



**SENATE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 895**

May 8, 1996 – Offered by Senator WELCH.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 **“SECTION 1g.** 69.18 (3) (f) of the statutes is amended to read:

4 69.18 (3) (f) Every person in charge of a place in which interment or other
5 disposition of corpses occurs shall maintain a written record of every corpse interred
6 there. The Except as provided in s. 157.112 (2), the record shall include the name of
7 the decedent, the place of death, the date of burial and the name and address of the
8 funeral director or other person in charge of the funeral.”.

9 **2.** Page 2, line 1: delete **“SECTION 1”** and substitute **“SECTION 1r”**.

10 **3.** Page 2, line 4: after “157.112” insert “(1)”.

11 **4.** Page 2, line 7: delete the material beginning with that line and ending with
12 page 3, line 22, as affected by assembly amendments 1 and 2, and substitute:

13 **“157.112 Reburial of certain human remains by a cemetery authority.**

14 **(1) REBURIAL TO CORRECT AN ERROR.** (a) In this subsection, “rebury” means to
15 disentomb, disinurn or disinter human remains that are buried in a cemetery and

1 reentomb, reinurn or reinter the human remains in another grave, mausoleum space
2 or other place used or intended to be used for the burial of human remains that is
3 located in the same cemetery.

4 (b) A cemetery authority may rebury human remains that are buried in a
5 cemetery owned or operated by the cemetery authority for the purpose of correcting
6 an error made by the cemetery authority in the burial of those human remains.

7 (c) A cemetery authority may rebury human remains under par. (b) without
8 first obtaining an authorization under s. 69.18 (4) (a), but the cemetery authority
9 shall do all of the following:

10 1. No later than 30 days after reburying human remains under par. (b), provide
11 written notice of the reburial to the coroner or medical examiner of the county in
12 which the reburial occurs.

13 2. Notify one of the following by registered mail of the reburial:

14 a. The decedent's spouse.

15 b. If the person specified in subd. 2. a. is not available, an adult son or daughter
16 of the decedent.

17 c. If the persons specified in subd. 2. a. and b. are not available, either parent
18 of the decedent.

19 d. If the persons specified in subd. 2. a., b. and c. are not available, an adult
20 brother or sister of the decedent.

21 (cm) If none of the persons specified in par. (c) 2. a. to d. is available for
22 notification under par. (c) 2., the cemetery authority shall maintain a record of its
23 attempt to provide notification under par. (c) 2. for not less than 10 years from the
24 date of the reburial of the human remains under par. (b).

1 **(2) REBURIAL OF CERTAIN ERRONEOUSLY DISINTERRED HUMAN REMAINS.** If a
2 cemetery authority erroneously disentombs, disinurns or disinters, from a grave that
3 is located in a cemetery owned or operated by the cemetery authority, unknown
4 human remains for which there is no record of burial under s. 69.18 (3) (f), the
5 cemetery authority shall reentomb, reinurn or reinter the human remains as close
6 as possible to the place from which the human remains were disentombed,
7 disinurned or disinterred and shall make a written record of the reburial under s.
8 69.18 (3) (f) that includes the date and place of reburial and any other information
9 concerning the human remains that the cemetery authority is able to ascertain. The
10 cemetery authority shall notify the burial sites preservation board of the reburial
11 and shall provide a copy of the written record made under this subsection to the
12 burial sites preservation board.

13 **(3) IMMUNITY.** (a) A cemetery authority is immune from civil liability for any
14 error that is corrected by a reburial of human remains under sub. (1) (b). The
15 immunity under this paragraph does not apply if the error was the result of reckless,
16 wanton or intentional misconduct.

17 (am) A cemetery authority is immune from civil liability for any erroneous
18 disentombment, disinurnment or disinterment of human remains under the
19 circumstances specified in sub. (2) if the cemetery authority reentombs, reinurns or
20 reinters the human remains as required under sub. (2). The immunity under this
21 paragraph does not apply if the erroneous disentombment, disinurnment or
22 disinterment was the result of reckless, wanton or intentional misconduct.”.

23 **5.** Page 3, line 25: after “157.112” insert “(1)”.

24 **6.** Page 4, line 4: after that line insert:

