

1993 Assembly Bill 1163

Date of enactment: **April 20, 1994**

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## 1993 WISCONSIN ACT 386

AN ACT to amend 69.18 (4) (intro.), 157.067 (2m) (intro.), 157.64 (3), 157.70 (2r), 157.70 (4) (c) 3. a. and 157.70 (5) (c) 4; and to create 157.111 and 157.64 (2) (g) of the statutes, relating to: permitting a cemetery authority to accept certain fees or remuneration from a funeral establishment, the opening and closing of burial places in a cemetery owned or operated by a cemetery authority and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 69.18 (4) (intro.) of the statutes is amended to read:

69.18 (4) AUTHORIZATION FOR DISINTERMENT AND REINTERMENT. (intro.) ~~The Subject to s. 157.111, the~~ coroner or medical examiner of the county in which a decedent's corpse is interred shall issue an authorization for disinterment and reinterment upon receipt of an order of a court of competent jurisdiction or upon receipt of a written application for disinterment and reinterment signed by the person in charge of the disinterment and by any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of application, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class:

**SECTION 2.** 157.067 (2m) (intro.) of the statutes, as created by 1993 Wisconsin Act 100, is amended to read:

157.067 (2m) (intro.) A cemetery authority ~~that is a religious association~~ may accept a fee or remuneration from a funeral establishment or from an owner, employee or agent of a funeral establishment if all of the following requirements are satisfied:

**SECTION 3.** 157.111 of the statutes is created to read:

**157.111 Opening and closing of burial places.** If a grave, mausoleum space or other place used or intended to be used for the burial of human remains is located in a cemetery owned or operated by a cemetery authority,

only the cemetery authority or a person designated by the cemetery authority may open or close the grave, mausoleum space or other place used or intended to be used for the burial of human remains.

**SECTION 4.** 157.64 (2) (g) of the statutes is created to read:

157.64 (2) (g) Violates s. 157.111.

**SECTION 5.** 157.64 (3) of the statutes is amended to read:

157.64 (3) Any person who intentionally commits an act specified under sub. (2) ~~(a) to (f)~~ with intent to defraud may be punished for theft under s. 943.20.

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

157.70 (2r) SITE DISTURBANCE PROHIBITED. Except as provided under subs. (4) and (5) ~~and s. 157.111~~, no person may intentionally cause or permit the disturbance of a burial site or cataloged land contiguous to a cataloged burial site. This subsection does not prohibit normal agricultural or silvicultural practices which do not disturb the human remains in a burial site or the surface characteristics of a burial site.

**SECTION 7.** 157.70 (4) (c) 3. a. of the statutes is amended to read:

157.70 (4) (c) 3. a. ~~Authorizes Subject to s. 157.111,~~ authorizes the director or a qualified archaeologist approved by the director to excavate the burial site to remove and analyze any human remains and objects related to the burial in the burial site from the burial site within a reasonable time, beginning within 30 days of

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when ground conditions permit, for disposition under sub. (6).

**SECTION 8.** 157.70 (5) (c) 4. of the statutes is amended to read:

157.70 (5) (c) 4. A permit issued under this subsec-

tion shall be subject to s. 157.111 and may be subject to any other condition or exemption deemed necessary to limit the disturbance of a burial site or the land or to minimize any other burden on any person affected by granting the permit.

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