

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2766/P1dn
RLR:bjk:pg

August 27, 2007

Representative Vruwink:

I changed the statutory numbering scheme from that in the proposed draft because we do not reuse section numbers in a bill. For example if the bill repeals section 979.02, we do not create a new section 979.02. If you want to change the numbering, you could repeal and recreate all of chapter 979. I also moved a couple of sections so that the general organization of the chapter is as follows: 1) provisions relating to reporting deaths and investigation of deaths by the coroner or medical examiner; 2) provisions relating to inquests; 3) provisions relating to disposition of bodies; 4) and administrative provisions, such as fees.

This draft does not include proposed s. 979.24, regarding disinterment permits, for the following reasons:

1. The first sentence of proposed sub. (1) is redundant to s. 69.18 (4).
2. The second sentence of proposed sub. (1) adds conditions for issuing a disinterment and reinterment permit under s. 69.18 (4) if the permit is not court ordered. Rather than adding conditions in ch. 979, the bill should amend s. 69.18 (4). Also, 69.18 (4) only covers disinterment and reinterment, not disinterment and cremation. Do you want to expand the scope of a permit under 69.18 (4)?
3. The provisions under proposed subs. (5) and (6) that require permission of a cemetery to disinter human remains that are in a cemetery or to open a vault are redundant to ss. 157.111 and 157.112. Do you want to amend these sections to also require consent of the next of kin?

This draft does not include proposed s. 979.26 or 979.27 because I assume you will want to use the material in LRB-1962 regarding the training and standards board. Do you want to incorporate LRB-1962 into this draft?

What do you want to do with penalties? The proposed draft moves two specific penalty provisions to the end of the chapter and creates a catchall penalty for violating any provision of the chapter, but does not specify the level of the catchall penalty. Do you want a catchall penalty? Under current law, any violation of the statutes for which no penalty is expressed may be penalized as a \$200 forfeiture. If you do not want to include a catchall penalty, I would keep the two specific penalties, as amended in the

proposed draft, with the requirements to which they apply so that they may be easily found.

This draft does not update any cross-references outside chapter 979.

Please review the ****notes in the draft.

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