

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;

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

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

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

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

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

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

A. by September 1, 2007, organize a working group that includes representatives of the department, the Indian affairs department and the tribal-state workgroup on repatriation and sacred places to:

(1) recommend rules for the acquisition of

remains and the maintenance and preservation of the reburial grounds;

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

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

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

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

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

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

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

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

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

C. by July 1, 2009:

(1) accept the first remains for reburial, including remains currently at the museum of New Mexico, the museum of Indian arts and culture and the department;

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

(3) provide security for the reburial grounds."

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