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November 4, 2015

Chairman Swearingen and committee members thank you for holding a public hearing on Assembly Bill 410.

The Cemetery Modernization Act updates Wisconsin's cemetery law.

The existing state cemetery laws are outdated and inconsistent with modern day cemetery operations and the significant changes occurring in the cemetery industry. In many cases, current law lacks essential consumer protections and creates unnecessary regulatory burdens for Wisconsin cemeteries.

Assembly Bill 410 makes a number of changes to laws concerning cemeteries including the composition of the board, transferring functions to the board from DSPS and DFI and disposition of occupied cemetery lots and mausoleum spaces.

The bill makes other changes including changes to cemetery salesperson licensure requirements, changes to religious associations, and changes to certain penalties and eliminating the option for the deposit of care funds with the treasurer of the county or city in which the cemetery is located.

The Cemetery Modernization Act streamlines regulatory requirements for cemeteries and eliminates obsolete statutory provisions.

Again, thank you for holding a public hearing on Assembly Bill 410. I would be happy to answer any questions you have on the bill.

<http://docs.legis.wisconsin.gov/2015/proposals/ab410>



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# DEVIN LEMAHIEU

## STATE SENATOR

DATE: November 4, 2015  
RE: **Testimony on 2015 Assembly Bill 410**  
TO: The Assembly Committee on State Affairs and Government Operations  
FROM: Senator Devin LeMahieu

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Mr. Chairman and committee members, thank you for taking time today to discuss Assembly Bill 410, the Cemetery Modernization Act.

Our current state laws regarding cemeteries have remain unchanged for the better part of a century and have grown outdated and inconsistent with modern cemetery operations. AB 410 updates our laws to help ensure cemeteries can continue to provide an essential public service well into the 21<sup>st</sup> century. The bill streamlines regulatory requirements for cemeteries, eliminates outdated statutory provisions, and codifies current best practices of the cemetery business into state law.

Considering the emotional process of burying a loved one, it is important to ensure that our cemeteries are held to a high standard. AB 410 accomplishes that goal by enhancing consumer protection standards placed upon cemeteries. The bill holds cemeteries fiscally responsible by strengthening record keeping and audit requirements on cemeteries and increases penalties for theft and deliberate mismanagement of their funds. The bill also directs cemeteries to maintain detailed information about all burials. Lastly, AB 410 places stricter limits on licensing exemptions and clarifies that anybody who sells burial lots must do so under the proper license and framework.

AB 410 updates the regulatory requirements placed upon cemeteries in a fair manner. Under the bill, cemetery board powers will be largely consistent with those of other professional examining boards, such as the funeral directors board.

As you can see, this proposal has received bi-partisan support in both houses. I hope you will join us in supporting this bill and help secure the viability of Wisconsin cemeteries.



**TO:** Chairman Swearingen and members of the Assembly State Affairs and Government Operations Committee  
**FROM:** Glen Porter, President – WI Cemetery and Cremation Association  
**DATE:** November 4, 2015  
**RE:** Please support Assembly Bill 410 – *THE CEMETERY MODERNIZATION BILL*

On behalf of the Wisconsin Cemetery and Cremation Association, I would like to take this opportunity to encourage your support for Assembly Bill 410 – the *Cemetery Modernization Bill*. This important legislation will update Wisconsin cemetery regulation and align state law with modern cemetery operations.

Much of Wisconsin cemetery law has remained unchanged for the better part of a century, if not longer. As a result, state cemetery regulation is outdated and inconsistent with current cemetery practices and industry trends. In many cases, current law lacks essential consumer protections, does not recognize recent technological advances and imposes unnecessary regulatory burdens for Wisconsin cemeteries.

Assembly Bill 410 would address this growing concern for Wisconsin cemeteries and the families they serve through a long-overdue and wide-ranging update of Wisconsin cemetery law. The bill makes a number of changes that reduce bureaucratic red tape, eliminate redundant statutory provisions and refine cemetery regulations to reflect changes in consumer behavior and preference. Among a handful of other minor modifications to current statute, the *Cemetery Modernization Bill* includes the following provisions:

- ***Regulatory Reform:***
  - Consolidates most cemetery regulatory functions under one state regulatory body (the Wisconsin Cemetery Board).
  - Exempts cemeteries from the state's Diggers Hotline requirements.
  - Clarifies regulatory exemptions for religious cemeteries.
  
- ***Consumer Protection:***
  - Strengthens record keeping and audit requirements for cemetery funds.
  - Increases penalties for theft and deliberate mismanagement of cemetery funds.
  - Directs cemeteries to maintain detailed information of all burials.
  
- ***Cemetery Operations Improvements:***
  - Creates a simple formula for the inheritance of cemetery lots and mausoleum spaces.
  - Streamlines the process for abandoned cemetery lot and mausoleum reclamation.
  - Authorizes cemeteries to submit digital platting records.

In short, Assembly Bill 410 would streamline the regulatory process and keep the state's cemetery industry viable well into the 21<sup>st</sup> century – while also strengthening consumer protections for Wisconsin families. With that in mind, I would ask you to support Assembly Bill 410.

Thank you for your consideration.