

2001 DRAFTING REQUEST

Assembly Amendment (AA-AA1-ASA1-SB55)

Received: 06/29/2001

Received By: **kunkemd**

Wanted: As time permits

Identical to LRB:

For: **Johnnie Morris-Tatum (608) 266-3756**

By/Representing: **herself**

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:

No specific pre topic given

Topic:

Cemetery regulation

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 06/29/2001	gilfokm 06/29/2001		_____			
/1			haugca 06/29/2001	_____	lrb_docadmin 06/29/2001	lrb_docadmin 06/29/2001	

FE Sent For:

<END>

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1?	kunkemd	11-6/29 KG	CH 6-24	CH 6-29 SEW			

FE Sent For:

<END>

2001

Date (time)
needed

LRB b 1947, 2

BUDGET AMENDMENT

MDK: kg, hnd, ejs

now

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

MS
A S AMENDMENT
TO 2001 AB 144 OR 2001 SB 55

AA to AA1 to ASA1 to

SB 55

At the locations indicated, amend the bill as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

SDC.....Keckhaver - CN1504, CN9516 Regulation of cemeteries; conveyances of cemetery lots

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

LPS: use frozen component.

#. Page 90, line 6: after that line insert:

1 At the locations indicated, amend the substitute amendment as follows:

2 *Page 25* **2** Page 25, line 3: after that line insert:

3 *141e.* **"SECTION 134e.** 15.07 (1) (b) 23. of the statutes is created to read:

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

SECTION 134m. 15.07 (1) (cm) of the statutes is amended to read:

15.07 (1) (cm) The term of one member of the ethics board shall expire on each

7 May 1. The terms of 3 members of the development finance board appointed under

8 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms

9 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of

10 every odd-numbered year. The terms of the 3 members of the land and water

No 12 pt 6

1 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
 2 The term of the member of the land and water conservation board appointed under
 3 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
 4 members of the real estate board shall expire on July 1. The terms of the appraiser
 5 members of the real estate appraisers board and the terms of the auctioneer and
 6 auction company representative members of the auctioneer board shall expire on
 7 May 1 in an even-numbered year. The terms of the cemetery authority business
 8 representative members of the cemetery board shall expire on May 1 in an
 9 even-numbered year.

10 SECTION 134s. 15.07 (1) (cs) of the statutes is amended to read:

11 15.07 (1) (cs) No member of the auctioneer board, cemetery board, real estate
 12 appraisers board, or real estate board may be an officer, director, or employee of a
 13 private organization that promotes or furthers any profession or occupation
 14 regulated by that board.”

frz.

15 ^{l 4/m} 2. Page 25, line 7: after that line insert:

16 “SECTION 135m. 15.07 (3) (b) of the statutes is amended to read:

17 15.07 (3) (b) Except as provided in par. (bm), each board not covered under par.
 18 (a) shall meet annually, and may meet at other times on the call of the chairperson
 19 or a majority of its members. The auctioneer board, the cemetery board, the real
 20 estate board, and the real estate appraisers board shall also meet on the call of the
 21 secretary of regulation and licensing or his or her designee within the department.”

frz.

22 ^{l 4/s} 3. Page 25, line 10: after that line insert:

23 “SECTION 136b. 15.07 (3) (bm) 5. of the statutes is created to read:

24 15.07 (3) (bm) 5. The cemetery board shall meet at least 4 times each year.

*# Page 103, line 20:
after that line insert*

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~~SECTION 136r.~~ 15.07 (5) (z) of the statutes is created to read:

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

~~Page 31, line 15:~~ after that line insert:

63m.
"SECTION 182g. 15.405 (3m) of the statutes is created to read:

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

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

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

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

(c) Of the members appointed under par. (b) 1., one member shall be a business representative of a licensed cemetery authority organized or conducted for pecuniary profit, one member shall be a business representative of a licensed cemetery authority not organized or conducted for pecuniary profit, one member shall be a business representative of a licensed cemetery authority that is a city, village, town, or county, and no member may be a business representative of a religious cemetery authority.

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

frz.

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✓ # Page 163, line 14: after that line insert:

frz
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336m
5. Page 302, line 24: after that line insert:

2 "SECTION 465p. 20.165 (1) (q) of the statutes is created to read:
3 20.165 (1) (q) Cemetery and mausoleum trustee disbursements. From the
4 cemetery management insurance fund, a sum sufficient to make disbursements to
5 trustees under the rules promulgated under s. 157.117 (4) (a)."

✓ # Page 310, line 12: after that line insert:

frz
② →

607m
6. Page 468, line 19: after that line insert:

"SECTION 1104p. 25.17 (1) (at) of the statutes is created to read:

8 25.17 (1) (at) Cemetery management insurance fund (s. 25.86);"

✓ # Page 318, line 20: after that line insert:

frz
③ →

617m
7. Page 477, line 11: after that line insert:

"SECTION 1144m. 25.86 of the statutes is created to read:

11 25.86 Cemetery management insurance fund. There is established a
12 separate nonlapsible trust fund designated as the cemetery management insurance
13 fund, to consist of each of the following:

14 (1) The moneys received from death certificate filing fees under s. 69.22 (1) (e).

15 (2) The moneys received from the issuance of copies of death certificates under
16 s. 69.22 (1) (f)."

✓ # Page 528, line 29: after that line insert:

frz
④ →

874m
8. Page 669, line 17: after that line insert:

"SECTION 2003t. 60.61 (2) (j) of the statutes is created to read:

19 60.61 (2) (j) Authorize burials under s. 157.066.

20 SECTION 2003x. 62.23 (7) (c) of the statutes is amended to read:

21 62.23 (7) (c) Purposes in view. Such regulations shall be made in accordance
22 with a comprehensive plan and designed to lessen congestion in the streets; to secure
23 safety from fire, panic and other dangers; to promote health and the general welfare;
24 to provide adequate light and air, including access to sunlight for solar collectors and

1 to wind for wind energy systems; to encourage the protection of groundwater
 2 resources; to prevent the overcrowding of land; to avoid undue concentration of
 3 population; to facilitate the adequate provision of transportation, water, sewerage,
 4 schools, parks and other public requirements; to authorize burials if an ordinance is
 5 enacted under s. 157.066; and to preserve burial sites, as defined in s. 157.70 (1) (b).
 6 Such regulations shall be made with reasonable consideration, among other things,
 7 of the character of the district and its peculiar suitability for particular uses, and
 8 with a view to conserving the value of buildings and encouraging the most
 9 appropriate use of land throughout such city." ✓

frz 10

Page 566, line 10: after that line insert:

10 9. Page 693, line 7: after "in" insert “, together with the fee required under s.
 11 69.22 (1) (e).” 901d

frz 12

12 10. Page 698, line 4: delete lines 4 to 6 and substitute:
 13

13 “69.22 (1) (a) Except as provided under ~~par.~~ pars. (c) and (f), \$7 for issuing one
 14 certified copy of a vital record and \$2 ~~\$3~~ for any additional certified copy of the same
 15 vital record issued at the same time.”

frz 16

16 11. Page 699, line 6: after that line insert:
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17 “SECTION 2096b. 69.22 (1) (e) of the statutes is created to read:

18 69.22 (1) (e) Ten dollars for receiving a death certificate filed by a person
 19 required to file a certificate of death under s. 69.18 (1) (b), which shall be forwarded
 20 to the state treasurer under sub. (1r).

21 SECTION 2096bc. 69.22 (1) (f) of the statutes is created to read:

22 69.22 (1) (f) Eight dollars for issuing a copy of a death certificate, \$1 of which
 23 shall be forwarded to the state treasurer under sub. (1r).”

frz 24

24 12. Page 699, line 14: after that line insert:

1 **"SECTION 2096f.** 69.22 (1r) of the statutes is created to read:

2 69.22 (1r) By the 15th day of the first month following the end of a calendar
3 quarter, the state registrar and any person acting under this subchapter shall
4 forward to the state treasurer the amounts specified in sub. (1) (e) and (f) that are
5 received during the calendar quarter. The state treasurer shall credit all amounts
6 received under this subsection to the cemetery management insurance fund." ✓

7 **13.** Page 957, line 3: after that line insert: ✓ # Page 982, line 2: before that line insert: ✓

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

10 157.061 (1c) "Burial" means entombment, inurnment ~~or~~, interment, or
11 placement in a mausoleum, vault, crypt, or columbarium.

12 **SECTION 2852bd.** 157.061 (1b) of the statutes is created to read:

13 157.061 (1b) "Board" means the cemetery board.

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

15 157.061 (1d) "Burial space" means a space that is used or intended to be used
16 for the burial of human remains and, when used in reference to the sale, purchase,
17 or ownership of a burial space, includes the right to bury human remains in the
18 burial space.

19 **SECTION 2852bh.** 157.061 (1j) of the statutes is created to read:

20 157.061 (1j) "Business representative" has the meaning given in s. 452.01 (3k).

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

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

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

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

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

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

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

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

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

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

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

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

21 **SECTION 2852bv.** 157.061 (8r) of the statutes is created to read:

22 157.061 (8r) "Licensed cemetery authority" means a cemetery authority that
23 is licensed under s. 440.91 (1).

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

1 157.061 (11r) “Payment of principal” means the portion of a payment for the
2 purchase of ~~a cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that
3 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,
4 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion
5 of the payment that represents any taxes, finance or interest charges, or insurance
6 premiums.

7 **SECTION 2852by.** 157.061 (14m) of the statutes is created to read:

8 157.061 (14m) “Registered cemetery authority” means a cemetery authority
9 that is registered under s. 440.91 (1m).

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

11 157.061 (15) “Religious association” means any church, synagogue, or mosque
12 ~~or any incorporated college of a religious order, or religious society organized under~~
13 ch. 187.

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

15 157.061 (15m) “Religious cemetery authority” means a cemetery authority of
16 a cemetery owned and operated by a religious association.

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

18 157.061 (17) “Undeveloped space” means a mausoleum space, columbarium
19 space, or lawn crypt that is not ready for the burial of human remains on the date
20 of the sale of the mausoleum space, columbarium space, or lawn crypt.

21 **SECTION 2852dg.** 157.062 (1) of the statutes is amended to read:

22 157.062 (1) ORGANIZATION. Seven or more residents of the same county may
23 form a cemetery association. They shall meet, select a chairperson and secretary,
24 choose a name, fix the annual meeting date, and elect by ballot not less than 3 nor
25 more than 9 trustees whom the chairperson and secretary shall immediately divide

1 by lot into 3 classes, who shall hold their offices for 1, 2, and 3 years, respectively.
2 Within 3 days, the chairperson and secretary shall certify the corporate name, the
3 names, home addresses and business addresses of the organizers and of the trustees,
4 and their classification, and the annual meeting date acknowledged by them, and,
5 ~~except as provided in sub. (9)~~, deliver the certification to the department of financial
6 institutions. The association then has the powers of a corporation.

7 **SECTION 2852di.** 157.062 (2) of the statutes is amended to read:

8 157.062 (2) AMENDMENTS. The association may change its name, the number
9 of trustees or the annual meeting date by resolution at an annual meeting, or special
10 meeting called for such purpose, by a majority vote of the members present, and,
11 ~~except as provided in sub. (9)~~, by delivering to the department of financial
12 institutions a copy of the resolution, with the date of adoption, certified by the
13 president and secretary or corresponding officers.

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

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

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

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

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

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

6 157.062 (5) TRUSTEES; DUTIES, REPORT. The trustees may fill vacancies for the
7 unexpired term. One shall be chosen president, and they shall appoint a secretary
8 and treasurer, and may require security of the treasurer. The trustees shall manage
9 the affairs and property of the association and control and beautify the cemetery, and
10 may establish regulations for those purposes. The trustees shall make and file
11 written reports as required in s. 157.62 ~~(1) and (2)~~.

12 **SECTION 2852dq.** 157.062 (6) (b) of the statutes is amended to read:

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

1 the trustees. The reorganized association may continue the name of the dissolved
2 association or may adopt a new name.

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

4 157.062 (6) (c) If an association is dissolved under par. (a) or any group has
5 never been properly organized as cemetery association, and there are fewer than 5
6 members living or residing in the county where the cemetery is located, the circuit
7 judge for the county shall upon the petition of any person interested, make an order
8 determining who are persons interested in the cemetery. Any adult person who owns
9 an interest in any ~~cemetery~~ burial space in the cemetery, who is related to any
10 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,
11 or surviving spouse of a member of the dissolved association, is an interested person.
12 The circuit judge may make the order upon evidence he or she deems sufficient, with
13 or without hearing. The order need not contain the names of all persons interested,
14 but shall contain the names of at least 5 such persons.

15 **SECTION 2852du.** 157.062 (9) of the statutes is repealed.

16 **SECTION 2852dw.** 157.063 of the statutes is created to read:

17 **157.063 General duties and powers of board.** (1) In addition to the other
18 duties and powers of the board under this subchapter, the board shall do each of the
19 following:

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

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

24 (c) Be the supervising authority of all personnel, other than shared personnel,
25 engaged in the review, investigation, or handling of information regarding

1 investigations and disciplinary matters affecting persons who are registered or
2 licensed by the department under subch. VIII of ch. 440, or in the exercise of
3 administrative discretion with regard to the discipline of those persons.

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

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

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

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

14 157.064 (2) A cemetery or religious association incorporated in this state and
15 having a cemetery in or near a 1st or 2nd class city and any cemetery described under
16 s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands
17 for cemetery purposes, and may pay for it wholly or partly from its ~~cemetery lot~~ burial
18 space sales.

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

20 157.064 (6) Whenever the majority of the members of a cemetery association,
21 or of a religious association authorized to hold lands for cemetery purposes, present
22 at an annual meeting or special meeting called for such purpose vote to convey all
23 of the cemetery association's or religious association's cemetery property, trust funds
24 and other property used for cemetery purposes to another cemetery association or
25 religious association, the trustees of the association shall transfer the property upon

1 the acceptance of the transfer by the other association by affirmative vote of a
2 majority of its members present at an annual meeting or special meeting called for
3 that purpose. Upon such acceptance, the title to the cemetery property, trust funds
4 and other property of the transferring association vests in the accepting association
5 under the control of the trustees of the accepting association. A conveyance under
6 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious
7 ~~society organized under ch. 187 cemetery authority.~~

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

9 **SECTION 2852ff.** 157.066 of the statutes is created to read:

10 **157.066 Burial spaces not located in cemeteries.** (1) A city, village, or
11 town may enact and enforce an ordinance that allows a person to bury human
12 remains in a burial space that is not located in a cemetery.

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

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

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

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

1 157.07 (5) The cemetery authority may vacate or replat any portion of its
2 cemetery upon the filing of a petition with the circuit court describing the portion and
3 setting forth the facts and reasons therefor. The court shall fix a time for hearing and
4 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy
5 of the notice to be mailed to at least one interested person, as to each separate parcel
6 involved, whose post-office address is known or can be ascertained with reasonable
7 diligence, at least 20 days before such hearing. If the court finds that the proposed
8 vacating or replatting is for the best interest of the cemetery authority and that the
9 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be
10 injured, it shall enter an order reciting the jurisdictional facts and its findings and
11 authorizing the vacating or replatting of the lands of the cemetery. The order shall
12 be effective when recorded by the register of deeds.

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

14 157.07 (6) This section does not apply to a religious ~~society organized under ch.~~
15 187 cemetery authority.

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

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

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

1 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery
2 authority and used or intended to be used for the burial of the human remains of the
3 purchaser or the purchaser's family members, the purchaser's interests in the
4 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are
5 not affected or limited by any claims or liens of other persons against the cemetery
6 authority.

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

9 157.08 (2) (b) 1. (intro.) Before a cemetery authority ~~sells or encumbers any~~
10 ~~cemetery land, except for a sale described in par. (a)~~ takes any of the following
11 actions, the cemetery authority shall notify the department in writing ~~of the~~
12 ~~proposed sale or encumbrance.~~

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

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

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

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

8 **SECTION 2852ft.** 157.08 (2) (b) 1. a., b., c. and d. of the statutes are created to
9 read:

10 157.08 (2) (b) 1. a. Sells or encumbers any cemetery land, except for a sale
11 described in par. (a).

12 b. Transfers ownership or control of 50% or more of the assets or stock of the
13 cemetery.

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

16 d. Transfers responsibility for management or operation of the cemetery
17 authority.

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

19 157.08 (2) (b) 2. The department shall promulgate rules that specify the
20 documentation that must be submitted with a notification under subd. 1.

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

22 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious ~~society~~
23 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a
24 cemetery authority that is not required to be ~~registered~~ licensed under s. 440.91 (1)
25 ~~and that is not organized or conducted for pecuniary profit.~~

Page 982, line 1: delete lines 1 and 2 and substitute:

1 SECTION 2852fy. 157.10 (title) of the statutes is amended to read:

2 **157.10 (title) Alienation and use of cemetery lots burial spaces.**

3 **14.** Page 957, line 7: delete "cemetery lot, the cemetery lot" and substitute
4 "cemetery lot, the cemetery lot burial space, the burial space".

5 **15.** Page 957, line 9: delete "cemetery lot" and substitute "burial space".

6 **16.** Page 957, line 10: delete "cemetery lot, ownership of the cemetery" and
7 substitute "burial space, ownership of the cemetery".

8 **17.** Page 957, line 11: delete "lot" and substitute "lot burial space".

9 **18.** Page 957, line 12: on lines 12 and 13, delete "cemetery lot" and substitute
10 "cemetery lot burial space".

11 **19.** Page 957, line 14: delete "cemetery lot, or a relative" and substitute
12 "cemetery lot burial space, or a brother, sister, or other relative".

13 **20.** Page 957, line 15: delete "relative" and substitute "brother, sister, or other
14 relative".

15 **21.** Page 957, line 16: delete "cemetery lot." and substitute "cemetery lot
16 burial space. This subsection does not apply to the burial of human remains of an
17 individual who is in a class of individuals who are prohibited under regulations
18 adopted by a religious cemetery authority or affiliated religious association from
19 being buried in a cemetery.".

20 **22.** Page 957, line 18: delete "cemetery lot" and substitute "burial space".

21 **23.** Page 957, line 20: delete that line and substitute
22 "child, brother, sister, or parent without the consent of the cemetery authority.

23 This paragraph does not apply if the spouse, child, brother, sister, or parent is in a

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1 class of individuals who are prohibited under regulations adopted by a religious
2 cemetery authority or affiliated religious association from being buried in the
3 cemetery in which the burial space is located.”

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24. ^{1499 ✓} Page 957, line 20: after that line insert:

5 “SECTION 2852jb. 157.10 (4) of the statutes is created to read:

6 157.10 (4) The department shall promulgate rules that interpret the
7 requirements of this section and require any person who transfers an interest in a
8 burial space to provide the transferee with a written notice, prepared by the
9 department, that describes the requirements of this section.

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

11 157.11 (title) **Improvement and care of ~~cemetery lots~~ burial spaces and**
12 **grounds.**

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

14 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority shall maintain a
15 cemetery, including burial spaces, grounds, landscaping, roads, parking lots, fences,
16 buildings, and other structures, in a reasonable manner at all times.

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

18 157.11 (2) REGULATIONS. The cemetery authority may make regulations for
19 management and care of the cemetery. No person may plant, in the cemetery, trees
20 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures
21 or monuments, nor maintain them if planted or erected in violation of the
22 regulations. The cemetery authority may require any person owning or controlling
23 a ~~cemetery lot~~ burial space to do anything necessary to comply with the regulations
24 by giving reasonable personal notice in writing if the person is a resident of the state,

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

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

9 157.11 (3) **CONTRACTS.** The cemetery authority may contract with persons who
10 own or are interested in a ~~cemetery lot~~ burial space for its care. The contract shall
11 be in writing, may provide that the ~~cemetery lot~~ burial space shall be forever exempt
12 from taxes, assessments, or charges for its care and the care and preservation of the
13 grounds, shall express the duty of the cemetery authority, shall be recorded in a book
14 kept for that purpose, and shall be effective when the consideration is paid or
15 secured.

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

17 157.11 (4) **ASSOCIATIONS OF RELATIVES.** Persons owning a ~~cemetery lot~~ burial
18 space or having relatives buried in a cemetery may incorporate an association to hold
19 and occupy a previously constituted cemetery, and to preserve and care for the same.
20 Section 157.062 shall apply to the association. Nothing in this subsection shall give
21 rights of burial. A municipality may lease a municipal cemetery to a cemetery
22 association for preservation and may contract to permit the association to use
23 cemetery funds therefor. Such leases and contracts may be revoked at will by the
24 municipal board.

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

1 157.11 (5) **SUM REQUIRED.** The cemetery authority shall annually fix the sum
2 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of
3 the cemetery, or to produce a sufficient income for those purposes.

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

5 157.11 (7) (a) The cemetery authority may annually assess upon the ~~cemetery~~
6 ~~lots~~ burial spaces amounts not to exceed the amounts reasonably required for actual
7 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and
8 improvement of the cemetery. Notice of the assessment, along with a copy of this
9 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~
10 burial space, at the owner's or person's last-known post-office address, directing
11 payment to the cemetery authority within 30 days and specifying that such
12 assessments are a personal liability of the owner or person.

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

14 157.11 (7) (b) The cemetery authority may fix and determine the sum
15 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in
16 reasonable and uniform amounts, which amounts shall be subject to the approval of
17 the court, and may collect those amounts as part of the funeral expenses.

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

19 157.11 (7) (c) Before ordering distribution of the estate of a deceased person,
20 the court shall order paid any assessment under this section, or the sum so fixed for
21 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

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

23 157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given
24 for 2 consecutive years or more, for which assessments are unpaid, after notice as
25 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.

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

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

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

11 157.11 (9) (title) GIFTS.

12 **SECTION 2852Lb.** 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 **SECTION 2852Ld.** 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

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

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

18 157.11 (9g) (a) 2. The manner in which the care funds are invested may not
19 permit the cemetery authority to withdraw the care fund's principal amount, 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

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

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 2852Lr.** 157.11 (11) of the statutes is repealed.

5 **SECTION 2852ob.** 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 2852od.** 157.115 (1) (b) 1. of the statutes is renumbered 157.115 (1)
9 (b) and amended to read:

10 157.115 (1) (b) ~~When a~~ If 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 2852of.** 157.115 (1) (b) 2. of the statutes is repealed.

24 **SECTION 2852oh.** 157.115 (1) (c) of the statutes is repealed.

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

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

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

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

8 157.115 (2) (a) 1. (intro.) “Abandoned ~~lot~~ space” means one or more ~~graves of~~
9 ~~a cemetery lot~~ burial spaces that is are not owned by the cemetery authority of the
10 cemetery in which the ~~cemetery lot 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 **SECTION 2852op.** 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 lot~~ burial space to any other person.

18 **SECTION 2852or.** 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 ~~mauseleum~~ burial space in the cemetery.

21 **SECTION 2852ot.** 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~~ mauseleum burial space that is owned or partially owned
24 by an owner has been used for the burial of human remains.

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

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 **SECTION 2852ox.** 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 **SECTION 2852oz.** 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 **SECTION 2852pb.** 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 **SECTION 2852pd.** 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 **SECTION 2852pf.** 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 **SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to read:

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 2852pj.** 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 2852pL.** 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 2852pn.** 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 2852pp.** 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~~

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

4 **SECTION 2852pr.** 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 lot space for a future burial of human remains, the
8 cemetery authority may resell the abandoned lot 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 2852pt.** 157.115 (2) (g) of the statutes is amended to read:

15 157.115 (2) (g) If at any time before an abandoned lot space is resold under par.
16 (f) an owner or assignee contacts the cemetery authority to express an intent to use
17 the abandoned lot space for a future burial of human remains, the authority may not
18 resell the abandoned lot space, and ownership of the abandoned lot 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 2852pv.** 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 lot 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 lots spaces for which such authority is sought.

1 **SECTION 2852px.** 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

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.

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.

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 **SECTION 2852pz.** 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

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.

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

2 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The
3 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties
4 approved by the department of regulation and licensing to indemnify the cemetery
5 against loss if the treasurer fails to maintain the fund. The amount of the bond shall
6 be no less than the total of all payments of principal required under this section as
7 stated in the most recent annual report filed by the cemetery authority under s.
8 157.62. No indemnity is required if the terms of sale of a mausoleum space require
9 the purchaser to pay directly to a trust company in the state, designated by the
10 cemetery as custodian of the fund. The fund shall be invested as provided in s.
11 157.19, and the manner in which the care funds are invested may not permit the
12 withdrawal of the fund's principal amount, but may permit the withdrawal of
13 interest, dividends, or capital gains earned during the most recently completed
14 calendar year. Income from investment may be used only to maintain the
15 mausoleum, except that if the amount of income exceeds the amount necessary to
16 properly maintain the mausoleum the excess amount may be used to maintain any
17 portion of the cemetery.

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

19 **157.125 (title) Trustees for the care of cemeteries or cemetery lots**
20 **burial spaces.**

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

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

1 religious ~~society~~ cemetery authority petitions the court to name the county treasurer
2 as the trustee.

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

4 157.128 (2) (a) The cemetery is owned by a religious ~~association~~ cemetery
5 authority.

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

7 157.128 (2) (b) The religious ~~association~~ cemetery authority is responsible for
8 all liabilities of the cemetery.

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

10 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious
11 ~~association~~ cemetery authority exceeds 20 acres.

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

13 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
14 dedicated by a cemetery authority that is not required to be ~~registered~~ licensed under
15 s. 440.91 (1) ~~and that is not organized or conducted for pecuniary profit.~~

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

17 157.19 (2) (c) Upon request of the financial institution, the preneed seller, as
18 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the
19 preneed sales contract. Except as provided in ~~s. 440.92 (2) (e), (f) and (j) and (5) ss.~~
20 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or
21 dividends that have accumulated on the preneed trust funds, may not be withdrawn
22 until all obligations under the preneed sales contract have been fulfilled. The
23 financial institution is not responsible for the fulfillment of any part of the preneed
24 sales contract, except that the financial institution shall release the preneed trust
25 funds, and any interest or dividends that have accumulated on the preneed trust

1 funds, as provided by the terms of the preneed sales contract. The trustee of a
2 preneed trust fund may not be changed without the department's written approval.
3 If the trustee or account number of a preneed trust fund is changed, the cemetery
4 authority shall notify the department in writing within 30 days after the change.

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

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

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

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

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

1 157.19 (5) (c) If the department determines that a cemetery authority or
2 preneed seller has violated any requirement under this subchapter or subch. VIII of
3 ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or preneed trust
4 funds under s. 440.92, the department may require the cemetery authority or
5 preneed seller to use the financial institution selected under sub. (4m) as the trustee
6 for the care funds or preneed trust funds.

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

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

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

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

23 **SECTION 2852qx.** 157.62 (1) (a) (intro.) of the statutes is repealed.

24 **SECTION 2852qz.** 157.62 (1) (a) 1., 2., 3., 4. and 5. of the statutes are
25 renumbered 157.62 (2) (b) 7. a., b., c., d. and e.

1 **SECTION 2852qxj.** 157.62 (1) (b) of the statutes is repealed.

2 **SECTION 2852qxL.** 157.62 (1) (c) of the statutes is repealed.

3 **SECTION 2852sb.** 157.62 (2) (a) of the statutes is amended to read:

4 157.62 (2) (a) ~~Except as provided in ss. 157.625 and 157.63 (1), every~~ Every
5 cemetery authority that is licensed under s. 440.91 (1) and, except as provided in s.
6 157.63 (1), every cemetery authority that is a religious cemetery authority shall file
7 an annual report with the department. The report shall be made on a form
8 prescribed and furnished by the department. The report shall be made on a
9 calendar-year basis unless the department, by rule, provides for other reporting
10 periods. The report is due on the 60th day after the last day of the reporting period.

11 **SECTION 2852sd.** 157.62 (2) (b) 1. of the statutes is amended to read:

12 157.62 (2) (b) 1. A copy of any report required under ~~sub. (1) (a) or s. 180.1622~~
13 ~~or 181.1622.~~

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

15 157.62 (2) (b) 1m. The percentage of burial spaces at the cemetery that are
16 available for sale.

17 **SECTION 2852sf.** 157.62 (2) (b) 2. of the statutes is amended to read:

18 157.62 (2) (b) 2. If the cemetery authority is required to file a report under s.
19 180.1622 or 181.1622, the information specified in ~~sub. (1) (a) 3~~ subd. 7. c.

20 **SECTION 2852sg.** 157.62 (2) (b) 7. of the statutes is renumbered 157.62 (2) (b)
21 7. (intro.) and amended to read:

22 157.62 (2) (b) 7. (intro.) ~~The information specified in sub. (1) (a), to the extent~~
23 ~~applicable, if~~ If the cemetery is not required to file a report under sub. (1) (a) or s.
24 180.1622 or 181.1622, authority is a cemetery association, all of the following:

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

1 157.62 (3) (a) Every cemetery authority shall keep a copy of the report required
2 under sub. (2) (a) at its principal place of business and, except for those records
3 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make
4 the report available for inspection, upon reasonable notice, by any person with an
5 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or
6 operated by the cemetery authority.

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

8 157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~
9 ~~mausoleum~~ burial space or cemetery merchandise.

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

11 157.62 (3) (c) Every cemetery licensed under s. 440.91 (1) shall maintain
12 records identifying the section, lot, and site of each burial space and showing the
13 location of each burial space on a map.

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

15 157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

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

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

18 157.62 (4) (b) A cemetery authority shall, upon reasonable notice, make the
19 records and contract copies under sub. (3) (b) available for inspection and copying by
20 the board.

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

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

23 157.62 (5) (a) The department may promulgate rules establishing minimum
24 standards for the format and maintenance of records required under this section.

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

3 157.62 (6) (a) Except as provided in ss. ~~157.625~~, 157.63 (5) and 440.92 (9) (e),
4 the department may audit, at reasonable times and frequency, the records, trust
5 funds, and accounts of any registered cemetery authority and shall audit the records,
6 trust funds, and accounts of each licensed cemetery authority, including records,
7 trust funds, and accounts pertaining to services provided by a cemetery authority
8 which are not otherwise subject to the requirements under this chapter. The
9 department may conduct audits under this subsection on a random basis, and shall
10 ~~conduct all audits under this subsection~~ without providing prior notice to the
11 cemetery authority.

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

13 157.62 (6) (b) If the department or board has cause to believe that a licensed
14 or registered cemetery authority has not complied with the requirements of this
15 subchapter or subch. VIII of ch. 440 pertaining to trust funds and accounts, the
16 department or board may require the cemetery authority to submit an audit
17 conducted at the cemetery authority's expense by an independent certified public
18 accountant in accordance with generally accepted auditing standards.

19 **SECTION 2852sq.** 157.625 of the statutes is repealed.

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

21 **157.63 (title) Reporting and auditing exemptions; certification of**
22 **compliance of religious cemetery affiliated with religious society**
23 **authority.**

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

1 157.63 (1) In lieu of filing an annual report under s. 157.62 (2), a religious
2 cemetery authority ~~of a cemetery that is affiliated with a religious society organized~~
3 ~~under ch. 187 or that religious society or the church, synagogue, mosque,~~
4 incorporated college of a religious order, or religious society organized under ch. 187
5 that is affiliated with a religious cemetery authority may file an annual certification
6 with the department as provided in this section.

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

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

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

14 157.63 (3) If the statement under sub. (2) (b) includes a statement of
15 substantial compliance, the statement under sub. (2) (b) must also specify those
16 instances when the cemetery or religious cemetery authority did not fully comply
17 with s. 157.11 (9g) or 157.12 (3).

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

19 157.63 (4) A certification under this section is effective for the 12-month period
20 immediately following the reporting period under s. 157.62 (2) for which the religious
21 cemetery authority is certified under this section to have fully or substantially
22 complied with ss. 157.11 (9g) and 157.12 (3).

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

24 157.63 (6) The church, synagogue, mosque, incorporated college of a religious
25 order, or religious society that is affiliated with a cemetery to which a certification

1 under this section applies is liable for the damages of any person that result from the
2 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11
3 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such
4 compliance has been certified under this section.”.

Sr25 — ^{1499x} 25. Page 957, line 21: delete the material beginning with that line and ending
6 with page 958, line 19, and substitute:

7 “SECTION 2852w. 157.635 of the statutes is amended to read:

8 **157.635 Regulations of religious cemetery ~~affiliated with religious~~**
9 **society authorities.** Nothing in this subchapter prohibits a religious cemetery
10 authority of a cemetery that is ~~affiliated with a religious society organized under ch.~~
11 ~~187~~ from prohibiting the burial of the human remains of an individual in the
12 cemetery if the individual was in a class of individuals who are prohibited from being
13 buried in the cemetery under regulations adopted by the religious cemetery
14 authority or church, synagogue, mosque, incorporated college of a religious order, or
15 religious society from being buried in the cemetery that is affiliated with the religious
16 cemetery authority.”.

Sr2 — ^{1499z} 26. Page 958, line 19: after that line insert:

18 “SECTION 2852yb. 157.637 of the statutes is created to read:

19 **157.637 Rules; review of rules.** (1) Before submitting to the legislative
20 council staff under s. 227.15 any proposed rules relating to cemeteries or to the board,
21 except for rules relating exclusively to religious cemetery authorities, the
22 department shall submit the proposed rules to the board for comment. The board
23 shall have 30 days to submit comments on the proposed rules to the secretary of
24 regulation and licensing.

1 (2) When promulgating emergency rules under s. 227.24 relating to cemeteries
2 or to the board, except for rules relating exclusively to religious cemetery authorities,
3 the department shall provide a copy of the rules to the board prior to publication of
4 the rules in the official state newspaper.

5 (3) The chairperson of the board, or his or her designee from the board, may
6 cochair with the secretary of regulation and licensing, or the secretary's designee,
7 any public hearing held by the department on proposed rules relating to cemeteries
8 or to the board other than rules relating exclusively to religious cemetery authorities.

9 (4) The department shall submit to the board a copy of the report required
10 under s. 227.19 (2) on any proposed final rules relating to cemeteries or to the board
11 other than rules relating exclusively to religious cemetery authorities. The board
12 may prepare a dissenting report stating its recommendations on the proposed final
13 rules. Any dissenting report shall be prepared within 10 days from the date of receipt
14 of the department's report, attached to the department's report and sent to the
15 presiding officer of each house of the legislature and distributed under s. 227.19 (2).
16 The department shall publish a statement to appear in the Wisconsin administrative
17 register indicating that a dissenting report of the board has been submitted to the
18 presiding officer of each house of the legislature.

19 (5) The department shall provide staff to assist the board in the review of
20 administrative rules and preparation of comments or dissenting reports.

21 **SECTION 2852ye.** 157.64 (2) (d) of the statutes is amended to read:

22 157.64 (2) (d) Fails to file a report or files an incomplete, false, or misleading
23 report under s. 157.62 ~~(1)~~ or (2).

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

25 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

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

2 157.64 (2) (h) Violates s. 157.112.

3 **SECTION 2852yo.** 157.65 (1) (a) of the statutes is amended to read:

4 157.65 (1) (a) If the ~~department of regulation and licensing~~ board has reason
5 to believe that any person, other than a religious cemetery authority, is violating or
6 has violated this subchapter or any rule promulgated under this subchapter and that
7 the continuation of that activity might cause injury to the public interest, the
8 ~~department of regulation and licensing may~~ board shall investigate.

9 **SECTION 2852yr.** 157.65 (1) (am) of the statutes is created to read:

10 157.65 (1) (am) If the department of regulation and licensing has reason to
11 believe that a religious cemetery authority is violating or has violated this
12 subchapter or any rule promulgated under this subchapter and that the continuation
13 of that activity might cause injury to the public interest, the department of
14 regulation and licensing may investigate.

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

16 157.65 (1) (b) If the department of commerce has reason to believe that any
17 person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the
18 continuation of that activity might cause injury to the public interest, the
19 department of commerce ~~may~~ shall investigate.

20 **SECTION 2852yy.** 157.65 (2) of the statutes is amended to read:

21 157.65 (2) The department of justice or any district attorney, upon informing
22 the department of justice, may commence an action in circuit court in the name of
23 the state to restrain by temporary or permanent injunction any violation of this
24 subchapter. The court may, prior to entry of final judgment, make such orders or
25 judgments as may be necessary to restore to any person any pecuniary loss suffered

1 because of the acts or practices involved in the action, if proof of such loss is submitted
 2 to the satisfaction of the court. The department of justice may subpoena persons and
 3 require the production of books and other documents, and may request the board, the
 4 department of regulation and licensing, or the department of commerce to exercise
 5 its authority under sub. (1) to aid in the investigation of alleged violations of this
 subchapter.”

6

✓ #. Page 1253, line 2 after that line insert:

scz

7
8 **27.** Page 1143, line 6: after that line insert:

1696g
“SECTION 3492m. 423.102 of the statutes is amended to read:

9 **423.102 Scope.** This chapter applies to all consumer transactions, except that
 10 subch. II does not apply to cemetery preneed sales under ~~s.~~ ss. 440.92 and 440.922.”

frz11

11 **28.** Page 1145, line 10: after that line insert:

“SECTION 3504b. 440.03 (1) of the statutes is amended to read:

12 440.03 (1) The department may promulgate rules defining uniform procedures
 13 to be used by the department, the cemetery board, the real estate board, the real
 14 estate appraisers board, and all examining boards and affiliated credentialing
 15 boards attached to the department or an examining board, for receiving, filing, and
 16 investigating complaints, for commencing disciplinary proceedings and for
 17 conducting hearings.

18
19 **SECTION 3504d.** 440.03 (3) of the statutes is amended to read:

20 440.03 (3) If the secretary reorganizes the department, no modification may
 21 be made in the powers and responsibilities of the examining boards ~~or~~, affiliated
 22 credentialing boards, or other boards attached to the department or an examining
 23 board under s. 15.03, 15.405, or 15.406.

24 **SECTION 3504f.** 440.03 (7m) of the statutes is amended to read:

1 **440.03 (7m)** The department may promulgate rules that establish procedures
2 for submitting an application for a credential or credential renewal by electronic
3 transmission. Any rules promulgated under this subsection shall specify procedures
4 for complying with any requirement that a fee be submitted with the application.
5 The rules may also waive any requirement in chs. 440 to 480 that an application
6 submitted to the department, an examining board or an affiliated credentialing
7 board be executed, verified, certified, signed, sworn, or made under oath,
8 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)
9 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),
10 452.10 (1), and 480.08 (2m).

11 **SECTION 3504h.** 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and
12 amended to read:

13 **440.03 (13) (a)** ~~The~~ Except as provided in par. (b), the department may conduct
14 an investigation to determine whether an applicant for a credential issued under chs.
15 440 to 480 satisfies any of the eligibility requirements specified for the credential,
16 including whether the applicant does not have an arrest or conviction record.

17 (c) In conducting an investigation under ~~this subsection~~ par. (a) or (b), the
18 department may require an applicant to provide any information that is necessary
19 for the investigation or, for the purpose of obtaining information related to an arrest
20 or conviction record of an applicant, to complete forms provided by the department
21 of justice or the federal bureau of investigation. The department shall charge the
22 applicant any fees, costs, or other expenses incurred in conducting the investigation
23 under ~~this subsection~~ par. (a) or (b).

24 **SECTION 3504k.** 440.03 (13) (b) of the statutes is created to read:

#Page 1253, line 3: delete lines 3 to 12 and substitute:

1 440.03 (13) (b) Before granting a credential to a cemetery authority, cemetery
2 salesperson, or preneed seller, or renewing such a credential, the department shall
3 conduct an investigation to determine whether a person specified in s. 440.93 (1)
4 (intro.) has been convicted of an offense specified in s. 440.93 (1) (d)."/>

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29. Page 1145, line 15: after that line insert:

6 **"SECTION 3404q.** 440.04 (1) of the statutes is amended to read:

7 440.04 (1) Centralize, at the capital and in such district offices as the
8 operations of the department and the attached boards, examining boards, and
9 affiliated credentialing boards require, the routine housekeeping functions required
10 by the department, the boards, the examining boards, and the affiliated
11 credentialing boards.

12 **SECTION 3404r.** 440.04 (2) of the statutes is amended to read:

13 440.04 (2) Provide the bookkeeping, payroll, accounting, and personnel
14 advisory services required by the department and the legal services, except for
15 representation in court proceedings and the preparation of formal legal opinions,
16 required by the attached boards, examining boards, and affiliated credentialing
17 boards.

18 **SECTION 3404s.** 440.04 (3) of the statutes is amended to read:

19 440.04 (3) Control the allocation, disbursement, and budgeting of the funds
20 received by the boards, examining boards, and affiliated credentialing boards in
21 connection with their credentialing and, regulation, or other functions.

22 **SECTION 3404t.** 440.04 (4) of the statutes is amended to read:

1 440.04 (4) Employ, assign, and reassign such staff as are required by the
2 department and the attached boards, examining boards, and affiliated credentialing
3 boards in the performance of their functions.

4 **SECTION 3404u.** 440.04 (5) (intro.) of the statutes is amended to read:

5 440.04 (5) (intro.) With the advice of the boards, examining boards, or affiliated
6 credentialing boards:

7 **SECTION 3404v.** 440.04 (5) (c) of the statutes is amended to read:

8 440.04 (5) (c) Provide such other services as the boards, examining boards, or
9 affiliated credentialing boards request.

10 **SECTION 3404w.** 440.045 of the statutes is amended to read:

11 **440.045 Disputes.** Any dispute between a board in the department, an
12 examining board, or an affiliated credentialing board and the secretary shall be
13 arbitrated by the governor or the governor's designee after consultation with the
14 disputants.

15 **SECTION 3404x.** 440.05 (intro.) of the statutes is amended to read:

16 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
17 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.91 (1m) (a),
18 442.06, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18, and 459.46".

(1)(c) 1. a. and ✓

Strike

fr 29 ✓

30. Page 1148, line 25: after that line insert:

1701m

20 **"SECTION 3529b.** 440.08 (2) (a) 21. of the statutes is amended to read:

21 440.08 (2) (a) 21. Cemetery authority, licensed: January 1 of each
22 odd-numbered year; \$343.

23 **SECTION 3529c.** 440.08 (2) (a) 21m. of the statutes is created to read:

✓ #. Page 1253, line 23: after that line insert:

✓ #. Page 1254, line 3: after that line insert:

1 440.08 (2) (a) 21m. Cemetery authority, registered: January 1 of each
2 odd-numbered year; \$5." ✓

frz → 3 ✓

31. Page 1156, line 6: after that line insert:
1702m

4 "SECTION 3592d. 440.13 (2) (d) of the statutes is created to read:

5 440.13 (2) (d) With respect to a credential granted by the department under
6 subch. VIII of ch. 440, the cemetery board shall restrict, limit, or suspend the
7 credential when directed to do so by the department.

8 SECTION 3592h. 440.14 (1) (a) of the statutes is amended to read:

9 440.14 (1) (a) "List" means information compiled or maintained by the
10 department ~~or~~, a credentialing board, or another board in the department that
11 contains the personal identifiers of 10 or more individuals.

12 SECTION 3592p. 440.14 (2) of the statutes is amended to read:

13 440.14 (2) If a form that the department ~~or~~, a credentialing board, or another
14 board in the department requires an individual to complete in order to apply for a
15 credential or credential renewal or to obtain a product or service from the
16 department ~~or the~~, credentialing board, or other board requires the individual to
17 provide any of the individual's personal identifiers, the form shall include a place for
18 the individual to declare that the individual's personal identifiers obtained by the
19 department ~~or the~~, credentialing board, or other board from the information on the
20 form may not be disclosed on any list that the department ~~or the~~, credentialing board,
21 or other board furnishes to another person.

22 SECTION 3592pb. 440.14 (3) of the statutes is amended to read:

23 440.14 (3) If the department ~~or~~, a credentialing board, or another board in the
24 department requires an individual to provide, by telephone or other electronic

1 means, any of the individual's personal identifiers in order to apply for a credential
2 or credential renewal or to obtain a product or service from the department ~~or a~~,
3 credentialing board, or other board, the department ~~or the~~, credentialing board, or
4 other board shall ask the individual at the time that the individual provides the
5 information if the individual wants to declare that the individual's personal
6 identifiers obtained by telephone or other electronic means may not be disclosed on
7 any list that the department ~~or the~~, credentialing board, or other board furnishes to
8 another person.

9 **SECTION 3592pd.** 440.14 (4) of the statutes is amended to read:

10 440.14 (4) The department ~~or~~, a credentialing board, or another board in the
11 department shall provide to an individual upon request a form that includes a place
12 for the individual to declare that the individual's personal identifiers obtained by the
13 department ~~or~~, credentialing board, or other board may not be disclosed on any list
14 that the department ~~or~~, credentialing board, or other board furnishes to another
15 person.

16 **SECTION 3592pf.** 440.14 (5) of the statutes is amended to read:

17 440.14 (5) (a) The department ~~or~~, a credentialing board, or another board in the
18 department may not disclose on any list that it furnishes to another person a
19 personal identifier of any individual who has made a declaration under sub. (2), (3),
20 or (4).

21 (b) Paragraph (a) does not apply to a list that the department ~~or~~, a credentialing
22 board, or another board in the department furnishes to another state agency, a law
23 enforcement agency, or a federal governmental agency. A state agency that receives
24 a list from the department ~~or~~, a credentialing board, or another board in the
25 department containing a personal identifier of any individual who has made a

1 declaration under sub. (2), (3), or (4) may not disclose the personal identifier to any
2 person other than a state agency, a law enforcement agency, or a federal
3 governmental agency.

4 **SECTION 3592t.** 440.22 (1) of the statutes is amended to read:

5 **440.22 Assessment of costs.** (1) In this section, “costs of the proceeding”
6 means the compensation and reasonable expenses of hearing examiners and of
7 prosecuting attorneys for the department, examining board ~~or~~, affiliated
8 credentialing board, or other board in the department, a reasonable disbursement
9 for the service of process or other papers, amounts actually paid out for certified
10 copies of records in any public office, postage, telephoning, adverse examinations and
11 depositions and copies, expert witness fees, witness fees and expenses, compensation
12 and reasonable expenses of experts and investigators, and compensation and
13 expenses of a reporter for recording and transcribing testimony.

14 **SECTION 3605gb.** 440.90 (1) of the statutes is renumbered 440.90 (1d).

15 **SECTION 3605gd.** 440.90 (1b) of the statutes is created to read:

16 440.90 (1b) “Board” means the cemetery board.

17 **SECTION 3605gf.** 440.90 (1c) of the statutes is created to read:

18 440.90 (1c) “Burial space” has the meaning given in s. 157.061 (1d).

19 **SECTION 3605gh.** 440.90 (1g) of the statutes is created to read:

20 440.90 (1g) “Business entity” has the meaning given in s. 452.01 (3j).

21 **SECTION 3605gj.** 440.90 (1r) of the statutes is created to read:

22 440.90 (1r) “Business representative” has the meaning given in s. 452.01 (3k).

23 **SECTION 3605gL.** 440.90 (3g) of the statutes is created to read:

24 440.90 (3g) “Columbarium” has the meaning given in s. 157.061 (3g).

25 **SECTION 3605gn.** 440.90 (3r) of the statutes is created to read:

1 440.90 (3r) “Columbarium space” has the meaning given in s. 157.061 (3r).

2 **SECTION 3605gp.** 440.90 (4e) of the statutes is created to read:

3 440.90 (4e) “Lawn crypt” has the meaning given in s. 157.061 (8g).

4 **SECTION 3605gr.** 440.90 (4m) of the statutes is created to read:

5 440.90 (4m) “Licensed cemetery authority” means a cemetery authority that
6 is licensed under s. 440.91 (1).

7 **SECTION 3605gt.** 440.90 (4r) of the statutes is created to read:

8 440.90 (4r) “Licensee” means a person licensed under this subchapter.

9 **SECTION 3605gv.** 440.90 (10m) of the statutes is created to read:

10 440.90 (10m) “Registrant” means a person registered under this subchapter.

11 **SECTION 3605gx.** 440.90 (10r) of the statutes is created to read:

12 440.90 (10r) “Religious cemetery authority” has the meaning given in s.
13 157.061 (15m).

14 **SECTION 3605gz.** 440.90 (14) of the statutes is repealed.

15 **SECTION 3605ib.** 440.91 (1) of the statutes is renumbered 440.91 (1) (a) and
16 amended to read:

17 440.91 (1) (a) Except as provided in sub. (6m), every cemetery authority that
18 operates a cemetery that is 5 acres or more in size, that sells or solicits the sale of a
19 total of 10 20 or more cemetery lots or mausoleum burial spaces at a cemetery during
20 a calendar year and that pays any commission or other compensation to any person
21 for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register
22 with, or that has \$100,000 or more in trust fund accounts for a cemetery shall apply
23 to the department. The registration shall be in writing and shall include the names
24 of the officers of the cemetery authority for a license for that cemetery. A cemetery
25 authority that operates more than one cemetery shall apply for a separate license for

1 each cemetery that is 5 acres or more in size and for each cemetery, at which it sells
2 20 or more burial spaces or at which it has \$100,000 or more in trust fund accounts.

3 **SECTION 3605id.** 440.91 (1) (b) of the statutes is created to read:

4 440.91 (1) (b) Except as provided in s. 440.93 (1), the department shall grant
5 a license to a cemetery authority if all of the following are satisfied:

6 1. The cemetery authority submits an application for the license to the
7 department on a form provided by the department. The application shall require the
8 cemetery authority to provide the names of the officers of the cemetery authority and
9 to identify a business representative who is primarily responsible for the cemetery
10 authority's compliance with subch. II of ch. 157 and this subchapter.

11 2. The cemetery authority pays the fee specified in s. 440.05 (1) and any fees,
12 costs, or expenses charged by the department under s. 440.03 (13) (c).

13 **SECTION 3605idc.** 440.91 (1) (c) of the statutes is created to read:

14 440.91 (1) (c) A licensed cemetery authority shall notify the department if it
15 designates a substitute business representative to take the place of a business
16 representative identified under par. (b) 1.

17 **SECTION 3605idf.** 440.91 (1) (d) of the statutes is created to read:

18 440.91 (1) (d) If a licensed cemetery authority notifies the department under
19 s. 157.08 (2) (b) 1. (intro.) that it proposes to take an action specified in s. 157.08 (2)
20 (b) 1. b. or c. and the department does not object to the action under s. 157.08 (2) (b)
21 3., the department shall revoke the license granted under par. (b) and require the
22 licensed cemetery authority to reapply for a license under par. (b).

23 **SECTION 3605idg.** 440.91 (1) (e) of the statutes is created to read:

24 440.91 (1) (e) 1. The renewal dates and renewal fees for licenses granted under
25 par. (b) are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is

1 not required to renew its license if the cemetery authority sells less than 10 burial
2 spaces during a period of 2 consecutive calendar years.

3 2. A licensed cemetery authority that is not required to renew its license under
4 subd. 1. shall renew the license if, during a period of 2 consecutive calendar years
5 that is subsequent to the period specified in subd. 1., the cemetery authority sells 10
6 or more burial spaces.

7 **SECTION 3605if.** 440.91 (1m) of the statutes is created to read:

8 440.91 (1m) (a) Except as provided in par. (c) and sub. (6m), a cemetery
9 authority that operates a cemetery for which a license is not required under sub. (1)
10 shall register the cemetery with the department by paying a \$5 registration fee and
11 submitting an application on a form provided by the department that requires the
12 applicant to provide the names of the officers of the cemetery authority and any other
13 information that the department may require. A cemetery authority that operates
14 more than one cemetery for which a license is not required under sub. (1) shall pay
15 a separate registration fee and submit a separate application for each cemetery.

16 (b) The renewal dates and renewal fees for registrations under par. (a) are
17 specified in s. 440.08 (2) (a).

18 (c) A cemetery authority is not required to register under par. (a) if it receives
19 no income, other than gifts, from the sale of lots or services or from trust fund
20 earnings.

21 **SECTION 3605if.** 440.91 (2) (intro.) of the statutes is amended to read:

22 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every ~~individual who~~
23 person that sells or solicits the sale of, or ~~who~~ that expects to sell or solicit the sale
24 of, a total of ~~10~~ 20 or more ~~cemetery lots or mausoleum~~ burial spaces during ~~a 2~~
25 calendar year ~~years~~ shall ~~register with~~ be licensed by the department. ~~An individual~~

1 A person may not be ~~registered~~ licensed as a cemetery salesperson except upon the
2 written request of a cemetery authority and the payment of the fee specified in s.
3 440.05 (1). The cemetery authority shall certify in writing to the department that
4 the ~~individual~~ person is competent to act as a cemetery salesperson. ~~Within 10 days~~
5 ~~after the certification of any cemetery salesperson, the cemetery salesperson shall~~
6 ~~verify and~~ An applicant for licensure as a cemetery salesperson shall furnish to the
7 department, in such form as the department prescribes, all of the following
8 information:

9 **SECTION 3605ij.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

10 440.91 (2) (a) The name and address of the applicant and, if the applicant is
11 a business entity, the name and address of each business representative.

12 **SECTION 3605iL.** 440.91 (2) (b) of the statutes is repealed.

13 **SECTION 3605iLg.** 440.91 (2) (c) of the statutes is repealed.

14 **SECTION 3605im.** 440.91 (4) of the statutes is amended to read:

15 440.91 (4) Renewal applications shall be submitted to the department on a
16 form provided by the department on or before the applicable renewal date specified
17 under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under
18 s. 440.08 (2) (a). An applicant for renewal of a cemetery salesperson license shall
19 identify each individual that is exempt from licensure under sub. (7) and that the
20 applicant has supervised during the prior 2 years.

21 **SECTION 3605in.** 440.91 (6m) of the statutes is repealed and recreated to read:

22 440.91 (6m) A religious cemetery authority is not required to be licensed under
23 sub. (1) or registered under sub. (1m).

24 **SECTION 3605ip.** 440.91 (7) of the statutes is renumbered 440.91 (7) (a) and
25 amended to read:

1 440.91 (7) (a) An individual who solicits the sale of cemetery lots or mausoleum
2 spaces in a cemetery organized, maintained, and operated by a town, village, or city,
3 ~~church, synagogue or mosque, religious, or fraternal or benevolent society or~~
4 ~~incorporated college of a religious order~~ is not required to be ~~registered~~ licensed
5 under sub. (2) if the individual is supervised by a cemetery salesperson licensed
6 under sub. (2).

7 **SECTION 3605ir.** 440.91 (7) (b) of the statutes is created to read:

8 440.91 (7) (b) An individual who solicits the sale of cemetery lots or mausoleum
9 spaces in a cemetery owned and operated by a religious cemetery authority is not
10 required to be licensed under sub. (2).

11 **SECTION 3605it.** 440.91 (8) of the statutes is repealed.

12 **SECTION 3605iv.** 440.91 (9) of the statutes is amended to read:

13 440.91 (9) No cemetery authority or cemetery salesperson ~~registered~~ licensed
14 under sub. (1) or (2) may pay a fee or commission as compensation for a referral or
15 as a finder's fee relating to the sale of ~~a cemetery lot,~~ cemetery merchandise or
16 ~~mausoleum~~ a burial space to any person who is not ~~registered~~ licensed under sub. (1)
17 or (2) or who is not regularly and lawfully engaged in the sale of ~~cemetery lots,~~
18 cemetery merchandise or ~~mausoleum~~ burial spaces in another state or territory of
19 the United States or a foreign country.

20 **SECTION 3605ix.** 440.91 (10) of the statutes is amended to read:

21 440.91 (10) Nothing in this section requires an individual who is ~~registered~~
22 licensed as a preneed seller under s. 440.92 (1) to be ~~registered~~ licensed as a cemetery
23 salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery
24 merchandise or undeveloped spaces under preneed sales contracts.

25 **SECTION 3605iz.** 440.92 of the statutes is repealed.

1 **SECTION 3605kb.** 440.92 (1) (title) of the statutes is repealed and recreated to
2 read:

3 440.92 (1) (title) LICENSURE.

4 **SECTION 3605kd.** 440.92 (1) (a) of the statutes is amended to read:

5 440.92 (1) (a) Except as provided in subs. (4), and (9) (a) and (10), every
6 individual who sells or solicits the sale of cemetery merchandise or an undeveloped
7 space under a preneed sales contract and, if the is required to be licensed under this
8 subsection and, if applicable, comply with the requirements under s. 445.125. If such
9 an individual is employed by or acting as an agent for a cemetery authority or any
10 other person, that cemetery authority or other person is also required to be ~~registered~~
11 licensed under this subsection.

12 **SECTION 3605kf.** 440.92 (1) (b) (intro.) of the statutes is amended to read:

13 440.92 (1) (b) (intro.) The department shall issue a certificate of ~~registration~~
14 licensure as a cemetery preneed seller to any person who does all of the following:

15 **SECTION 3605kh.** 440.92 (1) (bm) of the statutes is created to read:

16 440.92 (1) (bm) If a cemetery authority that is registered under this subsection
17 notifies the department under s. 157.08 (2) (b) 1. (intro.) that it proposes to take an
18 action specified in s. 157.08 (2) (b) 1. b. or c. and the department does not object to
19 the action under s. 157.08 (2) (b) 3., the department shall revoke the registration and
20 require the cemetery authority to reapply for a registration under this subsection.

21 **SECTION 3605kj.** 440.92 (1) (e) of the statutes is amended to read:

22 440.92 (1) (e) Nothing in this subsection requires an individual who is
23 ~~registered~~ licensed as a cemetery salesperson under s. 440.91 (2) to be ~~registered~~
24 licensed under this subsection if the individual does not conduct or solicit any sale
25 under a preneed sales contract.

1 **SECTION 3605kL.** 440.92 (2) (title) of the statutes is renumbered 440.922 (title).

2 **SECTION 3605km.** 440.92 (2) (a) of the statutes is renumbered 440.922 (1) (a),
3 and 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are amended to read:

4 440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~
5 ~~mausoleum~~ burial space.

6 3. By storing the cemetery merchandise in a warehouse that is located on the
7 property of the preneed seller if the preneed seller insures the cemetery merchandise
8 and the preneed sales contract requires the preneed seller to ultimately affix the
9 cemetery merchandise to the ~~cemetery lot or mausoleum~~ burial space without
10 additional charge.

11 3g. By storing the cemetery merchandise anywhere on the property of the
12 preneed seller if the property of the preneed seller is located in this state, the preneed
13 seller insures the cemetery merchandise and the preneed sales contract requires the
14 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial
15 space, to the outside of or the grounds surrounding a mausoleum or columbarium or
16 to any other outdoor location without additional charge.

17 4. (intro.) By having the cemetery merchandise stored in a warehouse that is
18 not located on the property of the preneed seller if the warehouse has agreed to ship
19 the cemetery merchandise to the preneed seller, purchaser, or beneficiary named in
20 the preneed sales contract without additional charge to the purchaser and the
21 preneed sales contract requires that the cemetery merchandise ultimately be affixed
22 to the ~~cemetery lot or mausoleum~~ burial space without additional charge. If the
23 cemetery merchandise is delivered under this subdivision, all of the following apply:

24 **SECTION 3605kn.** 440.92 (2) (am) of the statutes is renumbered 440.922 (2) and
25 amended to read:

1 **440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE.** If a preneed sales contract
2 for the sale of cemetery merchandise requires the preneed seller to ultimately affix
3 the cemetery merchandise to a ~~cemetery lot, mausoleum~~ burial space or other
4 location but the purchaser has not informed the preneed seller of the location where
5 the cemetery merchandise is to be affixed and the location where the cemetery
6 merchandise is to be affixed is not specified in the preneed sales contract, the preneed
7 sales contract may provide that the preneed seller may charge the purchaser an
8 additional fee at the time that the cemetery merchandise is affixed not to exceed the
9 additional costs to the preneed seller that are necessitated by the purchaser's choice
10 of location.

11 **SECTION 3605kp.** 440.92 (2) (b) of the statutes is renumbered 440.922 (1) (b).

12 **SECTION 3605kr.** 440.92 (2) (c) of the statutes is renumbered 440.922 (3) and
13 amended to read:

14 **440.922 (3) VOIDING OF CONTRACTS.** Except as provided in ~~par. (cm)~~ sub. (4), a
15 preneed sales contract shall provide that if the purchaser voids the preneed sales
16 contract at any time within 10 days after the date of the initial payment the preneed
17 seller shall, within 30 days after the date on which the preneed sales contract is
18 voided, refund all money paid by the purchaser for cemetery merchandise that has
19 not been supplied or delivered and for the mausoleum space.

20 **SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered 440.922 (4).

21 **SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered 440.922 (5) (a).

22 **SECTION 3605kx.** 440.92 (2) (e) of the statutes is renumbered 440.922 (5) (b).

23 **SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered 440.922 (5) (c) and
24 amended to read:

1 440.922 (5) (c) If a preneed sales contract is voided under par. (e) (b), the
2 preneed seller shall, within 30 days after the date on which the preneed sales
3 contract is voided, refund all money paid by the purchaser, together with interest
4 calculated at the legal rate of interest as provided under s. 138.04.

5 **SECTION 3605mb.** 440.92 (2) (g) and (h) of the statutes are renumbered 440.922
6 (6) and (10).

7 **SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered 440.922 (7) and
8 amended to read:

9 440.922 (7) TRUSTING REQUIREMENTS. If a preneed sales contract includes
10 provisions for the sale of cemetery merchandise or an undeveloped space that is
11 subject to the trusting requirements under ~~sub. s. 440.92~~ (3) (a) and (b) and for the
12 sale of other goods or services that are not subject to the trusting requirements under
13 ~~sub. s. 440.92~~ (3) (a) and (b), the sale price of the goods or services that are not subject
14 to the trusting requirements may not be inflated for the purpose of allocating a lower
15 sale price to the cemetery merchandise or undeveloped space that is subject to the
16 trusting requirements.

17 **SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered 440.922 (8).

18 **SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered 440.922 (9) and
19 amended to read:

20 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the
21 following language in not less than 10-point boldface type: “SECTION 440.92 (2)
22 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE
23 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE
24 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE

1 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN
2 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

3 SECTION 3605mj. 440.92 (3) (a) (intro.) of the statutes is renumbered 440.92
4 (3) (a) and amended to read:

5 440.92 (3) (a) A preneed seller shall deposit into a preneed trust fund an
6 amount equal to at least 40% of each payment of principal that is received from the
7 sale of cemetery merchandise under a preneed sales contract, ~~or the wholesale cost~~
8 ~~ratio for the cemetery merchandise multiplied by the amount of the payment of~~
9 ~~principal that is received, whichever is greater.~~ In addition to the amount required
10 to be deposited under this paragraph for the sale of cemetery merchandise and except
11 as provided in par. (c), if a preneed seller receives payment for the sale of an
12 undeveloped space under a preneed sales contract, the preneed seller shall deposit
13 a percentage at least 40% of each payment of principal that is received from the sale
14 of the undeveloped space into a preneed trust fund, ~~determined as follows:~~

15 SECTION 3605mL. 440.92 (3) (a) 1. and 2. of the statutes are repealed.

16 SECTION 3605mn. 440.92 (3) (c) (intro.) of the statutes is amended to read:

17 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits
18 required under par. (a) 1. and 2. for payments for sales of undeveloped spaces under
19 preneed contracts if any of the following applies:

20 SECTION 3605mp. 440.92 (4) (title) of the statutes is amended to read:

21 440.92 (4) (title) EXCEPTIONS TO REGISTRATION LICENSURE REQUIREMENT.

22 SECTION 3605mr. 440.92 (4) (a) (intro.) of the statutes is amended to read:

23 440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery
24 merchandise under a preneed sales contract is not required to be ~~registered~~ licensed
25 under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if

1 all payments received under the preneed sales contract are trusted as required under
2 s. 445.125 (1) (a) 1. or if all of the following conditions are met:

3 **SECTION 3605mt.** 440.92 (4) (b) of the statutes is amended to read:

4 440.92 (4) (b) If any preneed seller who is not ~~registered~~ licensed under sub.
5 (1) accepts a payment under a preneed sales contract and the merchandise is not
6 delivered within 180 days after the date of the sale, the preneed seller shall
7 immediately notify the purchaser that the purchaser is entitled to a refund of all
8 money paid by the purchaser, together with interest calculated at the legal rate of
9 interest as provided under s. 138.04, at any time before the merchandise is delivered.

10 **SECTION 3605mv.** 440.92 (5) of the statutes is renumbered 440.924.

11 **SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered 440.926 (title)
12 and amended to read:

13 **440.926 (title) Reporting; Preneed seller reporting and record keeping;**
14 **audits.**

15 **SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered 440.926 (1) (a)
16 and amended to read:

17 440.926 (1) (a) Every preneed seller ~~registered~~ licensed under sub. s. 440.92
18 (1) shall file an annual report with the department. The report shall be made on a
19 form prescribed and furnished by the department. The report shall be made on a
20 calendar-year basis unless the department, by rule, provides for other reporting
21 periods. The report is due on or before the 60th day after the last day of the reporting
22 period.

23 **SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are renumbered 440.926
24 (1) (b) and (c).

1 **SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered 440.926 (2) (c)
2 and amended to read:

3 440.926 (2) (c) All records described under ~~pars. sub. (1) (b) 2. and (c)~~ and
4 maintained by the department are confidential and are not available for inspection
5 or copying under s. 19.35 (1). This paragraph does not apply to any information
6 regarding the name, address, or employer of or financial information related to an
7 individual that is requested under s. 49.22 (2m) by the department of workforce
8 development or a county child support agency under s. 59.53 (5).

9 **SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are renumbered 440.926
10 (1) (d) and (e).

11 **SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered 440.926 (2) (a),
12 and 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

13 440.926 (2) (a) 1. The records needed to prepare the reports required under ~~par.~~
14 sub. (1) (a).

15 2. Records that show, for each deposit in a trust fund or account specified in
16 ~~pars. sub. (1) (b) 2. and (c)~~, the name of the purchaser or beneficiary of the preneed
17 sales contract relating to the deposit and the item purchased.

18 **SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered 440.926 (2) (b) and
19 amended to read:

20 440.926 (2) (b) The records under ~~par. sub. (1) (b) 1.~~ shall be permanently
21 maintained by the preneed seller. The records under ~~par. sub. (1) (b) 2.~~ shall be
22 maintained for not less than 3 years after all of the obligations of the preneed sales
23 contract have been fulfilled. The department may promulgate rules to establish
24 longer time periods for maintaining records under this paragraph.

1 **SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered 440.926 (3) (a) and
2 amended to read:

3 440.926 (3) (a) The department may promulgate rules requiring preneed
4 sellers ~~registered~~ licensed under ~~sub. s. 440.92~~ (1) to maintain other records and
5 establishing minimum time periods for the maintenance of those records.

6 **SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered 440.926 (4) and
7 amended to read:

8 440.926 (4) AUDITS. The department may audit, at reasonable times and
9 frequency, the records, trust funds, and accounts of any preneed seller ~~registered~~
10 licensed under ~~sub. s. 440.92~~ (1), including records, trust funds, and accounts
11 pertaining to services provided by a preneed seller which are not otherwise subject
12 to the requirements under this ~~section~~ subchapter. The department may conduct
13 audits under this ~~paragraph~~ subsection on a random basis, and shall conduct all
14 audits under this ~~paragraph~~ subsection without providing prior notice to the preneed
15 seller.

16 **SECTION 3605op.** 440.92 (6) (k) of the statutes is renumbered 440.926 (3) (b)
17 and amended to read:

18 440.926 (3) (b) The department may promulgate rules establishing a filing fee
19 to accompany the report required under ~~par. sub. (1)~~ (a). The filing fee shall be based
20 on the approximate cost of regulating preneed sellers.

21 **SECTION 3605or.** 440.92 (7) of the statutes is renumbered 440.927 and
22 amended to read:

23 **440.927 Approval of warehouses.** No person may own or operate a
24 warehouse located inside or outside this state unless the warehouse is approved by
25 the department. ~~Upon application, the department shall approve a warehouse that~~

1 is located in this state if the person who operates the warehouse is licensed as a public
2 warehouse keeper by the department of agriculture, trade and consumer protection
3 under ch. 99, but may not approve a warehouse that is located in this state unless
4 the person is so licensed. The department shall promulgate rules establishing the
5 requirements for approval of warehouses that are located outside this state under
6 this section. The rules shall require warehouses that are located outside this state
7 to file with the department a bond furnished by a surety company authorized to do
8 business in this state in an amount that is sufficient to guarantee the delivery of
9 cemetery merchandise to purchasers under preneed sales contracts. The
10 department shall compile and keep a current list of the names and addresses of all
11 warehouses approved under this ~~subsection~~ section and shall make the list available
12 for public inspection during the times specified in s. 230.35 (4) (f).

13 **SECTION 3605ot.** 440.92 (9) (title) of the statutes is amended to read:

14 440.92 (9) (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS
15 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES.

16 **SECTION 3605ov.** 440.92 (9) (a) of the statutes is amended to read:

17 440.92 (9) (a) If the cemetery authority of a cemetery that is affiliated with a
18 religious society organized under ch. 187 or that religious society a religious
19 cemetery authority or the church, synagogue, mosque, incorporated college of a
20 religious order, or religious society organized under ch. 187 that is affiliated with a
21 religious cemetery authority files an annual certification with the department as
22 provided in this subsection, neither the religious cemetery authority nor any
23 employee of the cemetery is required to be registered licensed as a cemetery preneed
24 seller under sub. (1) during the period for which the certification is effective, but the

1 religious cemetery authority and any employee are required to comply, if applicable,
2 with the requirements of s. 445.125.

3 **SECTION 3605ox.** 440.92 (9) (b) 3. of the statutes is amended to read:

4 440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to
5 act on behalf of the religious ~~society~~ cemetery authority under this subsection that,
6 during the 12-month period immediately preceding the date on which the
7 certification is filed with the department, each employee specified under subd. 2. and
8 the religious cemetery authority have either fully complied or have substantially
9 complied with ~~subs. (2), sub. (3) (a) and (b) and (5) ss. 440.922 and 440.924.~~

10 **SECTION 3605oz.** 440.92 (9) (c) of the statutes is amended to read:

11 440.92 (9) (c) If the statement under par. (b) 3. includes a statement of
12 substantial compliance, the statement of substantial compliance must also specify
13 those instances when the employee or religious cemetery authority did not fully
14 comply with sub. ~~(2), (3) (a) or (b) or (5) s. 440.922 or 440.924.~~

15 **SECTION 3605qb.** 440.92 (9) (e) of the statutes is amended to read:

16 440.92 (9) (e) During the effective period specified under par. (d), the
17 department may not audit the preneed trust funds or any records or accounts
18 relating to the preneed trust funds of the religious cemetery authority or any
19 employee of the cemetery to which a certification under this subsection applies.

20 **SECTION 3605qd.** 440.92 (9) (f) of the statutes is amended to read:

21 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a
22 religious order, or religious society that is affiliated with a cemetery to which a
23 certification under this subsection applies is liable for the damages of any person
24 that result from the failure of any employee specified under par. (b) 2. or the religious
25 cemetery authority to fully comply with sub. ~~(2), (3) (a) or (b) or (5) s. 440.922 or~~

1 440.924 during the 12-month period for which such compliance has been certified
2 under this subsection.

3 **SECTION 3605qf.** 440.92 (10) of the statutes is repealed.

4 **SECTION 3605qh.** 440.922 (1) (title) of the statutes is created to read:

5 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

6 **SECTION 3605qhc.** 440.922 (4) (title) of the statutes is created to read:

7 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

8 **SECTION 3605qhe.** 440.922 (5) (title) of the statutes is created to read:

9 440.922 (5) (title) UNDEVELOPED SPACE SALES.

10 **SECTION 3605qhg.** 440.922 (6) (title) of the statutes is created to read:

11 440.922 (6) (title) INTEREST ASSIGNMENTS.

12 **SECTION 3605qhj.** 440.922 (8) (title) of the statutes is created to read:

13 440.922 (8) (title) CONTRACT REQUIREMENTS.

14 **SECTION 3605qhk.** 440.922 (10) (title) of the statutes is created to read:

15 440.922 (10) (title) CONFLICTING PROVISIONS.

16 **SECTION 3605qj.** 440.926 (1) (title) of the statutes is created to read:

17 440.926 (1) (title) REPORTS.

18 **SECTION 3605qjd.** 440.926 (2) (title) of the statutes is created to read:

19 440.926 (2) (title) RECORDS.

20 **SECTION 3605qjf.** 440.926 (3) (title) of the statutes is created to read:

21 440.926 (3) (title) RULES.

22 **SECTION 3605qL.** 440.928 of the statutes is created to read:

23 **440.928 Burial space purchase agreements.** (1) In this section:

24 (a) "Cemetery authority" does not include a religious cemetery authority.

1 (b) "Opening or closing fees" means fees charged by a cemetery authority for
2 opening or closing a burial space.

3 (c) "Purchase agreement" means an agreement for the purchase of a burial
4 space.

5 (2) Before entering into a purchase agreement, a cemetery authority shall
6 disclose to the purchaser any opening or closing fees charged by the cemetery
7 authority.

8 (3) A purchase agreement shall be in writing and shall include each of the
9 following:

10 (a) The terms and conditions and any other pertinent information regarding
11 the purchase, including the price of the burial space, any perpetual care
12 requirements, and any resale, inheritor, cancellation, or refund rights under the
13 agreement.

14 (b) A description of all goods and services that are reasonably expected to be
15 required at the time of need that are not subject to the purchase agreement,
16 including opening and closing fees and any additional fees for weekend, holiday, or
17 after hours burial.

18 (4) A cemetery authority shall assign a serial number to each purchase
19 agreement that it enters into, maintain file copies in numerical order according to
20 the serial number and enter the serial number and a description of each purchase
21 agreement into a sales journal. Any additional purchase by a purchaser more than
22 30 days after entering a purchase agreement shall be the subject of a separate
23 purchase agreement with a separate serial number that is the current unused serial
24 number in consecutive order.

25 **SECTION 3605qn.** 440.929 of the statutes is created to read:

1 **440.929 Rules.** The department shall promulgate rules that establish a code
2 of ethics to govern the professional conduct of cemetery authorities licensed under
3 s. 440.91 (1), cemetery salespersons licensed under s. 440.91 (2), and preneed sellers
4 licensed under s. 440.92 (1).

5 **SECTION 3605qp.** 440.93 (1) (intro.) of the statutes is amended to read:

6 440.93 (1) (intro.) The department may deny a certificate of licensure or
7 registration of a cemetery authority, cemetery salesperson, or preneed seller and the
8 board may reprimand a licensee or registrant or deny, limit, suspend, or revoke a
9 certificate of licensure or registration a cemetery authority, cemetery salesperson or
10 preneed seller if it if the department or board, respectively, finds that the applicant,
11 licensee, or registrant, or, if the applicant, licensee, or registrant, is an association,
12 partnership, limited liability company, or corporation, any officer, director, trustee,
13 member, or shareholder who beneficially owns, holds, or has the power to vote 5% or
14 more of any class of security issued by the applicant, licensee, or registrant, has done
15 any of the following:

16 **SECTION 3605qr.** 440.93 (1) (b) of the statutes is amended to read:

17 440.93 (1) (b) Made a substantial misrepresentation or false promise to an
18 individual to influence the individual to purchase a ~~cemetery lot~~, cemetery
19 merchandise or ~~mausoleum~~ a burial space.

20 **SECTION 3605qt.** 440.93 (1) (c) of the statutes is amended to read:

21 440.93 (1) (c) Engaged in any practice relating to the operation or management
22 of a cemetery or the sale of a cemetery lot, cemetery merchandise or mausoleum a
23 burial space which clearly demonstrates a lack of knowledge or ability to apply
24 professional principles or skills.

25 **SECTION 3605qv.** 440.93 (1) (cm) of the statutes is created to read:

1 440.93 (1) (cm) Engaged in unprofessional or unethical conduct in violation of
2 the code of ethics established in the rules promulgated under s. 440.929.

3 **SECTION 3605qx.** 440.93 (1) (d) of the statutes is amended to read:

4 440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~
5 ~~offense~~ Violated any law the circumstances of which substantially relate to the
6 operation or management of a cemetery or the sale of a cemetery lot, cemetery
7 merchandise or mausoleum a burial space. A certified copy of a judgment of
8 conviction is prima facie evidence of a violation.

9 **SECTION 3605qz.** 440.93 (1) (f) of the statutes is amended to read:

10 440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any
11 practice relating to the operation or management of a cemetery or the sale of a
12 cemetery lot, cemetery merchandise or mausoleum a burial space while the person's
13 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

14 **SECTION 3605sb.** 440.93 (1) (g) of the statutes is amended to read:

15 440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule
16 promulgated under this subchapter or subch. II of ch. 157, or any order of the
17 department or the board.

18 **SECTION 3605sd.** 440.93 (1m) of the statutes is created to read:

19 440.93 (1m) The board may, in addition to or in lieu of a reprimand or
20 revocation, limitation, suspension, or denial of a certificate of registration or
21 licensure, assess against a person licensed or registered under this subchapter who
22 has done anything specified in sub. (1) (a) to (g) a forfeiture of no more than \$5,000
23 for each separate offense. Each day of continued violation constitutes a separate
24 offense.

25 **SECTION 3605sf.** 440.93 (2) of the statutes is amended to read:

1 440.93 (2) The ~~department~~ board shall determine in each case the period that
2 a limitation, suspension, or revocation of a certificate is effective. This subsection
3 does not apply to a limitation or suspension under s. 440.13 (2) (a).

4 **SECTION 3605sh.** 440.945 (1) (a) of the statutes is amended to read:

5 440.945 (1) (a) “Installed” means permanently affixed to a ~~cemetery lot~~ burial
6 space.

7 **SECTION 3605sj.** 440.945 (2) (a) of the statutes is amended to read:

8 440.945 (2) (a) Adopt regulations, consistent with this section and with
9 standards that the cemetery authority uses for its own monument installations,
10 prescribing requirements and procedures for the sale, delivery, installation, or care
11 of monuments, including requirements that each vendor provide reasonable advance
12 notice to the cemetery authority of the date on which the vendor desires to install a
13 monument; that each vendor carry worker’s compensation insurance and a
14 minimum amount of comprehensive general liability insurance, such minimum
15 amount not to exceed \$300,000; and that each owner of a ~~cemetery lot~~ burial space
16 pay all fees and other amounts due the cemetery authority to satisfy any
17 encumbrances pertaining to the ~~cemetery lot~~ burial space before a monument is
18 installed.

19 **SECTION 3605sL.** 440.945 (2) (c) of the statutes is amended to read:

20 440.945 (2) (c) Charge either the owner of a ~~cemetery lot~~ burial space or a
21 vendor a reasonable fee to cover the cemetery authority’s labor costs. In this
22 paragraph, “labor costs” means the amount, calculated in accordance with generally
23 accepted accounting principles and practices, that is payable to employees of the
24 cemetery authority for wages and fringe benefits for the period that the employees
25 were engaged in marking the location for and inspecting the installation of the

1 monument to ensure that it was properly installed, and may include any general
2 administrative or overhead costs of the cemetery authority or any other costs that
3 are directly related to marking the location for and inspecting the installation of the
4 monument to ensure that it was properly installed.

5 **SECTION 3605sn.** 440.945 (3) (a) (intro.) of the statutes is amended to read:

6 440.945 (3) (a) (intro.) Every cemetery authority shall keep on file and make
7 available for inspection and copying to owners and prospective purchasers of
8 ~~cemetery lots~~ burial spaces and to other interested persons all of the following
9 information:

10 **SECTION 3605sp.** 440.945 (4) (a) 1. of the statutes is amended to read:

11 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space
12 to purchase a monument or services related to the installation of a monument from
13 the cemetery authority.

14 **SECTION 3605sr.** 440.945 (4) (a) 2. of the statutes is amended to read:

15 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a ~~cemetery lot~~
16 burial space to purchase a monument or services related to the installation of a
17 monument from the vendor of his or her choice.

18 **SECTION 3605st.** 440.945 (4) (a) 3. of the statutes is amended to read:

19 440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or
20 purchaser of a ~~cemetery lot~~ burial space a fee for purchasing a monument or services
21 related to the installation of a monument from a vendor, or charge a vendor a fee for
22 delivering or installing the monument. Nothing in this subdivision shall be
23 construed to prohibit a cemetery authority from charging the owner or purchaser of
24 a ~~cemetery lot~~ burial space a reasonable fee for services relating to the care of a
25 monument.

1 **SECTION 3605sv.** 440.945 (4) (a) 4. of the statutes is amended to read:

2 440.945 (4) (a) 4. Discriminate against any owner or purchaser of a cemetery
3 let burial space who has purchased a monument or services related to the
4 installation of a monument from a vendor.

5 **SECTION 3605sx.** 440.945 (5) (a) of the statutes is amended to read:

6 440.945 (5) (a) If the ~~department~~ board has reason to believe that any person,
7 other than a religious cemetery authority, is violating this section and that the
8 continuation of that activity might cause injury to the public interest, the
9 department may investigate.

10 **SECTION 3605sz.** 440.945 (5) (am) of the statutes is created to read:

11 440.945 (5) (am) If the department has reason to believe that any religious
12 cemetery authority is violating this section and that the continuation of that activity
13 might cause injury to the public interest, the department may investigate.

14 **SECTION 3605ub.** 440.945 (5) (b) of the statutes is amended to read:

15 440.945 (5) (b) The department of justice or any district attorney, upon
16 informing the department of justice, may commence an action in circuit court in the
17 name of the state to restrain by temporary or permanent injunction any violation of
18 this section. The court may, prior to entry of final judgment, make such orders or
19 judgments as may be necessary to restore to any person any pecuniary loss suffered
20 because of the acts or practices involved in the action, if proof of such loss is submitted
21 to the satisfaction of the court. The department of justice may subpoena persons and
22 require the production of books and other documents, and may request the
23 department of regulation and licensing or board to exercise its authority under par.
24 (a) or (am) to aid in the investigation of alleged violations of this section.

25 **SECTION 3605ud.** 440.947 (1) (c) of the statutes is renumbered 440.90 (6g).

1 **SECTION 3605uf.** 440.947 (5) of the statutes is amended to read:

2 **440.947 (5)** A person who sells a casket, outer burial container, or cemetery
3 merchandise shall retain a copy of the price list specified in sub. (2) (intro.) for at least
4 one year after the date of its last distribution to a prospective buyer and shall retain
5 a copy of each form that is provided to a buyer under sub. (3) (intro.) for at least one
6 year after completion of a sale. A person required to retain a copy under this
7 subsection shall make the copy available for inspection by the department or board
8 upon request.

9 **SECTION 3605uh.** 440.948 of the statutes is created to read:

10 **440.948 Burial agreements.** Any agreement for the purchase of a casket,
11 outer burial container not preplaced into the burial excavation of a grave, or
12 combination casket–outer burial container, that is not immediately required for the
13 burial or other disposition of human remains, is subject to the requirements of s.
14 445.125 (1).

15 **SECTION 3605uj.** 440.949 of the statutes is created to read:

16 **440.949 Rules; review of rules. (1)** Before submitting any proposed rules
17 relating to this subchapter, except for rules relating exclusively to religious cemetery
18 authorities, to the legislative council staff under s. 227.15, the department shall
19 submit the proposed rules to the board for comment. The board shall have 30 days
20 to submit comments on the proposed rules to the secretary.

21 **(2)** When promulgating emergency rules under s. 227.24 relating to this
22 subchapter, except for rules relating exclusively to religious cemetery authorities,
23 the department shall provide a copy of the rules to the board prior to publication of
24 the rules in the official state newspaper.

1 (3) The chairperson of the board, or his or her designee from the board, may
2 cochair with the secretary, or the secretary's designee, any public hearing held by the
3 department on proposed rules relating to this subchapter other than rules relating
4 exclusively to religious cemetery authorities.

5 (4) The department shall submit to the board a copy of the report required
6 under s. 227.19 (2) on any proposed final rules relating to this subchapter other than
7 rules relating exclusively to religious cemetery authorities. The board may prepare
8 a dissenting report stating its recommendations on the proposed final rules. Any
9 dissenting report shall be prepared within 10 days from the date of receipt of the
10 department's report, attached to the department's report and sent to the presiding
11 officer of each house of the legislature and distributed under s. 227.19 (2). The
12 department shall publish a statement to appear in the Wisconsin administrative
13 register indicating that a dissenting report of the board has been submitted to the
14 presiding officer of each house of the legislature.

15 (5) The department shall provide staff to assist the board in the review of
16 administrative rules and preparation of comments or dissenting reports.

17 **SECTION 3605uL.** 440.95 (1) of the statutes is amended to read:

18 440.95 (1) Any cemetery authority that is required to register under s. 440.91
19 (1) (1m) and that knowingly fails to register may be fined not more than \$100.

20 **SECTION 3605un.** 440.95 (1m) of the statutes is created to read:

21 440.95 (1m) Any cemetery authority that, without a license granted under s.
22 440.91 (1), sells 10 or more burial, mausoleum, or columbarium spaces at a cemetery
23 during a calendar year or has \$100,000 or more in trust fund accounts for a cemetery
24 may be fined not more than \$100.

25 **SECTION 3605up.** 440.95 (2) of the statutes is amended to read:

1 440.95 (2) Any ~~individual who~~ person that is required to ~~register~~ be licensed
2 as a cemetery salesperson under s. 440.91 (2) and ~~who fails to register~~ that is not
3 licensed may be fined not less than \$25 nor more than \$200 or imprisoned for not
4 more than 6 months or both.

5 **SECTION 3605ur.** 440.95 (2m) of the statutes is created to read:

6 440.95 (2m) Any person that is required to be licensed as a preneed seller under
7 s. 440.92 (1) (a) and that is not licensed may be fined not more than \$1,000 or
8 imprisoned for not more than 90 days or both.

9 **SECTION 3605ut.** 440.95 (4) (a) of the statutes is repealed.

10 **SECTION 3605uv.** 440.95 (4) (c) of the statutes is amended to read:

11 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading
12 report under s. ~~440.92 (6)~~ 440.926.

13 **SECTION 3605ux.** 440.95 (5) of the statutes is amended to read:

14 440.95 (5) Except as provided in sub. (4), any person who violates ~~s. ss.~~ ss. 440.92
15 to 440.927 or any rule promulgated under ~~s. ss.~~ ss. 440.92 to 440.927 may be required
16 to forfeit not more than \$200 for each offense. Each day of continued violation
17 constitutes a separate offense." ^{LA}

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32. Page 1352, line 18: after that line insert:
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Page 1448, line 16:
get that
line insert:

"(4f) CEMETERY REGULATION.

(a) *Definition.* In this subsection:

1. "Board" means the cemetery board.

2. "Cemetery association" has the meaning given in section 157.061 (1r) of the
statutes.

1 (b) *Filing requirement.* A cemetery association that was not required to be
2 registered under section 440.91 (1), 1999 stats., and that is not organized or
3 conducted for pecuniary profit shall, no later than the first day of the 6th month
4 beginning after the effective date of this paragraph, file with the department of
5 financial institutions any copies of certifications, resolutions, or proceedings that the
6 cemetery association delivered to the office of the register of deeds of the county in
7 which the cemetery is located under section 157.062 (9), 1999 stats.

8 (c) *Initial appointments to cemetery board.*

9 1. Notwithstanding section 15.405 (3m) (b) 1. and (c) of the statutes, as created
10 by this act, the initial cemetery authority business representative members of the
11 board need not be business representatives of a cemetery authority that is licensed
12 under section 440.91 (1) of the statutes, as affected by this act, to be appointed to and
13 serve as members of the board until the first day of the 13th month beginning after
14 the effective date of this subdivision.

15 2. Notwithstanding section 15.07 (1) (cm) of the statutes, as affected by this act,
16 and section 15.405 (3m) (b) 1. of the statutes, as created by this act, the initial
17 members of the board shall be appointed by the first day of the 4th month beginning
18 after the effective date of this subdivision for the following terms:

19 a. Two cemetery authority business representative members and one public
20 member, for terms expiring on May 1, 2003.

21 b. One cemetery authority business representative member and one public
22 member, for terms expiring on May 1, 2004.

23 c. One cemetery authority business representative member and the
24 representative of the department of justice, for terms expiring on May 1, 2005.

1 (d) *Preneed seller licenses*. Notwithstanding section 440.92 (1) (a) and (b)
 2 (intro.) of the statutes, as affected by this act, the department of regulation and
 3 licensing shall issue a certificate of licensure as a cemetery preneed seller to any
 4 person who, on the effective date of this paragraph, holds a valid certificate of
 5 registration as a cemetery preneed seller." ✓

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 (5)

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 38. Page 1403, line 5: after that line insert:

7 "(2f) NONDISCLOSURE OF CERTAIN INFORMATION. The treatment of section 440.14
 8 (1) (a), (2), (3), (4), and (5) of the statutes first applies to lists furnished by a board
 9 in the department of regulation and licensing, other than a credentialing board, on
 10 the effective date of this subsection." ✓

11

(END)

✓
 #. Page 1479, line 18: after that line insert: