



WISCONSIN LEGISLATIVE COUNCIL

PRESERVATION OF BURIAL SITES

Room 411 South
State Capitol

August 2, 2016
10:00 a.m. – 4:05 p.m.

[The following is a summary of the August 2, 2016 meeting of the Study Committee on Preservation of Burial Sites. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.wisconsin.gov/lc>.]

Call to Order and Roll Call

Chair Loudenbeck called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Rep. Amy Loudenbeck, Chair; Rep. Robert Brooks, Vice-Chair; Rep. Dave Considine; and Sen. Jon Erpenbach; and Public Members Conrad Goodkind, William Green, David Grignon, Kira Kaufmann, Justin Oeth, E. Glen Porter, Bill Quackenbush, Robert Shea, and Chad Wuebben.

COUNCIL STAFF PRESENT: Anna Henning, Senior Staff Attorney; Amber Otis, Staff Attorney; and Tracey Young, Support Staff.

APPEARANCES: Terry Anderson, Director, Legislative Council Staff; Ellsworth Brown, Director, and Chip Harry L. Brown III, Government Assistance and Training Specialist, Wisconsin Historical Society; Nate Yahn, Legislative Advisor, Department of Transportation (DOT); Steve Krebs, Director, Jim Becker, Archeology Program Manager, and Jason Kennedy, Environmental Analysis Review Specialist, Bureau of Technical Services, DOT; Patricia Richards, Ph.D., Senior Scientist, Department of Anthropology, University of Wisconsin – Milwaukee.

Opening Remarks

Chair Loudenbeck welcomed committee members and introduced Terry Anderson, Director of the Legislative Council staff. Mr. Anderson welcomed committee members and thanked members for their service.

Introduction of Committee Members

At the invitation of the chair, committee members introduced themselves and provided brief explanations of their backgrounds and interest in the committee's topic.

Presentation by the Legislative Council Committee Staff

Anna Henning, Senior Staff Attorney and Amber Otis, Staff Attorney, Legislative Council Staff

Ms. Henning provided details regarding the process of committee deliberations. She also described the materials that had been distributed to members and summarized certain background information relating to the burial sites preservation law.

Ms. Otis provided an overview of current law relating to the preservation of burial sites. She noted that more detailed information can be found in Staff Brief 2016-04, *Preservation of Burial Sites*.

Presentation by Ellsworth H. Brown Ph.D., Director, Wisconsin Historical Society

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Dr. Brown provided an overview of the Wisconsin Historical Society's role regarding the administration of the burial sites preservation law and answered committee members' questions together with Chip Harry L. Brown III, Government Assistance and Training Specialist at the Wisconsin Historical Society.

During the presentation, Dr. Brown noted that the current law generally works well. He emphasized that the process of cataloging burial sites is currently implemented cooperatively with landowners. He stated that since the burial sites preservation law was enacted, a contested case hearing has been held in only three instances.

Dr. Brown proposed the following three modifications to current law: (1) create or authorize a Native American organization to determine disposition of Native remains; (2) clarify or expand definitions including "burial site," "human remains," and the analysis and registry of interested persons; and (3) include time frames for the review process in the statute.

Presentation by Department of Transportation

Steve Krebs, Director; Jim Becker, Archeology Program Manager; and Jason Kennedy, Environmental Analysis Review Specialist, Department of Transportation Bureau of Technical Services

Nate Yahn, Legislative Advisor for the Department of Transportation (DOT), introduced the panel of DOT staff. Mr. Krebs summarized the policies and procedures that the department employs when buried remains are encountered in connection with a transportation project.

Mr. Becker described a specific situation that arose during a reconstruction project in Calumetville. He also described challenges that the department has encountered with respect to the preservation of burial sites law and suggested possible modifications to current law.

DOT staff then responded to committee members' questions.

Presentation by Patricia Richards, Ph.D., Senior Scientist, Department of Anthropology, University of Wisconsin - Milwaukee

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Dr. Richards provided relevant background information regarding the historical context for the burial sites preservation law and presented three case studies in which human remains buried in historical cemeteries were relocated. The specific cemeteries discussed included the Old Catholic Cemetery, the Milwaukee County Grounds Froedtert Tract Cemetery, and the Second Ward Cemetery (also called the Gruenhagen Cemetery).

Following her presentation, Dr. Richards responded to questions from committee members.

Discussion of Committee Assignment

Chair Loudenbeck facilitated a discussion of the committee's assignment.

Committee members offered suggestions for possible topics for future presenters and engaged in a preliminary discussion of various options for consideration. Examples of suggested speakers include experts regarding technology, burial mounds, and tribal culture.

Legislative Council staff said that they would work with the chair to compile various suggestions made by presenters and committee members, together with relevant background information.

Other Business

There was no other business before the committee.

Plans for Future Meetings

Chair Loudenbeck announced future meeting dates scheduled for the committee: **Thursday, September 8, 2016, Wednesday, October 5, 2016 and Thursday, November 10, 2016.**

Adjournment

The meeting was adjourned at 4:05 p.m.

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