



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0402/P2  
MPG:ahe

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to repeal* 157.70 (2) (f); *to consolidate, renumber and amend* 157.70  
2           (5) (b) (intro.) and 1.; *to amend* 157.70 (2) (e), 157.70 (2m) (b), 157.70 (2m) (c)  
3           and 157.70 (5) (b) 2.; and *to create* 157.70 (9m) of the statutes; **relating to:**  
4           registry of and notice to persons having an interest in a burial site and  
5           submission of electronic documents to the State Historical Society and Burial  
6           Sites Preservation Board.

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***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.

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***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. The bill amends the scope of the registry of persons with an interest in a burial site, the method for notifying interested persons of an application for a permit to disturb a cataloged burial site, and the manner in which the state historical society and burial sites preservation board receive applications and other documents.

Scope of the Registry

Under current law, the director of the state historical society must maintain a registry of persons with an interest in a cataloged burial site or class of cataloged burial sites. However, the procedure for potential disturbances to uncataloged burial sites requires the director to determine whether the registry shows that any person has an interest in an uncataloged site for which a disturbance is proposed.

The bill amends the scope of the registry to clarify this discrepancy. Specifically, the bill removes the requirement that a person has an interest in a cataloged burial site or class of cataloged burial sites, so as to include in the registry persons with interests in uncataloged burial sites. This change conforms to the current practices of the state historical society and burial sites preservation board.

Notice to Interested Persons of Application for Permit to Disturb

Under current law, an applicant seeking a permit to disturb a cataloged burial site must request that the director of the state historical society send the applicant the names of all interested persons on the registry for the cataloged burial site. Using a form provided by the director, the applicant must notify the interested persons of the proposed disturbance and information on the notified person's right to a hearing on whether the director should grant the permit.

The bill requires the state historical society, rather than the applicant, to notify any interested person shown on the registry of the proposed disturbance and information on the person's right to a hearing on whether the director should grant the permit. The bill removes the requirement that the permit application include the names and addresses of interested persons shown on the registry. This change conforms to the current practice of the state historical society.

Electronic Submission

Under current law, s. 157.70, Stats., neither prohibits nor requires any particular method for submitting applications and other documents to the state historical society. The bill creates a requirement that the state historical society and burial sites preservation board accept any electronic submission of applications and other documents required under s. 157.70, Stats., but does not require an applicant or person corresponding with the society or the board to submit materials electronically.

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

2           157.70 (2) (e) Establish a registry for any person whom the board determines  
3 to have an interest in a cataloged burial site or class of cataloged burial sites under  
4 sub. (2m) (b) or (c). The registry shall include the name of every person whom the  
5 board determines to have an interest in the preservation of a burial site or in  
6 providing for the reinterment of the human remains and objects related to burial in  
7 the burial site if the burial site is disturbed and identify the burial site in which the  
8 person is determined to have an interest. Any information in the registry related to  
9 the location of any burial site, the disclosure of which would be likely to result in  
10 disturbance of the burial site, is not subject to disclosure under s. 19.35 (1).

1           **SECTION 2.** 157.70 (2) (f) of the statutes is repealed.

2           **SECTION 3.** 157.70 (2m) (b) of the statutes is amended to read:

3           157.70 **(2m)** (b) Determine which Indian tribes in this state have an interest  
4 in any eataloged burial site or class of eataloged burial sites and notify the director  
5 for entry in the registry under sub. (2) (e).

6           **SECTION 4.** 157.70 (2m) (c) of the statutes is amended to read:

7           157.70 **(2m)** (c) Determine which applicants for entry in the registry under sub.  
8 (2p) have an interest in a eataloged burial site or class of eataloged burial sites.

9           **SECTION 5.** 157.70 (5) (b) (intro.) and 1. of the statutes are consolidated,  
10 renumbered 157.70 (5) (b) 1. and amended to read:

11           157.70 **(5)** (b) 1. Any person who intends to cause or permit any activity on a  
12 cataloged burial site or on cataloged land contiguous to a cataloged burial site which  
13 in any way might disturb the burial site or the land shall: ~~1. Apply~~ apply to the  
14 director for a permit to disturb the burial site or the land. The application shall  
15 include the purpose of the disturbance ~~and the names and addresses of any persons~~  
16 ~~notified under subd. 2. The director shall send the applicant the names of any person~~  
17 ~~in the registry with an interest in the burial site.~~

18           **SECTION 6.** 157.70 (5) (b) 2. of the statutes is amended to read:

19           157.70 **(5)** (b) 2. ~~On a form provided by the~~ The director; shall notify any person  
20 ~~whose name the director has sent under subd. 1. shown on the registry under sub.~~  
21 ~~(2) (e) to have an interest in the burial site~~ of the proposed disturbance. The notice  
22 to any person under this subdivision shall include information on the notified  
23 person's right to a hearing on whether the director should grant a permit to disturb  
24 the burial site or the land.

25           **SECTION 7.** 157.70 (9m) of the statutes is created to read:

1           157.70 **(9m)** ELECTRONIC SUBMISSION OF DOCUMENTS. The historical society and  
2 the board shall accept the electronic transmittal of any application or other  
3 document required to be submitted under this subchapter.

          COMMENT. Under current law, section 157.70, Stats., neither prohibits nor requires any particular method for submitting applications and other documents to the state historical society. However, certain provisions in chs. HS 1 and 2, Wis. Adm. Code, require documents be mailed to the state historical society at a specified mailing address. The bill creates a requirement that the historical society must accept any electronic submission of applications and other documents, but does not make electronic submissions mandatory for an applicant or person corresponding with the state historical society. Does this reflect the intention of the committee?

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**(END)**