

HOUSE BILL NO. 126

INTRODUCED BY R. PEPPERS

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COMPENSATION TO BURIAL PRESERVATION BOARD MEMBERS WHEN PERFORMING BOARD ACTIVITIES; AMENDING SECTIONS 22-3-804 AND 22-3-811, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 22-3-804, MCA, is amended to read:

"22-3-804. Board -- composition -- rights -- responsibilities. (1) There is a burial preservation board.

The board is composed of:

(a) one representative of each of the seven reservations, appointed by the governor from a list of up to three nominees provided by each of the respective tribal governments;

(b) one person appointed by the governor from a list of up to three nominees submitted by the Little Shell band of Chippewa Indians;

(c) one person appointed by the governor from a list of up to three nominees submitted by the Montana state historic preservation officer;

(d) one representative of the Montana archaeological association appointed by the governor from a list of up to three nominees submitted by the Montana archaeological association;

(e) one physical anthropologist appointed by the governor;

(f) one representative of the Montana coroners' association appointed by the governor from a list of up to three nominees submitted by the Montana coroners' association; and

(g) one representative of the public, appointed by the governor, who is not associated with tribal governments; state government; the fields of historic preservation, archaeology, or anthropology; or the Montana coroners' association.

(2) Members of the board shall serve staggered 2-year terms. A vacancy on the board must be filled in the same manner as the original appointment and only for the unexpired portion of the term.

(3) The board shall:



- 1 (a) provide for the establishment and maintenance of a registry of burial sites located in the state;
- 2 (b) designate the appropriate member or members of the board or a representative or representatives
3 of the board to conduct a field review upon notification of the discovery of human skeletal remains, a burial site,
4 or burial ~~materials~~ material;
- 5 (c) assist interested landowners in the development of agreements with the board for the treatment and
6 disposition, with appropriate dignity, of human skeletal remains and burial material;
- 7 (d) mediate, upon application of either party, disputes that may arise between a landowner and known
8 descendants that relate to the treatment and disposition of human skeletal remains and burial material;
- 9 (e) assume responsibility for final treatment and disposition of human skeletal remains and burial material
10 if the field review recommendation is not accepted by the board's representatives and the landowner;
- 11 (f) establish a nonrefundable application fee, not to exceed \$50, for a permit for scientific analysis of
12 human skeletal remains or burial material from burial sites as provided by 22-3-806;
- 13 (g) issue permits authorizing scientific analysis;
- 14 (h) accept grants or real or in-kind donations to carry out the purposes of this part;
- 15 (i) adopt rules necessary to administer and enforce the provisions of this part; and
- 16 (j) perform any other duties necessary to implement the provisions of this part.
- 17 (4) The board is allocated to the department of administration for administrative purposes only as
18 prescribed in 2-15-121.
- 19 (5) ~~Members~~ Each member of the board ~~shall serve without pay but are entitled to reimbursement~~ is
20 entitled to be paid \$50 for each day in which the member is actually and necessarily engaged in the performance
21 of board duties and is also entitled to be reimbursed for travel, meals, and lodging pursuant to 2-18-501 through
22 2-18-503."

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24 **Section 2.** Section 22-3-811, MCA, is amended to read:

25 **"22-3-811. Disposition of fees, grants, and donations.** There is an account in the state special
26 revenue fund. The board shall deposit any fee, grant, or donation received under 22-3-804 into the account to
27 be used to pay the board's expenses ~~for board meetings or expenses incurred in conducting field reviews.~~"

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29 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2015.

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