

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3275/P1dn  
MDK:cmh:mrc

July 21, 1999

Representative Morris-Tatum:

Please review this draft very carefully to make sure that it achieves your intent. Due to time constraints, I was not able to resolve all my questions about your intent. Therefore, please note the following in particular about the draft:

1. In general, I am not sure how to treat the exemptions under current law that apply to cemeteries operated by religious societies and not-for-profit organizations. I assume that you want *all* cemetery authorities to register and provide an annual report to DORL, including cemeteries operated by religious societies and not-for-profit organizations. However, the draft generally maintains other exemptions under current law that apply to not-for-profit cemeteries.

2. I responded to your request for standardized reporting and auditing of cemeteries by requiring all cemetery authorities to file the annual report specified in s. 157.62 (2) (a), stats. Is this okay?

3. Because the registration requirements for cemetery salespersons and preneed sellers are related to the registration requirements for cemetery authorities, the draft makes comparable changes to those requirements. Therefore, I have similar questions as under item 1 above regarding your intent.

4. I'm not sure why the task force recommended creating a definition for "cemetery". Under current law, as under the draft, regulation is effected mostly by regulating cemetery authorities. What problem under current law is the definition supposed to address?

5. The draft increases the penalty for failure to notify specified family members about reburial of human remains from \$200 to \$1,000, and also provides for imprisonment for not more than 90 days. Is this okay?

6. The amendment of s. 157.10, stats., is intended to carry out your intent with respect to allowing family members to be buried in cemetery lots. I don't think that it's necessary to amend s. 157.111, stats., for this purpose.

7. Please review the dollar amounts for the death certificate fees under proposed s. 69.22 (1) (d) and (e). Are they okay?

8. Proposed s. 25.85 (2) that is included in the instructions is not legally necessary, so I have not included it in this draft.

9. I'm not sure why it's necessary to include a definition for cemetery or mausoleum in proposed s. 157.117. Without a definition, isn't it clear that cemetery or mausoleum means *any* cemetery or mausoleum, regardless of ownership?

10. The instructions refer to a contract between DORL and a trustee appointed by a court, but do not elaborate on the nature of this contract. Therefore, I have not included such a reference. What is your intent regarding the contract?

11. I'm not sure about the relationship between proposed s. 157.117 (2) (d) and (e) in the instructions and have not included proposed s. 157.117 (2) (d) in this draft.

12. I was not sure about your intent regarding other portions of the instructions. For example, I understand that "stacking" is a concern, but I am not sure about the exact nature of the problem or how it should be addressed. I recommend that we discuss the extent to which this draft does *not* address your concerns so that your concerns may be addressed in the next version of the draft.

I would be happy to meet with you or your representatives to resolve the above issues. Please contact me at your earliest convenience.

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