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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Senate Bill 288

Relating to: regulation of and registration requirements for certain cemetery authorities, cemetery associations, and cemetery merchandise.

By Senators Plale, Lassa, Olsen, Roessler and Lazich; cosponsored by Representatives Kaufert, Sinicki, A. Ott, Owens, Kerkman, Nygren, Newcomer and A. Williams.

October 11, 2007 Referred to Committee on Labor, Elections and Urban Affairs.

November 28, 2007 **PUBLIC HEARING HELD**

Present: (4) Senators Coggs, Wirch, Lehman and Grothman.

Absent: (1) Senator A. Lasee.

Appearances For

- Jeff Plale — Senator
- Glen Porter — Wisconsin Cemetery Board

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Dean Kaufert — Representative
- Samantha Kerkman — Representative
- Michael Welsh — Wisconsin Cemetery & Cremation Association
- Ryan Natzke — Wisconsin Cemetery & Cremation Association

Registrations Against

- None.

Registrations for Information Only

- None.

December 4, 2007 **EXECUTIVE SESSION HELD**

Present: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.

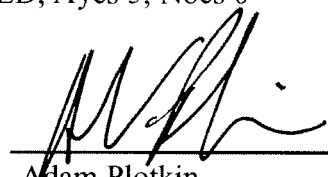
Absent: (0) None.

Moved by Senator Wirch, seconded by Senator Lehman that
Senate Bill 288 be recommended for passage.

Ayes: (5) Senators Coggs, Wirch, Lehman, Grothman
and A. Lasee.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Adam Plotkin
Committee Clerk



Vote Record

Committee on Labor, Elections and Urban Affairs

Date: Tue. Dec. 4, 2007

Moved by: Wirch Seconded by: Lehman

AB _____ SB **288** _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Spencer Coggs, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator John Lehman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alan Lasee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935

Celia M. Jackson
Secretary



Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

November 21, 2007

Senator Spencer Coggs
Room 123 South
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Re: Support for the Passage of 2007 Senate Bill 288

Dear Chairman Coggs,

The Wisconsin Cemetery Board has unanimously voted to support the passage of 2007 Senate Bill 288, relating to regulation of and registration requirements for certain cemetery authorities, cemetery associations, and cemetery merchandise.

The Cemetery Board requests your support for 2007 Senate Bill 288. This bill would require cemeteries that are 5 acres or greater in size or annually sell 20 or more grave spaces or control over \$100,000.00 in trust funds to be licensed by the Wisconsin Cemetery Board. The bill also requires that cemeteries that do not meet any of these criteria to be registered with the Board. There are exemptions for Religious and Governmental Cemeteries.

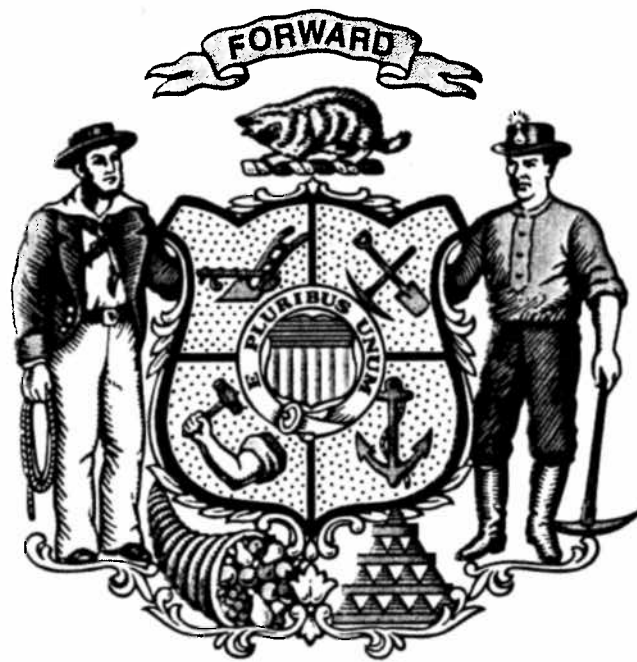
As of today, fewer than 150 cemeteries are required to be licensed by the Cemetery Board. It is estimated that there is over \$100,000,000.00 in trust funds held by the thousands of cemeteries in Wisconsin. Proper accounting for these funds is vitally important to the continued viability of those cemeteries. In Wisconsin, cemeteries that become abandoned or neglected become the responsibility of the local unit of government.

The bill also reassigns certain duties to the recently created Cemetery Board that had been previously assigned to the Department of Regulation and Licensing.

We respectfully request that you support the passage of 2007 Senate Bill 288.

Sincerely,

E. Glen Porter III
Chairperson
Wisconsin Cemetery Board



Plotkin, Adam

From: Michael Welsh [mike.hovenconsulting@tds.net]

Sent: Tuesday, November 27, 2007 3:59 PM

To: Plotkin, Adam

Subject: WCCA testimony on SB 288

Attachments: Written testimony-SB 288 11.28.07.pdf



Adam,

Please find attached a copy of the written testimony in support of SB 288 I will be submitting to the Committee tomorrow on behalf of the Wisconsin Cemetery & Cremation Association.

If you have any questions, please let me know.

Michael Welsh

Government Affairs Specialist

Hoven Consulting, Inc.

44 E. Mifflin St, Suite 600

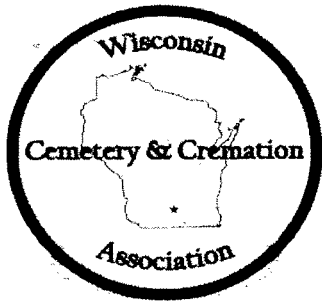
Madison, WI 53703

Office: (608) 310-8833

Fax: (608) 310-8834

mike.hovenconsulting@tds.net

11/27/2007



44 E. Mifflin St., Suite 600
Madison, WI 53703

Phone 608-310-8833
Fax 608-310-8834

E-mail: mike.hovenconsulting@tds.net

www.wicemeteries.org

Officers

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Richard Majewski - Secretary
Queen of Peace Cemetery
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Bill Hoffmann - Treasurer
Graceland/Union Cemeteries
Milwaukee

Board of Directors

Christine Toson Hentges
The Tribute Companies
Hartland

Michael Baltus
Hillside Cemetery
Marshfield

Tom Greene
Neillsville Municipal Cemeteries
Neillsville

Mary Lemirande
Woodlawn Cemetery
Green Bay

John Okonek
Diocese of La Crosse
Stevens Point

Jeff Reinhart
La Crosse Catholic Cemeteries
La Crosse

Supplier Representative

Ted Tingesdahl
Matthews International Corp.

TO: Chairman Coggs and members of the Senate Labor, Elections and Urban Affairs Committee

FROM: Michael Welsh, Wisconsin Cemetery & Cremation Association

DATE: November 28, 2007

RE: Written testimony in favor of Senate Bill 288

Chairman Coggs and members of the Committee, thank you for the opportunity to provide testimony today on Senate Bill 288. On behalf of the Wisconsin Cemetery and Cremation Association, I would like to request your support for this important legislation.

Last session, the Legislature created the Cemetery Board at the Department of Regulation and Licensing to enhance state regulation over cemeteries, cemetery salespersons and cemetery preneed sellers in Wisconsin.

While the "new" regulations are a significant improvement over previous law – which provided for little state oversight of the cemetery industry – the WCCA believes the passage of SB 288 is the next logical step in providing practical, yet necessary protection for both consumers and taxpayers.

Senate Bill 288 would expand the number of cemeteries under the Cemetery Board's regulatory purview to potentially include most cemeteries in the state. Currently, the Board's oversight is limited to larger, more active cemeteries – defined by law as cemeteries are at least 5 acres in size, sell more than 20 cemetery lots annually or that have \$100,000 or more in preneed trust funds.

As of today, roughly 140 cemeteries are licensed by the Cemetery Board. While that's a significant step in the right direction, for all intents and purposes, most of the state's estimated 5,000 cemeteries remain unregulated.

In an effort to improve state oversight of the cemetery industry, Senate Bill 288 would do the following:

- 1. Require all cemeteries not currently licensed by the Board – and do not meet the licensure requirements described above – to register with the Board.** Registration with the Cemetery Board would require a minimal fee (\$10 annually) and subject registered cemeteries to the following regulations:
 - File annual financial reports with the Cemetery Board, detailing the balance and the amounts deposited in or withdrawn from the cemetery's perpetual care trust funds or preneed trust funds.
 - Deposit care funds and preneed trust funds in accordance with state law.
 - Record the conveyance of all cemetery lots, including the date sale and the name and address of the purchaser.
 - Seek Board approval to sell or encumber cemetery land.

By requiring Wisconsin cemeteries to abide by these simple regulations, it will help protect consumers and their families from potential deceptive or illegal business practices. Religious, benevolent and municipal cemeteries would be required to register with the Board and would be exempt from these requirements.

2. Transfer several appropriate regulatory functions that currently reside with the Department of Regulation and Licensing over to the Cemetery Board.

The following responsibilities would be transferred to the Board:

- Oversight over cemetery management of care funds and preneed trust funds as well as the investment of those funds in accordance with state law.
- Take delivery of financial reports that cemeteries are required to file annually.
- Regulate warehouses that store cemetery merchandise sold under preneed contracts.

By increasing the scope of the Cemetery Board's authority, SB 288 will create a regulatory climate that will allow cemeteries to continue to serve their communities, while at the same time provide greater protection for Wisconsin consumers.

Furthermore, under current law, cemeteries that are abandoned or neglected become the responsibility of the local unit of government. By expanding reporting requirements to potentially include most Wisconsin cemeteries, SB 288 may help the state identify "problem" cemeteries on the verge of neglect or abandonment before they become a burden to local taxpayers.

In closing, the Wisconsin Cemetery and Cremation Association would once again ask for your support of Senate Bill 288.

Thank you.



Testimony Before the Senate Committee on Labor, Elections
and Urban Affairs in Support of 2007 SB 288
November 28, 2007

My name is Glen Porter. I come before you today as a representative of the Wisconsin Cemetery Board. I currently serve as the Chairman of that Board and have been authorized by a unanimous vote to speak today in favor of the passage of SB 288.

The mission of all regulatory boards in Wisconsin is to protect the citizens of our State by ensuring the safe and competent practice of licensed professionals. We believe that SB 288 does just that.


This bill requires that nearly all cemeteries would either be licensed or registered. This will allow for a higher level of monitoring of the millions of dollars currently held in trust for the future maintenance of cemeteries. Protection of these funds is the single most important factor needed to insure that our cemeteries will continue to be properly maintained.

Improperly maintained cemeteries become the responsibility of the local government and become a burden to the taxpayers. Currently, no one knows if a cemetery's trust funds are being mishandled. It only comes to light when the damage has already been done and the only recourse is to turn the cemetery over to the local government. SB 288 aims to minimize such cases by requiring an annual accounting of cemetery trust funds.

The bill also reassigns several duties that now performed by the Department of Regulation and Licensing and places them with the Cemetery Board. These duties include authorization for a change in cemetery trust fund trustees, authorization for the sale or encumbrance of cemetery land and regulation of warehouses that store preneed cemetery merchandise. These are logical steps to take now that the Board is fully active.

The Wisconsin Cemetery Board believes that enactment of SB 288 is good public policy for the citizens of Wisconsin. It is pro-consumer and it is pro-taxpayer. We urge you vote in favor of SB 288.

Thank you,



E. Glen Porter III
Chairman
Wisconsin Cemetery Board



11-28-07
Date?

SB 288

- Jeff Flak
 - Grothman ?^{1/3}
 - Lehman - reporting requirement too strict?
 - no, easy form
- Glen Porter (WV Cemetery Bd.) - chr.
 - unanimous vote in favor by board
- ~~Lehman~~
- Grothman - crazy ?^{1/3}



Date?



SENATOR JEFF PLALE
SEVENTH SENATE DISTRICT

CHAIR
COMMITTEE ON COMMERCE, UTILITIES, AND RAIL

STATE CAPITOL
P.O. BOX 7882
MADISON, WI 53707-7882

800-361-5487 - MADISON
414-744-1444 - MILWAUKEE
SEN.PLALE@LEGIS.WISCONSIN.GOV

Testimony of Senator Jeff Plale
Senate Bill 288
Senate Committee on Labor, Elections and Urban Affairs

Thank you Chairman Coggs and members of the committee for your consideration of this bill.

Senate Bill 288 has two main purposes: to create greater oversight for the cemetery board and clean up language in the original budget provision that created the Cemetery Board. This legislation would extend the Cemetery Board's regulating power to include all Wisconsin Cemeteries-*except* those operated by a municipality, church or benevolent organization. This bill would also transfer several regulatory functions that currently reside with the Department of Regulation and Licensing over to the Cemetery Board.

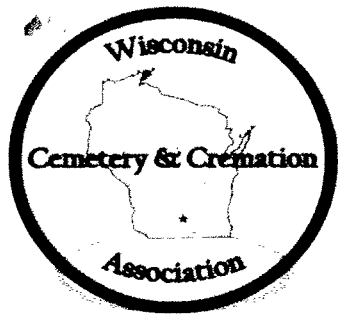
SB 288 is much needed legislation that will ensure consumer protection and bring more regulation to an industry that was, until recently, relatively un-monitored. This bill will provide the people of Wisconsin the confidence that their loved ones are going to be looked after with care when they are gone. Also, if signed into law, this bill would create greater standards for cemeteries in an effort to benefit the good actors in this industry and hold accountable those that may not be providing the best service to those that have lost their loved ones.

SB 288 has little, if any, opposition from consumers or those in the industry. In fact, this legislation was initiated by the industry that it will serve to regulate. Truly, the entire State of Wisconsin will benefit by this bill passing this committee and being signed into law.

Again, I want to thank the committee for hearing my testimony today, and I strongly urge you to support this bill. I will be happy to answer any questions you may have at this time.







44 E. Mifflin St., Suite 600
Madison, WI 53703

Phone 608-310-8833
Fax 608-310-8834

E-mail: mike.hovenconsulting@rds.net

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John Okonek
Diocese of La Crosse
Stevens Point

Jeff Reinhart
La Crosse Catholic Cemeteries
La Crosse

Supplier Representative

Ted Tingesdahl
Matthews International Corp.

Date?

Overview of AB 547 / SB 288 – The Cemetery Registration Act

Last session, the Cemetery Board at the Department of Regulation and Licensing (DRL) was created to provide greater regulation over Wisconsin cemeteries, cemetery salespersons and cemetery preneed sellers and to offer consumer protection where it previously did not exist.

Currently, the Board's authority is limited to large, for-profit cemeteries, which only captures a handful of the state's estimated 5,000 cemeteries. Assembly Bill 574 and Senate Bill 288 would expand the Cemetery Board's regulatory purview' giving the Board oversight over all Wisconsin cemeteries – except municipal, religious or benevolent cemeteries – and transfer a number of regulatory functions that currently reside with the DRL over to the Board.

More specifically, AB 547 and SB 288 would do the following:

- **Require all cemeteries that do not meet the benchmarks for licensure (other than religious, benevolent or municipal cemeteries) to register with the Board. The registration requirements for qualifying cemeteries include:**
 - Providing the names and addresses of the officers of the cemetery; and
 - Identifying a business representative who is responsible for the cemetery.
- **Transfer the following functions from the Department of Regulation and Licensing to the Cemetery Board:**
 - Approval over changing a trustee of a care fund or a preneed trust fund.
 - Oversee the management of care funds held by a cemetery and the investment of certain funds.
 - Receive annual reports required by state law from cemeteries.
 - Regulate warehouses that are used to store cemetery merchandise.
- **Modify one of the benchmarks that require cemetery licensure. Current law requires a cemetery that has \$100,000 or more in a preneed trust fund account to be licensed by the Board. This bill would require a cemetery that has \$100,000 or more in any trust fund to be licensed.**

Expanding the authority of the Cemetery Board will create a regulatory climate that will allow cemeteries to continue to serve their communities as well as provide greater protection for Wisconsin consumers and their families. In addition, increased oversight will help the state identify "problem" cemeteries on the verge of neglect or abandonment before they become a burden to local taxpayers.

The Wisconsin Cemetery and Cremation Association is a non-profit organization comprised of cemetery, crematory and supplier professionals. We are committed to increasing public knowledge regarding cemetery and cremation operations; facilitating the exchange of best practices among cemeteries and crematories; and maintaining high ethical standards in the industry to protect Wisconsin families during their time of grief.

LB 7988

ER 07-050

both or
Graves, 20 lots sold, or \$100k in pre-need trust funds
↓
big cemeteries regulated/licensed

LB 288

registers all small cemeteries in state
↳ also have to provide annual financial statements

no opposition

DRL supports