

1 **PALEONTOLOGICAL RESOURCES AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Joseph Elison**

5 Senate Sponsor: Don L. Ipson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to paleontological resources and collections.

10 **Highlighted Provisions:**

11 This bill:

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

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53B-17-603**, as last amended by Laws of Utah 2008, Chapter 382

23 **79-3-505**, as renumbered and amended by Laws of Utah 2009, Chapter 344

25 *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) for the purposes described in Subsection (3)(c), 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) for the purposes described in Subsection (3)(c), 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
69 paleontological specimens, paleontological collections, and paleontological resources
70 recovered on lands owned or controlled by the city.

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

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

76 (c) The rules shall consider:

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

78 (ii) the appropriateness of reburial;

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

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

82 (v) the nature of the collection and the repository's or curation facility's ability and

83 desire to curate the collection in question, and ability to maximize the scientific, educational,
84 and cultural benefits for the people of the state and the school and institutional trusts;

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

87 (vii) establishment of an arbitration process for the resolution of disputes over the
88 location of a curation facility or repository, which shall include an ultimate arbitration authority
89 consisting of the landowner, the state archaeologist or paleontologist, and a representative from
90 the governor's office.

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

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

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

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

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

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

103 **79-3-505. Paleontological landmarks.**

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

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

109 (2) A person may not excavate on a privately owned designated landmark without a

110 permit from the survey.

111 (3) Before an alteration is commenced on a designated landmark, three months notice

112 of intent to alter the site shall be given the survey.