

HB 1056 -- Unmarked Human Burial Sites

Sponsor: Bishop

This bill places all human remains, objects of cultural patrimony, and associated cultural items found in unmarked burial sites under the jurisdiction of the state historic preservation officer, so that the Department of Natural Resources can attempt to repatriate them. Remains and objects subject to a criminal investigation are excluded from this law. The law does not apply to items in the possession of museums prior to August 28, 1987. Rulemaking authority regarding unmarked human burial is given to the state historic preservation officer. The state historic preservation officer is authorized to work with Native Americans and other ethnic groups when appropriate and must comply with all federal laws regarding unmarked human remains.

The bill also allows the state historic preservation officer to delay a construction project for an additional 30 days if necessary to remove items from an unmarked burial site. If the historic preservation officer must remove items in order for a construction project to continue, the private or public property owner is financially responsible for the removal of the items. Reinterment of remains may be delayed for more than a year if approved by the unmarked human burial consultation committee. This committee is required to meet at least twice each year. Currently, the committee is only required to meet yearly.

The bill also defines "burial site," "cemetery," "sacred objects," "cultural patrimony," and "associated cultural items" as they relate to unmarked human burial.

The bill creates a penalty for violations and authorizes the Attorney General or the local prosecuting attorney to bring any action authorized by the law. The action may be brought in any county where the cause of action accrued or in Cole County.