411	Applicability of this part 4 to human remains
20	§24-80- 501	Monuments enumerated - - control
21	§24-80- 502	Survey - - report - - acquisition
22	§24-80- 802	Historic trail - - marking
23	§24-80-1201 through §24-80-1202	Ghost towns - - historical society may designate
24	§24-80-1302	Discovery of human remains
25	§24-80-1303	Discovery of human remains during an anthropological investigation
26	§24-80-1304	Rule-making authority - - state archeologist
27	§24-80-1305	Violation and penalty
28	§24-80.1-103	State register - - creation
29	§24-80.1-104	Effect of state register
30	§24-80.1-105	Procedure for inclusion in state register
31	§24-80.1-106	Designation as area of state interest
32	§24-80.1-107	Criteria for nomination

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33	§2480.1-108	Duties of the society	
34	§24-82-108	State Capitol Advisory Committee	
35	§29-21-101	Conservation trust funds	
36	§30-35-201	Home rule counties: powers of governing bodies	
37	§31-2S-301	Town may establish parks—recreation facilities—conservation easements	
38	§33-11-109	Recreational Trails: trail categories	
39	§34-33-114	Surface coal mining reclamation act: permit approval or denial	
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4	§58-3810 through §58-3817	Uniform Conservation Easement Act
5	§68-1009 through §68-1041	Naming and marking of highways
6	§74-5401 through §74-5408	Antiquities commission
7	§75-2714	Preservation of historic character of certain property; State Historical Society authorized to make agreements
8	§75-2715 through §75-271	Historic preservation declared policy of state; historic society designated as state historic preservation agency; secretary to act as historic preservation officer
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10	§75-2721 through §75-2723	Historical society: historic preservation powers and duties
11	§75-2724	Government projects; procedure for determining if threat to historic property
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21	§76-2001 through §76-2002d	Historical property; John Brown Memorial Park
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24	§76-2008 through §76-2012	Historical property: Old Shawnee Mission
25	§76-2014 through §76-2016	Historical property: Highland Presbyterian Mission

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27	§76-2018 through §76-2020	Historical property: certain lands in Gove County and Ottawa County declared to possess historical interest	
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29	§76-2025 through §76-2029	Historical property: certain lands containing boyhood home of General Frederick Funston declared to possess historical interest	
30	§76-2030 through §76-2031	Historical property: historic Grinter Place to be acquired as historical landmark	
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35	§76-2046 through §76-2048	Historical property: certain lands visited by Spanish exploring expeditions in 16th century declared to posses historical interest	
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20	§ 171.388	Kentucky Register of Heritage Farms
21	§ 350.610	Designation of lands as unsuitable for surface coal mining
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3	§ 8:675 through § 8:677	Louisiana Unmarked Human Burial Sites Board
4	§ 8:678	Louisiana Unmarked Human Burial Sites Preservation Act: unlawful acts
5	§ 8:679	Louisiana Unmarked Human Burial Sites Preservation Act: civil remedies
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8	§ 8:903	Maintenance of cemetery spaces more than fifty years old; sale of repaired abandoned cemetery spaces
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10	§ 9:1252	Creation of real right for educational, charitable or historic purposes
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12	§25: 731 through §25: 745	Historic preservation districts: Part I, general provisions
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23	§33:4571	Special districts for preservation and development of historic sites or areas, etc.
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30	§41:1603 through §41:1604	Archeological Resources: Division of Archeology: state archeologist	
31	§41:1605	Archeological Resources: archeological finds on state lands; state property	
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14	Title 27 §377	Protection of site location information
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4	Art. 28, §5-301 through §5-307	Prince George's County and Montgomery County Historic Property Grant Program
5	Art. 28, §7-108	Regional district plan and amendments
6	Art. 28, §7-121	Development rights and responsibilities agreements in Montgomery County
7	Art. 28, §5-101	District councils for Maryland-Washington Regional District
8	Art. 41, §18-301	Commission to Save the Lighthouses
9	Art. 66B, §2.12	Historic and landmark zoning and preservation
10	Art. 66B, §8.01 through §8.17	Historic area zoning
11	Art. 78 §54A	Construction of generating station or overhead transmission line
12	Art. 78A §14B	Public works: acquisition of property for preservation as historic landmark
13	Art. 75A §14C	Acquisition of certain architectural easements in Annapolis
14	Art. 838, §5-101	Division of Historical and Cultural Programs established
15	Art. 83B, §5-201 through §5-212	Historic St. Mary's City Commission
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17	Art. 838, §5-401 through §5-406	Commission on Indian Affairs
18	Art. 838, §5-601 through §5-610	Maryland Historical Trust
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21	Art. 83B, §5-612	Maryland Historical Trust Loan Program
22	Art. 838, §5-613	Maryland Historical Trust Grant Program
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25	Art. 83B, §5-615	Inventory of historic properties: register of historic properties

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27	Art. 83B, §5-617	Review of capital projects affecting historic properties	
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30	Art. 83B, §5-620	Permits for submerged archeological historic property	
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42	Financial Inst. Art., §13-1001 through §13-1031	Canal Place Preservation and Development Authority	
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46	Natural Resources Art., §8-401 through §8-402	Scenic and Wild Rivers Review Board and related programs	
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48	Real Property Art., §2-118	Conservation easements; grants to certain trusts	
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51	State Government Art., § 9-601 through §9-606	Governors Mansion Trust	

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57	Tax - - Property Art., §7-214	Historical societies: war memorials	
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2	Massachusetts Constitution	Art. 51	Ancient landmarks and other property of historical or antiquarian interest
3	Massachusetts General Laws	Ch. 6, §179 through §180	Board of Underwater Archeological Resources
4	Massachusetts General Laws	Ch. 6A, §8A	Commission on Indian Affairs
5	Massachusetts General Laws	Ch. 7, §38A	Skeletal remains; preservation: excavation: analysis
6	Massachusetts General Laws	Ch. 7, §40F	Acquisition, control and disposition of real property
7	Massachusetts General Laws	Ch. 7, §43E	Powers and duties of director of Facilities Management
8	Massachusetts General Laws	Ch. 8, §20	Old Provincial Statehouse; maintenance and preservation
9	Massachusetts General Laws	Ch. 9, §26	Massachusetts Historical Commission
10	Massachusetts General Laws	Ch. 9, §26A	State archeologist; duties; reservation of lands from sale
11	Massachusetts General Laws	Ch. 9, §26B through §26D	State register of historic places
12	Massachusetts General Laws	Ch. 9, §27	Certification of historic or archeological landmarks
13	Massachusetts General Laws	Ch. 9, §27B	Federal Historic Preservation Act
14	Massachusetts General Laws	Ch. 9, §27C	Projects; notice; adverse effect; review
15	Massachusetts General Laws	Ch. 9, §27D	Historic homesteads
16	Massachusetts General Laws	Ch. 12, §11 D	Division of Environmental Protection
17	Massachusetts General Laws	Ch. 21A, §2	Environmental Affairs Office: duties and functions
18	Massachusetts General Laws	Ch. 22, §1 3A	Architectural Access Board
19	Massachusetts General Laws	Ch. 30, §61 through §62H	Environmental impact of projects, etc., conducted by agencies
20	Massachusetts General Laws	Ch. 38, §6B	Discovery of unmarked human skeletal remains
21	Massachusetts General Laws	Ch. 40, § 8D	Cities and towns: historical commission
22	Massachusetts General Laws	Ch. 40, §15B	Scenic road designations

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24	Massachusetts General Laws	Ch. 41, §810	Municipal planning: master plan	
25	Massachusetts General Laws	Ch. 59, §5J	Special assessment policy historic owner-occupied residences	
26	Massachusetts General Laws	Ch. 78A, §3	Youth Conservation and Service Corps: activities	
27	Massachusetts General Laws	Ch. 79, §5A	Historical or archeological landmarks; ancient landmarks; taking	
28	Massachusetts General Laws	Ch. 81, § 7M	Acquisition of land to replace land required for federal highways	
29	Massachusetts General Laws	Ch. 81, §1 3B	Restoration, preservation and enhancement of historic or archeological sites	
30	Massachusetts General Laws	Ch. 91, §63	Salvage, recovery, etc., of underwater archeological resources	
31	Massachusetts General Laws	Ch. 92, §72	Wrecked vessels and property in Charles River Basin	
32	Massachusetts General Laws	Ch. 111, §190	Lead poisoning prevention and control	
33	Massachusetts General Laws	Ch. 111 H, §14	Radioactive waste management: site selection criteria	
34	Massachusetts General Laws	Ch. 114, §17	Preservation of ancient burial places	
35	Massachusetts General Laws	Ch. 114, §18	Care of neglected burial places within limits of town	
36	Massachusetts General Laws	Ch. 121B, §48	Urban renewal plans; public hearing	
37	Massachusetts General Laws	Ch. 143, §93	State Board of Building Regulations and Standards	
38	Massachusetts General Laws	Ch. 184, §31 through §33	Restrictions	
39	Massachusetts General Laws	Ch. 214, §7A	Damage to the environment; temporary restraining order	
40	Massachusetts General Laws	Ch. 266, §95	Historical monuments; malicious destruction or injury	
41	Massachusetts General Laws	Ch. 272, §71	Disterring bodies	
42	Massachusetts General Laws	Ch. 272, §72	Buying, selling or possessing dead bodies	
43	Massachusetts General Laws	Ch. 272, §73	Tombs, graves, memorials, trees, plants; injuring, removing	
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46	Acts and Resolves of Massachusetts	St.1956, Ch. 447	An act establishing a historic districts commission for the town of Lexington and establishing historic districts in the town of Lexington	
47	Acts and Resolves of Massachusetts	St.1958, Ch. 314	An act enlarging the powers and duties of the Beacon Hill Architectural Commission in the city of Boston	
48	Acts and Resolves of Massachusetts	St.1958, Ch. 315	An act extending the Historic Beacon Hill District in the city of Boston	
49	Acts and Resolves of Massachusetts	St.1960, Ch. 345	An act establishing a historic districts commission for the town of Concord and establishing historic districts in the town of Concord	
50	Acts and Resolves of Massachusetts	St.1964, Ch. 118	An act establishing a historic district commission for the town of Bedford and establishing a historic district therein.	
51	Acts and Resolves of Massachusetts	St.1 964, Ch. 40	An act establishing a historic district commission for the town of Sudbury and establishing a historic district therein	
52	Acts and Resolves of Massachusetts	St.1965, Ch. 101	An act establishing an Old and Historic Districts Commission for the town of Marblehead	
53	Acts and Resolves of Massachusetts	St.1965, Ch. 694	An act establishing the Historic Yarmouthport District and the Historic Yarmouthport District Commission	
54	Acts and Resolves of Massachusetts	St.1966, Ch. 211	An act establishing a historic district commission for the town of Petersham and establishing a historic district therein	
55	Acts and Resolves of Massachusetts	St.1966, Ch. 502	An act establishing a historic district commission for the town of Hingham and establishing a historic district therein	
56	Acts and Resolves of Massachusetts	St.1966, Ch. 579	An act enlarging the existing historic districts and establishing an additional historic district in the town of Lexington	
57	Acts and Resolves of Massachusetts	St.1966, Ch. 625	An act creating the Back Bay Residential District in Boston and establishing in the Boston Redevelopment Authority the Back Bay Architectural Commission	
58	Acts and Resolves of Massachusetts	St.1970, Ch. 395	An act establishing a historic district commission for the town of Nantucket and establishing Nantucket Island as the historic district	
59	Acts and Resolves of Massachusetts	St.1973, Ch. 470	An act establishing the Old King's Highway Regional Historic District and the Old King's Highway Regional Historic District Commission in Barnstable County	
60	Acts and Resolves of Massachusetts	St.1975, Ch. 654	An act establishing a historic district commission in the town of Falmouth and establishing certain historical districts therein	
61	Acts and Resolves of Massachusetts	St.1975, Ch. 772	An act establishing the Boston Landmarks Commission	
62	Acts and Resolves of Massachusetts	St.1980, Ch. 512	An act relative to the establishment of Urban Heritage State Parks	
63	Acts and Resolves of Massachusetts	St.1983, Ch. 566	An act establishing the Downtown Lowell Historic District and the Lowell Historic Board	
64	Acts and Resolves of Massachusetts	St.1985, Ch. 641	An act establishing a historic business district commission in the town of Chatham and establishing certain areas as a historic business district	
65	Acts and Resolves of Massachusetts	St.1993, Ch. 498, §1A	An act creating the Devens Enterprise Commission	
66	Acts and Resolves of Massachusetts	St.1994, Ch. 273, §91	An act providing for an accelerated transportation development and improvement program for the commonwealth	

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68	Acts and Resolves of Massachusetts	St. 1995, Ch. 305	An act relative to the reconstruction and restoration of the McKim Building of the Boston Public Library	
69	Acts and Resolves of Massachusetts	St. 1996, Ch. 15, §2	An act providing an environmental enhancement and protection program for the commonwealth	
70	Acts and Resolves of Massachusetts	St. 1996, Ch. 49	An act relative to the Chestnut Hill Historic District in the city of Newton	

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3	§247.951 through §247.958	Michigan Heritage Routes
4	§299.520	Hazardous Waste Management Act: Site Review Board consideration of proposes facility
5	§324.2140 through §324.2144	Conservation and historic preservation easement
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8	§324.63508	Surface and underground coal mining and reclamation: public records; confidential information
9	§324.63510	State Abandoned Mine Reclamation Fund
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12	§324.63545	Designation of areas as unsuitable for surface coal mining
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15	§324.76101	Aboriginal records and antiquities: definitions of abandoned property and Great Lakes bottomlands preserves
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17	§324.76103	Aboriginal records and antiquities: Underwater Salvage and Preserve Committee
18	§324.76104	Aboriginal records and antiquities: state property rights
19	§324.76105	Aboriginal records and antiquities: permits for exploration or excavation
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21	§324.76107	Aboriginal records and antiquities: permits; recovery of abandoned property within Great Lakes bottomlands; human remains; violations; fines
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13	Environmental Conservation Law	§44-0101 through §44-0121	Hudson River Valley Greenway
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5	Government Code	§ 442.007	State archeological program
6	Government Code	§ 442.0071	Preservation and maintenance of Governor's Mansion
7	Government Code	§ 442.008	Historic courthouses
8	Government Code	§ 442.0085	State register of historic places
9	Government Code	§ 442.0086	Military sites program
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19	Government Code	§2167.003	First consideration to historic structure
20	Government Code	§2203.001	State property under control of the Daughters of the Confederacy and the Daughters of the Republic of Texas
21	Health and Safety Code	§713.028	County care of cemetery older than 50 years
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38	Natural Resources Code	§ 31.160	Information for Texas Historical Commission	
39	Natural Resources Code	§183.001 through §183.005	Conservation easements	
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6	§ 9-8-305	Permit required to survey or excavate on state lands; criminal penalties
7	§ 9-8-306	Archeological or anthropological landmarks
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11	§ 9-8-501 through § 9-8-506	Historical Preservation Act: preservation easement
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19	§ 53B-17-601	Utah Museum of Natural History: curation and deposit of specimens
20	§ 59-10-108.5	Historic preservation credit
21	§ 63- 2-304	Protected records
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13	Title 22 §721 through §723	Division <i>for</i> Historic Preservation; state historic preservation officer; division director; duties
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4	§10.1-2201 through §10.1-2202	Department of Historic Resources created; powers and duties of the director
5	§10.1-2202.1	Historic Resources Fund established
6	§10.1-2203 through §10.1-2205	Board of Historic Resources; duties; regulations; penalty
7	§10.1-2206.1 through §10.1-2206.2	Procedure for designating a historic district, landmark, building, structure or site
8	§10.1-2207	Property to reflect change in market value
9	§10.1-2208	Supervision of expenditure of appropriations made to nonstate agencies
10	§10.1-2209	Erection of markers without certificate of approval forbidden
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13	§10.1-2212	Listing of certain historical societies receiving appropriations
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11	§27.53.070	Field investigations; communication of site or resource location to research center
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