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FOR IMMEDIATE RELEASE
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Statement of Rep. Rob Brooks on AB 620 “The Wisconsin Landowners Rights Act”

Madison, WI—Representative Rob Brooks (R-Saukville) issued the following statement with regards to Assembly Bill 620 “The Wisconsin Landowners Rights Act.”

“AB 620, “The Wisconsin Landowners Rights Initiative,” has garnered much attention in recent weeks and is certain to receive further attention this week, when the Ho-Chunk Nation holds a rally at the Wisconsin State Capitol to oppose this legislation. As such, it is imperative that I once again clarify existing state statute and the legislative intent of this bill.

First, I want to make it clear that I appreciate and respect the importance of Native American history, culture, and spiritual beliefs. My intent was certainly not to offend Wisconsin’s Native American population, but rather to make needed common sense reforms to the state’s burial site preservation law that is administered by the State Historical Society. I introduced AB 620 because I do not believe the State Historical Society has applied the law correctly and has not had the ability to resolve private land owner issues. Even the State Historical Society has acknowledged a need for a change in the process. Furthermore, The State Historical Society contends that it would help to resolve property disputes more rapidly. **(Please see attached letter from SHS)**

“The Wisconsin Landowners Rights Initiative” would make necessary reforms to the state’s burial sites preservation laws contained in chapter 157 of state statute, entitled “DISPOSITION OF HUMAN REMAINS” and even more specifically to 157.7 entitled, “BURIAL SITE PRESERVATION”. It is important to note the intention of current state statute is to protect “burial sites.” This is clear since the definition of a “burial site” in current law means any place where human remains are buried. AB 620 does nothing to remove those protections if human remains are located on the site. Unfortunately the State Historical Society has catalogued privately owned land without establishing the existence of human remains.

Current law needs to be revised to ensure that both burial sites and the rights of property owners are protected. AB 620 accomplishes this goal by doing two things:

1. Provide future protections to land owners and prohibit the Wisconsin State Historical Society from placing additional privately-owned properties in the burial site catalog unless the agency establishes the existence of human remains at the site.
2. Provide dispute resolutions for privately owned properties that are currently cataloged but have not yet been proven to contain human remains.



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The dispute resolution outlined in the bill states that the property owner will be issued a permit to investigate the cataloged burial site by the SHS and that all expenses related to the investigation will be at the property owner's expense. The bill further stipulates that property owners are permitted to only use approved vendors (archeologists, imaging technicians, etc.), from a list provided by the SHS, if they intend to initiate an investigation. If, during the investigative process, human remains are discovered, the property is deemed properly cataloged.

While I recognize that these mounds have historical and spiritual meaning to the Ho-Chunk Nation, the intention of this legislation is to protect "burial sites" as defined in statute.

It is imperative that we protect property owners' rights and provide due process before revoking their ability to use the land they possess.

In closing, I would like to thank tribal leaders for meeting with me to discuss the proposed legislation and very much look forward to ongoing discussions throughout the process."

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