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## State of Misconsin 2017 - 2018 LEGISLATURE

LRB-0404/P2 FFK:jld

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 709.03 (form) C. 21m. of the statutes; relating to: disclosure

of burial sites located on residential real estate.

## Analysis by the Legislative Reference Bureau

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

Generally, under current law, information related to the location of any burial site, the disclosure of which is likely to result in a disturbance, is not subject to disclosure as a public record. However, upon request, the Wisconsin Historical Society will provide access to information about burial sites on a land parcel to persons owning or leasing the land parcel or conducting due diligence on a land parcel prior to purchase or land transfer.

In the context of real estate transactions, current law requires sellers in certain circumstances to disclose the existence of burial sites on the property for sale. Specifically, for real property that does not include any buildings, current law requires a property owner to disclose to a prospective buyer whether the owner is aware of burial sites on the property. An owner is considered to be aware of a burial site if the owner has notice or knowledge of the burial site. This disclosure must be included on the form titled "Vacant Land Disclosure Report."

This bill creates a similar requirement in transactions concerning real property that includes one to four dwelling units. Specifically, the bill requires that an owner of real property that includes one to four dwelling units disclose to a prospective buyer whether the owner is aware of one or more burial sites on the property. The bill adds this disclosure as a mandatory component of the "Real Estate Condition Report" used in residential real estate transactions. Finally, the bill directs the prospective buyer to contact the Wisconsin Historical Society for further information regarding the presence, preservation, and potential disturbance of burial sites.

1 **Section 1.** 709.03 (form) C. 21m. of the statutes is created to read: 2 **709.03** (form) 3 C. 21m. I am aware of one or more burial sites on the 4 (For information regarding the property. 5 presence, preservation, and potential distur-6 bance of burial sites, contact the Wisconsin 7 Historical Society at 608-264-6535 or 8 www.wisconsinhistory.org.) SECTION 2. Nonstatutory provisions. 9 10 (1) Notwithstanding section 709.035 of the statutes, the treatment of section 11 709.03 (form) C. 21m. of the statutes does not require a property owner who has 12 furnished to a prospective buyer of the property an original or amended report before 13 the effective date of this subsection to submit an amended report with respect to the information required by section 709.03 (form) C. 21m. of the statutes. 14 15 SECTION 3. Initial applicability. 16 (1) The treatment of section 709.03 (form) C. 21m. of the statutes first applies 17 to reports furnished on the effective date of this subsection. 18 Section 4. Effective date. 19 (1) This act takes effect on the first day of the 4th month beginning after 20 publication. 21 (END)