

Representative Joseph Elison proposes the following substitute bill:

PALEONTOLOGICAL RESOURCES 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 and collections.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ provides that a city of the first or second class that has a paleontology museum may retain, curate, and manage specimens, collections, and paleontological resources recovered on lands owned or controlled by the city.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-17-603, as last amended by Laws of Utah 2008, Chapter 382

79-3-505, as renumbered and amended by Laws of Utah 2009, Chapter 344

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



26 Section 1. Section **53B-17-603** is amended to read:

27 **53B-17-603. Curation and deposit of specimens.**

28 (1) For purposes of this section:

29 (a) "Collections" is defined as provided in Section [9-8-302](#).

30 (b) "Curation facility" means:

31 (i) the museum;

32 (ii) an accredited facility meeting federal curation standards; ~~or~~

33 (iii) a paleontology museum; or

34 ~~[(iii)]~~ (iv) an appropriate state park.

35 (c) "Museum" means the Utah Museum of Natural History.

36 (d) "Paleontology museum" means a museum, owned or established by a city of the
37 first or second class, that:

38 (i) is designed for the curation and display of specimens and paleontological resources;

39 (ii) has a designated paleontologist responsible for the care and preservation of
40 specimens, collections, and paleontological resources; and

41 (iii) is an approved repository, as that term is defined in 43 C.F.R. Sec. 49.5, or has a
42 detailed plan to become an approved repository.

43 ~~[(d)]~~ (e) "Repository" means:

44 (i) a facility designated by the museum through memoranda of agreement; ~~or~~

45 (ii) a paleontology museum; or

46 ~~[(ii)]~~ (iii) a place of reburial.

47 ~~[(e)]~~ (f) "School and institutional trust lands" are those properties defined in Section
48 [53C-1-103](#).

49 (2) The museum shall make rules to ensure the adequate curation of all collections
50 from lands owned or controlled by the state or its subdivisions. The rules shall:

51 (a) conform to, but not be limited by, federal curation policy;

52 (b) recognize that collections recovered from school and institutional trust lands are
53 owned by the respective trust, and shall be made available for exhibition as the beneficiaries of
54 the respective trust may request, subject to museum curation policy and the curation facility's
55 budgetary priorities;

56 (c) recognize that any collections obtained in exchange for collections found on school

57 and institutional trust lands shall be owned by the respective trust; and

58 (d) recognize that if, at its discretion, the curation facility makes and sells
59 reproductions derived from collections found on school or institutional trust lands, any money
60 obtained from these sales shall be given to the respective trust, but the curation facility may
61 retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee
62 for handling the sale.

63 (3) (a) ~~[The]~~ Subject to Subsection (3)(c), the museum may enter into memoranda of
64 agreement with other repositories located in and outside the state to act as its designee for the
65 curation of collections.

66 (b) In these memoranda, the museum may delegate some or all of its authority to
67 curate.

68 (c) A city that has a paleontology museum may retain, curate, and manage specimens,
69 collections, and paleontological resources recovered on lands owned or controlled by the city.

70 (4) (a) All collections recovered from lands owned or controlled by the state or its
71 subdivisions shall be deposited at the museum, a curation facility, or at a repository within a
72 reasonable time after the completion of field work.

73 (b) The museum shall make rules establishing procedures for selection of the
74 appropriate curation facility or repository.

75 (c) The rules shall consider:

76 (i) whether the permittee, authorized pursuant to Section 9-8-305, is a curation facility;

77 (ii) the appropriateness of reburial;

78 (iii) the proximity of the curation facility or repository to the point of origin of the
79 collection;

80 (iv) the preference of the owner of the land on which the collection was found;

81 (v) the nature of the collection and the repository's or curation facility's ability and
82 desire to curate the collection in question, and ability to maximize the scientific, educational,
83 and cultural benefits for the people of the state and the school and institutional trusts;

84 (vi) selection of a second curation facility or repository, if the original repository or
85 curation facility becomes unable to curate the collections under its care; and

86 (vii) establishment of an arbitration process for the resolution of disputes over the
87 location of a curation facility or repository, which shall include an ultimate arbitration authority

88 consisting of the landowner, the state archaeologist or paleontologist, and a representative from
89 the governor's office.

90 (d) The repository or curation facility may charge a curation fee commensurate with the
91 costs of maintaining those collections, except that a fee may not be charged to the respective
92 trust for collections found on school or institutional trust lands.

93 (5) The repository or curation facility shall make specimens available through loans to
94 museums and research institutions in and out of the state when, in the opinion of the repository
95 or curation facility:

96 (a) the use of the specimens is appropriate; and

97 (b) arrangements are made for safe custodianship of the specimens.

98 (6) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah
99 Administrative Rulemaking Act, regarding publication of its rules in the Utah State Bulletin
100 and the Utah Administrative Code.

101 Section 2. Section **79-3-505** is amended to read:

102 **79-3-505. Paleontological landmarks.**

103 (1) (a) Sites of significance or sites with exceptional fossils may be recommended to
104 and approved by the board as state paleontological landmarks.

105 (b) No privately owned site [~~or~~], a site on school or institutional trust lands, or a site on
106 lands owned or controlled by a city that has a paleontology museum may be so designated
107 without the written consent of the owner or the trust.

108 (2) A person may not excavate on a privately owned designated landmark without a
109 permit from the survey.

110 (3) Before an alteration is commenced on a designated landmark, three months notice
111 of intent to alter the site shall be given the survey.