

SENATE FILE NO. SF0004

Fossils distinguished from minerals.

Sponsored by: Select Committee on Tribal Relations

A BILL

for

1 AN ACT relating to property and conveyances; distinguishing
2 fossils and non-fossilized animal remains from minerals in
3 estates; exempting fossils and non-fossilized animal
4 remains from mining and mineral provisions; providing a
5 definition; repealing a definition; specifying
6 applicability; and providing for an effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 30-1-134 is created to read:

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12 **30-1-134. Fossils and non-fossilized animal remains**
13 **exempted.**

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15 Fossils and non-fossilized animal remains as provided by
16 W.S. 34-1-157 are not minerals and are exempt from the

1 provisions of this title relating to ownership of the
2 mineral estate.

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4 **Section 2.** W.S. 34-1-157(a), (b), (c) by creating a
5 new paragraph (iii) and by creating new subsections (d) and
6 (e) is amended to read:

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8 **34-1-157. Fossils and non-fossilized animal remains**
9 **distinguished from minerals.**

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11 (a) ~~The ownership of~~ When used in any instrument, any
12 fossil, ~~artifact~~ or non-fossilized animal remains
13 discovered in the strata below the surface lands and waters
14 of the state is vested in the owner of the surface estate,
15 unless otherwise governed by W.S. 7-4-106.

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17 (b) When used in any instrument, the term "minerals"
18 does not include fossils, ~~artifacts~~ or non-fossilized
19 animal remains and are exempt from the provisions of title
20 30 of the Wyoming statutes relating to ownership of the
21 mineral estate as provided by W.S. 30-1-134.

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23 (c) As used in this section:

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(iii) "Fossilized" means preserved by natural processes, excluding human remains and funerary objects as governed by W.S. 7-4-106, and including:

(A) Burial in accumulated sediment;

(B) Preservation in ice or amber;

(C) Replacement by minerals or alteration by chemical processes such as permineralization in which minerals replace all or part of an organism's remains, which may or may not alter the original organic content.

(d) This section applies prospectively and retroactively to instruments governed by Wyoming law to the maximum extent possible under the constitutions of the United States and the state of Wyoming.

Section 3. W.S. 34-1-157(c)(ii) is repealed.

1 **Section 4.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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(END)