

State of Misconsin 2017 - 2018 LEGISLATURE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 157.70 (2) (a) of the statutes; relating to: cataloging land

2 contiguous to a burial site.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on the Preservation of Burial Sites. It increases the minimum width of sufficient contiguous land that must be included surrounding a burial site and provides a new exception to the minimum width requirement.

For burial sites that are not located in a platted cemetery, current law requires the director of the historical society to include sufficient contiguous land necessary to protect a burial site from disturbance when recording a burial site in a catalog. Under current law, "sufficient contiguous land" means land that is within at least five feet from any part of a burial site. As a matter of practice, the director typically seeks to include an area of contiguous land that is within 15 feet from the burial site when recording a site in the catalog.

The bill amends the definition of "sufficient contiguous land" to increase the minimum width of such land to 10 feet. However, the bill provides an exception to the minimum width requirement in situations in which the director of the historical society

determines, based on the unique characteristics of the land, that a shorter distance is sufficient to protect the burial site from disturbance.

SECTION 1. 157.70 (2) (a) of the statutes is amended to read:

 $\mathbf{2}$ 157.70 (2) (a) Under a special inspection warrant as required under s. 66.0119, 3 identify and record in a catalog burial sites in this state and, for burial sites which 4 are not dedicated, sufficient contiguous land necessary to protect the burial site from $\mathbf{5}$ disturbance, and notify in writing every owner of a burial site or of such land so 6 recorded and any county or local historical society in the county where the burial site 7 or the land is located. Any information in the catalog related to the location of any 8 burial site, the disclosure of which would be likely to result in the disturbance of the 9 burial site or the cataloged land contiguous to the burial site, is not subject to s. 19.35 (1). The notice shall include information about the permit required under sub. (5) 10 11 and the toll free number the owner may call for more information. In this paragraph, 12"sufficient contiguous land" means land that is within at least <u>5</u><u>10</u> feet from any 13part of a burial site, unless the director determines based on the unique 14 characteristics of the land that a shorter distance is sufficient to protect the burial site from disturbance. 1516 **SECTION 2. Initial applicability.**

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17 (1) This act first applies to a burial site that is cataloged, as defined in section
18 157.70 (1) (c) of the statutes, on the effective date of this subsection.

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(END)