

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 394

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VERTEBRATE PALEONTOLOGICAL SITES AND RESOURCES; AMENDING  
2 CHAPTER 30, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS  
3 33-3013, 33-3014, 33-3015 AND 33-3016, IDAHO CODE, TO PROVIDE  
4 FOR A PURPOSE, TO PROVIDE FOR EXCAVATION PERMITS, TO PROVIDE FOR  
5 RULES, PROHIBITIONS, AUTHORITY AND LIMITATIONS AND TO PROVIDE FOR  
6 PENALTIES; AMENDING SECTION 67-4119, IDAHO CODE, TO REMOVE REFERENCE TO  
7 VERTEBRATE PALEONTOLOGICAL; AMENDING SECTION 67-4120, IDAHO CODE, TO  
8 REMOVE REFERENCE TO VERTEBRATE PALEONTOLOGICAL AND TO MAKE TECHNICAL  
9 CORRECTIONS; AMENDING SECTION 67-4121, IDAHO CODE, TO REMOVE REFERENCE  
10 TO VERTEBRATE PALEONTOLOGICAL AND TO MAKE TECHNICAL CORRECTIONS; AND  
11 AMENDING SECTION 67-4122, IDAHO CODE, TO REMOVE REFERENCE TO VERTEBRATE  
12 PALEONTOLOGICAL AND TO MAKE A TECHNICAL CORRECTION.  
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Chapter 30, Title 33, Idaho Code, be, and the same is  
16 hereby amended by the addition thereto of a NEW SECTION, to be known and  
17 designated as Section 33-3013, Idaho Code, and to read as follows:

18 33-3013. PURPOSE. The purpose of sections 33-3013 through 33-3016,  
19 Idaho Code, is to protect vertebrate paleontological sites and resources  
20 on public lands in the state of Idaho and to ensure their safety and  
21 availability for scientific research.

22 SECTION 2. That Chapter 30, Title 33, Idaho Code, be, and the same is  
23 hereby amended by the addition thereto of a NEW SECTION, to be known and  
24 designated as Section 33-3014, Idaho Code, and to read as follows:

25 33-3014. EXCAVATION PERMITS. A permit shall first be obtained from the  
26 Idaho museum of natural history before any excavation in or on any vertebrate  
27 paleontological deposit or site on any public lands in Idaho shall begin.  
28 Such permits shall be issued only to applicants who are qualified by  
29 experience or professional training to conduct such excavations in an  
30 approved scientific manner. The Idaho museum of natural history may appoint  
31 any professionally qualified advisors as may be needed to advise upon the  
32 granting of said permits.

33 SECTION 3. That Chapter 30, Title 33, Idaho Code, be, and the same is  
34 hereby amended by the addition thereto of a NEW SECTION, to be known and  
35 designated as Section 33-3015, Idaho Code, and to read as follows:

36 33-3015. RULES -- PROHIBITIONS -- AUTHORITY -- LIMITATION. (1) The  
37 Idaho museum of natural history is hereby authorized and empowered to  
38 promulgate and to enforce such rules through the state board of education as

1 it may deem needful to protect vertebrate paleontological sites and deposits  
2 on any public land in Idaho.

3 (2) No person shall remove from the state of Idaho any part of any such  
4 vertebrate paleontological site or deposit without first obtaining the  
5 consent of the Idaho museum of natural history.

6 (3) The Idaho museum of natural history may require, as a condition to  
7 such consent, that vertebrate paleontological resources removed from the  
8 paleontological site or deposit become or remain the property of the state  
9 of Idaho.

10 (4) Nothing in this section shall be construed to interfere with  
11 the administrative management of vertebrate paleontological resources  
12 recovered from any such sites or deposits and which are the property of any  
13 agency or institution of the government of the state of Idaho.

14 SECTION 4. That Chapter 30, Title 33, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and  
16 designated as Section 33-3016, Idaho Code, and to read as follows:

17 33-3016. PENALTIES. Any person violating the provisions of sections  
18 33-3013 through 33-3015, Idaho Code, shall be guilty of a misdemeanor and,  
19 upon conviction thereof, shall, in addition to any other penalties imposed,  
20 forfeit to the state of Idaho all articles and materials acquired from or  
21 discovered on such vertebrate paleontological sites.

22 SECTION 5. That Section 67-4119, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 67-4119. PURPOSE -- PROTECTION OF ARCHAEOLOGICAL ~~AND VERTEBRATE~~  
25 ~~PALEONTOLOGICAL~~ SITES AND RESOURCES. The purpose of this act is to protect  
26 archaeological ~~and vertebrate paleontological~~ sites and resources on public  
27 lands in the state of Idaho and to ensure their safety and availability for  
28 scientific research.

29 SECTION 6. That Section 67-4120, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 67-4120. PERMITS FOR EXCAVATION. A permit shall first be obtained  
32 from the board of trustees of the Idaho ~~S~~state ~~H~~istorical ~~S~~society  
33 before any excavation in or on any prehistoric site, ruins, pictographs,  
34 petroglyphs, or any other ancient marking or writing, or in or on any  
35 archaeological ~~or vertebrate paleontological~~ deposit or site on any  
36 public lands in Idaho. Such permits shall be issued only to applicants  
37 who are qualified by experience or professional training to conduct such  
38 excavations in an approved scientific manner. Said trustees may appoint any  
39 such professionally qualified advisors as, in their opinion, may be needed  
40 to advise them upon the granting of said permits.

41 SECTION 7. That Section 67-4121, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

1           67-4121. ~~REGULATIONS~~ RULES. The board of trustees of the Idaho ~~S~~state  
2 ~~H~~historical ~~S~~society is hereby authorized and empowered to promulgate  
3 and to enforce such ~~regulations~~ rules as it may deem needful to protect  
4 the prehistoric ruins and relics and archaeological ~~and vertebrate~~  
5 ~~paleontological~~ sites and deposits on any public land in Idaho. No person  
6 shall remove from the state of Idaho any part of any such ruins, pictographs,  
7 petroglyphs, relics, deposits, objects, specimens, or artifacts recovered  
8 from any such archaeological ~~or vertebrate paleontological~~ site or deposit  
9 without first obtaining the consent of the board of trustees of the Idaho  
10 ~~S~~state ~~H~~historical ~~S~~society. Said board of trustees may require, as  
11 a condition to such consent, that such portion of such relics, ruins,  
12 pictographs, petroglyphs, objects, specimens, artifacts, or deposits as  
13 said board of trustees shall require, shall become or remain the property  
14 of the state of Idaho. Nothing in this section shall be construed to  
15 interfere with the administrative management of relics, ruins, pictographs,  
16 petroglyphs, deposits, objects, specimens, or artifacts which have been  
17 recovered from any such sites or deposits and which are the property of any  
18 agency or institution of the government of the state of Idaho.

19           SECTION 8. That Section 67-4122, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21           67-4122. PENALTIES. Any person violating this act shall be guilty  
22 of a misdemeanor and, upon conviction thereof, shall, in addition to  
23 any other penalties imposed, forfeit to the state of Idaho all articles  
24 and materials ~~he~~ acquired from or discovered on such archaeological ~~or~~  
25 ~~vertebrate paleontological~~ sites.