

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 620

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 FOR A
4 PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR EXCAVATION PERMITS, TO PROVIDE
5 FOR 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 -- DEFINITIONS. (1) The purpose of sections 33-3013
19 through 33-3016, Idaho Code, is to protect vertebrate paleontological sites
20 and resources on public lands in the state of Idaho and to ensure their safety
21 and availability for scientific research.

22 (2) When used in sections 33-3013 through 33-3016, Idaho Code:

23 (a) "Fossil" means a remnant, impression or trace of an organism of past
24 geologic ages that has been preserved in the earth's crust;

25 (b) "Paleontology" means a science dealing with the life of past
26 geological periods as known from fossil remains; and

27 (c) "Vertebrate" means any of a subphylum (vertebrata) of chordates
28 possessing a spinal column that includes the mammals, birds, reptiles,
29 amphibians and fishes.

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

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

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

4 33-3015. RULES -- PROHIBITIONS -- AUTHORITY -- LIMITATION. (1) The
 5 Idaho museum of natural history is hereby authorized and empowered to
 6 promulgate and to enforce such rules through the state board of education as
 7 it may deem needful to protect vertebrate paleontological sites and deposits
 8 on any public land in Idaho.

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

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

16 (4) Nothing in this section shall be construed to interfere with
 17 the administrative management of vertebrate paleontological resources
 18 recovered from any such sites or deposits and that are the property of any
 19 agency or institution of the government of the state of Idaho.

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

23 33-3016. PENALTIES. Any person violating the provisions of sections
 24 33-3013 through 33-3015, Idaho Code, shall be guilty of a misdemeanor and,
 25 upon conviction thereof, shall, in addition to any other penalties imposed,
 26 forfeit to the state of Idaho all articles and materials acquired from or
 27 discovered on such vertebrate paleontological sites.

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

30 67-4119. PURPOSE -- PROTECTION OF ARCHAEOLOGICAL ~~AND VERTEBRATE~~
 31 ~~PALEONTOLOGICAL~~ SITES AND RESOURCES. The purpose of this act is to protect
 32 archaeological ~~and vertebrate paleontological~~ sites and resources on public
 33 lands in the state of Idaho and to ensure their safety and availability for
 34 scientific research.

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

37 67-4120. PERMITS FOR EXCAVATION. A permit shall first be obtained
 38 from the board of trustees of the Idaho ~~S~~state ~~H~~istorical ~~S~~society
 39 before any excavation in or on any prehistoric site, ruins, pictographs,
 40 petroglyphs, or any other ancient marking or writing, or in or on any
 41 archaeological ~~or vertebrate paleontological~~ deposit or site on any
 42 public lands in Idaho. Such permits shall be issued only to applicants
 43 who are qualified by experience or professional training to conduct such
 44 excavations in an approved scientific manner. Said trustees may appoint any

1 such professionally qualified advisors as, in their opinion, may be needed
2 to advise them upon the granting of said permits.

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

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

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

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