



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Senate Bill 302**

**Senate Amendments 1 and 2**

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Senate Bill 302 (“SB 302”) changes a number of laws concerning cemeteries. Among the laws affected are licensure requirements for cemetery authorities and cemetery salespersons, and certain requirements affecting religious cemeteries. Senate Amendment 1 (“SA 1”) to SB 302 modifies provisions in the bill regarding licensure requirements for cemetery authorities and cemetery salespersons. Senate Amendment 2 (“SA 2”) to SB 302 modifies provisions in the bill regarding religious cemeteries.

### CEMETERY AUTHORITIES

#### Current Law

Under current law, a cemetery authority generally must obtain a license for each cemetery it operates that is at least five acres in size, or for which the cemetery authority has \$100,000 or more in trust fund accounts, or of which 20 or more cemetery lots or mausoleum spaces are sold in one year. A cemetery that is not subject to licensure generally must be registered with the Cemetery Board.

#### SB 302

SB 302 provides that, in lieu of the above, a cemetery authority must obtain a license for each cemetery it operates that has three acres or more of dedicated cemetery land, or for which the cemetery has \$50,000 or more in trust fund accounts. Cemeteries not subject to licensure, as affected by SB 302, generally must be registered with the Cemetery Board.

## **SA 1**

SA 1 provides that, in lieu of the above, a cemetery authority must obtain a license for each cemetery it operates that has \$50,000 or more in trust fund accounts. Cemeteries not subject to licensure, as affected by SA 1, generally must be registered with the Cemetery Board.

## **CEMETERY SALESPERSONS**

### **Current Law**

Under current law, an individual who sells or solicits the sale of cemetery lots or mausoleum spaces generally must be licensed as a cemetery salesperson, unless the sales or solicitations are of fewer than 20 lots or spaces per year for two consecutive years.

### **SB 302**

SB 302 removes the exception from cemetery salesperson licensure requirements for sales or solicitations of fewer than 20 lots or spaces per year for two consecutive years.

### **SA 1**

SA 1 restores the cemetery salesperson requirements that apply under current law.

## **RELIGIOUS ASSOCIATIONS**

### **Current Law**

Under current law, certain exceptions and alternative procedures apply to a cemetery authority that is a religious association. These include exceptions from requirements related to platting and conveyances of cemetery lots. The term "religious association" refers to a church, synagogue, mosque, or any entity organized as a religious society under state law.

### **SB 302**

SB 302 removes the religious association exceptions from requirements related to platting and conveyances of cemetery lots. SB 302 broadens certain other exceptions and procedures applicable to religious associations, so that the provisions will apply to a subsidiary of a religious association, when applicable, and an affiliate in certain cases.

### **SA 2**

SA 2 restores the religious association exceptions that apply under current law, relating to platting and conveyances of cemetery lots. SA 2 specifies that subsidiaries or affiliates of a religious association are included in the exceptions.

## **BILL HISTORY**

Senator LeMahieu offered SA 1 on January 11, 2016. On January 14, 2016, the Senate Committee on Elections and Local Government recommended adoption of SA 1, and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0. Senator LeMahieu offered SA 2 on February 5, 2016. On February 9, 2016, the Senate adopted SA 1 and SA 2, and passed SB 302, as amended, on voice votes.

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