

1999 DRAFTING REQUEST

Bill

Received: **10/14/98**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1038**

By/Representing: **Caucutt**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Occupational Reg. - cem reg**

Extra Copies:

Topic:

DOA:.....Caucutt - Registration of cemeteries by location

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 11/3/98	gilfokm 11/5/98	hhagen 11/5/98	_____	lrb_docadmin 11/5/98		State
	kunkemd 01/28/99	gilfokm 01/28/99		_____			
/2			lpaasch 01/29/99	_____	gretskl 01/29/99		State

FE Sent For:

<END>

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/1	kunkemd 11/3/98	gilfokm 11/5/98	hhagen 11/5/98	_____	lrb_docadmin 11/5/98		State

FE Sent For: *12-1-28-99*
kmg

1-29-99 *1-29-99*
IS
 <END>

1999 DRAFTING REQUEST

Bill

Received: 10/14/98

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1038

By/Representing: Riedasch

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Occupational Reg. - cem reg

Extra Copies:

Topic:

DOA:.....Riedasch - Registration of cemeteries by location.

Instructions:

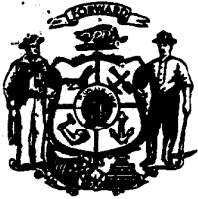
See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	kunkemd	1-11-4 kmg	#11/5	#1em1/5			

FE Sent For:

<END>



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



Date: 14 October, 1998

To: Steve Miller
Chief, Legislative Reference Bureau

From: Gail Riedasch
Policy and Budget Analyst, 6-1038

Subject: Department of Regulation and Licensing statutory language proposals

Please draft the following thirteen statutory language proposals from the Department of Regulation and Licensing included in its FY99-01 biennial budget request.

They include:

- Renewal Fee Changes Required by Statute
- Disciplinary Process Enhancements
- Uniform Procedures for Administration of Continuing Education Programs
- Review Fund Raising Counsel Registration and Bonding Requirements
- Streamline Funeral Director Renewal and Eliminate Good Standing Certificate
- Authorize Counter Fee and Expedited Service Charge
- License Calculation for Nonpayment of Debit or Credit Card
- Repeal of Outdated Statute Permitting Payment by Credit Card
- Revise Temporary Permits for Private Security Persons
- Revise Renewal Requirements for Private Detectives and Private Security Personnel
- Register Cemeteries by Location
- Correct Renewal Dates - Hearing and Speech
- Revise Renewal Dates - Private Security Personnel and Private Detective Agencies

Please call with any questions. Thanks.

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Proposed Statutory Language

440.26 (2) (a) 2. of the statutes is amended to read:

Issue a private detective license to an individual who meets the qualifications specified under par. (c) ~~if the individual is an owner, coowner or employe of a private detective agency required to be licensed under this section.~~

440.26 (3) of the statutes is amended to read:

Issuance of licenses; fees. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment of the fee specified in s. 440.05 (1). No license shall be issued for a longer period than 2 years, ~~and the license of a private detective shall expire on the renewal date of the license of the private detective agency, even if the license of the private detective has not been in effect for a full 2 years.~~ Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and shall be accompanied by the fees specified in s. 440.08. The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section. A license is not required to be granted or renew a license as a private detective. However, no license holder may provide services authorized by a private detective license with being employed by a private detective agency.

440.26 (5m) (a) 3. of the statutes is amended to read:

3. The individual ~~provides evidence satisfactory to the department that he or she is not required to be~~ an employe of a private detective agency described in sub. (5) (c) to be granted or renew a private security permit. However, no permit holder may provide services authorized by a permit with being employed by a private detective agency.

Initial applicability of this proposal: effective date of budget act.

K. REGISTER CEMETERIES BY LOCATION

Summary and Justification

Under current law, a cemetery authority which sells 10 or more lots per year is required to register with the department unless exempt. Technically, a large entity could operate a dozen cemeteries with one cemetery authority registration. The law should require the cemetery authority (unless exempt) to register each cemetery which it operates in Wisconsin.

Change the statutes requiring registration of cemetery salespersons to require

every "person," rather than every "individual" who sells or solicits the sale, etc., to register. Some cemeteries hire a management entity to market lots and preneed merchandise for them. The department registers such management companies as cemetery authorities; however, they should be registered as cemetery salespersons.

Proposed Statutory Language

440.91, (1) and (2) (intro) are amended to read:

(1) Except as provided in sub. (6m), every cemetery authority that sells or solicits the sale of ~~a total of~~ 10 or more cemetery lots in one cemetery or 10 mausoleum spaces in one mausoleum during a calendar year and that pays any commission or other compensation to any person for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register with the department. The registration shall be in writing and shall include the names of the officers of the cemetery authority. The cemetery authority shall file a separate registration statement for each cemetery that qualifies under this section.

(2) Except as provided in subs. (7) and (10), every individual person who sells or solicits the sale of, or who expects to sell or solicit the sale of, a total of 10 or more cemetery lots or mausoleum spaces during a calendar year shall register with the department. An individual person may not be registered as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify in writing to the department that the individual person is competent to act as a cemetery salesperson. Within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and furnish to the department, in such form as the department prescribes, all of the following information:

440.91 (8) of the statutes is repealed.

440.91 (10) of the statutes is amended to read:

(10) Nothing in this section requires an individual who is registered as a preneed seller under s. 440.92 (1) to be registered as a cemetery salesperson under sub. (2) if the individual person only sells or solicits the sale of cemetery merchandise or undeveloped spaces under preneed sales contracts.

Initial applicability of this proposal: effective date of budget act.

L. CORRECT RENEWAL DATES – HEARING AND SPEECH

Summary and Justification

Under current statutes as amended by 1997 Wisconsin Acts 27 and 49, the renewal dates and fees for audiologists, hearing instrument specialists and speech-

*Am 440.91(7)
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440.95(2)*

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T.M.T.
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0645/1

MDK:.....

King & Co

O. NOTE

DOA:.....Riedasch - Registration of cemeteries by location *e*

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

and Gen. Stat.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Under current law, a cemetery authority that sells or solicits the sale of ^{ten} 10 or more cemetery lots or mausoleum spaces during one calendar ^{stat} year and who compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with the department of regulation and licensing (DORL). This bill specifies that such a cemetery authority must file a separate registration for each cemetery at which it sells or solicits the sale of ^{ten} 10 or more cemetery lots or mausoleum spaces in a calendar ^{stat} year.

Also under current law, an individual who sells or solicits the sale of ^{ten} 10 or more cemetery lots or mausoleum spaces in a calendar ^{stat} year must register with DORL as a cemetery salesperson. This bill specifies that this registration requirement applies ^{to} any person, such a business entity, in addition to an individual, that sells or solicits the sale of ^{ten} 10 or more cemetery lots or mausoleum spaces in a calendar ^{stat} year.

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate

as

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salespersons that are licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 440.91 (1) of the statutes is amended to read:

2 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells
3 or solicits the sale of a total of 10 or more cemetery lots or mausoleum spaces in a
4 cemetery during a calendar year and that pays any commission or other
5 compensation to any person for selling or soliciting the sale of its cemetery lots or
6 mausoleum spaces shall register with the department. The registration shall be in
7 writing and shall include the names of the officers of the cemetery authority. A
8 cemetery authority shall file a separate registration for each cemetery at which 10
9 or more cemetery lots or mausoleum spaces are sold or for which a sale is solicited.

History: 1989 a. 307 ss. 75, 80 to 83, 91; 1991 a. 39, 269.

10 SECTION 2. 440.91 (2) (intro.) of the statutes is amended to read:

11 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual
12 ~~person who~~ *that* sells or solicits the sale of, or ~~who~~ *that* expects to sell or solicit the sale of, a
13 ~~total of 10 or more cemetery lots or 10 or more mausoleum spaces~~ *Strike* during a calendar
14 year shall register with the department. ~~An individual~~ A person may not be
15 registered as a cemetery salesperson except upon the written request of a cemetery
16 authority and the payment of the fee specified in s. 440.05 (1). The cemetery
17 authority shall certify in writing to the department that the individual person is
18 competent to act as a cemetery salesperson. Within 10 days after the certification
19 of any cemetery salesperson, the cemetery salesperson shall verify and furnish to the

1 department, in such form as the department prescribes, all of the following
2 information:

3 **History:** 1989 a. 307 ss. 75, 80 to 83, 91; 1991 a. 39, 269.

3 **SECTION 3.** 440.91 (2) (a) of the statutes is amended to read:

4 440.91 (2) (a) Name and address of any individual who is employed by the
5 cemetery salesperson to sell or solicit the sale of cemetery lots or mausoleum spaces.

6 **History:** 1989 a. 307 ss. 75, 80 to 83, 91; 1991 a. 39, 269.

6 **SECTION 4.** 440.91 (2) (b) of the statutes is amended to read:

7 440.91 (2) (b) Educational qualifications of any individual who is employed by
8 the cemetery salesperson to sell or solicit the sale of cemetery lots or mausoleum
9 spaces.

10 **History:** 1989 a. 307 ss. 75, 80 to 83, 91; 1991 a. 39, 269.

10 **SECTION 5.** 440.91 (2) (c) of the statutes is amended to read:

11 440.91 (2) (c) Prior occupations of any individual who is employed by the
12 cemetery salesperson to sell or solicit the sale of cemetery lots or mausoleum spaces.

13 **History:** 1989 a. 307 ss. 75, 80 to 83, 91; 1991 a. 39, 269.

13 **SECTION 6.** 440.91 (7) of the statutes is amended to read:

14 440.91 (7) ~~An individual who~~ A person that solicits the sale of cemetery lots or
15 mausoleum spaces in a cemetery organized, maintained and operated by a town,
16 village, city, church, synagogue or mosque, religious, fraternal or benevolent society
17 or incorporated college of a religious order is not required to be registered under sub.
18 (2).

19 **History:** 1989 a. 307 ss. 75, 80 to 83, 91; 1991 a. 39, 269.

19 **SECTION 7.** 440.91 (8) of the statutes is repealed.

20 **SECTION 8.** 440.95 (2) of the statutes is amended to read:

strike *that*

1 440.95 (2) Any individual who person that is required to register as a cemetery
2 salesperson under s. 440.91 (2) and who fails to register may be fined not less than
3 \$25 nor more than \$200 or imprisoned for not more than 6 months or both.

History: 1989 a. 307 ss. 75, 87.

4 **SECTION 9342. Initial applicability; regulation and licensing.**

5 (1) REGISTRATION OF CEMETERY AUTHORITIES AND CEMETERY SALESPERSONS. The
6 treatment of sections 440.91 (1), (2) (intro.), (a), (b) and (c), (7) and (8) and 440.95 (2)
7 of the statutes first applies to sales or solicitations that are made in the first calendar
8 year beginning after the effective date of this subsection.

calendar
stet

(END)

12 - NOTE

9

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

LRB-0645/1dn

MDK:.....

Kmg & cmh

Gail Riedasch:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Note that the bill repeals s. 440.91 (8), stats., which is described in the last paragraph of the analysis. I point this out because, although it is included in the proposed statutory language of the instructions, it is not mentioned in the summary.

2. The amendment of s. 440.91 (1), stats., is different than as suggested in the instructions. As drafted, the bill requires a cemetery authority to register if it sells or solicits the sale of ^{ten}10 or more mausoleum spaces in a cemetery, rather than in a mausoleum. Is this okay? Also note that a cemetery authority does *not* have to register as long as less than ^{ten}10 cemetery lots or mausoleum spaces are sold at a given cemetery. Therefore, a cemetery that sells ^{nine}9 lots in one cemetery and ^{nine}9 lots in another cemetery is not required to register because, while ^{eight}18 total lots are sold, less than ^{ten}10 were sold in each cemetery. Is this okay? *set*

3. I don't think that it is necessary to make the change to s. 440.91 (10), stats., that is included in the instructions.

4. Note that, for the sake of consistency, the bill amends ss. 440.91 (7) and 440.95 (2), stats., to refer to "person" rather than "individual".

If you have any questions, please give me a call.

Mark D. Kunkel
Legislative Attorney
266-0131

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

LRB-0645/1dn
MDK:kmg&cmh:hmh

Thursday, November 5, 1998

Gail Riedasch:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Note that the bill repeals s. 440.91 (8), stats., which is described in the last paragraph of the analysis. I point this out because, although it is included in the proposed statutory language of the instructions, it is not mentioned in the summary.

2. The amendment of s. 440.91 (1), stats., is different than as suggested in the instructions. As drafted, the bill requires a cemetery authority to register if it sells or solicits the sale of ten or more mausoleum spaces in a cemetery, rather than in a mausoleum. Is this okay? Also note that a cemetery authority does *not* have to register as long as less than ten cemetery lots or mausoleum spaces are sold at a given cemetery. Therefore, a cemetery that sells nine lots in one cemetery and nine lots in another cemetery is not required to register because, while 18 total lots are sold, less than ten were sold in each cemetery. Is this okay?

3. I don't think that it is necessary to make the change to s. 440.91 (10), stats., that is included in the instructions.

4. Note that, for the sake of consistency, the bill amends ss. 440.91 (7) and 440.95 (2), stats., to refer to "person" rather than "individual".

If you have any questions, please give me a call.

Mark D. Kunkel
Legislative Attorney
266-0131

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DIVISION OF EXECUTIVE BUDGET AND FINANCE
DOA-S187 N(R08/95)

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Location	101 East Wilson Street, 10th Floor; Madison, WI 53702	4	(608) 267-0372
			Telephone Number
			6-0777

COMMENTS / INSTRUCTIONS

some minor changes to
R & L budget draft

01/28/99

07:22

DIU BUDGET AND FINANCE -> 608 264 8522

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01/27/99 WED 09:45 FAX 608 261 2381

WI REG & LIC SEC

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FAX

Department of Regulation and Licensing
1440 East Washington Avenue
Madison, Wisconsin 53708-8935

Date 01/27/99
Number of pages including cover sheet 3

To:

DAN CAUCUTT

DOA BUDGET

Phone 6-0777

Fax Phone 7-0372

CC:

From:

William Dusso

**Department of
Regulation and
Licensing**

Phone 266-0011

Fax Phone 267-0644

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

Statutory Change to LRB-0645/1 Cemeteries

48522



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

Date: January 26, 1999

Memo To: Dan Caucutt, DOA Budget Office

From: William Dusso, Regulation and Licensing

Subject: Budget - Statutory Change to LRB-0645/1 Cemeteries

You asked that the department review the drafter's language in the proposal for changes to sec. 440.91, relating to cemeteries. The department recommends that Sections 1, 2, and 3, of LRB-0645/1 be redrafted as follows:

Section 1. 440.91 (1) of the statutes is amended to read:

(1) Except as provided in sub. (6m), every cemetery authority that ~~sells or solicits the sale of~~ a total of 10 or more cemetery lots or mausoleum spaces during a calendar year ~~and that pays any commission or other compensation to any person for selling or soliciting the sale of its cemetery lots or mausoleum spaces~~ shall register with the department. The registration shall be in writing and shall include the names of the officers of the cemetery authority. A cemetery authority shall file a separate registration for each cemetery location at which 10 or more cemetery lots or mausoleum spaces are sold during a calendar year.

Section 2. 440.91 (2) (intro) of the statutes is amended to read:

440.91 (2) (intro) Except as provided in subs. (7) and (10), every ~~individual who~~ person that sells or solicits the sale of, or ~~who that~~ expects to sell or solicit the sale of, a total of 10 or more cemetery lots or mausoleum spaces during a calendar year shall register with the department. ~~An individual.~~ A person may not be registered as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the fee specified in s. 440.05 (1). The cemetery authority shall certify in writing to the department that the ~~individual person~~ person is competent to act as a cemetery salesperson.

~~Within 10 days after the certification of any cemetery salesperson, the cemetery salesperson shall verify and furnish to the department, in such form as the department prescribes, all of the following information: An applicant for certification as a cemetery salesperson, shall furnish to the department, in such form as the department prescribes, all of the following information:~~

Section 3. 440.91 (2) (a) of the statutes is repealed and recreated to read:

440.91 (2) (a) The name and address of the applicant and, if the applicant is a business entity, the name and address of each business representative.

In addition to these changes, current secs. 440.91 (2) (b) and (c) of the statutes should be repealed. (These are in sections 4. and 5. of the bill draft.) Current sec. 440.91 (2) (d) should be renumbered to be sec. 440.91 (2) (b), Stats.

These changes are requested for the purposes of requiring a non-exempt cemetery authority to register each cemetery which it operates in Wisconsin and to eliminate outdated or unnecessary requirements.

The outdated or unnecessary requirements eliminated are:

1. The requirement that a cemetery register if it pays compensation to a person who sells or solicits the sale of cemetery lots or mausoleums.
2. The requirements that a cemetery registrant list educational qualifications and prior occupations on its registration form.
3. The requirement that a cemetery salesperson provide a verification of information within 10 days after the certification.

Please let me know of any questions or requirements for additional information.

cc: Marlene Cummings
June Suhling
Myra Shelton
Clete Hansen
Gail Riedasch
Jacquelynn Rothstein

2

DOA:.....Caucutt - Registration of cemeteries by location

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

RM NOT RUN

INSERT A.1 ✓

INSERT A.2 ✓

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^{Don't}
^{cut}
AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Under current law, a cemetery authority that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces during one calendar year and who compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with the department of regulation and licensing (DORL). ~~This bill specifies that such a cemetery authority must file a separate registration for each cemetery at which it sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year.~~

Also under current law, an individual who sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year must register with DORL as a cemetery salesperson. This bill specifies that this registration requirement applies to any person, such as a business entity, in addition to an individual, that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year.

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate salespersons that are licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

INSERT A.3 ✓

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 440.91 (1) of the statutes is amended to read:

2 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells
3 ~~or solicits the sale of a total of 10 or more cemetery lots or mausoleum spaces~~
4 ~~in any cemetery during a calendar year and that pays any commission or other~~
5 ~~compensation to any person for selling or soliciting the sale of its cemetery lots or~~
6 ~~mausoleum spaces~~ shall register with the department. The registration shall be in
7 writing and shall include the names of the officers of the cemetery authority. A
8 cemetery authority shall file a separate registration for each cemetery at which 10
9 or more cemetery lots or mausoleum spaces are sold or for which a sale is solicited.

10 SECTION 2. 440.91 (2) (intro.) of the statutes is amended to read:

11 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
12 person that sells or solicits the sale of, or ~~who~~ that expects to sell or solicit the sale
13 of, a total of 10 or more cemetery lots or 10 or more mausoleum spaces during a
14 calendar year shall register with the department. ~~An individual~~ A person may not
15 be registered as a cemetery salesperson except upon the written request of a
16 cemetery authority and the payment of the fee specified in s. 440.05 (1). The
17 cemetery authority shall certify in writing to the department that the individual
18 person is competent to act as a cemetery salesperson. ~~Within 10 days after the~~
19 ~~certification of any cemetery salesperson, the cemetery salesperson shall verify and~~
20 ~~furnish to the department, in such form as the department prescribes, all of the~~
21 following information:

An applicant for registration as a cemetery salesperson shall

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strike

strike

during a calendar year

INSERT 3-1

1 SECTION 3. ~~440.91 (2) (a) of the statutes is amended to read:~~

2 ~~440.91 (2) (a) Name and address of any individual who is employed by the~~
3 ~~cemetery salesperson to sell or solicit the sale of cemetery lots or mausoleum spaces.~~

4 SECTION 4. ~~440.91 (2) (b) of the statutes is amended to read:~~

5 ~~440.91 (2) (b) Educational qualifications of any individual who is employed by~~
6 ~~the cemetery salesperson to sell or solicit the sale of cemetery lots or mausoleum~~
7 ~~spaces.~~

8 SECTION 5. ~~440.91 (2) (c) of the statutes is amended to read:~~

9 ~~440.91 (2) (c) Prior occupations of any individual who is employed by the~~
10 ~~cemetery salesperson to sell or solicit the sale of cemetery lots or mausoleum spaces.~~

11 SECTION 6. 440.91 (7) of the statutes is amended to read:

12 ~~440.91 (7) An individual who~~ A person that solicits the sale of cemetery lots or
13 mausoleum spaces in a cemetery organized, maintained and operated by a town,
14 village, city, church, synagogue or mosque, religious, fraternal or benevolent society
15 or incorporated college of a religious order is not required to be registered under sub.
16 (2).

17 SECTION 7. 440.91 (8) of the statutes is repealed.

18 SECTION 8. 440.95 (2) of the statutes is amended to read:

19 440.95 (2) Any individual ~~who~~ person that is required to register as a cemetery
20 salesperson under s. 440.91 (2) and ~~who~~ that fails to register may be fined not less
21 than \$25 nor more than \$200 or imprisoned for not more than 6 months or both.

22 SECTION 9342. Initial applicability; regulation and licensing.

23 (1) REGISTRATION OF CEMETERY AUTHORITIES AND CEMETERY SALESPERSONS. The
24 treatment of sections 440.91 (1), (2) (intro.), (a), (b) and (c), (7) and (8) and 440.95 (2)

1 of the statutes first applies to sales or solicitations that are made in the first calendar
2 year beginning after the effective date of this subsection.

3 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0645/2ins
MDK:.....

1

INSERT A.1: ✓

Under this bill, such a registration is required if a cemetery authority sells ~~10~~^{ten} or more cemetery lots or mausoleum spaces during one calendar year, regardless of whether compensation is paid. In addition, a cemetery authority that solicits a sale of ~~10~~^{ten} or more lots or spaces, but does not sell ~~10~~^{ten} or more lots or spaces, is not required to register. In addition, the

2

INSERT A.2: ✓

An applicant for registration must provide certain information, including educational qualifications and prior occupations.

3

INSERT A.3: ✓

In addition, the bill eliminates the requirement that an applicant provide information about educational qualifications and prior occupations.

4

INSERT 3-1: ✓

5

SECTION 1. 440.91 (2) (a) of the statutes is repealed and recreated to read:

6

440.91 (2) (a) The name and address of the applicant and, if the applicant is

7

a business entity, as defined in s. 452.01 (3j),[✓] the name and address of each business

8

representative, as defined in s. 452.01 (3k).[✓]

9

SECTION 2. 440.91 (2) (b) and (c)[✓] of the statutes are repealed.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0645/2
MDK:kmg&cmh:lp

DOA:.....Caucutt - Registration of cemeteries by location

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Under current law, a cemetery authority that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces during one calendar year and who compensates any other person for selling or soliciting the sale of the cemetery lots or mausoleum spaces must register with the department of regulation and licensing (DORL). Under this bill, such a registration is required if a cemetery authority sells ten or more cemetery lots or mausoleum spaces during one calendar year, regardless of whether compensation is paid. In addition, a cemetery authority that solicits a sale of ten or more lots or spaces, but does not sell ten or more lots or spaces, is not required to register. In addition, the bill specifies that a cemetery authority must file a separate registration for each cemetery at which it sells ten or more cemetery lots or mausoleum spaces in a calendar year.

Also under current law, an individual who sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year must register with DORL as a cemetery salesperson. An applicant for registration must provide certain information, including educational qualifications and prior occupations. This bill specifies that this registration requirement applies to any person, such as a business entity, in addition to an individual, that sells or solicits the sale of ten or more cemetery lots or mausoleum spaces in a calendar year. In addition, the bill eliminates the requirement that an applicant provide information about educational qualifications and prior occupations.

Finally, under current law, a person that is registered as a cemetery salesperson is required to comply with certain other requirements, including requirements regarding trust accounts and disciplinary proceedings, that also apply to real estate salespersons that are licensed by DORL. Under this bill, a person that is registered as a cemetery salesperson is not required to comply with these other requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.91 (1) of the statutes is amended to read:

2 440.91 (1) Except as provided in sub. (6m), every cemetery authority that sells
3 ~~or solicits the sale of~~ a total of 10 or more cemetery lots or mausoleum spaces during
4 a calendar year ~~and that pays any commission or other compensation to any person~~
5 ~~for selling or soliciting the sale of its cemetery lots or mausoleum spaces~~ shall register
6 with the department. The registration shall be in writing and shall include the
7 names of the officers of the cemetery authority. A cemetery authority shall file a
8 separate registration for each cemetery at which 10 or more cemetery lots or
9 mausoleum spaces are sold during a calendar year.

10 **SECTION 2.** 440.91 (2) (intro.) of the statutes is amended to read:

11 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
12 ~~person that~~ sells or solicits the sale of, or who ~~that~~ expects to sell or solicit the sale
13 of, a ~~total of~~ 10 or more cemetery lots or 10 or more mausoleum spaces during a
14 calendar year shall register with the department. ~~An individual~~ A person may not
15 be registered as a cemetery salesperson except upon the written request of a
16 cemetery authority and the payment of the fee specified in s. 440.05 (1). The
17 cemetery authority shall certify in writing to the department that the individual
18 person is competent to act as a cemetery salesperson. ~~Within 10 days after the~~

1 ~~certification of any cemetery salesperson, the cemetery salesperson shall verify and~~
2 An applicant for registration as a cemetery salesperson shall furnish to the
3 department, in such form as the department prescribes, all of the following
4 information:

5 **SECTION 3.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

6 440.91 (2) (a) The name and address of the applicant and, if the applicant is
7 a business entity, as defined in s. 452.01 (3j), the name and address of each business
8 representative, as defined in s. 452.01 (3k).

9 **SECTION 4.** 440.91 (2) (b) and (c) of the statutes are repealed.

10 **SECTION 5.** 440.91 (7) of the statutes is amended to read:

11 440.91 (7) ~~An individual who~~ A person that solicits the sale of cemetery lots or
12 mausoleum spaces in a cemetery organized, maintained and operated by a town,
13 village, city, church, synagogue or mosque, religious, fraternal or benevolent society
14 or incorporated college of a religious order is not required to be registered under sub.
15 (2).

16 **SECTION 6.** 440.91 (8) of the statutes is repealed.

17 **SECTION 7.** 440.95 (2) of the statutes is amended to read:

18 440.95 (2) Any ~~individual who~~ person that is required to register as a cemetery
19 salesperson under s. 440.91 (2) and ~~who~~ that fails to register may be fined not less
20 than \$25 nor more than \$200 or imprisoned for not more than 6 months or both.

21 **SECTION 9342. Initial applicability; regulation and licensing.**

22 (1) REGISTRATION OF CEMETERY AUTHORITIES AND CEMETERY SALESPERSONS. The
23 treatment of sections 440.91 (1), (2) (intro.), (a), (b) and (c), (7) and (8) and 440.95 (2)

1 of the statutes first applies to sales or solicitations that are made in the first calendar
2 year beginning after the effective date of this subsection.

3 (END)