



Amy Loudenbeck

REPRESENTING WISCONSIN'S 31ST ASSEMBLY DISTRICT

**REMARKS OF REPRESENTATIVE AMY LOUDENBECK, CHAIR,
STUDY COMMITTEE ON THE PRESERVATION OF BURIAL
SITES,
BEFORE THE ASSEMBLY COMMITTEE ON ENVIRONMENT AND
FORESTRY**

October 3, 2017

Thank you Chair Mursau and committee members. Thank you for holding this hearing on Assembly Bill 118, which the Study Committee on the Preservation of Burial Sites recommended for introduction by the Joint Legislative Council.

It was my pleasure to serve as chair of the Study Committee. I'd like to thank Representative Rob Brooks, who served as vice chair, and all of the other Study Committee members for their hard work as we considered the difficult issue of burial site preservation over the course of five day-long meetings last summer and fall.

The Study Committee was tasked with reviewing Wisconsin's current burial sites preservation law to determine whether it adequately balances the interests of scientists, landowners, developers, and others with an interest in a burial site, including those with a kinship interest and those with a general cultural, tribal, or religious affiliation.

Membership of the Study Committee consisted of three representatives, one senator, and nine public members. The public members included the President of the Wisconsin Historical Society's Board of Curators, two tribal representatives with preservation expertise, an anthropologist, an archaeologist, a real estate attorney, a cematarian, and two owners of construction-related companies.

The Study Committee heard testimony from state agencies, professionals, and numerous other stakeholders throughout the course of its study. All members of the Study Committee were also encouraged to offer suggested changes to the current burial sites preservation law based on the testimony provided to the committee, as well as members' own professional experience.

The committee reviewed and analyzed eight preliminary bill drafts. Each committee member's suggestions received committee attention and robust discussion. The final bill draft, which was introduced by the Joint Legislative



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Council and became AB 118, is a consolidated bill that includes all proposals for which the study committee reached clear majority consensus.

I am proud of the bill, and also of the level of engagement and respect demonstrated by committee members throughout the process.

The bill's key provisions include the following:

- Creating a new disclosure provision in the real estate condition report for certain residential properties, requiring sellers to disclose to potential buyers whether the seller is aware of one or more burial sites on the property.
- Creating new evidentiary requirements for the historical society to consider when determining whether to record a burial site in a catalog of burial sites under the preservation law, as well as a new procedure for a landowner to contest decisions to record burial sites and surrounding land in the catalog.
- Creating a new statutory procedure for removing burial sites and land from the catalog, including three types of evidence that the historical society's director may rely upon to determine that there is not sufficient evidence for cataloging the land.
- Increasing the minimum width from five to 10 feet for the "sufficient contiguous land" that must be recorded in the catalog together with a burial site, as well as creating a new exception to the minimum width requirement for circumstances in which, based on the unique characteristics of the land, a shorter distance is sufficient to protect the burial site.
- Modifying of the method for selecting tribal members of the Burial Sites Preservation Board to allow submissions of names from any federally-recognized tribe in the state.
- Creating a new, optional role for the Wisconsin Inter-Tribal Repatriations Committee, or its designee, in decisions regarding the disposition of tribal remains and objects removed from a burial site.
- Amending various aspects of current law to clarify statutory discrepancies or reflect current practice.

Thank you again for hearing the bill today, and I would be happy to answer any questions. Anna Henning from Legislative Council can also answer questions.



WISCONSIN
HISTORICAL
SOCIETY

TO: The Assembly Committee on Environment and Forestry

FROM: Dr. Ellsworth Brown, Director

RE: Testimony on AB 118

DATE: October 3, 2017

Thank you Chair Mursau and Committee members for the opportunity to comment on AB118. I also want to thank the Study Committee on the Preservation of Burial Sites, especially the committee's Chair, Representative Amy Loudenberg, for its hard work.

For over 30 years, Wisconsin Historical Society directors have successfully carried out the provisions of the Burial Sites Preservation statutes. We have enabled economic development projects to move forward and assured the rights of property owners, all while preserving Wisconsin's diverse heritage.

The final product of the study committee represents input from many groups and individuals from across the state and has identified areas for improvement. We feel that AB 118 will improve the program and its processes, continuing to protect human burials while balancing the needs and interests of all parties.

We are happy to assist the committee in its deliberations on this bill. Please feel free to call on us for clarification or other assistance.



Ho-Chunk Nation

Department of Heritage Preservation

Testimony on AB 118 for the Committee on Environment and Forestry

Tuesday, October 3, 2017

Good afternoon, Chairman Mursau and the esteemed members of the Environment and Forestry Committee.

I would like to take a quick moment to thank you for your leadership on this committee knowing that not everything that comes before you is as simple as it may appear and definitely, not universally agreed upon. I sense that no matter how complex an issue is, that whenever the minds are open and there is an incredible investment of time and thought, common ground is never too far off in the distance.

My name is Jon Greendeer and I am proudly serving President Cleveland and the Ho-Chunk Nation as the Executive Director of Heritage Preservation. It's an overwhelming but extremely rewarding responsibility ensuring everything both you and I have ever heard about indigenous history and the incredible means of survival our ancestors demonstrated is passed down to our younger generations.

It's a tall order if you think about how Westernization, boarding schools, and intergenerational trauma has affected how we, as Native people, think today. Add the fact there is this huge communication chasm between our elders and millennials which threaten the very transfer of this ancient culture based in oral tradition; the expectations of our jobs sometimes seems unattainable, but we have these incredible moments that tell us we're not only surviving, but are making progressive strides with revitalization efforts. So much of what we do [with Heritage Preservation] isn't just gathering and storing information and artifacts but more about creating *environments* where those *who know* can be with those who *want* to know and that's just one way.

To share a little of this way of life, when I was young, I wasn't allowed to go to any wakes or funerals when someone passed. I didn't know why but neither were any other kids. I suppose I could have asked if I knew or saw anything else done differently but that's just the way things were. When I was old enough to go to a traditional funeral, I learned right away that we don't want to give any reason for the soul of those who had passed to not want to go onto that next chapter of life. We wished to give no reason for them to "turn around" on their journey so no matter how bad we felt, we were told not to cry or have thoughts that hold them back. In fact, we show a spirited happiness, thankfulness for their being, and that we'll be ok in their absence.

When our respects were paid, we left without even glancing back. The workers would make sure the final needs were met so they could begin their journey and that was it. From that point on, we had to, just as we do today, move on with the business of the living with no reason to attempt to gather more information or manufacture connections. This is why the Ho-Chunk Nation and most other tribes have no process or ceremony for reinterment of human remains. Once a person passes they are supposed to stay in their resting spot forever. So, if this is the only life you've ever known, you almost have to



Ho-Chunk Nation

Department of Heritage Preservation

appreciate how uncomfortable it is to have how we hold burials propelled into the lights of cameras and newspapers with twitter feeds, hashtags, and other social media vehicles.

Last year the Ho-Chunk Nation felt the very sanctity of these sacred resting places was threatened by Assembly Bill 620. The #savethemounds campaign began as a means to provide awareness to a potential threat these sites were facing and education for those who probably didn't know or have a reason to know why they should not be disturbed. It was clear that even after brief discussions about Wisconsin's mound history, AB 620 was on shaky ground and soon lost support but it was not without purpose.

Resulting from this incredible exercise of the Legislative Process, the Legislative Council Study Committee on the Preservation of Burial Sites was formed to take an in-depth look at Wisconsin's Burial Law and recommend changes that affectively balance the rights of property owners and affords basic protections and recognitions to ancient catalogued burials. Assembly Bill 118 is the final product and while no bill before our state's legislature is guaranteed to be absolute, it is certainly the result of all parts and all interests working together.

Does it fix all? Certainly not. Does it satisfy everyone? No. The Ho-Chunk Nation supports Assembly Bill 118 because it supports the protection of catalogued sites NOT because it prevents commerce or impedes development. In fact, we encourage economic growth and good partnerships to move our shared communities forward together.

Although the work behind the ink of AB 118 may not show for all who read it, it shines for those who spend their days in the field working routinely with inadvertent discoveries, landscape design, or repatriation. We are glad to know that these specialists overwhelmingly agree and we are glad that our state lawmakers who may not know the elements and practices of our traditional ways understand the universal respect we have for one another and that final resting places are sacred in every way of life.

Pinagigi,

A handwritten signature in cursive script that reads "Jon Greendeer".

Maašųsga (Jon Greendeer)

Executive Director of Heritage Preservation

William Quackenbush
President

Melinda Young
Vice-President

Corina Williams
Treasurer

Adam VanZile
Secretary

September 28th, 2017

Representative Jeffrey Mursau
Chair, Assembly Committee on Environment and Forestry
Room 113 West
P.O. Box 8953
State Capitol
Madison, WI 53708

The mission of the Wisconsin Inter-Tribal Repatriation Committee (WITRC), a subcommittee of the Great Lakes Inter-Tribal Council (GLITC), is, as a unified voice, to repatriate and re-inter unidentified ancestral remains. We shall also defend all ancestral burials and traditional cultural properties from disinterment or desecration. We, as a unified group, are uniquely qualified to address historic issues and consult on matters pertaining to the National Historic Preservation Act of 1966 (NHPA) as amended and its regulations 36 CFR 800. As such, we shall incorporate those efforts within the WITRC to enhance our individual tribal responsibilities.

The Wisconsin Inter-Tribal Repatriation Committee are in support of Assembly Bill 118 in its entirety, without modification, currently under review by the Assembly Committee on Environment and Forestry. We recognize that Assembly Bill 118 modifies the Wisconsin State Burial Sites Preservation Law 157.70.

WITRC acknowledges and looks forward to its new role in the disposition of Native American remains under these new provisions.

We thank the Committee for their consideration of these comments.

Respectfully,

Wisconsin Inter-Tribal Repatriation Committee

**Wisconsin Inter-Tribal
Repatriation
Committee**

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