

Representative Michael E. Noel proposes the following substitute bill:

NATIVE AMERICAN REMAINS REPATRIATION

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Jani Iwamoto

LONG TITLE

General Description:

This bill modifies provisions related to state parks and the burial of ancient Native American remains.

Highlighted Provisions:

This bill:

- ▶ creates the Native American Repatriation Restricted Account, including:
 - making appropriations from it nonlapsing; and
 - providing for grants; and
- ▶ requires a study of whether, and if so, how, to bury ancient Native American

remains in state parks.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2018:

- ▶ to the Native American Repatriation Restricted Account:
 - from the General Fund, \$20,000.
 - from the General Fund, One-time \$20,000.

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [63J-1-602.1](#), as last amended by Laws of Utah 2016, Chapters 46, 70, 71, and 202

28 ENACTS:

29 [9-9-407](#), Utah Code Annotated 1953

30 [9-9-408](#), Utah Code Annotated 1953

31

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

33 Section 1. Section [9-9-407](#) is enacted to read:

34 **[9-9-407. Native American Repatriation Restricted Account.](#)**

35 (1) There is created a restricted account within the General Fund known as the "Native
36 American Repatriation Restricted Account."

37 (2) (a) The Native American Repatriation Restricted Account shall consist of
38 appropriations from the Legislature.

39 (b) All interest earned on Native American Repatriation Restricted Account money
40 shall be deposited into the Native American Repatriation Restricted Account.

41 (3) Subject to appropriation from the Legislature, the division may use the money in
42 the Native American Repatriation Restricted Account as follows:

43 (a) for a grant issued in accordance with Subsection (6) to an Indian Tribe to pay the
44 following costs of reburial of Native American remains:

- 45 (i) use of equipment;
- 46 (ii) labor for use of the equipment;
- 47 (iii) reseeding and vegetation efforts;
- 48 (iv) compliance with Section [9-8-404](#); and
- 49 (v) caskets; and

50 (b) no more than 5% of the annual expenditures from the Native American
51 Repatriation Restricted Account may be used for training for tribal elders and councils on the
52 processes under this part, including costs for:

- 53 (i) lodging and transportation of employees of the department; or
- 54 (ii) travel grants issued in accordance with Subsection (6) for tribal representatives.

55 (4) If the balance in the Native American Repatriation Restricted Account exceeds
56 \$100,000 at the close of any fiscal year, the excess shall be transferred into the General Fund.

57 (5) In accordance with Section 63J-1-602.1, appropriations from the account are
58 nonlapsing.

59 (6) To issue a grant under this section, the division shall:

60 (a) require that an Indian Tribe request the grant in writing and specify how the grant
61 money will be expended; and

62 (b) enter into an agreement with the Indian Tribe to ensure that the grant money is
63 expended in accordance with Subsection (3).

64 Section 2. Section 9-9-408 is enacted to read:

65 **9-9-408. Burial of ancient Native American remains in state parks.**

66 (1) As used in this section:

67 (a) "Ancient Native American remains" means ancient human remains, as defined in
68 Section 9-8-302, that are Native American remains, as defined in Section 9-9-402.

69 (b) "Antiquities Section" means the Antiquities Section of the Division of State History
70 created in Section 9-8-304.

71 (2) (a) The division, the Antiquities Section, and the Division of Parks and Recreation
72 shall cooperate in a study of the feasibility of burying ancient Native American remains in state
73 parks.

74 (b) The study shall include:

75 (i) the process and criteria for determining which state parks would have land sufficient
76 and appropriate to reserve a portion of the land for the burial of ancient Native American
77 remains;

78 (ii) the process for burying the ancient Native American remains on the lands within
79 state parks, including the responsibilities of state agencies and the assurance of cultural
80 sensitivity;

81 (iii) how to keep a record of the locations in which specific ancient Native American
82 remains are buried;

83 (iv) how to account for the costs of:

84 (A) burying the ancient Native American remains on lands found within state parks;

85 and

86 (B) securing and maintaining burial sites in state parks; and

87 (v) any issues related to burying ancient Native American remains in state parks.

88 (3) The division, the Antiquities Section, and the Division of Parks and Recreation
89 shall report to the Native American Legislative Liaison Committee by no later than November
90 1, 2017, regarding the study required by Subsection (2).

91 Section 3. Section **63J-1-602.1** is amended to read:

92 **63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title**
93 **1 through Title 30.**

94 (1) Appropriations made to the Legislature and its committees.

95 (2) The Percent-for-Art Program created in Section 9-6-404.

96 (3) The Native American Repatriation Restricted Account created in Section 9-9-407.

97 [~~(3)~~] (4) The Martin Luther King, Jr. Civil Rights Support Restricted Account created
98 in Section 9-18-102.

99 [~~(4)~~] (5) The National Professional Men's Soccer Team Support of Building
100 Communities Restricted Account created in Section 9-19-102.

101 [~~(5)~~] (6) The LeRay McAllister Critical Land Conservation Program created in Section
102 11-38-301.

103 [~~(6)~~] (7) An appropriation made to the Division of Wildlife Resources for the appraisal
104 and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

105 [~~(7)~~] (8) Award money under the State Asset Forfeiture Grant Program, as provided
106 under Section 24-4-117.

107 [~~(8)~~] (9) Funds collected from the program fund for local health department expenses
108 incurred in responding to a local health emergency under Section 26-1-38.

109 [~~(9)~~] (10) Funds collected from the emergency medical services grant program, as
110 provided in Section 26-8a-207.

111 [~~(10)~~] (11) The primary care grant program created in Section 26-10b-102.

112 [~~(11)~~] (12) The Prostate Cancer Support Restricted Account created in Section
113 26-21a-303.

114 [~~(12)~~] (13) The Children with Cancer Support Restricted Account created in Section
115 26-21a-304.

116 [~~(13)~~] (14) State funds appropriated for matching federal funds in the Children's Health
117 Insurance Program as provided in Section 26-40-108.

118 [~~(14)~~] (15) The Utah Health Care Workforce Financial Assistance Program created in

119 Section ~~26-46-102~~.

120 [~~(15)~~] (16) The Rural Physician Loan Repayment Program created in Section
121 ~~26-46a-103~~.

122 [~~(16)~~] (17) The Opiate Overdose Outreach Pilot Program created in Section ~~26-55-107~~.

123 [~~(17)~~] (18) The Children with Heart Disease Support Restricted Account created in
124 Section ~~26-58-102~~.

125 Section 4. **Appropriation.**

126 The following sums of money are appropriated for the fiscal year beginning July 1,
127 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for
128 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
129 Act, the Legislature appropriates the following sums of money from the funds or accounts
130 indicated for the use and support of the government of the state of Utah.

131 To GFR - Native American Repatriation Restricted Account

132 From General Fund, One-time \$20,000

133 From General Fund \$20,000

134 Schedule of Programs:

135 GFR - Native American Repatriation

136 Restricted Account \$40,000