

HCS HB 1056 -- UNMARKED BURIAL REMAINS

SPONSOR: Marsh (Bishop)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism and Cultural Affairs by a vote of 11 to 4 with 2 present.

This substitute 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. Rule-making 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 substitute also allows the state historic preservation officer to delay a construction project, agricultural land disturbance, or ground disturbance activities for an additional 30 days if necessary to remove items from an unmarked burial site. If the state historic preservation officer must remove items because they cannot be respectfully re-buried on that site, the private or public property owner is financially responsible for the removal of the items. The Unmarked Human Burial Consultation Committee is required to meet at least twice each year. Currently, the committee is only required to meet yearly.

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

The substitute 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.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that the 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. This will allow the Department of Natural Resources to attempt to repatriate them.

Testifying for the bill were Representative Bishop; Missouri Association of Professional Archaeologist; Missouri Archaeology

Society; Missouri Advisory Council for Historic Preservation; Clay County Historical Millennium Board; National Center for Indigenous Culture at Line Creek; Office of the Attorney General; Department of Natural Resources; and Sac and Fox Nation of Oklahoma.

OPPONENTS: Those who oppose the bill say that the bill is burdensome to farmers and gives the Department of Natural Resources unnecessary regulatory authority.

Testifying against the bill were Associated General Contractors of Missouri; and Missouri Farm Bureau.

Robert Triplett, Legislative Analyst