

HOUSE BILL No. 1112

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-21-2.

Synopsis: Abandoned cemeteries. Requires a person who discovers buried human remains as a result of land development to notify the department of natural resources not later than two business days after the discovery. Provides that all development must cease until the township board of the township that contains a majority of the property where the human remains were discovered issues a ruling permitting the continuation of development. Requires the township board to base its ruling on a report by the department of natural resources. Provides that if the township board issues a ruling in favor of the continuation of development, the person effecting the removal of the human remains shall rebury the remains in a suitable site and remove and protect all
(Continued next page)

Effective: July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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tombstones or other markers or provide suitable replacements at a cost to be borne by the person effecting the removal.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1112



A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-21-2 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:
4 **Chapter 2. Discovery of Human Remains During Land**
5 **Development**
6 **Sec. 1. A person who owns land on which human remains are**
7 **discovered as a result of land development may effect the removal**
8 **of those remains under the procedures set forth in this chapter.**
9 **Sec. 2. The person who discovers the buried human remains as**
10 **a result of land development shall notify the department not later**
11 **than two (2) business days after the discovery.**
12 **Sec. 3. Upon the discovery of human remains, all development**
13 **of the property must halt until the township board of the township**
14 **that contains the majority of the property where the buried human**
15 **remains are located issues a ruling permitting the continuation of**



1 development.

2 **Sec. 4. (a) The department shall:**

3 (1) investigate the buried human remains;

4 (2) notify the:

5 (A) owner of the property; and

6 (B) township board of the township that contains the
7 majority of the property where the buried human remains
8 are located;

9 that the remains have been found; and

10 (3) not later than seven (7) days after the department receives
11 notice of the discovery of buried human remains, provide a
12 report to the township board with a recommendation
13 regarding the continuation of development of the property
14 that contains the buried human remains.

15 (b) Before issuing a recommendation under subsection(a)(3)
16 regarding the continuation of land development, the department
17 shall consider historical and cultural factors relating to the buried
18 human remains.

19 **Sec. 5. (a) The township board shall:**

20 (1) consider the report of the department; and

21 (2) not later than seven (7) days after receiving the report of
22 the department, issue a ruling on the continuation of
23 development of the property that contains the buried human
24 remains.

25 (b) The township board may grant to the department, upon the
26 request of the department, an additional thirty (30) days to
27 investigate the buried human remains before issuing a ruling under
28 this section.

29 **Sec. 6. If the township board issues a ruling in favor of the**
30 **continuation of development, the person effecting the removal of**
31 **a decedent's remains shall:**

32 (1) rebury the human remains in a manner that, according to
33 rules adopted by the department:

34 (A) ensures that the site in which reinterment is
35 accomplished is of suitable dimensions to accommodate the
36 remains of that decedent only; and

37 (B) furnishes suitable coffins or boxes for reinterring the
38 human remains; and

39 (2) remove and protect all tombstones or other markers in as
40 good a condition as existed before disinterment, or provide a
41 suitable replacement marker;

42 at a cost to be borne by the person effecting the removal of the

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1 **human remains.**

2 **Sec. 7. A person who recklessly, knowingly, or intentionally**
3 **violates this chapter commits a Class A misdemeanor.**

4 **Sec. 8. The department shall adopt rules under IC 4-22-2**
5 **specifying the manner in which a decedent's remains must be**
6 **reburied by a person effecting the removal of the remains under**
7 **section 6(1) of this chapter.**

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