

MJS
CJS

1 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a
 2 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
 3 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that
 4 chapter, the person shall be subject to a supplemental forfeiture not to exceed
 5 \$10,000 for that violation if the conduct by the defendant, for which the fine or
 6 forfeiture was imposed, was perpetrated against an elderly person or disabled person
 7 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”

8 **1249.** Page 940, line 5: delete lines 5 to 10.

(I)

9 **1250.** Page 942, line 9: after that line insert:

10 “SECTION 2841m. 139.03 (5) (b) 2. of the statutes is amended to read:

(J)

11 139.03 (5) (b) 2. A person who is a member of the national guard, the U. S.
 12 armed forces or a reserve component of the U. S. armed forces; who is a state resident;
 13 and who leaves a foreign country, after spending at least 48 hours in that foreign
 14 country on duty or for training, with the purpose of entering into this state may bring
 15 into the state, in sealed original containers and in the person’s immediate possession,
 16 intoxicating liquor and wine in an aggregate amount not exceeding 6 16 liters
 17 without paying the tax imposed under this subchapter on that amount.”

18 **1251.** Page 942, line 16: delete “34” and substitute “38.5”.

19 **1252.** Page 942, line 18: delete “68” and substitute “77”.

20 **1253.** Page 944, line 19: delete “30%” and substitute “25%”.

21 **1254.** Page 944, line 21: delete “30%” and substitute “25%”.

22 **1255.** Page 945, line 5: delete “30%” and substitute “25%”.

23 **1256.** Page 946, line 6: after that line insert:

Handwritten marks including checkmarks and initials on the right side of the page, corresponding to items 1251 through 1255.

1 **“SECTION 2850ag.** 146.56 (1) of the statutes is amended to read:

2 146.56 (1) Not later than July 1, 2002, the department shall develop and
3 implement a statewide trauma care system. The department shall seek the advice
4 of the statewide trauma advisory council under s. 15.197 (25) in developing and
5 implementing the system, and, as part of the system, shall develop regional trauma
6 advisory councils.

7 **SECTION 2850ah.** 146.56 (2) of the statutes is amended to read:

8 146.56 (2) The department shall promulgate rules to develop and implement
9 the system. The rules shall include a method by which to classify all hospitals as to
10 their respective emergency care capabilities. The classification rule shall be based
11 on standards developed by the American College of Surgeons. Within 180 days after
12 promulgation of the classification rule, and every ~~4~~ 3 years thereafter, each hospital
13 shall certify to the department the classification level of trauma care services that
14 is provided by the hospital, based on the rule. The department may require a hospital
15 to document the basis for its certification. The department may not direct a hospital
16 to establish a certain level of certification. Confidential injury data that is collected
17 under this subsection shall be used for confidential review relating to performance
18 improvements in the trauma care system, and may be used for no other purpose.” ✓

19 ✓ **1257.** Page 946, line 7: delete lines 7 to 13 and substitute:

20 **“SECTION 2850bc.** 146.65 of the statutes is created to read:

21 **146.65 Rural health dental clinics.** (1) From the appropriation under s.
22 20.435 (5) (dm), the department shall distribute moneys as follows:

23 (a) In state fiscal year 2001–02, not more than \$618,000 and in fiscal year
24 2002–03, not more than \$232,000, to the rural health dental clinic located in

1 Ladysmith that provides dental services to persons who are developmentally
2 disabled or elderly or who have low income, in the counties of Rusk, Price, Taylor,
3 Sawyer, and Chippewa.

4 (b) In fiscal year 2001–02, not more than \$294,500 and in state fiscal year
5 2002–03, not more than \$355,600, to the rural health dental clinic located in
6 Menomonie that provides dental services to persons who are developmentally
7 disabled or elderly or who have low income, in the counties of Barron, Chippewa,
8 Dunn, Pepin, Pierce, Polk, and St. Croix.

9 (2) The department shall also seek federal funding to support the operations
10 of the rural health dental clinics under sub. (1)."/> ✓

11 ✓ **1258.** Page 946, line 13: after that line insert:

12 “SECTION 2850bm. 148.19 (2) of the statutes is amended to read:

13 148.19 (2) Legal counsel, certified public accountants licensed or certified
14 under ch. 442, or other persons as to matters the director or officer believes in good
15 faith are within the person’s professional or expert competence.” ✓

16 ✓ **1259.** Page 946, line 13: after that line insert:

17 “SECTION 2850bg. 146.83 (1) (b) of the statutes is amended to read:

18 146.83 (1) (b) Receive a copy of the patient’s health care records upon payment
19 of reasonable costs fees, as established by rule under sub. (3m).

20 SECTION 2850bh. 146.83 (1) (c) of the statutes is amended to read:

21 146.83 (1) (c) Receive a copy of the health care provider’s X–ray reports or have
22 the X–rays referred to another health care provider of the patient’s choice upon
23 payment of reasonable costs fees, as established by rule under sub. (3m).

24 SECTION 2850bi. 146.83 (3m) of the statutes is created to read:

1 146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on
2 an approximation of actual costs. The fees, plus applicable tax, are the maximum
3 amount that a health care provider may charge under sub. (1) (b) for duplicate
4 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
5 referral of X-rays to another health care provider of the patient's choice. The rule
6 shall also permit the health care provider to charge for actual postage or other actual
7 delivery costs. In determining the approximation of actual costs for the purposes of
8 this subsection, the department may consider all of the following factors:

9 1. Operating expenses, such as wages, rent, utilities, and duplication
10 equipment and supplies.

11 2. The varying cost of retrieval of records, based on the different media on which
12 the records are maintained.

13 3. The cost of separating requested patient health care records from those that
14 are not requested.

15 4. The cost of duplicating requested patient health care records.

16 5. The impact on costs of advances in technology.

17 (b) By January 1, 2006, and every 3 years thereafter, the department shall
18 revise the rules under par. (a) to account for increases or decreases in actual costs.”.

19 ✓ **1260.** Page 946, line 25: after that line insert:

20 “SECTION 2850dm. 149.135 of the statutes is created to read:

21 **149.135 Special small employer insurer assessment. (1)** In this section:

22 (a) “Discontinued individual” means an individual who was covered under the
23 health benefit plan subject to ch. 635 that was discontinued by the small employer
24 insurer that provided the health benefit plan and who obtained coverage under the

1 plan under this chapter after the coverage under the health benefit plan was
2 discontinued.

3 (b) “Health benefit plan” has the meaning given in s. 632.745 (11).

4 (c) “Small employer” has the meaning given in s. 635.02 (7).

5 (d) “Small employer insurer” has the meaning given in s. 635.02 (8).

6 (2) (a) Except as provided in sub. (3), a small employer insurer that
7 discontinues coverage under a health benefit plan that is subject to ch. 635 shall pay
8 a special assessment for each discontinued individual.

9 (b) The assessment under this subsection shall be determined by multiplying
10 the small employer insurer’s number of discontinued individuals by the average cost
11 of an eligible person in the year in which the small employer insurer discontinued
12 the coverage under the health benefit plan. The average cost of an eligible person
13 in the year in which the health benefit plan was discontinued shall be determined
14 by deducting from the total costs of the plan under this chapter in that year all
15 premiums paid in that year by all persons with coverage under the plan under this
16 chapter, and then by dividing that amount by the total number of persons with
17 coverage under the plan under this chapter in that year.

18 (c) The assessment under this subsection shall also include all costs that are
19 incurred by the small employer insurer’s discontinued individuals during their first
20 6 months of coverage under the plan under this chapter and that are attributable to
21 preexisting conditions.

22 (d) The board shall determine when a small employer insurer must pay the
23 assessment under this section.

1 (3) The assessment under sub. (2) does not apply if the small employer insurer
2 discontinued coverage under the health benefit plan subject to ch. 635 for any of the
3 following reasons:

4 (a) The small employer failed to pay premiums or contributions in accordance
5 with the terms of the health benefit plan or in a timely manner.

6 (b) The small employer performed an act or engaged in a practice that
7 constitutes fraud or made an intentional misrepresentation of material fact under
8 the terms of the coverage.

9 (c) The small employer failed to meet participation or contribution
10 requirements under the health benefit plan.”.

11 **1261.** Page 948, line 20: after that line insert:

12 “**SECTION 2850Ldc.** 149.143 (1) (intro.) of the statutes is amended to read:

13 149.143 (1) (intro.) The department shall pay or recover the operating costs of
14 the plan from the appropriation under s. 20.435 (4) (v) and administrative costs of
15 the plan from the appropriation under s. 20.435 (4) (u). For purposes of determining
16 premiums, insurer assessments under s. 149.13, and provider payment rate
17 adjustments, the department shall apportion and prioritize responsibility for
18 payment or recovery of plan costs from among the moneys constituting the fund as
19 follows:

20 **SECTION 2850Ldm.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

21 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage
22 under s. 149.14 (2) (a) set at 150% of the rate that a standard risk would be charged
23 under an individual policy providing substantially the same coverage and
24 deductibles as are provided under the plan and from eligible persons with coverage

1 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts
2 received for premium and deductible subsidies under s. 149.144 and under the
3 transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and from
4 premiums collected from eligible persons with coverage under s. 149.146 set in
5 accordance with s. 149.146 (2) (b), and from 50% of small employer insurer
6 assessments under s. 149.135. ✓

7 ✓ **1262.** Page 948, line 23: delete “assessments, excluding” and substitute
8 “assessments under s. 149.13, excluding” ✓

9 ✓ **1263.** Page 949, line 2: after that line insert:

10 “SECTION 2850**Lem.** 149.143 (1) (b) 2. a. of the statutes is amended to read:

11 149.143 (1) (b) 2. a. Fifty percent from insurer assessments under s. 149.13,
12 excluding assessments under s. 149.144, and from 50% of small employer insurer
13 assessments under s. 149.135. ✓

14 ✓ **1264.** Page 950, line 17: delete “assessments,” and substitute “assessments
15 under s. 149.13.” ✓

16 ✓ **1265.** Page 951, line 25: delete “assessments,” and substitute “assessments
17 under s. 149.13.” ✓

18 ✓ **1266.** Page 957, line 3: after that line insert:

19 “SECTION 2852**bb.** 157.061 (1) of the statutes is renumbered 157.061 (1c) and
20 amended to read:

21 157.061 (1c) “Burial” means entombment, inurnment ~~or~~, interment, or
22 placement in a mausoleum, vault, crypt, or columbarium.

23 SECTION 2852**bf.** 157.061 (1d) of the statutes is created to read:

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

5 **SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:

6 157.061 (1p) “Cemetery” means a place that is dedicated to and used or
7 intended to be used for the final disposition of human remains.

8 **SECTION 2852bL.** 157.061 (2m) of the statutes is amended to read:

9 157.061 (2m) “Cemetery lot” means a grave or 2 or more contiguous graves and,
10 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~
11 ~~the right to bury human remains in that cemetery lot.~~

12 **SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:

13 157.061 (3) “Cemetery merchandise” means goods associated with the burial
14 of human remains, including monuments, markers, nameplates, vases, and urns,
15 and any services that are associated with supplying or delivering those goods or with
16 the burial of human remains and that may be lawfully provided by a cemetery
17 authority, including opening and closing of a burial space. The term does not include
18 caskets or outer burial containers.

19 **SECTION 2852bp.** 157.061 (3g) of the statutes is created to read:

20 157.061 (3g) “Columbarium” means a building, structure, or part of a building
21 or structure that is used or intended to be used for the inurnment of cremains.

22 **SECTION 2852br.** 157.061 (3r) of the statutes is created to read:

23 157.061 (3r) “Columbarium space” means a niche, crypt, or specific place in a
24 columbarium that contains or is intended to contain cremains.

25 **SECTION 2852bt.** 157.061 (8g) of the statutes is created to read:

1 157.061 (8g) “Lawn crypt” means an interment space in chambers that are
2 preplaced at either a single depth or multiple depths and that are located primarily
3 underground.

4 **SECTION 2852bx.** 157.061 (11r) of the statutes is amended to read:

5 157.061 (11r) “Payment of principal” means the portion of a payment for the
6 purchase of a ~~cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that
7 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,
8 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion
9 of the payment that represents any taxes, finance or interest charges, or insurance
10 premiums.

11 **SECTION 2852da.** 157.061 (15) of the statutes is amended to read:

12 157.061 (15) “Religious association” means any church, synagogue, or mosque
13 ~~or any, incorporated college of a religious order, or religious society organized under~~
14 ch. 187.

15 **SECTION 2852dc.** 157.061 (15m) of the statutes is created to read:

16 157.061 (15m) “Religious cemetery authority” means a cemetery authority of
17 a cemetery owned and operated by a religious association.

18 **SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

19 157.061 (17) “Undeveloped space” means a mausoleum space, columbarium
20 space, or lawn crypt that is not ready for the burial of human remains on the date
21 of the sale of the mausoleum space, columbarium space, or lawn crypt.

22 **SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

23 157.062 (3) VALIDATION. When there shall have been a bona fide attempt to
24 organize a cemetery association, but a failure to record a properly drawn and
25 executed certificate of organization, and it has in good faith bought and platted

1 grounds and conveyed ~~cemetery lots~~ burial spaces and carried on business for over
2 25 years, the same shall be a body corporate from the date of conveyance to it of real
3 estate, and its transfers and other transactions are validated.

4 **SECTION 2852dm.** 157.062 (4) (a) of the statutes is amended to read:

5 157.062 (4) (a) An annual election shall be held during the annual meeting.
6 The annual meeting, and any special meeting described in sub. (2), shall be held at
7 a place in the county chosen by the trustees upon public notice as required by the
8 bylaws. Trustees chosen after the first election shall be proprietors of ~~cemetery lots~~
9 burial spaces in the cemetery, residents of the state, and hold office for 3 years.
10 Election shall be by ballot and a plurality shall elect. Each owner of one or more
11 ~~cemetery lots~~ burial spaces is entitled to one vote, and one of several owners of a
12 ~~cemetery lot~~ burial space, designated by the majority of them, shall cast the vote.

13 **SECTION 2852ds.** 157.062 (6) (c) of the statutes is amended to read:

14 157.062 (6) (c) If an association is dissolved under par. (a) or any group has
15 never been properly organized as cemetery association, and there are fewer than 5
16 members living or residing in the county where the cemetery is located, the circuit
17 judge for the county shall upon the petition of any person interested, make an order
18 determining who are persons interested in the cemetery. Any adult person who owns
19 an interest in any ~~cemetery lot~~ burial space in the cemetery, who is related to any
20 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,
21 or surviving spouse of a member of the dissolved association, is an interested person.
22 The circuit judge may make the order upon evidence he or she deems sufficient, with
23 or without hearing. The order need not contain the names of all persons interested,
24 but shall contain the names of at least 5 such persons.

25 **SECTION 2852dt.** 157.062 (9) of the statutes is amended to read:

1 157.062 (9) EXEMPTIONS FOR CERTAIN NONPROFIT CEMETERIES. In lieu of
2 delivering a certification, resolution, or copy of proceedings to the department of
3 financial institutions under sub. (1), (2), or (6) (b), a cemetery association that is not
4 required to be registered under s. 440.91 (1) and, that is not organized or conducted
5 for pecuniary profit, and that does not operate a cemetery that is located in a county
6 with a population greater than 600,000 shall deliver the certification, resolution, or
7 copy of proceedings to the office of the register of deeds of the county in which the
8 cemetery is located.

9 **SECTION 2852dy.** 157.064 (2) of the statutes is amended to read:

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

15 **SECTION 2852fb.** 157.064 (6) of the statutes is amended to read:

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

1 under the control of the trustees of the accepting association. A conveyance under
2 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious
3 ~~society organized under ch. 187 cemetery authority.~~

4 **SECTION 2852fd.** 157.065 (1) (b) 4. of the statutes is repealed.

5 **SECTION 2852fh.** 157.07 (1) of the statutes is amended to read:

6 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
7 land surveyor registered in this state those portions of the lands that are from time
8 to time required for burial, into ~~cemetery lots~~ burial spaces, drives, and walks, and
9 record a plat or map of the land in the office of the register of deeds. The plat or map
10 may not be recorded unless laid out and platted to the satisfaction of the county board
11 of the county, and the town board of the town, in which the land is situated, or, if the
12 land is situated within a 1st class city, then only by the common council of that city.

13 **SECTION 2852fj.** 157.07 (5) of the statutes is amended to read:

14 157.07 (5) The cemetery authority may vacate or replat any portion of its
15 cemetery upon the filing of a petition with the circuit court describing the portion and
16 setting forth the facts and reasons therefor. The court shall fix a time for hearing and
17 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy
18 of the notice to be mailed to at least one interested person, as to each separate parcel
19 involved, whose post-office address is known or can be ascertained with reasonable
20 diligence, at least 20 days before such hearing. If the court finds that the proposed
21 vacating or replatting is for the best interest of the cemetery authority and that the
22 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be
23 injured, it shall enter an order reciting the jurisdictional facts and its findings and
24 authorizing the vacating or replatting of the lands of the cemetery. The order shall
25 be effective when recorded by the register of deeds.

1 **SECTION 2852fL.** 157.07 (6) of the statutes is amended to read:

2 157.07 (6) This section does not apply to a religious society organized under ch.
3 ~~187~~ cemetery authority.

4 **SECTION 2852fn.** 157.08 (1) of the statutes is amended to read:

5 157.08 (1) After the plat or map is recorded under s. 157.07, the cemetery
6 authority may sell and convey ~~cemetery lots~~ burial spaces. Conveyances shall be
7 signed by the chief officer of the cemetery authority, and by the secretary or clerk of
8 the cemetery authority, if any. Before delivering the conveyance to the grantee, the
9 cemetery authority shall enter on records kept for that purpose, the date and
10 consideration and the name and residence of the grantee. The conveyances may be
11 recorded with the register of deeds.

12 **SECTION 2852fp.** 157.08 (2) (a) of the statutes is amended to read:

13 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery
14 authority and used or intended to be used for the burial of the human remains of the
15 purchaser or the purchaser's family members, the purchaser's interests in the
16 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are
17 not affected or limited by any claims or liens of other persons against the cemetery
18 authority.

19 **SECTION 2852fr.** 157.08 (2) (b) of the statutes is amended to read:

20 157.08 (2) (b) 1. Before a cemetery authority sells or encumbers any cemetery
21 land, except for a sale described in par. (a), the cemetery authority shall notify the
22 department in writing.

23 3. If within 60 days after the department is notified ~~of the proposed sale or~~
24 ~~encumbrance~~ under subd. 1. or 1m. the department notifies the cemetery authority
25 in writing that the department objects to the ~~sale or encumbrance~~ proposed action.

1 the cemetery authority may not ~~sell or encumber the cemetery land~~ take the action
2 unless the department subsequently notifies the cemetery authority in writing that
3 the objection is withdrawn.

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

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

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

17 **SECTION 2852ft.** 157.08 (2) (b) 1m. of the statutes is created to read:

18 157.08 (2) (b) 1m. Before a cemetery authority of a cemetery in a county with
19 a population greater than 600,000 takes any of the following actions, the cemetery
20 authority shall notify the department in writing:

21 a. Transfers ownership or control of 50% or more of the assets or stock of the
22 cemetery.

23 b. Engages in a transaction that results in a person acquiring ownership or
24 control of 50% or more of the stock of the cemetery.

1 c. Transfers responsibility for management or operation of the cemetery
2 authority.

3 **SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to read:

4 157.08 (2) (b) 2. The department shall promulgate rules that specify the
5 documentation that must be submitted with a notification under subds. 1. and 1m.

6 **SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

7 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
8 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a
9 cemetery authority that is not required to be registered under s. 440.91 (1) and, that
10 is not organized or conducted for pecuniary profit, and that does not operate a
11 cemetery that is located in a county with a population greater than 600,000.”

12 ✓ **1267.** Page 957, line 4: delete lines 4 to 20 and substitute:

13 “**SECTION 2852fx.** 157.10 (title) of the statutes is amended to read:

14 **157.10 (title) Alienation and use of cemetery lots burial spaces.**

15 **SECTION 2852gb.** 157.10 of the statutes is renumbered 157.10 (1) and amended
16 to read:

17 157.10 (1) While any person is buried in a ~~cemetery lot~~ burial space, the
18 ~~cemetery lot~~ burial space shall be inalienable, without the consent of the cemetery
19 authority, and on the death of the owner, ownership of the ~~cemetery lot~~ burial space
20 shall descend to the owner’s heirs; but any one or more of such heirs may convey to
21 any other heir his or her interest in the ~~cemetery lot~~ burial space. No human remains
22 may be buried in a ~~cemetery lot~~ burial space except the human remains of one having
23 an interest in the ~~cemetery lot~~ burial space, or a relative, or the husband or wife of

1 such person, or his or her relative, except by the consent of all persons having an
2 interest in the ~~cemetery lot~~ burial space.

3 **SECTION 2852hb.** 157.10 (2) of the statutes is created to read:

4 157.10 (2) The department shall promulgate rules that interpret the
5 requirements of this section and require any person who transfers an interest in a
6 burial space to provide the transferee with a written notice, prepared by the
7 department, that describes the requirements of this section.

8 **SECTION 2852jd.** 157.11 (title) of the statutes is amended to read:

9 **157.11 (title) Improvement and care of ~~cemetery lots~~ burial spaces and**
10 **grounds.**

11 **SECTION 2852jf.** 157.11 (1m) of the statutes is created to read:

12 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority of a cemetery in a county
13 with a population greater than 600,000 shall maintain a cemetery, including burial
14 spaces, grounds, landscaping, roads, parking lots, fences, buildings, and other
15 structures, in a reasonable manner at all times.

16 **SECTION 2852jh.** 157.11 (2) of the statutes is amended to read:

17 157.11 (2) REGULATIONS. The cemetery authority may make regulations for
18 management and care of the cemetery. No person may plant, in the cemetery, trees
19 or shrubs, nor erect wooden fences or structures or offensive or dangerous structures
20 or monuments, nor maintain them if planted or erected in violation of the
21 regulations. The cemetery authority may require any person owning or controlling
22 a ~~cemetery lot~~ burial space to do anything necessary to comply with the regulations
23 by giving reasonable personal notice in writing if the person is a resident of the state,
24 otherwise by publishing a class 3 notice, under ch. 985, in the county. If the person
25 fails to comply within 20 days thereafter, the cemetery authority may cause it to be

1 done and recover from the person the expense. The cemetery authority may also
2 impose a forfeiture not exceeding \$10 for violation of the regulations posted in 3
3 conspicuous places in the cemetery, recoverable under ch. 778. Each employee and
4 agent of the cemetery authority shall have constable powers in enforcing the
5 regulations.

6 **SECTION 2852jj.** 157.11 (3) of the statutes is amended to read:

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

14 **SECTION 2852jL.** 157.11 (4) of the statutes is amended to read:

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

23 **SECTION 2852jn.** 157.11 (5) of the statutes is amended to read:

1 157.11 (5) SUM REQUIRED. The cemetery authority shall annually fix the sum
2 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of
3 the cemetery, or to produce a sufficient income for those purposes.

4 **SECTION 2852jp.** 157.11 (7) (a) of the statutes is amended to read:

5 157.11 (7) (a) The cemetery authority may annually assess upon the ~~cemetery~~
6 ~~lots~~ burial spaces amounts not to exceed the amounts reasonably required for actual
7 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and
8 improvement of the cemetery. Notice of the assessment, along with a copy of this
9 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~
10 burial space, at the owner's or person's last-known post-office address, directing
11 payment to the cemetery authority within 30 days and specifying that such
12 assessments are a personal liability of the owner or person.

13 **SECTION 2852jr.** 157.11 (7) (b) of the statutes is amended to read:

14 157.11 (7) (b) The cemetery authority may fix and determine the sum
15 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in
16 reasonable and uniform amounts, which amounts shall be subject to the approval of
17 the court, and may collect those amounts as part of the funeral expenses.

18 **SECTION 2852jt.** 157.11 (7) (c) of the statutes is amended to read:

19 157.11 (7) (c) Before ordering distribution of the estate of a deceased person,
20 the court shall order paid any assessment under this section, or the sum so fixed for
21 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

22 **SECTION 2852jv.** 157.11 (7) (d) of the statutes is amended to read:

23 157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given
24 for 2 consecutive years or more, for which assessments are unpaid, after notice as
25 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.

1 When uniform care has been given for 5 consecutive years or more and the
2 assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery
3 ~~lot~~ burial space shall pass to the cemetery authority and may be sold, the payment
4 of principal to be deposited into the care fund. Before depositing the payment of
5 principal into the care fund, the cemetery authority may retain an amount necessary
6 to cover the cemetery authority's administrative and other expenses related to the
7 sale, but the amount retained may not exceed 50% of the proceeds.

8 **SECTION 2852jx.** 157.11 (8) (title) of the statutes is repealed.

9 **SECTION 2852jy.** 157.11 (8) of the statutes is renumbered 157.11 (9) (am) and
10 amended to read:

11 157.11 (9) (am) The A cemetery authority shall take, hold, and use any gifts,
12 or the income and proceeds of any gifts, as may be made in trust or otherwise, for the
13 improvement, maintenance, repair, preservation, or ornamentation of any cemetery
14 ~~lot~~ burial space or structure in the cemetery, according to the terms of the gift and
15 regulations by the cemetery authority.

16 **SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and recreated to
17 read:

18 157.11 (9) (title) GIFTS.

19 **SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and
20 amended to read:

21 157.11 (9) (b) Before a cemetery authority receives a gift, the surety bonds of
22 the cemetery authority shall be increased to cover such amount if it does not then do
23 so. ~~If the bonds are not filed, or the~~

24 (d) If a cemetery authority fails to do anything required by this subsection, the
25 judge may appoint a trustee, and all property and money so given in the manner

1 described under par. (am) or (c) and evidences of title and securities shall be delivered
2 to the trustee.

3 **SECTION 2852Ld.** 157.11 (9) (c) of the statutes is created to read:

4 157.11 (9) (c) If a cemetery authority of a cemetery in a county with a population
5 greater than 600,000 receives a gift for the improvement, maintenance, repair,
6 preservation, or ornamentation of any burial space or structure in the cemetery, it
7 shall either expend the income and proceeds of the gift or deposit the proceeds into
8 a trust account at a financial institution, as defined in s. 705.01 (3), according to the
9 terms of the gift and regulations of the cemetery authority. A cemetery authority of
10 a cemetery in a county with a population greater than 600,000 that receives a gift
11 shall maintain a gift ledger that accounts for all receipts and disbursements of gifts.

12 **SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to read:

13 157.11 (9g) (title) CARE FUND FOR CEMETERY LOTS BURIAL SPACES.

14 **SECTION 2852Lh.** 157.11 (9g) (a) 1. (intro.) of the statutes is amended to read:

15 157.11 (9g) (a) 1. (intro.) Except as provided in ss. ~~66.0603 (1) (e)~~ 66.0603 (1m)
16 (c) and 157.19 (5) (b), funds that are received by a cemetery authority for the care of
17 a cemetery lot burial space shall be invested in one or more of the following manners:

18 **SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended to read:

19 157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise
20 deposited by the cemetery authority in an investment ~~approved by the department~~
21 if the care funds are segregated and invested separately from all other moneys held
22 by the cemetery authority. A cemetery authority of a cemetery in a county with a
23 population of 600,000 or less may invest funds in the manner described in this subd.
24 1. c. only if the department approves the investment. A cemetery authority of a
25 cemetery in a county with a population greater than 600,000 may invest funds in the

1 manner described in this subd. 1. c. only if the cemetery authority submits to the
2 department a written statement by an investment advisor licensed under ch. 551, or
3 a broker, as defined in s. 408.102 (1) (c), that the investment is made in accordance
4 with the standards specified in s. 881.01.

5 **SECTION 2852LL.** 157.11 (9g) (a) 2. of the statutes is amended to read:

6 157.11 (9g) (a) 2. The manner in which the care funds are invested may not
7 permit the cemetery authority to withdraw the care fund's principal amount. ~~The~~
8 , but, for a cemetery authority of a cemetery in a county with a population greater
9 than 600,000, may permit the withdrawal of interest, dividends, or capital gains
10 earned during the most recently completed calendar year. For any cemetery
11 authority, the income from the investment of a care fund for the care of cemetery lots
12 burial spaces may be used only to maintain the cemetery lots burial spaces and
13 grounds, except that if the amount of income exceeds the amount necessary to
14 maintain the cemetery lots burial spaces or grounds properly, the excess amount may
15 be used to maintain any other portion of the cemetery, including mausoleums. If the
16 care funds are deposited with a city or county, or previously deposited with a village,
17 there shall be paid to the cemetery authority annually interest on funds so deposited
18 of not less than 2% per year. The governing body of any city or county, or any village
19 or town in the case of previous deposits, may determine to return all or a part of any
20 funds deposited by a cemetery authority, and that cemetery authority shall accept
21 the returned funds within 30 days after receiving written notice of that action. If the
22 cemetery authority is dissolved or becomes inoperative, the county or city shall use
23 the interest on the funds for the care and upkeep of the cemetery. Deposit shall be
24 made and the income paid over from time to time, not less frequently than once each
25 year, and receipts in triplicate shall be given, one filed with the county clerk, one with

1 the cemetery authority and one given to the person making the deposit. Deposits
2 shall be in the amount of \$5 or a multiple thereof. Records and receipts shall specify
3 the ~~cemetery lot~~ burial space for the care of which the deposit is made. Reports of
4 money received for care and of money and property received as gifts shall be made
5 annually as provided in s. 157.62 (2).

6 **SECTION 2852Ln.** 157.11 (9g) (c) of the statutes is amended to read:

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

14 **SECTION 2852Lp.** 157.11 (10) of the statutes is amended to read:

15 157.11 (10) **EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.**
16 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does
17 apply, to a religious society ~~organized under ch. 187~~ cemetery authority.

18 **SECTION 2852Lt.** 157.11 (11) of the statutes is amended to read:

19 157.11 (11) **EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES.** Subscction (9g) docs
20 not apply to a cemetery authority that is not required to be registered under s. 440.91
21 (1) and, that is not organized or conducted for pecuniary profit, and that does not
22 operate a cemetery in a county with a population that is greater than 600,000.

23 **SECTION 2852ob.** 157.115 (title) of the statutes is amended to read:

24 **157.115 (title) Abandonment of cemeteries and cemetery lots burial**
25 **spaces.**

1 **SECTION 2852obm.** 157.115 (1) (title) of the statutes is amended to read:

2 157.115 (1) (title) ABANDONMENT OF CEMETERIES; ALL COUNTIES.

3 **SECTION 2852oc.** 157.115 (1) (a) of the statutes is renumbered 157.115 (1) (ar).

4 **SECTION 2852od.** 157.115 (1) (ag) of the statutes is created to read:

5 157.115 (1) (ag) This subsection applies to cemeteries in any county.

6 **SECTION 2852oh.** 157.115 (1) (b) and (c) of the statutes are renumbered 157.115

7 (1g) (b) and (c).

8 **SECTION 2852of.** 157.115 (1g) (title) of the statutes is created to read:

9 157.115 (1g) (title) ABANDONMENT OF CEMETERIES; NONPOPULOUS COUNTIES.

10 **SECTION 2852og.** 157.115 (1g) (a) of the statutes is created to read:

11 157.115 (1g) (a) This subsection applies to cemeteries in counties with a
12 population that is 600,000 or less.

13 **SECTION 2852oj.** 157.115 (1r) of the statutes is created to read:

14 157.115 (1r) ABANDONMENT OF CEMETERIES; POPULOUS COUNTIES. (a) This
15 subsection applies to cemeteries in counties with a population greater than 600,000.

16 (b) If a municipality in which a cemetery is located determines that the
17 cemetery authority has failed to care for the cemetery for a period of 6 months or
18 more, the municipality shall notify the cemetery authority that it has 90 days to
19 correct the failure. Upon a showing of good cause, the municipality may grant the
20 cemetery authority one 90–day extension to correct the failure. If the municipality
21 finds that the cemetery authority has failed to correct the failure within the deadline
22 specified in the notice or extension, the municipality may, after a public hearing, take
23 control of the cemetery, manage and care for the cemetery, collect and manage all
24 trust funds connected with the cemetery other than trust funds received by a will,
25 or take any other action necessary to provide for the care of the cemetery. The

1 municipality may collect from the cemetery authority any costs incurred by the
2 municipality in exercising its authority under this paragraph.

3 **SECTION 2852ok.** 157.115 (1t) of the statutes is created to read:

4 157.115 (1t) INJUNCTION. Upon application by the department, a court may
5 enjoin a person from acquiring ownership or control of a cemetery in a county with
6 a population greater than 600,000 if the person has abandoned another cemetery
7 anywhere in this state, or has owned or operated another cemetery anywhere in this
8 state that is subsequently controlled by a municipality under sub. (1g) (b) or (c) or
9 (1r) (b).

10 **SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended to read:

11 157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

12 **SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

13 157.115 (2) (a) 1. (intro.) “Abandoned lot space” means one or more ~~graves of~~
14 ~~a cemetery lot~~ burial spaces that is are not owned by the cemetery authority of the
15 cemetery in which the ~~cemetery lot is~~ burial spaces are located if those ~~graves~~ burial
16 spaces have not been used for the burial of human remains and if, according to the
17 records of the cemetery authority, all of the following apply during the 50-year period
18 immediately preceding the date on which the notice requirement under par. (c) is
19 satisfied:

20 **SECTION 2852op.** 157.115 (2) (a) 1. a. of the statutes is amended to read:

21 157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the
22 ~~cemetery lot~~ burial space to any other person.

23 **SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended to read:

24 157.115 (2) (a) 1. b. No owner has purchased or sold another ~~cemetery lot or a~~
25 ~~mausoleum~~ burial space in the cemetery.

1 **SECTION 2852ot.** 157.115 (2) (a) 1. c. of the statutes is amended to read:

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

5 **SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended to read:

6 157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been
7 installed on the ~~cemetery lot~~ burial space.

8 **SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended to read:

9 157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been
10 installed on any other ~~cemetery lot~~ burial space, in the same cemetery, that is owned
11 or partially owned by an owner.

12 **SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended to read:

13 157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner
14 or assignee or received any other notice or evidence to suggest that an owner or
15 assignee intends to use the ~~cemetery lot~~ burial space for a future burial of human
16 remains.

17 **SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to read:

18 157.115 (2) (a) 2. “Assignee” means a person who has been assigned in the
19 deceased owner’s will or in any other legally binding written agreement, or who is
20 entitled to receive under ch. 852, an ownership interest in the abandoned ~~cemetery~~
21 lot space.

22 **SECTION 2852pd.** 157.115 (2) (a) 3. of the statutes is amended to read:

23 157.115 (2) (a) 3. “Owner” means a person who, according to the records of the
24 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is
25 located, owns or partially owns the abandoned ~~cemetery lot~~ space.

1 **SECTION 2852pf.** 157.115 (2) (b) of the statutes is amended to read:

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

5 **SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to read:

6 157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner's
7 last-known address, a notice of the cemetery authority's intent to resell the
8 abandoned cemetery lot space as provided in this subsection. If an owner is buried
9 in the cemetery in which the abandoned cemetery lot space is located or if the
10 cemetery authority has any other evidence that reasonably supports a
11 determination by the cemetery authority that the owner is deceased, no notice is
12 required under this paragraph.

13 **SECTION 2852pj.** 157.115 (2) (d) (intro.) of the statutes is amended to read:

14 157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days
15 after notice is mailed under par. (c), no owner or assignee contacts the cemetery
16 authority to express an intent to use the abandoned cemetery lot space for a future
17 burial of human remains, the cemetery authority shall publish in a newspaper of
18 general circulation in the county in which the abandoned lot space is located, a class
19 3 notice under ch. 985 that includes all of the following:

20 **SECTION 2852pL.** 157.115 (2) (d) 1. of the statutes is amended to read:

21 157.115 (2) (d) 1. The location of the abandoned lot space.

22 **SECTION 2852pn.** 157.115 (2) (d) 3. of the statutes is amended to read:

23 157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the
24 cemetery authority within the period specified in par. (e), the cemetery authority
25 intends to resell the abandoned lot space as provided in this subsection.

1 **SECTION 2852pp.** 157.115 (2) (e) of the statutes is amended to read:

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

9 **SECTION 2852pr.** 157.115 (2) (f) of the statutes is amended to read:

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

19 **SECTION 2852pt.** 157.115 (2) (g) of the statutes is amended to read:

20 157.115 (2) (g) If at any time before an abandoned ~~lot~~ space is resold under par.
21 (f) an owner or assignee contacts the cemetery authority to express an intent to use
22 the abandoned ~~lot~~ space for a future burial of human remains, the authority may not
23 resell the abandoned ~~lot space~~, and ownership of the abandoned ~~lot space~~ shall be
24 transferred to the owner or assignee. The cemetery authority shall pay all costs of
25 transferring ownership under this paragraph.

1 **SECTION 2852pv.** 157.115 (2) (h) of the statutes is amended to read:

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

6 **SECTION 2852px.** 157.117 of the statutes is created to read:

7 **157.117 Trustees for certain cemeteries and mausoleums. (1)**

8 DEFINITIONS. In this section:

9 (a) “Cemetery” means a cemetery in a county with a population greater than
10 600,000, but does not include a cemetery the ownership, control, or management of
11 which has been assumed by a municipality. For purposes of this paragraph, a
12 municipality is considered to have assumed the ownership, control, or management
13 of a cemetery only if the municipality has adopted a resolution or enacted an
14 ordinance that has the effect of assuming ownership, control, or management of the
15 cemetery. “Cemetery” also does not include a cemetery owned and operated by a
16 religious cemetery authority.

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

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

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

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

22 **(2) APPOINTMENT OF TRUSTEE.** (a) In response to a petition from the department
23 or upon his or her own motion, the attorney general may petition the circuit court for
24 the county in which a cemetery or mausoleum is located for the appointment of a
25 trustee for the cemetery or mausoleum. If the attorney general petitions the court

1 on his or her own motion, the attorney general shall serve a copy of the petition on
2 the department and the municipality and county within which the cemetery is
3 located.

4 (b) A court shall schedule a hearing on a petition filed under par. (a) within 90
5 days after the petition is filed with the court. If the court finds after a hearing that
6 a cemetery or mausoleum is neglected, abandoned, in disuse, improperly
7 maintained, or financially unsound, the court shall appoint as a trustee for the
8 cemetery or mausoleum a capable and competent person to serve as trustee of the
9 cemetery or mausoleum under this section, except that the court may not appoint the
10 department as a trustee.

11 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding
12 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new
13 owner, other than the state, if the owner believes itself to be incapable of continuing
14 to operate the cemetery or mausoleum. The court may grant the petition if it finds
15 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly
16 maintained, or financially unsound. If the court grants the petition, it shall transfer
17 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.
18 (b).

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

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

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

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

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

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

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

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

11 3. Removal and reinternment of human remains in accordance with the
12 requirements of this subchapter.

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

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

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

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

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

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

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

3 (4) DEPARTMENT POWERS AND DUTIES. (a) From the appropriation under s. 20.165
4 (1) (q), the department shall make disbursements to trustees. The department shall
5 promulgate rules establishing requirements and procedures for making the
6 disbursements.

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

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

11 (a) The owner or operator of a cemetery or mausoleum demonstrates to the
12 satisfaction of the court that the conditions that necessitated the trusteeship have
13 been remedied and that it is competent and capable of managing the cemetery or
14 mausoleum.

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

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

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

24 **SECTION 2852pz.** 157.12 (2) (b) of the statutes is amended to read:

1 157.12 (2) (b) The department shall supervise construction of any public
2 mausoleum and conversion of any building to a public mausoleum. Within 30 days
3 after receiving written notice from the cemetery authority that the construction or
4 conversion has been completed, the department shall inspect the public mausoleum
5 and provide the cemetery authority with a written certification as to whether the
6 construction or conversion complies with approved plans. If the department
7 determines that, except for certain minor defects, the construction or conversion
8 complies with the approved plans, the department may provide the cemetery
9 authority with a written temporary certification of compliance that is contingent on
10 the correction of those minor defects. A temporary certification is valid for a period
11 designated by the department, not to exceed 6 months. No person may sell a
12 mausoleum space, except an undeveloped space that is sold in accordance with ~~s. ss.~~
13 440.92 and 440.922, or bury human remains in a public mausoleum unless a care
14 fund has been established for the mausoleum under sub. (3) and the department has
15 provided the cemetery authority with a certification or a temporary certification
16 under this paragraph. If a cemetery authority that has been provided with a
17 temporary certification notifies the department in writing before the date on which
18 the temporary certification expires that the defects in the construction or conversion
19 of the public mausoleum have been corrected, the department shall, within 30 days
20 after receiving the notice, reinspect the public mausoleum and provide the cemetery
21 authority with a written certification as to whether the construction or conversion
22 complies with the approved plans. If a cemetery authority that has been provided
23 with a temporary certification does not receive a written certification from the
24 department before the date on which the temporary certification expires that the
25 construction or conversion complies with the approved plans, then, beginning on the

1 date on which the certification expires, no person may sell a mausoleum space, except
2 an undeveloped space that is sold in accordance with s. ss. 440.92 and 440.922, or
3 bury human remains in the public mausoleum until the defects are corrected and the
4 department subsequently inspects the public mausoleum and provides the cemetery
5 authority with a certification that the construction or conversion complies with the
6 approved plans. The department may charge a reasonable fee to the cemetery
7 authority for each inspection and certification provided under this paragraph if the
8 inspection and certification are provided within the applicable 30-day period
9 prescribed under this paragraph.

10 **SECTION 2852qb.** 157.12 (3) (b) of the statutes is amended to read:

11 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The
12 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties
13 approved by the department of regulation and licensing to indemnify the cemetery
14 against loss if the treasurer fails to maintain the fund. No For a cemetery in a county
15 with a population greater than 600,000, the amount of the bond shall be no less than
16 the total of all payments of principal required under this section as stated in the most
17 recent annual report filed by the cemetery authority under s. 157.62. For any
18 cemetery, no indemnity is required if the terms of sale of a mausoleum space require
19 the purchaser to pay directly to a trust company in the state, designated by the
20 cemetery as custodian of the fund. The fund shall be invested as provided in s.
21 157.19. Income For a cemetery in a county with a population greater than 600,000,
22 the manner in which the care funds are invested may not permit the withdrawal of
23 the fund's principal amount, but may permit the withdrawal of interest, dividends,
24 or capital gains earned during the most recently completed calendar year. For any
25 cemetery, income from investment may be used only to maintain the mausoleum,

1 except that if the amount of income exceeds the amount necessary to properly
2 maintain the mausoleum the excess amount may be used to maintain any portion of
3 the cemetery.

4 **SECTION 2852qd.** 157.125 (title) of the statutes is amended to read:

5 **157.125 (title) Trustees for the care of cemeteries or ~~cemetery lots~~**
6 **burial spaces.**

7 **SECTION 2852qf.** 157.125 (2) of the statutes is amended to read:

8 157.125 (2) If the burial place or grave is located in a cemetery owned and
9 operated by a religious ~~society organized under ch. 187 cemetery authority~~, the court
10 shall name the religious ~~society~~ cemetery authority as the trustee unless the
11 religious ~~society~~ cemetery authority petitions the court to name the county treasurer
12 as the trustee.

13 **SECTION 2852qh.** 157.128 (2) (a) of the statutes is amended to read:

14 157.128 (2) (a) The cemetery is owned by a religious ~~association~~ cemetery
15 authority.

16 **SECTION 2852qhk.** 157.128 (2) (b) of the statutes is amended to read:

17 157.128 (2) (b) The religious ~~association~~ cemetery authority is responsible for
18 all liabilities of the cemetery.

19 **SECTION 2852qhL.** 157.128 (2) (c) of the statutes is amended to read:

20 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious
21 ~~association~~ cemetery authority exceeds 20 acres.

22 **SECTION 2852qj.** 157.128 (3) (b) of the statutes is amended to read:

23 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
24 dedicated by a cemetery authority that is not required to be registered under s.

1 440.91 (1) ~~and, that is not organized or conducted for pecuniary profit, and that is not~~
2 ~~located in a county with a population greater than 600,000.~~

3 **SECTION 2852qL.** 157.19 (2) (c) of the statutes is amended to read:

4 157.19 (2) (c) Upon request of the financial institution, the preneed seller, as
5 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the
6 preneed sales contract. ~~Except as provided in s. 440.92 (2) (e), (f) and (j) and (5) ss.~~
7 ~~440.922 (3), (5) (c), and (8), and 440.924,~~ preneed trust funds, and any interest or
8 dividends that have accumulated on the preneed trust funds, may not be withdrawn
9 until all obligations under the preneed sales contract have been fulfilled. The
10 financial institution is not responsible for the fulfillment of any part of the preneed
11 sales contract, except that the financial institution shall release the preneed trust
12 funds, and any interest or dividends that have accumulated on the preneed trust
13 funds, as provided by the terms of the preneed sales contract. The trustee of a
14 preneed trust fund may not be changed without the department's written approval.
15 If the trustee or account number of a preneed trust fund is changed, the cemetery
16 authority shall notify the department in writing within 30 days after the change.

17 **SECTION 2852qn.** 157.19 (4m) of the statutes is created to read:

18 157.19 (4m) The department shall request proposals from financial
19 institutions located in this state for the purpose of selecting a financial institution
20 that cemetery authorities and preneed sellers may use as the trustee for care funds
21 under s. 157.11 (9g) and 157.12 (3) and preneed trust funds under s. 440.92. Except
22 as provided in sub. (5) (c), a cemetery authority or preneed seller is not required to
23 use the financial institution selected by the department. The financial institution
24 selected under this subsection shall submit an annual report to the department, in
25 a form and manner satisfactory to the department, that provides an accounting of

1 all care funds and preneed trust funds for which the financial institution is the
2 trustee.

3 **SECTION 2852qp.** 157.19 (5) (a) of the statutes is amended to read:

4 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that
5 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds
6 of a cemetery for which a certification under s. 157.63 is effective, or to preneed trust
7 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care
8 funds or preneed trust funds of a cemetery authority that is not required to be
9 registered under s. 440.91 (1) and, that is not organized or conducted for pecuniary
10 profit, and that is not located in a county with a population greater than 600,000.

11 **SECTION 2852qr.** 157.19 (5) (c) of the statutes is created to read:

12 157.19 (5) (c) If the department determines that a cemetery authority of a
13 cemetery in a county with a population greater than 600,000, or a preneed seller for
14 such a cemetery authority, has violated any requirement under this subchapter or
15 subch. VIII of ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or
16 preneed trust funds under s. 440.92, the department may require the cemetery
17 authority or preneed seller to use the financial institution selected under sub. (4m)
18 as the trustee for the care funds or preneed trust funds.

19 **SECTION 2852qt.** 157.60 of the statutes is amended to read:

20 **157.60 Public easement in cemetery.** Any person who shall open or make
21 any highway, town way, or private way or shall construct any railroad, turnpike, or
22 canal or anything in the nature of a public easement over, through, in, or upon such
23 part of any enclosure, being the property of any town, city, village, or religious society
24 cemetery authority or of private proprietors, as may be used for the burial of the dead,
25 unless an authority for that purpose shall be specially granted by law or unless the

1 consent of such town, city, village, religious society cemetery authority, or private
2 proprietors, respectively, shall be first obtained, shall be punished by imprisonment
3 in the county jail not more than one year or by fine not exceeding \$300.

4 **SECTION 2852qv.** 157.61 of the statutes is created to read:

5 **157.61 Identification of human remains.** A person may not provide an
6 outer burial container or, if an outer burial container is not used, a casket, to a
7 cemetery authority of a cemetery in a county with a population greater than 600,000,
8 other than a religious cemetery authority, for the burial of human remains, unless
9 the person identifies the decedent by name on the exterior of the outer burial
10 container or casket.

11 **SECTION 2852se.** 157.62 (2) (b) 1m. of the statutes is created to read:

12 157.62 (2) (b) 1m. If the cemetery authority operates a cemetery in a county
13 with a population greater than 600,000, the percentage of burial spaces at the
14 cemetery that are available for sale.

15 **SECTION 2852sh.** 157.62 (3) (a) of the statutes is amended to read:

16 157.62 (3) (a) Every cemetery authority shall keep a copy of the report required
17 under sub. (2) (a) at its principal place of business and, except for those records
18 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make
19 the report available for inspection, upon reasonable notice, by any person with an
20 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or
21 operated by the cemetery authority.

22 **SECTION 2852si.** 157.62 (3) (b) 3. of the statutes is amended to read:

23 157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~
24 ~~mausoleum~~ burial space or cemetery merchandise.

25 **SECTION 2852sj.** 157.62 (3) (c) of the statutes is created to read:

1 157.62 (3) (c) Every cemetery authority of a cemetery in a county with a
2 population greater than 600,000 that is registered under s. 440.91 (1) shall maintain
3 records identifying the section, lot, and site of each burial space and showing the
4 location of each burial space on a map.

5 **SECTION 2852sk.** 157.62 (4) (title) of the statutes is amended to read:

6 157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

7 **SECTION 2852sL.** 157.62 (4) of the statutes is renumbered 157.62 (4) (a).

8 **SECTION 2852sm.** 157.62 (4) (b) of the statutes is created to read:

9 157.62 (4) (b) A cemetery authority that operates a cemetery in a county with
10 a population greater than 600,000 that is registered shall, upon reasonable notice,
11 make the records and contract copies under sub. (3) (b) available for inspection and
12 copying by the department.

13 **SECTION 2852sn.** 157.62 (5) of the statutes is renumbered 157.62 (5) (b).

14 **SECTION 2852snb.** 157.62 (5) (a) of the statutes is created to read:

15 157.62 (5) (a) The department may promulgate rules establishing minimum
16 standards for the format and maintenance of records required under this section,
17 except under sub. (1).

18 **SECTION 2852so.** 157.62 (6) of the statutes is renumbered 157.62 (6) (a) and
19 amended to read:

20 157.62 (6) (a) Except as provided in ss. 157.625, 157.63 (5) and 440.92 (9) (e),
21 the department may audit, at reasonable times and frequency, the records, trust
22 funds, and accounts of any cemetery authority and shall audit the records, trust
23 funds, and accounts of each registered cemetery authority of a cemetery in a county
24 with a population greater than 600,000, including records, trust funds, and accounts
25 pertaining to services provided by a cemetery authority which are not otherwise

1 subject to the requirements under this chapter. The department may conduct audits
2 under this subsection on a random basis, and ~~shall conduct all audits under this~~
3 ~~subsection~~ without providing prior notice to the cemetery authority.

4 **SECTION 2852sp.** 157.62 (6) (b) of the statutes is created to read:

5 157.62 (6) (b) If the department has cause to believe that a registered cemetery
6 authority of a cemetery in a county with a population greater than 600,000 has not
7 complied with the requirements of this subchapter or subch. VIII of ch. 440
8 pertaining to trust funds and accounts, the department may require the cemetery
9 authority to submit an audit conducted at the cemetery authority's expense by an
10 independent certified public accountant in accordance with generally accepted
11 auditing standards.

12 **SECTION 2852sq.** 157.625 of the statutes is amended to read:

13 **157.625 Reporting exemption for certain cemeteries.** (1) A cemetery
14 authority of a cemetery that is not located in a county with a population that is
15 greater than 600,000 and that is not required under this chapter or under s. 440.92
16 to maintain any care funds or preneed trust funds is not required to file an annual
17 report under s. 157.62 (2).

18 (2) A cemetery authority of a cemetery that is not located in a county with a
19 population that is greater than 600,000 and whose annual operating budget for the
20 cemetery is \$2,500 or less is not required to file an annual report under s. 157.62 (2).

21 (3) Section 157.62 does not apply to a cemetery authority that is not required
22 to be registered under s. 440.91 (1) ~~and~~, that is not organized or conducted for
23 pecuniary profit, and that does not operate a cemetery in a county with a population
24 that is greater than 600,000.

25 **SECTION 2852sr.** 157.63 (title) of the statutes is amended to read:

1 **157.63 (title) Reporting and auditing exemptions; certification of**
2 **compliance of religious cemetery affiliated with religious society**
3 **authority.**

4 **SECTION 2852ss.** 157.63 (1) of the statutes is amended to read:

5 157.63 (1) In lieu of filing an annual report under s. 157.62 (2), a religious
6 cemetery authority of a cemetery that is affiliated with a religious society organized
7 under ch. 187 or that religious society or the church, synagogue, mosque,
8 incorporated college of a religious order, or religious society organized under ch. 187
9 that is affiliated with a religious cemetery authority may file an annual certification
10 with the department as provided in this section.

11 **SECTION 2852st.** 157.63 (2) (b) of the statutes is amended to read:

12 157.63 (2) (b) A notarized statement of a person who is legally authorized to
13 act on behalf of the religious ~~society~~ cemetery authority under this section that,
14 during the reporting period under s. 157.62, each cemetery and the religious
15 cemetery authority of each cemetery specified under par. (a) have either fully
16 complied or have substantially complied with ss. 157.11 (9g) and 157.12 (3).

17 **SECTION 2852sv.** 157.63 (3) of the statutes is amended to read:

18 157.63 (3) If the statement under sub. (2) (b) includes a statement of
19 substantial compliance, the statement under sub. (2) (b) must also specify those
20 instances when the cemetery or religious cemetery authority did not fully comply
21 with s. 157.11 (9g) or 157.12 (3).

22 **SECTION 2852sx.** 157.63 (4) of the statutes is amended to read:

23 157.63 (4) A certification under this section is effective for the 12-month period
24 immediately following the reporting period under s. 157.62 (2) for which the religious

1 cemetery authority is certified under this section to have fully or substantially
2 complied with ss. 157.11 (9g) and 157.12 (3).

3 **SECTION 2852sz.** 157.63 (6) of the statutes is amended to read:

4 157.63 (6) The church, synagogue, mosque, incorporated college of a religious
5 order, or religious society that is affiliated with a cemetery to which a certification
6 under this section applies is liable for the damages of any person that result from the
7 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11
8 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such
9 compliance has been certified under this section.”

10 ✓ **1268.** Page 957, line 20: after that line insert:

11 “**SECTION 2852n.** 157.114 of the statutes is created to read:

12 **157.114 Duty to provide for burials.** (1) In this section, “cemetery
13 authority” does not include a municipality that takes control of a cemetery under s.
14 157.115 (1) (b).

15 (2) A cemetery authority shall, insofar as practicable, provide for burials
16 during each season, including winter. Nothing in this subsection may be construed
17 to prohibit a cemetery authority from charging a reasonable fee to recover the costs
18 related to providing for a burial during difficult weather conditions.” ✓

19 ✓ **1269.** Page 957, line 21: delete the material beginning with that line and
20 ending with page 958, line 19, and substitute:

21 “**SECTION 2852w.** 157.635 of the statutes is amended to read:

22 **157.635 Regulations of religious cemetery ~~affiliated with religious~~**
23 **society authorities.** Nothing in this subchapter prohibits a religious cemetery
24 authority of a cemetery that is affiliated with a religious society organized under ch.

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

7 ✓ **1270.** Page 958, line 19: after that line insert:

8 “SECTION 2852yh. 157.64 (2) (e) of the statutes is amended to read:

9 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

10 SECTION 2852yL. 157.64 (2) (h) of the statutes is created to read:

11 157.64 (2) (h) Violates s. 157.112, if the violation occurs in a county with a
12 population greater than 600,000.

13 SECTION 2852yu. 157.65 (1) (b) of the statutes is amended to read:

14 157.65 (1) (b) If the department of commerce has reason to believe that any
15 person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the
16 continuation of that activity might cause injury to the public interest, the
17 department of commerce ~~may~~ shall investigate.”

18 ✓ **1271.** Page 958, line 24: after that line insert:

19 “SECTION 2853r. 165.017 (1) of the statutes is repealed.

20 SECTION 2853s. 165.017 (2) of the statutes is amended to read:

21 165.017 (2) The attorney general or his or her designee shall review and
22 approve or disapprove all proposed petitions ~~or petitions~~ for commitment of
23 individuals as specified under s. 51.20 (1) (ad) 1.

24 SECTION 2853t. 165.017 (3) of the statutes is repealed.

1 **SECTION 2853u.** 165.017 (5) of the statutes is repealed.” ✓

2 ✓ **1272.** Page 959, line 7: after that line insert:

3 “**SECTION 2854r.** 165.25 (4) (a) of the statutes is amended to read:

4 165.25 (4) (a) The department of justice shall furnish all legal services required
5 by the investment board, the lottery division in the department of revenue, the public
6 service commission, the department of transportation, the department of natural
7 resources, the department of forestry, the department of tourism, and the
8 department of employee trust funds, together with any other services, including
9 stenographic and investigational, as are necessarily connected with the legal work.” ✓

10 ✓ **1273.** Page 959, line 14: after that line insert:

11 “**SECTION 2856b.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin
12 Act ... (this act), is amended to read:

13 165.25 (4) (ar) The department of justice shall furnish all legal services
14 required by the department of agriculture, trade and consumer protection relating
15 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,
16 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50
17 and 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services
18 as are necessarily connected to the legal services.” ✓

19 ✓ **1274.** Page 959, line 24: after that line insert:

20 “**SECTION 2857g.** 165.72 (title) of the statutes is amended to read:

21 **165.72 (title) Controlled Dangerous weapons in public schools and**
22 **controlled substances hotline and rewards for controlled substances tips.**

23 **SECTION 2857h.** 165.72 (1) (a) of the statutes is renumbered 165.72 (1) (aj).

24 **SECTION 2857i.** 165.72 (1) (ad) of the statutes is created to read:

1 165.72 (1) (ad) “Dangerous weapon” has the meaning given in s. 939.22 (10).

2 **SECTION 2857j.** 165.72 (2) (intro.) of the statutes is amended to read:

3 165.72 (2) **HOTLINE.** (intro.) The department of justice shall maintain a single
4 toll-free telephone number during normal retail business hours, as determined by
5 departmental rule, for ~~both~~ all of the following:

6 **SECTION 2857k.** 165.72 (2) (c) of the statutes is created to read:

7 165.72 (2) (c) For persons to provide information anonymously regarding
8 dangerous weapons in public schools.

9 **SECTION 2857L.** 165.72 (2g) of the statutes is created to read:

10 165.72 (2g) **AFTER-HOURS MESSAGE FOR CALLS CONCERNING DANGEROUS WEAPONS**
11 **IN PUBLIC SCHOOLS.** The department of justice shall provide for a person to answer
12 telephone calls that are made after normal retail business hours to the telephone
13 number under sub. (2). If a caller makes a telephone call after normal retail business
14 hours regarding dangerous weapons in a public school, the person answering the
15 telephone call shall request that the caller call the telephone number “911” or a local
16 law enforcement agency.

17 **SECTION 2857m.** 165.72 (2m) of the statutes is created to read:

18 165.72 (2m) **TRANSMISSION OF INFORMATION CONCERNING DANGEROUS WEAPONS IN**
19 **PUBLIC SCHOOLS.** Immediately upon receiving any information under sub. (2) (c)
20 regarding dangerous weapons in a public school, or immediately at the beginning of
21 the next retail business day if the information is not received during normal retail
22 business hours, the department of justice shall provide the information to all of the
23 following:

24 (a) The administration of the public school.

1 (b) The appropriate law enforcement agency, as defined in s. 165.83 (1) (b), for
2 the municipality in which the public school is located.

3 **SECTION 2857n.** 165.72 (7) of the statutes is amended to read:

4 165.72 (7) PUBLICITY. The From the appropriation under s. 20.455 (2) (a), the
5 department shall purchase public information and promotion services regarding the
6 toll-free telephone number under sub. (2). The department and any agency
7 providing publicity services under this subsection shall cooperate with the
8 department of public instruction in publicizing, in public schools, the use of the
9 toll-free telephone number under sub. (2)." ✓

10 **1275.** Page 960, line 10: after that line insert:

11 **"SECTION 2858i.** 165.85 (2) (a) of the statutes is renumbered 165.85 (2) (ah).

12 **SECTION 2858k.** 165.85 (2) (ac) of the statutes is created to read:

13 165.85 (2) (ac) "Alzheimer's disease" has the meaning given in s. 46.87 (1) (a).

14 **SECTION 2858n.** 165.85 (4) (b) 1. of the statutes is amended to read:

15 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
16 enforcement officer, except on a temporary or probationary basis, unless the person
17 has satisfactorily completed a preparatory program of law enforcement training
18 approved by the board and has been certified by the board as being qualified to be
19 a law enforcement or tribal law enforcement officer. The program shall include 400
20 hours of training, except the program for law enforcement officers who serve as
21 rangers for the department of natural resources includes 240 hours of training. The
22 board shall promulgate a rule under ch. 227 providing a specific curriculum for a
23 400-hour conventional program and a 240-hour ranger program. The rule shall
24 ensure that there is an adequate amount of training for each program to enable the

1 person to deal effectively with domestic abuse incidents, including training that
2 addresses the emotional and psychological effect that domestic abuse has on victims.
3 The training under this subdivision shall include training on emergency detention
4 standards and procedures under s. 51.15, emergency protective placement
5 standards and procedures under s. 55.06 (11) and information on mental health and
6 developmental disabilities agencies and other resources that may be available to
7 assist the officer in interpreting the emergency detention and emergency protective
8 placement standards, making emergency detentions and emergency protective
9 placements and locating appropriate facilities for the emergency detentions and
10 emergency protective placements of persons. The training under this subdivision
11 shall include at least one hour of instruction on recognizing the symptoms of
12 Alzheimer's disease or other related dementias and interacting with and assisting
13 persons who have Alzheimer's disease or other related dementias. The training
14 under this subdivision shall include training on police pursuit standards, guidelines
15 and driving techniques established under par. (cm) 2. b. The period of temporary or
16 probationary employment established at the time of initial employment shall not be
17 extended by more than one year for an officer lacking the training qualifications
18 required by the board. The total period during which a person may serve as a law
19 enforcement and tribal law enforcement officer on a temporary or probationary basis
20 without completing a preparatory program of law enforcement training approved by
21 the board shall not exceed 2 years, except that the board shall permit part-time law
22 enforcement and tribal law enforcement officers to serve on a temporary or
23 probationary basis without completing a program of law enforcement training
24 approved by the board to a period not exceeding 3 years. For purposes of this section,
25 a part-time law enforcement or tribal law enforcement officer is a law enforcement

1 or tribal law enforcement officer who routinely works not more than one-half the
2 normal annual work hours of a full-time employee of the employing agency or unit
3 of government. Law enforcement training programs including municipal, county
4 and state programs meeting standards of the board are acceptable as meeting these
5 training requirements.

6 **SECTION 2858p.** 165.85 (4) (bn) 1m. of the statutes is amended to read:

7 165.85 (4) (bn) 1m. Each officer who is subject to subd. 1. shall biennially
8 complete at least 4 hours of training from curricula based upon model standards
9 promulgated by the board under par. (cm) 2. b. and at least one hour of training on
10 recognizing the symptoms of Alzheimer's disease or other related dementias and
11 interacting with and assisting persons who have Alzheimer's disease or other related
12 dementias. Hours of training completed under this subdivision shall count toward
13 the hours of training required under subd. 1." ✓

14 ✓ **1276.** Page 960, line 10: after that line insert:

15 "SECTION 2858c. 165.77 (2) (a) 2. of the statutes is amended to read:

16 165.77 (2) (a) 2. The laboratories may compare the data obtained from the
17 specimen with data obtained from other specimens. The laboratories may make data
18 obtained from any analysis and comparison available to law enforcement agencies
19 in connection with criminal or delinquency investigations and, upon request, to any
20 prosecutor, defense attorney or subject of the data. The data may be used in criminal
21 and delinquency actions and proceedings. ~~In this state, the use is subject to s. 972.11~~
22 ~~(5).~~ The laboratories shall not include data obtained from deoxyribonucleic acid
23 analysis of those specimens received under this paragraph in the data bank under
24 sub. (3). The laboratories shall destroy specimens obtained under this paragraph

1 after analysis has been completed and the applicable court proceedings have
2 concluded.

3 **SECTION 2858e.** 165.77 (2m) of the statutes is created to read:

4 165.77 (2m) (a) If the laboratories receive biological material under a court
5 order issued under s. 974.07 (8), the laboratories shall analyze the deoxyribonucleic
6 acid in the material and submit the results of the analysis to the court that ordered
7 the analysis.

8 (b) The laboratories may compare the data obtained from material received
9 under par. (a) with data obtained from other specimens. The laboratories may make
10 data obtained from any analysis and comparison available to law enforcement
11 agencies in connection with criminal or delinquency investigations and, upon
12 request, to any prosecutor, defense attorney, or subject of the data. The data may be
13 used in criminal and delinquency actions and proceedings. The laboratories shall not
14 include data obtained from deoxyribonucleic acid analysis of material received under
15 par. (a) in the data bank under sub. (3).

16 (c) Paragraph (b) does not apply to specimens received under s. 51.20 (13) (cr),
17 165.76, 938.34 (15), 971.17 (1m) (a), 973.047, or 980.063.

18 **SECTION 2858g.** 165.77 (3) of the statutes is amended to read:

19 165.77 (3) If the laboratories receive a human biological specimen under s.
20 51.20 (13) (cr), 165.76, 938.34 (15), 971.17 (1m) (a), 973.047 or 980.063, the
21 laboratories shall analyze the deoxyribonucleic acid in the specimen. The
22 laboratories shall maintain a data bank based on data obtained from
23 deoxyribonucleic acid analysis of those specimens. The laboratories may compare
24 the data obtained from one specimen with the data obtained from other specimens.
25 The laboratories may make data obtained from any analysis and comparison

1 available to law enforcement agencies in connection with criminal or delinquency
2 investigations and, upon request, to any prosecutor, defense attorney or subject of
3 the data. The data may be used in criminal and delinquency actions and proceedings.
4 ~~In this state, the use is subject to s. 972.11 (5).~~ The laboratories shall destroy
5 specimens obtained under this subsection after analysis has been completed and the
6 applicable court proceedings have concluded.

7 **SECTION 2858i.** 165.81 (1) of the statutes is amended to read:

8 165.81 (1) Whenever the department is informed by the submitting officer or
9 agency that physical evidence in the possession of the laboratories is no longer
10 needed the department may, except as provided in sub. (3) or unless otherwise
11 provided by law, either destroy the same evidence, retain it in the laboratories,
12 return it to the submitting officer or agency, or turn it over to the University of
13 Wisconsin upon the request of the head of any department. ~~Whenever of the~~
14 University of Wisconsin. If the department returns the evidence to the submitting
15 officer or agency, any action taken by the officer or agency with respect to the
16 evidence shall be in accordance with s. 968.20. Except as provided in sub. (3),
17 whenever the department receives information from which it appears probable that
18 the evidence is no longer needed, the department may give written notice to the
19 submitting agency and the appropriate district attorney, by registered mail, of the
20 intention to dispose of the evidence. If no objection is received within 20 days after
21 the notice was mailed, it may dispose of the evidence.

22 **SECTION 2858k.** 165.81 (3) of the statutes is created to read:

23 165.81 (3) (a) In this subsection:

- 24 1. "Custody" has the meaning given in s. 968.205 (1) (a).
25 2. "Discharge date" has the meaning given in s. 968.205 (1) (b).

1 (b) Except as provided in par. (c), if physical evidence that is in the possession
2 of the laboratories includes any biological material that was collected in connection
3 with a criminal investigation that resulted in a criminal conviction, a delinquency
4 adjudication, or commitment under s. 971.17 or 980.06, the laboratories shall
5 preserve the physical evidence until every person in custody as a result of the
6 conviction, adjudication, or commitment has reached his or her discharge date.

7 (c) Subject to par. (e), the department may destroy biological material before
8 the expiration of the time period specified in par. (b) if all of the following apply:

9 1. The department sends a notice of its intent to destroy the biological material
10 to all persons who remain in custody as a result of the criminal conviction,
11 delinquency adjudication, or commitment, and to either the attorney of record for
12 each person in custody or the state public defender.

13 2. No person who is notified under subd. 1. does either of the following within
14 90 days after the date on which the person received the notice:

15 a. Files a motion for testing of the biological material under s. 974.07 (2).

16 b. Submits a written request to preserve the biological material to the
17 department.

18 3. No other provision of federal or state law requires the department to preserve
19 the biological material.

20 (d) A notice provided under par. (c) 1. shall clearly inform the recipient that the
21 biological material will be destroyed unless, within 90 days after the date on which
22 the person receives the notice, either a motion for testing of the material is filed
23 under s. 974.07 (2) or a written request to preserve the material is submitted to the
24 department.

1 (e) If, after providing notice under par. (c) 1. of its intent to destroy biological
2 material, the department receives a written request to preserve the material, the
3 department shall preserve the material until the discharge date of the person who
4 made the request or on whose behalf the request was made, subject to a court order
5 issued under s. 974.07 (7), (9) (a), or (10) (a) 5., unless the court orders destruction
6 or transfer of the biological material under s. 974.07 (9) (b) or (10) (a) 5.

7 (f) Unless otherwise provided in a court order issued under s. 974.07 (9) (a) or
8 (b) or (10) (a) 5., nothing in this subsection prohibits the laboratories from returning
9 evidence that must be preserved under par. (b) or (e) to the agency that submitted
10 the evidence to the laboratories. If the laboratories return evidence that must be
11 preserved under par. (b) or (c) to a submitting agency, any action taken by the agency
12 with respect to the evidence shall be in accordance with s. 968.205.”. ✓

13 ✓ **1277.** Page 960, line 10: after that line insert:

14 “**SECTION 2859m.** 165.85 (4) (b) 1. of the statutes, as affected by 2001 Wisconsin
15 Act (this act), is amended to read:

16 165.85 (4) (b) 1. No person may be appointed as a law enforcement or tribal law
17 enforcement officer, except on a temporary or probationary basis, unless the person
18 has satisfactorily completed a preparatory program of law enforcement training
19 approved by the board and has been certified by the board as being qualified to be
20 a law enforcement or tribal law enforcement officer. The program shall include 400
21 hours of training, except that the program for law enforcement officers who serve as
22 rangers for the department of natural resources or the department of forestry
23 includes 240 hours of training. The board shall promulgate a rule under ch. 227
24 providing a specific curriculum for a 400-hour conventional program and a 240-hour

1 ranger program. The rule shall ensure that there is an adequate amount of training
2 for each program to enable the person to deal effectively with domestic abuse
3 incidents, including training that addresses the emotional and psychological effect
4 that domestic abuse has on victims. The training under this subdivision shall
5 include training on emergency detention standards and procedures under s. 51.15,
6 emergency protective placement standards and procedures under s. 55.06 (11) and
7 information on mental health and developmental disabilities agencies and other
8 resources that may be available to assist the officer in interpreting the emergency
9 detention and emergency protective placement standards, making emergency
10 detentions and emergency protective placements and locating appropriate facilities
11 for the emergency detentions and emergency protective placements of persons. The
12 training under this subdivision shall include at least one hour of instruction on
13 recognizing the symptoms of Alzheimer's disease or other related dementias and
14 interacting with and assisting persons who have Alzheimer's disease or other related
15 dementias. The training under this subdivision shall include training on police
16 pursuit standards, guidelines and driving techniques established under par. (cm) 2.
17 b. The period of temporary or probationary employment established at the time of
18 initial employment shall not be extended by more than one year for an officer lacking
19 the training qualifications required by the board. The total period during which a
20 person may serve as a law enforcement and tribal law enforcement officer on a
21 temporary or probationary basis without completing a preparatory program of law
22 enforcement training approved by the board shall not exceed 2 years, except that the
23 board shall permit part-time law enforcement and tribal law enforcement officers
24 to serve on a temporary or probationary basis without completing a program of law
25 enforcement training approved by the board to a period not exceeding 3 years. For

1 purposes of this section, a part-time law enforcement or tribal law enforcement
2 officer is a law enforcement or tribal law enforcement officer who routinely works not
3 more than one-half the normal annual work hours of a full-time employee of the
4 employing agency or unit of government. Law enforcement training programs
5 including municipal, county and state programs meeting standards of the board are
6 acceptable as meeting these training requirements.” ✓

7 ✓ **1278.** Page 965, line 4: after that line insert:

8 “**SECTION 2881ae.** 167.10 (2) of the statutes is amended to read:

9 167.10 (2) SALE. No person may sell ~~or possess with intent to sell~~ fireworks,
10 except to any of the following:

11 (a) ~~To a~~ A person holding a permit under sub. (3) (c);

12 (b) ~~To a~~ A city, village, or town; ~~or~~

13 (c) ~~For~~ A person for a purpose specified under sub. (3) (b) 2. to 6.

14 **SECTION 2881af.** 167.10 (2) (d) of the statutes is created to read:

15 167.10 (2) (d) A nonresident person who, prior to the sale, gives the seller a
16 signed statement indicating that the fireworks are for use outside of this state.

17 **SECTION 2881ag.** 167.10 (3) (title) of the statutes is repealed and recreated to
18 read:

19 167.10 (3) (title) POSSESSION AND USE.

20 **SECTION 2881ah.** 167.10 (3) (a) of the statutes is amended to read:

21 167.10 (3) (a) ~~No~~ Except as otherwise provided in this paragraph, no person
22 may possess or use fireworks without a user’s permit from the mayor of the city,
23 president of the village, or chairperson of the town in which the possession or use is
24 to occur or from an official or employee of that municipality designated by the mayor,

1 president, or chairperson. This paragraph does not prohibit the possession of
2 fireworks with intent to sell the fireworks in compliance with sub. (2). No person may
3 use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending
4 a fireworks display for which a permit has been issued to a person listed under par.
5 (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

6 **SECTION 2881aj.** 167.10 (3) (b) (intro.) of the statutes is amended to read:

7 167.10 (3) (b) (intro.) ~~Paragraph (a) does~~ The prohibitions under par. (a) do not
8 apply to:

9 **SECTION 2881ak.** 167.10 (3) (b) 8. of the statutes is created to read:

10 167.10 (3) (b) 8. Except as provided in par. (bm), the possession of fireworks by
11 a nonresident person in any city, town, or village if the nonresident person intends
12 to use the fireworks outside of this state and is transporting the fireworks to a
13 location outside of this state.

14 **SECTION 2881am.** 167.10 (3) (bm) of the statutes is amended to read:

15 167.10 (3) (bm) Paragraph (a) applies to a person transporting fireworks under
16 par. (b) 7. or 8. if, in the course of transporting the fireworks through a city, town, or
17 village, the person remains in that city, town, or village for a period of at least 12
18 hours.

19 **SECTION 2881an.** 167.10 (4) of the statutes is amended to read:

20 167.10 (4) ~~OUT OF STATE AND IN STATE SHIPPING.~~ SHIPPING AND TRANSPORTING.

21 This section does not prohibit a resident wholesaler or jobber from selling fireworks
22 to a nonresident person ~~outside of this state~~ or to a person or group granted a permit
23 under sub. (3) (c) 1. to 7. A resident wholesaler or resident jobber that ships the
24 fireworks sold under this subsection shall package and ship the fireworks in

1 accordance with applicable state and federal law by, as defined in s. 194.01 (1), (2),
2 and (11), common motor carrier, contract motor carrier, or private motor carrier.

3 **SECTION 2881ap.** 167.10 (8) (b) of the statutes is amended to read:

4 167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person
5 who violates ~~this section, an ordinance adopted under sub. (5) sub. (6m) (a), (b), or~~
6 (c); a rule promulgated under sub. (6m) (e); or a court order under par. (a) may be
7 seized and held as evidence of the violation. Except as provided in s. 968.20 (4), only
8 the fireworks that are the subject of a violation of this section, an ordinance adopted
9 under sub. (5), or a court order under par. (a) may be destroyed after conviction for
10 a violation. Except as provided in s. 968.20 (4), fireworks that are seized as evidence
11 of a violation for which no conviction results shall be returned to the owner in the
12 same condition as they were when seized to the extent practicable.” ✓

13 **1279.** Page 983, line 3: after that line insert:

14 **“SECTION 2917b.** 180.0122 (1) (a) of the statutes is amended to read:

15 180.0122 (1) (a) Articles of incorporation, ~~1-cent for each authorized share,~~
16 ~~except the minimum fee is \$90 and the maximum fee is \$10,000 and except that the~~
17 ~~fee for investment companies is determined under sub. (1m) \$100.~~

18 **SECTION 2917d.** 180.0122 (1) (m) of the statutes is amended to read:

19 180.0122 (1) (m) Amendment of articles of incorporation, \$40; ~~plus 1-cent for~~
20 ~~each authorized share after the amendment, less a credit of 1-cent for each~~
21 ~~authorized share immediately before the amendment; except the maximum fee~~
22 ~~under this paragraph is \$10,000 and except that the fee for investment companies~~
23 ~~is determined under sub. (1m).~~

24 **SECTION 2917f.** 180.0122 (1) (n) of the statutes is amended to read:

1 180.0122 (1) (n) Restatement of articles of incorporation with or without
2 amendment of articles, \$40; ~~plus 1 cent for each authorized share after the~~
3 ~~restatement and any amendment, less a credit of 1 cent for each authorized share~~
4 ~~immediately before the restatement and any amendment; except the maximum fee~~
5 ~~under this paragraph is \$10,000 and except that the fee for investment companies~~
6 ~~is determined under sub. (1m).~~

7 **SECTION 2917h.** 180.0122 (1) (o) of the statutes is amended to read:

8 180.0122 (1) (o) Articles of merger, \$50 for each domestic corporation and each
9 foreign corporation authorized to transact business in this state that is a party to the
10 merger; ~~plus 1 cent for each authorized share of the surviving domestic corporation~~
11 ~~after the merger, less a credit of 1 cent for each share that is authorized immediately~~
12 ~~before the merger by each domestic corporation that is a party to the merger; except~~
13 ~~the maximum fee under this paragraph is \$10,000 and except that the fee for~~
14 ~~investment companies is determined under sub. (1m).~~

15 **SECTION 2917j.** 180.0122 (1) (om) of the statutes is amended to read:

16 180.0122 (1) (om) Articles of share exchange, \$50 for each domestic corporation
17 and each foreign corporation authorized to transact business in this state that is a
18 party to the share exchange; ~~plus 1 cent for each authorized share of the acquiring~~
19 ~~domestic corporation after the share exchange, less a credit of 1 cent for each share~~
20 ~~that is authorized immediately before the share exchange by the acquiring domestic~~
21 ~~corporation; except the maximum fee under this paragraph is \$10,000.~~

22 **SECTION 2917m.** 180.0122 (1) (x) of the statutes is amended to read:

23 180.0122 (1) (x) Annual report of a domestic corporation that is submitted to
24 the department by authorized electronic means, \$25; annual report of a domestic
25 corporation that is submitted to the department on paper, \$40.

1 **SECTION 2917p.** 180.0122 (1) (y) of the statutes is amended to read:

2 180.0122 (1) (y) Annual report of a foreign corporation, ~~\$50, that is submitted~~
3 to the department by authorized electronic means, \$65, and annual report submitted
4 to the department on paper, \$80, and in case the annual report shows that the foreign
5 corporation employs in this state capital in excess of the amount of capital on which
6 a fee has previously been paid, computed as provided in s. 180.1503, an additional
7 fee which, with previous payments made on account of capital employed in this state,
8 will amount to \$2 for each \$1,000 or fraction thereof of the excess.” ✓

9 ✓ **1280.** Page 983, line 6: after that line insert:

10 “**SECTION 2918m.** 180.0122 (1m) of the statutes is repealed.” ✓

11 **1281.** Page 983, line 18: after that line insert:

12 “**SECTION 2920c.** 180.0701 (4) (c) of the statutes is amended to read:

13 180.0701 (4) (c) Ratification of the selection of independent certified public
14 accountants licensed or certified under ch. 442.

15 **SECTION 2920g.** 180.0826 (2) of the statutes is amended to read:

16 180.0826 (2) Legal counsel, certified public accountants licensed or certified
17 under ch. 442, or other persons as to matters that the director or officer believes in
18 good faith are within the person’s professional or expert competence.

19 **SECTION 2920n.** 180.1903 (1) of the statutes is amended to read:

20 180.1903 (1) ~~One~~ Except as provided in sub. (1m), one or more natural persons
21 licensed, certified, or registered pursuant to any provisions of the statutes, if all have
22 the same license, certificate, or registration or if all are health care professionals,
23 may organize and own shares in a service corporation. A service corporation may
24 own, operate, and maintain an establishment and otherwise serve the convenience

1 of its shareholders in carrying on the particular profession, calling, or trade for which
2 the licensure, certification, or registration of its organizers is required.

3 **SECTION 2920r.** 180.1903 (1m) of the statutes is created to read:

4 180.1903 (1m) A service corporation for carrying on the profession of certified
5 public accounting may be organized under sub. (1) if more than 50% of the
6 shareholders are certified public accountants.

7 **SECTION 2920w.** 180.1921 (2) of the statutes is amended to read:

8 180.1921 (2) The report shall show the address of this service corporation's
9 principal office and the name and post-office address of each shareholder, director,
10 and officer of the service corporation and shall certify that, with the exceptions
11 permitted in ~~s.~~ ss. 180.1903 (1m) and 180.1913, each shareholder, director, and
12 officer is licensed, certified, registered, or otherwise legally authorized to render the
13 same professional or other personal service in this state or is a health care
14 professional. The service corporation shall prepare the report on forms prescribed
15 and furnished by the department, and the report shall contain no fiscal or other
16 information except that expressly called for by this section. The department shall
17 forward report blanks by 1st class mail to every service corporation in good standing,
18 at least 60 days before the date on which the service corporation is required by this
19 section to file an annual report." ✓

20 **1282.** Page 984, line 10: after that line insert:

21 **"SECTION 2923g.** 181.0850 (2) of the statutes is amended to read:

22 181.0850 (2) PROFESSIONALS AND EXPERTS. Legal counsel, certified public
23 accountants licensed or certified under ch. 442, or other persons as to matters the

1 director or officer believes in good faith are within the person's professional or expert
2 competence.

3 **SECTION 2923r.** 181.1620 (2) (intro.) of the statutes is amended to read:

4 181.1620 (2) (intro.) ~~ACCOUNTANTS~~ CERTIFIED PUBLIC ACCOUNTANTS REPORT OR
5 OFFICER'S STATEMENT. If annual financial statements are reported upon by a certified
6 public accountant licensed or certified under ch. 442, the certified public
7 accountant's report must accompany them. If not, the statements must be
8 accompanied by a statement of the president or the person responsible for the
9 corporation's financial accounting records that includes all of the following:." ✓

10 ✓ **1283.** Page 985, line 9: after that line insert:

11 "SECTION 2932m. 185.363 (2) of the statutes is amended to read:

12 185.363 (2) Legal counsel, certified public accountants licensed or certified
13 under ch. 442, or other persons as to matters the director or officer believes in good
14 faith are within the person's professional or expert competence."

15 ✓ **1284.** Page 985, line 9: after that line insert:

16 "SECTION 2932h. 185.61 (1) of the statutes is amended to read:

17 185.61 (1) (a) If otherwise lawful, any 2 or more associations may merge or
18 consolidate under this chapter or under the law of the state where the surviving or
19 new association will exist.

20 (b) Before a cooperative may merge or consolidate with any other association,
21 a written plan of merger or consolidation shall be prepared by the board or by a
22 committee selected by the board or the members for that purpose. The plan shall set
23 forth all the terms of the merger or consolidation, including any provisions for
24 abandonment of the plan, and the proposed effect of the plan on all members and

1 stockholders of the cooperative, including the treatment of the equity interest of the
2 members upon merger or consolidation.

3 (c) In case of consolidation, the plan of consolidation shall also contain the
4 articles of the new association.

5 **SECTION 2932r.** 185.62 (5) of the statutes is created to read:

6 185.62 (5) The surviving association, in the case of a merger, or the new
7 association, in the case of consolidation, shall prepare an annual report on the
8 implementation of any provision in the plan of merger or consolidation relating to the
9 equity interest of any member that was affected by the merger or consolidation. The
10 report shall be kept in the principal office of the surviving association, in the case of
11 a merger, or in the principal office of the new association, in the case of consolidation,
12 and shall be available for inspection by any member whose equity interest was
13 affected by the merger or consolidation. The surviving association, in the case of a
14 merger, or the new association, in the case of consolidation, shall prepare the report
15 until such time that the implementation of any provision in the plan of merger or
16 consolidation relating to the equity interest of any member that was affected by the
17 merger or consolidation is complete.”.

18 ✓ **1285.** Page 985, line 9: after that line insert:

19 “**SECTION 2928r.** 183.0114 (1) (w) of the statutes is amended to read:

20 183.0114 (1) (w) Annual report of a foreign limited liability company, ~~\$50~~ that
21 is submitted to the department by authorized electronic means, \$65; annual report
22 submitted to the department on paper, \$80.”. ✓

23 ✓ **1286.** Page 985, line 20: after that line insert:

24 “**SECTION 2972k.** 194.01 (7) of the statutes is amended to read:

1 194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer,
2 tractor, motor bus or any self-propelled or motor driven vehicle, except a low-speed
3 vehicle, motorcycle, moped, motor bicycle or a vehicle operated on rails."

4 ✓ **1287.** Page 985, line 20: after that line insert:

5 "SECTION 2943m. 186.094 (2) of the statutes is amended to read:

6 186.094 (2) Legal counsel, certified public accountants licensed or certified
7 under ch. 442, or other persons as to matters the director or officer believes in good
8 faith are within the person's professional or expert competence.

9 SECTION 2952m. 186.15 (1) of the statutes is amended to read:

10 186.15 (1) ANNUAL AUDIT. Except as provided in sub. (2), the board of directors
11 shall hire a ~~licensed~~ certified public accountant licensed or certified under ch. 442 or
12 other qualified person to conduct a comprehensive annual audit of the records,
13 accounts and affairs of the credit union.

14 SECTION 2972d. 187.31 (2) of the statutes is amended to read:

15 187.31 (2) Legal counsel, certified public accountants licensed or certified
16 under ch. 442, or other professional persons or experts employed by the incorporated
17 Roman Catholic church, as to matters the director or officer believes in good faith are
18 within the person's professional or expert competence.

19 SECTION 2972g. 187.41 (2) of the statutes is amended to read:

20 187.41 (2) Legal counsel, certified public accountants licensed or certified
21 under ch. 442, or other professional persons or experts employed by the religious
22 organization, as to matters the director or officer believes in good faith are within the
23 person's professional or expert competence." ✓

24 ✓ **1288.** Page 985, line 20: after that line insert:

1 **“SECTION 2972b.** 196.01 (5) (b) 6. of the statutes is created to read:

2 196.01 (5) (b) 6. A person that owns an electric generating facility or
3 improvement to an electric generating facility that is subject to a leased generation
4 contract, as defined in s. 196.52 (9) (a) 3., unless the person furnishes, directly to the
5 public, telecommunications or sewer service, heat, light, water or power or, by means
6 of pipes or mains, natural gas.” ✓

7 ✓ **1289.** Page 987, line 17: delete the material beginning with that line and
8 ending with page 989, line 3. ✓

9 ✓ **1290.** Page 989, line 6: after that line insert:

10 **“SECTION 2981m.** 196.208 (5p) of the statutes is created to read:

11 196.208 (5p) TOLL-FREE CALLS ANSWERED BY PRISONERS. (a) In this subsection:

- 12 1. “Charitable organization” has the meaning given in s. 440.41 (1).
13 2. “Prisoner” has the meaning given in s. 134.73 (1) (b).

14 (b) If a prisoner is employed directly or indirectly by a charitable organization
15 or toll-free service vendor to answer calls made to the charitable organization or
16 toll-free service vendor, the prisoner shall do all of the following immediately upon
17 answering a call:

- 18 1. Identify himself or herself by name.
19 2. State that he or she is a prisoner.
20 3. Inform the calling party of the name of the correctional or detention facility
21 in which he or she is a prisoner and the city and state in which the facility is located.

22 (c) A charitable organization or toll-free service vendor that directly or
23 indirectly employs a prisoner shall provide reasonable supervision of the prisoner to
24 assure the prisoner’s compliance with par. (b).

1 **SECTION 2981p.** 196.208 (10) (a) of the statutes is amended to read:

2 196.208 (10) (a) Subsections (2) to (5) apply to any pay-per-call service that
3 a caller may access by a call originating in this state and sub. subs. (5p) and (5t)
4 applies apply to any charitable organization, toll-free service vendor, or employee of
5 a charitable organization or toll-free service vendor that a caller may access by a call
6 originating in this state.

7 **SECTION 2981r.** 196.208 (11) (d) of the statutes is renumbered 196.208 (11) (d)
8 1. and amended to read:

9 196.208 (11) (d) 1. ~~Any~~ Except as provided in subd. 2., any person who violates
10 subs. (2) to (9) shall be required to forfeit not less than \$25 nor more than \$5,000 for
11 each offense.

12 3. Forfeitures under ~~this paragraph~~ subds. 1. and 2. shall be enforced by action
13 on behalf of the state by the department of justice or, upon informing the department
14 of justice, by the district attorney of the county where the violation occurs.

15 **SECTION 2981s.** 196.208 (11) (d) 2. of the statutes is created to read:

16 196.208 (11) (d) 2. a. A prisoner who violates sub. (5p) (b) may be required to
17 forfeit not more than \$500.

18 b. A person who employs a prisoner to answer calls made to a toll-free
19 telephone number may be required to forfeit not more than \$10,000 if the person
20 violates sub. (5p) (c), aids and abets a prisoner's violation of sub. (5p) (b), is a party
21 to a conspiracy with a prisoner to commit a violation of sub. (5p) (b), or advises, hires,
22 or counsels or otherwise procures a prisoner to commit a violation of sub. (5p) (b). ✓

23 ✓ **1291.** Page 989, line 6: after that line insert:

24 **"SECTION 2981Lm.** 196.202 (2) of the statutes is amended to read:

1 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
2 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that
3 a commercial mobile radio service provider is subject to s. 196.218 (3) ~~to the extent~~
4 ~~not preempted by federal law. If the application of s. 196.218 (3) to a commercial~~
5 ~~mobile radio service provider is not preempted~~ if the commission promulgates rules
6 that designate commercial mobile radio service providers as eligible to receive
7 universal service funding under both the federal and state universal service fund
8 programs. If the commission promulgates such rules, a commercial mobile radio
9 service provider shall respond, subject to the protection of the commercial mobile
10 radio service provider's competitive information, to all reasonable requests for
11 information about its operations in this state from the commission necessary to
12 administer the universal service fund." ✓

13 ✓ **1292.** Page 989, line 6: after that line insert:

14 “SECTION 2981r. 196.218 (3) (a) 3. of the statutes is renumbered 196.218 (3) (a)
15 3. (intro.) and amended to read:

16 196.218 (3) (a) 3. (intro.) The commission shall designate the method by which
17 the contributions under this paragraph shall be calculated and collected. The
18 method shall ensure that the contributions are sufficient to generate the following
19 amounts:

20 a. The amount appropriated under ss. s. 20.155 (1) (q), except that in fiscal year
21 2003–04 the total amount of contributions in that fiscal year under this subd. 3. a.
22 may not exceed \$5,000,000 and except that beginning in fiscal year 2004–05 the total
23 amount of contributions in a fiscal year under this subd. 3. a. may not exceed
24 \$6,000,000.

1 **b.** The amounts appropriated under ss. 20.255 (3) (q), 20.275 (1) (s), (t) and (tm)
2 and 20.285 (1) (q).

3 **3m.** Contributions under this paragraph may be based only on the gross
4 operating revenues from the provision of broadcast services identified by the
5 commission under subd. 2. and on intrastate telecommunications services in this
6 state of the telecommunications providers subject to the contribution.” ✓

7 ✓ **1293.** Page 989, line 8: delete “(7)” and substitute “(7)”. ✓

8 **1294.** Page 989, line 17: after that line insert:

9 “**SECTION 2983m.** 196.218 (5) (a) 10. of the statutes is created to read:

10 196.218 (5) (a) 10. To make the grant awarded by the technology for educational
11 achievement in Wisconsin board to the Racine Unified School District under s. 44.72
12 (3).” ✓

13 ✓ **1295.** Page 992, line 12: after that line insert:

14 “**SECTION 3001b.** 196.491 (1) (w) of the statutes is renumbered 196.491 (1) (w)
15 1., and 196.491 (1) (w) 1. (intro.), as renumbered, is amended to read:

16 196.491 (1) (w) 1. (intro.) “Wholesale merchant plant” means, except as
17 provided in subd. 2., electric generating equipment and associated facilities located
18 in this state that do not provide service to any retail customer and that are owned
19 and operated by any of the following:

20 **SECTION 3001d.** 196.491 (1) (w) 2. of the statutes is created to read:

21 196.491 (1) (w) 2. “Wholesale merchant plant” does not include an electric
22 generating facility or an improvement to an electric generating facility that is subject
23 to a leased generation contract, as defined in s. 196.52 (9) (a) 3.”. ✓

24 ✓ **1296.** Page 993, line 12: after that line insert:

1 “SECTION 3001p. 196.496 of the statutes is created to read:

2 **196.496 Distributed generation facilities. (1) DEFINITION.** In this section,
3 “distributed generation facility” means a facility for the generation of electricity with
4 a capacity of no more than 15 megawatts that is located near the point where the
5 electricity will be used or is in a location that will support the functioning of the
6 electric power distribution grid.

7 **(2) RULES.** The commission shall promulgate rules establishing standards for
8 the connection of distributed generation facilities to electric distribution facilities.
9 To the extent technically feasible and cost effective, the standards shall be uniform
10 and shall promote the development of distributed generation facilities. The
11 standards shall address engineering, electric reliability, and safety concerns and the
12 methods for determining charges for interconnection.”.

13 ✓ **1297.** Page 995, line 10: after that line insert:

14 “SECTION 3007HL. 121.06 (4) of the statutes is amended to read:

15 121.06 (4) For purposes of computing state aid under s. 121.08, equalized
16 valuations calculated under sub. (1) and certified under sub. (2) shall include the full
17 value of ~~computers~~ property that ~~are~~ is exempt under s. 70.11 (39) and (39m) as
18 determined under s. 79.095 (3). ✓

19 ✓ **1298.** Page 995, line 11: delete the material beginning with that line and
20 ending with page 998, line 17, and substitute:

21 “SECTION 3008mc. 196.52 (9) of the statutes is created to read:

22 196.52 (9) (a) In this subsection:

23 1. “Electric generating equipment” means any of the following:

24 a. An electric generator.

1 b. A machine that drives an electric generator, including an engine, turbine,
2 water wheel, or wind mill.

3 c. Equipment that converts a fuel or source of energy into energy that powers
4 a machine that drives an electric generator, including a boiler, but not including a
5 nuclear reactor.

6 d. A fuel or photovoltaic cell.

7 2. “Electric generating facility” means electric generating equipment and
8 associated facilities that, together, constitute a complete facility for the generation
9 of electricity.

10 3. “Leased generation contract” means a contract or arrangement or set of
11 contracts or arrangements under which an affiliated interest of a public utility
12 agrees with the public utility to construct or improve an electric generating facility
13 and to lease to the public utility land and the facility for operation by the public
14 utility.

15 (b) The commission may approve a leased generation contract under sub. (3)
16 only if all of the following apply:

17 1. The commission has not issued a certificate under s. 196.49 or a certificate
18 of public convenience and necessity under s. 196.491 (3) before January 1, 2002, for
19 any construction or improvement that is subject to the leased generation contract.

20 2. Construction or improvement of the electric generating facility that is
21 subject to the leased generation contract commences on or after January 1, 2002.

22 3. Except as provided in s. 196.795 (5) (k) 3., no electric generating facility,
23 electric generating equipment, or associated facilities, held or used by the public
24 utility for the provision of electric service, is transferred to the affiliated interest.

1 4. The estimated gross cost of the construction or improvement that is subject
2 to the leased generation contract is at least \$10,000,000.

3 5. The construction or improvement is not to a nuclear-powered facility.

4 6. Any real property that the public utility transfers to the affiliated interest
5 for the purpose of implementing the leased generation contract is transferred at book
6 value, which is determined on the basis of the regulated books of account at the time
7 of the transfer.

8 7. If the public utility transfers real property to the affiliated interest for the
9 purpose of implementing the leased generation contract, the leased generation
10 contract provides for transferring that real property back to the public utility, on the
11 same terms and conditions as the original transfer, if the commission determines
12 that the construction or improvement that is subject to the leased generation
13 contract has not been completed.

14 8. The leased generation contract provides that, upon termination of the
15 contract, all of the following apply:

16 a. The public utility shall have the option, subject to commission approval, to
17 extend the contract, or purchase the electric generating facility or the improvements
18 to an electric generating facility, at fair market value as determined by a valuation
19 process that is conducted by an independent third party and that is specified in the
20 contract.

21 b. If the public utility exercises the option specified in subd. 8. a., the affiliated
22 interest may require the public utility to extend the contract, rather than purchase
23 the facilities or improvements, if the affiliated interest demonstrates to the
24 commission that the extension avoids material adverse tax consequences and that

1 the extension provides terms and conditions that are economically equivalent to a
2 purchase.

3 9. For any gas-fired electric generating facility that is constructed under the
4 leased generation contract, the term of the lease is 20 years or more.

5 10. For any coal-fired electric generating facility that is constructed under the
6 leased generation contract, the term of the lease is 25 years or more.

7 11. The leased generation contract does not take effect until the date on which
8 the affiliated interest commences construction or improvement of the electric
9 generating facility, except that, if the leased generation contract relates to the
10 construction or improvement of more than one electric generating facility, the leased
11 generation contract does not take effect with respect to the construction or
12 improvement of an individual electric generating facility until the date on which the
13 affiliated interest commences construction or improvement on that electric
14 generating facility.

15 (c) Except as provided in par. (d), the commission may not increase or decrease
16 the retail revenue requirements of a public utility on the basis of any income,
17 expense, gain, or loss that is received or incurred by an affiliated interest of the public
18 utility and that arises from the ownership of an electric generating facility or an
19 improvement to an electric generating facility by an affiliated interest under a leased
20 generation contract.

21 (d) The commission shall allow a public utility that has entered into a leased
22 generation contract that has been approved by the commission under sub. (3) to
23 recover fully in its retail rates that portion of any payments under the leased
24 generation contract that the commission allocates to the public utility's retail electric
25 service, and that portion of all other costs that is prudently incurred in the public

1 utility's operation and maintenance of the electric generating facility or
2 improvement that is subject to the leased generation contract and that the
3 commission allocates to the public utility's retail electric service.

4 (e) Notwithstanding sub. (5) (a), the commission may not modify or terminate
5 a leased generation contract approved under sub. (3) except as specified in the leased
6 generation contract or the commission's order approving the leased generation
7 contract.

8 (f) The commission shall maintain jurisdiction to ensure that the construction
9 or improvement under a leased generation contract approved under sub. (3) is
10 completed as provided in the leased generation contract.

11 (g) Nothing in this subsection prohibits a cooperative association organized
12 under ch. 185, a municipal utility, as defined in s. 196.377 (2) (a) 3., or a municipal
13 electric company, as defined in s. 66.0825 (3) (d), from acquiring an interest in an
14 electric generating facility that is constructed pursuant to a leased generation
15 contract or from acquiring an interest in land on which such an electric generating
16 facility is located." ✓

17 ✓ **1299.** Page 999, line 6: delete lines 6 to 12 and substitute:

18 "SECTION 3011jc. 196.795 (5) (k) 3. of the statutes is created to read:

19 196.795 (5) (k) 3. For the purpose of implementing a leased generation
20 contract, as defined in s. 196.52 (9) (a) 3., that is approved under s. 196.52 (3), a public
21 utility affiliate may transfer to a nonutility affiliate, at book value determined on the
22 basis of the regulated books of account at the time of the transfer, any of the following:

23 a. Land that is held or used for the provision of utility service.

1 b. Electric generating equipment or associated facilities that are located on the
 2 land on which an electric generating facility subject to a leased generation contract
 3 is to be constructed, and that are part of an electric generating facility on that land
 4 that is no longer used or useful for the provision of utility service and that has been
 5 retired from the provision of utility service.” ✓

J

6 **1300.** Page 1003, line 6: after that line insert:

K

7 “**SECTION 3020h.** 200.49 (1) (a) of the statutes is amended to read:

8 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~
 9 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~
 10 ~~controlled by one or more minority group members and that is engaged in~~
 11 ~~construction or construction related activities~~ business that is certified by the
 12 department of commerce under s. 560.036 (2).

13 **SECTION 3020i.** 200.49 (3) (intro.) of the statutes is amended to read:

14 200.49 (3) **REQUEST FOR PROPOSALS.** (intro.) The executive director shall request
 15 proposals for prime contracts from bondable general contractors or construction
 16 contractors that are ~~bona fide independent~~ minority businesses. Each proposal
 17 submitted shall include all of the following conditions:

18 **SECTION 3020j.** 200.49 (3) (b) of the statutes is amended to read:

19 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable
 20 the executive director to determine that the prime contractor has made or will make
 21 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~
 22 ~~independent~~ minority business subcontractors.

23 **SECTION 3020k.** 200.49 (4) of the statutes is repealed.”.

24 **1301.** Page 1003, line 6: after that line insert: