LETTER FROM THE PRESIDENT  

Bob Hassler

A lot of activities have been going on since you received your last newsletter. The big issue, of course, is the reburial bill/s before the state legislature. In this newsletter you will find current information regarding this issue. I strongly urge you to express your opinions to your state representative concerning this issue.

Since assuming the responsibilities as President, I have been working with the various committee chairs in trying to establish a set schedule for NAPA activities. I figure that a set schedule will help keep people informed since you will know when to expect NAPA mailings and meetings. Enclosed you will find the schedule that we will be using.

In looking back, I have not accomplished all of the goals that I had set for 1988. My biggest disappointment has been the delay in getting the journal published. I realize that this task is very difficult because the editors are plowing new ground. I do believe that when the first volume is issued this spring that we will all be pleased. I would like to sincerely express my appreciation at this time to Eli Paul and John Ludwickson for their effort in developing the NAPA journal. I hope that my personal impatience (a basic characteristic!) has not been mistaken for a lack of sensitivity for the task involved.

We have made great strides in organizing the mechanics of the membership committee. Anne Wolley has put in a great effort to simplify the membership application process without jeopardizing NAPA's integrity. She has also developed a renewal system that should simplify the chore of keeping track of current members and their status. You should have received your notice to renew along with a NAPA survey form and volunteer form a couple of weeks ago. I am sure that you have all renewed by now and have sent your surveys, etc. to Anne.

In closing, I would like to express my appreciation to Cathie Masters. She has taken a lot of heat concerning several proposals that I have kicked around regarding both the membership system and the journal. Despite all, she has continued to work with me to help make NAPA a better organization for us all. Obviously, as officers of NAPA, it is our responsibility to listen to the concerns of all members and we will continue to do so. Once in a while, when things aren't so hectic, please let Anne, Cathie and the other volunteers know that you do appreciate their effort.
THE REBURIAL ISSUE

A bill cited as the Unmarked Human Burial Sites and Skeletal Remains Protection Act (LB340) has been introduced by State Senator Ernie Chambers. This bill is out of committee and scheduled to come to the floor for a vote as early as February 16. It may not come up that early, as there is some confusion concerning the scheduling. The bill is printed in its entirety in the newsletter, so that all NAPA members can become familiar with its contents.

Summary of Events Concerning Reburial and Other NAPA Issues

Official NAPA Board Meeting  September 16, 1988

An official NAPA Executive Board meeting was held September 16, 1988 with the following members present: Bob Hassler, Cathie Masters, Doug Bamforth, Peter Bleed, and Todd Rivers.

Dr. James Hanson was invited to the meeting to inform the Board about the status of the reburial issue and how it will affect the collections of the Nebraska State Historical Society. Pawnee tribal members from Oklahoma are requesting the return of Pawnee human remains and associated artifacts now held in Historical Society collections. The Historical Society Board will vote on return of these materials.

Dr. Peter Bleed provided the Board with an update on bills being drafted to address the reburial issue. It was determined that NAPA would need to take a position and this should be put in writing. Dr. Bleed agreed to chair a NAPA legislative committee to inform the membership and executive board on pending legislation. He also agreed to draft a reburial statement to be presented to the NAPA Board for approval.

A report from the Education Committee was provided by Rob Bozell and contained these four primary goals:

1) Poll the membership to compile a list of individuals who would be willing to lecture or do workshops for the public.

2) Compile a statewide master list of volunteers desiring to participate in field or lab work.

3) Develop student awards or sponsor student projects.

4) Identify long-range goals with the focus likely upon generating publications, news releases, pamphlets and possibly films.

Doug Bamforth, secretary/treasurer reported a balance of $950.48 in the NAPA account. Expenditure was: $31.46 Newsletter
Since there has been some confusion between the membership committee and the treasurer concerning dues, it was decided that all dues and membership forms would go to Anne Wolley, membership chairperson. A question was also raised about whether donations are tax deductible, and Doug agreed to investigate.

The progress of the NAPA journal was also discussed at the meeting. Enough articles have been received for the first volume. These are in the process of being reviewed and edited. Because of the concern over the delay in getting the journal to press, it was the hope of the Board that it could be out by the Plains Conference. The editors desire for a publication of high quality was a primary concern and a more realistic goal was set for the first of the year for a mock up to be done. Cathie Masters was requested to offer any kind of help to facilitate the publication of the journal.

Anne Wolley provided a report on the membership committee. This included statistics on paid up memberships for this and past years. In response to a declining membership, Anne has simplified the membership application. Changes in membership categories may be considered at a later time, but if they are changed, the NAPA by-laws will also have to be changed.

Informal NAPA Board Meeting October 1988

Peter Bleed presented his statement of the NAPA position on returning the Pawnee remains and associated burial goods by the Nebraska State Historical Society for approval by the NAPA Executive Board. After some discussion the following statement was approved as the official position of NAPA on this issue:

WHEREAS: Archeological remains are an important source of information about humankind's common past, and

WHEREAS: The careful maintenance of archeologically recovered human remains and other materials is a well established and socially acceptable practice throughout the modern world reflecting deep and sincere respect for the people and cultures of the past, and

WHEREAS: The collections of the Nebraska State Historical Society are a scientifically invaluable resource held for the common good,

THEREFORE: The Nebraska Association of Professional Archeologists opposes the destruction of archeological collections of the Nebraska State Historical Society.

Annual Meeting of NAPA held at the 46th Annual Plains Conference
November 4, 1988
This was a brief meeting consisting mainly of reports from the chairpersons of the education, membership, and publication committees. Rob Bozell reviewed the goals of the education committee and resigned as chairman. John Ludwickson reported on the progress of the journal, mentioning that he anticipated having a mock up by the first of the year. The reburial issue was mentioned as a possible problem in the near future. Anne Wolley distributed a survey form for members to indicate what direction they would like to see NAPA take. Members were also asked to check their addresses and correct them if necessary.

Nebraska State Historical Society Board Meeting   12/17/88

The Board of the Nebraska Historical Society voted to return 20% of the Pawnee human remains if the tribe could present a plan for reburial which included interment in a vault. This was rejected by the Pawnee.

Official NAPA Board Meeting   January 20, 1989

Attending at this meeting were: Bob Hassler, Cathie Masters, Gayle Carlson, Dr. John Weymouth, Dr. Peter Bleed, Melissa Connor, and Tood Rivers. Jim Winfrey and John Ludwickson were also present. Peter Bleed discussed the three legislative bills (LB340, LB691, LB151) coming before the state legislature which directly or indirectly concerns reburial or return of museum collections. These bills are printed following the summary of events.

It was established at the meeting that NAPA would take a position of opposition to LB340 and reserve judgement on LB151 and LB691 until a later time. LB340 was scheduled for public committee hearing on January 25, 1989 and Cathie Masters was appointed as spokesperson for NAPA on the opposition agenda.

John Ludwickson gave the board a report on the status of the journal. There have been difficulties finding time to devote to the journal, primarily due to all the energy put into the reburial issue, but he said it would be ready by the meeting of NAPA at the Nebraska Academy of Science meetings in the spring.

Public Hearing on LB340   January 25, 1989

The following is a copy of the opposition agenda:

1) Dr. Peter Bleed - UNL Anthropology professor
2) Ed Bisaillon - Director of the Hastings Museum
3) Dr. Douglas Scott - Midwest Archeological Center, NPS
4) Dr. Mark Lynott - Society of Professional Archeologists
5) Cathie Masters - Nebraska Association of Professional
   Archeologists
6) Becky Day - Landmarks, Inc.
7) John Ludwickson - Nebraska State Historical Society
8) Rob Bozell - Nebraska State Historical Society
9) Dr. James Wengert, M.D. - Society Member
10) Dr. G. William LeWorthy, M.D. - Society Member
11) Dr. C. Betrand Schultz - Nebraska Academy of Science

Each of these individuals was to give a five minute
statement, but due to the fact that others who were not on the
agenda chose to come up and testify, some of those scheduled
did not have time to speak. In this case written statements were
provided to committee members instead.

**Historical Society Board Meeting**  February 3, 1989

After much discussion the Executive Board voted to support
Senator Chambers' LB340, **IF IT IS AMENDED AS FOLLOWS:**

1. All human remains excavated in Nebraska be reburied
   in Nebraska.

2. Three years be allowed for scientists to study existing
collections.

3. No restrictions on what Nebraska museums may exhibit, or
   on how objects are exhibited.

4. A committee be established to resolve disputes between
   Nebraska museums and Indian tribes.

5. Artifacts important to Nebraska history and to American
   history be preserved and not destroyed.

Note: LB340 applies to the University of Nebraska and all state,
city, and county museums, as well as to the State Historical
Society.

**LB340**

As you will discover when you give LB340 a careful reading,
some of the primary areas of concern are as follows:

1) The bill does not treat **all human remains** the same. Section 3
   (1) states that all human burials are accorded equal treatment
   and respect for human dignity without reference to ethnic
   origins, cultural backgrounds, or religious affiliations...

   The bill then proceeds to divide non-Indian and American
   Indian remains, and states that non-Indian burials shall be
   turned over to the county attorney for interment, while a one
   year period of scientific study will be granted for American
Indian remains (and by implication not for non-Indian). American Indians are further divided into Pawnee and other Indian tribes for consideration. This bill does not accord all burials equal treatment.

2) There are no accountability requirements for those receiving human remains and associated burial goods from institutions holding them in trust. The bill calls for disposal of burials and associated goods at the discretion of those who claim without proof that such objects are their own. The bill reads in Section B (3) "if the society finds that the discovered human skeletal remains or burial goods are of American Indian origin with known or unknown tribal or personal identification, it shall promptly notify in writing the Nebraska Indian Commission and any persons or Indian tribes reasonably identified as associated with such remains or goods to ascertain the wishes of the person or Indian tribe, if any, as to reburial or other disposition. It is a concern of opponents to the bill what other disposition might mean. It is a very real concern that very valuable associated burial goods could become part of a flourishing black market trade. There is no way to know if associated goods will also be interred. As it stands, individuals can do anything they want with them.

It is our understanding that 90% of all American Indian skeletal collections that have been reburied could be retrieved in the event that attitudes change or medical research merited such an action. If no one knows if or where reinterment took place, this would not be possible.

3) No funding is provided in this bill for identification or study of human remains discovered or now in possession of institutions.

Section 8 (1) states that the Nebraska State Historical Society shall promptly assist in examining the discovered material to attempt to determine its origin and identity. Section 8 (3) states that the remains or goods shall be reburied as provided in subsection (2) of this section after a one-year scientific study period...

These tasks would have to be done by a physical anthropologist. Since the Historical Society does not employ a physical anthropologist, one would have to be hired or the work contracted for. Clyde Snow, a nationally recognized forensic anthropologist charges $650 per skeleton for analysis. There are hundreds of types of analyses which could be used for scientific study. Who would decide which of these would be appropriate?

In addition, receiving funding for research can be a difficult matter, sometimes requiring a year or more before approval and funds can be obtained. There is, of course, no way to predict or schedule what research projects will be developed.

4) There were also strong objections to the provisions in the law for civil penalties for unknowingly disturbing burial sites. Apparently amendments added after the hearing have eliminated this problem. However, the way it stood then Section 10 (1) stated that "any person, Indian tribe, or Indian tribal member
shall have a civil cause of action against any person alleged to have violated the Unmarked Human Burial sites"...

This in essence meant that any American Indian, tribe, or person could bring charges against any farmer, construction company, or institution who had unknowingly unearthed any human remains which had not been reported. Few people are qualified to recognize certain fragmentary human bones from those of a dog, cat, cow, or other animal. Any person who encountered such bones and failed to report them, even though they were not experienced in identification, faced a series of liabilities including emotional distress to the plaintiff in the action. This would also have placed a burden on law enforcement officers who would be called whenever bones are discovered.

Letter delivered to all state senators   February 21, 1989

On February 22, 1989 LB340 is scheduled to be brought to the floor of the unicameral. As a last effort to voice our concerns the following letter was delivered to all senators after approval by the members of the NAPA Board.

The Nebraska Association of Professional Archeologists is deeply concerned about the passage of LB340 - the human remains burial act. Representatives of the group submitted written statements at the Committee hearings of the bill. However, as the bill now comes up for discussion on the floor, we feel we must again bring our objections to your attention. LB340 must be amended because:

1. The bill mandates the irrevocable and final loss of scientific and historical collections from museums across Nebraska, beginning Sept. 10, 1989.

2. There is inadequate funding and inadequate time allowed for the study that the importance of the resource demands. Lack of funding prevented study in the first place - now inadequate funding will prevent gaining the knowledge that was the reason for the excavation and storage of these materials to start with.

3. The bill mandates differing treatments of the skeletal material of different races. Treatment must be the same for skeletal material from all races.

4. The bill provides no way to resolve disputes and will invite lawsuits against the State of Nebraska.

5. If LB340 passes, without amendments, Nebraska will be the only state with a law that requires the destruction of museum artifacts. No court or legislature will be able to reverse the damage.

Senator Warner's amendments address many of these problems and LB340 must not be passed without such amendments or Nebraska's heritage will suffer. LB 691 has been operating
effectively in Oklahoma and should be given serious consideration.

Sincerely,
Cathie Masters, Vice President
Nebraska Association of
Professional Archeologists

CURRENT NAPA COMMITTEE CHAIRS, BOARDMEMBERS AND OFFICERS

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NAPA SCHEDULE

### Newsletter

1. February
   - Deadline for materials - January 31
2. May
   - Deadline for materials - April 30
3. September
   - Deadline for materials - August 31
4. December
   - Deadline for materials - November 30

### Boardmeetings

1. January
2. March
3. June
4. October
Annual Meeting of NAPA

The annual meeting of NAPA will be held during the Nebraska Academy of Sciences meetings in April. An additional meeting will be held at the Plains Conference.

Upcoming Meetings

Official NAPA Board Meeting - March 31, 1989
Annual Meeting (NE Academy of Science) - April 14, 1989

NEW APPOINTEES

Education Committee

Becky Otto, U.S. Corps of Engineers, Omaha, has accepted the position of chairperson replacing Rob Bozell. Becky has excellent experience working with volunteer organizations interested in archeology. Her background will definitely be an asset for NAPA. Her first goal will be to help establish a speaker's bureau to help organizations have greater access to NAPA members for talks on archeology. She will be contacting each member by mail requesting volunteers. Please seriously consider participating in the speaker's bureau. This is one of the greatest public relations avenues that we can take. She will also be developing a volunteer certification program involving continuing education for both professional and amateur archeologists. Her success depends upon your input, so feel free to contact her about your concerns and willingness to help.

Ad Hoc Finance Committee

Don Clark, Central Life Assurance Company, Omaha, has accepted the position of chairperson. Don has been involved with financial planning for personal, business, and professional organizations for over 30 years. Don's goal will be to outline financial avenues to facilitate the formation of education, research and possible group benefit packages for NAPA members. As with Becky, Don's chore will be much easier if he receives input from NAPA members. On the survey form sent with your renewal notice there are several financial questions. If you have not yet responded, please do so for this will give Don some initial feedback as to your interest. I expect that in the near future you will receive a more detailed questionnaire from Don. Please give him your support.

Ad Hoc Selection Committee

Alan Csborn, Department of Anthropology, University of Nebraska at Lincoln, has accepted the position as chairperson.
This position is needed because four boardmembers are to be elected this year at the annual meeting. Alan will work with Anne Wolley and Cathie Masters in finding nominees for the board. If you are interested please make sure that you fill out the volunteer form that was sent to you in your renewal package. We need your help! Please get involved and remember to come to the meeting on April 14 to place you vote!

GETTING THE WORD OUT

The newsletter is currently supposed to go out quarterly. We, unfortunately, have fallen behind. With the new schedule outlined above, this should be more controllable. The one thing that isn't controllable by setting a schedule is whether or not we have something to say. As a member of NAPA we need you to send Cathie any opinion, piece of information, field report, etc. that you would like to share with your colleagues. There are certain deadlines which we have set for each newsletter (see above). If your word does not get into one newsletter, we will try and put it into the next. Please remember that the newsletter is your best means to let us all know what fine activities you are doing! Brag and let us all know!

THANKS FOR THE GOOD RESPONSE

We want to thank the many who have already renewed their memberships for 1989, bringing the balance in our treasury to $1205.48. Keep those renewals coming. We are also very grateful to the following members who have made donations: Bill Hunt, Charles Mousel, and Jerry W. Carlson.

A FINAL WORD Cathie Masters, Editor

The reburial issue has made many of us keenly aware of the gap which exists between the public and the archeological profession. Many people view archeologists as grave robbers and the personification of Indiana Jones. There is a definite lack of understanding about the goals and methods of archeology. A large percentage of the public does not realize that most archeological projects are now being carried out for salvage. They believe that archeologists seek out grave sites, and chose sites for the rich harvest of valuable artifacts.

Listening to the testimony given at the hearing for LB340 has made me aware of the need for a concerted effort by the archeological community to improve its public image. Hopefully through the efforts of the education committee, NAPA can put some serious effort into establishing better public relations and a presence within the community. This goal cannot be accomplished through the efforts of the education committee alone. It will require the individual efforts of all the members to promote the benefits of archeology to the public. Please consider volunteering and putting time into preserving archeology.
LEGISLATURE OF NEBRASKA
NINETY-FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL

Introduced by
Ernie Chambers #11

Read first time

Committee:

FOR AN ACT relating to burial sites and skeletal remains; to adopt the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to amend section 28-1301, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty; to provide exceptions; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
descendants or other interested persons; and

(6) There are scientific, educational, religious, and cultural interests in the remains of our ancestors and those interests, whenever possible, should be served.

Sec. 3. The purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act shall be to:

(1) Ensure that all human burials are accorded equal treatment and respect for human dignity without reference to ethnic origins, cultural backgrounds, or religious affiliations by providing adequate protection for unmarked human burial sites and human skeletal remains located on all private and public lands within this state;

(2) Prohibit disturbance of unmarked human burial sites, except as expressly permitted by this act;

(3) Establish procedures for the proper care and protection of unmarked human burial sites, human skeletal remains, and burial goods found in this state;

(4) Ensure that all unmarked human burial sites discovered in this state are to be left undisturbed to the maximum extent possible unless such sites are in reasonable danger of destruction or unless there is evidence of criminal wrongdoing and that the disposition of the contents be carried out in accordance with the act; and

(5) Permit the scientific study and reinterment of human skeletal remains and burial goods.

Sec. 4. For purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act:

(1) Burial goods shall mean any items reasonably believed to have been intentionally placed with a human body at the time of burial for interment with such body;

(2) Human burial site shall mean any place where human skeletal remains are buried;

(3) Human skeletal remains shall mean the body or any part of the body of a deceased human in any stage of decomposition;

(4) Indian tribe shall mean any federally recognized or state-recognized Indian tribe, band, or community;

(5) Professional archaeologist shall mean a person having a postgraduate degree in archaeology, anthropology, history, or a related field with a specialization in archaeology and with demonstrated ability to design and execute an archaeological study and to present the written results and interpretations of such a study in a thorough, scientific, and timely manner; and

(6) Unmarked human burial shall mean any
interment by whatever means of human skeletal remains for which there exists no grave marker, including burials located in abandoned and neglected cemeteries.

Sec. 5. Any person who encounters or discovers human skeletal remains or burial goods associated with an unmarked human burial in or on the ground shall immediately cease any activity which may cause further disturbance of the unmarked human burial and shall within forty-eight hours report the presence and location of such remains or goods to a local law enforcement officer in the county in which the remains are found. Any person who knowingly fails to make such a report shall be guilty of a Class III misdemeanor.

Sec. 6. A law enforcement officer who receives notification pursuant to section 5 of this act shall promptly notify the landowner, the county attorney, and the Nebraska State Historical Society.

Sec. 7. Upon notification pursuant to section 6 of this act, the county attorney shall determine whether the remains are associated with or suspected of association with any crime and, if a determination of prosecutable criminal activity is made, shall retain custody of the remains in accordance with routine procedures until such time as the remains may be reburied in accordance with the Unmarked Human Burial Sites and Skeletal Remains Protection Act.

Sec. 8. (1) Upon notification pursuant to section 6 of this act, the Nebraska State Historical Society shall promptly assist in examining the discovered material to attempt to determine its origin and identity.

(2) If such society finds that the discovered human skeletal remains or burial goods are of non-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.

(3) If such society finds that the discovered human skeletal remains or burial goods are of American Indian origin with known or unknown tribal or personal identification, it shall promptly notify in writing the Nebraska Indian Commission and any persons or Indian tribes reasonably identified as associated with such remains or goods to ascertain the wishes of the person or Indian tribe, if any, as to reburial or other disposition. Reburial, if requested by any such person
or Indian tribe, shall be by and at the expense of such person or Indian tribe. In all other cases, the remains or goods shall be reburied as provided in subsection (2) of this section after a one-year scientific study period if such study period is considered necessary or desirable by such society. In situations when unclaimed remains or goods are clearly found to be of extremely important, irreplaceable, and intrinsic scientific value, the remains or goods may be curated by such society until the remains or goods may be reinterred without impairing their scientific value. During such curation period, the remains or goods shall not be displayed.

Sec. 9. Notwithstanding any other provision of law, any institution, agency, organization, or other entity in this state which receives funding or official recognition from the state or any of its political subdivisions and which has in its possession or control on the effective date of this act any disinterred human skeletal remains or burial goods, regardless of their present location, shall, within one year of the effective date of this act, return to the descendants or descendant Indian tribes upon request of such descendants or tribes for reburial or otherwise cause to be reinterred pursuant to subsections (2) and (3) of section 8 of this act all reasonably identifiable human skeletal remains and burial goods, except that the Nebraska State Historical Society shall return all reasonably identifiable Pawnee skeletal remains and burial goods to the Pawnee tribe for reburial beginning on September 10, 1989.

Sec. 10. (1) Any person, Indian tribe, or Indian tribal member shall have a civil cause of action against any person alleged to have violated the Unmarked Human Burial Sites and Skeletal Remains Protection Act or section 28-1301. The action shall be brought within two years of discovery by the plaintiff of the alleged violation or within two years of the effective date of this act, whichever is later. The action shall be filed either in the district court of the county in which the unmarked human burial, human skeletal remains, or burial goods are located or in which the defendant resides.

(2) If the plaintiff prevails in an action brought pursuant to this section:

(a) the court may award reasonable attorney's fees to the plaintiff and may grant injunctive or other appropriate relief, including forfeiture of any human skeletal remains or burial goods acquired or equipment used in the violation. The court shall order the disposition of any items forfeited, including the reinterment of any human skeletal remains or burial goods pursuant to the act; and
(b) The plaintiff may recover actual damages or statutory damages of five hundred dollars for each violation, whichever is greater. Actual damages shall include special and general damages, including damages for emotional distress. An award of statutory damages may be made for each violation. If more than one defendant is found to have participated in a violation, an award of statutory damages may be made against each defendant.

(3) If the defendant prevails in an action brought pursuant to this section, the court may award reasonable attorney's fees to the defendant.

Sec. 11. That section 28-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1301. (1) The definitions found in section 4 of this act shall apply to this section.

(2) Except as provided in subsection (a), (2) (3) of this section, a person commits the offense of removing, abandoning, or concealing a dead human skeletal remains or burial goods body if he or she:

(a) Shall dig up, disinter, remove, or carry knowingly digs up, disinter, removes, or carries away from its place of deposit or burial any dead human body or the such remains thereof or shall attempt or goods. attempts to do the same. or aids, incites, assists, encourages, or procures or shall attempt in the same to be done;

(b) Threws Knowingly throws away or abandons any dead human body, or any portion thereof, such remains or goods in any place other than a regular place for burial and under a proper death certificate issued under either section 71-182, or section 71-605; or

(c) Receipts, conceals, purchases, sells, transports, trades, or disposes of any dead human body or the such remains thereof, knowing or having or goods if the person knows or has reason to know that the same had such remains or goods have been dug up, disinterred, or removed from its place of deposit or burial or has not been reported in a proper death certificate issued under either section 71-182, or section 71-605, attempts to do the same, or aids, incites, assists, or encourages, or procures the same to be done.

(2) This section (2) The above-mentioned acts shall not apply to—(a) A body the bodies authorized to be surrendered for purposes of dissection as provided by law; nor shall they apply to (b) the body of any person directed to be delivered up by competent authority for purposes of dissection; nor shall they apply to nor be construed to prevent (a) the officers of any lawfully constituted cemetery, while acting under the direction of its the board of trustees, from in removing any body
or the remains thereof human skeletal remains or burial goods from one place of burial in said the cemetery to another place in the same cemetery when disinterment and reinterment permits are secured and return made thereof as prescribed in pursuant to section 71-605; nor shall they apply to nor be construed to prevent (d) any person or persons from removing the bodies or remains thereof human skeletal remains or burial goods of their relatives a relative or intimate friends friend, from one place of burial to another; PROVIDED, that in case such last-mentioned burial had been in any lawfully constituted cemetery, to another when consent for such removal shall be has been obtained from the lawfully constituted authority thereof, and permits for disinterment and reinterment are secured and return made thereof as prescribed in pursuant to section 71-605; (f) any professional archaeologist engaged in an otherwise lawful and scholarly excavation of a nonburial domestic site who unintentionally encounters human skeletal remains or associated burial goods if the archaeologist complies with the notification requirements of the Unmarked Human Burial Sites and Skeletal Remains Protection Act; or (f) any archaeological excavation by the Nebraska State Historical Society or its designee in the course of execution of the duties of the society if any human skeletal remains or associated burial goods discovered during such excavation are disposed of pursuant to section 8 of this act.

(2) Removal, concealment, or abandonment of dead human bodies is Violation of this section shall be a Class I misdemeanor.

Sec. 12. That original section 28-1301, Reissue Revised Statutes of Nebraska, 1943, is repealed.
AMENDMENTS TO LB 340

1. On page 3, line 2, strike "descendants" and insert "relatives" and in line 25, strike "or unless" and insert "such sites need to be moved for a highway, road, or street construction project, or"

2. On page 4, line 10, strike "a human body" and insert "specific human remains" in line 11 strike "body" and insert "remains" in line 12 strike "any" and insert "the specific" and in line 13 after "where" insert "any" and after "buried" insert "and the immediately surrounding area"

3. On page 6, strike beginning with "with" in line 24 through "identification" in line 25.

4. On page 7, line 1, strike "persons or" and insert "known relatives in the order listed in section 71-1339 or if no relatives are known any" in line 3 after "goods" insert "in order", after "ascertain" insert "and follow", and strike "person" and insert "relative"; in line 5 strike "if requested" and strike "person" and insert "relative"; in line 6 strike the comma; strike line 7 and insert "relative or Indian tribe". In cases in which reasonably identifiable

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to such relative or tribe for burial all such remains
and goods by September 10, 1989,; and in line 14 after
"have" insert "intentionally".
6. On page 9, strike lines 8 through 16 and
insert
"(b) The plaintiff may recover actual damages
for each violation."
LEGISLATURE OF NEBRASKA
NINETY-FIRST LEGISLATURE
FIRST SESSION

A BILL

INTRODUCED BY

Read first time, Jan 19 1949
Committee:

FOR AN ACT relating to human remains; to adopt the
Unmarked Human Burial and Skeletal Remains
Protection Act.

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

Section 1. This act shall be known and may be
cited as the Unmarked Human Burial and Skeletal Remains
Protection Act.

Sec. 2. For purposes of the Unmarked Human
Burial and Skeletal Remains Protection Act:

(1) Burial furniture shall mean any item
intentionally placed with human remains at the time of
burial, including, but not limited to, burial markers,
items of personal adornment, casket and hardware, stone,
bone, shell and metal ornaments, and pottery vessels;

(2) Burial grounds shall mean any place where
human skeletal remains are buried;

(3) Director of the museum shall mean the
director of the state museum at the University of
Nebraska-Lincoln or his or her designee;

(4) Director of the society shall mean the
Director of the Nebraska State Historical Society or his
or her designee; and

(5) Human skeletal remains shall mean the bony
portion of the human body which remains after the flesh
has decomposed.

Sec. 2. Any nonprofit educational
institution, governmental institution, or museum which
comes into possession or knowledge of human skeletal
remains or burial furniture from Nebraska shall, if
possible, consult with tribal leaders designated by the

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Commission on Indian Affairs regarding the final disposition of such remains or furniture prior to conducting any activities for scientific or educational purposes. If direct historical ties to an existing tribal group cannot be established, the institution or museum shall, consult with the State Historic Preservation Officer, the director of the museum, and the director of the society regarding final disposition of the remains or furniture. If the remains or furniture are not directly related to a tribal group or if the remains or furniture are not claimed by the tribal group consulted, the State Historic Preservation Officer, the director of the museum, and the director of the society may designate a repository for curation of the remains or furniture for scientific purposes.

Sec. 3. (1) Any person who encounters or discovers human skeletal remains or burial furniture or what he or she believes to be human skeletal remains or burial furniture in or on the ground shall immediately cease any activity which may disturb the remains or furniture and shall report the encounter or discovery and location thereof to a law enforcement officer.

(2) Any law enforcement officer who receives a report pursuant to subsection (1) of this section shall, if he or she has reason to believe that the remains are human skeletal remains, promptly notify the landowner

and county attorney of the encounter or discovery. If the county attorney determines that the remains are not associated with or suspected of association with a crime, the county attorney shall notify the State Historic Preservation Officer or the director of the society within fifteen days of such determination.

The State Historic Preservation Officer or the director of the society, upon receipt of such notification, shall inspect the remains or furniture to determine if the remains or furniture have a direct historical tie to a tribal group and, upon making such a determination, shall consult with the tribal leaders designated by the Commission on Indian Affairs within fifteen days of such determination regarding final disposition of the remains or furniture and, if the State Historic Preservation Officer makes the determination, notify the director of the society.

Sec. 4. Any person who willfully fails to report as required by subsection (1) of this act within forty-eight hours of the encounter or discovery shall be guilty of a Class III misdemeanor.

Sec. 5. Any person other than a law enforcement officer, licensed funeral director or mortician, or professional archaeologist or physical anthropologist or other official in the performance of his or her official duties as prescribed by law who
knowingly disturbs human skeletal remains or burial furniture shall be guilty of a Class I misdemeanor.

Sec. 6. Any person other than a law enforcement officer, licensed funeral director or mortician, or professional archaeologist or physical anthropologist or other official in the performance of his or her official duties as prescribed by law who disturbs or permits the disturbance of a burial ground with the intent to obtain human skeletal remains or burial furniture shall be guilty of a Class I misdemeanor.

Sec. 7. Any person who knowingly buys, sells, or barter for profit human skeletal remains or burial furniture from Nebraska shall be guilty of a Class I misdemeanor.

Sec. 8. Any person who knowingly displays an open burial ground or burial furniture or human skeletal remains from Nebraska for profit or to aid and abet a commercial enterprise shall be guilty of a Class III misdemeanor. Each day of display shall constitute a separate offense.