

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/10/01  
BILL NO. SB51  
OR  
SUBJECT Winter Burials

Jon C Ruatti  
(NAME)  
435 Floral Dr  
(Street Address or Route Number)  
Green Bay WI  
(City and Zip Code)  
WI Badger State Cem Assoc  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.  
Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/10/01  
BILL NO. SB51  
OR  
SUBJECT \_\_\_\_\_

George Retak  
(NAME)  
(Street Address or Route Number)  
(City and Zip Code)  
WI Badger State Cemetery  
(Representing As'n)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/10/01  
BILL NO. SB-57  
OR  
SUBJECT \_\_\_\_\_

Jim Tjssva  
(NAME)  
810 Eagle Crest Dr.  
(Street Address or Route Number)  
Madison, WI 53704  
(City and Zip Code)  
Mrs. Bedyck Cemetery  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 10 May 2001  
BILL NO. SB 51  
OR  
SUBJECT Winter Burials

Dean Dickinson  
(NAME)  
1425 Jackson St.  
(Street Address or Route Number)  
LeCrosse WI  
(City and Zip Code)  
Funerel Service Alliance  
(Representing) of WIS.

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/10/01  
BILL NO. SB 51  
OR  
SUBJECT Winter Burial

PATRICK FESSE  
(NAME)  
16 N. Carroll St. #900  
(Street Address or Route Number)  
MADISON, WI 53703  
(City and Zip Code)  
FUNERAL SERVICE ALLIANCE of WI  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: May 10 2001  
BILL NO. SB 51  
OR  
SUBJECT \_\_\_\_\_

Arnold VANDEN BOOMEN  
(NAME)  
507 W. Michigan St.  
(Street Address or Route Number)  
Appleton Wis 54911  
(City and Zip Code)  
(Representing) VANDENBOOMEN BUREAU

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5-10-01  
BILL NO. SB-51  
OR  
SUBJECT Winter Burials

Kent Rusch  
(NAME)  
209 W. Cook St  
(Street Address or Route Number)  
New London, WI 54961  
(City and Zip Code)  
Funeral Directors & Bereaved Families  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: May 10, 2001  
BILL NO. SB 51  
OR  
SUBJECT Winter Burials

Mark Paset  
(NAME)  
1834s Kestrel Trail  
(Street Address or Route Number)  
Brookfield, WI 53005  
(City and Zip Code)  
Wisconsin Funeral Directors Association  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/10/01  
BILL NO. SB-51  
OR  
SUBJECT \_\_\_\_\_

MARK MCCOOL  
(NAME)  
W331 N 5360 CHERRY CT.  
(Street Address or Route Number)  
NASHOTAH, WI 53058  
(City and Zip Code)  
WI BURIAL MGMT ASSOC.  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5-10-01  
BILL NO. SB51  
OR  
SUBJECT \_\_\_\_\_

John Edlebeck  
(NAME)  
111 S. Main St  
(Street Address or Route Number)  
Waupaca, WI 54981  
(City and Zip Code)  
City of Waupaca  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/10/01  
BILL NO. 51  
OR  
SUBJECT Winter Business

Glenn Porter  
(NAME)  
14075 W. Greenfield Ave  
(Street Address or Route Number) 53151  
New Berlin Wisconsin  
(City and Zip Code)  
WI Badger State Cemetery  
(Representing) Association

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5-10-01  
BILL NO. Senate Bill 51  
OR  
SUBJECT Winter Burial

William R. Cress  
(NAME)  
206 W Prospect Av  
(Street Address or Route Number)  
Stoughton WI 53589  
(City and Zip Code)  
FUNERAL SERVICE ALLIANCE  
(Representing)

Speaking in Favor:   
Speaking Against:   
Registering in Favor:   
but not speaking:  
Registering Against:   
but not speaking:  
Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5-10-01

BILL NO. S 13-51  
OR

SUBJECT \_\_\_\_\_

J. Rod Moore  
(NAME)

(Street Address or Route Number)

(City and Zip Code)  
31st. S.W. Dist

(Representing)

would have

Speaking in Favor:

Spouse

Speaking Against:

sd

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING**

**Scott McCallum**  
Governor  
**Oscar Herrera**  
Secretary



1400 East Washington Avenue  
PO Box 8935  
Madison WI 53708-8935  
Email: [dori@drl.state.wi.us](mailto:dori@drl.state.wi.us)  
Voice: 608-266-2112  
FAX: 608-267-0644  
TTY: 608-267-2416

May 9, 2001

The Honorable Judith Robson, Chair  
Committee on Human Services and Aging  
15 South, State Capitol  
Madison, WI 53702

RE: Senate Bill 51

Dear Senator Robson:

I am writing to you and your committee on behalf of the Funeral Directors Examining Board, to express the Board's support of SB 51.

The Board reviewed SB 51 on May 8, 2001, and stated two reasons for supporting the bill. First, the bill responds to the needs of some consumers who feel very strongly about the desire to arrange for the final disposition of their loved ones without any delay. Secondly, the bill permits a cemetery authority to charge a reasonable fee to recover the costs related to providing for a burial during difficult weather conditions.

We would like to thank you for this opportunity to submit written comments. If you have any questions, please contact me at your convenience. My telephone number is 266-5439.

Sincerely,

Cletus J. Hansen, Administrator  
Division of Business Licensure and Regulation

cc: Funeral Directors Examining Board  
Oscar Herrera, Secretary

May 9, 2001

Re: Senate Bill 51

VERY POORLY WRITTEN!

PLEASE VOTE Paragraph (2) line 3

Who Determines what is practical?

Line 5 - What is Reasonable?

New London kept their cemetery open the past 3 years - the cost to the taxpayers was well over \$60,000 a year - they averaged 5 burials per winter - would you divide the \$60,000 by 5 to recover the taxpayers extra \$60,000 in actual cost? \$12,000 per grave?

We warned about the liability. This past winter a man was killed in a fall at a New London cemetery. Law suits? Would be if it was my family - and quicker if it was your family! The cemetery is liable, not the funeral home who is insisting on burying! Up until 1963 we buried all winter. Digging is not the problem! Where to dig is the problem! Way to many graves are being put in the wrong place. We who remember those years remember, the heart attacks, the deaths, the pneumonia, the broken arms and legs, the frozen faces, feet, hand, and ears. Every burial meant damage to the roads, the grass, trees and monuments! How well I remember the fender benders, the jumper cables and the tow trucks.

The cemetery experts, the people who have been serving their local people, neighbors and families for over 150 years know what is best for their people. On top of that these dedicated volunteers, all 30,000 of them, have always done it right, and they have never been a burden to the state or the taxpayers.

This Bill 51 would be forcing all 1800 non-profit cemeteries to do, what they know is wrong!

There is no state law saying you cannot bury all winter - don't make a law saying we have to!!

P.S. Assembly person Jean Hundertmark has a few hundred signatures opposing this bill - Senator Bob Welch has a few more. I have asked them to present those petitions to your committee chairman. I have another batch for a total of 1080. That's just little sampling - Statewide it would be well over 72 thousand signatures. Neither I nor our cemeterians were given an opportunity to testify in person - because of lack of the requested notice!

Senator Robson, understanding this dilemma, agreed to accept this written letter as actual witnessing and she told me each committee member will receive a hard copy of this testimony.

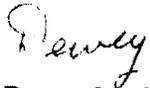
I speak with 60 years of cemetery experience serving 27 funeral homes in East Central Wisconsin and as a veteran member of the Wisconsin Cemetery Advisory Committee, Wisconsin Cemetery Task Force and Disciplinary Committee under the direction of Secretary Marlene Cummings.

Please support your 1800 non-profit cemeteries who take care of 80% of the states 40,000 annual burials.

Don't force us to do what we know is wrong - Vote against SB51.

In as much as this bill touches the welfare of so many volunteer's, we feel it should be a roll call vote. So we may know who supports us and who does not.

Respectfully,



Dewey Mathewson

Chairman

Waupaca County Cemetery Coalition

**Austin, David**

---

**From:** Flury, Kelley  
**Sent:** Wednesday, May 09, 2001 3:10 PM  
**To:** Austin, David  
**Subject:** FW: Winter Burial Bill

Not a constituent, but for the committee file.

-----Original Message-----

**From:** Bob Skinner [mailto:skinnerfh@hotmail.com]  
**Sent:** Tuesday, May 08, 2001 4:05 PM  
**To:** sen.robson@legis.state.wi.us; sen.moore@legis.state.wi.us; sen.wirch@legis.state.us; sen.hansen@legis.state.wi.us; sen.rosenzweig@legis.state.wi.us; sen.roessler@legis.state.wi.us; sen.welch@legis.state.wi.us  
**Subject:** Winter Burial Bill

Dear Senators;

I am writing in support of SB-51 requiring cemeteries to offer winter interment. I have been a funeral director for over 30 years and have dealt with families that have had to endure waiting until spring to bury their family members.

We work with cemeteries that bury during the winter and some that do not. This spring we had 10 bodies to bury. Each and every family wanted to be present at those burials. I cannot tell you how emotional that was for some of those families. As funeral directors we know that grieving isn't over the minute we leave the cemetery. However there is some closure for families.

When a family has a death in December and the burial doesn't take place until April or May they dwell on this for months. Then in the spring at the sight of the casket all kinds of emotions come to the surface. This is really a tough situation for these families.

I'm from the northern part of the state (the real north!) and we have many small country and church cemeteries. It's really hard to get people to serve on cemetery boards and nearly all these people dedicate their time. I can appreciate their position that it is just simpler to ban all winter burials. But if we are to serve families, their needs must come before ours. Their emotional well being must be served before our inconvenience to weather.

I would have liked to attend your meeting but we are busy with funerals and we still have one more spring burial to complete.

Thank you for your consideration on SB-51.

Very sincerely,

Robert M. Skinner  
Cumberland, WI

---

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W1219 Glenview Avenue  
Ixonia, Wisconsin 53036

Phone 920-261-6229  
Fax 920-261-6732  
E-mail crups@execpc.com

## **Officers**

E. Glen Porter-President  
Highland Memorial Park,  
New Berlin, Wisconsin

Richard Majewski-Vice President  
Queen of Peace Catholic Cemetery  
Antigo, Wisconsin

Jim Erceg-Vice President  
Graceland & Union Cemeteries  
Milwaukee, Wisconsin

Clyde Rupnow-Secretary/Treasurer  
Loewen Group International  
Ixonia, Wisconsin

Michael Grams-Treasurer  
Wisconsin Memorial Park  
Brookfield, Wisconsin

Tim Tysver-Secretary  
Madison, Wisconsin

## **Board of Directors**

Jon Ruatti  
Catholic Cemeteries, Green Bay  
Diocese

Tom Greene  
Niellsville Municipal Cemeteries,  
Niellsville

Christine Hentges  
Pinelawn Memorial Park, Wauwatosa

Dean Mattison  
Forest Hill Cemetery, Chippewa Falls

Mike Chartier  
Immanuel Lutheran Cemetery,  
Watertown

Jeff Rienhart  
Catholic Cemeteries, La Crosse  
Diocese

RE: SB 51 – Winter Burials

On Thursday May 10, 2001 the Senate Committee for Human Services and Aging is scheduled to consider SB 51, a bill "requiring certain Cemetery Authorities to provide for burials during each season." We ask that you carefully consider the ramifications of this bill, especially to the smallest cemeteries in our State. We respectfully request that you oppose passage of SB 51.

No cemetery prohibits winter burials out of disrespect or insensitivity. The choice is made primarily because of a concern to accurately perform burial services at a realistic cost. In fact, a significant number of cemeteries, representing the vast majority of burials in Wisconsin, provide year around burial services to their communities. For the State to require year around burials for all cemeteries, including the very smallest, will certainly increase the cost of burials for many families, with the greatest impact on rural communities.

We believe that the choice of performing or not performing winter burials is a decision that is best made by the members of each community. It is inappropriate for the State to mandate this aspect of cemetery operations. Cemeteries must be allowed to determine their own procedures based on their experience and local conditions.

The majority of the cemeteries that do not provide winter burials are locally controlled. If any community wishes to have their local cemetery provide for winter burials, they can contact the cemetery's governing board and request the change. If the board is unwilling to change, they can become members of the board themselves and change the policy. In our view, addressing such concerns locally is the best solution.

The cost of complying with the law could be extremely high. Each cemetery will have to decide whether or not to prepare in advance, at their own expense, for potential winter burials that may or may not occur. Or, to wait until there is a need for a winter burial and then charge that family the entire cost of preparing the cemetery. The choice will not be an easy one to make. And in either case, the cost will be great.

Many cemeteries will find it difficult to accurately locate burial spaces during the winter. No cemetery can afford to find that a burial is in the wrong location when spring arrives. It is unfair to require cemeteries to comply with a law that may require them to perform unnecessary remedial work and expose them to lawsuits.

We are requesting that you oppose the passage of SB 51. There are certain realities that must be recognized in a northern climate. The inability and / or inadvisability of performing winter burials, especially in rural areas, is one of these realities.

Thank you for taking the time to consider our position. We are always happy to answer any other questions you may have.

Sincerely,

E. Glen Porter III  
President



May 10, 2001

**Testimony Before the Senate Committee on Committee for  
Human Services and Aging Regarding SB 51 by the  
Wisconsin / Badger State Cemetery Association**

Thank you for the opportunity to address this committee. I am Glen Porter, President of the Wisconsin / Badger State Cemetery Association. I am here today to speak in opposition to SB 51. A more detailed statement was mailed to each of your offices earlier this week.

At the outset, I wish to acknowledge the difficulties that some families endure because of the need to postpone the final burial of their loved ones. Cemeterians, like Funeral Directors, are keenly aware of the need to achieve a "closure" following the death of a loved one.

However, we feel it important for the members of this committee to be aware of several other factors that we believe are important to consider before mandating year around burials.

The major impact of this bill will be in mostly rural areas. Many of the affected cemeteries are very small and have only a handful of burials each year. They will find it very difficult to make the needed purchases of equipment to provide year around burials.

The ability of many cemeteries to accurately identify gravesites is severely limited during winter. Older cemeteries will find this a particularly difficult task.

We believe that the choice of whether or not to offer year around burials is a matter of local, not State, concern. Each community can choose to have year around burials if they wish.

We ask that you oppose the passage of SB 51.

Thank you for your attention. I am available for questions.

Sincerely,

E. Glen Porter III  
President  
Wisconsin / Badger State Cemetery Association



## WISCONSIN CATHOLIC CONFERENCE

**TO:** The Honorable Members of the Senate Committee on Human Services and Aging

**FROM:** John Huebscher, Executive Director

**DATE:** May 10, 2001

**RE:** Senate Bill 51 – Winter Burials

---

The Wisconsin Catholic Conference wishes to provide the Committee with information regarding the potential impact that Senate Bill 51, which requires cemeteries to provide for burials in all seasons, may have on our Catholic cemeteries throughout the state.

There are over 600 Catholic cemeteries of varying sizes in Wisconsin. The majority of our cemeteries are small parish cemeteries located adjacent to a church and owned and operated by the parish community. Four of our five dioceses also own and operate larger diocesan cemeteries which provide burials to those Catholics and their families who do not have a parish cemetery available to them.

Our religious tradition and funeral rituals call for burial of the deceased members of our community to occur quickly after a funeral mass or liturgy and that the family and friends be present as Christian witness. This of course is fulfilled, with discretion, during winter.

While our Catholic tradition favors burial soon after the funeral, the majority of our cemeteries are small operations some of which do not own the necessary equipment for burying in frozen ground. These parish cemeteries may find that it is simply not practical to invest in equipment that would be used infrequently and would increase burial costs. In the instances where Catholic cemeteries are not regularly providing winter burials, the parishes are attempting to manage the cemetery in a financially responsible manner to maintain the availability of the cemetery as an ongoing ministry for the community.

It is possible that enactment of SB 51 would lead to an increase in the number of winter burials that our cemeteries provide and potentially increase burial costs for those seeking to be buried in our cemeteries. To the degree that the bill mandates accommodations for winter burials, it may limit the flexibility that Catholic cemeteries currently have to balance the needs of the individual with the needs of the community interest of maintaining the financial viability of the overall cemetery ministry. However, we also recognize that the spirit of SB 51 is consistent with our tradition for ministering to the deceased and their family.

Thank you for considering our comments.

**A RESOLUTION OPPOSING THE CREATION OF  
A WISCONSIN STATE LAW REQUIRING WINTER BURIALS**

**WHEREAS**, the City owns and operates the City of Waupaca Lakeside Cemetery; and

**WHEREAS**, the City currently provides services for requested burials into the early winter months and beginning in the early spring months each year, dependent on frost depth and snow and ice accumulations; and

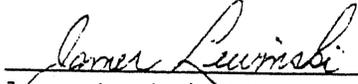
**WHEREAS**, there are slopes on the roadways and burial grounds in excess of 2:1 that causes burials during the winter months on snow or ice covered roads and grounds impractical and dangerous; and

**WHEREAS**, the safety of the City Cemetery employees, subcontractors, funeral home employees and funeral burial attendees at the City of Waupaca Lakeside Cemetery is of great concern to the City; and

**WHEREAS**, casket vault installers have agreed that during these extreme winter months vault installations would not be performed at the City of Waupaca Lakeside Cemetery due to limited access and safety concerns; and

**WHEREAS**, the City in the past has worked individually with each burial request, showing compassion and understanding and attempting to provide the needed burial services for each request,

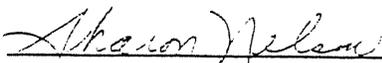
**NOW, THEREFORE, BE IT RESOLVED**, that the City of Waupaca Common Council hereby goes on record opposing the creation of a Wisconsin State Law (1999 Senate Bill 69) requiring the City to provide year-round burials within the City of Waupaca Lakeside Cemetery or any other cemeteries that the City may own now or in the future.

  
\_\_\_\_\_  
James Lewinski, Mayor

ADOPTED: MAY 18, 1999

APPROVED: MAY 18, 1999

ATTEST:

  
\_\_\_\_\_  
Sharon Nelson, City Clerk

## CITY OF WAUPACA, WISCONSIN WINTER BURIAL CEMETERY CONCERNS

### SAFETY

- Ability to safely perform snow removal on steep roadways in cemetery
- Ability to safely dig out burial lot on sloped areas
- Ability to place concrete vaults using steep roads and hillsides
- Snow removal around headstones to get to burial site
- Safety of attendees of burial walking on steep roads and through snow
- Ability of burial attendee's vehicles to drive on steep roads in cemetery
- If some Cemetery roads were closed, no circulation of traffic in Cemetery

\* Our vault subcontractor stated that he would not provide vault placements on our hillsides during the winter months due to safety concerns.

### COSTS

- Actual cost would include:
  1. Thawing the ground approximately near the burial lot site to probe the ground to find the adjacent buried vault
  2. Once the exact lot location is identified, thawing the ground again at the exact location needed
  3. Digging all lots on a slope by hand, since the use of a backhoe would be safety concern for the City Cemetery crew
  4. Additional costs of vault installation by subcontractor
  5. Winter long snow removal of the roadways within the cemetery, which would create snow banks over grave markers
  6. Damage done due to snow plowing to any adjacent grave markers in poor condition (some over 130 years old)
  7. Possible snow hauling out of the cemetery.
  8. Two current City Cemetery Union employees works April – November and are laid off for four months, their additional four month pay would cost the City an additional \$15,000.00.
  9. Currently the City Cemetery worker positions do not receive health care, vacation, holiday or disability benefits. Adding those benefits would increase cost to the City of approximately \$20,000.00
  
- Will the City be able to realistically recover our actual expenses as listed above for the 10-15 burials required over these winter months. And if we do set a high rate, and it deters some families from utilizing a winter burial, the cost per winter burial only goes up higher.

### IN SUMMARY

The City of Waupaca will be placed in creating unsafe and costly conditions if winter burials are required in any part of the City Cemetery. The proposed law will cause the City to argue the terms of "practicable" and "reasonable" with grieving emotional families.

A

## Dead Reckoning, Or Why a State Mulls A Winter-Burial Bill

In Rural Wisconsin, Funerals  
Often Wait Till Spring:  
The Double-Grief Factor

By NEAL TEMPLIN

Staff Reporter of THE WALL STREET JOURNAL  
OULU, Wis. — Funeral director Art Johnson parks his black Lincoln Town Car in a cemetery almost swallowed up by the woods, then ducks inside a tiny green concrete-block building.

Two lawn mowers are shoved into one corner. A couple of trampled wreaths lie in another. And there are two coffins right near the door.

"This is the Beckman casket," says Mr. Johnson, pointing to an oak coffin. "We'll take care of him when his son gets back from vacation."

Then Mr. Johnson and Tom Nykanen, an assistant, walk over to the other coffin and grab the handles. "This one is Opal," grunts Mr. Nykanen, as they hoist the coffin onto a cart and roll it outside.

Opal Anderson, 91 years old, died Dec. 19. William Beckman, 93, died Jan. 31. Since then, their embalmed remains have been stored in the Oulu vault, awaiting the spring thaw and the reopening of area cemeteries.

### A Cold Tradition

Delayed burials are a common practice in hundreds of cemeteries scattered across the Northern U.S. Although city cemeteries often remain open up here — some use propane-powered heating devices to warm the ground, or giant back hoes or even jackhammers to chip through frozen soil — many country cemeteries close in November or December and don't reopen until April or May.

But that may soon change in Wisconsin. State Sen. Rod Moen, a Democrat from Whitehall, recently introduced a bill that would compel cemeteries to bury all winter, as long as families are willing to foot the extra cost. Minnesota passed a similar law in 1993. Hearings on the Wisconsin bill are scheduled for May 19. And Sen. Moen, the state Senate's assistant majority leader, says he has a "better than 50/50 chance" of getting it passed before next winter.

Sen. Moen was moved to take action after his wife's sister died in February 1998 and wasn't buried for two months. "There was a lot of grief shed both times," Sen. Moen recalls. "It was very difficult for family members."

Arlene Hill of Wentworth, Wis., clearly remembers that feeling during the winter of 1996-1997, when her 81-year-old mother died in November, then her 26-year-old son died unexpectedly in February. Both bodies were stored in the tiny Oulu vault and buried within 15 minutes of each other on the same late April day in nearby Pine Glade cemetery.

"I told the funeral director I wanted my mother buried first and then my son, because I knew after my son was buried I'd break down again," she says.

### Deep Divisions

Sen. Moen's quest, though, has created friction between funeral homes, which generally favor the bill, and cemeteries, many of them small and underfunded, that see it as burdensome and unrealistic. The Wisconsin Funeral Directors Association, whose members have long fielded complaints about delayed burials from families, is solidly behind the Moen initiative. "Funeral homes are on the front lines," explains Mark Paget, the association's executive director. "The cemeteries aren't directly involved with the families."

But many cemetery operators say delayed burials are just a fact of life in

Please Turn to Page A6, Column 5

WALL STREET JOURNAL

MAY 7, 1999

## A State Weighs Winter-Burial Bill

Continued From First Page

Wisconsin's frozen northlands. The idea of winter burials must be coming from "some senator from down south," says Dan Hildebrandt, sexton of the cemetery in the nearby town of Lake Nebagamon. Moreover, cemetery operators predict that families that insist on winter burials probably aren't prepared for grave-digging costs that will run double or triple the cost of a warm-weather burial.

Still, many think the delayed-burial process is undignified. William Downs III, president of the state funeral directors association, has long bristled over the vault in Oulu, where gardening equipment and coffins sometimes share the same space. The coffins "deserve a more dignified place," says Mr. Downs, who owns funeral homes in Superior, Wis.

For Mr. Hildebrandt, sexton at Lake Nebagamon, the vault is still an improvement over the old days. He recalls his father, who was sexton before him, laboring for hours on end to dig graves through 4 or 5 feet of frost with a pick and an ax. "He would just chip away," he says. "It would take him a day or two."

Winter burials are even a tougher proposition in Calumet, Mich., which got 231 inches of snow this winter. The Lake View cemetery there used to bury year round. But heavy snow was so common that gravediggers would sometimes dig holes in the wrong places, says Charles Ryan, whose family owns a Calumet funeral home. Every spring, "they'd have to make adjustments," he says.

In the 1930s, Lake View built a huge brick vault with metal racks where coffins can be stacked several layers high. Last week, as spring burials began, there were 61 waiting bodies.

To the hardy residents of Calumet, whose descendants came here to work the copper mines, this is business as usual. "It's either keep them in your own freezer or keep them there" in the vault, says Marsha Klein, whose 83-year-old mother died in January and, until she was buried ear-

lier this week, was being stored at Lake View. The vault is visible from the road, and Ms. Klein's ritual had been, as she drove past, to say, "Hi, Mom."

When the ground thaws, Lake View cemetery doesn't waste much time. It doesn't even permit burial services for spring burials. "We like to get that vault emptied out as soon as possible," explains Anthony Locatelli, who serves on the cemetery board. "If you're having burial services, it slows things down."

For Opal Anderson, whose remains have lain in the Oulu shelter since she died last December, a short service is being allowed. Her daughter, Barbara Woolmer, had hoped that she would be buried right away. But the tiny cemetery in Brule, where she lived, had just closed for the winter and into the Oulu vault her body went.

Ms. Woolmer remembers when her father died in 1962 and was buried in the Brule cemetery in February. "It was 50 degrees below zero and it was windy. But they just did it," she recalls. But for at least the last decade, the Brule cemetery has stopped doing winter burials.

Mrs. Anderson, a former Brule postmistress, drew about 40 people for her memorial service in December. But only six people are on hand on a recent brisk spring day for her burial. As the wind whippers through leafless birches and aspens towering over the hilly cemetery, a minister says a short prayer. Then Ms. Woolmer, her voice breaking, reads a poem. The service is over in about five minutes.

Stanley Beckman, whose father's remains spent the winter in the Oulu vault, buried his father last week. But he had resigned himself to the spring-burial ritual. "It's just part of living in this part of the country," he says.

Mr. Beckman recalls visiting New Orleans, where most people are buried above ground in crypts because of the high water table. "That seemed strange to us," he says. "You do what you have to do."

71 B

# AN ACT

Distributed By  
Secretary of the SENATE  
Room 231, State Capitol  
St. Paul, 296-2343

1

2 relating to cemeteries; providing for burials in the  
3 winter season; prohibiting relocation of cemeteries  
4 without the trustees' or owners' consent; clarifying  
5 the eligibility for burial in a soldiers rest plot;  
6 amending Minnesota Statutes 1992, section 375.37;  
7 proposing coding for new law in Minnesota Statutes,  
8 chapters 306; and 307.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

10 Section 1. [306.141] [RELOCATION.]

11 A cemetery may not be relocated without the consent of the  
12 trustees.

13 Sec. 2. [306.99] [WINTER BURIALS.]

14 Each municipal, town, or other cemetery governed by this  
15 chapter or other law shall, so far as possible, provide for  
16 burials at all times of year including winter. A cemetery may  
17 make an additional charge for the actual cost of a burial during  
18 difficult weather.

19 Sec. 3. [307.12] [RELOCATION.]

20 A cemetery may not be relocated without the consent of the  
21 owners.

22 Sec. 4. Minnesota Statutes 1992, section 375.37, is  
23 amended to read:

24 375.37 ["SOLDIERS' REST" USED EXCLUSIVELY FOR SOLDIERS,  
25 SAILORS, MARINES AND WAR-NURSES VETERANS AND SPOUSES.]

26 Any plot of ground secured and designated as a "soldiers'  
27 rest" shall be used exclusively for the interment of deceased

This bill was passed in conformity to the rules of each house and the joint rules of the two houses as required by the Constitution of the State of Minnesota.

Allan H. Spear  
Allan H. Spear  
President of the Senate.

Dee Long  
Dee Long  
Speaker of the House of Representatives.

Passed the Senate on April 23, 1993.

Patrick E. Flahaven  
Patrick E. Flahaven  
Secretary of the Senate.

Passed the House of Representatives on May 1, 1993.

Edward A. Burdick  
Edward A. Burdick  
Chief Clerk, House of Representatives.

This bill is properly enrolled and was presented to the Governor on May 6, 1993.

Harry M. Walsh  
Harry M. Walsh  
Revisor of Statutes.

Approved on May 7, 1993, at 2:54 P. M.

Arne H. Carlson  
Arne H. Carlson  
Governor.

Filed on May 7, 1993.

Joan Anderson Grove  
Joan Anderson Grove  
Secretary of State.

# Seasons to remember: Winter forces a wait for burials

By DAVE STEWART  
of The Journal staff

Berlin, Wis. — Twenty-two bodies now rest in coffins in a crypt beneath the simple chapel at the entrance to Oakwood Cemetery. The air is cooled to 40 degrees and months-old flowers leaning against some of the mahogany caskets are barely wilted.

With the spring thaw, families in this small Fox River Valley city soon will be attending burial services for loved ones who died up to three months ago.

Like many communities in central Wisconsin, Berlin doesn't open graves during cold or snowy winters, for cost and liability reasons. The bodies of the deceased are stored in crypts and buried only when the weather warms in April.

Funeral directors in several Wisconsin communities say winter funeral services generally constitute the family's final goodbye, the springtime burial occurs without an additional ceremony. But in Berlin, it is not uncommon for the family to request and attend another service at graveside.

That comes from a strong sense of family responsibility, said Cindy Skipchak, of the John R. Wiecki Funeral Home.

"People take care of their own here," she said. "They remember their families."

**"P**eople take care of their own here. They remember their families."

Cindy Skipchak

On a tour of the city-owned Oakwood Cemetery on a cool, early spring afternoon, Skipchak cited evidence of this powerful sense of devotion: fresh displays of colorful flowers on the brown, still-lifeless grass covering the plots, and several headstones, missing only the year of death, reserved by still-living Berlin residents, apparently as a future convenience to their families.

However, Cindy Skipchak and her husband, John, co-directors of Wiecki's, said they think the tradition of delayed graveside services could be stressful for families. "It's hard for some families to go back to the process," Cindy Skipchak said. "It prolongs the process. It's not over until their loved ones are buried, it's not done."

The Skipchaks would like families to have choices, not only whether to hold a springtime graveside service, but whether to opt for the extra expense of opening a grave in the winter, completing the farewell rites

on a single occasion.

It costs about \$200 to dig a grave in Berlin during warm weather. It can cost \$600 or more when the ground is frozen or snow-covered.

If additional cost to the family was the only consideration, members of the city cemetery board said, they probably would allow the winter grave-opening option.

But board officers said that during harsh winters, snowplows had to negotiate narrow, winding and sloping roadways and might damage headstones and other property. Special equipment to thaw soil sometimes had to be set up on icy slopes; families might have to brave miserable weather; snow-covered boundary markers could lead to incorrectly located graves; and winter grave-openings frequently cause damages that must wait until spring to be corrected.

In his lawsuit-conscious time, the cemetery board has decided to steer a safe course.

The winter moratorium policy "hasn't created any problems for us," said Kurt Knopi, board vice chairman, and he haven't received any complaints.

Board secretary Phil Pionke added, "If there was a problem, it would be addressed." He said that until there was a

solution to the liability problem, "we feel this is the best way out."

Most of the deceased will be buried this spring in Oakwood, St. Michael's and St. Stanislaus, the three largest cemeteries in the city.

The cemetery board charges families, through the funeral homes, \$50 for winter crypt space. The fees make up a small part of the board's \$52,000 budget, with which it must pay sextons and maintain the facilities. Board members volunteer their time.

Berlin, a close-knit community of about 5,500, calls itself the fur and leather city because many businesses owe their origins to the time when the Fox River was a major commercial navigation route for animal pelts. Today, outlet stores for major suppliers of leather clothing, accessories and furs dot the city's main street. The big show, according to Chamber of Commerce officials, is the Fur and Leather Days festival in late August.

Some people are so attached to this city that many residents who have moved away, but who considered Berlin their true home, return here for their final rest. The Skipchaks say that although double funeral rites cost more and require extra time, they don't pass extra costs on to their winter client families.

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Chief Operations Officer

JERRY J. BROWN  
Executive Vice President  
Marketing/Industry Relations

Since 1979 the Chandler-Wilbert Vault Co. has actively promoted the abolishment of "DEFERRED INTERMENT PRACTICES" for reasons which dramatically negate the families' resolution of grief process, e.g.:

- A. The psychological and emotional impact of "a death" is protracted if the surviving family members are told that the casketed remains will be stored in an unsecured cemetery building during the winter months until an interment time is scheduled in the spring.
- B. "Winter storage" negates the "resolution of grief" process.
- C. The implications of "winter storage" can be very detrimental to a family's "healthy acceptance" of a death, e.g., visions of the effect of elements, vandalism, sanitation factors, etc.
- D. Latent committal services and final disposition can conceivably reopen the wounds of grief, whether or not the family is present during the spring burial.
- E. Cemetery conditions during the spring months are usually desolate and bleak, i.e., high water tables, mud, etc. Environment of this type does nothing to alleviate the pangs of grief and will probably reignite the total grief syndrome.
- F. Accepting the finality of death is one of the prime factors in the therapeutics of grief. Postponement of the interment for several weeks or months may seriously impede this psychological and emotional convalescence.

In capsule, it is obvious that "Deferred Interment" flies in the face of all that the funeral profession espouses relative to the psychological, spiritual, philosophical and emotional needs of the funeral consumer.



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Can Cemeteries Open  
and  
Close Graves In  
The Winter?

OF COURSE! As a matter of fact, approximately 95% of all cemeteries in the state of Minnesota bury twelve months a year.

Deferred interment (winter storage) is a practice which has evolved in a very small number of Minnesota cemeteries as a result of 4 primary reasons:

1. Inconvenience for the sextons/gravediggers
2. Insufficient equipment e.g. thawing units, snow removal, etc.
3. Inadequate plot and grave identification and marking methods
4. Existence of storage/holding buildings for casketed remains during winter months where next-of-kin pays a winter storage fee

Many Minnesota cemeteries that bury year round may charge an extra opening and closing fee to accomplish winter burial to offset the added expense of thawing and snow removal.

JJB

Deferred Interment-  
An impediment  
To Grief Resolution  
By Jerry J. Brown

The practice by some cemeteries of not burying the dead during the winter months flies in the face of all that funeral service espouses in terms of grief, resolution, reality and the value of the graveside committal service.

Since the late 70's, we have organized and conducted a series of "Winter storage/spring interment" seminars involving cemetery personnel, clergy persons and funeral directors to explore and assess the practice of "deferred interments."

The climate and posture of these meetings has been "amicable" and the focus of our presentation, with the involvement of Dr. Robert C. Slater, has been simply, "What is best for families of the deceased"?

A compendium of our concerns was presented to the FDA board in 1985 and is presented herewith . . .

Compiled for Members of MFDA  
Board of Directors

SUBJECT: "The Negative Effects of Winter Storage/Deferred Interment"

For the past five years, members of MFDA, eminent educators in the field of funeral service and the management of Chandler-Wilbert Vault Co. have endeavored - through formalized meetings and seminars - to portray to clergy persons and cemetery officials the serious emotional and psychological ramifications of Deferred Interments as they affect the families and friends of the deceased.

Herewith are some of the problems which I have listed under two categories i.e. 1. Abstract (psychological and emotional affecting families), 2. Economics and Logistics (affecting funeral practitioners).

ABSTRACT

1. The psychological and emotional impact of "a death" is potentially prolonged if the surviving family members are told that the body will be stored in a cemetery building during the winter months until it can be interred in the spring.
  - A. "Winter storage" negates the "resolution of grief" process.
  - B. The implications of "winter storage" can be very detrimental to a family's "healthy acceptance" of a death, e.g., visions of the effect of elements, vandalism, sanitation factors, etc.

- C. Latent committal services and final disposition can conceivably reopen the wounds of grief, whether or not the family is present during the spring burial.
- D. Cemetery conditions during the spring months are usually desolate and bleak, i.e. high water tables, mud, etc. Environment of this type does nothing to assuage the pangs of grief and will probably reignite the total grief syndrome.
- E. Accepting the finality of death is one of the prime factors in the therapeutics of grief. Postponement of the interment for several weeks or months may seriously impede this psychological and emotional convalescence.

## ECONOMICS

- 2. We are told that the economic affects of winter/storage/spring interment upon funeral establishments are, for the most part, harmful.

Herewith are a few examples where winter storage/spring interment can produce unhealthy fiscal results:

- A. Creating two distinct labor cost factors, i.e., actual funeral service and final spring interment.
- B. Causing a drain on available manpower (especially when several spring interments are scheduled in short periods of time).
- C. Man hours required for cleaning, dusting, and preparing caskets for burial after several weeks of storage.
- D. Additional body preparation procedures (embalming) where knowledge of winter storage exists.
- E. Additional paper work and bookkeeping (where applicable).
- F. Ever present potential liability factors (even though clearly defined as cemeteries' liability).
- G. Increased complexities in scheduling and notification procedures, e.g., cemetery personnel, families, friends, and clergy.
- H. Additional fleet and energy use (especially in cases involving distance).
- I. Elongating final funeral bill payments and causing cash flow depletions.
- J. Other overhead components emerging as a result of conducting spring interments.

# X Fairmount tomb reportedly robbed

## Police: One body taken in break-ins

By Karen Bowers

Rocky Mountain News Staff Writer

Police say they suspect satanism in a series of grave robberies and a reported body snatching from Denver's Fairmount Cemetery.

Although a cemetery official yesterday staunchly denied the story, police sources said Fairmount has been plagued in recent months by break-ins at a mausoleum.

Officers said the body of a girl — placed in the mausoleum about 70 years ago — was taken during one incident. Partial remains of several other people also have been stolen from the mausoleum, they said.

The thieves reportedly left behind satanic graffiti.

Most officers were tight-lipped about the vandalism investigation yesterday, and none of the five officers who confirmed details of the case would speak on the record.

Concern for the families whose relatives are buried at Fairmount is apparently a major reason why, in one officer's words, the investigation has been very "hush-hush."

One officer said that offense reports detailing the crimes have been hidden, while another officer said the reports have simply been carefully worded and purposefully vague.

"Some things the public does not need to know," said Capt. James Collier, who commands the police district that includes the cemetery. "Nothing would be served by it."

"There are some sensitive things that would be devastating to families. There are literally thousands of people in Colorado with loved ones out there."

C. Frank Hegner, president of the Fairmount cemetery company, admits that vandalism is a continuing problem at Fairmount and other cemeteries, but he flatly denied yesterday that any graves or the mausoleum had been robbed.

"Vandalism comes up from time to time," he said, "but it's not true that they've taken a body. I don't know where that came from. Whoever told you that, it's not true. What you've stated to me is not correct at all."

A police officer said yesterday that the vandalism has apparently been going on for about six months but that cemetery officials did not notify police of the problems until approximately one month ago.

"The cemetery wanted to keep it under wraps, too," he said. "It's real sensitive stuff."

Police arrested seven trespassers at the cemetery Friday night. It could not be learned yesterday if those arrested were connected to the grave robbing investigation.

Police also confirmed that Denver's Metro-SWAT unit is taking a crash course on satanism in part because of the events at Fairmount.



## Easter preparation

Deacon Vern Rompot of the Basilica deputation, 1530 Logan St., decorates a tomb with flowers for this morning's Easter service.



# Tomb is desecrated by vandals

OSHKOSH — What may have been a gruesome pre-Halloween prank was discovered about 7:30 a.m. Sunday when a small secluded mausoleum at Lake View Cemetery, 2786 Algoma Blvd., was found vandalized.

A casket was found open and portions of the remains of a 55-year-old Oshkosh man were missing. The man had been dead nine years.

Winnebago County Sheriff Terry Footit said the man was not a controversial figure in the city. "I don't know what they were after. Hopefully someone will see the remains and talk about it."

Footit said he is not ruling out that it may have been a pre-Halloween prank.

The license number of a car seen in the vicinity has been given to police as a possible suspect, according to Detective Neil Cowling.

Police said the 1½ inch thick marble memorial had been pried off, along with a concrete slab that sealed the crypt where the casket had been sealed.

The outside mausoleum contained 16 individual crypts arranged in four rows.

Police were notified of the incident by a visitor to the cemetery who had been removing flowers in accordance with cemetery rules.

The man noticed the open casket in the crypt and contacted a cemetery officer.

The top of the coffin was on the ground and the bottom was leaning against the inside of the crypt.

Hinges on the left side of the coffin were broken and it had been opened 12 to 14 inches, police said, to remove parts of the remains.

The head, left hand, and lower leg of the corpse, were missing. The left foot, still enclosed in a sock, was found 11 feet north of the coffin.

A local mortician confirmed that the missing body parts had been pulled off and not cut away from the corpse. Relatives have asked that the identity of the corpse not be revealed. The man's widow reportedly still lives in the city.

Police said a second crypt, which was empty, also had been disturbed.

E

TO: Mr. Jerry Brown, Chandler Wilbert Vault Co.

This memorandum will deal with the issue of possible liability to a cemetery that could result from winter storage of dead human bodies awaiting spring interments. The right to a decent Christian burial is axiomatic in civilized society. The prevailing view in this country is that, although there is no property right in the commercial sense, there is a quasi-property right in the decedent's body vesting in the nearest kin. This right arises out of the duty of the relatives to bury their dead, and includes the right to possession and custody of the body for burial, and the right to maintain an action to recover damages for any indignity or injury done to the corpse. Sworski vs. Simons, 208 Minn. 201, 293 N.W. 309 (1940); Koerbe vs. Patek, 123 Wis. 453, 102 N.W. 40 (1903); Larson vs. Chase, 47 Minn. 307, 50 N.W. 230 (1891); see, Annotation, 17 ALR. 2d 771, Civil Liability of Undertakers for Acts or Omissions Relating to Corpse; 22 Am. Jur. 2d, Dead Bodies (1968). Implicit in the contract for funeral services is the duty to protect the feelings of the individuals effected. Fitzsimmons v. Olinger Motuary Association. 91 Colo. 544, 17 P. 2d 535 (1932).

Thus, there is a duty to the next of kin to provide a dignified and comfortable resting place for the deceased, and the breach of this duty will result in liability for mental anguish and humiliation. 17 ALR 2d, 771, supra. This duty of care for a dignified and comfortable resting place could be breached by winter storage with resulting mental anguish and humiliation to the relatives. Additionally the mental strain on the relatives of the deceased after undergoing the trauma of losing a loved one, is prolonged knowing that interment will transpire at some unknown time in the future. This emotional strain is incomprehensibly intense and should be given the highest priority. This is in addition to the legal liability of the cemetery.

It was once universally held that an action for mental anguish could not be maintained absent physical contact or pecuniary loss. This rule is changing with increasing speed and the litigious society of today, and should not be depended upon to insulate oneself from liability. Prosser, Torts, 4th Edition. In essence, once the duty of proper care is established, there is liability to all foreseeable parties: viz, spouses, children or the next of kin.

In my research of the authorities, there were no reported cases directly on point, but the trend of analogous cases would seem to project a high duty to the cemetery during winter storage. The majority of the reported cases deal with the liability of undertakers, although liability is generally based upon a bailment of the deceased's body, thus, liability has been imposed upon cemeteries, physicians, hospitals, common carriers, and telegraph companies. 22 Am Jur 2d, supra.

One area that has been discussed in a number of reported cases is diametrically opposite to our winter storage issue, that being the removal of bodies from interment. Owing to considerations of public health and welfare and to the respect for the dead and the feelings of the survivors, the courts are reluctant to sanction the removal of a body after interment. Jesus P. N.C. Church v. Soklowski, 159 Minn. 331, 199 N.W. 81 (1924). There is a parallel between winter storage and exhuming. The court in dealing with cases of exhuming focuses

their attention upon the feelings of the survivors and the presumption that a body should remain in interment. In dealing with winter storage the focus would be on the feelings of the survivors and the presumption that a body should be interment and not held in limbo for a substantial period of time. The feelings of the survivors in knowing that their loved one has not yet reached its final resting place and then the deep emotional trauma of any acts or omissions to the decedent's body or casket could render substantial liability to the cemetery.

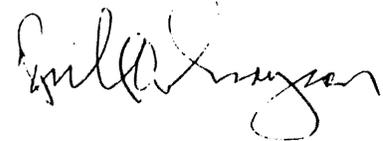
In Renihan v. Wright, 125 Ind. 536, 24 N.E. 822 (1890), the court found an undertaker liable who breached an agreement with the parents of the deceased child to keep the child's body in a vault until ready for burial. He negligently allowed the body to be taken away and buried before the intended burial date. Therefore, the undertaker was found liable to the parents for their mental anguish on the ground that he knew or should have known, that the breach of his contract would result in injuries to the parents feelings. In Spiegel v. Evergreen Cemetery Co., 117 N.J. 90, 186 A. 585 (1936), a cemetery was found liable for interment of a body for violation of an agreement to await the presence of the family. It is possible, through simple human error that a body in winter storage could be buried before the intended time, thereby making the cemetery liable for mental anguish to the next of kin. Further, in Wright v. Beardsley, 46 Wash, 16, 89 P. 172 (1907), a cause of action for mental anguish was found by the court for the decedent's relatives. The court found a duty not to cast a body by the way, or to wrongfully mutilate, or to dispose of it in a grave without covering it. In winter storage a body is being cast into a temporary storage facility to await interment.

Liability has also been found for the breach of care in the transportation of a body. In Lindh v. Great Northern Railroad Company, 99 Minn. 408, 109 N.W. 823 (1906), the railroad was found liable for not having properly protected the casket while in transit. In that case damages were awarded based upon the fact that the casket was not protected from the rain. In Lyles v. Western Union Telegraph Company, 77 S.C. 174, 57 S.E. 725 (1907), liability was imposed upon the telegraph company, for failure to deliver a telegram, thereby resulting in the body being left exposed and the burial delayed. Thus the court viewed the emotional feelings of the survivors quite empathically, and it did not hesitate to impose liability.

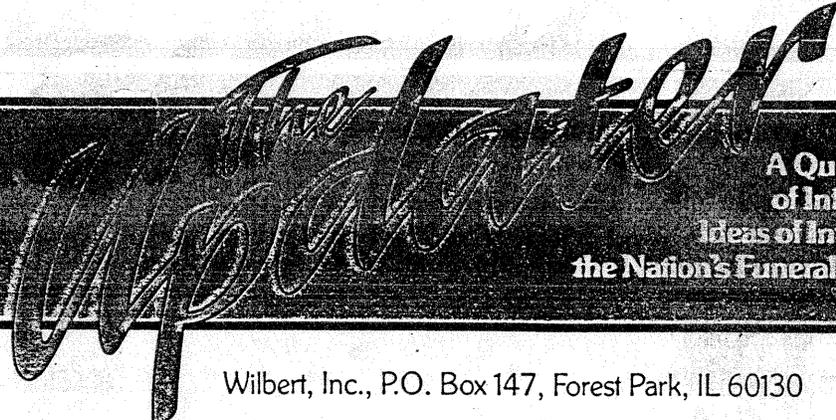
The reported opinions state that the damages incurred are incapable of measurement, and most of the courts recognize that substantial damages will result. Furthermore, if the court would find that the conduct of the cemetery was wanton, malicious, grossly negligent, or in reckless disregard of the rights of others, or the equivalent of an intentional violation of their rights, punitive damages could be awarded.

Punitive damages would then be available in addition to compensatory damages.

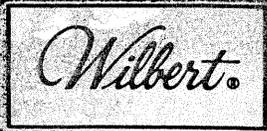
In summation, although I found no reported cases clearly on point, it is my firm belief that in viewing the magnitude of the harm and the resultant legal liability vis-a-vis the additional work of winter interment, it would be a prudent move to change the current winter storage procedure.



F



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# Deferred Interments

## ...are they necessary and/or evil?

Jerry Brown tells a story:

"The last seminar we had was a year ago, and a minister got up and said 'When I heard they don't bury the dead in certain parts of North Dakota, Minnesota and Wisconsin that was the worst thing I'd ever heard. I couldn't believe it!' He said 'It is a gross contradiction to the meaning and value of the funeral because the committal, the closure, is the final act, and instead of that act . . . ' This minister had been counseling a woman whose husband had been killed. And he said, 'We had to refer this widow to a clinical psychologist and we eventually found out the reason she couldn't resolve or accept the death was because it was not complete. The funeral had been cut off at probably the most important time, the final act of burial so that you can get on with your resolution of grief. This woman was experiencing horror lying in bed at night with the wind howling, knowing her husband was out in a casket in an unsecured cinderblock building stacked up with a bunch of other caskets.' "

Since 1979, Jerry Brown has been organizing and conducting a series of "Winter Storage/Spring Interment" seminars involving cemetery personnel, clergy persons and funeral professionals to explore and assess the practice of "deferred interments." The seminars have been held throughout Wisconsin, North Dakota and his home state of Minnesota. As Executive Vice President, Marketing/ Industry Relations, for Chandler-Wilbert Vault Co. of St. Paul, Jerry Brown believes what he has to say is very important, concerning a problem in many areas of the United States that should be of paramount concern to cemeterians and funeral professionals alike.

"The practice by some cemeteries of not burying the dead during the winter months flies in the face of all that funeral service espouses in terms of grief resolution, reality and the value of the graveside committal service," Brown insists.

As Paul Irion wrote in his *The Funeral and the Mourners* in 1954:  
"The committal service (at the grave after the funeral) provides,



as nothing else . . . does so graphically, a symbolic demonstration that the kind of relationship which has existed between the mourner and the deceased is now at an end."

Thirty five years later (1989), the *Catholic Order of Christian Funeral* states that:

"The rite of committal, the conclusion of the funeral rites, is the final act of the community of faith in caring for the body of its deceased member. It may be celebrated at the grave, tomb, or crematorium and may be used for burial at sea. Whenever possible, the rite of committal is to be celebrated at the site of committal, that

is, beside the open grave or place of interment, rather than at a cemetery chapel." (The emphasis is ours.)

*Deferred interment.* That's a rather cold, indifferent phrase for what some say describes a very callous, uncaring, and, yes, dreadful practice. It affects more rural than city cemeteries, although it is not confined to the country. It puts a complete halt to burials in some cemeteries from as early as November into April. It can commence haphazardly with the area's first snowfall or rely on a rigid date

Cont. on page 6

See Inside  
Wilbert's Dick Reichle  
Pittsburgh's White Memorial Chapel



arbitrarily selected by a cemetery despite sunny skies and pleasant Fall temperatures. And while many claim it's all due to economics, just as many declare, "that's bunk!"

"Oftentimes the major cemeteries in our area close at a predetermined time and call it 'closing for the winter,'" states John Black of the Heald Funeral Home (Springvale, Maine). "But if they're telling people they're closing because they can't open graves during the frost and snow season, it's a little ridiculous to close when it's 50° out and the ground is clear. It's frustrating for us to sit down with a family and tell them that when they can walk in that cemetery wearing their windbreakers."

The practice of deferred interment—the closing of a cemetery for the winter because of prohibitive weather conditions and the storing of bodies that must await burial—has been traditionally tied to certain geographical, predominantly rural, areas of the country. The commonly accepted rationale for a cemetery's shut down is the difficulty or impossibility of opening or even *reaching* certain graves without great expense or damage to neighboring graves and monuments.

"Some cemeteries really have a valid reason for closing for the winter," admits Bill Scott of the Willard H. Scott Funeral Home, Inc. (Webster, New York). "I can think of two or three cemeteries where the water content is such that the soil is completely unstable in the winter. A freshly dug grave would cave in from all sides, making a messy and unpleasant sight for families as well as a difficult procedure for the cemetery and vault company personnel. Many cemeteries that could bury all winter feel that the extra work for snow removal and the necessity of filling deep ruts and reseeding large areas in the spring would place too much strain on their limited budgets." Scott adds: "There are pros and cons but from a psychological point of view, it would be better for the families if burials could be completed shortly after the funeral service instead of having to wait until spring."

"As a general policy," explains Tom Schepp of the Russell H. Schepp & Son Funeral Home (Minca, New York), "I think that cemeteries should try to bury at the time of the original service, but also you're going to have occasions when it just is not safe. When you're dealing with a hilly cemetery that has very narrow, dirt roads, I can see where it would be quite dangerous to take a funeral procession in under those circumstances." At the same time, he says: "In our area the little cemeteries employ one gentleman and all he does is dig graves for a living. He has excellent equipment and he knows what he's doing. From an equipment standpoint there's no reason for not opening."

Of the six funeral professionals we spoke to for the preparation of this article, only Scott and Schepp showed any real sympathy for the cemeteries' plight.

Where do the roots of the problem lie, if problem it is? Probably

with a reluctance on the part of most cemeteries to change, and "The cemeteries here don't have written policies, don't have a full time staff," Tom Schepp relates. "There are cemeteries who have four or five burials over a winter handled by the guy down the street who's retired and was asked by the church to take care of the cemetery."

"The technology exists to open graves year round," insists John Black. "Jackhammers and thawing units are available not only to cemeteries but to other people who excavate as well; foundations are poured and septic tanks are installed in frozen ground."

"Of course, good old-fashioned manpower doesn't hurt, either. "Of the 11 cemeteries I service, all of them with the exception of one city cemetery use a man and his son who dig all the graves by hand, even when it's 20° below zero," Mike Leikness of the Leikness Funeral Homes (Wautoma, Wisconsin) mentions.

In those areas of the country where deferred interment is common, most families are aware of the situation; some are resigned to it while others are not (more on that later). The lack of consistency causes difficulties. "Because some cemeteries outside of the city would bury while our city cemetery wouldn't, people wanted to know why," recalls Leikness. "Families were upset that they couldn't complete the funeralization all at once and get on with their lives. They always had it in the back of their minds that when April came around, they'd have to go through it again."

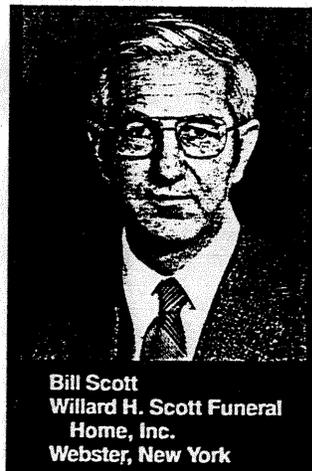
For Bernie Schadt of the Schadt Funeral Homes Inc. (Melrose, Minnesota), families who have moved into his area from nearby



**John Black**  
Heald Funeral Home  
Springvale, Maine

Minneapolis are concerned about deferred interment. "Somebody will call at two in the morning from the hospital and say 'Bernie, my dad just died. Can we bury him?' and I say 'Yes, absolutely. We will bury him.'"

It's December 17, and the family has just completed the funeral service at the funeral home or the church, and everyone goes home, intent on getting back to their lives. If it hasn't occurred to them earlier, suddenly there's a dawning realization that nothing is really concluded until their loved one is actually buried. And then they begin to think about other facts, as well.



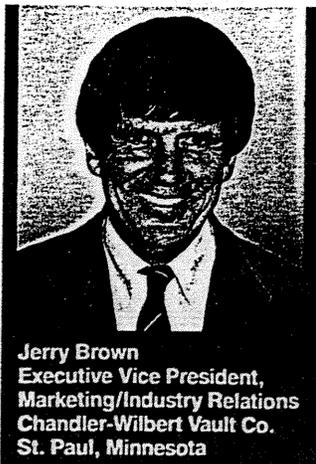
**Bill Scott**  
Willard H. Scott Funeral  
Home, Inc.  
Webster, New York

"I don't see any positive value in delaying burials; I've searched, but I really don't," states John Black. "I think it's an incredible emotional strain on families. I've had families express concern to me that they have had nightmares about someone breaking into the receiving vault and vandalizing the casket. I've had families concerned that several caskets in the receiving vault are of the same type, and how can they be positive they have the correct one." (Editor's note: Black has a detailed coding checking system to avoid problems of this nature.)

"Families tell me, 'I know this building is not a mausoleum; it's just a cement block storage building,' and they are frustrated," relates Mike Leikness. "I've often seen relatives go up there and sit in their car and look at the building. I've had many comments such as, 'Now are you sure that grandpa's casket is going to go into grandpa's grave?'"

"A mother whose son died visited the storage facility almost daily," relates Bill Scott. "She also visits the grave."

"Many families want to go to the winter storage vault at the conclusion



**Jerry Brown**  
Executive Vice President,  
Marketing/Industry Relations  
Chandler-Wilbert Vault Co.  
St. Paul, Minnesota

of the funeral service to see what is being done," says Tom Schepp.

Some families decide they cannot cope with the agonizing wait for a spring burial. "It's getting to be commonplace for the family to have a service at the time of the death and then tell us to take care of things in the Spring and simply let them know after the fact," explains Russell Lawrence III of the Lawrence Funeral Home (Canton, New York). Is this helpful for the family? Lawrence believes it is. "Actually I think it is better for them. When they leave the funeral home in the winter it is with a feeling of finality, a final parting. When they have to come back, about that time that they have started to heal, it all gets brought up again." Lawrence has words of advice for his families about this decision. "It's best that they make up their minds at the time of the funeral service. I also recommend to families that whatever decision they make, they should stick to it and not change their minds a month down the road."

For John Black, about 50% of his families opt to let the funeral professional supervise the spring burial alone.

"That's an absolute contradiction to the whole concept of the funeral: it's a terrible compromise!" Jerry Brown proclaims.

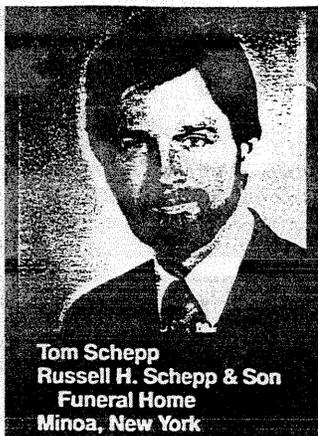
Funeral directors can—and do—get the system changed. "I purchased a funeral home in Sauk Centre, Minnesota, in 1975," relates Bernie Schad. "Prior to that, about 70% of the people who died were being stored. From day one when we took over, our policy was that we would bury everyone whose family wanted them to be buried." Schad personally visited the cemeteries in his area and informed them he would find someone to open graves for them. The cemeteries complied, and it worked. Mike Leikness went to the Wautoma City Council with the same offer, and the Council agreed to open the city cemetery and take care of winter burials themselves. Tom Schepp spoke on a casual basis to cemetery sextons, and it worked. John Black was part of a cemetery board that looked at cases on an individual basis and arranged for special fees for winter grave openings and left the choice to the family.

"Families are willing to pay the extra amount of money it takes to open a grave in the wintertime," Bernie Schad points out. "I explain to them the extra charge involved and also tell them what it will cost to store the body. I've never had a family say to me 'we'll wait for Spring.'"

For some families, the situation is completely intolerable, and they take it upon themselves to change it. "Frankly, some families are upset enough that, when money is no object, we can come up with someone to open the grave, as long as the cemetery is willing," says Russell Lawrence III.

"When I told the family that the cemetery which was out of our area said it was closed, the husband said, 'absolutely not, we're going to have a burial. Can we dig the grave ourselves?'" relates Tom Schepp. After some discussion back and forth, Schepp was finally able to formalize the arrangements. "The family hired a private construction firm to dig the grave," Schepp mentions.

Jerry Brown's seminars, of course, have played no small part in instituting change within Chandler-Wilbert's market area. "At these meetings we have the cemeteries on one side and the funeral professionals and clergy on the other and we attempt to get everyone to discuss the ramifications of deferred interment. The clergy as a group gives us the most input telling us about the desires of the



**Tom Schepp**  
Russell H. Schepp & Son  
Funeral Home  
Minoa, New York

family. It is our experience that 99% of the time the family will make the decision to pay extra to have the burial in the winter in order to complete the service."

Is there *anything*, then, of *positive* value about deferred interment, at least from a family's or funeral professional's point of view? While oftentimes the date and time of the Spring burial is dictated by cemetery conditions, just as often it seems the family will be allowed to choose the day, which most often turns out to be Saturday—a convenience not afforded the family whose relative has died, say, in June. A Spring burial conveniently scheduled for a Saturday after Easter permits close and distant family members and friends to gather one last time to pay their respects. "I've had a Spring burial that never actually took place until June," Russell Lawrence III recalls. "The family couldn't all get together and there were both a high school and college graduation involved." But is this singular

advantage enough? *No!* states Jerry Brown, emphatically.

Asked straight out their opinion about deferred interment, all six of our interviewed funeral professionals agreed:

To have a committal service and a burial is very important for every family as far as the aspect of closure. There must be a finality. A Spring burial interrupts that and makes the grieving process at the very least extended and at the very worst, more stressful. Spring burials should be avoided no matter what the cost, if at all possible.

Tom Schepp

Well, I really don't care for them; spring burials are too hard on all concerned. However, they are a necessary evil.

Russell Lawrence III

Most of the families I serve are willing to pay an additional fee for cemetery openings during the winter months in order to complete the traditional funeral process.

Mike Leikness

The worst aspect is that the family is not allowed the finality of the closure. For someone who dies in December, you're looking at an incredible delay of four months. When a family knows that the experience in the Spring will be very painful, they can choose to omit it. What's truly difficult is for the families who are torn because they recognize it will be very painful for them in the Spring but see it as their duty to be there.

John Black

Most families would prefer to have the whole process completed at one time; otherwise, something hangs over their head from the time of death to the burial. To different degrees people dwell on it. I think the majority of them are not tremendously upset although there is a sense of unfinished business.

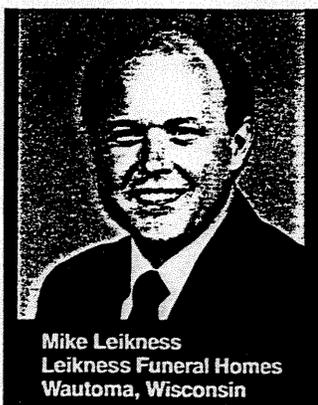
Bill Scott

There's a value in completing, concluding the whole process and you simply can't do that without the burial. You drag it on. Until the process is complete, people know they can't get on with their lives. In my 24 years of experience, I know we're doing the right thing by burying in the winter. It's damn hard to go out there in the cold. It takes a little extra money, and you've got to find somebody. But I know we're doing the right thing.

Bernie Schad



**Bernie Schad**  
Schad Funeral Homes Inc.  
Melrose, Minnesota



**Mike Leikness**  
Leikness Funeral Homes  
Wautoma, Wisconsin



**Russell Lawrence III**  
Lawrence Funeral Home  
Canton, New York