

LEGISLATIVE BILL 97

Approved by the Governor May 30, 2001

Introduced by Schimek, 27; Aguilar, 35; Beutler, 28; Connealy, 16; Dierks, 40; Hilgert, 7; Wickersham, 49

AN ACT relating to the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to amend section 12-1208, Reissue Revised Statutes of Nebraska; to provide reburial duties for the Nebraska State Historical Society and the Commission on Indian Affairs as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 12-1208, Reissue Revised Statutes of Nebraska, is amended to read:

12-1208. (1) Upon notification pursuant to section 12-1206, the society shall promptly assist in examining the discovered material to attempt to determine its origin and identity.

(2) If the society finds that the discovered human skeletal remains or burial goods are of non-American-Indian origin with a known or unknown identity, it shall notify the county attorney of the finding. Upon receipt of the finding, the county attorney shall cause the remains and associated burial goods to be interred in consultation with the county coroner. Reburial shall be in accordance with the wishes and at the expense of any known relatives in the order listed by section 71-1339 or, if no relatives are known, in an appropriate cemetery at the expense of the county in which the remains were discovered after a one-year scientific study period if such study period is considered necessary or desirable by the society. In no case shall any human skeletal remains that are reasonably identifiable as to familial or tribal origin be displayed by any entity which receives funding or official recognition from the state or any of its political subdivisions. In situations in which human skeletal remains or burial goods that are unidentifiable as to familial or tribal origin are clearly found to be of extremely important, irreplaceable, and intrinsic scientific value, the remains or goods may be curated by the society until the remains or goods may be reinterred as provided in this subsection without impairing their scientific value.

(3) If the society finds that the discovered human skeletal remains or burial goods are of American Indian origin, it shall promptly notify in writing the Commission on Indian Affairs and any known relatives in the order listed in section 71-1339 or, if no relatives are known, any Indian tribes reasonably identified as tribally linked to such remains or goods in order to ascertain and follow the wishes of the relative or Indian tribe, if any, as to reburial or other disposition. Reburial by any such relative or Indian tribe shall be by and at the expense of such relative or Indian tribe. In cases in which reasonably identifiable American Indian human skeletal remains or burial goods are unclaimed by the appropriate relative or Indian tribe, ~~any such the~~ society shall notify all other Indian tribes which can reasonably be determined to have lived in Nebraska in order to ascertain and follow the wishes of the tribe as to reburial or other disposition. Reburial by any such tribe shall be by and at the expense of the tribe. If such remains or goods are unclaimed by the appropriate tribe, the remains or goods shall be reburied, as provided in subsection (2) of this section determined by the commission, by one of the four federally recognized Indian tribes in Nebraska.

Sec. 2. Original section 12-1208, Reissue Revised Statutes of Nebraska, is repealed.