



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2682/1  
MDK:cs:kjx

**ASSEMBLY AMENDMENT 61,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1**

March 14, 2002 – Offered by Representatives MORRIS-TATUM, COGGS, YOUNG and WILLIAMS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 8, line 21: after that line insert:

3 “**SECTION 13c.** 15.07 (1) (b) 23. of the statutes is created to read:

4 15.07 (1) (b) 23. Cemetery board.

5 **SECTION 13g.** 15.07 (1) (cm) of the statutes is amended to read:

6 15.07 (1) (cm) The term of one member of the ethics board shall expire on each  
7 May 1. The terms of 3 members of the development finance board appointed under  
8 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms  
9 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of  
10 every odd-numbered year. The terms of the 3 members of the land and water  
11 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.  
12 The term of the member of the land and water conservation board appointed under

1 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of  
2 members of the real estate board shall expire on July 1. The terms of the appraiser  
3 members of the real estate appraisers board and the terms of the auctioneer and  
4 auction company representative members of the auctioneer board shall expire on  
5 May 1 in an even-numbered year. The terms of the cemetery authority business  
6 representative members of the cemetery board shall expire on May 1 in an  
7 even-numbered year.

8 **SECTION 13L.** 15.07 (1) (cs) of the statutes is amended to read:

9 15.07 (1) (cs) No member of the auctioneer board, cemetery board, real estate  
10 appraisers board, or real estate board may be an officer, director, or employee of a  
11 private organization that promotes or furthers any profession or occupation  
12 regulated by that board.

13 **SECTION 13p.** 15.07 (3) (b) of the statutes is amended to read:

14 15.07 (3) (b) Except as provided in par. (bm), each board not covered under par.  
15 (a) shall meet annually, and may meet at other times on the call of the chairperson  
16 or a majority of its members. The auctioneer board, the cemetery board, the real  
17 estate board, and the real estate appraisers board shall also meet on the call of the  
18 secretary of regulation and licensing or his or her designee within the department.

19 **SECTION 13t.** 15.07 (3) (bm) 5. of the statutes is created to read:

20 15.07 (3) (bm) 5. The cemetery board shall meet at least 4 times each year.

21 **SECTION 13x.** 15.07 (5) (z) of the statutes is created to read:

22 15.07 (5) (z) Members of the cemetery board, \$25 per day.”.

23 **2.** Page 10, line 8: after that line insert:

24 “**SECTION 14j.** 15.405 (3m) of the statutes is created to read:

1           15.405 **(3m)** CEMETERY BOARD. (a) In this subsection:

2           1. "Business representative" has the meaning given in s. 452.01 (3k).

3           2. "Licensed cemetery authority" has the meaning given in s. 157.061 (8r).

4           3. "Religious cemetery authority" has the meaning given s. 157.061 (15m).

5           (b) There is created a cemetery board, attached to the department of regulation  
6 and licensing under s. 15.03, consisting of the following members appointed for  
7 4-year terms:

8           1. Four members, each of whom is a business representative of a licensed  
9 cemetery authority.

10          2. A representative of the department of justice designated by the attorney  
11 general.

12          3. Two public members.

13          (c) Of the members appointed under par. (b) 1., one member shall be a business  
14 representative of a licensed cemetery authority organized or conducted for pecuniary  
15 profit, one member shall be a business representative of a licensed cemetery  
16 authority not organized or conducted for pecuniary profit, one member shall be a  
17 business representative of a licensed cemetery authority that is a city, village, town,  
18 or county, and no member may be a business representative of a religious cemetery  
19 authority.

20          (d) No member of the cemetery board may serve more than 2 terms."

21          **3.** Page 13, line 13: after that line insert:

22          "**SECTION 30g.** 20.165 (1) (q) of the statutes is created to read:

1           20.165 (1) (q) *Cemetery and mausoleum trustee disbursements.* From the  
2 cemetery management insurance fund, a sum sufficient to make disbursements to  
3 trustees under the rules promulgated under s. 157.117 (4) (a).”.

4           **4.** Page 28, line 8: after that line insert:

5           “**SECTION 80d.** 25.17 (1) (at) of the statutes is created to read:

6           25.17 (1) (at) Cemetery management insurance fund (s. 25.86);”.

7           **5.** Page 29, line 3: after that line insert:

8           “**SECTION 83m.** 25.86 of the statutes is created to read:

9           **25.86 Cemetery management insurance fund.** There is established a  
10 separate nonlapsible trust fund designated as the cemetery management insurance  
11 fund, to consist of each of the following:

12           (1) The moneys received from death certificate filing fees under s. 69.22 (1) (e).

13           (2) The moneys received from the issuance of copies of death certificates under  
14 s. 69.22 (1) (f).”.

15           **6.** Page 48, line 10: after that line insert:

16           “**SECTION 150g.** 60.61 (2) (j) of the statutes is created to read:

17           60.61 (2) (j) Authorize burials under s. 157.066.

18           **SECTION 150r.** 62.23 (7) (c) of the statutes is amended to read:

19           62.23 (7) (c) *Purposes in view.* Such regulations shall be made in accordance  
20 with a comprehensive plan and designed to lessen congestion in the streets; to secure  
21 safety from fire, panic and other dangers; to promote health and the general welfare;  
22 to provide adequate light and air, including access to sunlight for solar collectors and  
23 to wind for wind energy systems; to encourage the protection of groundwater  
24 resources; to prevent the overcrowding of land; to avoid undue concentration of

1 population; to facilitate the adequate provision of transportation, water, sewerage,  
2 schools, parks and other public requirements; to authorize burials if an ordinance is  
3 enacted under s. 157.066; and to preserve burial sites, as defined in s. 157.70 (1) (b).  
4 Such regulations shall be made with reasonable consideration, among other things,  
5 of the character of the district and its peculiar suitability for particular uses, and  
6 with a view to conserving the value of buildings and encouraging the most  
7 appropriate use of land throughout such city.”

8 **7.** Page 53, line 16: after that line insert:

9 “**SECTION 155c.** 69.18 (1) (bm) (intro.) of the statutes is amended to read:

10 69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.  
11 (b) shall obtain the information required for the certificate of death from the next of  
12 kin or the best qualified person or source available. The person filing the certificate  
13 of death shall enter his or her signature on the certificate and include his or her  
14 address and the date of signing and shall present or mail the certificate, within 24  
15 hours after being notified of the death, to the physician, coroner or medical examiner  
16 responsible for completing and signing the medical certification under sub. (2).  
17 Within 2 days after receipt of the medical certification under sub. (2), the person  
18 filing the certificate of death shall mail or present the certificate of death, together  
19 with the fee required under s. 69.22 (1) (e), in:

20 **SECTION 155g.** 69.18 (1) (bm) (intro.) of the statutes, as affected by 2001  
21 Wisconsin Act 16, is amended to read:

22 69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.  
23 (b) shall obtain the information required for the certificate of death from the next of  
24 kin or the best qualified person or source available. The person filing the certificate

1 of death shall enter his or her signature on the certificate and include his or her  
2 address and the date of signing and shall present or mail the certificate, within 24  
3 hours after being notified of the death, to the physician, coroner or medical examiner  
4 responsible for completing and signing the medical certification. Within 2 days after  
5 receipt of the medical certification, the person filing the certificate of death shall mail  
6 or present the certificate of death, together with the fee required under s. 69.22 (1)  
7 (e), in:

8 **SECTION 155n.** 69.22 (1) (a) of the statutes, as affected by 2001 Wisconsin Act  
9 16, is amended to read:

10 69.22 (1) (a) Except as provided under ~~par.~~ pars. (c) and (f), \$7 for issuing one  
11 certified copy of a vital record and \$3 for any additional certified copy of the same  
12 vital record issued at the same time.

13 **SECTION 155r.** 69.22 (1) (e) and (f) of the statutes are created to read:

14 69.22 (1) (e) Ten dollars for receiving a death certificate filed by a person  
15 required to file a certificate of death under s. 69.18 (1) (b), which shall be forwarded  
16 to the state treasurer under sub. (1r).

17 (f) Eight dollars for issuing a copy of a death certificate, \$1 of which shall be  
18 forwarded to the state treasurer under sub. (1r).

19 **SECTION 155w.** 69.22 (1r) of the statutes is created to read:

20 69.22 (1r) By the 15th day of the first month following the end of a calendar  
21 quarter, the state registrar and any person acting under this subchapter shall  
22 forward to the state treasurer the amounts specified in sub. (1) (e) and (f) that are  
23 received during the calendar quarter. The state treasurer shall credit all amounts  
24 received under this subsection to the cemetery management insurance fund.”

1           **8.** Page 173, line 16: after that line insert:

2           “**SECTION 338bc.** 157.061 (1) of the statutes is renumbered 157.061 (1c) and  
3 amended to read:

4           157.061 (1c) “Burial” means entombment, inurnment ~~or~~, interment, or  
5 placement in a mausoleum, vault, crypt, or columbarium.

6           **SECTION 338bg.** 157.061 (1b) of the statutes is created to read:

7           157.061 (1b) “Board” means the cemetery board.

8           **SECTION 338bL.** 157.061 (1d) of the statutes is created to read:

9           157.061 (1d) “Burial space” means a space that is used or intended to be used  
10 for the burial of human remains and, when used in reference to the sale, purchase,  
11 or ownership of a burial space, includes the right to bury human remains in the  
12 burial space.

13          **SECTION 338bp.** 157.061 (1j) of the statutes is created to read:

14          157.061 (1j) “Business representative” has the meaning given in s. 452.01 (3k).

15          **SECTION 338bt.** 157.061 (1p) of the statutes is created to read:

16          157.061 (1p) “Cemetery” means a place that is dedicated to and used or  
17 intended to be used for the final disposition of human remains.

18          **SECTION 338bbx.** 157.061 (2m) of the statutes is amended to read:

19          157.061 (2m) “Cemetery lot” means a grave or 2 or more contiguous graves ~~and,~~  
20 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~  
21 ~~the right to bury human remains in that cemetery lot.~~

22          **SECTION 338cc.** 157.061 (3) of the statutes is amended to read:

23          157.061 (3) “Cemetery merchandise” means goods associated with the burial  
24 of human remains, including monuments, markers, nameplates, vases, and urns,

1 and any services that are associated with supplying or delivering those goods or with  
2 the burial of human remains and that may be lawfully provided by a cemetery  
3 authority, including opening and closing of a burial space. The term does not include  
4 caskets or outer burial containers.

5 **SECTION 338cg.** 157.061 (3g) of the statutes is created to read:

6 157.061 (3g) “Columbarium” means a building, structure, or part of a building  
7 or structure that is used or intended to be used for the inurnment of cremains.

8 **SECTION 338cL.** 157.061 (3r) of the statutes is created to read:

9 157.061 (3r) “Columbarium space” means a niche, crypt, or specific place in a  
10 columbarium that contains or is intended to contain cremains.

11 **SECTION 338cp.** 157.061 (8g) of the statutes is created to read:

12 157.061 (8g) “Lawn crypt” means an interment space in chambers that are  
13 preplaced at either a single depth or multiple depths and that are located primarily  
14 underground.

15 **SECTION 338ct.** 157.061 (8r) of the statutes is created to read:

16 157.061 (8r) “Licensed cemetery authority” means a cemetery authority that  
17 is licensed under s. 440.91 (1).

18 **SECTION 338cx.** 157.061 (11r) of the statutes is amended to read:

19 157.061 (11r) “Payment of principal” means the portion of a payment for the  
20 purchase of a ~~cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that  
21 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,  
22 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion  
23 of the payment that represents any taxes, finance or interest charges, or insurance  
24 premiums.

25 **SECTION 338dc.** 157.061 (14m) of the statutes is created to read:

1           157.061 (14m) "Registered cemetery authority" means a cemetery authority  
2 that is registered under s. 440.91 (1m).

3           **SECTION 338dg.** 157.061 (15) of the statutes is amended to read:

4           157.061 (15) "Religious association" means any church, synagogue, or mosque  
5 ~~or any, incorporated college of a religious order, or religious society organized under~~  
6 ch. 187.

7           **SECTION 338dL.** 157.061 (15m) of the statutes is created to read:

8           157.061 (15m) "Religious cemetery authority" means a cemetery authority of  
9 a cemetery owned and operated by a religious association.

10          **SECTION 338dp.** 157.061 (17) of the statutes is amended to read:

11          157.061 (17) "Undeveloped space" means a mausoleum space, columbarium  
12 space, or lawn crypt that is not ready for the burial of human remains on the date  
13 of the sale of the mausoleum space, columbarium space, or lawn crypt.

14          **SECTION 338dt.** 157.062 (1) of the statutes is amended to read:

15          157.062 (1) ORGANIZATION. Seven or more residents of the same county may  
16 form a cemetery association. They shall meet, select a chairperson and secretary,  
17 choose a name, fix the annual meeting date, and elect by ballot not less than 3 nor  
18 more than 9 trustees whom the chairperson and secretary shall immediately divide  
19 by lot into 3 classes, who shall hold their offices for 1, 2, and 3 years, respectively.  
20 Within 3 days, the chairperson and secretary shall certify the corporate name, the  
21 names, home addresses and business addresses of the organizers and of the trustees,  
22 and their classification, and the annual meeting date acknowledged by them, and,  
23 ~~except as provided in sub. (9),~~ deliver the certification to the department of financial  
24 institutions. The association then has the powers of a corporation.

25          **SECTION 338dx.** 157.062 (2) of the statutes is amended to read:

1           157.062 (2) AMENDMENTS. The association may change its name, the number  
2 of trustees or the annual meeting date by resolution at an annual meeting, or special  
3 meeting called for such purpose, by a majority vote of the members present, and,  
4 ~~except as provided in sub. (9),~~ by delivering to the department of financial  
5 institutions a copy of the resolution, with the date of adoption, certified by the  
6 president and secretary or corresponding officers.

7           **SECTION 338ec.** 157.062 (3) of the statutes is amended to read:

8           157.062 (3) VALIDATION. When there shall have been a bona fide attempt to  
9 organize a cemetery association, but a failure to record a properly drawn and  
10 executed certificate of organization, and it has in good faith bought and platted  
11 grounds and conveyed ~~cemetery lots~~ burial spaces and carried on business for over  
12 25 years, the same shall be a body corporate from the date of conveyance to it of real  
13 estate, and its transfers and other transactions are validated.

14           **SECTION 338eg.** 157.062 (4) (a) of the statutes is amended to read:

15           157.062 (4) (a) An annual election shall be held during the annual meeting.  
16 The annual meeting, and any special meeting described in sub. (2), shall be held at  
17 a place in the county chosen by the trustees upon public notice as required by the  
18 bylaws. Trustees chosen after the first election shall be proprietors of ~~cemetery lots~~  
19 burial spaces in the cemetery, residents of the state, and hold office for 3 years.  
20 Election shall be by ballot and a plurality shall elect. Each owner of one or more  
21 ~~cemetery lots~~ burial spaces is entitled to one vote, and one of several owners of a  
22 ~~cemetery lot~~ burial space, designated by the majority of them, shall cast the vote.

23           **SECTION 338eL.** 157.062 (5) of the statutes is amended to read:

24           157.062 (5) TRUSTEES; DUTIES, REPORT. The trustees may fill vacancies for the  
25 unexpired term. One shall be chosen president, and they shall appoint a secretary

1 and treasurer, and may require security of the treasurer. The trustees shall manage  
2 the affairs and property of the association and control and beautify the cemetery, and  
3 may establish regulations for those purposes. The trustees shall make and file  
4 written reports as required in s. 157.62 (1) and (2).

5 **SECTION 338ep.** 157.062 (6) (b) of the statutes is amended to read:

6 157.062 (6) (b) If an association that has been dissolved under par. (a), or any  
7 group that was never properly organized as a cemetery association, has cemetery  
8 grounds and human remains are buried in the cemetery grounds, 5 or more  
9 members, or persons interested as determined by order of the circuit judge under par.  
10 (c), may publish a class 3 notice, under ch. 985, in the municipality in which the  
11 cemetery is located, of the time, place, and object of the meeting, assemble, and  
12 reorganize by the election of trustees and divide them into classes as provided in sub.  
13 (1), the commencement of the terms to be computed from the next annual meeting  
14 date. The secretary shall enter the proceedings of the meeting on the records. The  
15 association is reorganized upon delivery of a copy of the proceedings to the  
16 department of financial institutions, ~~except as provided in sub. (9).~~ Upon  
17 reorganization, the title to the cemetery grounds, trust funds, and all other property  
18 of the association or group vests in the reorganized association, under the control of  
19 the trustees. The reorganized association may continue the name of the dissolved  
20 association or may adopt a new name.

21 **SECTION 338et.** 157.062 (6) (c) of the statutes is amended to read:

22 157.062 (6) (c) If an association is dissolved under par. (a) or any group has  
23 never been properly organized as cemetery association, and there are fewer than 5  
24 members living or residing in the county where the cemetery is located, the circuit  
25 judge for the county shall upon the petition of any person interested, make an order

1 determining who are persons interested in the cemetery. Any adult person who owns  
2 an interest in any ~~cemetery lot~~ burial space in the cemetery, who is related to any  
3 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,  
4 or surviving spouse of a member of the dissolved association, is an interested person.  
5 The circuit judge may make the order upon evidence he or she deems sufficient, with  
6 or without hearing. The order need not contain the names of all persons interested,  
7 but shall contain the names of at least 5 such persons.

8 **SECTION 338ex.** 157.062 (9) of the statutes is repealed.

9 **SECTION 338fc.** 157.063 of the statutes is created to read:

10 **157.063 General duties and powers of board.** (1) In addition to the other  
11 duties and powers of the board under this subchapter, the board shall do each of the  
12 following:

13 (a) Advise the secretary of regulation and licensing on matters relating to  
14 cemeteries, to this subchapter or subch. VIII of ch. 440, or to the board.

15 (b) Independently exercise its powers, duties, and functions that are specified  
16 in this subchapter and subch. VIII of ch. 440.

17 (c) Be the supervising authority of all personnel, other than shared personnel,  
18 engaged in the review, investigation, or handling of information regarding  
19 investigations and disciplinary matters affecting persons who are registered or  
20 licensed by the department under subch. VIII of ch. 440, or in the exercise of  
21 administrative discretion with regard to the discipline of those persons.

22 (d) Maintain, in conjunction with the board's operations, in central locations  
23 designated by the department, all records pertaining to the functions independently  
24 retained by the board.

1 (e) Compile and keep current a register of the names and addresses of all  
2 persons who are registered or licensed by the department under subch. VIII of ch. 440  
3 that is retained by the department and that is available for public inspection during  
4 the days specified in s. 230.35 (4) (a). The department may also make the register  
5 available to the public by electronic transmission.

6 (2) The board does not have rule-making authority.

7 **SECTION 338fg.** 157.064 (2) of the statutes is amended to read:

8 157.064 (2) A cemetery or religious association incorporated in this state and  
9 having a cemetery in or near a 1st or 2nd class city and any cemetery described under  
10 s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands  
11 for cemetery purposes, and may pay for it wholly or partly from its ~~cemetery lot~~ burial  
12 space sales.

13 **SECTION 338fL.** 157.064 (6) of the statutes is amended to read:

14 157.064 (6) Whenever the majority of the members of a cemetery association,  
15 or of a religious association authorized to hold lands for cemetery purposes, present  
16 at an annual meeting or special meeting called for such purpose vote to convey all  
17 of the cemetery association's or religious association's cemetery property, trust funds  
18 and other property used for cemetery purposes to another cemetery association or  
19 religious association, the trustees of the association shall transfer the property upon  
20 the acceptance of the transfer by the other association by affirmative vote of a  
21 majority of its members present at an annual meeting or special meeting called for  
22 that purpose. Upon such acceptance, the title to the cemetery property, trust funds  
23 and other property of the transferring association vests in the accepting association  
24 under the control of the trustees of the accepting association. A conveyance under

1 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious  
2 ~~society organized under ch. 187 cemetery authority.~~

3 **SECTION 338fp.** 157.065 (1) (b) 4. of the statutes is repealed.

4 **SECTION 338ft.** 157.066 of the statutes is created to read:

5 **157.066 Burial spaces not located in cemeteries.** (1) A city, village, or  
6 town may enact and enforce an ordinance that allows a person to bury human  
7 remains in a burial space that is not located in a cemetery.

8 (2) Unless a city, village, or town has enacted an ordinance under sub. (1), no  
9 person may bury human remains in the city, village, or town in a burial space that  
10 is not located in a cemetery.

11 **SECTION 338fx.** 157.07 (1) of the statutes is amended to read:

12 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a  
13 land surveyor registered in this state those portions of the lands that are ~~from time~~  
14 ~~to time required for burial~~ used, after the effective date of this subsection .... [revisor  
15 inserts date], for burials, into cemetery lots burial spaces, drives, and walks, and  
16 record a plat or map of the land in the office of the register of deeds. The plat or map  
17 may not be recorded unless laid out and platted to the satisfaction of the county board  
18 of the county, and the town board of the town, in which the land is situated, or, if the  
19 land is situated within a 1st class city, then only by the common council of that city.

20 **SECTION 338gc.** 157.07 (5) of the statutes is amended to read:

21 157.07 (5) The cemetery authority may vacate or replat any portion of its  
22 cemetery upon the filing of a petition with the circuit court describing the portion and  
23 setting forth the facts and reasons therefor. The court shall fix a time for hearing and  
24 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy  
25 of the notice to be mailed to at least one interested person, as to each separate parcel

1 involved, whose post-office address is known or can be ascertained with reasonable  
2 diligence, at least 20 days before such hearing. If the court finds that the proposed  
3 vacating or replatting is for the best interest of the cemetery authority and that the  
4 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be  
5 injured, it shall enter an order reciting the jurisdictional facts and its findings and  
6 authorizing the vacating or replatting of the lands of the cemetery. The order shall  
7 be effective when recorded by the register of deeds.

8 **SECTION 338gg.** 157.07 (6) of the statutes is amended to read:

9 157.07 (6) This section does not apply to a religious ~~society organized under ch.~~  
10 ~~187~~ cemetery authority.

11 **SECTION 338gL.** 157.08 (1) of the statutes is amended to read:

12 157.08 (1) After the plat or map is recorded under s. 157.07, the cemetery  
13 authority may sell and convey ~~cemetery lots~~ burial spaces. Conveyances shall be  
14 signed by the chief officer of the cemetery authority, and by the secretary or clerk of  
15 the cemetery authority, if any. Before delivering the conveyance to the grantee, the  
16 cemetery authority shall enter on records kept for that purpose, the date and  
17 consideration and the name and residence of the grantee. The conveyances may be  
18 recorded with the register of deeds.

19 **SECTION 338gp.** 157.08 (2) (a) of the statutes is amended to read:

20 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery  
21 authority and used or intended to be used for the burial of the human remains of the  
22 purchaser or the purchaser's family members, the purchaser's interests in the  
23 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are  
24 not affected or limited by any claims or liens of other persons against the cemetery  
25 authority.

1           **SECTION 338gs.** 157.08 (2) (b) of the statutes is renumbered 157.08 (2) (b) 1.  
2 (intro.) and amended to read:

3           157.08 **(2)** (b) 1. (intro.) Before a cemetery authority ~~sells or encumbers any~~  
4 ~~cemetery land, except for a sale described in par. (a)~~ takes any of the following  
5 actions, the cemetery authority shall notify the department in writing ~~of the~~  
6 ~~proposed sale or encumbrance.:~~

7           3. If within 60 days after the department is notified ~~of the proposed sale or~~  
8 ~~encumbrance~~ under subd. 1. the department notifies the cemetery authority in  
9 writing that the department objects to the ~~sale or encumbrance~~ proposed action, the  
10 cemetery authority may not ~~sell or encumber the cemetery land~~ take the action  
11 unless the department subsequently notifies the cemetery authority in writing that  
12 the objection is withdrawn.

13           4. The department may object to a ~~sale or encumbrance~~ an action under subd.  
14 3. only if it determines that the cemetery authority will not be financially solvent or  
15 that the rights and interests of owners of cemetery lots and mausoleum burial spaces  
16 will not be adequately protected if the ~~sale or encumbrance occurs~~ action is taken.  
17 The department shall promulgate rules that establish requirements and procedures  
18 for making a determination under this subdivision.

19           5. The department may, before the expiration of the 60-day period under subd.  
20 3., notify the cemetery authority in writing that the department approves of the ~~sale~~  
21 ~~or encumbrance~~ action. Upon receipt of the department's written approval, the  
22 cemetery authority may ~~sell or encumber the cemetery land~~ take the action and is  
23 released of any liability under this paragraph.

24           6. The department shall make every effort to make determinations under this  
25 paragraph in an expeditious manner.

1           **SECTION 338gt.** 157.08 (2) (b) 1. a., b., c. and d. of the statutes are created to  
2 read:

3           157.08 (2) (b) 1. a. Sells or encumbers any cemetery land, except for a sale  
4 described in par. (a).

5           b. Transfers ownership or control of 50% or more of the assets or stock of the  
6 cemetery.

7           c. Engages in a transaction that results in a person acquiring ownership or  
8 control of 50% or more of the stock of the cemetery.

9           d. Transfers responsibility for management or operation of the cemetery  
10 authority.

11           **SECTION 338gx.** 157.08 (2) (b) 2. of the statutes is created to read:

12           157.08 (2) (b) 2. The department shall promulgate rules that specify the  
13 documentation that must be submitted with a notification under subd. 1.

14           **SECTION 338hc.** 157.08 (5) of the statutes is amended to read:

15           157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society  
16 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a  
17 cemetery authority that is not required to be ~~registered~~ licensed under s. 440.91 (1)  
18 ~~and that is not organized or conducted for pecuniary profit.~~

19           **SECTION 338hg.** 157.10 (title) of the statutes is amended to read:

20           **157.10 (title) Alienation and use of cemetery lots burial spaces.**

21           **SECTION 338hL.** 157.10 of the statutes is renumbered 157.10 (1) (a) and  
22 amended to read:

23           157.10 (1) (a) ~~While~~ Except as provided in par. (b), while any person is buried  
24 in a ~~cemetery lot, the cemetery lot~~ burial space, the burial space shall be inalienable,

1 ~~without the consent of~~ unless the cemetery authority, ~~and on the~~ consents to a  
2 conveyance of an interest in the burial space.

3 (2) Upon the death of the owner of a burial space, ownership of the ~~cemetery~~  
4 ~~lot~~ burial space shall descend to the owner's heirs; ~~but and~~ any one or more of such  
5 heirs may convey to any other heir his or her interest in the ~~cemetery lot.~~ burial  
6 space.

7 (3) No human remains may be buried in a cemetery lot burial space except the  
8 human remains of one having an interest in the ~~cemetery lot~~ burial space, or a  
9 brother, sister, or other relative, or the husband or wife of such person, or his or her  
10 brother, sister, or other relative, except by the consent of all persons having an  
11 interest in the ~~cemetery lot~~ burial space. This subsection does not apply to the burial  
12 of human remains of an individual who is in a class of individuals who are prohibited  
13 under regulations adopted by a religious cemetery authority or affiliated religious  
14 association from being buried in a cemetery.

15 **SECTION 338hp.** 157.10 (1) (b) of the statutes is created to read:

16 157.10 (1) (b) A person having an interest in a burial space may, after providing  
17 written notice to the cemetery authority, convey the interest to his or her spouse,  
18 child, brother, sister, or parent without the consent of the cemetery authority. This  
19 paragraph does not apply if the spouse, child, brother, sister, or parent is in a class  
20 of individuals who are prohibited under regulations adopted by a religious cemetery  
21 authority or affiliated religious association from being buried in the cemetery in  
22 which the burial space is located.

23 **SECTION 338ht.** 157.10 (4) of the statutes is created to read:

24 157.10 (4) The department shall promulgate rules that interpret the  
25 requirements of this section and require any person who transfers an interest in a

1 burial space to provide the transferee with a written notice, prepared by the  
2 department, that describes the requirements of this section.

3 **SECTION 338hx.** 157.11 (title) of the statutes is amended to read:

4 **157.11 (title) Improvement and care of ~~cemetery lots~~ burial spaces and**  
5 **grounds.**

6 **SECTION 338ic.** 157.11 (1m) of the statutes is created to read:

7 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority shall maintain a  
8 cemetery, including burial spaces, grounds, landscaping, roads, parking lots, fences,  
9 buildings, and other structures, in a reasonable manner at all times.

10 **SECTION 338ig.** 157.11 (2) of the statutes is amended to read:

11 157.11 (2) REGULATIONS. The cemetery authority may make regulations for  
12 management and care of the cemetery. No person may plant, in the cemetery, trees  
13 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures  
14 or monuments, nor maintain them if planted or erected in violation of the  
15 regulations. The cemetery authority may require any person owning or controlling  
16 a ~~cemetery lot~~ burial space to do anything necessary to comply with the regulations  
17 by giving reasonable personal notice in writing if the person is a resident of the state,  
18 otherwise by publishing a class 3 notice, under ch. 985, in the county. If the person  
19 fails to comply within 20 days thereafter, the cemetery authority may cause it to be  
20 done and recover from the person the expense. The cemetery authority may also  
21 impose a forfeiture not exceeding \$10 for violation of the regulations posted in 3  
22 conspicuous places in the cemetery, recoverable under ch. 778. Each employee and  
23 agent of the cemetery authority shall have constable powers in enforcing the  
24 regulations.

25 **SECTION 338iL.** 157.11 (3) of the statutes is amended to read:

1           157.11 (3) CONTRACTS. The cemetery authority may contract with persons who  
2 own or are interested in a cemetery lot burial space for its care. The contract shall  
3 be in writing, may provide that the cemetery lot burial space shall be forever exempt  
4 from taxes, assessments, or charges for its care and the care and preservation of the  
5 grounds, shall express the duty of the cemetery authority, shall be recorded in a book  
6 kept for that purpose, and shall be effective when the consideration is paid or  
7 secured.

8           **SECTION 338ip.** 157.11 (4) of the statutes is amended to read:

9           157.11 (4) ASSOCIATIONS OF RELATIVES. Persons owning a cemetery lot burial  
10 space or having relatives buried in a cemetery may incorporate an association to hold  
11 and occupy a previously constituted cemetery, and to preserve and care for the same.  
12 Section 157.062 shall apply to the association. Nothing in this subsection shall give  
13 rights of burial. A municipality may lease a municipal cemetery to a cemetery  
14 association for preservation and may contract to permit the association to use  
15 cemetery funds therefor. Such leases and contracts may be revoked at will by the  
16 municipal board.

17           **SECTION 338it.** 157.11 (5) of the statutes is amended to read:

18           157.11 (5) SUM REQUIRED. The cemetery authority shall annually fix the sum  
19 necessary for the care of cemetery lots burial spaces and care and improvement of  
20 the cemetery, or to produce a sufficient income for those purposes.

21           **SECTION 338ix.** 157.11 (7) (a) of the statutes is amended to read:

22           157.11 (7) (a) The cemetery authority may annually assess upon the cemetery  
23 lots burial spaces amounts not to exceed the amounts reasonably required for actual  
24 and necessary costs for cleaning and care of cemetery lots burial spaces and care and  
25 improvement of the cemetery. Notice of the assessment, along with a copy of this

1 section, shall be mailed to each owner or person having charge of a cemetery lot  
2 burial space, at the owner's or person's last-known post-office address, directing  
3 payment to the cemetery authority within 30 days and specifying that such  
4 assessments are a personal liability of the owner or person.

5 **SECTION 338jc.** 157.11 (7) (b) of the statutes is amended to read:

6 157.11 (7) (b) The cemetery authority may fix and determine the sum  
7 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in  
8 reasonable and uniform amounts, which amounts shall be subject to the approval of  
9 the court, and may collect those amounts as part of the funeral expenses.

10 **SECTION 338jg.** 157.11 (7) (c) of the statutes is amended to read:

11 157.11 (7) (c) Before ordering distribution of the estate of a deceased person,  
12 the court shall order paid any assessment under this section, or the sum so fixed for  
13 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

14 **SECTION 338jL.** 157.11 (7) (d) of the statutes is amended to read:

15 157.11 (7) (d) When uniform care of a cemetery lot burial space has been given  
16 for 2 consecutive years or more, for which assessments are unpaid, after notice as  
17 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.  
18 When uniform care has been given for 5 consecutive years or more and the  
19 assessments are unpaid, upon like notice, title to all unoccupied parts of the ~~cemetery~~  
20 ~~lot~~ burial space shall pass to the cemetery authority and may be sold, the payment  
21 of principal to be deposited into the care fund. Before depositing the payment of  
22 principal into the care fund, the cemetery authority may retain an amount necessary  
23 to cover the cemetery authority's administrative and other expenses related to the  
24 sale, but the amount retained may not exceed 50% of the proceeds.

25 **SECTION 338jp.** 157.11 (8) of the statutes is repealed.

1           **SECTION 338jt.** 157.11 (9) (title) of the statutes is repealed and recreated to  
2 read:

3           157.11 (9) (title) GIFTS.

4           **SECTION 338jx.** 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and  
5 amended to read:

6           157.11 (9) (b) ~~Before a cemetery authority receives a gift, the surety bonds of~~  
7 ~~the cemetery authority shall be increased to cover such amount if it does not then do~~  
8 ~~so. If the bonds are not filed, or the~~ If a cemetery authority fails to do anything  
9 required by this subsection, the judge may appoint a trustee, and all property and  
10 money so given in the manner described under par. (am) and evidences of title and  
11 securities shall be delivered to the trustee.

12           **SECTION 338kc.** 157.11 (9) (am) of the statutes is created to read:

13           157.11 (9) (am) If a cemetery authority receives a gift for the improvement,  
14 maintenance, repair, preservation, or ornamentation of any burial space or structure  
15 in the cemetery, it shall either expend the income and proceeds of the gift or deposit  
16 the proceeds into a trust account at a financial institution, as defined in s. 705.01 (3),  
17 according to the terms of the gift and regulations of the cemetery authority. A  
18 cemetery authority that receives a gift shall maintain a gift ledger that accounts for  
19 all receipts and disbursements of gifts.

20           **SECTION 338kg.** 157.11 (9g) (title) of the statutes is amended to read:

21           157.11 (9g) (title) CARE FUND FOR CEMETERY LOTS BURIAL SPACES.

22           **SECTION 338kL.** 157.11 (9g) (a) 1. (intro.) of the statutes, as affected by 2001  
23 Wisconsin Act 30, is amended to read:

1           157.11 (9g) (a) 1. (intro.) Except as provided in ss. 66.0603 (1m) (c) and 157.19  
2           (5) (b), funds that are received by a cemetery authority for the care of a ~~cemetery lot~~  
3           burial space shall be invested in one or more of the following manners:

4           **SECTION 338kp.** 157.11 (9g) (a) 1. c. of the statutes is amended to read:

5           157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise  
6           deposited by the cemetery authority in an investment ~~approved by the department~~  
7           if the care funds are segregated and invested separately from all other moneys held  
8           by the cemetery authority and if the cemetery authority submits to the department  
9           a written statement by an investment advisor licensed under ch. 551, or a broker, as  
10          defined in s. 408.102 (1) (c), that the investment is made in accordance with the  
11          standards specified in s. 881.01.

12          **SECTION 338kt.** 157.11 (9g) (a) 2. of the statutes is amended to read:

13          157.11 (9g) (a) 2. The manner in which the care funds are invested may not  
14          permit the cemetery authority to withdraw the care fund's principal amount, but  
15          may permit the withdrawal of interest, dividends, or capital gains earned during the  
16          most recently completed calendar year. The income from the investment of a care  
17          fund for the care of ~~cemetery lots~~ burial spaces may be used only to maintain the  
18          ~~cemetery lots~~ burial spaces and grounds, except that if the amount of income exceeds  
19          the amount necessary to maintain the ~~cemetery lots~~ burial spaces or grounds  
20          properly, the excess amount may be used to maintain any other portion of the  
21          cemetery, including mausoleums. If the care funds are deposited with a city or  
22          county, or previously deposited with a village, there shall be paid to the cemetery  
23          authority annually interest on funds so deposited of not less than 2% per year. The  
24          governing body of any city or county, or any village or town in the case of previous  
25          deposits, may determine to return all or a part of any funds deposited by a cemetery

1 authority, and that cemetery authority shall accept the returned funds within 30  
2 days after receiving written notice of that action. If the cemetery authority is  
3 dissolved or becomes inoperative, the county or city shall use the interest on the  
4 funds for the care and upkeep of the cemetery. Deposit shall be made and the income  
5 paid over from time to time, not less frequently than once each year, and receipts in  
6 triplicate shall be given, one filed with the county clerk, one with the cemetery  
7 authority and one given to the person making the deposit. Deposits shall be in the  
8 amount of \$5 or a multiple thereof. Records and receipts shall specify the cemetery  
9 ~~lot~~ burial space for the care of which the deposit is made. Reports of money received  
10 for care and of money and property received as gifts shall be made annually as  
11 provided in s. 157.62 (2).

12 **SECTION 338kx.** 157.11 (9g) (c) of the statutes is amended to read:

13 157.11 (9g) (c) ~~Except as provided in sub. (11), any~~ Any cemetery authority that  
14 sells a cemetery lot, lawn crypt, or columbarium space on or after ~~November 1, 1991~~  
15 the effective date of this paragraph ... [revisor inserts date], shall deposit 15% of each  
16 payment of principal into a care fund under par. (a) within 30 days after the last day  
17 of the month in which the payment is received, except as provided in sub. (7) (d) and  
18 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of  
19 all payments of principal that have been received, but not less than \$25.

20 **SECTION 338Lc.** 157.11 (10) of the statutes is amended to read:

21 157.11 (10) EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.  
22 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does  
23 apply, to a religious society ~~organized under ch. 187~~ cemetery authority.

24 **SECTION 338Lg.** 157.11 (11) of the statutes is repealed.

25 **SECTION 338LL.** 157.115 (title) of the statutes is amended to read:

1           **157.115** (title) **Abandonment of cemeteries and cemetery lots burial**  
2 **spaces.**

3           **SECTION 338Lp.** 157.115 (1) (b) 1. of the statutes is renumbered 157.115 (1) (b)  
4 and amended to read:

5           157.115 (1) (b) ~~When a~~ If a municipality in which a cemetery is located  
6 determines that the cemetery authority fails has failed to care for the cemetery for  
7 a period of one or more years 6 months or more, the municipality in which the  
8 cemetery is located shall notify the cemetery authority that it has 90 days to correct  
9 the failure. Upon a showing of good cause, the municipality may grant the cemetery  
10 authority one 90-day extension to correct the failure. If the municipality finds that  
11 the cemetery authority has failed to correct the failure within the deadline specified  
12 in the notice or extension, the municipality may, after a public hearing, take control  
13 of the cemetery, manage and care for the cemetery and, collect and manage all trust  
14 funds connected with the cemetery other than trust funds received by a will, or take  
15 any other action necessary to provide for the care of the cemetery. The municipality  
16 may collect from the cemetery authority any costs incurred by the municipality in  
17 exercising its authority under this paragraph.

18           **SECTION 338Lt.** 157.115 (1) (b) 2. of the statutes is repealed.

19           **SECTION 338Lx.** 157.115 (1) (c) of the statutes is repealed.

20           **SECTION 338mc.** 157.115 (1) (d) of the statutes is created to read:

21           157.115 (1) (d) Upon application by the department, a court may enjoin a  
22 person from acquiring ownership or control of a cemetery if the person has  
23 abandoned another cemetery, or has owned or operated another cemetery that is  
24 subsequently controlled by a municipality under par. (b).

25           **SECTION 338mg.** 157.115 (2) (title) of the statutes is amended to read:

1 157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

2 **SECTION 338mL.** 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

3 157.115 (2) (a) 1. (intro.) “Abandoned lot space” means one or more graves of  
4 a cemetery lot burial spaces that is are not owned by the cemetery authority of the  
5 cemetery in which the ~~cemetery lot is~~ burial spaces are located if those graves burial  
6 spaces have not been used for the burial of human remains and if, according to the  
7 records of the cemetery authority, all of the following apply during the 50-year period  
8 immediately preceding the date on which the notice requirement under par. (c) is  
9 satisfied:

10 **SECTION 338mp.** 157.115 (2) (a) 1. a. of the statutes is amended to read:

11 157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the  
12 ~~cemetery lot~~ burial space to any other person.

13 **SECTION 338mt.** 157.115 (2) (a) 1. b. of the statutes is amended to read:

14 157.115 (2) (a) 1. b. No owner has purchased or sold another ~~cemetery lot or a~~  
15 ~~mausoleum~~ burial space in the cemetery.

16 **SECTION 338mx.** 157.115 (2) (a) 1. c. of the statutes is amended to read:

17 157.115 (2) (a) 1. c. No other grave in that ~~cemetery lot~~ burial space or ~~adjoining~~  
18 ~~cemetery lot or adjoining mausoleum~~ burial space that is owned or partially owned  
19 by an owner has been used for the burial of human remains.

20 **SECTION 338nc.** 157.115 (2) (a) 1. d. of the statutes is amended to read:

21 157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been  
22 installed on the ~~cemetery lot~~ burial space.

23 **SECTION 338ng.** 157.115 (2) (a) 1. e. of the statutes is amended to read:

1           157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been  
2 installed on any other ~~cemetery lot~~ burial space, in the same cemetery, that is owned  
3 or partially owned by an owner.

4           **SECTION 338nL.** 157.115 (2) (a) 1. g. of the statutes is amended to read:

5           157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner  
6 or assignee or received any other notice or evidence to suggest that an owner or  
7 assignee intends to use the ~~cemetery lot~~ burial space for a future burial of human  
8 remains.

9           **SECTION 338np.** 157.115 (2) (a) 2. of the statutes is amended to read:

10           157.115 (2) (a) 2. "Assignee" means a person who has been assigned in the  
11 deceased owner's will or in any other legally binding written agreement, or who is  
12 entitled to receive under ch. 852, an ownership interest in the abandoned ~~cemetery~~  
13 lot space.

14           **SECTION 338nt.** 157.115 (2) (a) 3. of the statutes is amended to read:

15           157.115 (2) (a) 3. "Owner" means a person who, according to the records of the  
16 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is  
17 located, owns or partially owns the abandoned ~~cemetery lot~~ space.

18           **SECTION 338nx.** 157.115 (2) (b) of the statutes is amended to read:

19           157.115 (2) (b) No cemetery authority may resell an abandoned ~~cemetery lot~~  
20 space unless the cemetery authority complies with the requirements in this  
21 subsection or the abandoned space is sold by a trustee under s. 157.117.

22           **SECTION 338oc.** 157.115 (2) (c) of the statutes is amended to read:

23           157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner's  
24 last-known address, a notice of the cemetery authority's intent to resell the  
25 abandoned ~~cemetery lot~~ space as provided in this subsection. If an owner is buried

1 in the cemetery in which the abandoned ~~cemetery lot~~ space is located or if the  
2 cemetery authority has any other evidence that reasonably supports a  
3 determination by the cemetery authority that the owner is deceased, no notice is  
4 required under this paragraph.

5 **SECTION 338og.** 157.115 (2) (d) (intro.) of the statutes is amended to read:

6 157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days  
7 after notice is mailed under par. (c), no owner or assignee contacts the cemetery  
8 authority to express an intent to use the abandoned ~~cemetery lot~~ space for a future  
9 burial of human remains, the cemetery authority shall publish in a newspaper of  
10 general circulation in the county in which the abandoned ~~lot~~ space is located, a class  
11 3 notice under ch. 985 that includes all of the following:

12 **SECTION 338oL.** 157.115 (2) (d) 1. of the statutes is amended to read:

13 157.115 (2) (d) 1. The location of the abandoned ~~lot~~ space.

14 **SECTION 338op.** 157.115 (2) (d) 3. of the statutes is amended to read:

15 157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the  
16 cemetery authority within the period specified in par. (e), the cemetery authority  
17 intends to resell the abandoned ~~lot~~ space as provided in this subsection.

18 **SECTION 338ot.** 157.115 (2) (e) of the statutes is amended to read:

19 157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner  
20 or assignee contacts the cemetery authority to express an intent to use the  
21 abandoned ~~lot~~ space for a future burial of human remains, the cemetery authority  
22 shall bring an action in the circuit court of the county in which the abandoned ~~lot~~  
23 space is located for a judgment that the ~~cemetery lot~~ burial space is an abandoned  
24 ~~lot~~ space and an order transferring ownership of the abandoned ~~lot~~ space to the  
25 cemetery authority.

1           **SECTION 338ox.** 157.115 (2) (f) of the statutes is amended to read:

2           157.115 (2) (f) If within one year after the circuit court enters a judgment and  
3 order under par. (e) no owner or assignee contacts the cemetery authority to express  
4 an intent to use the abandoned ~~lot~~ space for a future burial of human remains, the  
5 cemetery authority may resell the abandoned ~~lot~~ space, except as provided in par. (g).  
6 The payment of principal shall be deposited into the care fund. Before depositing the  
7 payment of principal into the care fund, the cemetery authority may retain an  
8 amount necessary to cover the cemetery authority's administrative and other  
9 expenses related to the sale, but the amount retained may not exceed 50% of the  
10 proceeds.

11           **SECTION 338pc.** 157.115 (2) (g) of the statutes is amended to read:

12           157.115 (2) (g) If at any time before an abandoned ~~lot~~ space is resold under par.  
13 (f) an owner or assignee contacts the cemetery authority to express an intent to use  
14 the abandoned ~~lot~~ space for a future burial of human remains, the authority may not  
15 resell the abandoned ~~lot~~ space, and ownership of the abandoned ~~lot~~ space shall be  
16 transferred to the owner or assignee. The cemetery authority shall pay all costs of  
17 transferring ownership under this paragraph.

18           **SECTION 338pg.** 157.115 (2) (h) of the statutes is amended to read:

19           157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from  
20 seeking the authority to resell more than one abandoned ~~lot~~ space by publishing a  
21 single class 3 notice under par. (d) or bringing a single action under par. (e) that  
22 applies to all of the abandoned ~~lots~~ spaces for which such authority is sought.

23           **SECTION 338pL.** 157.117 of the statutes is created to read:

24           **157.117 Trustees for certain cemeteries and mausoleums. (1)**

25           DEFINITIONS. In this section:

1           (a) “Cemetery” does not include a cemetery the ownership, control, or  
2 management of which has been assumed by a municipality. For purposes of this  
3 paragraph, a municipality is considered to have assumed the ownership, control, or  
4 management of a cemetery only if the municipality has adopted a resolution or  
5 enacted an ordinance that has the effect of assuming ownership, control, or  
6 management of the cemetery. “Cemetery” also does not include a cemetery owned  
7 and operated by a religious cemetery authority.

8           (b) “Local governmental unit” means a municipality or county.

9           (c) “Mausoleum” does not include a mausoleum owned and operated by a  
10 religious cemetery authority.

11           (d) “Municipality” means a city, village, or town.

12           (e) “Trustee” means a trustee appointed under sub. (2) (b).

13           **(2) APPOINTMENT OF TRUSTEE.** (a) In response to a petition from the board or  
14 upon his or her own motion, the attorney general may petition the circuit court for  
15 the county in which a cemetery or mausoleum is located for the appointment of a  
16 trustee for the cemetery or mausoleum. If the attorney general petitions the court  
17 on his or her own motion, the attorney general shall serve a copy of the petition on  
18 the board and the municipality and county within which the cemetery is located.

19           (b) A court shall schedule a hearing on a petition filed under par. (a) within 90  
20 days after the petition is filed with the court. If the court finds after a hearing that  
21 a cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
22 maintained, or financially unsound, the court shall appoint as a trustee for the  
23 cemetery or mausoleum a capable and competent person to serve as trustee of the  
24 cemetery or mausoleum under this section, except that the court may not appoint the  
25 department or board as a trustee.

1           (c) An owner of a cemetery or mausoleum may petition the court in a proceeding  
2           under par. (b) for an order surrendering title to the cemetery or mausoleum to a new  
3           owner, other than the state, if the owner believes itself to be incapable of continuing  
4           to operate the cemetery or mausoleum. The court may grant the petition if it finds  
5           that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly  
6           maintained, or financially unsound. If the court grants the petition, it shall transfer  
7           title to the cemetery or mausoleum to the new owner and appoint a trustee under par.  
8           (b).

9           (d) All disputes relating to the appointment of a trustee or the actions of a  
10          trustee appointed under this section shall be resolved by the court that appointed the  
11          trustee.

12          **(3) TRUSTEE POWERS AND DUTIES.** (a) A trustee shall do each of the following:

13           1. Be responsible for the management, maintenance, and operation of each  
14          cemetery or mausoleum under trusteeship.

15           2. Comply with reporting requirements of s. 157.62 (2). A trustee shall provide  
16          the court with a copy of all reports filed under this subdivision.

17           3. Provide the court with any additional information, records, or reports that  
18          the court may direct.

19          (b) A trustee may petition the court that appointed the trustee for any of the  
20          following:

21           1. Termination of the trusteeship and reversion of ownership and operation of  
22          a cemetery or mausoleum to the previous owner.

23           2. Termination of the trusteeship and transfer of ownership and operation of  
24          a cemetery or mausoleum to a new owner other than the state.

1           3. Removal and reinternment of human remains in accordance with the  
2 requirements of this subchapter.

3           4. Termination of the trusteeship and closure of a cemetery or mausoleum after  
4 removal and reinternment of human remains under subd. 3.

5           (c) A trustee may do any of the following:

6           1. Seek a new owner or operator of a cemetery or mausoleum, other than the  
7 state, including actively marketing the cemetery or mausoleum and taking any other  
8 action necessary or useful to effect the sale of the cemetery or mausoleum.

9           2. Assess burial spaces for cleaning, care, or improvement under s. 157.11 (7).

10          3. Expend funds disbursed from the cemetery management insurance fund for  
11 the purpose of exercising its powers or carrying out its duties under this section.

12          4. Employ professional, legal, and technical experts, and any such other  
13 managers, management personnel, agents, and employees as may be required, to  
14 exercise the trustee's powers or carry out the trustee's duties under this section.

15          5. Take any other action necessary or useful to the management or trusteeship  
16 of a cemetery or mausoleum.

17          **(4) DEPARTMENT AND BOARD POWERS AND DUTIES.** (a) From the appropriation  
18 under s. 20.165 (1) (q), the board shall make disbursements to trustees. The  
19 department shall promulgate rules establishing requirements and procedures for  
20 making the disbursements.

21          (b) The department may promulgate rules to carry out the purposes of this  
22 section.

23          **(5) TERMINATION OF TRUSTEESHIP.** A court that appointed a trustee shall  
24 terminate the trusteeship if any of the following applies:

1           (a) The owner or operator of a cemetery or mausoleum demonstrates to the  
2 satisfaction of the court that the conditions that necessitated the trusteeship have  
3 been remedied and that it is competent and capable of managing the cemetery or  
4 mausoleum.

5           (b) The court finds that a new operator is competent and capable of managing  
6 the cemetery or mausoleum. Upon making a finding under this paragraph, the court  
7 shall approve the transfer of the management of the cemetery or mausoleum to the  
8 new operator.

9           (c) The court approves the sale or transfer of a cemetery or mausoleum to a new  
10 owner, other than the state, that the court finds is capable and competent to manage  
11 the cemetery or mausoleum on a financially sound basis.

12           (d) The court approves the closure of a cemetery or mausoleum after all human  
13 remains have been removed and reinterred.

14           **SECTION 338pp.** 157.12 (2) (b) of the statutes is amended to read:

15           157.12 (2) (b) The department shall supervise construction of any public  
16 mausoleum and conversion of any building to a public mausoleum. Within 30 days  
17 after receiving written notice from the cemetery authority that the construction or  
18 conversion has been completed, the department shall inspect the public mausoleum  
19 and provide the cemetery authority with a written certification as to whether the  
20 construction or conversion complies with approved plans. If the department  
21 determines that, except for certain minor defects, the construction or conversion  
22 complies with the approved plans, the department may provide the cemetery  
23 authority with a written temporary certification of compliance that is contingent on  
24 the correction of those minor defects. A temporary certification is valid for a period  
25 designated by the department, not to exceed 6 months. No person may sell a

1 mausoleum space, except an undeveloped space that is sold in accordance with s. ss.  
2 440.92 and 440.922, or bury human remains in a public mausoleum unless a care  
3 fund has been established for the mausoleum under sub. (3) and the department has  
4 provided the cemetery authority with a certification or a temporary certification  
5 under this paragraph. If a cemetery authority that has been provided with a  
6 temporary certification notifies the department in writing before the date on which  
7 the temporary certification expires that the defects in the construction or conversion  
8 of the public mausoleum have been corrected, the department shall, within 30 days  
9 after receiving the notice, reinspect the public mausoleum and provide the cemetery  
10 authority with a written certification as to whether the construction or conversion  
11 complies with the approved plans. If a cemetery authority that has been provided  
12 with a temporary certification does not receive a written certification from the  
13 department before the date on which the temporary certification expires that the  
14 construction or conversion complies with the approved plans, then, beginning on the  
15 date on which the certification expires, no person may sell a mausoleum space, except  
16 an undeveloped space that is sold in accordance with s. ss. 440.92 and 440.922, or  
17 bury human remains in the public mausoleum until the defects are corrected and the  
18 department subsequently inspects the public mausoleum and provides the cemetery  
19 authority with a certification that the construction or conversion complies with the  
20 approved plans. The department may charge a reasonable fee to the cemetery  
21 authority for each inspection and certification provided under this paragraph if the  
22 inspection and certification are provided within the applicable 30-day period  
23 prescribed under this paragraph.

24 **SECTION 338pt.** 157.12 (3) (b) of the statutes is amended to read:

1           157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The  
2 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties  
3 approved by the department of regulation and licensing to indemnify the cemetery  
4 against loss if the treasurer fails to maintain the fund. The amount of the bond shall  
5 be no less than the total of all payments of principal required under this section as  
6 stated in the most recent annual report filed by the cemetery authority under s.  
7 157.62. No indemnity is required if the terms of sale of a mausoleum space require  
8 the purchaser to pay directly to a trust company in the state, designated by the  
9 cemetery as custodian of the fund. The fund shall be invested as provided in s.  
10 157.19, and the manner in which the care funds are invested may not permit the  
11 withdrawal of the fund's principal amount, but may permit the withdrawal of  
12 interest, dividends, or capital gains earned during the most recently completed  
13 calendar year. Income from investment may be used only to maintain the  
14 mausoleum, except that if the amount of income exceeds the amount necessary to  
15 properly maintain the mausoleum the excess amount may be used to maintain any  
16 portion of the cemetery.

17           **SECTION 338p.** 157.125 (title) of the statutes is amended to read:

18           **157.125** (title) **Trustees for the care of cemeteries or cemetery lots**  
19 **burial spaces.**

20           **SECTION 338qc.** 157.125 (2) of the statutes is amended to read:

21           157.125 (2) If the burial place or grave is located in a cemetery owned and  
22 operated by a religious society ~~organized under ch. 187~~ cemetery authority, the court  
23 shall name the religious ~~society~~ cemetery authority as the trustee unless the  
24 religious ~~society~~ cemetery authority petitions the court to name the county treasurer  
25 as the trustee.

1           **SECTION 338qg.** 157.128 (2) (a), (b) and (c) of the statutes are amended to read:

2           157.128 **(2)** (a) The cemetery is owned by a religious association cemetery  
3 authority.

4           (b) The religious ~~association~~ cemetery authority is responsible for all liabilities  
5 of the cemetery.

6           (c) The total acreage of all other cemeteries owned by the religious ~~association~~  
7 cemetery authority exceeds 20 acres.

8           **SECTION 338qL.** 157.128 (3) (b) of the statutes is amended to read:

9           157.128 **(3)** (b) A cemetery consisting of less than 20 contiguous acres may be  
10 dedicated by a cemetery authority that is not required to be ~~registered~~ licensed under  
11 s. 440.91 (1) ~~and that is not organized or conducted for pecuniary profit.~~

12           **SECTION 338qp.** 157.19 (2) (c) of the statutes is amended to read:

13           157.19 **(2)** (c) Upon request of the financial institution, the preneed seller, as  
14 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the  
15 preneed sales contract. Except as provided in s. 440.92 ~~(2) (c), (f) and (j) and (5) ss.~~  
16 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or  
17 dividends that have accumulated on the preneed trust funds, may not be withdrawn  
18 until all obligations under the preneed sales contract have been fulfilled. The  
19 financial institution is not responsible for the fulfillment of any part of the preneed  
20 sales contract, except that the financial institution shall release the preneed trust  
21 funds, and any interest or dividends that have accumulated on the preneed trust  
22 funds, as provided by the terms of the preneed sales contract. The trustee of a  
23 preneed trust fund may not be changed without the department's written approval.  
24 If the trustee or account number of a preneed trust fund is changed, the cemetery  
25 authority shall notify the department in writing within 30 days after the change.

1           **SECTION 338qt.** 157.19 (4m) of the statutes is created to read:

2           157.19 (4m) The department shall request proposals from financial  
3 institutions located in this state for the purpose of selecting a financial institution  
4 that cemetery authorities and preneed sellers may use as the trustee for care funds  
5 under s. 157.11 (9g) and 157.12 (3) and preneed trust funds under s. 440.92. Except  
6 as provided in sub. (5) (c), a cemetery authority or preneed seller is not required to  
7 use the financial institution selected by the department. The financial institution  
8 selected under this subsection shall submit an annual report to the department, in  
9 a form and manner satisfactory to the department, that provides an accounting of  
10 all care funds and preneed trust funds for which the financial institution is the  
11 trustee.

12           **SECTION 338qx.** 157.19 (5) (a) of the statutes is amended to read:

13           157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that  
14 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds  
15 of a cemetery for which a certification under s. 157.63 is effective, or to preneed trust  
16 funds of a cemetery for which a certification under s. 440.92 (9) is effective, ~~or to care~~  
17 ~~funds or preneed trust funds of a cemetery authority that is not required to be~~  
18 ~~registered under s. 440.91 (1) and that is not organized or conducted for pecuniary~~  
19 ~~profit.~~

20           **SECTION 338rc.** 157.19 (5) (c) of the statutes is created to read:

21           157.19 (5) (c) If the department determines that a cemetery authority or  
22 preneed seller has violated any requirement under this subchapter or subch. VIII of  
23 ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or preneed trust  
24 funds under s. 440.92, the department may require the cemetery authority or

1 preneed seller to use the financial institution selected under sub. (4m) as the trustee  
2 for the care funds or preneed trust funds.

3 **SECTION 338rg.** 157.60 of the statutes is amended to read:

4 **157.60 Public easement in cemetery.** Any person who shall open or make  
5 any highway, town way, or private way or shall construct any railroad, turnpike, or  
6 canal or anything in the nature of a public easement over, through, in, or upon such  
7 part of any enclosure, being the property of any town, city, village, or religious society  
8 cemetery authority or of private proprietors, as may be used for the burial of the dead,  
9 unless an authority for that purpose shall be specially granted by law or unless the  
10 consent of such town, city, village, religious society cemetery authority, or private  
11 proprietors, respectively, shall be first obtained, shall be punished by imprisonment  
12 in the county jail not more than one year or by fine not exceeding \$300.

13 **SECTION 338rL.** 157.61 of the statutes is created to read:

14 **157.61 Identification of human remains.** A person may not provide an  
15 outer burial container or, if an outer burial container is not used, a casket, to a  
16 cemetery authority, other than a religious cemetery authority, for the burial of  
17 human remains, unless the person identifies the decedent by name on the exterior  
18 of the outer burial container or casket.

19 **SECTION 338rp.** 157.62 (1) (a) (intro.), (b) and (c) of the statutes are repealed.

20 **SECTION 338rt.** 157.62 (1) (a) 1., 2., 3., 4. and 5. of the statutes are renumbered  
21 157.62 (2) (b) 7. a., b., c., d. and e.

22 **SECTION 338rx.** 157.62 (2) (a) of the statutes is amended to read:

23 157.62 (2) (a) ~~Except as provided in ss. 157.625 and 157.63 (1), every~~ Every  
24 cemetery authority that is licensed under s. 440.91 (1) and, except as provided in s.  
25 157.63 (1), every cemetery authority that is a religious cemetery authority shall file

1 an annual report with the department. The report shall be made on a form  
2 prescribed and furnished by the department. The report shall be made on a  
3 calendar-year basis unless the department, by rule, provides for other reporting  
4 periods. The report is due on the 60th day after the last day of the reporting period.

5 **SECTION 338sc.** 157.62 (2) (b) 1. of the statutes is amended to read:

6 157.62 (2) (b) 1. A copy of any report required under sub. (1) (a) or s. 180.1622  
7 or 181.1622.

8 **SECTION 338sg.** 157.62 (2) (b) 1m. of the statutes is created to read:

9 157.62 (2) (b) 1m. The percentage of burial spaces at the cemetery that are  
10 available for sale.

11 **SECTION 338sL.** 157.62 (2) (b) 2. of the statutes is amended to read:

12 157.62 (2) (b) 2. If the cemetery authority is required to file a report under s.  
13 180.1622 or 181.1622, the information specified in sub. (1) (a) ~~3~~ subd. 7. c.

14 **SECTION 338sp.** 157.62 (2) (b) 7. of the statutes is renumbered 157.62 (2) (b) 7.

15 (intro.) and amended to read:

16 157.62 (2) (b) 7. (intro.) ~~The information specified in sub. (1) (a), to the extent~~  
17 ~~applicable, if~~ If the cemetery is not required to file a report under sub. (1) (a) or s.  
18 180.1622 or 181.1622. authority is a cemetery association, all of the following:

19 **SECTION 338st.** 157.62 (3) (a) of the statutes is amended to read:

20 157.62 (3) (a) Every cemetery authority shall keep a copy of the report required  
21 under sub. (2) (a) at its principal place of business and, except for those records  
22 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make  
23 the report available for inspection, upon reasonable notice, by any person with an  
24 interest in a cemetery ~~lot or a mausoleum~~ burial space in a cemetery owned or  
25 operated by the cemetery authority.

1           **SECTION 338sx.** 157.62 (3) (b) 3. of the statutes is amended to read:

2           157.62 (3) (b) 3. A copy of each contract for the sale of a cemetery lot,  
3 ~~mausoleum~~ burial space or cemetery merchandise.

4           **SECTION 338tc.** 157.62 (3) (c) of the statutes is created to read:

5           157.62 (3) (c) Every cemetery licensed under s. 440.91 (1) shall maintain  
6 records identifying the section, lot, and site of each burial space and showing the  
7 location of each burial space on a map.

8           **SECTION 338tc.** 157.62 (4) (title) of the statutes is amended to read:

9           157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

10          **SECTION 338tg.** 157.62 (4) of the statutes is renumbered 157.62 (4) (a).

11          **SECTION 338tL.** 157.62 (4) (b) of the statutes is created to read:

12          157.62 (4) (b) A cemetery authority shall, upon reasonable notice, make the  
13 records and contract copies under sub. (3) (b) available for inspection and copying by  
14 the board.

15          **SECTION 338tp.** 157.62 (5) of the statutes is renumbered 157.62 (5) (b).

16          **SECTION 338tt.** 157.62 (5) (a) of the statutes is created to read:

17          157.62 (5) (a) The department may promulgate rules establishing minimum  
18 standards for the format and maintenance of records required under this section.

19          **SECTION 338tx.** 157.62 (6) of the statutes is renumbered 157.62 (6) (a) and  
20 amended to read:

21          157.62 (6) (a) Except as provided in ss. ~~157.625~~, 157.63 (5) and 440.92 (9) (e),  
22 the department may audit, at reasonable times and frequency, the records, trust  
23 funds, and accounts of any registered cemetery authority and shall audit the records,  
24 trust funds, and accounts of each licensed cemetery authority, including records,  
25 trust funds, and accounts pertaining to services provided by a cemetery authority

1 which are not otherwise subject to the requirements under this chapter. The  
2 department may conduct audits under this subsection on a random basis, and shall  
3 ~~conduct all audits under this subsection~~ without providing prior notice to the  
4 cemetery authority.

5 **SECTION 338uc.** 157.62 (6) (b) of the statutes is created to read:

6 157.62 (6) (b) If the department or board has cause to believe that a licensed  
7 or registered cemetery authority has not complied with the requirements of this  
8 subchapter or subch. VIII of ch. 440 pertaining to trust funds and accounts, the  
9 department or board may require the cemetery authority to submit an audit  
10 conducted at the cemetery authority's expense by an independent certified public  
11 accountant in accordance with generally accepted auditing standards.

12 **SECTION 338ug.** 157.625 of the statutes is repealed.

13 **SECTION 338uL.** 157.63 (title) of the statutes is amended to read:

14 **157.63 (title) Reporting and auditing exemptions; certification of**  
15 **compliance of religious cemetery ~~affiliated with religious society~~**  
16 **authority.**

17 **SECTION 338up.** 157.63 (1) of the statutes is amended to read:

18 157.63 (1) In lieu of filing an annual report under s. 157.62 (2), a religious  
19 cemetery authority of a cemetery that is ~~affiliated with a religious society organized~~  
20 ~~under ch. 187 or that religious society or the church, synagogue, mosque,~~  
21 incorporated college of a religious order, or religious society organized under ch. 187  
22 that is affiliated with a religious cemetery authority may file an annual certification  
23 with the department as provided in this section.

24 **SECTION 338ut.** 157.63 (2) (b) of the statutes is amended to read:

1           157.63 (2) (b) A notarized statement of a person who is legally authorized to  
2 act on behalf of the religious ~~society~~ cemetery authority under this section that,  
3 during the reporting period under s. 157.62, each cemetery and the religious  
4 cemetery authority of each cemetery specified under par. (a) have either fully  
5 complied or have substantially complied with ss. 157.11 (9g) and 157.12 (3).

6           **SECTION 338ux.** 157.63 (3) of the statutes is amended to read:

7           157.63 (3) If the statement under sub. (2) (b) includes a statement of  
8 substantial compliance, the statement under sub. (2) (b) must also specify those  
9 instances when the cemetery or religious cemetery authority did not fully comply  
10 with s. 157.11 (9g) or 157.12 (3).

11           **SECTION 338vc.** 157.63 (4) of the statutes is amended to read:

12           157.63 (4) A certification under this section is effective for the 12-month period  
13 immediately following the reporting period under s. 157.62 (2) for which the religious  
14 cemetery authority is certified under this section to have fully or substantially  
15 complied with ss. 157.11 (9g) and 157.12 (3).

16           **SECTION 338vg.** 157.63 (6) of the statutes is amended to read:

17           157.63 (6) The church, synagogue, mosque, incorporated college of a religious  
18 order, or religious society that is affiliated with a cemetery to which a certification  
19 under this section applies is liable for the damages of any person that result from the  
20 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11  
21 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such  
22 compliance has been certified under this section.

23           **SECTION 338vL.** 157.635 of the statutes is amended to read:

24           **157.635 Regulations of religious cemetery ~~affiliated with religious~~**  
25 **~~society~~ authorities.** Nothing in this subchapter prohibits a religious cemetery

1 authority of a cemetery that is affiliated with a religious society organized under ch.  
2 187 from prohibiting the burial of the human remains of an individual in the  
3 cemetery if the individual was in a class of individuals who are prohibited from being  
4 buried in the cemetery under regulations adopted by the religious cemetery  
5 authority or church, synagogue, mosque, incorporated college of a religious order, or  
6 religious society from being buried in the cemetery that is affiliated with the religious  
7 cemetery authority.

8 **SECTION 338vp.** 157.637 of the statutes is created to read:

9 **157.637 Rules; review of rules. (1)** Before submitting to the legislative  
10 council staff under s. 227.15 any proposed rules relating to cemeteries or to the board,  
11 except for rules relating exclusively to religious cemetery authorities, the  
12 department shall submit the proposed rules to the board for comment. The board  
13 shall have 30 days to submit comments on the proposed rules to the secretary of  
14 regulation and licensing.

15 **(2)** When promulgating emergency rules under s. 227.24 relating to cemeteries  
16 or to the board, except for rules relating exclusively to religious cemetery authorities,  
17 the department shall provide a copy of the rules to the board prior to publication of  
18 the rules in the official state newspaper.

19 **(3)** The chairperson of the board, or his or her designee from the board, may  
20 cochair with the secretary of regulation and licensing, or the secretary's designee,  
21 any public hearing held by the department on proposed rules relating to cemeteries  
22 or to the board other than rules relating exclusively to religious cemetery authorities.

23 **(4)** The department shall submit to the board a copy of the report required  
24 under s. 227.19 (2) on any proposed final rules relating to cemeteries or to the board  
25 other than rules relating exclusively to religious cemetery authorities. The board

1 may prepare a dissenting report stating its recommendations on the proposed final  
2 rules. Any dissenting report shall be prepared within 10 days from the date of receipt  
3 of the department's report, attached to the department's report and sent to the  
4 presiding officer of each house of the legislature and distributed under s. 227.19 (2).  
5 The department shall publish a statement to appear in the Wisconsin administrative  
6 register indicating that a dissenting report of the board has been submitted to the  
7 presiding officer of each house of the legislature.

8 (5) The department shall provide staff to assist the board in the review of  
9 administrative rules and preparation of comments or dissenting reports.

10 **SECTION 338vt.** 157.64 (2) (d) of the statutes is amended to read:

11 157.64 (2) (d) Fails to file a report or files an incomplete, false, or misleading  
12 report under s. 157.62 (1) ~~or~~ (2).

13 **SECTION 338vx.** 157.64 (2) (e) of the statutes is amended to read:

14 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

15 **SECTION 338wc.** 157.64 (2) (h) of the statutes is created to read:

16 157.64 (2) (h) Violates s. 157.112.

17 **SECTION 338wg.** 157.65 (1) (a) of the statutes is amended to read:

18 157.65 (1) (a) If the department of regulation and licensing board has reason  
19 to believe that any person, other than a religious cemetery authority, is violating or  
20 has violated this subchapter or any rule promulgated under this subchapter and that  
21 the continuation of that activity might cause injury to the public interest, the  
22 ~~department of regulation and licensing may~~ board shall investigate.

23 **SECTION 338wL.** 157.65 (1) (am) of the statutes is created to read:

24 157.65 (1) (am) If the department of regulation and licensing has reason to  
25 believe that a religious cemetery authority is violating or has violated this

1 subchapter or any rule promulgated under this subchapter and that the continuation  
2 of that activity might cause injury to the public interest, the department of  
3 regulation and licensing may investigate.

4 **SECTION 338wp.** 157.65 (1) (b) of the statutes is amended to read:

5 157.65 (1) (b) If the department of commerce has reason to believe that any  
6 person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the  
7 continuation of that activity might cause injury to the public interest, the  
8 department of commerce may shall investigate.

9 **SECTION 338wt.** 157.65 (2) of the statutes is amended to read:

10 157.65 (2) The department of justice or any district attorney, upon informing  
11 the department of justice, may commence an action in circuit court in the name of  
12 the state to restrain by temporary or permanent injunction any violation of this  
13 subchapter. The court may, prior to entry of final judgment, make such orders or  
14 judgments as may be necessary to restore to any person any pecuniary loss suffered  
15 because of the acts or practices involved in the action, if proof of such loss is submitted  
16 to the satisfaction of the court. The department of justice may subpoena persons and  
17 require the production of books and other documents, and may request the board, the  
18 department of regulation and licensing, or the department of commerce to exercise  
19 its authority under sub. (1) to aid in the investigation of alleged violations of this  
20 subchapter.”.

21 **9.** Page 215, line 14: after that line insert:

22 “**SECTION 464ma.** 423.102 of the statutes is amended to read:

23 **423.102 Scope.** This chapter applies to all consumer transactions, except that  
24 subch. II does not apply to cemetery preneed sales under s. ss. 440.92 and 440.922.

1           **SECTION 464mb.** 440.03 (1) of the statutes is amended to read:

2           440.03 (1) The department may promulgate rules defining uniform procedures  
3 to be used by the department, the cemetery board, the real estate board, the real  
4 estate appraisers board, and all examining boards and affiliated credentialing  
5 boards attached to the department or an examining board, for receiving, filing, and  
6 investigating complaints, for commencing disciplinary proceedings and for  
7 conducting hearings.

8           **SECTION 464mc.** 440.03 (3) of the statutes is amended to read:

9           440.03 (3) If the secretary reorganizes the department, no modification may  
10 be made in the powers and responsibilities of the examining boards ~~or~~, affiliated  
11 credentialing boards, or other boards attached to the department or an examining  
12 board under s. 15.03, 15.405, or 15.406.

13           **SECTION 464md.** 440.03 (7m) of the statutes is amended to read:

14           440.03 (7m) The department may promulgate rules that establish procedures  
15 for submitting an application for a credential or credential renewal by electronic  
16 transmission. Any rules promulgated under this subsection shall specify procedures  
17 for complying with any requirement that a fee be submitted with the application.  
18 The rules may also waive any requirement in chs. 440 to 480 that an application  
19 submitted to the department, an examining board or an affiliated credentialing  
20 board be executed, verified, certified, signed, sworn, or made under oath,  
21 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)  
22 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),  
23 452.10 (1), and 480.08 (2m).

24           **SECTION 464me.** 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and  
25 amended to read:

1           440.03 (13) (a) ~~The~~ Except as provided in par. (b), the department may conduct  
2 an investigation to determine whether an applicant for a credential issued under chs.  
3 440 to 480 satisfies any of the eligibility requirements specified for the credential,  
4 including whether the applicant does not have an arrest or conviction record.

5           (c) In conducting an investigation under ~~this subsection~~ par. (a) or (b), the  
6 department may require an applicant to provide any information that is necessary  
7 for the investigation or, for the purpose of obtaining information related to an arrest  
8 or conviction record of an applicant, to complete forms provided by the department  
9 of justice or the federal bureau of investigation. The department shall charge the  
10 applicant any fees, costs, or other expenses incurred in conducting the investigation  
11 under ~~this subsection~~ par. (a) or (b).

12           **SECTION 464mf.** 440.03 (13) (b) of the statutes is created to read:

13           440.03 (13) (b) Before granting a credential to a cemetery authority, cemetery  
14 salesperson, or preneed seller, or renewing such a credential, the department shall  
15 conduct an investigation to determine whether a person specified in s. 440.93 (1)  
16 (intro.) has been convicted of an offense specified in s. 440.93 (1) (d).

17           **SECTION 464mg.** 440.04 (1) of the statutes is amended to read:

18           440.04 (1) Centralize, at the capital and in such district offices as the  
19 operations of the department and the attached boards, examining boards, and  
20 affiliated credentialing boards require, the routine housekeeping functions required  
21 by the department, the boards, the examining boards, and the affiliated  
22 credentialing boards.

23           **SECTION 464mh.** 440.04 (2) of the statutes is amended to read:

24           440.04 (2) Provide the bookkeeping, payroll, accounting, and personnel  
25 advisory services required by the department and the legal services, except for

1 representation in court proceedings and the preparation of formal legal opinions,  
2 required by the attached boards, examining boards, and affiliated credentialing  
3 boards.

4 **SECTION 464mi.** 440.04 (3) of the statutes is amended to read:

5 440.04 (3) Control the allocation, disbursement, and budgeting of the funds  
6 received by the boards, examining boards, and affiliated credentialing boards in  
7 connection with their credentialing and, regulation, or other functions.

8 **SECTION 464mj.** 440.04 (4) of the statutes is amended to read:

9 440.04 (4) Employ, assign, and reassign such staff as are required by the  
10 department and the attached boards, examining boards, and affiliated credentialing  
11 boards in the performance of their functions.

12 **SECTION 464mk.** 440.04 (5) (intro.) of the statutes is amended to read:

13 440.04 (5) (intro.) With the advice of the boards, examining boards, or affiliated  
14 credentialing boards:

15 **SECTION 464mL.** 440.04 (5) (c) of the statutes is amended to read:

16 440.04 (5) (c) Provide such other services as the boards, examining boards, or  
17 affiliated credentialing boards request.

18 **SECTION 464mm.** 440.045 of the statutes is amended to read:

19 **440.045 Disputes.** Any dispute between a board in the department, an  
20 examining board, or an affiliated credentialing board and the secretary shall be  
21 arbitrated by the governor or the governor's designee after consultation with the  
22 disputants.

23 **SECTION 464mn.** 440.05 (intro.) of the statutes, as affected by 2001 Wisconsin  
24 Act 16, is amended to read:

1           **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
2 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.91 (1m) (a),  
3 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46:

4           **SECTION 464mo.** 440.08 (2) (a) 21. of the statutes is amended to read:

5           440.08 (2) (a) 21. Cemetery authority, licensed: January 1 of each  
6 odd-numbered year; \$343.

7           **SECTION 464mom.** 440.08 (2) (a) 21m. of the statutes is created to read:

8           440.08 (2) (a) 21m. Cemetery authority, registered: January 1 of each  
9 odd-numbered year; \$5.

10          **SECTION 464mp.** 440.13 (2) (d) of the statutes is created to read:

11          440.13 (2) (d) With respect to a credential granted by the department under  
12 subch. VIII of ch. 440, the cemetery board shall restrict, limit, or suspend the  
13 credential when directed to do so by the department.

14          **SECTION 464mq.** 440.14 (1) (a) of the statutes is amended to read:

15          440.14 (1) (a) “List” means information compiled or maintained by the  
16 department ~~or~~, a credentialing board, or another board in the department that  
17 contains the personal identifiers of 10 or more individuals.

18          **SECTION 464mr.** 440.14 (2), (3), (4) and (5) of the statutes are amended to read:

19          440.14 (2) If a form that the department ~~or~~, a credentialing board, or another  
20 board in the department requires an individual to complete in order to apply for a  
21 credential or credential renewal or to obtain a product or service from the  
22 department ~~or the~~, credentialing board, or other board requires the individual to  
23 provide any of the individual’s personal identifiers, the form shall include a place for  
24 the individual to declare that the individual’s personal identifiers obtained by the  
25 department ~~or the~~, credentialing board, or other board from the information on the

1 form may not be disclosed on any list that the department ~~or the~~, credentialing board,  
2 or other board furnishes to another person.

3 (3) If the department ~~or~~, a credentialing board, or another board in the  
4 department requires an individual to provide, by telephone or other electronic  
5 means, any of the individual's personal identifiers in order to apply for a credential  
6 or credential renewal or to obtain a product or service from the department ~~or a~~,  
7 credentialing board, or other board, the department ~~or the~~, credentialing board, or  
8 other board shall ask the individual at the time that the individual provides the  
9 information if the individual wants to declare that the individual's personal  
10 identifiers obtained by telephone or other electronic means may not be disclosed on  
11 any list that the department ~~or the~~, credentialing board, or other board furnishes to  
12 another person.

13 (4) The department ~~or~~, a credentialing board, or another board in the  
14 department shall provide to an individual upon request a form that includes a place  
15 for the individual to declare that the individual's personal identifiers obtained by the  
16 department ~~or~~, credentialing board, or other board may not be disclosed on any list  
17 that the department ~~or~~, credentialing board, or other board furnishes to another  
18 person.

19 (5) (a) The department ~~or~~, a credentialing board, or another board in the  
20 department may not disclose on any list that it furnishes to another person a  
21 personal identifier of any individual who has made a declaration under sub. (2), (3),  
22 or (4).

23 (b) Paragraph (a) does not apply to a list that the department ~~or~~, a credentialing  
24 board, or another board in the department furnishes to another state agency, a law  
25 enforcement agency, or a federal governmental agency. A state agency that receives

1 a list from the department ~~or~~, a credentialing board, or another board in the  
2 department containing a personal identifier of any individual who has made a  
3 declaration under sub. (2), (3), or (4) may not disclose the personal identifier to any  
4 person other than a state agency, a law enforcement agency, or a federal  
5 governmental agency.

6 **SECTION 464ms.** 440.22 (1) of the statutes is amended to read:

7 **440.22 Assessment of costs. (1)** In this section, “costs of the proceeding”  
8 means the compensation and reasonable expenses of hearing examiners and of  
9 prosecuting attorneys for the department, examining board ~~or~~, affiliated  
10 credentialing board, or other board in the department, a reasonable disbursement  
11 for the service of process or other papers, amounts actually paid out for certified  
12 copies of records in any public office, postage, telephoning, adverse examinations and  
13 depositions and copies, expert witness fees, witness fees and expenses, compensation  
14 and reasonable expenses of experts and investigators, and compensation and  
15 expenses of a reporter for recording and transcribing testimony.

16 **SECTION 464mt.** 440.90 (1) of the statutes is renumbered 440.90 (1d).

17 **SECTION 464mu.** 440.90 (1b) of the statutes is created to read:

18 440.90 (1b) “Board” means the cemetery board.

19 **SECTION 464mv.** 440.90 (1c) of the statutes is created to read:

20 440.90 (1c) “Burial space” has the meaning given in s. 157.061 (1d).

21 **SECTION 464mw.** 440.90 (1g) of the statutes is created to read:

22 440.90 (1g) “Business entity” has the meaning given in s. 452.01 (3j).

23 **SECTION 464mx.** 440.90 (1r) of the statutes is created to read:

24 440.90 (1r) “Business representative” has the meaning given in s. 452.01 (3k).

25 **SECTION 464my.** 440.90 (3g) of the statutes is created to read:

1           440.90 (3g) “Columbarium” has the meaning given in s. 157.061 (3g).

2           **SECTION 464mz.** 440.90 (3r) of the statutes is created to read:

3           440.90 (3r) “Columbarium space” has the meaning given in s. 157.061 (3r).

4           **SECTION 464na.** 440.90 (4e) of the statutes is created to read:

5           440.90 (4e) “Lawn crypt” has the meaning given in s. 157.061 (8g).

6           **SECTION 464nb.** 440.90 (4m) of the statutes is created to read:

7           440.90 (4m) “Licensed cemetery authority” means a cemetery authority that  
8 is licensed under s. 440.91 (1).

9           **SECTION 464nc.** 440.90 (4r) of the statutes is created to read:

10          440.90 (4r) “Licensee” means a person licensed under this subchapter.

11          **SECTION 464nd.** 440.90 (10m) of the statutes is created to read:

12          440.90 (10m) “Registrant” means a person registered under this subchapter.

13          **SECTION 464ne.** 440.90 (10r) of the statutes is created to read:

14          440.90 (10r) “Religious cemetery authority” has the meaning given in s.  
15 157.061 (15m).

16          **SECTION 464nf.** 440.90 (14) of the statutes is repealed.

17          **SECTION 464ng.** 440.91 (1) of the statutes is renumbered 440.91 (1) (a) and  
18 amended to read:

19          440.91 (1) (a) Except as provided in sub. (6m), every cemetery authority that  
20 operates a cemetery that is 5 acres or more in size, that sells or solicits the sale of a  
21 total of 10 ~~20~~ or more cemetery lots or mausoleum burial spaces at a cemetery during  
22 a calendar year and that pays any commission or other compensation to any person  
23 for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register  
24 with, or that has \$100,000 or more in trust fund accounts for a cemetery shall apply  
25 to the department. ~~The registration shall be in writing and shall include the names~~

1 ~~of the officers of the cemetery authority for a license for that cemetery. A cemetery~~  
2 ~~authority that operates more than one cemetery shall apply for a separate license for~~  
3 ~~each cemetery that is 5 acres or more in size and for each cemetery, at which it sells~~  
4 ~~20 or more burial spaces or at which it has \$100,000 or more in trust fund accounts.~~

5 **SECTION 464nh.** 440.91 (1) (b), (c), (d) and (e) of the statutes are created to read:

6 440.91 (1) (b) Except as provided in s. 440.93 (1), the department shall grant  
7 a license to a cemetery authority if all of the following are satisfied:

8 1. The cemetery authority submits an application for the license to the  
9 department on a form provided by the department. The application shall require the  
10 cemetery authority to provide the names of the officers of the cemetery authority and  
11 to identify a business representative who is primarily responsible for the cemetery  
12 authority's compliance with subch. II of ch. 157 and this subchapter.

13 2. The cemetery authority pays the fee specified in s. 440.05 (1) and any fees,  
14 costs, or expenses charged by the department under s. 440.03 (13) (c).

15 (c) A licensed cemetery authority shall notify the department if it designates  
16 a substitute business representative to take the place of a business representative  
17 identified under par. (b) 1.

18 (d) If a licensed cemetery authority notifies the department under s. 157.08 (2)  
19 (b) 1. (intro.) that it proposes to take an action specified in s. 157.08 (2) (b) 1. b. or c.  
20 and the department does not object to the action under s. 157.08 (2) (b) 3., the  
21 department shall revoke the license granted under par. (b) and require the licensed  
22 cemetery authority to reapply for a license under par. (b).

23 (e) 1. The renewal dates and renewal fees for licenses granted under par. (b)  
24 are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is not

1 required to renew its license if the cemetery authority sells less than 10 burial spaces  
2 during a period of 2 consecutive calendar years.

3 2. A licensed cemetery authority that is not required to renew its license under  
4 subd. 1. shall renew the license if, during a period of 2 consecutive calendar years  
5 that is subsequent to the period specified in subd. 1., the cemetery authority sells 10  
6 or more burial spaces.

7 **SECTION 464ni.** 440.91 (1m) of the statutes is created to read:

8 440.91 (1m) (a) Except as provided in par. (c) and sub. (6m), a cemetery  
9 authority that operates a cemetery for which a license is not required under sub. (1)  
10 shall register the cemetery with the department by paying a \$5 registration fee and  
11 submitting an application on a form provided by the department that requires the  
12 applicant to provide the names of the officers of the cemetery authority and any other  
13 information that the department may require. A cemetery authority that operates  
14 more than one cemetery for which a license is not required under sub. (1) shall pay  
15 a separate registration fee and submit a separate application for each cemetery.

16 (b) The renewal dates and renewal fees for registrations under par. (a) are  
17 specified in s. 440.08 (2) (a).

18 (c) A cemetery authority is not required to register under par. (a) if it receives  
19 no income, other than gifts, from the sale of lots or services or from trust fund  
20 earnings.

21 **SECTION 464nj.** 440.91 (2) (intro.) of the statutes is amended to read:

22 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every ~~individual who~~  
23 person that sells or solicits the sale of, or ~~who that~~ that expects to sell or solicit the sale  
24 of, a total of ~~10~~ 20 or more cemetery lots or ~~mausoleum~~ burial spaces during ~~a~~ 2  
25 calendar year years shall register with be licensed by the department. ~~An individual~~

1 A person may not be ~~registered~~ licensed as a cemetery salesperson except upon the  
2 written request of a cemetery authority and the payment of the fee specified in s.  
3 440.05 (1). The cemetery authority shall certify in writing to the department that  
4 the ~~individual~~ person is competent to act as a cemetery salesperson. ~~Within 10 days~~  
5 ~~after the certification of any cemetery salesperson, the cemetery salesperson shall~~  
6 ~~verify and~~ An applicant for licensure as a cemetery salesperson shall furnish to the  
7 department, in such form as the department prescribes, all of the following  
8 information:

9 **SECTION 464nk.** 440.91 (2) (a) of the statutes is repealed and recreated to read:

10 440.91 (2) (a) The name and address of the applicant and, if the applicant is  
11 a business entity, the name and address of each business representative.

12 **SECTION 464nL.** 440.91 (2) (b) and (c) of the statutes are repealed.

13 **SECTION 464nm.** 440.91 (4) of the statutes is amended to read:

14 440.91 (4) Renewal applications shall be submitted to the department on a  
15 form provided by the department on or before the applicable renewal date specified  
16 under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under  
17 s. 440.08 (2) (a). An applicant for renewal of a cemetery salesperson license shall  
18 identify each individual that is exempt from licensure under sub. (7) and that the  
19 applicant has supervised during the prior 2 years.

20 **SECTION 464nn.** 440.91 (6m) of the statutes is repealed and recreated to read:

21 440.91 (6m) A religious cemetery authority is not required to be licensed under  
22 sub. (1) or registered under sub. (1m).

23 **SECTION 464no.** 440.91 (7) of the statutes is renumbered 440.91 (7) (a) and

24 amended to read:

1           440.91 (7) (a) An individual who solicits the sale of cemetery lots or mausoleum  
2 spaces in a cemetery organized, maintained, and operated by a town, village, or city,  
3 ~~church, synagogue or mosque, religious, or~~ fraternal or benevolent society ~~or~~  
4 ~~incorporated college of a religious order~~ is not required to be registered licensed  
5 under sub. (2) if the individual is supervised by a cemetery salesperson licensed  
6 under sub. (2).

7           **SECTION 464np.** 440.91 (7) (b) of the statutes is created to read:

8           440.91 (7) (b) An individual who solicits the sale of cemetery lots or mausoleum  
9 spaces in a cemetery owned and operated by a religious cemetery authority is not  
10 required to be licensed under sub. (2).

11           **SECTION 464nq.** 440.91 (8) of the statutes is repealed.

12           **SECTION 464nr.** 440.91 (9) of the statutes is amended to read:

13           440.91 (9) No cemetery authority or cemetery salesperson registered licensed  
14 under sub. (1) or (2) may pay a fee or commission as compensation for a referral or  
15 as a finder's fee relating to the sale of ~~a cemetery lot, cemetery merchandise or~~  
16 ~~mausoleum~~ a burial space to any person who is not registered licensed under sub. (1)  
17 or (2) or who is not regularly and lawfully engaged in the sale of ~~cemetery lots,~~  
18 cemetery merchandise or ~~mausoleum~~ burial spaces in another state or territory of  
19 the United States or a foreign country.

20           **SECTION 464n.** 440.91 (10) of the statutes is amended to read:

21           440.91 (10) Nothing in this section requires an individual who is registered  
22 licensed as a preneed seller under s. 440.92 (1) to be ~~registered~~ licensed as a cemetery  
23 salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery  
24 merchandise or undeveloped spaces under preneed sales contracts.

1           **SECTION 464nt.** 440.92 (1) (title) of the statutes is repealed and recreated to  
2 read:

3           440.92 (1) (title) LICENSURE.

4           **SECTION 464nu.** 440.92 (1) (a) of the statutes is amended to read:

5           440.92 (1) (a) Except as provided in subs. (4), and (9) (a) ~~and~~ (10), every  
6 individual who sells or solicits the sale of cemetery merchandise or an undeveloped  
7 space under a preneed sales contract ~~and, if the~~ is required to be licensed under this  
8 subsection and, if applicable, comply with the requirements under s. 445.125. If such  
9 an individual is employed by or acting as an agent for a cemetery authority or any  
10 other person, that cemetery authority or other person is also required to be ~~registered~~  
11 licensed under this subsection.

12           **SECTION 464nv.** 440.92 (1) (b) (intro.) of the statutes is amended to read:

13           440.92 (1) (b) (intro.) The department shall issue a certificate of ~~registration~~  
14 licensure as a cemetery preneed seller to any person who does all of the following:

15           **SECTION 464nw.** 440.92 (1) (bm) of the statutes is created to read:

16           440.92 (1) (bm) If a cemetery authority that is registered under this subsection  
17 notifies the department under s. 157.08 (2) (b) 1. (intro.) that it proposes to take an  
18 action specified in s. 157.08 (2) (b) 1. b. or c. and the department does not object to  
19 the action under s. 157.08 (2) (b) 3., the department shall revoke the registration and  
20 require the cemetery authority to reapply for a registration under this subsection.

21           **SECTION 464nx.** 440.92 (1) (e) of the statutes is amended to read:

22           440.92 (1) (e) Nothing in this subsection requires an individual who is  
23 ~~registered~~ licensed as a cemetery salesperson under s. 440.91 (2) to be ~~registered~~  
24 licensed under this subsection if the individual does not conduct or solicit any sale  
25 under a preneed sales contract.

1           **SECTION 464ny.** 440.92 (2) (title) of the statutes is renumbered 440.922 (title).

2           **SECTION 464nz.** 440.92 (2) (a) of the statutes is renumbered 440.922 (1) (a), and  
3 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are amended to read:

4           440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~  
5 ~~mausoleum~~ burial space.

6           3. By storing the cemetery merchandise in a warehouse that is located on the  
7 property of the preneed seller if the preneed seller insures the cemetery merchandise  
8 and the preneed sales contract requires the preneed seller to ultimately affix the  
9 cemetery merchandise to the ~~cemetery lot or mausoleum~~ burial space without  
10 additional charge.

11           3g. By storing the cemetery merchandise anywhere on the property of the  
12 preneed seller if the property of the preneed seller is located in this state, the preneed  
13 seller insures the cemetery merchandise and the preneed sales contract requires the  
14 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial  
15 space, to the outside of or the grounds surrounding a mausoleum or columbarium or  
16 to any other outdoor location without additional charge.

17           4. (intro.) By having the cemetery merchandise stored in a warehouse that is  
18 not located on the property of the preneed seller if the warehouse has agreed to ship  
19 the cemetery merchandise to the preneed seller, purchaser, or beneficiary named in  
20 the preneed sales contract without additional charge to the purchaser and the  
21 preneed sales contract requires that the cemetery merchandise ultimately be affixed  
22 to the ~~cemetery lot or mausoleum~~ burial space without additional charge. If the  
23 cemetery merchandise is delivered under this subdivision, all of the following apply:

24           **SECTION 464oa.** 440.92 (2) (am) of the statutes is renumbered 440.922 (2) and  
25 amended to read:

1           440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE. If a preneed sales contract  
2 for the sale of cemetery merchandise requires the preneed seller to ultimately affix  
3 the cemetery merchandise to a ~~cemetary lot, mausoleum~~ burial space or other  
4 location but the purchaser has not informed the preneed seller of the location where  
5 the cemetery merchandise is to be affixed and the location where the cemetery  
6 merchandise is to be affixed is not specified in the preneed sales contract, the preneed  
7 sales contract may provide that the preneed seller may charge the purchaser an  
8 additional fee at the time that the cemetery merchandise is affixed not to exceed the  
9 additional costs to the preneed seller that are necessitated by the purchaser's choice  
10 of location.

11           **SECTION 464ob.** 440.92 (2) (b) of the statutes is renumbered 440.922 (1) (b).

12           **SECTION 464oc.** 440.92 (2) (c) of the statutes is renumbered 440.922 (3) and  
13 amended to read:

14           440.922 (3) VOIDING OF CONTRACTS. Except as provided in ~~par. (cm)~~ sub. (4), a  
15 preneed sales contract shall provide that if the purchaser voids the preneed sales  
16 contract at any time within 10 days after the date of the initial payment the preneed  
17 seller shall, within 30 days after the date on which the preneed sales contract is  
18 voided, refund all money paid by the purchaser for cemetery merchandise that has  
19 not been supplied or delivered and for the mausoleum space.

20           **SECTION 464od.** 440.92 (2) (cm) of the statutes is renumbered 440.922 (4).

21           **SECTION 464oe.** 440.92 (2) (d) of the statutes is renumbered 440.922 (5) (a).

22           **SECTION 464of.** 440.92 (2) (e) of the statutes is renumbered 440.922 (5) (b).

23           **SECTION 464og.** 440.92 (2) (f) of the statutes is renumbered 440.922 (5) (c) and  
24 amended to read:

1           440.922 (5) (c) If a preneed sales contract is voided under par. (e) (b), the  
2           preneed seller shall, within 30 days after the date on which the preneed sales  
3           contract is voided, refund all money paid by the purchaser, together with interest  
4           calculated at the legal rate of interest as provided under s. 138.04.

5           **SECTION 464oh.** 440.92 (2) (g) and (h) of the statutes are renumbered 440.922  
6           (6) and (10).

7           **SECTION 464oi.** 440.92 (2) (i) of the statutes is renumbered 440.922 (7) and  
8           amended to read:

9           440.922 (7) TRUSTING REQUIREMENTS. If a preneed sales contract includes  
10          provisions for the sale of cemetery merchandise or an undeveloped space that is  
11          subject to the trusting requirements under ~~sub. s. 440.92~~ (3) (a) and (b) and for the  
12          sale of other goods or services that are not subject to the trusting requirements under  
13          ~~sub. s. 440.92~~ (3) (a) and (b), the sale price of the goods or services that are not subject  
14          to the trusting requirements may not be inflated for the purpose of allocating a lower  
15          sale price to the cemetery merchandise or undeveloped space that is subject to the  
16          trusting requirements.

17          **SECTION 464oj.** 440.92 (2) (j) of the statutes is renumbered 440.922 (8).

18          **SECTION 464ok.** 440.92 (2) (k) of the statutes is renumbered 440.922 (9) and  
19          amended to read:

20          440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the  
21          following language in not less than 10-point boldface type: "SECTION 440.92 (2)  
22          440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE  
23          PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE  
24          CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE

1 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN  
2 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

3 **SECTION 464oL.** 440.92 (3) (a) (intro.) of the statutes is renumbered 440.92 (3)  
4 (a) and amended to read:

5 440.92 (3) (a) A preneed seller shall deposit into a preneed trust fund an  
6 amount equal to at least 40% of each payment of principal that is received from the  
7 sale of cemetery merchandise under a preneed sales contract, ~~or the wholesale cost~~  
8 ~~ratio for the cemetery merchandise multiplied by the amount of the payment of~~  
9 ~~principal that is received, whichever is greater.~~ In addition to the amount required  
10 to be deposited under this paragraph for the sale of cemetery merchandise and except  
11 as provided in par. (c), if a preneed seller receives payment for the sale of an  
12 undeveloped space under a preneed sales contract, the preneed seller shall deposit  
13 ~~a percentage at least 40%~~ of each payment of principal that is received from the sale  
14 of the undeveloped space into a preneed trust fund, ~~determined as follows:~~

15 **SECTION 464om.** 440.92 (3) (a) 1. and 2. of the statutes are repealed.

16 **SECTION 464on.** 440.92 (3) (c) (intro.) of the statutes is amended to read:

17 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits  
18 required under par. (a) 1. and 2. for payments for sales of undeveloped spaces under  
19 preneed contracts if any of the following applies:

20 **SECTION 464oo.** 440.92 (4) (title) of the statutes is amended to read:

21 440.92 (4) (title) EXCEPTIONS TO REGISTRATION LICENSURE REQUIREMENT.

22 **SECTION 464op.** 440.92 (4) (a) (intro.) of the statutes is amended to read:

23 440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery  
24 merchandise under a preneed sales contract is not required to be ~~registered~~ licensed  
25 under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if

1 all payments received under the preneed sales contract are trusted as required under  
2 s. 445.125 (1) (a) 1. or if all of the following conditions are met:

3 **SECTION 464oq.** 440.92 (4) (b) of the statutes is amended to read:

4 440.92 (4) (b) If any preneed seller who is not registered licensed under sub.  
5 (1) accepts a payment under a preneed sales contract and the merchandise is not  
6 delivered within 180 days after the date of the sale, the preneed seller shall  
7 immediately notify the purchaser that the purchaser is entitled to a refund of all  
8 money paid by the purchaser, together with interest calculated at the legal rate of  
9 interest as provided under s. 138.04, at any time before the merchandise is delivered.

10 **SECTION 464or.** 440.92 (5) of the statutes is renumbered 440.924.

11 **SECTION 464os.** 440.92 (6) (title) of the statutes is renumbered 440.926 (title)  
12 and amended to read:

13 **440.926** (title) **Reporting; Preneed seller reporting and record keeping;**  
14 **audits.**

15 **SECTION 464ot.** 440.92 (6) (a) of the statutes is renumbered 440.926 (1) (a) and  
16 amended to read:

17 440.926 (1) (a) Every preneed seller registered licensed under sub. s. 440.92  
18 (1) shall file an annual report with the department. The report shall be made on a  
19 form prescribed and furnished by the department. The report shall be made on a  
20 calendar-year basis unless the department, by rule, provides for other reporting  
21 periods. The report is due on or before the 60th day after the last day of the reporting  
22 period.

23 **SECTION 464ou.** 440.92 (6) (b) and (c) of the statutes are renumbered 440.926  
24 (1) (b) and (c).

1           **SECTION 464ov.** 440.92 (6) (d) of the statutes is renumbered 440.926 (2) (c) and  
2 amended to read:

3           440.926 (2) (c) All records described under ~~pars. sub. (1) (b) 2. and (c)~~ and  
4 maintained by the department are confidential and are not available for inspection  
5 or copying under s. 19.35 (1). This paragraph does not apply to any information  
6 regarding the name, address, or employer of or financial information related to an  
7 individual that is requested under s. 49.22 (2m) by the department of workforce  
8 development or a county child support agency under s. 59.53 (5).

9           **SECTION 464ow.** 440.92 (6) (e) and (f) of the statutes are renumbered 440.926  
10 (1) (d) and (e).

11           **SECTION 464ox.** 440.92 (6) (g) of the statutes is renumbered 440.926 (2) (a), and  
12 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

13           440.926 (2) (a) 1. The records needed to prepare the reports required under ~~par.~~  
14 sub. (1) (a).

15           2. Records that show, for each deposit in a trust fund or account specified in  
16 ~~pars. sub. (1) (b) 2. and (c)~~, the name of the purchaser or beneficiary of the preneed  
17 sales contract relating to the deposit and the item purchased.

18           **SECTION 464oy.** 440.92 (6) (h) of the statutes is renumbered 440.926 (2) (b) and  
19 amended to read:

20           440.926 (2) (b) The records under ~~par. sub. (1) (b) 1.~~ shall be permanently  
21 maintained by the preneed seller. The records under ~~par. sub. (1) (b) 2.~~ shall be  
22 maintained for not less than 3 years after all of the obligations of the preneed sales  
23 contract have been fulfilled. The department may promulgate rules to establish  
24 longer time periods for maintaining records under this paragraph.

1           **SECTION 464oz.** 440.92 (6) (i) of the statutes is renumbered 440.926 (3) (a) and  
2 amended to read:

3           440.926 (3) (a) The department may promulgate rules requiring preneed  
4 sellers registered licensed under ~~sub. s. 440.92~~ (1) to maintain other records and  
5 establishing minimum time periods for the maintenance of those records.

6           **SECTION 464pa.** 440.92 (6) (j) of the statutes is renumbered 440.926 (4) and  
7 amended to read:

8           440.926 (4) AUDITS. The department may audit, at reasonable times and  
9 frequency, the records, trust funds, and accounts of any preneed seller registered  
10 licensed under ~~sub. s. 440.92~~ (1), including records, trust funds, and accounts  
11 pertaining to services provided by a preneed seller which are not otherwise subject  
12 to the requirements under this section subchapter. The department may conduct  
13 audits under this ~~paragraph~~ subsection on a random basis, and shall conduct all  
14 audits under this ~~paragraph~~ subsection without providing prior notice to the preneed  
15 seller.

16           **SECTION 464pb.** 440.92 (6) (k) of the statutes is renumbered 440.926 (3) (b) and  
17 amended to read:

18           440.926 (3) (b) The department may promulgate rules establishing a filing fee  
19 to accompany the report required under ~~par. sub. (1)~~ (a). The filing fee shall be based  
20 on the approximate cost of regulating preneed sellers.

21           **SECTION 464pc.** 440.92 (7) of the statutes is renumbered 440.927 and amended  
22 to read:

23           **440.927 Approval of warehouses.** No person may own or operate a  
24 warehouse located inside or outside this state unless the warehouse is approved by  
25 the department. ~~Upon application, the department shall approve a warehouse that~~

1 is located in this state if the person who operates the warehouse is licensed as a public  
2 warehouse keeper by the department of agriculture, trade and consumer protection  
3 under ch. 99, but may not approve a warehouse that is located in this state unless  
4 the person is so licensed. The department shall promulgate rules establishing the  
5 requirements for approval of warehouses that are located outside this state under  
6 this section. The rules shall require warehouses that are located outside this state  
7 to file with the department a bond furnished by a surety company authorized to do  
8 business in this state in an amount that is sufficient to guarantee the delivery of  
9 cemetery merchandise to purchasers under preneed sales contracts. The  
10 department shall compile and keep a current list of the names and addresses of all  
11 warehouses approved under this subsection section and shall make the list available  
12 for public inspection during the times specified in s. 230.35 (4) (f).

13 **SECTION 464pcc.** 440.92 (9) (title) of the statutes is amended to read:

14 440.92 (9) (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS  
15 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES.

16 **SECTION 464pd.** 440.92 (9) (a) of the statutes is amended to read:

17 440.92 (9) (a) If the cemetery authority of a cemetery that is affiliated with a  
18 religious society organized under ch. 187 or that religious society a religious  
19 cemetery authority or the church, synagogue, mosque, incorporated college of a  
20 religious order, or religious society organized under ch. 187 that is affiliated with a  
21 religious cemetery authority files an annual certification with the department as  
22 provided in this subsection, neither the religious cemetery authority nor any  
23 employee of the cemetery is required to be registered licensed as a cemetery preneed  
24 seller under sub. (1) during the period for which the certification is effective, but the

1 religious cemetery authority and any employee are required to comply, if applicable,  
2 with the requirements of s. 445.125.

3 **SECTION 464pe.** 440.92 (9) (b) 3. of the statutes is amended to read:

4 440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to  
5 act on behalf of the religious ~~society~~ cemetery authority under this subsection that,  
6 during the 12-month period immediately preceding the date on which the  
7 certification is filed with the department, each employee specified under subd. 2. and  
8 the religious cemetery authority have either fully complied or have substantially  
9 complied with ~~subs. (2), sub. (3) (a) and (b) and (5) ss. 440.922 and 440.924.~~

10 **SECTION 464pf.** 440.92 (9) (c) of the statutes is amended to read:

11 440.92 (9) (c) If the statement under par. (b) 3. includes a statement of  
12 substantial compliance, the statement of substantial compliance must also specify  
13 those instances when the employee or religious cemetery authority did not fully  
14 comply with sub. ~~(2), (3) (a) or (b) or (5) s. 440.922 or 440.924.~~

15 **SECTION 464pg.** 440.92 (9) (e) of the statutes is amended to read:

16 440.92 (9) (e) During the effective period specified under par. (d), the  
17 department may not audit the preneed trust funds or any records or accounts  
18 relating to the preneed trust funds of the religious cemetery authority or any  
19 employee of the cemetery to which a certification under this subsection applies.

20 **SECTION 464ph.** 440.92 (9) (f) of the statutes is amended to read:

21 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a  
22 religious order, or religious society that is affiliated with a cemetery to which a  
23 certification under this subsection applies is liable for the damages of any person  
24 that result from the failure of any employee specified under par. (b) 2. or the religious  
25 cemetery authority to fully comply with sub. ~~(2), (3) (a) or (b) or (5) s. 440.922 or~~

1     440.924 during the 12-month period for which such compliance has been certified  
2     under this subsection.

3             **SECTION 464pi.** 440.92 (10) of the statutes is repealed.

4             **SECTION 464pj.** 440.922 (1) (title), (4) (title), (5) (title), (6) (title), (8) (title) and  
5     (10) (title) of the statutes are created to read:

6             440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

7             (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

8             (5) (title) UNDEVELOPED SPACE SALES.

9             (6) (title) INTEREST ASSIGNMENTS.

10            (8) (title) CONTRACT REQUIREMENTS.

11            (10) (title) CONFLICTING PROVISIONS.

12            **SECTION 464pk.** 440.926 (1) (title), (2) (title) and (3) (title) of the statutes are  
13     created to read:

14            440.926 (1) (title) REPORTS.

15            (2) (title) RECORDS.

16            (3) (title) RULES.

17            **SECTION 464pL.** 440.928 of the statutes is created to read:

18            **440.928 Burial space purchase agreements.** (1) In this section:

19            (a) "Cemetery authority" does not include a religious cemetery authority.

20            (b) "Opening or closing fees" means fees charged by a cemetery authority for  
21     opening or closing a burial space.

22            (c) "Purchase agreement" means an agreement for the purchase of a burial  
23     space.

1           (2) Before entering into a purchase agreement, a cemetery authority shall  
2 disclose to the purchaser any opening or closing fees charged by the cemetery  
3 authority.

4           (3) A purchase agreement shall be in writing and shall include each of the  
5 following:

6           (a) The terms and conditions and any other pertinent information regarding  
7 the purchase, including the price of the burial space, any perpetual care  
8 requirements, and any resale, inheritor, cancellation, or refund rights under the  
9 agreement.

10           (b) A description of all goods and services that are reasonably expected to be  
11 required at the time of need that are not subject to the purchase agreement,  
12 including opening and closing fees and any additional fees for weekend, holiday, or  
13 after hours burial.

14           (4) A cemetery authority shall assign a serial number to each purchase  
15 agreement that it enters into, maintain file copies in numerical order according to  
16 the serial number and enter the serial number and a description of each purchase  
17 agreement into a sales journal. Any additional purchase by a purchaser more than  
18 30 days after entering a purchase agreement shall be the subject of a separate  
19 purchase agreement with a separate serial number that is the current unused serial  
20 number in consecutive order.

21           **SECTION 464pm.** 440.929 of the statutes is created to read:

22           **440.929 Rules.** The department shall promulgate rules that establish a code  
23 of ethics to govern the professional conduct of cemetery authorities licensed under  
24 s. 440.91 (1), cemetery salespersons licensed under s. 440.91 (2), and preneed sellers  
25 licensed under s. 440.92 (1).

1           **SECTION 464pma.** 440.93 (1) (intro.) of the statutes is amended to read:

2           440.93 (1) (intro.) The department may deny a certificate of licensure or  
3 registration of a cemetery authority, cemetery salesperson, or preneed seller and the  
4 board may reprimand a licensee or registrant or deny, limit, suspend, or revoke a  
5 certificate of licensure or registration ~~a cemetery authority, cemetery salesperson or~~  
6 ~~preneed seller~~ if it if the department or board, respectively, finds that the applicant,  
7 licensee, or registrant, or, if the applicant, licensee, or registrant, is an association,  
8 partnership, limited liability company, or corporation, any officer, director, trustee,  
9 member, or shareholder who beneficially owns, holds, or has the power to vote 5% or  
10 more of any class of security issued by the applicant, licensee, or registrant, has done  
11 any of the following:

12           **SECTION 464pmm.** 440.93 (1) (b) of the statutes is amended to read:

13           440.93 (1) (b) Made a substantial misrepresentation or false promise to an  
14 individual to influence the individual to purchase ~~a cemetery lot,~~ cemetery  
15 merchandise or ~~mausoleum~~ a burial space.

16           **SECTION 464pn.** 440.93 (1) (c) of the statutes is amended to read:

17           440.93 (1) (c) Engaged in any practice relating to the operation or management  
18 of a cemetery or the sale of ~~a cemetery lot,~~ cemetery merchandise or ~~mausoleum~~ a  
19 burial space which clearly demonstrates a lack of knowledge or ability to apply  
20 professional principles or skills.

21           **SECTION 464po.** 440.93 (1) (cm) of the statutes is created to read:

22           440.93 (1) (cm) Engaged in unprofessional or unethical conduct in violation of  
23 the code of ethics established in the rules promulgated under s. 440.929.

24           **SECTION 464pq.** 440.93 (1) (d) of the statutes is amended to read:

1           440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~  
2           offense Violated any law the circumstances of which substantially relate to the  
3           operation or management of a cemetery or the sale of a cemetery lot, cemetery  
4           merchandise or ~~mausoleum~~ a burial space. A certified copy of a judgment of  
5           conviction is prima facie evidence of a violation.

6           **SECTION 464pr.** 440.93 (1) (f) of the statutes is amended to read:

7           440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any  
8           practice relating to the operation or management of a cemetery or the sale of a  
9           cemetery ~~lot, cemetery merchandise or mausoleum~~ a burial space while the person's  
10          ability to practice was impaired by mental disease or defect or alcohol or other drugs.

11          **SECTION 464ps.** 440.93 (1) (g) of the statutes is amended to read:

12          440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule  
13          promulgated under this subchapter or subch. II of ch. 157, or any order of the  
14          department or the board.

15          **SECTION 464pt.** 440.93 (1m) of the statutes is created to read:

16          440.93 (1m) The board may, in addition to or in lieu of a reprimand or  
17          revocation, limitation, suspension, or denial of a certificate of registration or  
18          licensure, assess against a person licensed or registered under this subchapter who  
19          has done anything specified in sub. (1) (a) to (g) a forfeiture of no more than \$5,000  
20          for each separate offense. Each day of continued violation constitutes a separate  
21          offense.

22          **SECTION 464pu.** 440.93 (2) of the statutes is amended to read:

23          440.93 (2) The ~~department~~ board shall determine in each case the period that  
24          a limitation, suspension, or revocation of a certificate is effective. This subsection  
25          does not apply to a limitation or suspension under s. 440.13 (2) (a).

1           **SECTION 464pv.** 440.945 (1) (a) of the statutes is amended to read:

2           440.945 (1) (a) "Installed" means permanently affixed to a cemetery lot burial  
3 space.

4           **SECTION 464pw.** 440.945 (2) (a) of the statutes is amended to read:

5           440.945 (2) (a) Adopt regulations, consistent with this section and with  
6 standards that the cemetery authority uses for its own monument installations,  
7 prescribing requirements and procedures for the sale, delivery, installation, or care  
8 of monuments, including requirements that each vendor provide reasonable advance  
9 notice to the cemetery authority of the date on which the vendor desires to install a  
10 monument; that each vendor carry worker's compensation insurance and a  
11 minimum amount of comprehensive general liability insurance, such minimum  
12 amount not to exceed \$300,000; and that each owner of a cemetery lot burial space  
13 pay all fees and other amounts due the cemetery authority to satisfy any  
14 encumbrances pertaining to the cemetery lot burial space before a monument is  
15 installed.

16           **SECTION 464px.** 440.945 (2) (c) of the statutes is amended to read:

17           440.945 (2) (c) Charge either the owner of a cemetery lot burial space or a  
18 vendor a reasonable fee to cover the cemetery authority's labor costs. In this  
19 paragraph, "labor costs" means the amount, calculated in accordance with generally  
20 accepted accounting principles and practices, that is payable to employees of the  
21 cemetery authority for wages and fringe benefits for the period that the employees  
22 were engaged in marking the location for and inspecting the installation of the  
23 monument to ensure that it was properly installed, and may include any general  
24 administrative or overhead costs of the cemetery authority or any other costs that

1 are directly related to marking the location for and inspecting the installation of the  
2 monument to ensure that it was properly installed.

3 **SECTION 464py.** 440.945 (3) (a) (intro.) of the statutes is amended to read:

4 440.945 (3) (a) (intro.) Every cemetery authority shall keep on file and make  
5 available for inspection and copying to owners and prospective purchasers of  
6 ~~cemetery lots~~ burial spaces and to other interested persons all of the following  
7 information:

8 **SECTION 464pz.** 440.945 (4) (a) 1. of the statutes is amended to read:

9 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space  
10 to purchase a monument or services related to the installation of a monument from  
11 the cemetery authority.

12 **SECTION 464qa.** 440.945 (4) (a) 2. of the statutes is amended to read:

13 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a ~~cemetery lot~~  
14 burial space to purchase a monument or services related to the installation of a  
15 monument from the vendor of his or her choice.

16 **SECTION 464qb.** 440.945 (4) (a) 3. of the statutes is amended to read:

17 440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or  
18 purchaser of a ~~cemetery lot~~ burial space a fee for purchasing a monument or services  
19 related to the installation of a monument from a vendor, or charge a vendor a fee for  
20 delivering or installing the monument. Nothing in this subdivision shall be  
21 construed to prohibit a cemetery authority from charging the owner or purchaser of  
22 a ~~cemetery lot~~ burial space a reasonable fee for services relating to the care of a  
23 monument.

24 **SECTION 464qc.** 440.945 (4) (a) 4. of the statutes is amended to read:

1           440.945 (4) (a) 4. Discriminate against any owner or purchaser of a cemetery  
2    ~~lot~~ burial space who has purchased a monument or services related to the  
3    installation of a monument from a vendor.

4           **SECTION 464q.** 440.945 (5) (a) of the statutes is amended to read:

5           440.945 (5) (a) If the ~~department~~ board has reason to believe that any person,  
6    other than a religious cemetery authority, is violating this section and that the  
7    continuation of that activity might cause injury to the public interest, the  
8    department may investigate.

9           **SECTION 464qe.** 440.945 (5) (am) of the statutes is created to read:

10          440.945 (5) (am) If the department has reason to believe that any religious  
11    cemetery authority is violating this section and that the continuation of that activity  
12    might cause injury to the public interest, the department may investigate.

13          **SECTION 464qf.** 440.945 (5) (b) of the statutes is amended to read:

14          440.945 (5) (b) The department of justice or any district attorney, upon  
15    informing the department of justice, may commence an action in circuit court in the  
16    name of the state to restrain by temporary or permanent injunction any violation of  
17    this section. The court may, prior to entry of final judgment, make such orders or  
18    judgments as may be necessary to restore to any person any pecuniary loss suffered  
19    because of the acts or practices involved in the action, if proof of such loss is submitted  
20    to the satisfaction of the court. The department of justice may subpoena persons and  
21    require the production of books and other documents, and may request the  
22    department of regulation and licensing or board to exercise its authority under par.  
23    (a) or (am) to aid in the investigation of alleged violations of this section.

24          **SECTION 464qg.** 440.947 (1) (c) of the statutes is renumbered 440.90 (6g).

25          **SECTION 464qh.** 440.947 (5) of the statutes is amended to read:

1           440.947 (5) A person who sells a casket, outer burial container, or cemetery  
2 merchandise shall retain a copy of the price list specified in sub. (2) (intro.) for at least  
3 one year after the date of its last distribution to a prospective buyer and shall retain  
4 a copy of each form that is provided to a buyer under sub. (3) (intro.) for at least one  
5 year after completion of a sale. A person required to retain a copy under this  
6 subsection shall make the copy available for inspection by the department or board  
7 upon request.

8           **SECTION 464qi.** 440.948 of the statutes is created to read:

9           **440.948 Burial agreements.** Any agreement for the purchase of a casket,  
10 outer burial container not preplaced into the burial excavation of a grave, or  
11 combination casket-outer burial container, that is not immediately required for the  
12 burial or other disposition of human remains, is subject to the requirements of s.  
13 445.125 (1).

14           **SECTION 464qj.** 440.949 of the statutes is created to read:

15           **440.949 Rules; review of rules. (1)** Before submitting any proposed rules  
16 relating to this subchapter, except for rules relating exclusively to religious cemetery  
17 authorities, to the legislative council staff under s. 227.15, the department shall  
18 submit the proposed rules to the board for comment. The board shall have 30 days  
19 to submit comments on the proposed rules to the secretary.

20           **(2)** When promulgating emergency rules under s. 227.24 relating to this  
21 subchapter, except for rules relating exclusively to religious cemetery authorities,  
22 the department shall provide a copy of the rules to the board prior to publication of  
23 the rules in the official state newspaper.

24           **(3)** The chairperson of the board, or his or her designee from the board, may  
25 cochair with the secretary, or the secretary's designee, any public hearing held by the

1 department on proposed rules relating to this subchapter other than rules relating  
2 exclusively to religious cemetery authorities.

3 (4) The department shall submit to the board a copy of the report required  
4 under s. 227.19 (2) on any proposed final rules relating to this subchapter other than  
5 rules relating exclusively to religious cemetery authorities. The board may prepare  
6 a dissenting report stating its recommendations on the proposed final rules. Any  
7 dissenting report shall be prepared within 10 days from the date of receipt of the  
8 department's report, attached to the department's report and sent to the presiding  
9 officer of each house of the legislature and distributed under s. 227.19 (2). The  
10 department shall publish a statement to appear in the Wisconsin administrative  
11 register indicating that a dissenting report of the board has been submitted to the  
12 presiding officer of each house of the legislature.

13 (5) The department shall provide staff to assist the board in the review of  
14 administrative rules and preparation of comments or dissenting reports.

15 **SECTION 464qk.** 440.95 (1) of the statutes is amended to read:

16 440.95 (1) Any cemetery authority that is required to register under s. 440.91  
17 ~~(1)~~ (1m) and that knowingly fails to register may be fined not more than \$100.

18 **SECTION 464qL.** 440.95 (1m) of the statutes is created to read:

19 440.95 (1m) Any cemetery authority that, without a license granted under s.  
20 440.91 (1), sells 10 or more burial, mausoleum, or columbarium spaces at a cemetery  
21 during a calendar year or has \$100,000 or more in trust fund accounts for a cemetery  
22 may be fined not more than \$100.

23 **SECTION 464qm.** 440.95 (2) of the statutes is amended to read:

24 440.95 (2) Any ~~individual who~~ person that is required to register be licensed  
25 as a cemetery salesperson under s. 440.91 (2) and ~~who fails to register~~ that is not

1 licensed may be fined not less than \$25 nor more than \$200 or imprisoned for not  
2 more than 6 months or both.

3 **SECTION 464qn.** 440.95 (2m) of the statutes is created to read:

4 440.95 (2m) Any person that is required to be licensed as a preneed seller under  
5 s. 440.92 (1) (a) and that is not licensed may be fined not more than \$1,000 or  
6 imprisoned for not more than 90 days or both.

7 **SECTION 464qo.** 440.95 (4) (a) of the statutes is repealed.

8 **SECTION 464qp.** 440.95 (4) (c) of the statutes is amended to read:

9 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading  
10 report under s. 440.92 (6) 440.926.

11 **SECTION 464qq.** 440.95 (5) of the statutes is amended to read:

12 440.95 (5) Except as provided in sub. (4), any person who violates s. ss. 440.92  
13 to 440.927 or any rule promulgated under s. ss. 440.92 to 440.927 may be required  
14 to forfeit not more than \$200 for each offense. Each day of continued violation  
15 constitutes a separate offense.”.

16 **10.** Page 362, line 13: after that line insert:

17 “(1q) CEMETERY BOARD.

18 (a) *Definition.* In this subsection:

19 1. “Board” means the cemetery board.

20 2. “Cemetery association” has the meaning given in section 157.061 (1r) of the  
21 statutes.

22 (b) *Filing requirement.* A cemetery association that was not required to be  
23 registered under section 440.91 (1), 1999 stats., and that is not organized or  
24 conducted for pecuniary profit shall, no later than the first day of the 6th month

1 beginning after the effective date of this paragraph, file with the department of  
2 financial institutions any copies of certifications, resolutions, or proceedings that the  
3 cemetery association delivered to the office of the register of deeds of the county in  
4 which the cemetery is located under section 157.062 (9), 1999 stats.

5 (c) *Initial appointments to cemetery board*

6 1. Notwithstanding section 15.405 (3m) (b) 1. and (c) of the statutes, as created  
7 by this act, the initial cemetery authority business representative members of the  
8 board need not be business representatives of a cemetery authority that is licensed  
9 under section 440.91 (1) of the statutes, as affected by this act, to be appointed to and  
10 serve as members of the board until the first day of the 13th month beginning after  
11 the effective date of this subdivision.

12 2. Notwithstanding section 15.07 (1) (cm) of the statutes, as affected by this act,  
13 and section 15.405 (3m) (b) 1. of the statutes, as created by this act, the initial  
14 members of the board shall be appointed by the first day of the 4th month beginning  
15 after the effective date of this subdivision for the following terms:

16 a. Two cemetery authority business representative members and one public  
17 member, for terms expiring on May 1, 2003.

18 b. One cemetery authority business representative member and one public  
19 member, for terms expiring on May 1, 2004.

20 c. One cemetery authority business representative member and the  
21 representative of the department of justice, for terms expiring on May 1, 2005.

22 (d) *Preneed seller licenses.* Notwithstanding section 440.92 (1) (a) and (b)  
23 (intro.) of the statutes, as affected by this act, the department of regulation and  
24 licensing shall issue a certificate of licensure as a cemetery preneed seller to any

1 person who, on the effective date of this paragraph, holds a valid certificate of  
2 registration as a cemetery preneed seller.”.

3 **11.** Page 437, line 2: after that line insert:

4 “(1r) NONDISCLOSURE OF CERTAIN INFORMATION. The treatment of section 440.14  
5 (1) (a), (2), (3), (4), and (5) of the statutes first applies to lists furnished by a board  
6 in the department of regulation and licensing, other than a credentialing board, on  
7 the effective date of this subsection.”.

8 **12.** Page 448, line 2: after that line insert:

9 “(1r) CEMETERY BOARD. The treatment of section 69.18 (1) (bm) (intro.) (by  
10 SECTION 155g) of the statutes takes effect on January 1, 2003.”.

11 (END)