

CITY PROPERTY OWNERSHIP AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joseph Elison

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies provisions related to paleontological resources on city or county lands.

Highlighted Provisions:

This bill:

- ▶ provides that, if a city or county makes an election and meets certain requirements, the city or county may elect to own and manage specimens, collections, paleontological resources, and critical paleontological resources that are discovered on the respective city's or county's land; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

79-3-202, as last amended by Laws of Utah 2022, Chapter 216

79-3-501, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-3-502, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-3-503, as renumbered and amended by Laws of Utah 2009, Chapter 344



28 [79-3-504](#), as renumbered and amended by Laws of Utah 2009, Chapter 344

29 [79-3-508](#), as renumbered and amended by Laws of Utah 2009, Chapter 344

30 ENACTS:

31 [79-3-502.5](#), Utah Code Annotated 1953



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

34 Section 1. Section **79-3-202** is amended to read:

35 **79-3-202. Powers and duties of survey.**

36 (1) The survey shall:

37 (a) assist and advise state and local agencies and state educational institutions on
38 geologic, paleontologic, and mineralogic subjects;

39 (b) collect and distribute reliable information regarding the mineral industry and
40 mineral resources, topography, paleontology, and geology of the state;

41 (c) survey the geology of the state, including mineral occurrences and the ores of
42 metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
43 and ground water resources, with special reference to their economic contents, values, uses,
44 kind, and availability in order to facilitate their economic use;

45 (d) investigate the kind, amount, and availability of mineral substances contained in
46 lands owned and controlled by the state, to contribute to the most effective and beneficial
47 administration of these lands for the state;

48 (e) determine and investigate areas of geologic and topographic hazards that could
49 affect the safety of, or cause economic loss to, the citizens of the state;

50 (f) assist local and state agencies in their planning, zoning, and building regulation
51 functions by publishing maps, delineating appropriately wide special earthquake risk areas,
52 and, at the request of state agencies or other governmental agencies, review the siting of critical
53 facilities;

54 (g) cooperate with state agencies, political subdivisions of the state,
55 quasi-governmental agencies, federal agencies, schools of higher education, and others in fields
56 of mutual concern, which may include field investigations and preparation, publication, and
57 distribution of reports and maps;

58 (h) collect and preserve data pertaining to mineral resource exploration and

59 development programs and construction activities, such as claim maps, location of drill holes,
60 location of surface and underground workings, geologic plans and sections, drill logs, and
61 assay and sample maps, including the maintenance of a sample library of cores and cuttings;

62 (i) study and analyze other scientific, economic, or aesthetic problems as, in the
63 judgment of the board, should be undertaken by the survey to serve the needs of the state and to
64 support the development of natural resources and utilization of lands within the state;

65 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
66 work accomplished by the survey, directly or in collaboration with others, and collect and
67 prepare exhibits of the geological and mineral resources of this state and interpret their
68 significance;

69 (k) collect, maintain, and preserve data and information in order to accomplish the
70 purposes of this section and act as a repository for information concerning the geology of this
71 state;

72 (l) stimulate research, study, and activities in the field of paleontology;

73 (m) mark, protect, and preserve critical paleontological sites;

74 (n) except as provided in Section 79-3-502.5, collect, preserve, and administer critical
75 paleontological specimens until the specimens are placed in a repository or curation facility;

76 (o) administer critical paleontological site excavation records;

77 (p) edit and publish critical paleontological records and reports;

78 (q) by following the procedures and requirements of Title 63J, Chapter 5, Federal
79 Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in
80 accordance with applicable federal program guidelines, administer federally funded state
81 programs regarding:

82 (i) renewable energy;

83 (ii) energy efficiency; and

84 (iii) energy conservation; and

85 (r) collect the land use permits described in Sections [10-9a-521](#) and [17-27a-520](#).

86 (2) (a) The survey may maintain as confidential, and not as a public record,
87 information provided to the survey by any source.

88 (b) The board shall adopt rules in order to determine whether to accept the information
89 described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

90 (c) The survey shall maintain information received from any source at the level of
91 confidentiality assigned to it by the source.

92 (3) Upon approval of the board, the survey shall undertake other activities consistent
93 with Subsection (1).

94 (4) (a) Subject to the authority granted to the department, the survey may enter into
95 cooperative agreements with the entities specified in Subsection (1)(g), if approved by the
96 board, and may accept or commit allocated or budgeted funds in connection with those
97 agreements.

98 (b) The survey may undertake joint projects with private entities if:

99 (i) the action is approved by the board;

100 (ii) the projects are not inconsistent with the state's objectives; and

101 (iii) the results of the projects are available to the public.

102 Section 2. Section **79-3-501** is amended to read:

103 **79-3-501. Permit required to excavate critical paleontological resources on state**
104 **lands -- Removal of specimen or site.**

105 (1) (a) Before excavating for critical paleontological resources on lands owned or
106 controlled by the state or its subdivisions, except as provided in Section [79-3-502](#), a person
107 must obtain a permit from the survey.

108 (b) Application for a permit shall be made on a form furnished by the survey.

109 (c) The survey shall make rules for the issuance of permits, specifying or requiring:

110 (i) the minimum permittee qualifications;

111 (ii) the duration of the permit;

112 (iii) proof of permission from the land owner that the permittee may enter the property
113 for purposes specified in the permit;

114 (iv) research designs that provide for the maximum recovery of scientific,
115 paleontological, and educational information, in addition to the physical recovery of specimens
116 and the reporting of paleontological information meeting current standards of scientific rigor;

117 (v) the need, if any, to submit data obtained in the course of field investigations to the
118 survey;

119 (vi) proof of consultation with the designated museum representative regarding
120 curation of collections;

121 (vii) proof of consultation with other agencies that may manage other legal interests in
122 the land; and

123 (viii) other information the survey considers necessary.

124 (2) All paleontological work shall be carried out under the supervision of the director,
125 or assigned staff.

126 (3) [A] Except as provided in Sections 79-3-502 and 79-3-502.5, a person may not
127 remove from the state, prior to placement in a repository or curation facility, a specimen, site,
128 or portion of a specimen or site from lands owned or controlled by the state or its subdivisions[;
129 except as provided in Section 79-3-502,] without permission from the survey, and without prior
130 consultation with the landowner or other agencies managing other interests in the land.

131 Section 3. Section 79-3-502 is amended to read:

132 **79-3-502. Permit required to excavate critical paleontological resources on school**
133 **and institutional trust lands -- Removal of specimen or site.**

134 (1) (a) Before excavating for critical paleontological resources on school or
135 institutional trust lands, a person must obtain a permit from the School and Institutional Trust
136 Lands Administration.

137 (b) The School and Institutional Trust Lands Administration may, by rule, delegate the
138 authority to issue excavation permits for critical paleontological resources to the survey.

139 (c) Application for a permit shall be made on a form furnished by the School and
140 Institutional Trust Lands Administration.

141 (d) Prior to issuing a permit, the school and institutional trust lands administration shall
142 consult with the survey director, or assigned staff, pursuant to Section 79-3-508.

143 (e) The School and Institutional Trust Lands Administration shall enact rules for the
144 issuance of permits specifying or requiring:

145 (i) the minimum permittee qualifications;

146 (ii) the duration of the permit;

147 (iii) the need, if any, to submit data obtained in the course of field investigations to the
148 administration;

149 (iv) proof of consultation with the designated museum representative regarding
150 curation of collections; and

151 (v) other information the School and Institutional Trust Lands Administration

152 considers necessary.

153 ~~[(2) A person may not remove from the state, prior to placement in a repository or~~
154 ~~curation facility, a specimen, site, or portion of a specimen or site from school and institutional~~
155 ~~trust lands without permission from the School and Institutional Trust Lands Administration,~~
156 ~~granted after consultation with the survey.]~~

157 (2) (a) If the School and Institutional Trust Lands Administration has approved the
158 removal, a person may remove from the state a specimen, site, or portion of a specimen or site
159 originating from school and institutional trust lands prior to placement in a repository or
160 curation facility.

161 (b) The School and Institutional Trust Lands Administration may only grant the
162 approval under Subsection (2)(a) after consulting with the survey.

163 Section 4. Section **79-3-502.5** is enacted to read:

164 **79-3-502.5. Specimens and resources discovered on land of certain political**
165 **subdivisions -- Removal of specimen or site.**

166 (1) A city or county that makes the election under Subsection [79-3-503\(3\)\(a\)](#) may
167 establish rules or ordinances governing paleontological resources that are discovered on the
168 respective county's or city's land.

169 (2) A person may remove from the state a specimen, site, or portion of a specimen or
170 site that is owned by a city or a county under Subsection [79-3-503\(3\)](#), if:

171 (a) the removal is authorized under the city's or county's rules and ordinances adopted
172 under Subsection [79-3-503\(3\)\(b\)\(i\)](#); and

173 (b) the person places the specimen, site, or portion of the specimen or site at a location
174 for the purpose of public display, education, research, or curation.

175 Section 5. Section **79-3-503** is amended to read:

176 **79-3-503. Ownership of specimens, resources, and collections.**

177 ~~[(1) Collections recovered from lands owned or controlled by the state or its~~
178 ~~subdivisions, except as provided in Subsection (2), shall be owned by the state.]~~

179 ~~[(2) Collections recovered from school and institutional trust lands shall be owned by~~
180 ~~the respective trust.]~~

181 ~~[(3) Paleontological resources, other than critical paleontological resources, recovered~~
182 ~~from school and institutional trust lands, shall be owned by the respective trust and shall be~~

183 ~~managed pursuant to statutory authority of the School and Institutional Trust Lands~~
 184 ~~Administration.]~~

185 (1) (a) Except as provided in Subsections (2) and (3), the state owns and shall manage
 186 specimens, collections, paleontological resources, and critical paleontological resources
 187 discovered on lands owned or controlled by the state or the state's subdivisions; and

188 (b) The repository or curation facility for collections from lands owned or controlled by
 189 the state or its subdivisions, except collections owned or controlled by a city or county under
 190 Subsection (3), shall be designated pursuant to Section [53B-17-603](#).

191 ~~[(4)] (2) [The repository or curation facility for collections from lands owned or~~
 192 ~~controlled by the state or its subdivisions shall be designated pursuant to Section [53B-17-603](#).]~~
 193 The School and Institutional Trust Lands Administration owns and shall manage, pursuant to
 194 the School and Institutional Trust Lands Administration's statutory authority, specimens,
 195 collections, and paleontological resources, other than critical paleontological resources,
 196 recovered from school and institutional trust lands.

197 (3) (a) A city or county may own and manage specimens, collections, paleontological
 198 resources, and critical paleontological resources that are discovered, including those that have
 199 already been discovered, on lands owned or controlled by the respective city or county by
 200 making an election of ownership in accordance with Subsection (3)(b).

201 (b) A city's or county's legislative body may make the election of ownership under
 202 Subsection (3)(a) by:

203 (i) adopting rules or ordinances that ensure the proper curation and safekeeping of
 204 specimens, resources, and collections owned or controlled by the respective county or city; and

205 (ii) notifying the survey and the museum of the city's or county's election of ownership
 206 and the adopted rules and ordinances under Subsection (3)(b)(i).

207 (c) A city or county may loan a specimen, resource, or collection owned by the city or
 208 county under this Subsection (3) in accordance with adopted rules and ordinances of the
 209 respective city or county.

210 ~~[(5)] (4) Specimens found on lands owned or controlled by the state or its subdivisions,~~
 211 ~~including a city or county that makes the election under Subsection (3)(b), may not be sold.~~

212 Section 6. Section **79-3-504** is amended to read:

213 **79-3-504. Revocation or suspension of permits -- Criminal penalties.**

214 (1) A permitting agency under Section 79-3-501 or 79-3-502 may revoke or suspend a
 215 permit if the permittee fails to conduct the excavation pursuant to the law, the rules enacted by
 216 the permitting agency, or permit provisions.

217 (2) (a) A person violating any provision of Section 79-3-501 ~~[or]~~, 79-3-502, or
 218 79-3-502.5 is guilty of a class B misdemeanor.

219 (b) ~~[A person convicted of violating any provision of Section 79-3-501 or 79-3-502, or~~
 220 ~~the rules promulgated by the survey or the School and Institutional Trust Lands Administration~~
 221 ~~under those sections, shall forfeit to the state or the respective trust all paleontological~~
 222 ~~resources discovered by or through the person's efforts, in addition to any penalties imposed.]~~
 223 A person shall forfeit to the state or the respective trust, city, or county, all paleontological
 224 resources discovered by or through the person's efforts, in addition to any penalties imposed, if
 225 the person violates:

226 (i) Section 79-3-501;

227 (ii) Section 79-3-502;

228 (iii) Section 79-3-502.5;

229 (iv) Section 79-3-503;

230 (v) rules made by the survey;

231 (vi) rules made by the School and Institutional Lands Administration under this
 232 chapter; or

233 (vii) city or county rules or ordinances regarding paleontological resources enacted
 234 under this chapter.

235 Section 7. Section 79-3-508 is amended to read:

236 **79-3-508. Agency, city, and county responsibilities -- Allowing director**
 237 **reasonable opportunity to comment.**

238 (1) Before expending state funds or approving an undertaking, each state agency, city,
 239 or county shall:

240 (a) take into account the effect of the undertaking on a specimen that is included in or
 241 eligible for inclusion in the State Paleontological Register; and

242 (b) allow the director or assigned staff a reasonable opportunity to comment regarding
 243 the undertaking or expenditure.

244 (2) The director or assigned staff shall advise on ways to maximize the amount of

245 scientific, paleontological, and educational information recovered, in addition to the physical
246 recovery of specimens and the reporting of paleontological information, at current standards of
247 scientific rigor.