

1975 Assembly Bill 411

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CHAPTER 106, Laws of 1975

AN ACT to amend 157.06 (1) and 885.37 of the statutes, relating to eliminating the words "deaf and dumb" and "deaf mute" from the statutes.

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

SECTION 1. 157.06 (1) of the statutes is amended to read:

157.06 (1) No cemetery shall be laid out or used for burial purposes, except such as are now in use, and except those which are hereafter organized, maintained and operated by towns, villages and cities, by churches, by fraternal and benevolent societies, by incorporated colleges of religious orders and by cemetery associations incorporated under this chapter. No such cemetery shall be established or located ~~(a)~~ within recorded plat of a city or village, or recorded addition thereto, and within a mile of a building in any such plat, ~~(b)~~ outside such a plat and within 200 rods of an inhabited dwelling in such a plat, without the consent of the municipal authorities, ~~(c)~~ within 15 rods of a habitable dwelling, public building, watering place, or schoolhouse, but this clause shall not apply to the use for cemetery purposes of lands already owned for an extension to an existing cemetery and included within the same description, nor ~~(d)~~ within 200 rods of the institutions for the deaf ~~and dumb~~ or hard of hearing

persons, for the blind, the hospitals for the insane, the Wisconsin school for boys, the colonies for the feeble-minded, the Wisconsin child center or the state reformatory, without the consent of the state agency having jurisdiction over such institutions; except that (a) an existing cemetery in a village may be extended or enlarged within or beyond the village limits with the consent of the village board and the owners of any building within 15 rods of the addition; (b) an existing cemetery in a city of the ~~third or fourth~~ 3rd or 4th class may be extended and enlarged with the consent of the department of health and social services and of the council; provided, that damages may also be allowed to owners of land adjoining that taken for cemetery purposes; (c) an incorporated college of a religious order in a city of the ~~fourth~~ 4th class may, with the consent of the council, establish a private cemetery on land owned by the college for the interment of members of the order in such city, but not within 50 rods of a private dwelling or building without the consent of the owner; (d) a cemetery established within an incorporated village before April 30, 1887, within 100 feet of the outer lines of the plat of such village, may be extended to the outer boundary of such plat with the consent of the village board, and (e) a cemetery established before said date may be enlarged subject only to the conditions of s. 157.05. Violation of this section creates a nuisance which may be enjoined at the suit of anyone.

SECTION 2. 885.37 of the statutes, as affected by supreme court order dated February 17, 1975 and effective January 1, 1976, is amended to read:

885.37 Interpreters for hearing-handicapped persons. Upon a trial or examination in any matter wherein any deaf ~~mute or hearing-handicapped~~ or hard of hearing person or any person unable to speak or who has a speech defect is accused of a crime or misdemeanor, or upon consideration by any state, county or municipal agency of the right or propriety of any such person to have privileges accorded normal hearing people, or when such person is to come under judgment as to his fitness for a place in society, and there is a definite communications barrier as evidenced by such person being incapable of adequately understanding any charge, issue or pertinent utterances or expressing himself because of a lack of ability to use the English language by reason of being deaf or ~~hearing-handicapped~~ hard of hearing, or by such person ~~suffering from being unable to speak or who has~~ a speech defect or other physical defect which handicaps such person in exercising or maintaining his rights in such matter, the court, judge, agency, person or body conducting, considering or having jurisdiction of such trial, examination or matter shall call in and appoint an interpreter competent to converse in the special language, oral, manual or sign, familiar to or used by such deaf ~~mute or hearing-handicapped~~ or hard of hearing person or such person unable to speak or who has a speech defect.

The necessary expense of furnishing such interpreter shall be paid by the unit of government for which such trial, examination, inquiry or consideration is held or made if satisfactory proof is offered that ~~said the deaf mute or hard of hearing person, person unable to speak or who has a speech defect~~ or other such person is unable to pay the same.

SECTION 3. In the printing of the 1975 statutes the revisor of the statutes shall remove any references to the terms "deaf and dumb" and "deaf mute" from the index.