

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO CULTURAL PROPERTIES; ESTABLISHING STATE CULTURAL
PROPERTY ON STATE OR FEDERAL LAND FOR REBURIAL OF HUMAN
REMAINS AND FUNERARY OBJECTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"SHORT TITLE.--This act may be cited as the "Reburial
Grounds Act"."

Section 2. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"DEFINITIONS.--As used in the Reburial Grounds Act:

A. "department" means the cultural affairs
department;

B. "descendant group" means persons demonstrably
related to the remains by consanguinity, family affiliation,
clan or direct historical association and includes a Native
American nation, band, tribe or pueblo in New Mexico;

C. "funerary object" means an object or artifact
associated with a human burial;

D. "reburial grounds" means state or federal land
set aside pursuant to the Reburial Grounds Act that secures
and preserves unmarked graves for remains not claimed by a
descendant group;

1 E. "remains" means a human body, skeletal remains
2 or mummified remains discovered during construction or other
3 projects or exposed through erosion, excavation, accident or
4 other means on state, federal and private lands and includes
5 a funerary object or artifact associated with the remains;
6 and

7 F. "state land" means property owned, controlled
8 or operated by a department, agency, institution or political
9 subdivision of the state."

10 Section 3. A new section of Chapter 18, Article 6 NMSA
11 1978 is enacted to read:

12 "REMAINS DESIGNATED FOR REBURIAL.--Except as otherwise
13 designated by the department, remains shall be reburied in
14 the reburial grounds unless a descendant group that
15 demonstrates a relationship to the remains requests
16 otherwise."

17 Section 4. A new section of Chapter 18, Article 6 NMSA
18 1978 is enacted to read:

19 "DESIGNATION OF REBURIAL GROUNDS SITE.--The department
20 shall facilitate the designation of state or federal land for
21 reburial of unmarked remains not claimed by a descendant
22 group and shall:

23 A. by September 1, 2007, organize a working group
24 that includes representatives of the department, the Indian
25 affairs department and the tribal-state workgroup on

1 repatriation and sacred places to:

2 (1) recommend rules for the acquisition of
3 remains and the maintenance and preservation of the reburial
4 grounds;

5 (2) distinguish between remains that can be
6 reburied and remains that cannot; and

7 (3) establish procedures and priorities for
8 reburying remains held in state collections;

9 B. by December 30, 2008, promulgate rules for:

10 (1) platting remains placed in the reburial
11 grounds and ensuring that the information is confidential
12 pursuant to Section 18-6-11.1 NMSA 1978;

13 (2) accepting and acquiring remains and
14 coordinating activities with the state historic preservation
15 officer;

16 (3) preserving the natural environment of
17 the reburial grounds;

18 (4) distinguishing between remains that can
19 be reburied and those that cannot;

20 (5) working with descendant groups that
21 request access to the reburial grounds for ceremonies; and

22 (6) providing for security and
23 confidentiality of the site; and

24 C. by July 1, 2009:

25 (1) accept the first remains for reburial,

1 including remains currently at the museum of New Mexico, the
2 museum of Indian arts and culture and the department;

3 (2) begin platting the reburial grounds so
4 that reburied remains are not disturbed by later burials and
5 so that the plat is confidential pursuant to Section
6 18-6-11.1 NMSA 1978; and

7 (3) provide security for the reburial
8 grounds."

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25