

Burial Preservation Board
Administrative Rules Subcommittee
Draft Meeting Minutes
December 1, 2008
1:00 - 2:30 p.m.

Members Present: Reuben Mathias (Chairperson): Confederated Salish-Kootenai Tribe Representative
Mickey Nelson, Coroner's Association Representative
Randy Skelton: Physical Anthropologist
Stephen Platt: Montana Historical Society Representative

Staff: Michael P. Manion, Chief Legal Counsel, Department of Administration
Shannon Lewis, Department of Administration
Andy Huff, Legal Counsel, Governor's Budget & Program Planning Office
Stan Wilmoth, State Archaeologist, Montana Historical Society

Minutes: Shannon Lewis

Call to Order:

Action

Reuben Mathias called to the meeting to order at 1:00 p.m.

Review Draft Administrative Rules

Discussion

Mike reviewed the draft Administrative Rules. The rules are based upon the Montana Code Annotated and Administrative Rules from other boards that hold hearings. The rules contain some broad assumptions such as the power of subpoena. It was questioned whether the Burial Preservation Board would need to hold such power.

Reuben believed that it would be better to draft the rules to include the power of subpoena so that the board would not be limited in its power. There have been cases in the past among Tribes that have had their artifacts exploited and have been limited in their ability to have the items returned.

Mike Manion will research the necessity of having the power to issue subpoenas.

The group also discussed who should hold the hearings. An attorney is generally the person who holds the hearing, but it is unclear how many attorneys around the state have experience with expertise in the area of repatriation. It was also discussed if the attorney would be appointed or selected by the board.

Mike Manion will compile a list of attorneys who can hold hearings.

Review the Burial Board Brochure:

Andy Huff presented the draft brochure outlining the procedures that are followed if Human Skeletal Remains are found. The brochure was well received and the group agreed to discuss the brochure further at the May meeting.

Motion:

Mickey moved and Reuben seconded a motion that all of what was discussed in the subcommittee be reported to the entire board at the May meeting.

Decision:

The motion to report out on all of what was discussed in the subcommittee is reported to the entire board at the May meeting passed unanimously.