

David P. Hinkins proposes the following substitute bill:

Antiquities Protection Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends provisions related to historic preservation.

Highlighted Provisions:

This bill:

- directs the State Historic Preservation Office (office) to conduct a statewide public awareness media campaign to educate and inform the public on issues relating to cultural sites;

- requires the office to provide seminars and training to agencies, organizations, and individuals on the preservation and protection of cultural sites; and

- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

9-8a-203, as last amended by Laws of Utah 2024, Chapter 323

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **9-8a-203** is amended to read:

9-8a-203 . Office duties.

The office shall:

- (1) secure, for the present and future benefit of the state, the protection of archaeological resources and sites which are on state lands;
- (2) foster increased cooperation and exchange of information between state authorities, the professional archaeological community, and private individuals;

- (3) in cooperation with federal and state agencies, local governments, private organizations, and private individuals, direct and conduct a comprehensive statewide survey of historic properties;
- (4) maintain an inventory of the properties described in Subsection (3);
- (5) identify and nominate eligible property to the National Register of Historic Places;
- (6) administer applications for listing historic property on the National Register of Historic Places;
- (7) prepare and implement a comprehensive statewide historic preservation plan;
- (8) administer the state program of federal assistance for historic preservation within the state;
- (9) advise and assist, as appropriate, state agencies, federal agencies, and local governments in carrying out ~~[their]~~ the state agency's, federal agency's, and local government's historic preservation responsibilities;
- (10) cooperate with federal agencies, state agencies, local agencies, private organizations, and individuals to ensure that historic property is taken into consideration at all levels of planning and development;
- ~~[(11) provide, with respect to historic preservation:]~~
- ~~[(a) public information;]~~
- ~~[(b) education;]~~
- ~~[(c) training; and]~~
- ~~[(d) technical assistance;]~~
- (11) conduct a state-wide public awareness media campaign to:
- (a) educate the public regarding the protection, purpose, significance, and value of preserving cultural sites, as that term is defined in Section 9-8a-205;
- (b) inform the public of the law with regard to criminal acts and penalties in Title 76, Chapter 6, Part 9, Cultural Sites Protection; and
- (c) educate the public on how to report criminal acts;
- (12) provide educational seminars and training to state agencies, local agencies, private organizations, and individuals regarding the preservation and protection of state cultural sites;
- ~~[(12)]~~ (13) cooperate with local governments in the development of local historic preservation programs;
- ~~[(13)]~~ (14) consult with appropriate federal agencies with respect to:
- (a) federal undertakings that may affect historic properties; and

(b) advising and assisting in the evaluation of proposals for rehabilitation projects that may qualify for federal assistance;

~~[(14)]~~ (15)(a) create and maintain an inventory of all active and inactive cemeteries throughout the state;

(b) enter into cooperative agreements with local governments and other groups and organizations to collect and maintain the information needed for the inventory described in Subsection ~~[(14)(a)]~~ (15)(a);

(c) encourage the use of volunteers to help collect the information and to maintain the inventory described in Subsection ~~[(14)(a);]~~ (15)(a);

(d) encourage cemetery owners, or in the case of inactive or small historic cemeteries, volunteers, to create and maintain geographic information systems to record burial sites;

(e) publicize the information in the inventory described in Subsection ~~[(14)(a)-]~~ (15)(a) in a variety of forms and media, especially to encourage Utah citizens to participate in the care and upkeep of historic cemeteries;

(f) work with public and private cemeteries, heritage organizations, genealogical groups, and volunteer groups to help maintain, repair, and landscape cemeteries, grave sites, and tombstones; and

(g) make the inventory described in Subsection ~~[(14)(a)-]~~ (15)(a) available to any person upon request;

~~[(15)]~~ (16)(a) create and maintain a public electronic record of each cemetery location and each burial location;

(b) help maintain, repair, and landscape cemeteries, grave sites, and tombstones by providing matching grants to:

(i) municipal cemeteries;

(ii) cemetery maintenance districts;

(iii) endowment care cemeteries;

(iv) private nonprofit cemeteries;

(v) genealogical associations; or

(vi) other nonprofit groups with an interest in cemeteries; and

(c) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the process for awarding grants under Subsection (15)(b), including rules that ensure recipients use grant money for projects that are cost effective and completed in accordance with applicable professional standards;

98 [~~(16)~~] (17) perform other duties as designated under 54 U.S.C. Sec. 302303; and
99 [~~(17)~~] (18) perform other duties as designated by the department and by statute.

100 Section 2. **Effective Date.**

101 This bill takes effect on May 7, 2025.