

**2001-02**  
**Wisconsin State Budget**

Drafting File For:  
**Enrolled SB-55**

**Part**     **J**    

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MSE  
CJS

1 Written notice of any change of address shall be given to the secretary of state within  
2 5 ~~10~~ days of ~~such~~ the change.

3 **SECTION 2833m.** 137.01 (7) of the statutes is amended to read:

4 137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold  
5 office the notary public, or in case of the notary public's death the notary public's  
6 executor or administrator, shall deposit the notary public's official records and  
7 papers in the office of the clerk of the circuit court of the county of the notary public's  
8 residence secretary of state. If any such notary or any executor or administrator,  
9 after such records and papers come to his or her hands, neglects for 3 months to  
10 deposit them, he or she shall forfeit not less than \$50 nor more than \$500. If any  
11 person knowingly destroys, defaces or conceals any records or papers of any notary  
12 public, the person shall forfeit not less than \$50 nor more than \$500, and shall be  
13 liable to the party injured for all damages thereby sustained. The clerks of the circuit  
14 courts secretary of state shall receive and safely keep all such papers and records in  
15 their office.

16 **SECTION 2841m.** 139.03 (5) (b) 2. of the statutes is amended to read:

17 139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.  
18 armed forces or a reserve component of the U. S. armed forces; who is a state resident;  
19 and who leaves a foreign country, after spending at least 48 hours in that foreign  
20 country on duty or for training, with the purpose of entering into this state may bring  
21 into the state, in sealed original containers and in the person's immediate possession,  
22 intoxicating liquor and wine in an aggregate amount not exceeding 6 16 liters  
23 without paying the tax imposed under this subchapter on that amount.

24 **SECTION 2842.** 139.30 (7) of the statutes is amended to read:

(F)  
(J)

1           139.30 (7) “Manufacturer” means any person who manufactures cigarettes for  
2           the purpose of sale, including the authorized agent of a person who manufactures  
3           cigarettes for the purpose of sale.

4           **SECTION 2842m.** 139.31 (1) (a) of the statutes is amended to read:

5           139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,  
6           ~~29.5~~ 38.5 mills on each cigarette.

7           **SECTION 2842n.** 139.31 (1) (b) of the statutes is amended to read:

8           139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~59~~ 77  
9           mills on each cigarette.

10          **SECTION 2843.** 139.31 (4) of the statutes is created to read:

11          139.31 (4) No person may sell or distribute in this state, acquire, store, possess,  
12          or transport for sale or distribution in this state, import or cause to be imported into  
13          this state for sale or distribution in this state, or affix stamps as described under s.  
14          139.32 to, any of the following:

15           (a) A cigarette package on which a statement, label, stamp, sticker, or notice  
16          indicates that the manufacturer did not intend the cigarettes in the package to be  
17          sold, distributed, or used in the United States, including labels stating “for export  
18          only,” “U.S. tax exempt,” “for use outside U.S.,” or similar wording.

19           (b) A cigarette package that does not comply with 15 USC 1333 and 15 USC  
20          1335 or other federal law.

21           (c) A cigarette package that has been altered as described in sub. (5).

22           (d) Any cigarettes that are imported into the United States in violation of  
23          federal law.

24          **SECTION 2844.** 139.31 (5) of the statutes is created to read:

*Remove  
Xtra Space*

*plain  
space*

*delete  
Xtra space  
plain  
space*

1           139.31 (5) (a) No person may alter a cigarette package before the sale or  
2 distribution to the ultimate consumer so as to remove, conceal, or obscure any of the  
3 following:

4           1. Any statement, label, stamp, sticker, or notice described in sub. (4) (a).

5           2. Any health warning that is not specified in or that does not conform with the  
6 requirements under 15 USC 1333.

7           (b) No person may affix stamps, as described in s. 139.32, to any cigarette  
8 package that is altered as described in par. (a).

9           **SECTION 2845m.** 139.31 (6) of the statutes is created to read:

10           139.31 (6) Subsections (4) and (5) do not apply to cigarettes that may be brought  
11 into the United States for personal use and cigarettes that are sold or intended for  
12 sale by a duty-free enterprise, as provided under 19 USC 1555, not including  
13 cigarettes that are brought into a customs territory, as defined under 19 USC 1555  
14 (2) (b) (C), for resale within the customs territory.

15           **SECTION 2846.** 139.34 (3) of the statutes is created to read:

16           139.34 (3) No distributor may affix stamps to cigarette packages, as provided  
17 in s. 139.32, unless the distributor certifies to the department, in a manner  
18 prescribed by the department, that the distributor purchases cigarettes directly from  
19 a manufacturer.

20           **SECTION 2847m.** 139.39 (4m) of the statutes is created to read:

21           139.39 (4m) Any person who sells, distributes, or manufactures cigarettes and  
22 who sustains direct economic or commercial injury as the result of a violation of this  
23 chapter may bring an action for injunctive relief.

24           **SECTION 2847n.** 139.40 (1) of the statutes is amended to read:

1           139.40 (1) All cigarettes acquired, owned, imported, possessed, kept, stored,  
 2           made, sold, distributed or transported in violation of this chapter, and all personal  
 3           property used in connection therewith is unlawful property and subject to seizure by  
 4           the secretary or any peace officer. All cigarettes seized for violating s. 139.31 (4) or  
 5           (5) shall be destroyed.

6           **SECTION 2848m.** 139.76 (1) of the statutes is amended to read:

7           139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale,  
 8           possession with intent to sell or removal for consumption or sale or other disposition  
 9           for any purpose of tobacco products by any person engaged as a distributor of them  
 10          at the rate of <sup>remove</sup>20%<sub>xtra space</sub> <sup>plain space</sup>25% of the manufacturer's established list price to distributors  
 11          without diminution by volume or other discounts on domestic products. On products  
 12          imported from another country the rate of tax is <sup>remove</sup>20%<sub>xtra space</sub> <sup>plain space</sup>25% of the amount obtained  
 13          by adding the manufacturer's list price to the federal tax, duties and transportation  
 14          costs to the United States. The tax attaches at the time the tobacco products are  
 15          received by the distributor in this state. The tax shall be passed on to the ultimate  
 16          consumer of the tobacco products. All tobacco products received in this state for sale  
 17          or distribution within this state, except tobacco products actually sold as provided  
 18          in sub. (2), shall be subject to such tax.

19          **SECTION 2848n.** 139.78 (1) of the statutes is amended to read:

20          139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco  
 21          products in this state at the rate of <sup>remove</sup>20%<sub>xtra space</sub> <sup>plain space</sup>25% of the cost of the tobacco products. The  
 22          tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been  
 23          paid or if the tobacco products are exempt from the tobacco products tax under s.  
 24          139.76 (2).

25          **SECTION 2848r.** 146.185 (3) of the statutes is amended to read:

1           146.185 (3) From the appropriation under s. 20.435 (5) ~~(fh)~~ (kb), the  
2 department shall in each fiscal year award up to \$200,000 in grants for activities to  
3 improve the health status of economically disadvantaged minority group members.  
4 A person may apply, in the manner specified by the department, for a grant of up to  
5 \$50,000 in each fiscal year to conduct these activities. ~~A grant awarded~~ An awardee  
6 of a grant under this subsection may not exceed 50% of the cost of the activities. An  
7 applicant's required contribution for a grant shall provide, for at least 50% of the  
8 grant amount, matching funds that may consist of funding or an in-kind  
9 contribution. An applicant that is not a federally qualified health center, as defined  
10 under 42 CFR 405.2401 (b) shall receive priority for grants awarded under this  
11 subsection.

12           **SECTION 2848s.** 146.185 (4) of the statutes is amended to read:

13           146.185 (4) From the appropriation under s. 20.435 (5) ~~(fh)~~ (kb), the  
14 department shall award a grant of up to ~~\$100,000~~ \$50,000 in each fiscal year to a  
15 private nonprofit corporation that applies, in the manner specified by the  
16 department, to conduct a public information campaign on minority health.

17           **SECTION 2850.** 146.55 (2m) (a) of the statutes is repealed and recreated to read:

18           146.55 (2m) (a) The department shall contract with a physician to direct the  
19 state emergency medical services program. The department may expend from the  
20 funding under the federal preventive health services project grant program under  
21 42 USC 2476 under the appropriation under s. 20.435 (1) (mc), \$25,000 in each fiscal  
22 year for this purpose.

23           **SECTION 2850ag.** 146.56 (1) of the statutes is amended to read:

24           146.56 (1) Not later than July 1, 2002, the department shall develop and  
25 implement a statewide trauma care system. The department shall seek the advice

1 of the statewide trauma advisory council under s. 15.197 (25) in developing and  
2 implementing the system, and, as part of the system, shall develop regional trauma  
3 advisory councils.

4 **SECTION 2850ah.** 146.56 (2) of the statutes is amended to read:

5 146.56 (2) The department shall promulgate rules to develop and implement  
6 the system. The rules shall include a method by which to classify all hospitals as to  
7 their respective emergency care capabilities. The classification rule shall be based  
8 on standards developed by the American College of Surgeons. Within 180 days after  
9 promulgation of the classification rule, and every ~~4~~ 3 years thereafter, each hospital  
10 shall certify to the department the classification level of trauma care services that  
11 is provided by the hospital, based on the rule. The department may require a hospital  
12 to document the basis for its certification. The department may not direct a hospital  
13 to establish a certain level of certification. Confidential injury data that is collected  
14 under this subsection shall be used for confidential review relating to performance  
15 improvements in the trauma care system, and may be used for no other purpose.

16  
17 **SECTION 2850bc.** 146.65 of the statutes is created to read:

18 **146.65 Rural health dental clinics.** (1) From the appropriation under s.  
19 20.435 (5) (dm), the department shall distribute moneys as follows:

20 (a) In state fiscal year 2001-02, not more than \$618,000 and in fiscal year  
21 2002-03, not more than \$232,000, to the rural health dental clinic located in  
22 Ladysmith that provides dental services to persons who are developmentally  
23 disabled or elderly or who have low income, in the counties of Rusk, Price, Taylor,  
24 Sawyer, and Chippewa.

1 (b) In fiscal year 2001–02, not more than \$294,500 and in state fiscal year  
2 2002–03, not more than \$355,600, to the rural health dental clinic located in  
3 Menomonie that provides dental services to persons who are developmentally  
4 disabled or elderly or who have low income, in the counties of Barron, Chippewa,  
5 Dunn, Pepin, Pierce, Polk, and St. Croix.

6 (2) The department shall also seek federal funding to support the operations  
7 of the rural health dental clinics under sub. (1).

8 **SECTION 2850bm.** 148.19 (2) of the statutes is amended to read:

9 148.19 (2) Legal counsel, certified public accountants licensed or certified  
10 under ch. 442, or other persons as to matters the director or officer believes in good  
11 faith are within the person's professional or expert competence.

12 **SECTION 2850bg.** 146.83 (1) (b) of the statutes is amended to read:

13 146.83 (1) (b) Receive a copy of the patient's health care records upon payment  
14 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

15 **SECTION 2850bh.** 146.83 (1) (c) of the statutes is amended to read:

16 146.83 (1) (c) Receive a copy of the health care provider's X-ray reports or have  
17 the X-rays referred to another health care provider of the patient's choice upon  
18 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

19 **SECTION 2850bi.** 146.83 (3m) of the statutes is created to read:

20 146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on  
21 an approximation of actual costs. The fees, plus applicable tax, are the maximum  
22 amount that a health care provider may charge under sub. (1) (b) for duplicate  
23 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the  
24 referral of X-rays to another health care provider of the patient's choice. The rule  
25 shall also permit the health care provider to charge for actual postage or other actual

1 delivery costs. In determining the approximation of actual costs for the purposes of  
2 this subsection, the department may consider all of the following factors:

3 1. Operating expenses, such as wages, rent, utilities, and duplication  
4 equipment and supplies.

5 2. The varying cost of retrieval of records, based on the different media on which  
6 the records are maintained.

7 3. The cost of separating requested patient health care records from those that  
8 are not requested.

9 4. The cost of duplicating requested patient health care records.

10 5. The impact on costs of advances in technology.

11 (b) By January 1, 2006, and every 3 years thereafter, the department shall  
12 revise the rules under par. (a) to account for increases or decreases in actual costs.

13 **SECTION 2850c.** 149.115 of the statutes is amended to read:

14 **149.115 Rules relating to creditable coverage.** The commissioner, in  
15 consultation with the department, shall promulgate rules that specify how  
16 creditable coverage is to be aggregated for purposes of ~~ss. s. 149.10 (2t) (a) and 149.14~~  
17 ~~(6) (b) 1. a.~~ and that determine the creditable coverage to which ~~ss. s. 149.10 (2t) (b)~~  
18 ~~and (d) and 149.14 (6) (b) 1. b. and d. apply~~ applies. The rules shall comply with  
19 section 2701 (c) of P.L. 104–191.

20 **SECTION 2850d.** 149.13 (4) of the statutes is created to read:

21 149.13 (4) Notwithstanding subs. (1) to (3), the department, with the  
22 agreement of the commissioner, may perform various administrative functions  
23 related to the assessment of insurers participating in the cost of administering the  
24 plan.

25 **SECTION 2850dm.** 149.135 of the statutes is created to read:

1           **149.135 Special small employer insurer assessment.** (1) In this section:

2           (a) “Discontinued individual” means an individual who was covered under the  
3 health benefit plan subject to ch. 635 that was discontinued by the small employer  
4 insurer that provided the health benefit plan and who obtained coverage under the  
5 plan under this chapter after the coverage under the health benefit plan was  
6 discontinued.

7           (b) “Health benefit plan” has the meaning given in s. 632.745 (11).

8           (c) “Small employer” has the meaning given in s. 635.02 (7).

9           (d) “Small employer insurer” has the meaning given in s. 635.02 (8).

10          (2) (a) Except as provided in sub. (3), a small employer insurer that  
11 discontinues coverage under a health benefit plan that is subject to ch. 635 shall pay  
12 a special assessment for each discontinued individual.

13          (b) The assessment under this subsection shall be determined by multiplying  
14 the small employer insurer’s number of discontinued individuals by the average cost  
15 of an eligible person in the year in which the small employer insurer discontinued  
16 the coverage under the health benefit plan. The average cost of an eligible person  
17 in the year in which the health benefit plan was discontinued shall be determined  
18 by deducting from the total costs of the plan under this chapter in that year all  
19 premiums paid in that year by all persons with coverage under the plan under this  
20 chapter, and then by dividing that amount by the total number of persons with  
21 coverage under the plan under this chapter in that year.

22          (c) The assessment under this subsection shall also include all costs that are  
23 incurred by the small employer insurer’s discontinued individuals during their first  
24 6 months of coverage under the plan under this chapter and that are attributable to  
25 preexisting conditions.

1 (d) The board shall determine when a small employer insurer must pay the  
2 assessment under this section.

3 (3) The assessment under sub. (2) does not apply if the small employer insurer  
4 discontinued coverage under the health benefit plan subject to ch. 635 for any of the  
5 following reasons:

6 (a) The small employer failed to pay premiums or contributions in accordance  
7 with the terms of the health benefit plan or in a timely manner.

8 (b) The small employer performed an act or engaged in a practice that  
9 constitutes fraud or made an intentional misrepresentation of material fact under  
10 the terms of the coverage.

11 (c) The small employer failed to meet participation or contribution  
12 requirements under the health benefit plan.

13 **SECTION 2850e.** 149.14 (3) (nm) of the statutes is created to read:

14 149.14 (3) (nm) Hospice care provided by a hospice licensed under subch. IV  
15 of ch. 50.

16 **SECTION 2850f.** 149.14 (5) (title) of the statutes is amended to read:

17 149.14 (5) (title) DEDUCTIBLES, COPAYMENTS AND COINSURANCE, AND  
18 OUT-OF-POCKET LIMITS.

19 **SECTION 2850g.** 149.14 (5) (b) of the statutes is amended to read:

20 149.14 (5) (b) Except as provided in ~~par. pars.~~ (c) and (e), if the covered costs  
21 incurred by the eligible person exceed the deductible for major medical expense  
22 coverage in a calendar year, the plan shall pay at least 80% of any additional covered  
23 costs incurred by the person during the calendar year.

24 **SECTION 2850h.** 149.14 (5) (c) of the statutes is amended to read:

1           149.14 (5) (c) If Except as provided in par. (e), if the aggregate of the covered  
2 costs not paid by the plan under par. (b) and the deductible exceeds \$500 for an  
3 eligible person receiving medicare, \$2,000 for any other eligible person during a  
4 calendar year or \$4,000 for all eligible persons in a family, the plan shall pay 100%  
5 of all covered costs incurred by the eligible person during the calendar year after the  
6 payment ceilings under this paragraph are exceeded.

7           **SECTION 2850i.** 149.14 (5) (e) of the statutes is amended to read:

8           149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17  
9 (4), establish ~~copayments~~ for prescription drug coverage under sub. (3) (d) copayment  
10 amounts, coinsurance rates, and copayment and coinsurance out-of-pocket limits  
11 over which the plan will pay 100% of covered costs under sub. (3) (d). Any copayment  
12 ~~amounts or rates~~ amount, coinsurance rate, or out-of-pocket limit established ~~are~~  
13 under this paragraph is subject to the approval of the board. Copayments and  
14 coinsurance paid by an eligible person under this paragraph ~~shall~~ are separate from  
15 and do not count toward the deductible and covered costs not paid by the plan under  
16 pars. (a) to (c).

17           **SECTION 2850j.** 149.14 (6) (b) 1. of the statutes is repealed.

18           **SECTION 2850k.** 149.14 (6) (b) 2. of the statutes is renumbered 149.14 (6) (b)  
19 and amended to read:

20           149.14 (6) (b) An eligible individual who obtains coverage under the plan ~~on~~  
21 ~~or after June 17, 1998,~~ may not be subject to any preexisting condition exclusion  
22 under the plan. ~~An eligible individual who is covered under the plan on June 17,~~  
23 ~~1998, may not be subject to any preexisting condition exclusion on or after June 17,~~  
24 ~~1998.~~

25           **SECTION 2850Lc.** 149.142 (1) (b) of the statutes is amended to read:

1           149.142 (1) (b) The payment rate for a prescription drug shall be the allowable  
2 charge paid under s. 49.46 (2) (b) 6. h. for the prescription drug. Notwithstanding  
3 s. 149.17 (4), the department may not reduce the payment rate for prescription drugs  
4 below the rate specified in this paragraph, and the rate may not be adjusted under  
5 s. 149.143 or 149.144.

6           **SECTION 2850Ld.** 149.142 (2) of the statutes is amended to read:

7           149.142 (2) The Except as provided in sub. (1) (b), the rates established under  
8 this section are subject to adjustment under ss. 149.143 and 149.144.

9           **SECTION 2850Ldc.** 149.143 (1) (intro.) of the statutes is amended to read:

10           149.143 (1) (intro.) The department shall pay or recover the operating costs of  
11 the plan from the appropriation under s. 20.435 (4) (v) and administrative costs of  
12 the plan from the appropriation under s. 20.435 (4) (u). For purposes of determining  
13 premiums, insurer assessments under s. 149.13, and provider payment rate  
14 adjustments, the department shall apportion and prioritize responsibility for  
15 payment or recovery of plan costs from among the moneys constituting the fund as  
16 follows:

17           **SECTION 2850Ldm.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

18           149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage  
19 under s. 149.14 (2) (a) set at 150% of the rate that a standard risk would be charged  
20 under an individual policy providing substantially the same coverage and  
21 deductibles as are provided under the plan and from eligible persons with coverage  
22 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts  
23 received for premium and deductible subsidies under s. 149.144 and under the  
24 transfer to the fund from the appropriation account under s. 20.435 (4) (ah), ~~and~~ from  
25 premiums collected from eligible persons with coverage under s. 149.146 set in

1 accordance with s. 149.146 (2) (b), and from 50% of small employer insurer  
2 assessments under s. 149.135.

3 **SECTION 2850Le.** 149.143 (1) (b) 1. d. of the statutes is amended to read:

4 149.143 (1) (b) 1. d. Fourth, notwithstanding subd. 2., by increasing insurer  
5 assessments under s. 149.13, excluding assessments under s. 149.144, and adjusting  
6 provider payment rates, subject to s. 149.142 (1) (b) and excluding adjustments to  
7 those rates under s. 149.144, in equal proportions and to the extent that the amounts  
8 under subd. 1. a. to c. are insufficient to pay 60% of plan costs.

9 **SECTION 2850Lem.** 149.143 (1) (b) 2. a. of the statutes is amended to read:

10 149.143 (1) (b) 2. a. Fifty percent from insurer assessments under s. 149.13,  
11 excluding assessments under s. 149.144, and from 50% of small employer insurer  
12 assessments under s. 149.135.

13 **SECTION 2850Lf.** 149.143 (1) (b) 2. b. of the statutes is amended to read:

14 149.143 (1) (b) 2. b. Fifty percent from adjustments to provider payment rates,  
15 subject to s. 149.142 (1) (b) and excluding adjustments to those rates under s.  
16 149.144.

17 **SECTION 2850Lg.** 149.143 (2) (a) 4. of the statutes is amended to read:

18 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider  
19 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and  
20 setting the rate at the level necessary to equal the amounts specified in sub. (1) (b)  
21 1. d. and 2. b. and as provided in s. 149.145.

22 **SECTION 2850Lj.** 149.143 (2m) (b) 3. of the statutes is created to read:

23 149.143 (2m) (b) 3. For distribution to eligible persons, notwithstanding any  
24 requirements in this chapter related to setting premium amounts. The department,  
25 with the approval of the board and the concurrence of the plan actuary, shall

1 determine the policies, eligibility criteria, methodology, and other factors to be used  
2 in making any distribution under this subdivision.

3 **SECTION 2850Lh.** 149.143 (3) (a) of the statutes is amended to read:

4 149.143 (3) (a) If, during a plan year, the department determines that the  
5 amounts estimated to be received as a result of the rates and amount set under sub.  
6 (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment  
7 rate under s. 149.144 will not be sufficient to cover plan costs, the department may  
8 by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the  
9 plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,  
10 by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan  
11 year, subject to sub. (1) (b) 2. a., and by the same rule under which assessments are  
12 increased adjust the provider payment rate set under sub. (2) (a) 4. for the remainder  
13 of the plan year, subject to sub. (1) (b) 2. b. and s. 149.142 (1) (b).

14 **SECTION 2850Li.** 149.143 (3) (b) of the statutes is amended to read:

15 149.143 (3) (b) If the department increases premium rates and insurer  
16 assessments and adjusts the provider payment rate under par. (a) and determines  
17 that there will still be a deficit and that premium rates have been increased to the  
18 maximum extent allowable under par. (a), the department may further adjust, in  
19 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment  
20 rate set under sub. (2) (a) 4., without regard to sub. (1) (b) 2. but subject to s. 149.142  
21 (1) (b).

22 **SECTION 2850Lj.** 149.143 (5) (a) of the statutes is amended to read:

23 149.143 (5) (a) Annually, no later than April 30, the department shall perform  
24 a reconciliation with respect to plan costs, premiums, insurer assessments, and  
25 provider payment rate adjustments based on data from the previous calendar year.

1 On the basis of the reconciliation, the department shall make any necessary  
2 adjustments in premiums, insurer assessments under s. 149.13, or provider  
3 payment rates, subject to s. 149.142 (1) (b), for the fiscal year beginning on the first  
4 July 1 after the reconciliation, as provided in sub. (2) (b).

5 **SECTION 2850Lk.** 149.143 (5) (b) of the statutes is amended to read:

6 149.143 (5) (b) Except as provided in sub. (3) and s. 149.144, the department  
7 shall adjust the provider payment rates to meet the providers' specified portion of the  
8 plan costs no more than once annually, subject to s. 149.142 (1) (b). The department  
9 may not determine the adjustment on an individual provider basis or on the basis  
10 of provider type, but shall determine the adjustment for all providers in the  
11 aggregate, subject to s. 149.142 (1) (b).

12 **SECTION 2850Lm.** 149.144 of the statutes is amended to read:

13 **149.144 Adjustments to insurer assessments and provider payment**  
14 **rates for premium and deductible reductions.** If the moneys transferred to the  
15 fund under the appropriation under s. 20.435 (4) (ah) are insufficient to reimburse  
16 the plan for premium reductions under s. 149.165 and deductible reductions under  
17 s. 149.14 (5) (a), or the department determines that the moneys transferred or to be  
18 transferred to the fund under the appropriation under s. 20.435 (4) (ah) will be  
19 insufficient to reimburse the plan for premium reductions under s. 149.165 and  
20 deductible reductions under s. 149.14 (5) (a), the department may, by rule, adjust in  
21 equal proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and  
22 the provider payment rate set under s. 149.143 (2) (a) 4., subject to s. ss. 149.142 (1)  
23 (b) and 149.143 (1) (b) 1., sufficient to reimburse the plan for premium reductions  
24 under s. 149.165 and deductible reductions under s. 149.14 (5) (a). If the department  
25 makes the adjustment under this section, the department shall notify the

1 commissioner so that the commissioner may levy any increase in insurer  
2 assessments.

3 **SECTION 2850Ln.** 149.145 of the statutes is amended to read:

4 **149.145 Program budget.** The department, in consultation with the board,  
5 shall establish a program budget for each plan year. The program budget shall be  
6 based on the provider payment rates specified in s. 149.142 and in the most recent  
7 provider contracts that are in effect and on the funding sources specified in s. 149.143  
8 (1), including the methodologies specified in ss. 149.143, 149.144, and 149.146 for  
9 determining premium rates, insurer assessments under s. 149.13, and provider  
10 payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b) and subject  
11 to s. 149.142 (1) (b), from the program budget the department shall derive the actual  
12 provider payment rate for a plan year that reflects the providers' proportional share  
13 of the plan costs, consistent with ss. 149.143 and 149.144. The department may not  
14 implement a program budget established under this section unless it is approved by  
15 the board.

16 **SECTION 2850m.** 149.146 (1) (b) 1. of the statutes is repealed.

17 **SECTION 2850p.** 149.146 (1) (b) 2. of the statutes is renumbered 149.146 (1) (b).

18 **SECTION 2850q.** 149.146 (2) (am) 2. of the statutes is amended to read:

19 149.146 (2) (am) 2. Except as provided in ~~subd.~~ subds. 3. and 5., if the covered  
20 costs incurred by the eligible person exceed the deductible for major medical expense  
21 coverage in a calendar year, the plan shall pay at least 80% of any additional covered  
22 costs incurred by the person during the calendar year.

23 **SECTION 2850r.** 149.146 (2) (am) 3. of the statutes is amended to read:

24 149.146 (2) (am) 3. If Except as provided in subd. 5., if the aggregate of the  
25 covered costs not paid by the plan under subd. 2. and the deductible exceeds \$3,500

1 for any eligible person during a calendar year or \$7,000 for all eligible persons in a  
2 family, the plan shall pay 100% of all covered costs incurred by the eligible person  
3 during the calendar year after the payment ceilings under this subdivision are  
4 exceeded.

5 **SECTION 2850s.** 149.146 (2) (am) 5. of the statutes is created to read:

6 149.146 (2) (am) 5. Subject to s. 149.14 (8) (b), the department may, by rule  
7 under s. 149.17 (4), establish for prescription drug coverage under this section  
8 copayment amounts, coinsurance rates, and copayment and coinsurance  
9 out-of-pocket limits over which the plan will pay 100% of covered costs for  
10 prescription drugs. Any copayment amount, coinsurance rate, or out-of-pocket  
11 limit established under this subdivision is subject to the approval of the board.  
12 Copayments and coinsurance paid by an eligible person under this subdivision are  
13 separate from and do not count toward the deductible and covered costs not paid by  
14 the plan under subsds. 1. to 3.

15 **SECTION 2850w.** 149.15 (1) of the statutes is amended to read:

16 149.15 (1) The plan shall have a board of governors consisting of  
17 representatives of 2 participating insurers ~~which~~ that are nonprofit corporations,  
18 representatives of 2 other participating insurers, 3 health care provider  
19 representatives, including one representative of the State Medical Society of  
20 Wisconsin, one representative of the Wisconsin Health and Hospital Association and  
21 one representative of an integrated multidisciplinary health system, and ~~3~~ 4 public  
22 members, including one representative of small businesses in the state, appointed  
23 by the secretary for staggered 3-year terms. In addition, the commissioner, or a  
24 designated representative from the office of the commissioner, and the secretary, or  
25 a designated representative from the department, shall be members of the board.

1 The public members shall not be professionally affiliated with the practice of  
2 medicine, a hospital, or an insurer. At least ~~2~~ one of the public members shall be  
3 ~~individuals reasonably expected to qualify for an individual who has~~ coverage under  
4 the plan ~~or the parent or spouse of such an individual~~. The secretary or the  
5 secretary's representative shall be the chairperson of the board. Board members,  
6 except the commissioner or the commissioner's representative and the secretary or  
7 the secretary's representative, shall be compensated at the rate of \$50 per diem plus  
8 actual and necessary expenses.

9 **SECTION 2850x.** 149.25 of the statutes is created to read:

10 **149.25 Case management pilot program.** (1) DEFINITIONS. In this section:

11 (a) "Chronic disease" means any disease, illness, impairment, or other physical  
12 condition that requires health care and treatment over a prolonged period and,  
13 although amenable to treatment, is irreversible and frequently progresses to  
14 increasing disability or death.

15 (b) "Health professional shortage area" means an area that is designated by the  
16 federal department of health and human services under 42 CFR part 5, appendix A,  
17 as having a shortage of medical care professionals.

18 (2) PROGRAM AND ELIGIBILITY REQUIREMENTS. (a) The department shall conduct  
19 a 3-year pilot program, beginning on July 1, 2002, under which eligible persons who  
20 qualify under par. (b) are provided community-based case management services.

21 (b) To be eligible to participate in the pilot program, an eligible person must  
22 satisfy any of the following criteria:

- 23 1. Be diagnosed as having a chronic disease.
- 24 2. Be taking 2 or more prescribed medications on a regular basis.

1           3. Within 6 months of applying for the pilot program, have been treated 2 or  
2 more times at a hospital emergency room or have been admitted 2 or more times to  
3 a hospital as an inpatient.

4           (c) 1. Participation in the pilot program shall be voluntary and limited to no  
5 more than 300 eligible persons. The department shall ensure that all eligible  
6 persons are advised in a timely manner of the opportunity to participate in the pilot  
7 program and of how to apply for participation.

8           2. If more than 300 eligible persons apply to participate, the department shall  
9 select pilot program participants from among those who qualify under par. (b)  
10 according to standards determined by the department, except that the department  
11 shall give preference to eligible persons who reside in medically underserved areas  
12 or health professional shortage areas.

13           **(3) PROVIDER ORGANIZATION AND SERVICES REQUIREMENTS.** (a) The department  
14 shall select and contract with an organization to provide the community-based case  
15 management services under the pilot program. To be eligible to provide the services,  
16 an organization must satisfy all of the following criteria:

17           1. Be a private, nonprofit, integrated health care system that provides access  
18 to health care in a medically underserved area of the state or in a health professional  
19 shortage area.

20           2. Operate an existing community-based case management program with  
21 demonstrated successful client and program outcomes.

22           3. Demonstrate an ability to assemble and coordinate an interdisciplinary  
23 team of health care professionals, including physicians, nurses, and pharmacists, for  
24 assessment of a program participant's treatment plan.

1 (b) The community-based case management services under the pilot program  
2 shall be provided by a team, consisting of a nurse case manager, a pharmacist, and  
3 a social worker, working in collaboration with the eligible person's primary care  
4 physician or other provider. Services to be provided include all of the following:

- 5 1. An initial intake assessment.
- 6 2. Development of a treatment plan based on best practices.
- 7 3. Coordination of health care services.
- 8 4. Patient education.
- 9 5. Family support.
- 10 6. Monitoring and reporting of patient outcomes and costs.

11 (c) The department shall pay contract costs from the appropriation under s.  
12 20.435 (4) (u).

13 (4) **EVALUATION STUDY.** The department shall conduct a study that evaluates the  
14 pilot program in terms of health care outcomes and cost avoidance. In the study, the  
15 department shall measure and compare, for pilot program participants and similarly  
16 situated eligible persons not participating in the pilot program, plan costs and  
17 utilization of services, including inpatient hospital days, rates of hospital  
18 readmission within 30 days for the same diagnosis, and prescription drug utilization.  
19 The department shall submit a report on the results of the study, including the  
20 department's conclusions and recommendations, to the legislature under s. 13.172  
21 (2) and to the governor.

22 **SECTION 2850y.** 150.345 of the statutes is created to read:

23 **150.345 Nursing home bed transfers.** (1) Notwithstanding ss. 150.33 and  
24 150.34, a nursing home may transfer a licensed bed to another nursing home, if all  
25 of the following apply:

1 (a) The receiving nursing home is within the same area for allocation of nursing  
2 home beds, as determined by the department, as is the transferring nursing home,  
3 or is in a county adjoining that area.

4 (b) The transferring nursing home and the receiving nursing home are owned  
5 by corporations that are owned by the same person.

6 (c) The transferring and receiving nursing homes notify the department of the  
7 proposed transfer within 30 days before the transfer occurs.

8 (d) The department reviews and approves the transfer.

9 (2) Upon receiving the notification specified in sub. (1) (c), the department shall  
10 adjust the allocation of licensed beds under s. 150.31 for each nursing home in  
11 accordance with the transfer that was made.

12 **SECTION 2852bb.** 157.061 (1) of the statutes is renumbered 157.061 (1c) and  
13 amended to read:

14 157.061 (1c) "Burial" means entombment, inurnment ~~or~~, interment, or  
15 placement in a mausoleum, vault, crypt, or columbarium.

16 **SECTION 2852bf.** 157.061 (1d) of the statutes is created to read:

17 157.061 (1d) "Burial space" means a space that is used or intended to be used  
18 for the burial of human remains and, when used in reference to the sale, purchase,  
19 or ownership of a burial space, includes the right to bury human remains in the  
20 burial space.

21 **SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:

22 157.061 (1p) "Cemetery" means a place that is dedicated to and used or  
23 intended to be used for the final disposition of human remains.

24 **SECTION 2852bL.** 157.061 (2m) of the statutes is amended to read:

1           157.061 (2m) “Cemetery lot” means a grave or 2 or more contiguous graves and,  
2 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~  
3 ~~the right to bury human remains in that cemetery lot.~~

4           **SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:

5           157.061 (3) “Cemetery merchandise” means goods associated with the burial  
6 of human remains, including monuments, markers, nameplates, vases, and urns,  
7 and any services that are associated with supplying or delivering those goods or with  
8 the burial of human remains and that may be lawfully provided by a cemetery  
9 authority, including opening and closing of a burial space. The term does not include  
10 caskets or outer burial containers.

11           **SECTION 2852bp.** 157.061 (3g) of the statutes is created to read:

12           157.061 (3g) “Columbarium” means a building, structure, or part of a building  
13 or structure that is used or intended to be used for the inurnment of cremains.

14           **SECTION 2852br.** 157.061 (3r) of the statutes is created to read:

15           157.061 (3r) “Columbarium space” means a niche, crypt, or specific place in a  
16 columbarium that contains or is intended to contain cremains.

17           **SECTION 2852bt.** 157.061 (8g) of the statutes is created to read:

18           157.061 (8g) “Lawn crypt” means an interment space in chambers that are  
19 preplaced at either a single depth or multiple depths and that are located primarily  
20 underground.

21           **SECTION 2852bx.** 157.061 (11r) of the statutes is amended to read:

22           157.061 (11r) “Payment of principal” means the portion of a payment for the  
23 purchase of ~~a cemetery lot, cemetery merchandise or a mausoleum~~ burial space that  
24 represents the principal amount owed by the purchaser for the ~~cemetery lot,~~  
25 ~~cemetery merchandise or mausoleum~~ burial space, and does not include any portion

1 of the payment that represents any taxes, finance or interest charges, or insurance  
2 premiums.

3 **SECTION 2852da.** 157.061 (15) of the statutes is amended to read:

4 157.061 (15) "Religious association" means any church, synagogue, or mosque  
5 ~~or any, incorporated college of a religious order, or religious society organized under~~  
6 ch. 187.

7 **SECTION 2852dc.** 157.061 (15m) of the statutes is created to read:

8 157.061 (15m) "Religious cemetery authority" means a cemetery authority of  
9 a cemetery owned and operated by a religious association.

10 **SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

11 157.061 (17) "Undeveloped space" means a mausoleum space, columbarium  
12 space, or lawn crypt that is not ready for the burial of human remains on the date  
13 of the sale of the mausoleum space, columbarium space, or lawn crypt.

14 **SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

15 157.062 (3) VALIDATION. When there shall have been a bona fide attempt to  
16 organize a cemetery association, but a failure to record a properly drawn and  
17 executed certificate of organization, and it has in good faith bought and platted  
18 grounds and conveyed cemetery lots burial spaces and carried on business for over  
19 25 years, the same shall be a body corporate from the date of conveyance to it of real  
20 estate, and its transfers and other transactions are validated.

21 **SECTION 2852dm.** 157.062 (4) (a) of the statutes is amended to read:

22 157.062 (4) (a) An annual election shall be held during the annual meeting.  
23 The annual meeting, and any special meeting described in sub. (2), shall be held at  
24 a place in the county chosen by the trustees upon public notice as required by the  
25 bylaws. Trustees chosen after the first election shall be proprietors of cemetery lots

1 burial spaces in the cemetery, residents of the state, and hold office for 3 years.  
2 Election shall be by ballot and a plurality shall elect. Each owner of one or more  
3 ~~cemetery lots~~ burial spaces is entitled to one vote, and one of several owners of a  
4 ~~cemetery lot~~ burial space, designated by the majority of them, shall cast the vote.

5 **SECTION 2852ds.** 157.062 (6) (c) of the statutes is amended to read:

6 157.062 (6) (c) If an association is dissolved under par. (a) or any group has  
7 never been properly organized as cemetery association, and there are fewer than 5  
8 members living or residing in the county where the cemetery is located, the circuit  
9 judge for the county shall upon the petition of any person interested, make an order  
10 determining who are persons interested in the cemetery. Any adult person who owns  
11 an interest in any ~~cemetery lot~~ burial space in the cemetery, who is related to any  
12 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,  
13 or surviving spouse of a member of the dissolved association, is an interested person.  
14 The circuit judge may make the order upon evidence he or she deems sufficient, with  
15 or without hearing. The order need not contain the names of all persons interested,  
16 but shall contain the names of at least 5 such persons.

17 **SECTION 2852dt.** 157.062 (9) of the statutes is amended to read:

18 157.062 (9) EXEMPTIONS FOR CERTAIN NONPROFIT CEMETERIES. In lieu of  
19 delivering a certification, resolution, or copy of proceedings to the department of  
20 financial institutions under sub. (1), (2), or (6) (b), a cemetery association that is not  
21 required to be registered under s. 440.91 (1) ~~and~~, that is not organized or conducted  
22 for pecuniary profit, and that does not operate a cemetery that is located in a county  
23 with a population greater than 600,000 shall deliver the certification, resolution, or  
24 copy of proceedings to the office of the register of deeds of the county in which the  
25 cemetery is located.

1           **SECTION 2852dy.** 157.064 (2) of the statutes is amended to read:

2           157.064 (2) A cemetery or religious association incorporated in this state and  
3           having a cemetery in or near a 1st or 2nd class city and any cemetery described under  
4           s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands  
5           for cemetery purposes, and may pay for it wholly or partly from its ~~cemetery lot~~ burial  
6           space sales.

7           **SECTION 2852fb.** 157.064 (6) of the statutes is amended to read:

8           157.064 (6) Whenever the majority of the members of a cemetery association,  
9           or of a religious association authorized to hold lands for cemetery purposes, present  
10          at an annual meeting or special meeting called for such purpose vote to convey all  
11          of the cemetery association's or religious association's cemetery property, trust funds  
12          and other property used for cemetery purposes to another cemetery association or  
13          religious association, the trustees of the association shall transfer the property upon  
14          the acceptance of the transfer by the other association by affirmative vote of a  
15          majority of its members present at an annual meeting or special meeting called for  
16          that purpose. Upon such acceptance, the title to the cemetery property, trust funds  
17          and other property of the transferring association vests in the accepting association  
18          under the control of the trustees of the accepting association. A conveyance under  
19          this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious  
20          ~~society organized under ch. 187~~ cemetery authority.

21          **SECTION 2852fd.** 157.065 (1) (b) 4. of the statutes is repealed.

22          **SECTION 2852fh.** 157.07 (1) of the statutes is amended to read:

23          157.07 (1) A cemetery authority shall cause to be surveyed and platted by a  
24          land surveyor registered in this state those portions of the lands that are from time  
25          to time required for burial, into ~~cemetery lots~~ burial spaces, drives, and walks, and

1 record a plat or map of the land in the office of the register of deeds. The plat or map  
2 may not be recorded unless laid out and platted to the satisfaction of the county board  
3 of the county, and the town board of the town, in which the land is situated, or, if the  
4 land is situated within a 1st class city, then only by the common council of that city.

5 **SECTION 2852fj.** 157.07 (5) of the statutes is amended to read:

6 157.07 (5) The cemetery authority may vacate or replat any portion of its  
7 cemetery upon the filing of a petition with the circuit court describing the portion and  
8 setting forth the facts and reasons therefor. The court shall fix a time for hearing and  
9 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy  
10 of the notice to be mailed to at least one interested person, as to each separate parcel  
11 involved, whose post-office address is known or can be ascertained with reasonable  
12 diligence, at least 20 days before such hearing. If the court finds that the proposed  
13 vacating or replatting is for the best interest of the cemetery authority and that the  
14 rights of none to whom cemetery lots burial spaces have been conveyed will be  
15 injured, it shall enter an order reciting the jurisdictional facts and its findings and  
16 authorizing the vacating or replatting of the lands of the cemetery. The order shall  
17 be effective when recorded by the register of deeds.

18 **SECTION 2852fL.** 157.07 (6) of the statutes is amended to read:

19 157.07 (6) This section does not apply to a religious ~~society organized under ch.~~  
20 187 cemetery authority.

21 **SECTION 2852fn.** 157.08 (1) of the statutes is amended to read:

22 157.08 (1) After the plat or map is recorded under s. 157.07, the cemetery  
23 authority may sell and convey cemetery lots burial spaces. Conveyances shall be  
24 signed by the chief officer of the cemetery authority, and by the secretary or clerk of  
25 the cemetery authority, if any. Before delivering the conveyance to the grantee, the

1 cemetery authority shall enter on records kept for that purpose, the date and  
2 consideration and the name and residence of the grantee. The conveyances may be  
3 recorded with the register of deeds.

4 **SECTION 2852fp.** 157.08 (2) (a) of the statutes is amended to read:

5 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery  
6 authority and used or intended to be used for the burial of the human remains of the  
7 purchaser or the purchaser's family members, the purchaser's interests in the  
8 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are  
9 not affected or limited by any claims or liens of other persons against the cemetery  
10 authority.

11 **SECTION 2852fr.** 157.08 (2) (b) of the statutes is amended to read:

12 157.08 (2) (b) 1. Before a cemetery authority sells or encumbers any cemetery  
13 land, except for a sale described in par. (a), the cemetery authority shall notify the  
14 department in writing.

15 3. If within 60 days after the department is notified of the ~~proposed sale or~~  
16 ~~encumbrance under subd. 1. or 1m.~~ the department notifies the cemetery authority  
17 in writing that the department objects to the ~~sale or encumbrance~~ proposed action,  
18 the cemetery authority may not ~~sell or encumber the cemetery land~~ take the action  
19 unless the department subsequently notifies the cemetery authority in writing that  
20 the objection is withdrawn.

21 4. The department may object to a ~~sale or encumbrance~~ an action under subd.  
22 3. only if it determines that the cemetery authority will not be financially solvent or  
23 that the rights and interests of owners of ~~cemetery lots and mausoleum~~ burial spaces  
24 will not be adequately protected if the ~~sale or encumbrance occurs~~ action is taken.

1 The department shall promulgate rules that establish requirements and procedures  
2 for making a determination under this subdivision.

3 5. The department may, before the expiration of the 60–day period under subd.  
4 3., notify the cemetery authority in writing that the department approves of the sale  
5 or encumbrance action. Upon receipt of the department’s written approval, the  
6 cemetery authority may sell or encumber the cemetery land take the action and is  
7 released of any liability under this paragraph.

8 6. The department shall make every effort to make determinations under this  
9 paragraph in an expeditious manner.

10 **SECTION 2852ft.** 157.08 (2) (b) 1m. of the statutes is created to read:

11 157.08 (2) (b) 1m. Before a cemetery authority of a cemetery in a county with  
12 a population greater than 600,000 takes any of the following actions, the cemetery  
13 authority shall notify the department in writing:

14 a. Transfers ownership or control of 50% or more of the assets or stock of the  
15 cemetery.

16 b. Engages in a transaction that results in a person acquiring ownership or  
17 control of 50% or more of the stock of the cemetery.

18 c. Transfers responsibility for management or operation of the cemetery  
19 authority.

20 **SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to read:

21 157.08 (2) (b) 2. The department shall promulgate rules that specify the  
22 documentation that must be submitted with a notification under subds. 1. and 1m.

23 **SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

24 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society  
25 organized under ch. 187, cemetery authority and sub. (2) (b) does not apply to a

1 cemetery authority that is not required to be registered under s. 440.91 (1) and, that  
2 is not organized or conducted for pecuniary profit, and that does not operate a  
3 cemetery that is located in a county with a population greater than 600,000.

4 **SECTION 2852fx.** 157.10 (title) of the statutes is amended to read:

5 **157.10 (title) Alienation and use of cemetery lots burial spaces.**

6 **SECTION 2852gb.** 157.10 of the statutes is renumbered 157.10 (1) and amended  
7 to read:

8 157.10 (1) While any person is buried in a ~~cemetery lot~~ burial space, the  
9 ~~cemetery lot~~ burial space shall be inalienable, without the consent of the cemetery  
10 authority, and on the death of the owner, ownership of the ~~cemetery lot~~ burial space  
11 shall descend to the owner's heirs; but any one or more of such heirs may convey to  
12 any other heir his or her interest in the ~~cemetery lot~~ burial space. No human remains  
13 may be buried in a ~~cemetery lot~~ burial space except the human remains of one having  
14 an interest in the ~~cemetery lot~~ burial space, or a relative, or the husband or wife of  
15 such person, or his or her relative, except by the consent of all persons having an  
16 interest in the ~~cemetery lot~~ burial space.

17 **SECTION 2852hb.** 157.10 (2) of the statutes is created to read:

18 157.10 (2) The department shall promulgate rules that interpret the  
19 requirements of this section and require any person who transfers an interest in a  
20 burial space to provide the transferee with a written notice, prepared by the  
21 department, that describes the requirements of this section.

22 **SECTION 2852jd.** 157.11 (title) of the statutes is amended to read:

23 **157.11 (title) Improvement and care of cemetery lots burial spaces and**  
24 **grounds.**

25 **SECTION 2852jf.** 157.11 (1m) of the statutes is created to read:

1           157.11 (1m) DUTY TO MAINTAIN. A cemetery authority of a cemetery in a county  
2 with a population greater than 600,000 shall maintain a cemetery, including burial  
3 spaces, grounds, landscaping, roads, parking lots, fences, buildings, and other  
4 structures, in a reasonable manner at all times.

5           **SECTION 2852jh.** 157.11 (2) of the statutes is amended to read:

6           157.11 (2) REGULATIONS. The cemetery authority may make regulations for  
7 management and care of the cemetery. No person may plant, in the cemetery, trees  
8 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures  
9 or monuments, nor maintain them if planted or erected in violation of the  
10 regulations. The cemetery authority may require any person owning or controlling  
11 a cemetery lot burial space to do anything necessary to comply with the regulations  
12 by giving reasonable personal notice in writing if the person is a resident of the state,  
13 otherwise by publishing a class 3 notice, under ch. 985, in the county. If the person  
14 fails to comply within 20 days thereafter, the cemetery authority may cause it to be  
15 done and recover from the person the expense. The cemetery authority may also  
16 impose a forfeiture not exceeding \$10 for violation of the regulations posted in 3  
17 conspicuous places in the cemetery, recoverable under ch. 778. Each employee and  
18 agent of the cemetery authority shall have constable powers in enforcing the  
19 regulations.

20           **SECTION 2852jj.** 157.11 (3) of the statutes is amended to read:

21           157.11 (3) CONTRACTS. The cemetery authority may contract with persons who  
22 own or are interested in a cemetery lot burial space for its care. The contract shall  
23 be in writing, may provide that the cemetery lot burial space shall be forever exempt  
24 from taxes, assessments, or charges for its care and the care and preservation of the  
25 grounds, shall express the duty of the cemetery authority, shall be recorded in a book

1 kept for that purpose, and shall be effective when the consideration is paid or  
2 secured.

3 **SECTION 2852jL.** 157.11 (4) of the statutes is amended to read:

4 157.11 (4) ASSOCIATIONS OF RELATIVES. Persons owning a ~~cemetery lot~~ burial  
5 space or having relatives buried in a cemetery may incorporate an association to hold  
6 and occupy a previously constituted cemetery, and to preserve and care for the same.  
7 Section 157.062 shall apply to the association. Nothing in this subsection shall give  
8 rights of burial. A municipality may lease a municipal cemetery to a cemetery  
9 association for preservation and may contract to permit the association to use  
10 cemetery funds therefor. Such leases and contracts may be revoked at will by the  
11 municipal board.

12 **SECTION 2852jn.** 157.11 (5) of the statutes is amended to read:

13 157.11 (5) SUM REQUIRED. The cemetery authority shall annually fix the sum  
14 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of  
15 the cemetery, or to produce a sufficient income for those purposes.

16 **SECTION 2852jp.** 157.11 (7) (a) of the statutes is amended to read:

17 157.11 (7) (a) The cemetery authority may annually assess upon the ~~cemetery~~  
18 ~~lots~~ burial spaces amounts not to exceed the amounts reasonably required for actual  
19 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and  
20 improvement of the cemetery. Notice of the assessment, along with a copy of this  
21 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~  
22 burial space, at the owner's or person's last-known post-office address, directing  
23 payment to the cemetery authority within 30 days and specifying that such  
24 assessments are a personal liability of the owner or person.

25 **SECTION 2852jr.** 157.11 (7) (b) of the statutes is amended to read:

1           157.11 (7) (b) The cemetery authority may fix and determine the sum  
2 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in  
3 reasonable and uniform amounts, which amounts shall be subject to the approval of  
4 the court, and may collect those amounts as part of the funeral expenses.

5           **SECTION 2852jt.** 157.11 (7) (c) of the statutes is amended to read:

6           157.11 (7) (c) Before ordering distribution of the estate of a deceased person,  
7 the court shall order paid any assessment under this section, or the sum so fixed for  
8 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

9           **SECTION 2852jv.** 157.11 (7) (d) of the statutes is amended to read:

10           157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given  
11 for 2 consecutive years or more, for which assessments are unpaid, after notice as  
12 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.  
13 When uniform care has been given for 5 consecutive years or more and the  
14 assessments are unpaid, upon like notice, title to all unoccupied parts of the ~~cemetery~~  
15 ~~lot~~ burial space shall pass to the cemetery authority and may be sold, the payment  
16 of principal to be deposited into the care fund. Before depositing the payment of  
17 principal into the care fund, the cemetery authority may retain an amount necessary  
18 to cover the cemetery authority's administrative and other expenses related to the  
19 sale, but the amount retained may not exceed 50% of the proceeds.

20           **SECTION 2852jx.** 157.11 (8) (title) of the statutes is repealed.

21           **SECTION 2852jy.** 157.11 (8) of the statutes is renumbered 157.11 (9) (am) and  
22 amended to read:

23           157.11 (9) (am) ~~The~~ A cemetery authority shall take, hold, and use any gifts,  
24 or the income and proceeds of any gifts, as may be made in trust or otherwise, for the  
25 improvement, maintenance, repair, preservation, or ornamentation of any ~~cemetery~~

1 let burial space or structure in the cemetery, according to the terms of the gift and  
2 regulations by the cemetery authority.

3 **SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and recreated to  
4 read:

5 157.11 (9) (title) GIFTS.

6 **SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and  
7 amended to read:

8 157.11 (9) (b) Before a cemetery authority receives a gift, the surety bonds of  
9 the cemetery authority shall be increased to cover such amount if it does not then do  
10 so. ~~If the bonds are not filed, or the~~

11 (d) If a cemetery authority fails to do anything required by this subsection, the  
12 judge may appoint a trustee, and all property and money so given in the manner  
13 described under par. (am) or (c) and evidences of title and securities shall be delivered  
14 to the trustee.

15 **SECTION 2852Ld.** 157.11 (9) (c) of the statutes is created to read:

16 157.11 (9) (c) If a cemetery authority of a cemetery in a county with a population  
17 greater than 600,000 receives a gift for the improvement, maintenance, repair,  
18 preservation, or ornamentation of any burial space or structure in the cemetery, it  
19 shall either expend the income and proceeds of the gift or deposit the proceeds into  
20 a trust account at a financial institution, as defined in s. 705.01 (3), according to the  
21 terms of the gift and regulations of the cemetery authority. A cemetery authority of  
22 a cemetery in a county with a population greater than 600,000 that receives a gift  
23 shall maintain a gift ledger that accounts for all receipts and disbursements of gifts.

24 **SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to read:

25 157.11 (9g) (title) CARE FUND FOR ~~CEMETERY LOTS~~ BURIAL SPACES.

1           **SECTION 2852Lh.** 157.11 (9g) (a) 1. (intro.) of the statutes is amended to read:

2           157.11 (9g) (a) 1. (intro.) Except as provided in ss. ~~66.0603 (1) (e)~~ 66.0603 (1m)  
3           (c) and 157.19 (5) (b), funds that are received by a cemetery authority for the care of  
4           a cemetery lot burial space shall be invested in one or more of the following manners:

5           **SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended to read:

6           157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise  
7           deposited by the cemetery authority in an investment approved by the department  
8           if the care funds are segregated and invested separately from all other moneys held  
9           by the cemetery authority. A cemetery authority of a cemetery in a county with a  
10          population of 600,000 or less may invest funds in the manner described in this subd.  
11          1. c. only if the department approves the investment. A cemetery authority of a  
12          cemetery in a county with a population greater than 600,000 may invest funds in the  
13          manner described in this subd. 1. c. only if the cemetery authority submits to the  
14          department a written statement by an investment advisor licensed under ch. 551, or  
15          a broker, as defined in s. 408.102 (1) (c), that the investment is made in accordance  
16          with the standards specified in s. 881.01.

17          **SECTION 2852LL.** 157.11 (9g) (a) 2. of the statutes is amended to read:

18          157.11 (9g) (a) 2. The manner in which the care funds are invested may not  
19          permit the cemetery authority to withdraw the care fund's principal amount. ~~The~~  
20          , but, for a cemetery authority of a cemetery in a county with a population greater  
21          than 600,000, may permit the withdrawal of interest, dividends, or capital gains  
22          earned during the most recently completed calendar year. For any cemetery  
23          authority, the income from the investment of a care fund for the care of cemetery lots  
24          burial spaces may be used only to maintain the cemetery lots burial spaces and  
25          grounds, except that if the amount of income exceeds the amount necessary to

1 maintain the ~~cemetery lots~~ burial spaces or grounds properly, the excess amount may  
2 be used to maintain any other portion of the cemetery, including mausoleums. If the  
3 care funds are deposited with a city or county, or previously deposited with a village,  
4 there shall be paid to the cemetery authority annually interest on funds so deposited  
5 of not less than 2% per year. The governing body of any city or county, or any village  
6 or town in the case of previous deposits, may determine to return all or a part of any  
7 funds deposited by a cemetery authority, and that cemetery authority shall accept  
8 the returned funds within 30 days after receiving written notice of that action. If the  
9 cemetery authority is dissolved or becomes inoperative, the county or city shall use  
10 the interest on the funds for the care and upkeep of the cemetery. Deposit shall be  
11 made and the income paid over from time to time, not less frequently than once each  
12 year, and receipts in triplicate shall be given, one filed with the county clerk, one with  
13 the cemetery authority and one given to the person making the deposit. Deposits  
14 shall be in the amount of \$5 or a multiple thereof. Records and receipts shall specify  
15 the ~~cemetery lot~~ burial space for the care of which the deposit is made. Reports of  
16 money received for care and of money and property received as gifts shall be made  
17 annually as provided in s. 157.62 (2).

18 **SECTION 2852Ln.** 157.11 (9g) (c) of the statutes is amended to read:

19 157.11 (9g) (c) Except as provided in sub. (11), any cemetery authority that sells  
20 a cemetery lot, lawn crypt, or columbarium space on or after ~~November 1, 1991~~ the  
21 effective date of this paragraph .... [revisor inserts date], shall deposit 15% of each  
22 payment of principal into a care fund under par. (a) within 30 days after the last day  
23 of the month in which the payment is received, except as provided in sub. (7) (d) and  
24 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of  
25 all payments of principal that have been received, but not less than \$25.

1           **SECTION 2852Lp.** 157.11 (10) of the statutes is amended to read:

2           157.11 (10) EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.  
3 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does  
4 apply, to a religious society ~~organized under ch. 187~~ cemetary authority.

5           **SECTION 2852Lt.** 157.11 (11) of the statutes is amended to read:

6           157.11 (11) EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES. Subsection (9g) does  
7 not apply to a cemetery authority that is not required to be registered under s. 440.91  
8 (1) ~~and~~, that is not organized or conducted for pecuniary profit, and that does not  
9 operate a cemetery in a county with a population that is greater than 600,000.

10          **SECTION 2852ob.** 157.115 (title) of the statutes is amended to read:

11          157.115 (title) **Abandonment of cemeteries and ~~cemetary lots~~ burial**  
12 **spaces.**

13          **SECTION 2852obm.** 157.115 (1) (title) of the statutes is amended to read:

14          157.115 (1) (title) ABANDONMENT OF CEMETERIES; ALL COUNTIES.

15          **SECTION 2852oc.** 157.115 (1) (a) of the statutes is renumbered 157.115 (1) (ar).

16          **SECTION 2852od.** 157.115 (1) (ag) of the statutes is created to read:

17          157.115 (1) (ag) This subsection applies to cemeteries in any county.

18          **SECTION 2852oh.** 157.115 (1) (b) and (c) of the statutes are renumbered 157.115

19 (1g) (b) and (c).

20          **SECTION 2852of.** 157.115 (1g) (title) of the statutes is created to read:

21          157.115 (1g) (title) ABANDONMENT OF CEMETERIES; NONPOPULOUS COUNTIES.

22          **SECTION 2852og.** 157.115 (1g) (a) of the statutes is created to read:

23          157.115 (1g) (a) This subsection applies to cemeteries in counties with a  
24 population that is 600,000 or less.

25          **SECTION 2852oj.** 157.115 (1r) of the statutes is created to read:

1           157.115 (1r) ABANDONMENT OF CEMETERIES; POPULOUS COUNTIES. (a) This  
2 subsection applies to cemeteries in counties with a population greater than 600,000.

3           (b) If a municipality in which a cemetery is located determines that the  
4 cemetery authority has failed to care for the cemetery for a period of 6 months or  
5 more, the municipality shall notify the cemetery authority that it has 90 days to  
6 correct the failure. Upon a showing of good cause, the municipality may grant the  
7 cemetery authority one 90–day extension to correct the failure. If the municipality  
8 finds that the cemetery authority has failed to correct the failure within the deadline  
9 specified in the notice or extension, the municipality may, after a public hearing, take  
10 control of the cemetery, manage and care for the cemetery, collect and manage all  
11 trust funds connected with the cemetery other than trust funds received by a will,  
12 or take any other action necessary to provide for the care of the cemetery. The  
13 municipality may collect from the cemetery authority any costs incurred by the  
14 municipality in exercising its authority under this paragraph.

15           **SECTION 2852ok.** 157.115 (1t) of the statutes is created to read:

16           157.115 (1t) INJUNCTION. Upon application by the department, a court may  
17 enjoin a person from acquiring ownership or control of a cemetery in a county with  
18 a population greater than 600,000 if the person has abandoned another cemetery  
19 anywhere in this state, or has owned or operated another cemetery anywhere in this  
20 state that is subsequently controlled by a municipality under sub. (1g) (b) or (c) or  
21 (1r) (b).

22           **SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended to read:

23           157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

24           **SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

1           157.115 (2) (a) 1. (intro.) “Abandoned lot space” means one or more graves of  
2 a cemetery lot burial spaces that is are not owned by the cemetery authority of the  
3 cemetery in which the cemetery lot is burial spaces are located if those graves burial  
4 spaces have not been used for the burial of human remains and if, according to the  
5 records of the cemetery authority, all of the following apply during the 50-year period  
6 immediately preceding the date on which the notice requirement under par. (c) is  
7 satisfied:

8           **SECTION 2852op.** 157.115 (2) (a) 1. a. of the statutes is amended to read:

9           157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the  
10 cemetery lot burial space to any other person.

11           **SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended to read:

12           157.115 (2) (a) 1. b. No owner has purchased or sold another cemetery lot or a  
13 mausoleum burial space in the cemetery.

14           **SECTION 2852ot.** 157.115 (2) (a) 1. c. of the statutes is amended to read:

15           157.115 (2) (a) 1. c. No other grave in that cemetery lot burial space or adjoining  
16 cemetery lot or adjoining mausoleum burial space that is owned or partially owned  
17 by an owner has been used for the burial of human remains.

18           **SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended to read:

19           157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been  
20 installed on the cemetery lot burial space.

21           **SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended to read:

22           157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been  
23 installed on any other cemetery lot burial space, in the same cemetery, that is owned  
24 or partially owned by an owner.

25           **SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended to read:

1           157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner  
2 or assignee or received any other notice or evidence to suggest that an owner or  
3 assignee intends to use the cemetery lot burial space for a future burial of human  
4 remains.

5           **SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to read:

6           157.115 (2) (a) 2. “Assignee” means a person who has been assigned in the  
7 deceased owner’s will or in any other legally binding written agreement, or who is  
8 entitled to receive under ch. 852, an ownership interest in the abandoned cemetery  
9 lot space.

10          **SECTION 2852pd.** 157.115 (2) (a) 3. of the statutes is amended to read:

11          157.115 (2) (a) 3. “Owner” means a person who, according to the records of the  
12 cemetery authority of the cemetery in which an abandoned cemetery lot space is  
13 located, owns or partially owns the abandoned cemetery lot space.

14          **SECTION 2852pf.** 157.115 (2) (b) of the statutes is amended to read:

15          157.115 (2) (b) No cemetery authority may resell an abandoned cemetery lot  
16 space unless the cemetery authority complies with the requirements in this  
17 subsection or the abandoned space is sold by a trustee under s. 157.117.

18          **SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to read:

19          157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner’s  
20 last-known address, a notice of the cemetery authority’s intent to resell the  
21 abandoned cemetery lot space as provided in this subsection. If an owner is buried  
22 in the cemetery in which the abandoned cemetery lot space is located or if the  
23 cemetery authority has any other evidence that reasonably supports a  
24 determination by the cemetery authority that the owner is deceased, no notice is  
25 required under this paragraph.

1           **SECTION 2852pj.** 157.115 (2) (d) (intro.) of the statutes is amended to read:

2           157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days  
3 after notice is mailed under par. (c), no owner or assignee contacts the cemetery  
4 authority to express an intent to use the abandoned ~~cemetery~~ let space for a future  
5 burial of human remains, the cemetery authority shall publish in a newspaper of  
6 general circulation in the county in which the abandoned ~~let~~ space is located, a class  
7 3 notice under ch. 985 that includes all of the following:

8           **SECTION 2852pL.** 157.115 (2) (d) 1. of the statutes is amended to read:

9           157.115 (2) (d) 1. The location of the abandoned ~~let~~ space.

10          **SECTION 2852pn.** 157.115 (2) (d) 3. of the statutes is amended to read:

11          157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the  
12 cemetery authority within the period specified in par. (e), the cemetery authority  
13 intends to resell the abandoned ~~let~~ space as provided in this subsection.

14          **SECTION 2852pp.** 157.115 (2) (e) of the statutes is amended to read:

15          157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner  
16 or assignee contacts the cemetery authority to express an intent to use the  
17 abandoned ~~let~~ space for a future burial of human remains, the cemetery authority  
18 shall bring an action in the circuit court of the county in which the abandoned ~~let~~  
19 space is located for a judgment that the ~~cemetery-let~~ burial space is an abandoned  
20 ~~let space~~ and an order transferring ownership of the abandoned ~~let~~ space to the  
21 cemetery authority.

22          **SECTION 2852pr.** 157.115 (2) (f) of the statutes is amended to read:

23          157.115 (2) (f) If within one year after the circuit court enters a judgment and  
24 order under par. (e) no owner or assignee contacts the cemetery authority to express  
25 an intent to use the abandoned ~~let~~ space for a future burial of human remains, the

1 cemetery authority may resell the abandoned ~~lot~~ space, except as provided in par. (g).  
2 The payment of principal shall be deposited into the care fund. Before depositing the  
3 payment of principal into the care fund, the cemetery authority may retain an  
4 amount necessary to cover the cemetery authority's administrative and other  
5 expenses related to the sale, but the amount retained may not exceed 50% of the  
6 proceeds.

7 **SECTION 2852pt.** 157.115 (2) (g) of the statutes is amended to read:

8 157.115 (2) (g) If at any time before an abandoned ~~lot~~ space is resold under par.  
9 (f) an owner or assignee contacts the cemetery authority to express an intent to use  
10 the abandoned ~~lot~~ space for a future burial of human remains, the authority may not  
11 resell the abandoned ~~lot~~ space, and ownership of the abandoned ~~lot~~ space shall be  
12 transferred to the owner or assignee. The cemetery authority shall pay all costs of  
13 transferring ownership under this paragraph.

14 **SECTION 2852pv.** 157.115 (2) (h) of the statutes is amended to read:

15 157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from  
16 seeking the authority to resell more than one abandoned ~~lot~~ space by publishing a  
17 single class 3 notice under par. (d) or bringing a single action under par. (e) that  
18 applies to all of the abandoned ~~lots~~ spaces for which such authority is sought.

19 **SECTION 2852px.** 157.117 of the statutes is created to read:

20 **157.117 Trustees for certain cemeteries and mausoleums. (1)**

21 **DEFINITIONS.** In this section:

22 (a) "Cemetery" means a cemetery in a county with a population greater than  
23 600,000, but does not include a cemetery the ownership, control, or management of  
24 which has been assumed by a municipality. For purposes of this paragraph, a  
25 municipality is considered to have assumed the ownership, control, or management

1 of a cemetery only if the municipality has adopted a resolution or enacted an  
2 ordinance that has the effect of assuming ownership, control, or management of the  
3 cemetery. "Cemetery" also does not include a cemetery owned and operated by a  
4 religious cemetery authority.

5 (b) "Local governmental unit" means a municipality or county.

6 (c) "Mausoleum" does not include a mausoleum owned and operated by a  
7 religious cemetery authority.

8 (d) "Municipality" means a city, village, or town.

9 (e) "Trustee" means a trustee appointed under sub. (2) (b).

10 (2) APPOINTMENT OF TRUSTEE. (a) In response to a petition from the department  
11 or upon his or her own motion, the attorney general may petition the circuit court for  
12 the county in which a cemetery or mausoleum is located for the appointment of a  
13 trustee for the cemetery or mausoleum. If the attorney general petitions the court  
14 on his or her own motion, the attorney general shall serve a copy of the petition on  
15 the department and the municipality and county within which the cemetery is  
16 located.

17 (b) A court shall schedule a hearing on a petition filed under par. (a) within 90  
18 days after the petition is filed with the court. If the court finds after a hearing that  
19 a cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
20 maintained, or financially unsound, the court shall appoint as a trustee for the  
21 cemetery or mausoleum a capable and competent person to serve as trustee of the  
22 cemetery or mausoleum under this section, except that the court may not appoint the  
23 department as a trustee.

24 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding  
25 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new

1 owner, other than the state, if the owner believes itself to be incapable of continuing  
2 to operate the cemetery or mausoleum. The court may grant the petition if it finds  
3 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
4 maintained, or financially unsound. If the court grants the petition, it shall transfer  
5 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.

6 (b).

7 (d) All disputes relating to the appointment of a trustee or the actions of a  
8 trustee appointed under this section shall be resolved by the court that appointed the  
9 trustee.

10 (3) TRUSTEE POWERS AND DUTIES. (a) A trustee shall do each of the following:

11 1. Be responsible for the management, maintenance, and operation of each  
12 cemetery or mausoleum under trusteeship.

13 2. Comply with reporting requirements of s. 157.62 (2). A trustee shall provide  
14 the court with a copy of all reports filed under this subdivision.

15 3. Provide the court with any additional information, records, or reports that  
16 the court may direct.

17 (b) A trustee may petition the court that appointed the trustee for any of the  
18 following:

19 1. Termination of the trusteeship and reversion of ownership and operation of  
20 a cemetery or mausoleum to the previous owner.

21 2. Termination of the trusteeship and transfer of ownership and operation of  
22 a cemetery or mausoleum to a new owner other than the state.

23 3. Removal and reinternment of human remains in accordance with the  
24 requirements of this subchapter.

1           4. Termination of the trusteeship and closure of a cemetery or mausoleum after  
2 removal and reinternment of human remains under subd. 3.

3           (c) A trustee may do any of the following:

4           1. Seek a new owner or operator of a cemetery or mausoleum, other than the  
5 state, including actively marketing the cemetery or mausoleum and taking any other  
6 action necessary or useful to effect the sale of the cemetery or mausoleum.

7           2. Assess burial spaces for cleaning, care, or improvement under s. 157.11 (7).

8           3. Expend funds disbursed from the cemetery management insurance fund for  
9 the purpose of exercising its powers or carrying out its duties under this section.

10          4. Employ professional, legal, and technical experts, and any such other  
11 managers, management personnel, agents, and employees as may be required, to  
12 exercise the trustee's powers or carry out the trustee's duties under this section.

13          5. Take any other action necessary or useful to the management or trusteeship  
14 of a cemetery or mausoleum.

15          (4) DEPARTMENT POWERS AND DUTIES. (a) From the appropriation under s. 20.165  
16 (1) (q), the department shall make disbursements to trustees. The department shall  
17 promulgate rules establishing requirements and procedures for making the  
18 disbursements.

19          (b) The department may promulgate rules to carry out the purposes of this  
20 section.

21          (5) TERMINATION OF TRUSTEESHIP. A court that appointed a trustee shall  
22 terminate the trusteeship if any of the following applies:

23          (a) The owner or operator of a cemetery or mausoleum demonstrates to the  
24 satisfaction of the court that the conditions that necessitated the trusteeship have

1 been remedied and that it is competent and capable of managing the cemetery or  
2 mausoleum.

3 (b) The court finds that a new operator is competent and capable of managing  
4 the cemetery or mausoleum. Upon making a finding under this paragraph, the court  
5 shall approve the transfer of the management of the cemetery or mausoleum to the  
6 new operator.

7 (c) The court approves the sale or transfer of a cemetery or mausoleum to a new  
8 owner, other than the state, that the court finds is capable and competent to manage  
9 the cemetery or mausoleum on a financially sound basis.

10 (d) The court approves the closure of a cemetery or mausoleum after all human  
11 remains have been removed and reinterred.

12 **SECTION 2852pz.** 157.12 (2) (b) of the statutes is amended to read:

13 157.12 (2) (b) The department shall supervise construction of any public  
14 mausoleum and conversion of any building to a public mausoleum. Within 30 days  
15 after receiving written notice from the cemetery authority that the construction or  
16 conversion has been completed, the department shall inspect the public mausoleum  
17 and provide the cemetery authority with a written certification as to whether the  
18 construction or conversion complies with approved plans. If the department  
19 determines that, except for certain minor defects, the construction or conversion  
20 complies with the approved plans, the department may provide the cemetery  
21 authority with a written temporary certification of compliance that is contingent on  
22 the correction of those minor defects. A temporary certification is valid for a period  
23 designated by the department, not to exceed 6 months. No person may sell a  
24 mausoleum space, except an undeveloped space that is sold in accordance with ~~s.~~ ss.  
25 440.92 and 440.922, or bury human remains in a public mausoleum unless a care

1 fund has been established for the mausoleum under sub. (3) and the department has  
2 provided the cemetery authority with a certification or a temporary certification  
3 under this paragraph. If a cemetery authority that has been provided with a  
4 temporary certification notifies the department in writing before the date on which  
5 the temporary certification expires that the defects in the construction or conversion  
6 of the public mausoleum have been corrected, the department shall, within 30 days  
7 after receiving the notice, reinspect the public mausoleum and provide the cemetery  
8 authority with a written certification as to whether the construction or conversion  
9 complies with the approved plans. If a cemetery authority that has been provided  
10 with a temporary certification does not receive a written certification from the  
11 department before the date on which the temporary certification expires that the  
12 construction or conversion complies with the approved plans, then, beginning on the  
13 date on which the certification expires, no person may sell a mausoleum space, except  
14 an undeveloped space that is sold in accordance with ~~s.~~ ss. 440.92 and 440.922, or  
15 bury human remains in the public mausoleum until the defects are corrected and the  
16 department subsequently inspects the public mausoleum and provides the cemetery  
17 authority with a certification that the construction or conversion complies with the  
18 approved plans. The department may charge a reasonable fee to the cemetery  
19 authority for each inspection and certification provided under this paragraph if the  
20 inspection and certification are provided within the applicable 30-day period  
21 prescribed under this paragraph.

22 **SECTION 2852qh.** 157.12 (3) (b) of the statutes is amended to read:

23 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The  
24 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties  
25 approved by the department of regulation and licensing to indemnify the cemetery

1 against loss if the treasurer fails to maintain the fund. ~~No~~ For a cemetery in a county  
2 with a population greater than 600,000, the amount of the bond shall be no less than  
3 the total of all payments of principal required under this section as stated in the most  
4 recent annual report filed by the cemetery authority under s. 157.62. For any  
5 cemetery, no indemnity is required if the terms of sale of a mausoleum space require  
6 the purchaser to pay directly to a trust company in the state, designated by the  
7 cemetery as custodian of the fund. The fund shall be invested as provided in s.  
8 157.19. ~~Income~~ For a cemetery in a county with a population greater than 600,000,  
9 the manner in which the care funds are invested may not permit the withdrawal of  
10 the fund's principal amount, but may permit the withdrawal of interest, dividends,  
11 or capital gains earned during the most recently completed calendar year. For any  
12 cemetery, income from investment may be used only to maintain the mausoleum,  
13 except that if the amount of income exceeds the amount necessary to properly  
14 maintain the mausoleum the excess amount may be used to maintain any portion of  
15 the cemetery.

16 SECTION 2852qd. 157.125 (title) of the statutes is amended to read:

17 157.125 (title) **Trustees for the care of cemeteries or ~~cemetery lots~~**  
18 **burial spaces.**

19 SECTION 2852qf. 157.125 (2) of the statutes is amended to read:

20 157.125 (2) If the burial place or grave is located in a cemetery owned and  
21 operated by a religious society ~~organized under ch. 187~~ cemetery authority, the court  
22 shall name the religious society cmctery authority as the trustee unless the  
23 religious society cemetery authority petitions the court to name the county treasurer  
24 as the trustee.

25 SECTION 2852qh. 157.128 (2) (a) of the statutes is amended to read:

1           157.128 (2) (a) The cemetery is owned by a religious association cemetery  
2 authority.

3           **SECTION 2852qhk.** 157.128 (2) (b) of the statutes is amended to read:

4           157.128 (2) (b) The religious association cemetery authority is responsible for  
5 all liabilities of the cemetery.

6           **SECTION 2852qhL.** 157.128 (2) (c) of the statutes is amended to read:

7           157.128 (2) (c) The total acreage of all other cemeteries owned by the religious  
8 association cemetery authority exceeds 20 acres.

9           **SECTION 2852qj.** 157.128 (3) (b) of the statutes is amended to read:

10           157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be  
11 dedicated by a cemetery authority that is not required to be registered under s.  
12 440.91 (1) and, that is not organized or conducted for pecuniary profit, and that is not  
13 located in a county with a population greater than 600,000.

14           **SECTION 2852qL.** 157.19 (2) (c) of the statutes is amended to read:

15           157.19 (2) (c) Upon request of the financial institution, the preneed seller, as  
16 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the  
17 preneed sales contract. Except as provided in s. ~~440.92 (2) (e), (f) and (j) and (5) ss.~~  
18 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or  
19 dividends that have accumulated on the preneed trust funds, may not be withdrawn  
20 until all obligations under the preneed sales contract have been fulfilled. The  
21 financial institution is not responsible for the fulfillment of any part of the preneed  
22 sales contract, except that the financial institution shall release the preneed trust  
23 funds, and any interest or dividends that have accumulated on the preneed trust  
24 funds, as provided by the terms of the preneed sales contract. The trustee of a  
25 preneed trust fund may not be changed without the department's written approval.

1 If the trustee or account number of a preneed trust fund is changed, the cemetery  
2 authority shall notify the department in writing within 30 days after the change.

3 **SECTION 2852qn.** 157.19 (4m) of the statutes is created to read:

4 157.19 (4m) The department shall request proposals from financial  
5 institutions located in this state for the purpose of selecting a financial institution  
6 that cemetery authorities and preneed sellers may use as the trustee for care funds  
7 under s. 157.11 (9g) and 157.12 (3) and preneed trust funds under s. 440.92. Except  
8 as provided in sub. (5) (c), a cemetery authority or preneed seller is not required to  
9 use the financial institution selected by the department. The financial institution  
10 selected under this subsection shall submit an annual report to the department, in  
11 a form and manner satisfactory to the department, that provides an accounting of  
12 all care funds and preneed trust funds for which the financial institution is the  
13 trustee.

14

15 **SECTION 2852qp.** 157.19 (5) (a) of the statutes is amended to read:

16 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that  
17 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds  
18 of a cemetery for which a certification under s. 157.63 is effective, or to preneed trust  
19 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care  
20 funds or preneed trust funds of a cemetery authority that is not required to be  
21 registered under s. 440.91 (1) ~~and~~, that is not organized or conducted for pecuniary  
22 profit, and that is not located in a county with a population greater than 600,000.

23 **SECTION 2852qr.** 157.19 (5) (c) of the statutes is created to read:

24 157.19 (5) (c) If the department determines that a cemetery authority of a  
25 cemetery in a county with a population greater than 600,000, or a preneed seller for

1 such a cemetery authority, has violated any requirement under this subchapter or  
2 subch. VIII of ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or  
3 preneed trust funds under s. 440.92, the department may require the cemetery  
4 authority or preneed seller to use the financial institution selected under sub. (4m)  
5 as the trustee for the care funds or preneed trust funds.

6 **SECTION 2852qt.** 157.60 of the statutes is amended to read:

7 **157.60 Public easement in cemetery.** Any person who shall open or make  
8 any highway, town way, or private way or shall construct any railroad, turnpike, or  
9 canal or anything in the nature of a public easement over, through, in, or upon such  
10 part of any enclosure, being the property of any town, city, village, or religious ~~society~~  
11 cemetery authority or of private proprietors, as may be used for the burial of the dead,  
12 unless an authority for that purpose shall be specially granted by law or unless the  
13 consent of such town, city, village, ~~religious society~~ cemetery authority, or private  
14 proprietors, respectively, shall be first obtained, shall be punished by imprisonment  
15 in the county jail not more than one year or by fine not exceeding \$300.

16 **SECTION 2852qv.** 157.61 of the statutes is created to read:

17 **157.61 Identification of human remains.** A person may not provide an  
18 outer burial container or, if an outer burial container is not used, a casket, to a  
19 cemetery authority of a cemetery in a county with a population greater than 600,000,  
20 other than a religious cemetery authority, for the burial of human remains, unless  
21 the person identifies the decedent by name on the exterior of the outer burial  
22 container or casket.

23 **SECTION 2852se.** 157.62 (2) (b) 1m. of the statutes is created to read:

1           157.62 (2) (b) 1m. If the cemetery authority operates a cemetery in a county  
2 with a population greater than 600,000, the percentage of burial spaces at the  
3 cemetery that are available for sale.

4           **SECTION 2852sh.** 157.62 (3) (a) of the statutes is amended to read:

5           157.62 (3) (a) Every cemetery authority shall keep a copy of the report required  
6 under sub. (2) (a) at its principal place of business and, except for those records  
7 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make  
8 the report available for inspection, upon reasonable notice, by any person with an  
9 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or  
10 operated by the cemetery authority.

11

12           **SECTION 2852si.** 157.62 (3) (b) 3. of the statutes is amended to read:

13           157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~  
14 ~~mausoleum~~ burial space or cemetery merchandise.

15           **SECTION 2852sj.** 157.62 (3) (c) of the statutes is created to read:

16           157.62 (3) (c) Every cemetery authority of a cemetery in a county with a  
17 population greater than 600,000 that is registered under s. 440.91 (1) shall maintain  
18 records identifying the section, lot, and site of each burial space and showing the  
19 location of each burial space on a map.

20           **SECTION 2852sk.** 157.62 (4) (title) of the statutes is amended to read:

21           157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

22           **SECTION 2852sL.** 157.62 (4) of the statutes is renumbered 157.62 (4) (a).

23           **SECTION 2852sm.** 157.62 (4) (b) of the statutes is created to read:

24           157.62 (4) (b) A cemetery authority that operates a cemetery in a county with  
25 a population greater than 600,000 that is registered shall, upon reasonable notice,

1 make the records and contract copies under sub. (3) (b) available for inspection and  
2 copying by the department.

3 **SECTION 2852sn.** 157.62 (5) of the statutes is renumbered 157.62 (5) (b).

4 **SECTION 2852snb.** 157.62 (5) (a) of the statutes is created to read:

5 157.62 (5) (a) The department may promulgate rules establishing minimum  
6 standards for the format and maintenance of records required under this section,  
7 except under sub. (1).

8 **SECTION 2852so.** 157.62 (6) of the statutes is renumbered 157.62 (6) (a) and  
9 amended to read:

10 157.62 (6) (a) Except as provided in ss. 157.625, 157.63 (5) and 440.92 (9) (e),  
11 the department may audit, at reasonable times and frequency, the records, trust  
12 funds, and accounts of any cemetery authority and shall audit the records, trust  
13 funds, and accounts of each registered cemetery authority of a cemetery in a county  
14 with a population greater than 600,000, including records, trust funds, and accounts  
15 pertaining to services provided by a cemetery authority which are not otherwise  
16 subject to the requirements under this chapter. The department may conduct audits  
17 under this subsection on a random basis, and ~~shall conduct all audits under this~~  
18 ~~subsection~~ without providing prior notice to the cemetery authority.

19 **SECTION 2852sp.** 157.62 (6) (b) of the statutes is created to read:

20 157.62 (6) (b) If the department has cause to believe that a registered cemetery  
21 authority of a cemetery in a county with a population greater than 600,000 has not  
22 complied with the requirements of this subchapter or subch. VIII of ch. 440  
23 pertaining to trust funds and accounts, the department may require the cemetery  
24 authority to submit an audit conducted at the cemetery authority's expense by an

1 independent certified public accountant in accordance with generally accepted  
2 auditing standards.

3 SECTION 2852sq. 157.625 of the statutes is amended to read:

4 157.625 Reporting exemption for certain cemeteries. (1) A cemetery  
5 authority of a cemetery that is not located in a county with a population that is  
6 greater than 600,000 and that is not required under this chapter or under s. 440.92  
7 to maintain any care funds or preneed trust funds is not required to file an annual  
8 report under s. 157.62 (2).

9 (2) A cemetery authority of a cemetery that is not located in a county with a  
10 population that is greater than 600,000 and whose annual operating budget for the  
11 cemetery is \$2,500 or less is not required to file an annual report under s. 157.62 (2).

12 (3) Section 157.62 does not apply to a cemetery authority that is not required  
13 to be registered under s. 440.91 (1) and, that is not organized or conducted for  
14 pecuniary profit, and that does not operate a cemetery in a county with a population  
15 that is greater than 600,000.

16 SECTION 2852sr. 157.63 (title) of the statutes is amended to read:

17 157.63 (title) Reporting and auditing exemptions; certification of  
18 compliance of religious cemetery ~~affiliated with religious society~~  
19 authority.

20 SECTION 2852ss. 157.63 (1) of the statutes is amended to read:

21 157.63 (1) In lieu of filing an annual report under s. 157.62 (2), a religious  
22 cemetery authority ~~of a cemetery that is affiliated with a religious society organized~~  
23 ~~under ch. 187 or that religious society~~ or the church, synagogue, mosque,  
24 incorporated college of a religious order, or religious society organized under ch. 187

1 that is affiliated with a religious cemetery authority may file an annual certification  
2 with the department as provided in this section.

3 **SECTION 2852st.** 157.63 (2) (b) of the statutes is amended to read:

4 157.63 (2) (b) A notarized statement of a person who is legally authorized to  
5 act on behalf of the religious ~~society~~ cemetery authority under this section that,  
6 during the reporting period under s. 157.62, each cemetery and the religious  
7 cemetery authority of each cemetery specified under par. (a) have either fully  
8 complied or have substantially complied with ss. 157.11 (9g) and 157.12 (3).

9 **SECTION 2852sv.** 157.63 (3) of the statutes is amended to read:

10 157.63 (3) If the statement under sub. (2) (b) includes a statement of  
11 substantial compliance, the statement under sub. (2) (b) must also specify those  
12 instances when the cemetery or religious cemetery authority did not fully comply  
13 with s. 157.11 (9g) or 157.12 (3).

14 **SECTION 2852sx.** 157.63 (4) of the statutes is amended to read:

15 157.63 (4) A certification under this section is effective for the 12-month period  
16 immediately following the reporting period under s. 157.62 (2) for which the religious  
17 cemetery authority is certified under this section to have fully or substantially  
18 complied with ss. 157.11 (9g) and 157.12 (3).

19 **SECTION 2852sz.** 157.63 (6) of the statutes is amended to read:

20 157.63 (6) The church, synagogue, mosque, incorporated college of a religious  
21 order, or religious society that is affiliated with a cemetery to which a certification  
22 under this section applies is liable for the damages of any person that result from the  
23 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11  
24 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such  
25 compliance has been certified under this section.

1           **SECTION 2852n.** 157.114 of the statutes is created to read:

2           **157.114 Duty to provide for burials.** (1) In this section, “cemetery  
3 authority” does not include a municipality that takes control of a cemetery under s.  
4 157.115 (1) (b).

5           (2) A cemetery authority shall, insofar as practicable, provide for burials  
6 during each season, including winter. Nothing in this subsection may be construed  
7 to prohibit a cemetery authority from charging a reasonable fee to recover the costs  
8 related to providing for a burial during difficult weather conditions.

9           **SECTION 2852w.** 157.635 of the statutes is amended to read:

10           **157.635 Regulations of religious cemetery affiliated with religious**  
11 **society authorities.** Nothing in this subchapter prohibits a religious cemetery  
12 authority of a cemetery that is affiliated with a religious society organized under ch.  
13 187 from prohibiting the burial of the human remains of an individual in the  
14 cemetery if the individual was in a class of individuals who are prohibited from being  
15 buried in the cemetery under regulations adopted by the religious cemetery  
16 authority or church, synagogue, mosque, incorporated college of a religious order, or  
17 religious society from being buried in the cemetery that is affiliated with the religious  
18 cemetery authority.

19           **SECTION 2852yh.** 157.64 (2) (e) of the statutes is amended to read:

20           157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

21           **SECTION 2852yL.** 157.64 (2) (h) of the statutes is created to read:

22           157.64 (2) (h) Violates s. 157.112, if the violation occurs in a county with a  
23 population greater than 600,000.

24           **SECTION 2852yu.** 157.65 (1) (b) of the statutes is amended to read:

1           157.65 (1) (b) If the department of commerce has reason to believe that any  
2 person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the  
3 continuation of that activity might cause injury to the public interest, the  
4 department of commerce ~~may~~ shall investigate.

5           **SECTION 2853.** 157.70 (2) (i) of the statutes is amended to read:

6           157.70 (2) (i) Cause a cataloged burial site to be recorded by the register of  
7 deeds of the county in which the burial site is located. The historical society shall  
8 reimburse the county for the cost of recording under this paragraph from the  
9 appropriation under s. 20.245 (3) (1) (a).

10          **SECTION 2853r.** 165.017 (1) of the statutes is repealed.

11          **SECTION 2853s.** 165.017 (2) of the statutes is amended to read:

12          165.017 (2) The attorney general or his or her designee shall review and  
13 approve or disapprove all proposed petitions ~~or petitions~~ for commitment of  
14 individuals as specified under s. 51.20 (1) (ad) 1.

15          **SECTION 2853t.** 165.017 (3) of the statutes is repealed.

16          **SECTION 2853u.** 165.017 (5) of the statutes is repealed.

17          **SECTION 2854.** 165.055 (3) of the statutes is repealed.

18          **SECTION 2854m.** 165.10 of the statutes is created to read:

19          **165.10 Civil rights enforcement.** If any person, whether or not acting under  
20 color of law, interferes with the exercise or enjoyment by any individual of a right  
21 secured by the constitution or laws of the United States, or of a right secured by the  
22 constitution or laws of this state, the attorney general may bring an action for  
23 injunction or other appropriate equitable relief to protect the peaceable exercise or  
24 enjoyment of the right secured.

25          **SECTION 2854r.** 165.25 (4) (a) of the statutes is amended to read:

1           165.25 (4) (a) The department of justice shall furnish all legal services required  
2 by the investment board, the lottery division in the department of revenue, the public  
3 service commission, the department of transportation, the department of natural  
4 resources, the department of forestry, the department of tourism, and the  
5 department of employee trust funds, together with any other services, including  
6 stenographic and investigational, as are necessarily connected with the legal work.

7           **SECTION 2855.** 165.25 (4) (ar) of the statutes is amended to read:

8           165.25 (4) (ar) The department of justice shall furnish all legal services  
9 required by the department of agriculture, trade and consumer protection relating  
10 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
11 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,  
12 and 100.51 and chs. 136, 344, 704, 707, and 779, together with any other services as  
13 are necessarily connected to the legal services.

14           **SECTION 2856b.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin  
15 Act .... (this act), is amended to read:

16           165.25 (4) (ar) The department of justice shall furnish all legal services  
17 required by the department of agriculture, trade and consumer protection relating  
18 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
19 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50  
20 and 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services  
21 as are necessarily connected to the legal services.

22           **SECTION 2856d.** 165.25 (10) of the statutes is created to read:

23           165.25 (10) **REPORT ON RESTITUTION.** Semiannually submit a report to the  
24 department of administration and the joint committee on finance regarding money  
25 received by the department of justice under a court order or a settlement agreement

1 for providing restitution to victims. The report shall specify the amount of  
2 restitution received by the department of justice during the reporting period; the  
3 persons to whom the department of justice paid restitution and the amount that the  
4 department of justice paid to each recipient during the reporting period; and the  
5 department of justice's methodology for selecting recipients and determining the  
6 amount paid to each recipient.

7 **SECTION 2857g.** 165.72 (title) of the statutes is amended to read:

8 **165.72 (title) Controlled Dangerous weapons in public schools and**  
9 **controlled substances hotline and rewards for controlled substances tips.**

10 **SECTION 2857h.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

11 **SECTION 2857i.** 165.72 (1) (ad) of the statutes is created to read:

12 165.72 (1) (ad) "Dangerous weapon" has the meaning given in s. 939.22 (10).

13 **SECTION 2857j.** 165.72 (2) (intro.) of the statutes is amended to read:

14 165.72 (2) **HOTLINE.** (intro.) The department of justice shall maintain a single  
15 toll-free telephone number during normal retail business hours, as determined by  
16 departmental rule, for ~~both~~ all of the following:

17 **SECTION 2857k.** 165.72 (2) (c) of the statutes is created to read:

18 165.72 (2) (c) For persons to provide information anonymously regarding  
19 dangerous weapons in public schools.

20 **SECTION 2857L.** 165.72 (2g) of the statutes is created to read:

21 165.72 (2g) **AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS**  
22 **IN PUBLIC SCHOOLS.** The department of justice shall provide for a person to answer  
23 telephone calls that are made after normal retail business hours to the telephone  
24 number under sub. (2). If a caller makes a telephone call after normal retail business  
25 hours regarding dangerous weapons in a public school, the person answering the

1 telephone call shall request that the caller call the telephone number “911” or a local  
2 law enforcement agency.

3 **SECTION 2857m.** 165.72 (2m) of the statutes is created to read:

4 165.72 (2m) TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN  
5 PUBLIC SCHOOLS. Immediately upon receiving any information under sub. (2) (c)  
6 regarding dangerous weapons in a public school, or immediately at the beginning of  
7 the next retail business day if the information is not received during normal retail  
8 business hours, the department of justice shall provide the information to all of the  
9 following:

10 (a) The administration of the public school.

11 (b) The appropriate law enforcement agency, as defined in s. 165.83 (1) (b), for  
12 the municipality in which the public school is located.

13 **SECTION 2857n.** 165.72 (7) of the statutes is amended to read:

14 165.72 (7) PUBLICITY. ~~The~~ From the appropriation under s. 20.455 (2) (a), the  
15 department shall purchase public information and promotion services regarding the  
16 toll-free telephone number under sub. (2). ~~The department and any agency~~  
17 providing publicity services under this subsection shall cooperate with the  
18 department of public instruction in publicizing, in public schools, the use of the  
19 toll-free telephone number under sub. (2).

20 **SECTION 2857t.** 165.755 (1) (b) of the statutes is amended to read:

21 165.755 (1) (b) A court may not impose the crime laboratories and drug law  
22 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)  
23 ~~er~~, (bm), or (br) or (5) (b) or for a violation of a state law or municipal or county  
24 ordinance involving a nonmoving traffic violation or a safety belt use violation under  
25 s. 347.48 (2m).

1           **SECTION 2858.** 165.755 (4) of the statutes is amended to read:

2           165.755 (4) If a municipal court imposes a forfeiture, after determining the  
3 amount due under sub. (1) (a) the court shall collect and transmit such amount to the  
4 treasurer of the county, city, town or village, and that treasurer shall make payment  
5 to the state treasurer as provided in s. 66.0114 (1) ~~(b)~~ (bm).

6           **SECTION 2858i.** 165.85 (2) (a) of the statutes is renumbered 165.85 (2) (ah).

7           **SECTION 2858k.** 165.85 (2) (ac) of the statutes is created to read:

8           165.85 (2) (ac) “Alzheimer’s disease” has the meaning given in s. 46.87 (1) (a).

9           **SECTION 2858n.** 165.85 (4) (b) 1. of the statutes is amended to read:

10          165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law  
11 enforcement officer, except on a temporary or probationary basis, unless the person  
12 has satisfactorily completed a preparatory program of law enforcement training  
13 approved by the board and has been certified by the board as being qualified to be  
14 a law enforcement or tribal law enforcement officer. The program shall include 400  
15 hours of training, except the program for law enforcement officers who serve as  
16 rangers for the department of natural resources includes 240 hours of training. The  
17 board shall promulgate a rule under ch. 227 providing a specific curriculum for a  
18 400–hour conventional program and a 240–hour ranger program. The rule shall  
19 ensure that there is an adequate amount of training for each program to enable the  
20 person to deal effectively with domestic abuse incidents, including training that  
21 addresses the emotional and psychological effect that domestic abuse has on victims.  
22 The training under this subdivision shall include training on emergency detention  
23 standards and procedures under s. 51.15, emergency protective placement  
24 standards and procedures under s. 55.06 (11) and information on mental health and  
25 developmental disabilities agencies and other resources that may be available to

1 assist the officer in interpreting the emergency detention and emergency protective  
2 placement standards, making emergency detentions and emergency protective  
3 placements and locating appropriate facilities for the emergency detentions and  
4 emergency protective placements of persons. The training under this subdivision  
5 shall include at least one hour of instruction on recognizing the symptoms of  
6 Alzheimer's disease or other related dementias and interacting with and assisting  
7 persons who have Alzheimer's disease or other related dementias. The training  
8 under this subdivision shall include training on police pursuit standards, guidelines  
9 and driving techniques established under par. (cm) 2. b. The period of temporary or  
10 probationary employment established at the time of initial employment shall not be  
11 extended by more than one year for an officer lacking the training qualifications  
12 required by the board. The total period during which a person may serve as a law  
13 enforcement and tribal law enforcement officer on a temporary or probationary basis  
14 without completing a preparatory program of law enforcement training approved by  
15 the board shall not exceed 2 years, except that the board shall permit part-time law  
16 enforcement and tribal law enforcement officers to serve on a temporary or  
17 probationary basis without completing a program of law enforcement training  
18 approved by the board to a period not exceeding 3 years. For purposes of this section,  
19 a part-time law enforcement or tribal law enforcement officer is a law enforcement  
20 or tribal law enforcement officer who routinely works not more than one-half the  
21 normal annual work hours of a full-time employee of the employing agency or unit  
22 of government. Law enforcement training programs including municipal, county  
23 and state programs meeting standards of the board are acceptable as meeting these  
24 training requirements.

25 **SECTION 2858p.** 165.85 (4) (bn) 1m. of the statutes is amended to read: