

1 **CULTURAL SITES PROTECTION**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Bradley T. Johnson**

6 Senate Sponsor: Michael G. Waddoups

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions pertaining to the unlawful destruction of antiquities.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that a prohibition against the destruction of antiquities without the
14 landowner's consent applies to antiquities on state lands or private lands;
- 15 ▶ defines "landowner" to include the School and Institutional Trust Lands
16 Administration with respect to lands upon which the School and Institutional Trust
17 Lands Administration has imposed a restrictive deed covenant; and
- 18 ▶ modifies the definition of "state lands" to include lands sold by the School and
19 Institutional Trust Lands Administration subject to a restrictive deed covenant.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **76-6-901**, as enacted by Chapter 277, Laws of Utah 1990

27 **76-6-902**, as last amended by Chapter 51, Laws of Utah 1999



28

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

30 Section 1. Section **76-6-901** is amended to read:

31 **76-6-901. Definitions.**

32 As used in this part:

33 (1) "Antiquities" means:

34 (a) all material remains and their associations, recoverable through excavation or
35 surface collection, that provide information pertaining to the historic or prehistoric peoples in
36 the state; and

37 (b) vertebrate fossils and other exceptional fossils and fossil sites designated as state
38 landmarks.

39 (2) "Landowner" includes the School and Institutional Trust Lands Administration with
40 respect to lands sold by the School and Institutional Trust Lands Administration and upon
41 which a restrictive deed covenant has been imposed by the School and Institutional Trust Lands
42 Administration.

43 ~~[(2)]~~ (3) "Persons" means an individual, corporation, partnership, trust, institution,
44 association, or any other private entity or any officer, employee, agent, department, or
45 instrumentality of the United States, of any Native American tribe, or of any state or political
46 subdivision of any state.

47 ~~[(3)]~~ (4) "State lands" means all lands owned by:

48 (a) Utah, including ~~[all lands owned by political subdivisions, and]~~ school and
49 institutional trust lands and lands sold by the School and Institutional Trust Lands
50 Administration subject to a restrictive deed covenant for the protection of antiquities; and

51 (b) political subdivisions.

52 Section 2. Section **76-6-902** is amended to read:

53 **76-6-902. Prohibitions.**

54 (1) It is unlawful for any person to intentionally alter, remove, injure, or destroy
55 antiquities from state lands or private lands without the landowner's consent.

56 (2) It is unlawful to intentionally reproduce, rework, or forge any antiquities or make
57 any object, whether copies or not, or falsely label, describe, identify, or offer for sale or
58 exchange any object with the intent to represent the object as original and genuine, nor may any

59 person offer any object for sale or exchange that was collected or excavated in violation of this
60 chapter.

Legislative Review Note

as of 1-17-06 6:42 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0311

Cultural Sites Protection Amendments

25-Jan-06

10:01 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst