

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Keckhaver**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Cemetery - regulation**

Extra Copies:

Submit via email: **NO**

Requester's email:

---

**Pre Topic:**

SDC:.....Keckhaver - CN1504,CN9516

---

**Topic:**

Regulation of cemeteries; conveyances of cemetery lots

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 06/16/2001	hhagen 06/17/2001		_____			
/1	kunkemd 06/18/2001	csicilia 06/19/2001	kfollet 06/18/2001	_____	lrb_docadmin 06/18/2001		
/2			haugeca 06/19/2001	_____	lrb_docadmin 06/19/2001		

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Keckhaver**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Cemetery - regulation**

Extra Copies:

Submit via email: **NO**

Requester's email:

**Pre Topic:**

SDC:.....Keckhaver - CN1504,CN9516

**Topic:**

Regulation of cemeteries; conveyances of cemetery lots

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 06/16/2001	hhagen 06/17/2001		_____			
/1		<i>js/z</i> 6/17 <u>61</u>	kfollet 06/18/2001	_____	lrb_docadmin 06/18/2001		

FE Sent For:

**<END>**

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Addl. Drafters:

Subject: Cemetery - regulation

Extra Copies:

Submit via email: NO

Requester's email:

---

**Pre Topic:**

SDC:.....Keckhaver - CN1504,CN9516

---

**Topic:**

Regulation of cemeteries; conveyances of cemetery lots

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	kunkemd	12hmt 6/16/01	kjl 6/17	gllif 6/17			

FE Sent For:

<END>

60770

Agency: Regulation and Licensing

caucus number 1504

duplicate flag: y  
duplicate with: 5533

Other reference numbers:

LFB Sum #:

FM 1577

bill number/amendment number:

LRB draft #

LRB P-draft:

description: Adopt Motion 1577 regarding regulation of cemeteries.

other notes

drafting instructions:

more instructions:

GPR: \$0.00

PR: \$0.00

SEG: \$0.00

Other:

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$1,800.00

SEG-REV: \$1,002,900.00

PR-REV: \$16,300.00

no fiscal impact:

unknown impact:

caucus number 8008

duplicate flag:

Other reference numbers:

LFB Sum #:

duplicate with:

bill number/amendment number: 51

LRB draft #

LRB P-draft:

description: require cemeteries to provide year round burials if practicable

other notes

drafting instructions:

more instructions:

GPR: \$0.00

PR: \$0.00

SEG: \$0.00

Other:

FED: \$0.00

TANF: \$0.00

All Funds: \$0.00

GPR-REV: \$0.00

SEG-REV: \$0.00

PR-REV: \$0.00

no fiscal impact: x

unknown impact:

Agency: Regulation and Licensing

Number of Amendments: 2

MOK

Date: June 8, 2001

Re: Caucus Budget Request

Adopt Motion 1577 regarding regulation of cemeteries (attached - Sen. Moore also interested).

CN1504

MDK

**GENERAL PROVISIONS**

**Regulation of Cemetery Authorities and Salespersons**

**Motion:**

Move to incorporate into the budget the provisions of LRB 2973/4 (other than the provisions relating to reimbursement of cemetery expenses for certain indigent individuals), relating to: (1) the regulation of cemetery authorities, cemetery salespersons and preneed sellers; (2) the care of abandoned or neglected cemeteries and mausoleums; (3) the reporting and auditing of cemetery records; (4) the management of care funds for cemetery lots; (5) the creation of a Cemetery Board under the Department of Regulation and Licensing; and (6) other cemetery regulation requirements.

---

**Note:**

In general, the modifications under this motion would not apply to religious cemetery authorities, except as specifically indicated.

*Creation of a Cemetery Board.* Create a seven-member Cemetery Board under the Department of Regulation and Licensing (R&L) that would be authorized to investigate and impose disciplinary actions against cemetery authorities, cemetery salespersons, and preneed sellers that violate certain statutory requirements and administrative rules promulgated by R&L. Specify that the Board would have no authority over religious cemeteries, cemetery salespersons who work for religious cemeteries, and preneed sellers who work for religious cemeteries.

Specify that members of the Cemetery Board would include the following: (1) four members who are business representatives of a licensed cemetery authority; (2) a representative of the Department of Justice, as designated by the Attorney General; and (3) two public members. Of the business members of the Board, one must represent a for-profit licensed cemetery authority; one must represent a non-profit licensed cemetery authority; and one must represent a municipal cemetery authority. No member of the Board may be a business representative of a religious cemetery authority. Provide that the members of the Board who are business representatives or public members would be subject to Senate confirmation and provide

for transition terms for the initial members of the Board. Require the Board to meet at least four times per year and authorize Board members to receive a \$25 per diem and actual and necessary meeting expenses.

*General Powers and Duties of the Board.* The Board would be required to do each of the following: (1) advise the Secretary of R&L on matters relating to cemeteries; (2) independently exercise its powers, duties and functions with respect to the licensure and registration of cemetery authorities, cemetery sales persons and cemetery preneed sellers under Subchapter VIII of Ch. 440 of the statutes; (3) be the supervising authority of all personnel, other than shared personnel, engaged in the review, investigation or handling of information regarding the administration of discipline by persons or entities subject to cemetery licensure or registration; (4) maintain all records pertaining to the Board's operations; (5) compile and keep current a registry of all persons licensed or registered under the Department's cemetery regulatory authority and make those records and registries available to the public; and (6) require cemetery authorities, upon reasonable notice, to make records and contracts available for inspection and reproduction.

Specify that the Board would not have rule-making authority but could comment on rules developed by R&L governing the regulation of cemetery authorities, cemetery salespersons or cemetery preneed sellers (other than rules governing religious cemetery authorities). Require R&L to submit any proposed rule relating to nonreligious cemetery authorities to the Board for comment. Provide that the Board would have 30 days to submit its comments to the Department. Require the Department to submit copies of any emergency rules relating to cemeteries to the Board prior to the rule's publication. Authorize the chairperson of the Board to co-chair any public hearing held by the Department on a proposed rule. Specify that the Department provide staff to assist the Board in preparing its comments and reports on any proposed rules.

*Licensure Requirements.* Replace the current cemetery authority registration requirement with a licensure requirement applicable to each nonreligious cemetery authority that is more than five acres in size that sells more than 20 burial spaces per year or has \$100,000 or more in trust fund accounts. A separate license would be required for each cemetery that meets these requirements. Under current law, a cemetery authority must be registered with R&L if the authority sells or solicits the sale of 10 or more cemetery lots per year.

Stipulate that the Department would be required to grant a license to the authority, if all of the following conditions are satisfied: (1) the authority submits on a form provided by R&L the names of the officers of the cemetery authority and the business representative who is primary responsible for the authority's compliance with cemetery regulations; (2) the cemetery authority agrees to pay an initial licensure fee [\$53 for the 2001-03 biennium] and the costs of any background investigations conducted by the Department [currently \$29 per investigation]. The cemetery authority would also be subject to the current law requirement that it renew its license on January 1 of every odd-numbered year [\$343 for the 2001-03 biennium], except that a licensed authority would not be required to renew its license if it sells less than 10 burial sites during a period of two consecutive calendar years. However, if the cemetery authority does exceed this threshold, it would again be required to renew its license with R&L for the ensuing two-year period.

Specify that if a licensed cemetery authority notifies the Department that the authority will be sold, and R&L does not object to the transaction, the existing license would be revoked and the authority would be required to apply for a new license.

Provide that if a nonreligious cemetery authority does not exceed the sales and trust fund thresholds described above, it would not have to be licensed by R&L but would be subject to a registration requirement. Establish a new \$5 registration fee for this purpose, payable on January 1 of each odd-numbered year. Delete a current law exemption from registration currently applicable to not-for profit cemetery authorities and cemetery authorities operated by a city, town or village. However, provide that a cemetery authority that receives no income, other than gifts, from the sale of lots or services or from trust fund earnings would not be required to register with R&L.

Specify that if a registered cemetery authority notifies the Department that the authority will be sold, and R&L does not object to the transaction, the existing registration would be revoked and the authority would be required to apply for a new registration.

Require the Board to restrict, limit or suspend any license or registration when requested to do so by the Department.

Newly require a cemetery salesperson and a cemetery preneed seller to be licensed rather than registered by R&L. Licensure of cemetery salespersons would apply to any person who sells more than 20 burial spaces during a two calendar year period. Under current law, registration is required for cemetery salespersons who sell ten or more cemetery or mausoleum lots during a single year. Delete the current law exemptions from registration for cemetery salespersons who sell burial spaces in nonreligious cemeteries that are exempt from registration as cemetery authorities and for preneed sellers who work for not-for-profit cemeteries. However, no license would be required for an individual who is under the direct supervision of a licensed cemetery salesperson.

*Care of Abandoned and Neglected Cemeteries by Municipalities.* Repeal the current law requirements that if the operator of a cemetery fails to care for the cemetery for a period of one or more years, the city, town or village in which the cemetery is located may take control of the property and manage and care for the cemetery and collect and manage all trust funds connected with the cemetery. Further, repeal the current law requirement that if the operator of a cemetery fails to care for the cemetery for a period of five or more years, the city, town or village in which the cemetery is located must take control of the property and manage and care for the cemetery and collect and manage all associated trust funds. Finally, repeal a current law provision that when a cemetery located in a town falls into neglect, disuse or abandonment and no cemetery association exists, the ownership and operation of the cemetery must be transferred to the town and the town board, at the expense of the town, must take charge of the property and manage and care for it.

Newly provide that if a city, village or town determines that a cemetery authority (including a religious cemetery authority) has failed to care for the cemetery for a period of six months or more, the municipality must notify the cemetery authority that it has 90 days to correct the failure. For good cause, authorize the municipality to grant the cemetery authority one 90-

day extension to correct the failure. Provide that if the municipality finds that the cemetery authority has not corrected the failure within the time period specified, the municipality may, after a public hearing, take control of the cemetery and collect funds from the cemetery authority necessary for the care of the cemetery.

Upon application by R&L, newly authorize a court to enjoin a person from acquiring ownership or control of a cemetery if the person has abandoned another cemetery that subsequently became subject to control by a municipality.

*Trustees for Certain Cemeteries.* Provide that in response to a petition by the Board or upon his or her own motion, the Attorney General would be required to petition the circuit court in a county where a cemetery is located for the appointment of a trustee. This provision would not apply to cemeteries where a municipality had assumed ownership, control or management of the facility. Require the court to hold a hearing to determine if the cemetery has been neglected, improperly maintained or was in a state of disuse or financial distress. Where the court finds that any of these conditions apply, authorize the appointment of a trustee, other than the Department or the Board, for the cemetery. In addition, authorize the owner of a cemetery to petition the court for an order surrendering title to the cemetery to a new owner, other than the state, if the owner believes itself incapable of continuing to operate the cemetery. If the court grants the petition, it shall transfer title of the cemetery to a new owner and appoint a trustee.

Direct a court-appointed trustee to do all of the following: (1) be responsible for the management, maintenance and operation of the cemetery; (2) comply with all annual reporting requirements to R&L; and (3) provide the court with any required information, records, or reports that the court may direct.

Authorize a trustee to petition the court for the following additional authority: (1) termination the trusteeship and reversion of the ownership and operation of the cemetery to the previous owner; (2) termination of the trusteeship and transfer of the ownership and operation of the cemetery to a new owner, other than the state; (3) removal and reinterment of human remains; (4) termination of the trusteeship and closing of the cemetery following the removal and reinterment of the human remains.

Finally, authorize a trustee to do any of the following: (1) seek a new owner or operator for the cemetery; (2) assess burial spaces for cleaning, care or improvement; (3) expend funds from a newly created cemetery management insurance fund for the purpose of carrying out the trustee's duties; (4) employ professional, legal, technical experts, managers, agents, and employees as required to carry out the trustee duties; and (5) take any other action necessary for useful management or trusteeship of the cemetery or mausoleum.

Direct the court that appointed the trustee to terminate the trusteeship if any of the following applies: (1) the owner or operator of the cemetery or mausoleum demonstrates that the conditions that necessitated the trusteeship have been remedied and the person is competent and capable of managing the facility; (2) the court determines that the new operator is competent and capable of operating the facility; (3) the court finds that the proposed sale of the facility is to an owner that is competent and capable of operating the cemetery or mausoleum on a financially sound basis; or (4) the court approves of the closure of the facility after all human remains have

been removed and reinterred.

*Creation of a Cemetery Management Insurance Fund.* Create a Cemetery Management Insurance Fund as a nonlapsing segregated trust fund under the management of the State of Wisconsin Investment Board. Create a new, SEG-funded sum sufficient appropriation account to make disbursements to trustees who assume the management and operation of cemeteries and mausoleums under court order. Specify that the Fund would consist of monies collected from the following: (1) a \$10 filing fee for death certificates; and (2) a \$1 surcharge on certified copies of death certificates. Since religious cemetery associations are not subject to the trusteeship provisions of the proposal, funds from the Cemetery Management Insurance Fund could not be used for such facilities.

*Maintenance of Cemeteries.* Newly require a cemetery authority to maintain a cemetery, its buildings, burial spaces, grounds, landscaping, parking lots, fences and other structures in a reasonable manner at all times.

Provide that if a cemetery authority receives a gift for the improvement, maintenance, repair, preservation or ornamentation of a burial space or structure in a cemetery, the authority shall either expend the funds or place them in a trust account. The authority would be required to maintain a gift ledger that accounts for all gift receipts and disbursements.

*Department Review and Approval of Certain Cemetery Transactions.* Newly prohibit a cemetery authority from taking any of the following actions, until it has notified R&L in writing: (1) the sale or encumbrance of any land, other than the routine sale of burial spaces; (2) the transfer of ownership or control of 50% or more of the assets or stock of the cemetery; (3) a transaction that results in a person acquiring ownership or control of 50% or more of the stock of the cemetery; or (4) the transfer of responsibility for the management or operation of the cemetery authority. The Department would be authorized to object to any of these types of transactions, in which case, the transaction could not proceed.

*Care Funds and Preneed Trust Funds.* Newly require a cemetery treasurer to maintain a bond in the amount of the total annual amount of all principal payments on care funds, as stated in the authority's most recent annual report to R&L. Clarify that cemetery authorities may not withdraw a care fund's principal amounts but may withdraw interest, dividends, or capital gains earned in the most recently completed calendar year. Authorize the Department to request proposals from state financial institutions for the purpose of selecting an institution for use by cemetery authorities and preneed sellers for the deposit of preneed trust funds. A cemetery authority or preneed seller would not be required to use the financial institution unless the Department had previously determined that the authority or seller had violated the management and investment of such funds in the past.

Delete the current law exemption that preneed sellers of caskets and casket vaults must deposit into a trust fund 40% of the principal received under the preneed sales contract, if such individuals sell or solicit the sale of fewer than 10 cemetery lots annually.

Where the Department or Board has cause to believe that a licensed or registered cemetery authority has not complied with current law provisions governing the maintenance and investment of trust funds and accounts, specify the cemetery authority may be required to submit

an audit conducted at the authority's expense.

*Burial Space Purchase Agreements.* Newly specify that before a cemetery authority may enter into a burial space purchase agreement, the authority must disclose any opening or closing fees charged. Require the agreement to be in writing and include the terms and conditions and other pertinent information, including the price of the space, perpetual care requirements, resale, inheritor, cancellation and refund rights. The agreement must also list all goods and services that are reasonably expected at the time of need that are not covered by the agreement. Require each burial agreement to be assigned a serial number.

*Reburial Requirements.* Specify that if a cemetery authority violates current law reburial procedures and notifications, the owner could be fined up to \$1,000 or imprisoned for up to 90 days, or both. Under current law a cemetery authority may rebury human remains, if an error has been made in the burial process. Within 30 days of the reburial the cemetery authority must provide notice to the coroner or medical examiner of the county in which the reburial takes place. The authority must also inform the spouse, or next available family member. Under current law, failure to provide proper reburial notification may result in a civil forfeiture of \$200 for each offense.

*Code of Ethics for the Professional Conduct of Cemetery Authorities.* Authorize the Department to promulgate rules establishing a code of ethics for licensed cemetery authorities, licensed cemetery salespersons and licensed preneed sellers. Provide that a person violating the code could be denied licensure by the Department. Persons who operate a cemetery authority, or are licensed cemetery salespersons or licensed preneed sellers who make misrepresentations, engage in practices that demonstrate a lack of knowledge or ability, violate the Department's code of ethics, violate applicable cemetery regulatory laws, are impaired by mental disease or defect or due to drug and alcohol use or violate an order of the Department may be subject to a forfeiture of no more than \$5,000 per occurrence, with each day of violation being a separate occurrence. The forfeiture could be in addition to any license revocation, limitation, suspension or denial.

*Other Penalties.* Newly provide that any cemetery authority that sells 10 or more burial spaces during a calendar year or has \$1,000,000 or more in trust fund accounts and operates without a license granted by R&L would be subject to a fine of not more than \$100.

*Investigation of Religious Cemetery Authorities.* Stipulate that if the Department has reason to believe that a religious cemetery authority has violated any aspect of cemetery regulations applicable to such authorities and that a continuation of the activity might cause injury to the public interest, the Department would be authorized to investigate the matter.

*Submission of Reports to the Department.* Require any cemetery authority that must be licensed to submit an annual report to R&L. Require religious cemetery associations to submit an annual report to the Department unless the authority makes an annual certification to the agency. Under current law, cemetery authorities with annual operating budgets in excess of \$2,500 must submit an annual report to R&L. Religious cemetery associations may submit an annual certification to the Department rather than an annual report.

Authorize the Department to promulgate rules governing the minimum standards for

records used in preparing the reports, eliminate the requirement that certain financial records be filled with the Department of Financial Institutions and require licensed cemetery authorities to maintain records with respect to the location of burial spaces at the facility.

*Fiscal Effect -- Cemetery Management Insurance Fund.* The cemetery management insurance fund would be funded from: (1) a \$10 fee collected for the filing of a death certificate; and (2) a \$1 fee charged for all certified copies of a death certificate.

Based on the number of death certificates issued in the last three years, as adjusted by the recent trend in the annual number of deaths, 49,230 death certificates are anticipated for 2001-02 and 50,260 are anticipated for 2002-03, resulting in fee collections for the Cemetery Management Insurance Fund of \$492,300 SEG-REV in 2001-02 and \$502,600 SEG-REV in 2002-03. Currently, there are approximately 4,000 certified copies of death certificates issued by the state each year, resulting in an additional \$4,000 SEG-REV annually. It is unknown the number of certified death certificates that would be prepared annually by local vital records offices. Total annual revenues from both the above fee sources are estimated at \$496,300 SEG-REV in 2001-02 and \$506,600 SEG-REV in 2002-03. It is not known whether or not any trustees would be appointed to manage and operate a cemetery authority during the 2001-03 biennium; consequently, it is not possible to estimate the level of expenditures under the Fund's sum sufficient appropriation.

*Fiscal Effect -- Licensure of Cemetery Authorities.* There are 62 cemetery authorities registered under current law. The Department estimates that an additional 288 authorities would newly be subject to licensure and an additional 550 authorities would newly be subject to registration. The newly licensed authorities would generate an additional \$1,500 GPR-Earned and \$13,800 PR-REV during the 2001-03 biennium. The new registrations would generate an additional \$300 GPR-Earned and \$2,500 PR-REV during the 2001-03 biennium. Total license and registration fee collections from cemetery authorities would total \$1,800 GPR-Earned and \$16,300 PR-REV during the 2001-03 biennium.

[Change to Bill: \$1,800 GPR-Earned, \$16,300 PR-REV and \$1,002,900 SEG-REV]

yes

b0770  
06/14/2001 10:05 PM

# Agency: Regulation and Licensing

caucus number 9516

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
FM 107	
bill number/amendment number:	
LRB draft #	LRB P-draft:

**other notes**

Description2: Cemetery Plot Conveyance modify JFC motion 107 with wording from Catholic and Jewish Conferences regarding religious cemeteries.

drafting instructions:  
more instructions:

---

Agency: Regulation and Licensing

Number of Amendments: 1

MDK

**DEPARTMENT OF REGULATION & LICENSING**

CN9516

Cemetery Plot Conveyance - JFC motion #107 modified by attached memo (option #2)

REGULATION AND LICENSING

Conveyance of Cemetery Plots

**Motion:**

Move to: (1) require cemetery authorities to allow the owner of a cemetery plot to transfer the right to be buried in that plot to his or her spouse, son, daughter or parent; (2) eliminate the need for consent from all interested parties for the transfer of a cemetery lot when the transfer is to his or her spouse, son, daughter or parent; and (3) prohibit religious societies organized under Chapter 187 from barring the burial of human remains, if the person who purchased or otherwise obtained the right to be buried at the cemetery transfers that authority to his or her spouse, son, daughter or parent.

---

**Note:**

Under current law, no one may be buried in a cemetery lot except for a person who has purchased the lot or has previously been given permission for burial by a cemetery authority or religious society. A person may transfer ownership of a cemetery plot if it is acceptable to all parties with an interest in the lot, including the cemetery authority or religious societies. Currently, religious societies may adopt regulations that prohibit the burial of the human remains of an individual in the cemetery if the individual was in a class of individuals prohibited under regulations adopted by the cemetery authority or religious society from being buried in the cemetery.

This motion would allow the person holding the rights of burial to a cemetery plot to transfer that right to a member of his or her immediate family [spouse, child or parent]. The person owning the rights to that plot would not need to have the permission of the cemetery authority or religious society to make such a transfer.



WISCONSIN  
CATHOLIC  
CONFERENCE



Wisconsin  
Jewish  
Conference

TO: Jessica Mogilka

FROM: Kathy Markeland, Wisconsin Catholic Conference  
Michael Blumenfeld, Wisconsin Jewish Conference

DATE: June 7, 2001

RE: Modifications to JCF Motion #122: Transfer of Burial Rights

---

Under Motion #122 a person holding rights of burial to a cemetery plot would be allowed to transfer that right to a member of his or her own family (spouse, child, sister, brother or parent) without obtaining the permission of the cemetery authority or religious society for the transfer.

The Wisconsin Catholic Conference and the Wisconsin Jewish Conference are concerned that the motion fails to recognize the right to freedom of religious practice for religious cemeteries. In some instances, it would violate our religious practice for the state to compel us to bury an individual in our cemeteries.

Therefore, we offer the following options as alternatives for maintaining the ability for religious cemeteries to deny burial to certain individuals that fall outside of the class of individuals eligible for burial in a religious cemetery.

**Option 1**

Retain parts (1) and (2) of Motion #122 and eliminate part (3).

This would leave the current statutory exemption for religious cemeteries in place.

Section 157.635 currently reads:

157.635 Regulations of cemetery affiliated with religious society. Nothing in this subchapter prohibits a cemetery authority of a cemetery that is affiliated with a religious society organized under ch. 187 from prohibiting the burial of the human remains of an individual in the cemetery if the individual was in a class of individuals who are prohibited under regulations adopted by the cemetery authority or religious society from being buried in the cemetery.

**Option 2**

Retain parts (1) and (2) of Motion #122

**Create section 157.10(2):**

**157.10(2) Religious cemeteries. 157.10(1) does not apply if the individual is in a class of individuals who are prohibited under regulations adopted by the cemetery authority or religious society from being buried in the cemetery.**

**Option 3**

**Retain parts (1) and (2) of Motion #122**

**Modify section 157.635 as follows:**

**157.635 Regulations of cemetery affiliated with religious society. Pursuant to 157.10, an individual is presumed to be eligible for burial in the cemetery plot provided that the individual is not in a class of individuals who are prohibited under regulations adopted by the cemetery authority or religious society from being buried in the cemetery.**

2001

Date (time) needed \_\_\_\_\_

LRB b 0770,1

**AMDT TO BUDGET SUB AMDT**

MDK:hmb: \_\_\_\_\_

D-NOTE

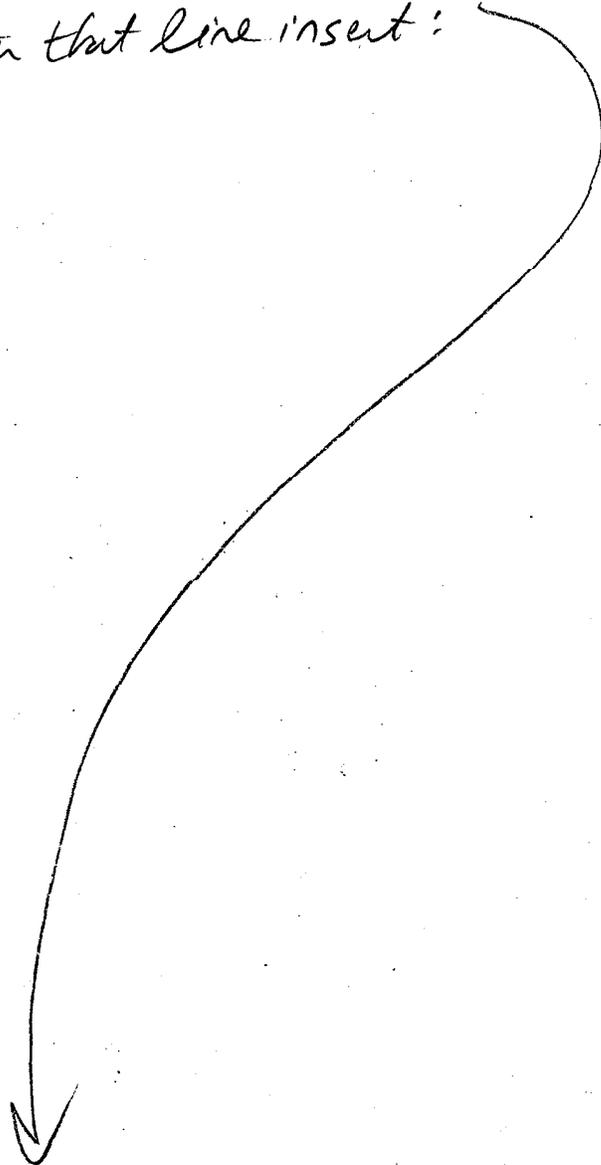
See form **AMENDMENTS — COMPONENTS & ITEMS.**

**SENATE AMENDMENT  
TO ~~SENATE AMENDMENT~~  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

At the locations indicated, amend the substitute amendment (amendment) as follows:

#. Page <sup>✓</sup>25, line <sup>✓</sup>3: *after that line insert:*

#. Page ....., line .....



**BILL**

more than 90 days, or both. Under current law, the penalty is a forfeiture of no more than \$200.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 → <sup>134e</sup> SECTION 1. 15.07 (1) (b) 23. of the statutes is created to read:

2 15.07 (1) (b) 23. Cemetery board.

3 <sup>134m</sup> SECTION 2. 15.07 (1) (cm) of the statutes is amended to read:

4 15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
5 May 1. The terms of 3 members of the development finance board appointed under  
6 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
7 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
8 every odd-numbered year. The terms of the 3 members of the land and water  
9 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
10 The term of the member of the land and water conservation board appointed under  
11 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
12 members of the real estate board shall expire on July 1. The terms of the appraiser  
13 members of the real estate appraisers board and the terms of the auctioneer and  
14 auction company representative members of the auctioneer board shall expire on  
15 May 1 in an even-numbered year. The terms of the cemetery authority business  
16 representative members of the cemetery board shall expire on May 1 in an  
17 even-numbered year.

18 <sup>134s</sup> SECTION 3. 15.07 (1) (cs) of the statutes is amended to read:

19 15.07 (1) (cs) No member of the auctioneer board, cemetery board, real estate  
20 appraisers board, or real estate board may be an officer, director, or employee of a

**BILL**

*#. Page 25, line 7. after that line insert:*

1 private organization that promotes or furthers any profession or occupation  
2 regulated by that board. ✓

*#. Page 25, line 10. after that line insert:*

3 **SECTION 4.** 15.07 (3) (b) of the statutes is amended to read:

4 15.07 (3) (b) Except as provided in par. (bm), each board not covered under par.  
5 (a) shall meet annually, and may meet at other times on the call of the chairperson  
6 or a majority of its members. The auctioneer board, the cemetery board, the real  
7 estate board, and the real estate appraisers board shall also meet on the call of the  
8 secretary of regulation and licensing or his or her designee within the department. ✓

9 **SECTION 5.** 15.07 (3) (bm) ~~4.~~ <sup>5.</sup> of the statutes is created to read:

10 15.07 (3) (bm) 4. <sup>05</sup> The cemetery board shall meet at least 4 times each year. ✓

11 **SECTION 6.** 15.07 (5) (z) of the statutes is created to read: ✓

*# Page 31, line 15. after that line insert:*

12 15.07 (5) (z) Members of the cemetery board, \$25 per day. ✓

13 **SECTION 7.** 15.405 (3m) of the statutes is created to read:

14 15.405 (3m) CEMETERY BOARD. (a) In this subsection:

- 15 1. "Business representative" has the meaning given in s. 452.01 (3k).
- 16 2. "Licncsed cemetery authority" has the meaning given in s. 157.061 (8r).
- 17 3. "Religious cemetery authority" has the meaning given s. 157.061 (15m).

18 (b) There is created a cemetery board, attached to the department of regulation  
19 and licensing under s. 15.03, consisting of the following members appointed for  
20 4-year terms:

- 21 1. Four members, each of whom is a business representative of a licensed  
22 cemetery authority.
- 23 2. A representative of the department of justice designated by the attorney  
24 general.
- 25 3. Two public members.

**BILL**

1 (c) Of the members appointed under par. (b) 1., one member shall be a business  
 2 representative of a licensed cemetery authority organized or conducted for pecuniary  
 3 profit, one member shall be a business representative of a licensed cemetery  
 4 authority not organized or conducted for pecuniary profit, one member shall be a  
 5 business representative, and no member may be a business representative of a  
 6 religious cemetery authority of a licensed cemetery authority that is a city, village,  
 7 town, or county, and no member may be a business representative of a religious  
 8 cemetery authority. # Page 302, line 24: after that line insert:

9 (d) No member of the cemetery board may serve more than 2 terms. ✓/✓

10 " SECTION 8. 20.165 (1) (q) of the statutes is created to read: ✓/✓

11 20.165 (1) (q) *Cemetery and mausoleum trustee disbursements.* From the  
 12 cemetery management insurance fund, a sum sufficient to make disbursements to  
 13 trustees under the rules promulgated under s. 157.117 (4) (a). ✓/✓

14 # Page 408, line 19: after that line insert:  
 " SECTION 9. 25.17 (1) (at) of the statutes is created to read: ✓/✓

15 25.17 (1) (at) Cemetery management insurance fund (s. 25.86); ✓/✓  
 # Page 477, line 11: after that line insert:

16 " SECTION 10. 25.86 of the statutes is created to read: ✓/✓

17 **25.86 Cemetery management insurance fund.** There is established a  
 18 separate nonlapsible trust fund designated as the cemetery management insurance  
 19 fund, to consist of each of the following:

20 (1) The moneys received from death certificate filing fees under s. 69.22 (1) (d). ✓/✓

21 (2) The moneys received from the issuance of copies of death certificates under  
 22 s. 69.22 (1) (e). ✓/✓

23 SECTION 11. 40.30 (1) (am) of the statutes is created to read: ✓/✓

**BILL**

# Page 669, line 17 after that line insert:

**SECTION 11**

1 40.30 (1) (am) For cemetery expenses incurred on or after July 1, 2002, the  
2 lesser of \$1,500 or the cemetery expenses that are not paid by the estate of the  
3 deceased and other persons.

4 **SECTION 12.** 49.30 (1) (a) of the statutes is amended to read:

5 49.30 (1) (a) The For cemetery expenses incurred on or after the effective date  
6 of this paragraph ... [revisor inserts date], the lesser of \$1,000 \$1,250 or the cemetery  
7 expenses that are not paid by the estate of the deceased and other persons.

8 <sup>2003t</sup> **SECTION 13.** 60.61 (2) (j) of the statutes is created to read:

9 60.61 (2) (j) Authorize burials under s. 157.066.

10 <sup>2003x</sup> **SECTION 14.** 62.23 (7) (c) of the statutes is amended to read:

11 62.23 (7) (c) *Purposes in view.* Such regulations shall be made in accordance  
12 with a comprehensive plan and designed to lessen congestion in the streets; to secure  
13 safety from fire, panic and other dangers; to promote health and the general welfare;  
14 to provide adequate light and air, including access to sunlight for solar collectors and  
15 to wind for wind energy systems; to encourage the protection of groundwater  
16 resources; to prevent the overcrowding of land; to avoid undue concentration of  
17 population; to facilitate the adequate provision of transportation, water, sewerage,  
18 schools, parks and other public requirements; to authorize burials if an ordinance is  
19 enacted under s. 157.066; and to preserve burial sites, as defined in s. 157.70 (1) (b).  
20 Such regulations shall be made with reasonable consideration, among other things,  
21 of the character of the district and its peculiar suitability for particular uses, and  
22 with a view to conserving the value of buildings and encouraging the most  
23 appropriate use of land throughout such city. <sup>11/10</sup>

24 **SECTION 15.** 69.18 (1) (am) (intro.) of the statutes is amended to read:

BILL # Page 693, line 7: <sup>after 13 - "in"</sup> ~~delete the word~~ insert.

1 69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.  
2 (b) shall obtain the information required for the certificate of death from the next of  
3 kin or the best qualified person or source available. The person filing the certificate  
4 of death shall enter his or her signature on the certificate and include his or her  
5 address and the date of signing and shall present or mail the certificate, within 24  
6 hours after being notified of the death, to the physician, coroner, or medical examiner  
7 responsible for completing and signing the medical certification under sub. (2).

8 Within 2 days after receipt of the medical certification under sub. (2), the person  
9 filing the certificate of death shall mail or present the certificate of death, together  
10 with the fee required under s. 69.22 (1) (d). <sup>e</sup> ~~the~~ <sup>v</sup> ~~the~~

11 ~~SECTION 16. 69.22 (1) (a) of the statutes is amended to read:~~ <sup>(f)</sup>  
12 # Page 698, line 4: delete lines 4 to 6 and substitute:  
13 <sup>u</sup> 69.22 (1) (a) Except as provided under ~~par. pars.~~ <sup>§ 3</sup> (c) and (e), \$7 for issuing one  
14 certified copy of a vital record and ~~\$2~~ <sup>§ 3</sup> for any additional certified copy of the same  
15 vital record issued at the same time. <sup>strike</sup> <sup>v</sup> ~~v~~

15 <sup>2096 b</sup> SECTION 17. 69.22 (1) (d) <sup>e</sup> and <sup>of</sup> (e) of the statutes <sup>is</sup> are created to read:

16 69.22 (1) (d) <sup>e</sup> Ten dollars for receiving a death certificate filed by a person  
17 required to file a certificate of death under s. 69.18 (1) (b), which shall be forwarded  
18 to the state treasurer under sub. (1r). <sup>2096</sup> # Page 699, line 14: after that  
19 <sup>SECTION bc</sup> <sup>fr</sup> 69.22 (1) (f) cr. <sup>line insert:</sup>

19 69.22 (1) (e) Eight dollars for issuing a copy of a death certificate, \$1 of which shall be  
20 forwarded to the state treasurer under sub. (1r). <sup>v</sup> ~~v~~

21 <sup>2096 F</sup> SECTION 18. 69.22 (1r) of the statutes is created to read:

22 69.22 (1r) By the 15th day of the first month following the end of a calendar  
23 quarter, the state registrar and any person acting under this subchapter shall  
24 forward to the state treasurer the amounts specified in sub. (1) (d) <sup>e</sup> and (e) <sup>f</sup> that are

# Page 699, line 6: after that line insert:

**BILL***# Page 957, line 3. after that line insert:*

1 received during the calendar quarter. The state treasurer shall credit all amounts  
 2 received under this subsection to the cemetery management insurance fund. ✓/1

3 ✓ SECTION <sup>2852bb</sup> ~~19~~. 157.061 (1) of the statutes is renumbered 157.061 (1c) and  
 4 amended to read:

5 157.061 (1c) "Burial" means entombment, inurnment ~~or~~, interment, or  
 6 placement in a mausoleum, vault, crypt, or columbarium.

7 SECTION <sup>2852bd</sup> ~~20~~. 157.061 (1b) of the statutes is created to read:

8 157.061 (1b) "Board" means the cemetery board.

9 SECTION <sup>2852bf</sup> ~~21~~. 157.061 (1d) of the statutes is created to read:

10 157.061 (1d) "Burial space" means a space that is used or intended to be used  
 11 for the burial of human remains and, when used in reference to the sale, purchase,  
 12 or ownership of a burial space, includes the right to bury human remains in the  
 13 burial space.

14 SECTION <sup>2852bh</sup> ~~22~~. 157.061 (1j) of the statutes is created to read:

15 157.061 (1j) "Business representative" has the meaning given in s. 452.01 (3k).

16 SECTION <sup>2852bj</sup> ~~23~~. 157.061 (1p) of the statutes is created to read:

17 157.061 (1p) "Cemetery" means a place that is dedicated to and used or  
 18 intended to be used for the final disposition of human remains.

19 SECTION <sup>2852bl</sup> ~~24~~. 157.061 (2m) of the statutes is amended to read:

20 157.061 (2m) "Cemetery lot" means a grave or 2 or more contiguous graves ~~and,~~  
 21 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~  
 22 ~~the right to bury human remains in that cemetery lot.~~

23 SECTION <sup>2652bn</sup> ~~25~~. 157.061 (3) of the statutes is amended to read:

24 157.061 (3) "Cemetery merchandise" means goods associated with the burial  
 25 of human remains, including monuments, markers, nameplates, vases, and urns,

**BILL**

1 and any services that are associated with supplying or delivering those goods or with  
2 the burial of human remains and that may be lawfully provided by a cemetery  
3 authority, including opening and closing of a burial space. The term does not include  
4 caskets or outer burial containers.

5 **SECTION 26.** <sup>2852bp</sup> 157.061 (3g) of the statutes is created to read:

6 157.061 (3g) "Columbarium" means a building, structure, or part of a building  
7 or structure that is used or intended to be used for the inurnment of cremains.

8 **SECTION 27.** <sup>2852br</sup> 157.061 (3r) of the statutes is created to read:

9 157.061 (3r) "Columbarium space" means a niche, crypt, or specific place in a  
10 columbarium that contains or is intended to contain cremains.

11 **SECTION 28.** <sup>2852bt</sup> 157.061 (8g) of the statutes is created to read:

12 157.061 (8g) "Lawn crypt" means an interment space in chambers that are  
13 preplaced at either a single depth or multiple depths and that are located primarily  
14 underground.

15 **SECTION 29.** <sup>2852bv</sup> 157.061 (8r) of the statutes is created to read:

16 157.061 (8r) "Licensed cemetery authority" means a cemetery authority that  
17 is licensed under s. 440.91 (1).

18 **SECTION 30.** <sup>2852bx</sup> 157.061 (11r) of the statutes is amended to read:

19 157.061 (11r) "Payment of principal" means the portion of a payment for the  
20 purchase of ~~a cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that  
21 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,  
22 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion  
23 of the payment that represents any taxes, finance or interest charges, or insurance  
24 premiums.

25 **SECTION 31.** <sup>2852by</sup> 157.061 (14m) of the statutes is created to read:

**BILL**

1           157.061 (14m) “Registered cemetery authority” means a cemetery authority  
2 that is registered under s. 440.91 (1m).

3           <sup>o 2852aa</sup>  
SECTION 32. 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           <sup>o 2852dc</sup>  
SECTION 33. 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          <sup>o 2852de</sup>  
SECTION 34. 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          <sup>o 2852dg</sup>  
SECTION 35. 157.062 (1) of the statutes is amended to read:

15          157.062 (1) ORGANIZATION. Seven or more residents of the same county may  
16 form a cemetery association. They shall meet, select a chairperson and secretary,  
17 choose a name, fix the annual meeting date, and elect by ballot not less than 3 nor  
18 more than 9 trustees whom the chairperson and secretary shall immediately divide  
19 by lot into 3 classes, who shall hold their offices for 1, 2, and 3 years, respectively.  
20 Within 3 days, the chairperson and secretary shall certify the corporate name, the  
21 names, home addresses and business addresses of the organizers and of the trustees,  
22 and their classification, and the annual meeting date acknowledged by them, and,  
23 ~~except as provided in sub. (9),~~ deliver the certification to the department of financial  
24 institutions. The association then has the powers of a corporation.

25          <sup>o 2852di</sup>  
SECTION 36. 157.062 (2) of the statutes is amended to read:

**BILL**

1           157.062 (2) AMENDMENTS. The association may change its name, the number  
2 of trustees or the annual meeting date by resolution at an annual meeting, or special  
3 meeting called for such purpose, by a majority vote of the members present, and,  
4 ~~except as provided in sub. (9),~~ by delivering to the department of financial  
5 institutions a copy of the resolution, with the date of adoption, certified by the  
6 president and secretary or corresponding officers.

7           <sup>02852dk</sup> SECTION ~~37~~. 157.062 (3) of the statutes is amended to read:

8           157.062 (3) VALIDATION. When there shall have been a bona fide attempt to  
9 organize a cemetery association, but a failure to record a properly drawn and  
10 executed certificate of organization, and it has in good faith bought and platted  
11 grounds and conveyed ~~cemetery lots~~ burial spaces and carried on business for over  
12 25 years, the same shall be a body corporate from the date of conveyance to it of real  
13 estate, and its transfers <sup>d</sup> and other transactions are validated.

14           <sup>02852fm</sup> SECTION ~~38~~. 157.062 (4) (a) of the statutes is amended to read:

15           157.062 (4) (a) An annual election shall be held during the annual meeting.  
16 The annual meeting, and any special meeting described in sub. (2), shall be held at  
17 a place in the county chosen by the trustees upon public notice as required by the  
18 bylaws. Trustees chosen after the first election shall be proprietors of ~~cemetery lots~~  
19 burial spaces in the cemetery, residents of the state, and hold office for 3 years.  
20 Election shall be by ballot and a plurality shall elect. Each owner of one or more  
21 ~~cemetery lots~~ burial spaces is entitled to one vote, and one of several owners of a  
22 ~~cemetery lot~~ burial space, designated by the majority of them, shall cast the vote.

23           <sup>02852do</sup> SECTION ~~39~~. 157.062 (5) of the statutes is amended to read:

24           157.062 (5) TRUSTEES; DUTIES, REPORT. The trustees may fill vacancies for the  
25 unexpired term. One shall be chosen president, and they shall appoint a secretary

**BILL**

1 and treasurer, and may require security of the treasurer. The trustees shall manage  
2 the affairs and property of the association and control and beautify the cemetery, and  
3 may establish regulations for those purposes. The trustees shall make and file  
4 written reports as required in s. 157.62 ~~(1) and (2)~~.

5 **SECTION 40.** <sup>2852da</sup> 157.062 (6) (b) of the statutes is amended to read:

6 157.062 (6) (b) If an association that has been dissolved under par. (a), or any  
7 group that was never properly organized as a cemetery association, has cemetery  
8 grounds and human remains are buried in the cemetery grounds, 5 or more  
9 members, or persons interested as determined by order of the circuit judge under par.  
10 (c), may publish a class 3 notice, under ch. 985, in the municipality in which the  
11 cemetery is located, of the time, place, and object of the meeting, assemble, and  
12 reorganize by the election of trustees and divide them into classes as provided in sub.  
13 (1), the commencement of the terms to be computed from the next annual meeting  
14 date. The secretary shall enter the proceedings of the meeting on the records. The  
15 association is reorganized upon delivery of a copy of the proceedings to the  
16 department of financial institutions, ~~except as provided in sub. (9)~~. Upon  
17 reorganization, the title to the cemetery grounds, trust funds, and all other property  
18 of the association or group vests in the reorganized association, under the control of  
19 the trustees. The reorganized association may continue the name of the dissolved  
20 association or may adopt a new name.

21 **SECTION 41.** <sup>2852ds</sup> 157.062 (6) (c) of the statutes is amended to read:

22 157.062 (6) (c) If an association is dissolved under par. (a) or any group has  
23 never been properly organized as cemetery association, and there are fewer than 5  
24 members living or residing in the county where the cemetery is located, the circuit  
25 judge for the county shall upon the petition of any person interested, make an order

**BILL**

1 determining who are persons interested in the cemetery. Any adult person who owns  
2 an interest in any ~~cemetery~~ burial space in the cemetery, who is related to any  
3 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,  
4 or surviving spouse of a member of the dissolved association, is an interested person.  
5 The circuit judge may make the order upon evidence he or she deems sufficient, with  
6 or without hearing. The order need not contain the names of all persons interested,  
7 but shall contain the names of at least 5 such persons.

8 <sup>e 2852 dn</sup> SECTION 42. 157.062 (9) of the statutes is repealed.

9 <sup>e 2852 dn</sup> SECTION 43. 157.063 of the statutes is created to read:

10 **157.063 General duties and powers of board.** (1) In addition to the other  
11 duties and powers of the board under this subchapter, the board shall do each of the  
12 following:

13 (a) Advise the secretary of regulation and licensing on matters relating to  
14 cemeteries, to this subchapter or subch. VIII of ch. 440, or to the board.

15 (b) Independently exercise its powers, duties, and functions that are specified  
16 in this subchapter and subch. VIII of ch. 440.

17 (c) Be the supervising authority of all personnel, other than shared personnel,  
18 engaged in the review, investigation, or handling of information regarding  
19 investigations and disciplinary matters affecting persons who are registered or  
20 licensed by the department under subch. VIII of ch. 440, or in the exercise of  
21 administrative discretion with regard to the discipline of those persons.

22 (d) Maintain, in conjunction with the board's operations, in central locations  
23 designated by the department, all records pertaining to the functions independently  
24 retained by the board.

**BILL**

1 (e) Compile and keep current a register of the names and addresses of all  
2 persons who are registered or licensed by the department under subch. VIII of ch. 440  
3 that is retained by the department and that is available for public inspection during  
4 the days specified in s. 230.35 (4) (a). The department may also make the register  
5 available to the public by electronic transmission.

6 (2) The board does not have rule-making authority.

7 **SECTION 44.** <sup>2852 dy</sup> 157.064 (2) of the statutes is amended to read:

8 157.064 (2) A cemetery or religious association incorporated in this state and  
9 having a cemetery in or near a 1st or 2nd class city and any cemetery described under  
10 s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands  
11 for cemetery purposes, and may pay for it wholly or partly from its ~~cemetery~~ burial  
12 space sales.

13 **SECTION 45.** <sup>2852 fb</sup> 157.064 (6) of the statutes is amended to read:

14 157.064 (6) Whenever the majority of the members of a cemetery association,  
15 or of a religious association authorized to hold lands for cemetery purposes, present  
16 at an annual meeting or special meeting called for such purpose vote to convey all  
17 of the cemetery association's or religious association's cemetery property, trust funds  
18 and other property used for cemetery purposes to another cemetery association or  
19 religious association, the trustees of the association shall transfer the property upon  
20 the acceptance of the transfer by the other association by affirmative vote of a  
21 majority of its members present at an annual meeting or special meeting called for  
22 that purpose. Upon such acceptance, the title to the cemetery property, trust funds  
23 and other property of the transferring association vests in the accepting association  
24 under the control of the trustees of the accepting association. A conveyance under

**BILL**

1 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious  
2 ~~society organized under ch. 187 cemetery authority.~~

3 <sup>2852fd</sup>  
SECTION 46. 157.065 (1) (b) 4. of the statutes is repealed.

4 <sup>2852ff</sup>  
SECTION 47. 157.066 of the statutes is created to read:

5 **157.066 Burial spaces not located in cemeteries.** (1) A city, village, or  
6 town may enact and enforce an ordinance that allows a person to bury human  
7 remains in a burial space that is not located in a cemetery.

8 (2) Unless a city, village, or town has enacted an ordinance under sub. (1), no  
9 person may bury human remains in the city, village, or town in a burial space that  
10 is not located in a cemetery.

11 <sup>2852fh</sup>  
SECTION 48. 157.07 (1) of the statutes is amended to read:

12 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a  
13 land surveyor registered in this state those portions of the lands that are ~~from time~~  
14 ~~to time required for burial used, after the effective date of this subsection .... [revisor~~  
15 ~~inserts date], for burials, into cemetery lots burial spaces, drives, and walks, and~~  
16 record a plat or map of the land in the office of the register of deeds. The plat or map  
17 may not be recorded unless laid out and platted to the satisfaction of the county board  
18 of the county, and the town board of the town, in which the land is situated, or, if the  
19 land is situated within a 1st class city, then only by the common council of that city.

20 <sup>2852fv</sup>  
SECTION 49. 157.07 (5) of the statutes is amended to read:

21 157.07 (5) The cemetery authority may vacate or replat any portion of its  
22 cemetery upon the filing of a petition with the circuit court describing the portion and  
23 setting forth the facts and reasons therefor. The court shall fix a time for hearing and  
24 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy  
25 of the notice to be mailed to at least one interested person, as to each separate parcel

**BILL**

1 involved, whose post-office address is known or can be ascertained with reasonable  
2 diligence, at least 20 days before such hearing. If the court finds that the proposed  
3 vacating or replatting is for the best interest of the cemetery authority and that the  
4 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be  
5 injured, it shall enter an order reciting the jurisdictional facts and its findings and  
6 authorizing the vacating or replatting of the lands of the cemetery. The order shall  
7 be effective when recorded by the register of deeds.

8 <sup>02852 FL</sup> SECTION 50. 157.07 (6) of the statutes is amended to read:

9 157.07 (6) This section does not apply to a religious society organized under ch.  
10 187 cemetery authority.

11 <sup>02852 FM</sup> SECTION 51. 157.08 (1) of the statutes is amended to read:

12 157.08 (1) After the plat or map is recorded under s. 157.07, the cemetery  
13 authority may sell and convey ~~cemetery lots~~ burial spaces. Conveyances shall be  
14 signed by the chief officer of the cemetery authority, and by the secretary or clerk of  
15 the cemetery authority, if any. Before delivering the conveyance to the grantee, the  
16 cemetery authority shall enter on records kept for that purpose, the date and  
17 consideration and the name and residence of the grantee. The conveyances may be  
18 recorded with the register of deeds.

19 <sup>02852 FP</sup> SECTION 52. 157.08 (2) (a) of the statutes is amended to read:

20 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery  
21 authority and used or intended to be used for the burial of the human remains of the  
22 purchaser or the purchaser's family members, the purchaser's interests in the  
23 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are  
24 not affected or limited by any claims or liens of other persons against the cemetery  
25 authority.

**BILL**

2852fr  
1       **SECTION 53.** 157.08 (2) (b) of the statutes is renumbered 157.08 (2) (b) 1. (intro.)  
2 and amended to read:

3       157.08 (2) (b) 1. (intro.) Before a cemetery authority ~~sells or encumbers any~~  
4 ~~cemetery land, except for a sale described in par. (a)~~ takes any of the following  
5 actions, the cemetery authority shall notify the department in writing ~~of the~~  
6 ~~proposed sale or encumbrance.:~~

7       3. If within 60 days after the department is notified ~~of the proposed sale or~~  
8 ~~encumbrance~~ under subd. 1. the department notifies the cemetery authority in  
9 writing that the department objects to the ~~sale or encumbrance~~ proposed action, the  
10 cemetery authority may not ~~sell or encumber the cemetery land~~ take the action  
11 unless the department subsequently notifies the cemetery authority in writing that  
12 the objection is withdrawn.

13       4. The department may object to ~~a sale or encumbrance~~ an action under subd.  
14 3. only if it determines that the cemetery authority will not be financially solvent or  
15 that the rights and interests of owners of ~~cemetery lots and mausoleum~~ burial spaces  
16 will not be adequately protected if the ~~sale or encumbrance occurs~~ action is taken.  
17 The department shall promulgate rules that establish requirements and procedures  
18 for making a determination under this subdivision.

19       5. The department may, before the expiration of the 60-day period under subd.  
20 3., notify the cemetery authority in writing that the department approves of the ~~sale~~  
21 ~~or encumbrance~~ action. Upon receipt of the department's written approval, the  
22 cemetery authority may ~~sell or encumber the cemetery land~~ take the action and is  
23 released of any liability under this paragraph.

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

**BILL**

02852fx

1 SECTION 54. 157.08 (2) (b) 1. a., b., c. and d. of the statutes are created to read:

2 157.08 (2) (b) 1. a. Sells or encumbers any cemetery land, except for a sale  
3 described in par. (a).

4 b. Transfers ownership or control of 50% or more of the assets or stock of the  
5 cemetery.

6 c. Engages in a transaction that results in a person acquiring ownership or  
7 control of 50% or more of the stock of the cemetery.

8 d. Transfers responsibility for management or operation of the cemetery  
9 authority.

02852fu

10 SECTION 55. 157.08 (2) (b) 2. of the statutes is created to read:

11 157.08 (2) (b) 2. The department shall promulgate rules that specify the  
12 documentation that must be submitted with a notification under subd. 1.

02852fw

13 SECTION 56. 157.08 (5) of the statutes is amended to read:

14 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society  
15 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a  
16 cemetery authority that is not required to be registered licensed under s. 440.91 (1)  
17 and that is not organized or conducted for pecuniary profit.

02852fy

18 SECTION 57. 157.10 (title) of the statutes is amended to read:

19 157.10 (title) **Alienation and use of cemetery lots burial spaces.**

✓

20 SECTION 58. 157.10 of the statutes is renumbered 157.10 (1) and amended to  
21 read:

22 157.10 (1) While any person is buried in a cemetery lot burial space, the  
23 cemetery lot burial space shall be inalienable, without the consent of the cemetery  
24 authority, and on the death of the owner, ownership of the cemetery lot burial space

INSERT 24-19

**BILL**

# Page 957, line 20: after that line insert:

1 shall descend to the owner's heirs; but any one or more of such heirs may convey to  
2 any other heir his or her interest in the cemetery lot burial space.

3 ~~(2) No human remains may be buried in a cemetery lot burial space except the~~  
4 ~~human remains of one having an interest in the cemetery lot burial space, or a~~  
5 ~~relative, or the husband or wife of such person, or his or her relative, except by the~~  
6 ~~consent of all persons having an interest in the cemetery lot burial space.~~

7 ✓ SECTION ~~55~~<sup>94</sup> 157.10 ~~(3)~~<sup>2852jb</sup> of the statutes is created to read:

8 157.10 ~~(3)~~<sup>94</sup> The department shall promulgate rules that interpret the  
9 requirements of this section and require any person who transfers an interest in a  
10 burial space to provide the transferee with a written notice, prepared by the  
11 department, that describes the requirements of this section.

12 SECTION ~~60~~<sup>2852jd</sup> 157.11 (title) of the statutes is amended to read:

13 157.11 (title) **Improvement and care of cemetery lots burial spaces and**  
14 **grounds.**

15 SECTION ~~61~~<sup>2852jf</sup> 157.11 (1m) of the statutes is created to read:

16 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority shall maintain a  
17 cemetery, including burial spaces, grounds, landscaping, roads, parking lots, fences,  
18 buildings, and other structures, in a reasonable manner at all times.

19 SECTION ~~62~~<sup>2852jh</sup> 157.11 (2) of the statutes is amended to read:

20 157.11 (2) REGULATIONS. The cemetery authority may make regulations for  
21 management and care of the cemetery. No person may plant, in the cemetery, trees  
22 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures  
23 or monuments, nor maintain them if planted or erected in violation of the  
24 regulations. The cemetery authority may require any person owning or controlling  
25 a cemetery lot burial space to do anything necessary to comply with the regulations

**BILL**

1 by giving reasonable personal notice in writing if the person is a resident of the state,  
2 otherwise by publishing a class 3 notice, under ch. 985, in the county. If the person  
3 fails to comply within 20 days thereafter, the cemetery authority may cause it to be  
4 done and recover from the person the expense. The cemetery authority may also  
5 impose a forfeiture not exceeding \$10 for violation of the regulations posted in 3  
6 conspicuous places in the cemetery, recoverable under ch. 778. Each employee and  
7 agent of the cemetery authority shall have constable powers in enforcing the  
8 regulations.

9 **SECTION 63.** <sup>e 2852jj</sup> 157.11 (3) of the statutes is amended to read:

10 157.11 (3) CONTRACTS. The cemetery authority may contract with persons who  
11 own or are interested in a ~~cemetery lot~~ burial space for its care. The contract shall  
12 be in writing, may provide that the ~~cemetery lot~~ burial space shall be forever exempt  
13 from taxes, assessments, or charges for its care and the care and preservation of the  
14 grounds, shall express the duty of the cemetery authority, shall be recorded in a book  
15 kept for that purpose, and shall be effective when the consideration is paid or  
16 secured.

17 **SECTION 64.** <sup>e 2852jL</sup> 157.11 (4) of the statutes is amended to read:

18 157.11 (4) ASSOCIATIONS OF RELATIVES. Persons owning a ~~cemetery lot~~ burial  
19 space or having relatives buried in a cemetery may incorporate an association to hold  
20 and occupy a previously constituted cemetery, and to preserve and care for the same.  
21 Section 157.062 shall apply to the association. Nothing in this subsection shall give  
22 rights of burial. A municipality may lease a municipal cemetery to a cemetery  
23 association for preservation and may contract to permit the association to use  
24 cemetery funds therefor. Such leases and contracts may be revoked at will by the  
25 municipal board.

**BILL**

1            <sup>o 2852jn</sup> **SECTION 65.** 157.11 (5) of the statutes is amended to read:

2            157.11 (5) **SUM REQUIRED.** The cemetery authority shall annually fix the sum  
3 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of  
4 the cemetery, or to produce a sufficient income for those purposes.

5            <sup>o 2852jp</sup> **SECTION 66.** 157.11 (7) (a) of the statutes is amended to read:

6            157.11 (7) (a) The cemetery authority may annually assess upon the cemetery  
7 lots burial spaces amounts not to exceed the amounts reasonably required for actual  
8 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and  
9 improvement of the cemetery. Notice of the assessment, along with a copy of this  
10 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~  
11 burial space, at the owner's or person's last-known post-office address, directing  
12 payment to the cemetery authority within 30 days and specifying that such  
13 assessments are a personal liability of the owner or person.

14            <sup>o 2852jr</sup> **SECTION 67.** 157.11 (7) (b) of the statutes is amended to read:

15            157.11 (7) (b) The cemetery authority may fix and determine the sum  
16 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in  
17 reasonable and uniform amounts, which amounts shall be subject to the approval of  
18 the court, and may collect those amounts as part of the funeral expenses.

19            <sup>o 2852jt</sup> **SECTION 68.** 157.11 (7) (c) of the statutes is amended to read:

20            157.11 (7) (c) Before ordering distribution of the estate of a deceased person,  
21 the court shall order paid any assessment under this section, or the sum so fixed for  
22 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

23            <sup>o 2852jv</sup> **SECTION 69.** 157.11 (7) (d) of the statutes is amended to read:

24            157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given  
25 for 2 consecutive years or more, for which assessments are unpaid, after notice as

**BILL**

1 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.  
2 When uniform care has been given for 5 consecutive years or more and the  
3 assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery  
4 lot burial space shall pass to the cemetery authority and may be sold, the payment  
5 of principal to be deposited into the care fund. Before depositing the payment of  
6 principal into the care fund, the cemetery authority may retain an amount necessary  
7 to cover the cemetery authority's administrative and other expenses related to the  
8 sale, but the amount retained may not exceed 50% of the proceeds.

9 <sup>2852jx</sup>  
SECTION 70. 157.11 (8) of the statutes is repealed.

10 <sup>2852jz</sup>  
SECTION 71. 157.11 (9) (title) of the statutes is repealed and recreated to read:

11 157.11 (9) (title) GIFTS.

12 <sup>2852Lb</sup>  
SECTION 72. 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and  
13 amended to read:

14 157.11 (9) (b) ~~Before a cemetery authority receives a gift, the surety bonds of~~  
15 ~~the cemetery authority shall be increased to cover such amount if it does not then do~~  
16 ~~so. If the bonds are not filed, or the~~ If a cemetery authority fails to do anything  
17 required by this subsection, the judge may appoint a trustee, and all property and  
18 money so given in the manner described under par. (am) and evidences of title and  
19 securities shall be delivered to the trustee.

20 <sup>2852Ld</sup>  
SECTION 73. 157.11 (9) (am) of the statutes is created to read:

21 157.11 (9) (am) If a cemetery authority receives a gift for the improvement,  
22 maintenance, repair, preservation, or ornamentation of any burial space or structure  
23 in the cemetery, it shall either expend the income and proceeds of the gift or deposit  
24 the proceeds into a trust account at a financial institution, as defined in s. 705.01 (3),  
25 according to the terms of the gift and regulations of the cemetery authority. A

**BILL**

1 cemetery authority that receives a gift shall maintain a gift ledger that accounts for  
2 all receipts and disbursements of gifts.

3 **SECTION 74.** <sup>2852 LF</sup> 157.11 (9g) (title) of the statutes is amended to read:

4 157.11 (9g) (title) CARE FUND FOR ~~CEMETERY LOTS~~ BURIAL SPACES.

5 **SECTION 75.** <sup>2852 Lh</sup> 157.11 (9g) (a) 1. (intro.) of the statutes is amended to read:

6 157.11 (9g) (a) 1. (intro.) Except as provided in ss. ~~66.0603(1)(e)~~ 66.0603 (1m)  
7 (c) and 157.19 (5) (b), funds that are received by a cemetery authority for the care of  
8 a cemetery lot burial space shall be invested in one or more of the following manners:

9 **SECTION 76.** <sup>2852 Lj</sup> 157.11 (9g) (a) 1. c. of the statutes is amended to read:

10 157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise  
11 deposited by the cemetery authority in an investment approved by the department  
12 if the care funds are segregated and invested separately from all other moneys held  
13 by the cemetery authority and if the cemetery authority submits to the department  
14 a written statement by an investment advisor licensed under ch. 551, or a broker, as  
15 defined in s. 408.102 (1) (c), that the investment is made in accordance with the  
16 standards specified in s. 881.01.

17 **SECTION 77.** <sup>2852 LL</sup> 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, but  
20 may permit the withdrawal of interest, dividends, or capital gains earned during the  
21 most recently completed calendar year. The income from the investment of a care  
22 fund for the care of ~~cemetery lots~~ burial spaces may be used only to maintain the  
23 ~~cemetery lots~~ burial spaces and grounds, except that if the amount of income exceeds  
24 the amount necessary to maintain the ~~cemetery lots~~ burial spaces or grounds  
25 properly, the excess amount may be used to maintain any other portion of the

**BILL**

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

17 <sup>2852 Ln</sup> SECTION 78. 157.11 (9g) (c) of the statutes is amended to read:

18 157.11 (9g) (c) ~~Except as provided in sub. (11), any~~ Any cemetery authority that  
19 sells a cemetery lot, lawn crypt, or columbarium space on or after ~~November 1, 1991~~  
20 the effective date of this paragraph .... [revisor inserts date], shall deposit 15% of each  
21 payment of principal into a care fund under par. (a) within 30 days after the last day  
22 of the month in which the payment is received, except as provided in sub. (7) (d) and  
23 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of  
24 all payments of principal that have been received, but not less than \$25.

25 <sup>2852 Lp</sup> SECTION 79. 157.11 (10) of the statutes is amended to read:

**BILL**

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

4           SECTION <sup>o 2852 L r</sup>80. 157.11 (11) of the statutes is repealed.

5           SECTION <sup>o 2852 ob</sup>81. 157.115 (title) of the statutes is amended to read:

6           **157.115 (title) Abandonment of cemeteries and cemetary lots burial**  
7           **spaces**.

8           SECTION <sup>o 2852 od</sup>82. 157.115 (1) (b) 1. of the statutes is renumbered 157.115 (1) (b) and  
9           amended to read:

10           157.115 (1) (b) When a municipality in which a cemetery is located  
11           determines that the cemetery authority fails has failed to care for the cemetery for  
12           a period of one or more years 6 months or more, the municipality in which the  
13           cemetary is located shall notify the cemetery authority that it has 90 days to correct  
14           the failure. Upon a showing of good cause, the municipality may grant the cemetery  
15           authority one 90-day extension to correct the failure. If the municipality finds that  
16           the cemetery authority has failed to correct the failure within the deadline specified  
17           in the notice or extension, the municipality may, after a public hearing, take control  
18           of the cemetery, manage and care for the cemetery and, collect and manage all trust  
19           funds connected with the cemetery other than trust funds received by a will, or take  
20           any other action necessary to provide for the care of the cemetery. The municipality  
21           may collect from the cemetery authority any costs incurred by the municipality in  
22           exercising its authority under this paragraph.

23           SECTION <sup>o 2852 of</sup>83. 157.115 (1) (b) 2. of the statutes is repealed.

24           SECTION <sup>o 2852 oh</sup>84. 157.115 (1) (c) of the statutes is repealed.

25           SECTION <sup>o 2852 oj</sup>85. 157.115 (1) (d) of the statutes is created to read:

**BILL**

1           157.115 (1) (d) Upon application by the department, a court may enjoin a  
2 person from acquiring ownership or control of a cemetery if the person has  
3 abandoned another cemetery, or has owned or operated another cemetery that is  
4 subsequently controlled by a municipality under par. (b).

5           <sup>2852 OL</sup>  
SECTION 86. 157.115 (2) (title) of the statutes is amended to read:

6           157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

7           <sup>2852 ON</sup>  
SECTION 87. 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

8           157.115 (2) (a) 1. (intro.) “Abandoned let space” means one or more graves of  
9 a cemetery let burial spaces that is are not owned by the cemetery authority of the  
10 cemetery in which the cemetery let is burial spaces are located if those graves burial  
11 spaces have not been used for the burial of human remains and if, according to the  
12 records of the cemetery authority, all of the following apply during the 50-year period  
13 immediately preceding the date on which the notice requirement under par. (c) is  
14 satisfied:

15           <sup>2852 OP</sup>  
SECTION 88. 157.115 (2) (a) 1. a. of the statutes is amended to read:

16           157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the  
17 cemetery let burial space to any other person.

18           <sup>2852 OR</sup>  
SECTION 89. 157.115 (2) (a) 1. b. of the statutes is amended to read:

19           157.115 (2) (a) 1. b. No owner has purchased or sold another ~~cemetery lot or a~~  
20 ~~mausoleum~~ burial space in the cemetery.

21           <sup>2852 OT</sup>  
SECTION 90. 157.115 (2) (a) 1. c. of the statutes is amended to read:

22           157.115 (2) (a) 1. c. No other grave in that ~~cemetery lot~~ burial space or ~~adjoining~~  
23 ~~cemetery lot or adjoining~~ mausoleum burial space that is owned or partially owned  
24 by an owner has been used for the burial of human remains.

25           <sup>2852 OV</sup>  
SECTION 91. 157.115 (2) (a) 1. d. of the statutes is amended to read:

**BILL**

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

3 <sup>28520X</sup>  
SECTION 92. 157.115 (2) (a) 1. e. of the statutes is amended to read:

4 157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been  
5 installed on any other ~~cemetery lot~~ burial space, in the same cemetery, that is owned  
6 or partially owned by an owner.

7 <sup>28520Z</sup>  
SECTION 93. 157.115 (2) (a) 1. g. of the statutes is amended to read:

8 157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner  
9 or assignee or received any other notice or evidence to suggest that an owner or  
10 assignee intends to use the ~~cemetery lot~~ burial space for a future burial of human  
11 remains.

12 <sup>2852pb</sup>  
SECTION 94. 157.115 (2) (a) 2. of the statutes is amended to read:

13 157.115 (2) (a) 2. "Assignee" means a person who has been assigned in the  
14 deceased owner's will or in any other legally binding written agreement, or who is  
15 entitled to receive under ch. 852, an ownership interest in the abandoned ~~cemetery~~  
16 lot space.

17 <sup>2852pd</sup>  
SECTION 95. 157.115 (2) (a) 3. of the statutes is amended to read:

18 157.115 (2) (a) 3. "Owner" means a person who, according to the records of the  
19 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is  
20 located, owns or partially owns the abandoned ~~cemetery lot~~ space.

21 <sup>2852pf</sup>  
SECTION 96. 157.115 (2) (b) of the statutes is amended to read:

22 157.115 (2) (b) No cemetery authority may resell an abandoned ~~cemetery lot~~  
23 space unless the cemetery authority complies with the requirements in this  
24 subsection or the abandoned space is sold by a trustee under s. 157.117.

25 <sup>2852ph</sup>  
SECTION 97. 157.115 (2) (c) of the statutes is amended to read:

**BILL**

1           157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner's  
2 last-known address, a notice of the cemetery authority's intent to resell the  
3 abandoned ~~cemetery lot~~ space as provided in this subsection. If an owner is buried  
4 in the cemetery in which the abandoned ~~cemetery lot~~ space is located or if the  
5 cemetery authority has any other evidence that reasonably supports a  
6 determination by the cemetery authority that the owner is deceased, no notice is  
7 required under this paragraph.

8           ~~SECTION 98.~~ <sup>2852 pj</sup> 157.115 (2) (d) (intro.) of the statutes is amended to read:

9           157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days  
10 after notice is mailed under par. (c), no owner or assignee contacts the cemetery  
11 authority to express an intent to use the abandoned ~~cemetery lot~~ space for a future  
12 burial of human remains, the cemetery authority shall publish in a newspaper of  
13 general circulation in the county in which the abandoned ~~lot~~ space is located, a class  
14 3 notice under ch. 985 that includes all of the following:

15           ~~SECTION 99.~~ <sup>2852 PL</sup> 157.115 (2) (d) 1. of the statutes is amended to read:

16           157.115 (2) (d) 1. The location of the abandoned ~~lot~~ space.

17           ~~SECTION 100.~~ <sup>2852 pn</sup> 157.115 (2) (d) 3. of the statutes is amended to read:

18           157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the  
19 cemetery authority within the period specified in par. (e), the cemetery authority  
20 intends to resell the abandoned ~~lot~~ space as provided in this subsection.

21           ~~SECTION 101.~~ <sup>2852 pp</sup> 157.115 (2) (e) of the statutes is amended to read:

22           157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner  
23 or assignee contacts the cemetery authority to express an intent to use the  
24 abandoned ~~lot~~ space for a future burial of human remains, the cemetery authority  
25 shall bring an action in the circuit court of the county in which the abandoned ~~lot~~

**BILL**

1 space is located for a judgment that the cemetery ~~let~~ burial space is an abandoned  
2 ~~let space~~ and an order transferring ownership of the abandoned ~~let space~~ to the  
3 cemetery authority.

4 **SECTION 102.** <sup>92852pr</sup> 157.115 (2) (f) of the statutes is amended to read:

5 157.115 (2) (f) If within one year after the circuit court enters a judgment and  
6 order under par. (e) no owner or assignee contacts the cemetery authority to express  
7 an intent to use the abandoned ~~let space~~ for a future burial of human remains, the  
8 cemetery authority may resell the abandoned ~~let space~~, except as provided in par. (g).  
9 The payment of principal shall be deposited into the care fund. Before depositing the  
10 payment of principal into the care fund, the cemetery authority may retain an  
11 amount necessary to cover the cemetery authority's administrative and other  
12 expenses related to the sale, but the amount retained may not exceed 50% of the  
13 proceeds.

14 **SECTION 103.** <sup>92852pt</sup> 157.115 (2) (g) of the statutes is amended to read:

15 157.115 (2) (g) If at any time before an abandoned ~~let space~~ is resold under par.  
16 (f) an owner or assignee contacts the cemetery authority to express an intent to use  
17 the abandoned ~~let space~~ for a future burial of human remains, the authority may not  
18 resell the abandoned ~~let space~~, and ownership of the abandoned ~~let space~~ shall be  
19 transferred to the owner or assignee. The cemetery authority shall pay all costs of  
20 transferring ownership under this paragraph.

21 **SECTION 104.** <sup>92852pv</sup> 157.115 (2) (h) of the statutes is amended to read:

22 157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from  
23 seeking the authority to resell more than one abandoned ~~let space~~ by publishing a  
24 single class 3 notice under par. (d) or bringing a single action under par. (e) that  
25 applies to all of the abandoned ~~lets spaces~~ for which such authority is sought.

## BILL

1           <sup>9 2852PX</sup> SECTION 105. 157.117 of the statutes is created to read:

2           **157.117 Trustees for certain cemeteries and mausoleums. (1)**

3           DEFINITIONS. In this section:

4           (a) "Cemetery" does not include a cemetery the ownership, control, or  
5           management of which has been assumed by a municipality. For purposes of this  
6           paragraph, a municipality is considered to have assumed the ownership, control, or  
7           management of a cemetery only if the municipality has adopted a resolution or  
8           enacted an ordinance that has the effect of assuming ownership, control, or  
9           management of the cemetery. "Cemetery" also does not include a cemetery owned  
10          and operated by a religious cemetery authority.

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

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

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

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

16          (2) APPOINTMENT OF TRUSTEE. (a) In response to a petition from the board or  
17          upon his or her own motion, the attorney general may petition the circuit court for  
18          the county in which a cemetery or mausoleum is located for the appointment of a  
19          trustee for the cemetery or mausoleum. If the attorney general petitions the court  
20          on his or her own motion, the attorney general shall serve a copy of the petition on  
21          the board and the municipality and county within which the cemetery is located.

22          (b) A court shall schedule a hearing on a petition filed under par. (a) within 90  
23          days after the petition is filed with the court. If the court finds after a hearing that  
24          a cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
25          maintained, or financially unsound, the court shall appoint as a trustee for the

**BILL**

1 cemetery or mausoleum a capable and competent person to serve as trustee of the  
2 cemetery or mausoleum under this section, except that the court may not appoint the  
3 department or board as a trustee.

4 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding  
5 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new  
6 owner, other than the state, if the owner believes itself to be incapable of continuing  
7 to operate the cemetery or mausoleum. The court may grant the petition if it finds  
8 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
9 maintained, or financially unsound. If the court grants the petition, it shall transfer  
10 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.

11 (b).

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

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

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

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

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

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

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

**BILL**

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

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

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

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

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

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

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

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

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

19           (4) DEPARTMENT AND BOARD POWERS AND DUTIES. (a) From the appropriation  
20 under s. 20.165 (1) (q), the board shall make disbursements to trustees. The  
21 department shall promulgate rules establishing requirements and procedures for  
22 making the disbursements.

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

**BILL**

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

3           (a) The owner or operator of a cemetery or mausoleum demonstrates to the  
4 satisfaction of the court that the conditions that necessitated the trusteeship have  
5 been remedied and that it is competent and capable of managing the cemetery or  
6 mausoleum.

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

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

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

16           <sup>92852 p 2</sup>  
**SECTION 106.** 157.12 (2) (b) of the statutes is amended to read:

17           157.12 (2) (b) The department shall supervise construction of any public  
18 mausoleum and conversion of any building to a public mausoleum. Within 30 days  
19 after receiving written notice from the cemetery authority that the construction or  
20 conversion has been completed, the department shall inspect the public mausoleum  
21 and provide the cemetery authority with a written certification as to whether the  
22 construction or conversion complies with approved plans. If the department  
23 determines that, except for certain minor defects, the construction or conversion  
24 complies with the approved plans, the department may provide the cemetery  
25 authority with a written temporary certification of compliance that is contingent on

**BILL**

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