

HOUSE BILL NO. 281

INTRODUCED BY T. BROCKMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TERMS OF BURIAL PRESERVATION BOARD MEMBERS FROM 2 TO 4 YEARS OF SERVICE; PROVIDING A TRANSITION SCHEDULE; AMENDING SECTION 22-3-804, 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 federally recognized Indian tribes in Montana, 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 Montana state historic preservation officer;

(c) 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~~ society;

(d) one physical anthropologist appointed by the governor;

(e) 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

(f) 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~~ 4-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:

(a) provide for the establishment and maintenance of a registry of burial sites located in the state;

- 1 (b) designate the appropriate member or members of the board or a representative or
2 representatives of the board to conduct a field review upon notification of the discovery of human skeletal
3 remains, a burial site, or burial material;
- 4 (c) assist interested landowners in the development of agreements with the board for the
5 treatment and disposition, with appropriate dignity, of human skeletal remains and burial material;
- 6 (d) mediate, upon application of either party, disputes that may arise between a landowner and
7 known descendants that relate to the treatment and disposition of human skeletal remains and burial material;
- 8 (e) assume responsibility for final treatment and disposition of human skeletal remains and burial
9 material if the field review recommendation is not accepted by the board's representatives and the landowner;
- 10 (f) establish a nonrefundable application fee, not to exceed \$50, for a permit for scientific analysis
11 of human skeletal remains or burial material from burial sites as provided by 22-3-806;
- 12 (g) issue permits authorizing scientific analysis;
- 13 (h) accept grants or real or in-kind donations to carry out the purposes of this part;
- 14 (i) adopt rules necessary to administer and enforce the provisions of this part; and
- 15 (j) perform any other duties necessary to implement the provisions of this part.
- 16 (4) The board is allocated to the department of administration for administrative purposes only as
17 prescribed in 2-15-121.
- 18 (5) Each member of the board is entitled to be paid \$50 for each day in which the member is
19 actually and necessarily engaged in the performance of board duties and is also entitled to be reimbursed for
20 travel, meals, and lodging pursuant to 2-18-501 through 2-18-503."
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22 **NEW SECTION. Section 2. Transition.** (1) On [the effective date of this act], the terms of all current
23 board members terminate and the governor shall appoint or reappoint new board members. To create
24 staggered 4-year terms:

- 25 (a) seven members must be appointed to 2-year terms; and
- 26 (b) six members must be appointed to 4-year terms.
- 27 (2) After the expiration of a term provided for in subsection (1), the governor shall appoint a person
28 to serve a full 4-year term as provided in [section 1].

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2 NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a
3 copy of [this act] to each federally recognized tribal government in Montana.

5 NEW SECTION. **Section 4. Effective date.** [This act] is effective September 1, 2023.

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