



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 709.03 (form) C. 21m. of the statutes; **relating to:** disclosure
2 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

