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1 (2) Maintain a fund balance attributable to grain dealers of at least \$1,000,000
2 after January 1, 2006, but not more than \$6,000,000 at any time.

3 (3) Maintain a fund balance attributable to grain warehouse keepers of at least
4 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

5 (4) Maintain a fund balance attributable to milk contractors of at least
6 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

7 (5) Maintain a fund balance attributable to vegetable contractors of at least
8 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

9 **126.89 Calculations.** If a number used in or resulting from a calculation made
10 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,
11 other than a number that appears in one of those sections, extends more than 6
12 decimal places to the right of the decimal point, a person making the calculation shall
13 round the number to the nearest whole digit in the 6th decimal place to the right of
14 the decimal point. The amount of an assessment may be rounded to the nearest
15 whole dollar.

16 **126.90 Agricultural producer security council.** The agricultural producer
17 security council shall advise the department on the administration and enforcement
18 of this chapter. The council shall meet as often as the department considers
19 necessary, but at least once annually. The department shall inform the council of
20 fund balances and payments, and shall consult with the council before modifying any
21 license fee, license surcharge, or fund assessment under this chapter.

22 *b1461/3.16* SECTION 2814. Chapter 127 of the statutes is repealed.

105 affected by 2001 Wisconsin Act ... (this act)

23 *b1524/1.9* 1268. Page 939, line 16: after that line insert:

24 *b1524/1.9* "SECTION 2814dd. 127.01 (1r) of the statutes is amended to read:

1 127.01 (1r) “Audited financial statement” means a financial statement on
2 which an independent certified public accountant, ~~or an independent public~~
3 ~~accountant holding a certificate of authority~~ licensed or certified under ch. 442, has
4 expressed an opinion according to generally accepted accounting principles and has
5 conducted an audit according to generally accepted auditing standards.

6 ***b1524/1.9* SECTION 2814dh.** 127.01 (25m) (b) of the statutes is amended to
7 read:

8 127.01 (25m) (b) The financial statement is reviewed according to generally
9 accepted accounting principles by an independent certified public accountant ~~or an~~
10 ~~independent public accountant who holds a certificate of authority~~ licensed or
11 certified under ch. 442.

12 ***b1524/1.9* SECTION 2814dp.** 127.06 (1) (e) of the statutes is amended to read:

13 127.06 (1) (e) The department may extend the filing deadline under par. (a) 2.
14 by up to 30 days in response to a written request from a warehouse keeper or an
15 independent certified public accountant, ~~or an independent public accountant~~
16 ~~holding a certificate of authority~~ licensed or certified under ch. 442, that is auditing
17 or reviewing the financial statement for a warehouse keeper if the department
18 receives the request on or before the 5th day of the 4th month beginning after the
19 close of the warehouse keeper’s fiscal year and if the request states the reason for the
20 extension.

21 ***b1524/1.9* SECTION 2814dt.** 127.06 (1m) (e) of the statutes is amended to
22 read:

23 127.06 (1m) (e) The department may extend the filing deadline under par. (b)
24 2. by up to 30 days in response to a written request from a grain dealer or an
25 independent certified public accountant, ~~or an independent public accountant who~~

1 holds a certificate of authority licensed or certified under ch. 442, that is auditing or
2 reviewing the financial statement for a grain dealer, if the department receives the
3 written request on or before the 5th day of the 4th month beginning after the close
4 of the grain dealer's fiscal year and if the request states the reason for the extension.”.

5 ***b2158/1.1* 1269.** Page 939, line 16: after that line insert:

6 ***b2158/1.1* “SECTION 2812t.** 125.52 (8) of the statutes is created to read:

7 125.52 (8) SALES TO INDIVIDUALS IN OTHER STATES. A permittee under this section
8 that ships wine from this state to individuals in another state under authorization
9 of a reciprocal agreement specified in s. 139.035 shall submit a report to the
10 department, by January 31 of each year, on forms furnished by the department. The
11 report shall include the identity, quantity, and price of all products shipped during
12 the previous calendar year from this state to individuals in another state under
13 authorization of a reciprocal agreement specified in s. 139.035. The report shall also
14 include the name, address, and birthdate of each person who purchased these
15 products and each person to whom these products were shipped. The department
16 shall keep confidential, in the same manner required for tax returns under s. 71.78
17 (1), (4), and (5) to (8), reports submitted under this subsection.

18 ***b2158/1.1* SECTION 2812u.** 125.53 (3) of the statutes is created to read:

19 125.53 (3) A permittee under this section that ships wine from this state to
20 individuals in another state under authorization of a reciprocal agreement specified
21 in s. 139.035 shall submit a report to the department, by January 31 of each year, on
22 forms furnished by the department. The report shall include the identity, quantity,
23 and price of all products shipped during the previous calendar year from this state
24 to individuals in another state under authorization of a reciprocal agreement

1 specified in s. 139.035. The report shall also include the name, address, and
2 birthdate of each person who purchased these products and each person to whom
3 these products were shipped. The department shall keep confidential, in the same
4 manner required for tax returns under s. 71.78 (1), (4), and (5) to (8), reports
5 submitted under this subsection.

6 ***b2158/1.1* SECTION 2812v.** 125.58 (4) of the statutes is amended to read:

7 125.58 (4) ^(intro.) (a) A winery located outside of this state may ship wine into this state
8 as provided under s. 125.68 (10) (bm) if ~~the~~ all of the following apply:

9 1. The winery is located in a state ~~which~~ that has a reciprocal agreement with

10 this state under s. 139.035.

11 (b) An out-of-state shipper's permit is not required for shipments into this
12 state under this subsection.

13 ***b2158/1.1* SECTION 2812w.** 125.58 (4) (a) 2. of the statutes is created to read:

14 125.58 (4) (a) 2. The winery holds a valid business tax registration certificate
15 issued under s. 73.03 (50). Notwithstanding s. 73.03 (50), the department shall
16 charge an annual fee of \$10 for this registration.

17 ***b2158/1.1* SECTION 2812wg.** 125.58 (4) (a) 3. of the statutes is created to
18 read:

19 125.58 (4) (a) 3. The winery submits to the department, with any initial
20 application or renewal for a certificate under s. 73.03 (50), a copy of any current
21 license, permit, or authorization issued to the winery by any state from which the
22 winery will ship wine into this state.

23 ***b2158/1.1* SECTION 2812wm.** 125.58 (4) (a) 4. of the statutes is created to
24 read:

renumbered
125.48(4)(intro.) and

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1 125.58 (4) (a) 4. The winery submits a report to the department, by January
 2 31 of each year, on forms furnished by the department, providing the identity,
 3 quantity, and price of all products shipped into this state during the previous
 4 calendar year, along with the name, address, and birthdate of each person who
 5 purchased these products and each person to whom these products were shipped.
 6 The department shall keep confidential, in the same manner required for tax returns
 7 under s. 71.78 (1), (4), and (5) to (8), reports submitted under this subdivision.

8 *b2158/1.1* SECTION 2812x. 125.68 (10) (bm) of the statutes is amended to

9 read:

10 125.68 (10) (bm) A winery in compliance with the requirements of s. 125.58 (4)
 11 may ship wine into this state under s. 125.58 (4) from a state ~~which~~ that has a
 12 reciprocal agreement with this state under s. 139.035 to an individual who is of the
 13 legal drinking age and who acknowledges in writing receipt of the wine shipped if the
 14 shipping container is clearly labeled to indicate that the package may not be
 15 delivered to an underage person or to an intoxicated person. A person who receives
 16 wine under this paragraph may not sell it or use it for a commercial purpose."

17 *b2221/3.127* 1270. Page 939, line 16: after that line insert:

18 *b2221/3.127* "SECTION 2813m. 134.60 of the statutes is amended to read:

19 134.60 **Cutting or transportation of evergreens.** No person may cut for
 20 sale in its natural condition and untrimmed, with or without roots, any evergreen or
 21 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another
 22 without the written consent of the owner, whether such land is publicly or privately
 23 owned. The written consent shall contain the legal description of the land where the
 24 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal

↘ A signature on the delivery form of the common carrier
 by a person of legal drinking age acknowledges delivery in writing.

1 owner. The written consent or a certified copy of the consent shall be carried by every
2 person in charge of the cutting or removing of the trees, branches, boughs, bushes,
3 saplings or shrubs, and shall be exhibited to any officer of the law, state forest ranger,
4 forest patrol officer, conservation warden, or other officer of the department of
5 natural resources or the department of forestry at the officer's request at any time.
6 The officer may inspect the trees, branches, boughs, bushes, saplings or shrubs when
7 being transported in any vehicle or other means of conveyance and may investigate
8 to determine whether or not this section has been complied with. The officer may
9 stop any vehicle or means of conveyance found carrying any trees, branches, boughs,
10 bushes, saplings or shrubs upon any public highway of this state for the purpose of
11 making such inspection and investigation, and may seize and hold, subject to the
12 order of the court, any such trees, bushes, saplings or shrubs found being cut,
13 removed or transported in violation of this section. No person may ship or transport
14 any such trees, bushes, saplings or shrubs outside the county where they were cut
15 unless the person attaches to the outside of each package, box, bale, truckload or
16 carload shipped a tag or label on which appears the person's name and address. No
17 common carrier or truck hauler may receive for shipment or transportation any such
18 trees, bushes, saplings or shrubs unless the tag or label is attached. Any person who
19 violates this section shall be fined not less than \$10 nor more than \$100. Any person
20 who signs any such written consent or certified copy under this section who is not
21 authorized to do so, and any person who lends or transfers or offers to lend or transfer
22 any such written consent or certified copy to another person who is not entitled to use
23 it, and any person not entitled to use any such written consent or certified copy, or
24 who borrows, receives or solicits from another any such written consent or certified
25 copy thereof shall be fined not less than \$100 nor more than \$500.”.

1 ***b0731/1.1* 1271.** Page 939, line 17: delete the material beginning with that
2 line and ending with page 940, line 4.

3 ***b0768/4.5* 1272.** Page 940, line 4: after that line insert:

4 ***b0768/4.5* "SECTION 2818.** 134.72 (title) of the statutes is amended to read:
5 **134.72 (title) Prohibition of certain unsolicited messages by telephone**
6 **or facsimile machine.**

7 ***b0768/4.5* SECTION 2819b.** 134.72 (1) (c) of the statutes is renumbered
8 100.52 (1) (i) and amended to read:

9 100.52 (1) (i) "Telephone solicitation" means the unsolicited initiation of a
10 telephone conversation for the purpose of encouraging a person the recipient of the
11 telephone call to purchase property, goods or services or to make a contribution,
12 donation, grant, or pledge of money, credit, property, or other thing of any kind or
13 value.

14 ***b0768/4.5* SECTION 2820d.** 134.72 (2) (a) (title) of the statutes is repealed.

15 ***b0768/4.5* SECTION 2821b.** 134.72 (2) (a) of the statutes is renumbered
16 100.52 (4) (a) (intro.) and amended to read:

17 100.52 (4) (a) (intro.) ~~No person may use~~ A telephone solicitor or an employee
18 or contractor of a telephone solicitor may not do any of the following:

19 1. Use an electronically prerecorded message in telephone solicitation without
20 the consent of the person called recipient of the telephone call.

21 ***b0768/4.5* SECTION 2822.** 134.72 (2) (b) (title) of the statutes is repealed.

22 ***b0768/4.5* SECTION 2822m.** 134.72 (2) (b) of the statutes is renumbered
23 134.72 (2), and 134.72 (2) (b), as renumbered, is amended to read:

1 134.72 (2) (b) Notwithstanding ~~subd. 1. par. (a)~~, a person may not make a
2 facsimile solicitation to a person who has notified the facsimile solicitor in writing
3 or by facsimile transmission that the person does not want to receive facsimile
4 solicitation.

5 ***b0768/4.5* SECTION 2824.** 134.72 (3) (a) of the statutes is amended to read:

6 134.72 (3) (a) *Intrastate.* This section applies to any ~~intrastate telephone~~
7 ~~solicitation or~~ intrastate facsimile solicitation.

8 ***b0768/4.5* SECTION 2825.** 134.72 (3) (b) of the statutes is amended to read:

9 134.72 (3) (b) *Interstate.* This section applies to any ~~interstate telephone~~
10 ~~solicitation, or~~ interstate facsimile solicitation, received by a person in this state.

11 ***b0768/4.5* SECTION 2826.** 134.72 (4) of the statutes is amended to read:

12 134.72 (4) PENALTY. A person who violates this section may be required to
13 forfeit ~~up to~~ not more than \$500.”.

14 ***b0993/2.2* 1273.** Page 940, line 4: after that line insert:

15 ***b0993/2.2* “SECTION 2826m.** 134.73 of the statutes is created to read:

16 **134.73 Identification of prisoner making telephone solicitation. (1)**

17 DEFINITIONS. In this section:

18 (a) “Contribution” has the meaning given in s. 440.41 (5).

19 (b) “Prisoner” means a prisoner of any public or private correctional or
20 detention facility that is located within or outside this state.

21 (c) “Solicit” has the meaning given in s. 440.41 (8).

22 (d) “Telephone solicitation” means the unsolicited initiation of a telephone
23 conversation for any of the following purposes:

24 1. To encourage a person to purchase property, goods, or services.

1 2. To solicit a contribution from a person.

2 3. To conduct an opinion poll or survey.

3 **(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all
4 of the following immediately after the person called answers the telephone:

5 (a) Identify himself or herself by name.

6 (b) State that he or she is a prisoner.

7 (c) Inform the person called of the name of the correctional or detention facility
8 in which he or she is a prisoner and the city and state in which the facility is located.

9 **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any
10 intrastate telephone solicitation.

11 (b) *Interstate.* This section applies to any interstate telephone solicitation
12 received by a person in this state.

13 **(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit
14 not more than \$500.

15 (b) If a person who employs a prisoner to engage in telephone solicitation is
16 concerned in the commission of a violation of this section as provided under s. 134.99,
17 the person may be required to forfeit not more than \$10,000.

18 ***b0993/2.2* SECTION 2826p.** 134.95 (2) of the statutes is amended to read:

19 134.95 **(2) SUPPLEMENTAL FORFEITURE.** If a fine or a forfeiture is imposed on a
20 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
21 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that
22 chapter, the person shall be subject to a supplemental forfeiture not to exceed
23 \$10,000 for that violation if the conduct by the defendant, for which the fine or
24 forfeiture was imposed, was perpetrated against an elderly person or disabled person
25 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”

1 ***b1067/1.5* 1274.** Page 940, line 5: delete lines 5 to 10.

2 ***b1765/1.1* 1275.** Page 942, line 9: after that line insert:

3 ***b1765/1.1* "SECTION 2841m.** 139.03 (5) (b) 2. of the statutes is amended to
4 read:

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

12 ***b2163/1.1* 1276.** Page 942, line 16: delete "34" and substitute "38.5".

13 ***b2163/1.2* 1277.** Page 942, line 18: delete "68" and substitute "77".

14 ***b2164/1.1* 1278.** Page 944, line 19: delete "30%" and substitute "25%".

15 ***b2164/1.2* 1279.** Page 944, line 21: delete "30%" and substitute "25%".

16 ***b2164/1.3* 1280.** Page 945, line 5: delete "30%" and substitute "25%".

17 ***b1545/2.3* 1281.** Page 946, line 6: after that line insert:

18 ***b1545/2.3* "SECTION 2850ag.** 146.56 (1) of the statutes is amended to read:

19 146.56 (1) Not later than July 1, 2002, the department shall develop and
20 implement a statewide trauma care system. The department shall seek the advice
21 of the statewide trauma advisory council under s. 15.197 (25) in developing and
22 implementing the system, and, as part of the system, shall develop regional trauma
23 advisory councils.

1 ***b1545/2.3* SECTION 2850ah.** 146.56 (2) of the statutes is amended to read:

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

13 ***b1042/1.5* 1282.** Page 946, line 7: delete lines 7 to 13 and substitute:

14 ***b1042/1.5* SECTION 2850bc.** 146.65 of the statutes is created to read:

15 **146.65 Rural health dental clinics.** (1) From the appropriation under s.
16 20.435 (5) (dm), the department shall distribute moneys as follows:

17 (a) In state fiscal year 2001–02, not more than \$618,000 and in fiscal year
18 2002–03, not more than \$232,000, to the rural health dental clinic located in
19 Ladysmith that provides dental services to persons who are developmentally
20 disabled or elderly or who have low income, in the counties of Rusk, Price, Taylor,
21 Sawyer, and Chippewa.

22 (b) In fiscal year 2001–02, not more than \$294,500 and in state fiscal year
23 2002–03, not more than \$355,600, to the rural health dental clinic located in
24 Menomonie that provides dental services to persons who are developmentally

1 disabled or elderly or who have low income, in the counties of Barron, Chippewa,
2 Dunn, Pepin, Pierce, Polk, and St. Croix.

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

5 *b1524/1.10* **1283.** Page 946, line 13: after that line insert:

6 *b1524/1.10* “SECTION 2850bm. 148.19 (2) of the statutes is amended to read:

7 148.19 (2) Legal counsel, certified public accountants licensed or certified
8 under ch. 442, or other persons as to matters the director or officer believes in good
9 faith are within the person’s professional or expert competence.”.

10 *b2030/1.1* **1284.** Page 946, line 13: after that line insert:

11 *b2030/1.1* “SECTION 2850bg. 146.83 (1) (b) of the statutes is amended to
12 read:

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

15 *b2030/1.1* SECTION 2850bh. 146.83 (1) (c) of the statutes is amended to read:

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

19 *b2030/1.1* SECTION 2850bi. 146.83 (3m) of the statutes is created to read:

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

1 shall also permit the health care provider to charge for actual postage or other actual
2 delivery costs. In determining the approximation of actual costs for the purposes of
3 this subsection, the department may consider all of the following factors:

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

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

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

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

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

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

14 ***b0887/1.1* 1285.** Page 946, line 25: after that line insert:

15 ***b0887/1.1* “SECTION 2850dm.** 149.135 of the statutes is created to read:

16 **149.135 Special small employer insurer assessment. (1)** In this section:

17 (a) “Discontinued individual” means an individual who was covered under the
18 health benefit plan subject to ch. 635 that was discontinued by the small employer
19 insurer that provided the health benefit plan and who obtained coverage under the
20 plan under this chapter after the coverage under the health benefit plan was
21 discontinued.

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

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

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

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

4 (b) The assessment under this subsection shall be determined by multiplying
5 the small employer insurer's number of discontinued individuals by the average cost
6 of an eligible person in the year in which the small employer insurer discontinued
7 the coverage under the health benefit plan. The average cost of an eligible person
8 in the year in which the health benefit plan was discontinued shall be determined
9 by deducting from the total costs of the plan under this chapter in that year all
10 premiums paid in that year by all persons with coverage under the plan under this
11 chapter, and then by dividing that amount by the total number of persons with
12 coverage under the plan under this chapter in that year.

13 (c) The assessment under this subsection shall also include all costs that are
14 incurred by the small employer insurer's discontinued individuals during their first
15 6 months of coverage under the plan under this chapter and that are attributable to
16 preexisting conditions.

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

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

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

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

4 (c) The small employer failed to meet participation or contribution
5 requirements under the health benefit plan.”

6 ***b0887/1.2* 1286.** Page 948, line 20: after that line insert:

7 ***b0887/1.2*** “SECTION 2850Ldc. 149.143 (1) (intro.) of the statutes is amended
8 to read:

9 149.143 (1) (intro.) The department shall pay or recover the operating costs of
10 the plan from the appropriation under s. 20.435 (4) (v) and administrative costs of
11 the plan from the appropriation under s. 20.435 (4) (u). For purposes of determining
12 premiums, insurer assessments under s. 149.13, and provider payment rate
13 adjustments, the department shall apportion and prioritize responsibility for
14 payment or recovery of plan costs from among the moneys constituting the fund as
15 follows:

16 ***b0887/1.2* SECTION 2850Ldm.** 149.143 (1) (b) 1. a. of the statutes is amended
17 to read:

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

1 premiums collected from eligible persons with coverage under s. 149.146 set in
2 accordance with s. 149.146 (2) (b), and from 50% of small employer insurer
3 assessments under s. 149.135.”.

4 *b0887/1.3* **1287.** Page 948, line 23: delete “assessments, excluding” and
5 substitute “assessments under s. 149.13, excluding”.

6 *b0887/1.4* **1288.** Page 949, line 2: after that line insert:

7 *b0887/1.4* “SECTION 2850Lem. 149.143 (1) (b) 2. a. of the statutes is
8 amended to read:

9 149.143 (1) (b) 2. a. Fifty percent from insurer assessments under s. 149.13,
10 excluding assessments under s. 149.144, and from 50% of small employer insurer
11 assessments under s. 149.135.”.

12 *b0887/1.5* **1289.** Page 950, line 17: delete “assessments,” and substitute
13 “assessments under s. 149.13,”.

14 *b0887/1.6* **1290.** Page 951, line 25: delete “assessments,” and substitute
15 “assessments under s. 149.13,”.

16 *b2049/3.8* **1291.** Page 957, line 3: after that line insert:

17 *b2049/3.8* “SECTION 2852bb. 157.061 (1) of the statutes is renumbered
18 157.061 (1c) and amended to read:

19 157.061 (1c) “Burial” means entombment, inurnment ~~or~~, interment, or
20 placement in a mausoleum, vault, crypt, or columbarium.

21 *b2049/3.8* SECTION 2852bf. 157.061 (1d) of the statutes is created to read:

22 157.061 (1d) “Burial space” means a space that is used or intended to be used
23 for the burial of human remains and, when used in reference to the sale, purchase,

1 or ownership of a burial space, includes the right to bury human remains in the
2 burial space.

3 ***b2049/3.8* SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:
4 157.061 (1p) “Cemetery” means a place that is dedicated to and used or
5 intended to be used for the final disposition of human remains.

6 ***b2049/3.8* SECTION 2852bL.** 157.061 (2m) of the statutes is amended to read:
7 157.061 (2m) “Cemetery lot” means a grave or 2 or more contiguous graves and,
8 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~
9 ~~the right to bury human remains in that cemetery lot.~~

10 ***b2049/3.8* SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:
11 157.061 (3) “Cemetery merchandise” means goods associated with the burial
12 of human remains, including monuments, markers, nameplates, vases, and urns,
13 and any services that are associated with supplying or delivering those goods or with
14 the burial of human remains and that may be lawfully provided by a cemetery
15 authority, including opening and closing of a burial space. The term does not include
16 caskets or outer burial containers.

17 ***b2049/3.8* SECTION 2852bp.** 157.061 (3g) of the statutes is created to read:
18 157.061 (3g) “Columbarium” means a building, structure, or part of a building
19 or structure that is used or intended to be used for the inurnment of cremains.

20 ***b2049/3.8* SECTION 2852br.** 157.061 (3r) of the statutes is created to read:
21 157.061 (3r) “Columbarium space” means a niche, crypt, or specific place in a
22 columbarium that contains or is intended to contain cremains.

23 ***b2049/3.8* SECTION 2852bt.** 157.061 (8g) of the statutes is created to read:

1 157.061 (8g) “Lawn crypt” means an interment space in chambers that are
2 preplaced at either a single depth or multiple depths and that are located primarily
3 underground.

4 ***b2049/3.8* SECTION 2852bx.** 157.061 (11r) of the statutes is amended to read:

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

11 ***b2049/3.8* SECTION 2852da.** 157.061 (15) of the statutes is amended to read:

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

15 ***b2049/3.8* SECTION 2852dc.** 157.061 (15m) of the statutes is created to read:

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

18 ***b2049/3.8* SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

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

22 ***b2049/3.8* SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

23 157.062 (3) VALIDATION. When there shall have been a bona fide attempt to
24 organize a cemetery association, but a failure to record a properly drawn and
25 executed certificate of organization, and it has in good faith bought and platted

1 grounds and conveyed cemetery lots burial spaces and carried on business for over
2 25 years, the same shall be a body corporate from the date of conveyance to it of real
3 estate, and its transfers and other transactions are validated.

4 *b2049/3.8* SECTION 2852dm. 157.062 (4) (a) of the statutes is amended to
5 read:

6 157.062 (4) (a) An annual election shall be held during the annual meeting.
7 The annual meeting, and any special meeting described in sub. (2), shall be held at
8 a place in the county chosen by the trustees upon public notice as required by the
9 bylaws. Trustees chosen after the first election shall be proprietors of cemetery lots
10 burial spaces in the cemetery, residents of the state, and hold office for 3 years.
11 Election shall be by ballot and a plurality shall elect. Each owner of one or more
12 cemetery lots burial spaces is entitled to one vote, and one of several owners of a
13 cemetery lot burial space, designated by the majority of them, shall cast the vote.

14 *b2049/3.8* SECTION 2852ds. 157.062 (6) (c) of the statutes is amended to read:

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

1 ***b2049/3.8* SECTION 2852dt.** 157.062 (9) of the statutes is amended to read:

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

10 ***b2049/3.8* SECTION 2852dy.** 157.064 (2) of the statutes is amended to read:

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

16 ***b2049/3.8* SECTION 2852fb.** 157.064 (6) of the statutes is amended to read:

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

1 and other property of the transferring association vests in the accepting association
2 under the control of the trustees of the accepting association. A conveyance under
3 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious
4 ~~society organized under ch. 187~~ cemetery authority.

5 *b2049/3.8* SECTION 2852fd. 157.065 (1) (b) 4. of the statutes is repealed.

6 *b2049/3.8* SECTION 2852fh. 157.07 (1) of the statutes is amended to read:

7 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
8 land surveyor registered in this state those portions of the lands that are from time
9 to time required for burial, into ~~cemetery lots~~ burial spaces, drives, and walks, and
10 record a plat or map of the land in the office of the register of deeds. The plat or map
11 may not be recorded unless laid out and platted to the satisfaction of the county board
12 of the county, and the town board of the town, in which the land is situated, or, if the
13 land is situated within a 1st class city, then only by the common council of that city.

14 *b2049/3.8* SECTION 2852fj. 157.07 (5) of the statutes is amended to read:

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

1 authorizing the vacating or replatting of the lands of the cemetery. The order shall
2 be effective when recorded by the register of deeds.

3 *b2049/3.8* SECTION 2852fl. 157.07 (6) of the statutes is amended to read:

4 157.07 (6) This section does not apply to a religious society organized under ch.
5 187 cemetery authority.

6 *b2049/3.8* SECTION 2852fn. 157.08 (1) of the statutes is amended to read:

7 157.08 (1) After the plat or map is recorded under s. 157.07, the cemetery
8 authority may sell and convey cemetery lots burial spaces. Conveyances shall be
9 signed by the chief officer of the cemetery authority, and by the secretary or clerk of
10 the cemetery authority, if any. Before delivering the conveyance to the grantee, the
11 cemetery authority shall enter on records kept for that purpose, the date and
12 consideration and the name and residence of the grantee. The conveyances may be
13 recorded with the register of deeds.

14 *b2049/3.8* SECTION 2852fp. 157.08 (2) (a) of the statutes is amended to read:

15 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery
16 authority and used or intended to be used for the burial of the human remains of the
17 purchaser or the purchaser's family members, the purchaser's interests in the
18 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are
19 not affected or limited by any claims or liens of other persons against the cemetery
20 authority.

21 *b2049/3.8* SECTION 2852fr. 157.08 (2) (b) of the statutes is amended to read:

22 157.08 (2) (b) 1. Before a cemetery authority sells or encumbers any cemetery
23 land, except for a sale described in par. (a), the cemetery authority shall notify the
24 department in writing.

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

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

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

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

20 ***b2049/3.8* SECTION 2852ft.** 157.08 (2) (b) 1m. of the statutes is created to
21 read:

22 157.08 (2) (b) 1m. Before a cemetery authority of a cemetery in a county with
23 a population greater than 600,000 takes any of the following actions, the cemetery
24 authority shall notify the department in writing:

1 a. Transfers ownership or control of 50% or more of the assets or stock of the
2 cemetery.

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

5 c. Transfers responsibility for management or operation of the cemetery
6 authority.

7 ***b2049/3.8* SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to read:

8 157.08 (2) (b) 2. The department shall promulgate rules that specify the
9 documentation that must be submitted with a notification under subds. 1. and 1m.

10 ***b2049/3.8* SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

11 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious ~~society~~
12 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a
13 cemetery authority that is not required to be registered under s. 440.91 (1) and, that
14 is not organized or conducted for pecuniary profit, and that does not operate a
15 cemetery that is located in a county with a population greater than 600,000.”.

16 ***b2049/3.9* 1292.** Page 957, line 4: delete lines 4 to 20 and substitute:

17 ***b2049/3.9* “SECTION 2852fx.** 157.10 (title) of the statutes is amended to read:

18 **157.10 (title) Alienation and use of ~~cemetery lots~~ burial spaces.**

19 ***b2049/3.9* SECTION 2852gb.** 157.10 of the statutes is renumbered 157.10 (1)
20 and amended to read:

21 157.10 (1) While any person is buried in a ~~cemetery lot~~ burial space, the
22 ~~cemetery lot~~ burial space shall be inalienable, without the consent of the cemetery
23 authority, and on the death of the owner, ownership of the ~~cemetery lot~~ burial space
24 shall descend to the owner’s heirs; but any one or more of such heirs may convey to

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

6 ***b2049/3.9* SECTION 2852hb.** 157.10 (2) of the statutes is created to read:

7 157.10 (2) The department shall promulgate rules that interpret the
8 requirements of this section and require any person who transfers an interest in a
9 burial space to provide the transferee with a written notice, prepared by the
10 department, that describes the requirements of this section.

11 ***b2049/3.9* SECTION 2852jd.** 157.11 (title) of the statutes is amended to read:

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

14 ***b2049/3.9* SECTION 2852jf.** 157.11 (1m) of the statutes is created to read:

15 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority of a cemetery in a county
16 with a population greater than 600,000 shall maintain a cemetery, including burial
17 spaces, grounds, landscaping, roads, parking lots, fences, buildings, and other
18 structures, in a reasonable manner at all times.

19 ***b2049/3.9* SECTION 2852jh.** 157.11 (2) of the statutes is amended to read:

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

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

9 ***b2049/3.9* SECTION 2852jj.** 157.11 (3) of the statutes is amended to read:

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

17 ***b2049/3.9* SECTION 2852jL.** 157.11 (4) of the statutes is amended to read:

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

1 ***b2049/3.9* SECTION 2852jn.** 157.11 (5) of the statutes is amended to read:

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

5 ***b2049/3.9* SECTION 2852jp.** 157.11 (7) (a) of the statutes is amended to read:

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

14 ***b2049/3.9* SECTION 2852jr.** 157.11 (7) (b) of the statutes is amended to read:

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

19 ***b2049/3.9* SECTION 2852jt.** 157.11 (7) (c) of the statutes is amended to read:

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

23 ***b2049/3.9* SECTION 2852jv.** 157.11 (7) (d) of the statutes is amended to read:

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

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

9 ***b2049/3.9* SECTION 2852jx.** 157.11 (8) (title) of the statutes is repealed.

10 ***b2049/3.9* SECTION 2852jy.** 157.11 (8) of the statutes is renumbered 157.11
11 (9) (am) and amended to read:

12 157.11 (9) (am) ~~The~~ A cemetery authority shall take, hold, and use any gifts,
13 or the income and proceeds of any gifts, as may be made in trust or otherwise, for the
14 improvement, maintenance, repair, preservation, or ornamentation of any cemetery
15 ~~let burial space~~ or structure in the cemetery, according to the terms of the gift and
16 regulations by the cemetery authority.

17 ***b2049/3.9* SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and
18 recreated to read:

19 157.11 (9) (title) GIFTS.

20 ***b2049/3.9* SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered
21 157.11 (9) (b) and amended to read:

22 157.11 (9) (b) Before a cemetery authority receives a gift, the surety bonds of
23 the cemetery authority shall be increased to cover such amount if it does not then do
24 so. ~~If the bonds are not filed, or the~~

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

5 ***b2049/3.9* SECTION 2852Ld.** 157.11 (9) (c) of the statutes is created to read:

6 157.11 (9) (c) If a cemetery authority of a cemetery in a county with a population
7 greater than 600,000 receives a gift for the improvement, maintenance, repair,
8 preservation, or ornamentation of any burial space or structure in the cemetery, it
9 shall either expend the income and proceeds of the gift or deposit the proceeds into
10 a trust account at a financial institution, as defined in s. 705.01 (3), according to the
11 terms of the gift and regulations of the cemetery authority. A cemetery authority of
12 a cemetery in a county with a population greater than 600,000 that receives a gift
13 shall maintain a gift ledger that accounts for all receipts and disbursements of gifts.

14 ***b2049/3.9* SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to
15 read:

16 157.11 (9g) (title) CARE FUND FOR ~~CEMETERY LOTS~~ BURIAL SPACES.

17 ***b2049/3.9* SECTION 2852Lh.** 157.11 (9g) (a) 1. (intro.) of the statutes is
18 amended to read:

19 157.11 (9g) (a) 1. (intro.) Except as provided in ss. ~~66.0603 (1) (e)~~ 66.0603 (1m)
20 (c) and 157.19 (5) (b), funds that are received by a cemetery authority for the care of
21 a cemetery lot burial space shall be invested in one or more of the following manners:

22 ***b2049/3.9* SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended
23 to read:

24 157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise
25 deposited by the cemetery authority in an investment ~~approved by the department~~

1 if the care funds are segregated and invested separately from all other moneys held
2 by the cemetery authority. A cemetery authority of a cemetery in a county with a
3 population of 600,000 or less may invest funds in the manner described in this subd.
4 1. c. only if the department approves the investment. A cemetery authority of a
5 cemetery in a county with a population greater than 600,000 may invest funds in the
6 manner described in this subd. 1. c. only if the cemetery authority submits to the
7 department a written statement by an investment advisor licensed under ch. 551, or
8 a broker, as defined in s. 408.102 (1) (c), that the investment is made in accordance
9 with the standards specified in s. 881.01.

10 *b2049/3.9* SECTION 2852LL. 157.11 (9g) (a) 2. of the statutes is amended to
11 read:

12 157.11 (9g) (a) 2. The manner in which the care funds are invested may not
13 permit the cemetery authority to withdraw the care fund's principal amount. ~~The~~
14 , but, for a cemetery authority of a cemetery in a county with a population greater
15 than 600,000, may permit the withdrawal of interest, dividends, or capital gains
16 earned during the most recently completed calendar year. For any cemetery
17 authority, the income from the investment of a care fund for the care of cemetery lots
18 burial spaces may be used only to maintain the cemetery lots burial spaces and
19 grounds, except that if the amount of income exceeds the amount necessary to
20 maintain the cemetery lots burial spaces or grounds properly, the excess amount may
21 be used to maintain any other portion of the cemetery, including mausoleums. If the
22 care funds are deposited with a city or county, or previously deposited with a village,
23 there shall be paid to the cemetery authority annually interest on funds so deposited
24 of not less than 2% per year. The governing body of any city or county, or any village
25 or town in the case of previous deposits, may determine to return all or a part of any

1 funds deposited by a cemetery authority, and that cemetery authority shall accept
2 the returned funds within 30 days after receiving written notice of that action. If the
3 cemetery authority is dissolved or becomes inoperative, the county or city shall use
4 the interest on the funds for the care and upkeep of the cemetery. Deposit shall be
5 made and the income paid over from time to time, not less frequently than once each
6 year, and receipts in triplicate shall be given, one filed with the county clerk, one with
7 the cemetery authority and one given to the person making the deposit. Deposits
8 shall be in the amount of \$5 or a multiple thereof. Records and receipts shall specify
9 the cemetery lot burial space for the care of which the deposit is made. Reports of
10 money received for care and of money and property received as gifts shall be made
11 annually as provided in s. 157.62 (2).

12 *b2049/3.9* SECTION 2852Ln. 157.11 (9g) (c) of the statutes is amended to
13 read:

14 157.11 (9g) (c) Except as provided in sub. (11), any cemetery authority that sells
15 a cemetery lot, lawn crypt, or columbarium space on or after ~~November 1, 1991~~ the
16 effective date of this paragraph ... [revisor inserts date], shall deposit 15% of each
17 payment of principal into a care fund under par. (a) within 30 days after the last day
18 of the month in which the payment is received, except as provided in sub. (7) (d) and
19 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of
20 all payments of principal that have been received, but not less than \$25.

21 *b2049/3.9* SECTION 2852Lp. 157.11 (10) of the statutes is amended to read:

22 157.11 (10) EXEMPTION FOR RELIGIOUS ~~SOCIETIES~~ CEMETERY AUTHORITIES.
23 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does
24 apply, to a religious society ~~organized under ch. 187~~ cemetery authority.

25 *b2049/3.9* SECTION 2852Lt. 157.11 (11) of the statutes is amended to read:

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

5 ***b2049/3.9* SECTION 2852ob.** 157.115 (title) of the statutes is amended to
6 read:

7 **157.115 (title) Abandonment of cemeteries and cemetery lots burial**
8 **spaces.**

9 ***b2049/3.9* SECTION 2852obm.** 157.115 (1) (title) of the statutes is amended
10 to read:

11 **157.115 (1) (title) ABANDONMENT OF CEMETERIES; ALL COUNTIES.**

12 ***b2049/3.9* SECTION 2852oc.** 157.115 (1) (a) of the statutes is renumbered
13 157.115 (1) (ar).

14 ***b2049/3.9* SECTION 2852od.** 157.115 (1) (ag) of the statutes is created to read:

15 157.115 (1) (ag) This subsection applies to cemeteries in any county.

16 ***b2049/3.9* SECTION 2852oh.** 157.115 (1) (b) and (c) of the statutes are
17 renumbered 157.115 (1g) (b) and (c).

18 ***b2049/3.9* SECTION 2852of.** 157.115 (1g) (title) of the statutes is created to
19 read:

20 **157.115 (1g) (title) ABANDONMENT OF CEMETERIES; NONPOPULOUS COUNTIES.**

21 ***b2049/3.9* SECTION 2852og.** 157.115 (1g) (a) of the statutes is created to read:

22 157.115 (1g) (a) This subsection applies to cemeteries in counties with a
23 population that is 600,000 or less.

24 ***b2049/3.9* SECTION 2852oj.** 157.115 (1r) of the statutes is created to read:

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

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

15 ***b2049/3.9* SECTION 2852ok.** 157.115 (1t) of the statutes is created to read:

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

22 ***b2049/3.9* SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended to
23 read:

24 157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

1 ***b2049/3.9* SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is
2 amended to read:

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

10 ***b2049/3.9* SECTION 2852op.** 157.115 (2) (a) 1. a. of the statutes is amended
11 to read:

12 157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the
13 ~~cemetery lot~~ burial space to any other person.

14 ***b2049/3.9* SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended
15 to read:

16 157.115 (2) (a) 1. b. No owner has purchased or sold another ~~cemetery lot or a~~
17 ~~mausoleum~~ burial space in the cemetery.

18 ***b2049/3.9* SECTION 2852ot.** 157.115 (2) (a) 1. c. of the statutes is amended
19 to read:

20 157.115 (2) (a) 1. c. No other grave in that ~~cemetery lot~~ burial space or ~~adjoining~~
21 ~~cemetery lot or adjoining mausoleum~~ burial space that is owned or partially owned
22 by an owner has been used for the burial of human remains.

23 ***b2049/3.9* SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended
24 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 ***b2049/3.9* SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended
4 to read:

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

8 ***b2049/3.9* SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended
9 to read:

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

14 ***b2049/3.9* SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to
15 read:

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

20 ***b2049/3.9* SECTION 2852pd.** 157.115 (2) (a) 3. of the statutes is amended to
21 read:

22 157.115 (2) (a) 3. "Owner" means a person who, according to the records of the
23 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is
24 located, owns or partially owns the abandoned ~~cemetery lot~~ space.

25 ***b2049/3.9* SECTION 2852pf.** 157.115 (2) (b) of the statutes is amended to read:

1 157.115 (2) (b) No cemetery authority may resell an abandoned cemetery ~~lot~~
2 space unless the cemetery authority complies with the requirements in this
3 subsection or the abandoned space is sold by a trustee under s. 157.117.

4 ***b2049/3.9* SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to
5 read:

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

13 ***b2049/3.9* SECTION 2852pj.** 157.115 (2) (d) (intro.) of the statutes is amended
14 to read:

15 157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days
16 after notice is mailed under par. (c), no owner or assignee contacts the cemetery
17 authority to express an intent to use the abandoned cemetery ~~lot~~ space for a future
18 burial of human remains, the cemetery authority shall publish in a newspaper of
19 general circulation in the county in which the abandoned ~~lot~~ space is located, a class
20 3 notice under ch. 985 that includes all of the following:

21 ***b2049/3.9* SECTION 2852pL.** 157.115 (2) (d) 1. of the statutes is amended to
22 read:

23 157.115 (2) (d) 1. The location of the abandoned ~~lot~~ space.

24 ***b2049/3.9* SECTION 2852pn.** 157.115 (2) (d) 3. of the statutes is amended to
25 read:

1 157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the
2 cemetery authority within the period specified in par. (e), the cemetery authority
3 intends to resell the abandoned ~~lot~~ space as provided in this subsection.

4 ***b2049/3.9* SECTION 2852pp.** 157.115 (2) (e) of the statutes is amended to
5 read:

6 157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner
7 or assignee contacts the cemetery authority to express an intent to use the
8 abandoned ~~lot~~ space for a future burial of human remains, the cemetery authority
9 shall bring an action in the circuit court of the county in which the abandoned ~~lot~~
10 space is located for a judgment that the cemetery ~~lot~~ burial space is an abandoned
11 ~~lot~~ space and an order transferring ownership of the abandoned ~~lot~~ space to the
12 cemetery authority.

13 ***b2049/3.9* SECTION 2852pr.** 157.115 (2) (f) of the statutes is amended to read:

14 157.115 (2) (f) If within one year after the circuit court enters a judgment and
15 order under par. (e) no owner or assignee contacts the cemetery authority to express
16 an intent to use the abandoned ~~lot~~ space for a future burial of human remains, the
17 cemetery authority may resell the abandoned ~~lot~~ space, except as provided in par. (g).
18 The payment of principal shall be deposited into the care fund. Before depositing the
19 payment of principal into the care fund, the cemetery authority may retain an
20 amount necessary to cover the cemetery authority's administrative and other
21 expenses related to the sale, but the amount retained may not exceed 50% of the
22 proceeds.

23 ***b2049/3.9* SECTION 2852pt.** 157.115 (2) (g) of the statutes is amended to read:

24 157.115 (2) (g) If at any time before an abandoned ~~lot~~ space is resold under par.
25 (f) an owner or assignee contacts the cemetery authority to express an intent to use

1 the abandoned ~~let~~ space for a future burial of human remains, the authority may not
2 resell the abandoned ~~let~~ space, and ownership of the abandoned ~~let~~ space shall be
3 transferred to the owner or assignee. The cemetery authority shall pay all costs of
4 transferring ownership under this paragraph.

5 ***b2049/3.9* SECTION 2852pv.** 157.115 (2) (h) of the statutes is amended to
6 read:

7 157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from
8 seeking the authority to resell more than one abandoned ~~let~~ space by publishing a
9 single class 3 notice under par. (d) or bringing a single action under par. (e) that
10 applies to all of the abandoned ~~lets~~ spaces for which such authority is sought.

11 ***b2049/3.9* SECTION 2852px.** 157.117 of the statutes is created to read:

12 **157.117 Trustees for certain cemeteries and mausoleums. (1)**

13 DEFINITIONS. In this section:

14 (a) "Cemetery" means a cemetery in a county with a population greater than
15 600,000, but does not include a cemetery the ownership, control, or management of
16 which has been assumed by a municipality. For purposes of this paragraph, a
17 municipality is considered to have assumed the ownership, control, or management
18 of a cemetery only if the municipality has adopted a resolution or enacted an
19 ordinance that has the effect of assuming ownership, control, or management of the
20 cemetery. "Cemetery" also does not include a cemetery owned and operated by a
21 religious cemetery authority.

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

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

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

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

2 (2) APPOINTMENT OF TRUSTEE. (a) In response to a petition from the department.
3 or upon his or her own motion, the attorney general may petition the circuit court for
4 the county in which a cemetery or mausoleum is located for the appointment of a
5 trustee for the cemetery or mausoleum. If the attorney general petitions the court
6 on his or her own motion, the attorney general shall serve a copy of the petition on
7 the department and the municipality and county within which the cemetery is
8 located.

9 (b) A court shall schedule a hearing on a petition filed under par. (a) within 90
10 days after the petition is filed with the court. If the court finds after a hearing that
11 a cemetery or mausoleum is neglected, abandoned, in disuse, improperly
12 maintained, or financially unsound, the court shall appoint as a trustee for the
13 cemetery or mausoleum a capable and competent person to serve as trustee of the
14 cemetery or mausoleum under this section, except that the court may not appoint the
15 department as a trustee.

16 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding
17 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new
18 owner, other than the state, if the owner believes itself to be incapable of continuing
19 to operate the cemetery or mausoleum. The court may grant the petition if it finds
20 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly
21 maintained, or financially unsound. If the court grants the petition, it shall transfer
22 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.
23 (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **(4) DEPARTMENT POWERS AND DUTIES.** (a) From the appropriation under s. 20.165
9 (1)(q), the department shall make disbursements to trustees. The department shall
10 promulgate rules establishing requirements and procedures for making the
11 disbursements.

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

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

16 (a) The owner or operator of a cemetery or mausoleum demonstrates to the
17 satisfaction of the court that the conditions that necessitated the trusteeship have
18 been remedied and that it is competent and capable of managing the cemetery or
19 mausoleum.

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

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

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

6 *b2049/3.9* SECTION 2852pz. 157.12 (2) (b) of the statutes is amended to read:

7 157.12 (2) (b) The department shall supervise construction of any public
8 mausoleum and conversion of any building to a public mausoleum. Within 30 days
9 after receiving written notice from the cemetery authority that the construction or
10 conversion has been completed, the department shall inspect the public mausoleum
11 and provide the cemetery authority with a written certification as to whether the
12 construction or conversion complies with approved plans. If the department
13 determines that, except for certain minor defects, the construction or conversion
14 complies with the approved plans, the department may provide the cemetery
15 authority with a written temporary certification of compliance that is contingent on
16 the correction of those minor defects. A temporary certification is valid for a period
17 designated by the department, not to exceed 6 months. No person may sell a
18 mausoleum space, except an undeveloped space that is sold in accordance with s. ss.
19 440.92 and 440.922, or bury human remains in a public mausoleum unless a care
20 fund has been established for the mausoleum under sub. (3) and the department has
21 provided the cemetery authority with a certification or a temporary certification
22 under this paragraph. If a cemetery authority that has been provided with a
23 temporary certification notifies the department in writing before the date on which
24 the temporary certification expires that the defects in the construction or conversion
25 of the public mausoleum have been corrected, the department shall, within 30 days

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

16 ***b2049/3.9* SECTION 2852qb.** 157.12 (3) (b) of the statutes is amended to read:

17 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The
18 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties
19 approved by the department of regulation and licensing to indemnify the cemetery
20 against loss if the treasurer fails to maintain the fund. Ne For a cemetery in a county
21 with a population greater than 600,000, the amount of the bond shall be no less than
22 the total of all payments of principal required under this section as stated in the most
23 recent annual report filed by the cemetery authority under s. 157.62. For any
24 cemetery, no indemnity is required if the terms of sale of a mausoleum space require
25 the purchaser to pay directly to a trust company in the state, designated by the

1 cemetery as custodian of the fund. The fund shall be invested as provided in s.
2 157.19. Income For a cemetery in a county with a population greater than 600,000,
3 the manner in which the care funds are invested may not permit the withdrawal of
4 the fund's principal amount, but may permit the withdrawal of interest, dividends,
5 or capital gains earned during the most recently completed calendar year. For any
6 cemetery, income from investment may be used only to maintain the mausoleum,
7 except that if the amount of income exceeds the amount necessary to properly
8 maintain the mausoleum the excess amount may be used to maintain any portion of
9 the cemetery.

10 *b2049/3.9* SECTION 2852qd. 157.125 (title) of the statutes is amended to
11 read:

12 **157.125 (title) Trustees for the care of cemeteries or cemetery lots**
13 **burial spaces.**

14 *b2049/3.9* SECTION 2852qf. 157.125 (2) of the statutes is amended to read:

15 157.125 (2) If the burial place or grave is located in a cemetery owned and
16 operated by a religious ~~society organized under ch. 187 cemetery authority,~~ the court
17 shall name the religious ~~society~~ cemetery authority as the trustee unless the
18 religious ~~society~~ cemetery authority petitions the court to name the county treasurer
19 as the trustee.

20 *b2049/3.9* SECTION 2852qh. 157.128 (2) (a) of the statutes is amended to
21 read:

22 157.128 (2) (a) The cemetery is owned by a religious association cemetery
23 authority.

24 *b2049/3.9* SECTION 2852qhk. 157.128 (2) (b) of the statutes is amended to
25 read:

1 157.128 (2) (b) The religious ~~association~~ cemetery authority is responsible for
2 all liabilities of the cemetery.

3 ***b2049/3.9* SECTION 2852qhL.** 157.128 (2) (c) of the statutes is amended to
4 read:

5 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious
6 ~~association~~ cemetery authority exceeds 20 acres.

7 ***b2049/3.9* SECTION 2852qj.** 157.128 (3) (b) of the statutes is amended to read:

8 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
9 dedicated by a cemetery authority that is not required to be registered under s.
10 440.91 (1) ~~and~~, that is not organized or conducted for pecuniary profit, and that is not
11 located in a county with a population greater than 600,000.

12 ***b2049/3.9* SECTION 2852qL.** 157.19 (2) (c) of the statutes is amended to read:

13 157.19 (2) (c) Upon request of the financial institution, the preneed seller, as
14 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the
15 preneed sales contract. Except as provided in s. ~~440.92 (2) (e), (f) and (j) and (5) ss.~~
16 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or
17 dividends that have accumulated on the preneed trust funds, may not be withdrawn
18 until all obligations under the preneed sales contract have been fulfilled. The
19 financial institution is not responsible for the fulfillment of any part of the preneed
20 sales contract, except that the financial institution shall release the preneed trust
21 funds, and any interest or dividends that have accumulated on the preneed trust
22 funds, as provided by the terms of the preneed sales contract. The trustee of a
23 preneed trust fund may not be changed without the department's written approval.
24 If the trustee or account number of a preneed trust fund is changed, the cemetery
25 authority shall notify the department in writing within 30 days after the change.