

1 **126.87 Court actions. (1) INJUNCTION.** The department may petition the
2 circuit court for an ex parte temporary restraining order, a temporary injunction, or
3 a permanent injunction to prevent, restrain, or enjoin any person from violating this
4 chapter, any rule promulgated under this chapter, or any order issued under this
5 chapter. The department may seek this remedy in addition to any other penalty or
6 remedy provided under this chapter.

7 **(2) PENALTIES.** (a) A person who violates this chapter, a rule promulgated under
8 this chapter, or an order issued under this chapter is subject to a forfeiture of not less
9 than \$250 nor more than \$5,000 for each violation.

10 (b) A person who intentionally violates this chapter, a rule promulgated under
11 this chapter, or an order issued under this chapter may be fined not more than
12 \$10,000 or imprisoned for not more than one year in the county jail or both.

13 **(4) PRIVATE REMEDY.** (a) A person whose claim is allowed under s. 126.70 may
14 bring an action against the contractor to recover the amount of the allowed claim, less
15 any recovery amount that the department pays to the claimant under s. 126.71. In
16 any court action under this subsection, the claimant may recover costs including all
17 reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not
18 limit any other legal cause of action that the claimant may have against the
19 contractor.

20 (b) A claim allowed under s. 126.70 has the same priority in an insolvency
21 proceeding or creditor's action as a claim for wages, except as otherwise provided by
22 federal law.

23 **(5) COLLECTIONS.** The department may bring an action in court to recover any
24 unpaid amount that a contractor owes the department under this chapter, including
25 any unpaid fund assessment or reimbursement.

1 **126.88 Modifying fund assessments.** The department may by rule modify
2 the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The
3 department shall modify fund assessments as necessary to do all of the following:

4 (1) Maintain an overall fund balance of at least \$5,000,000 after January 1,
5 2006, but not more than \$22,000,000 at any time.

6 (2) Maintain a fund balance attributable to grain dealers of at least \$1,000,000
7 after January 1, 2006, but not more than \$6,000,000 at any time.

8 (3) Maintain a fund balance attributable to grain warehouse keepers of at least
9 \$200,000 after January 1, 2006, but not more than \$1,000,000 at any time.

10 (4) Maintain a fund balance attributable to milk contractors of at least
11 \$3,000,000 after January 1, 2006, but not more than \$12,000,000 at any time.

12 (5) Maintain a fund balance attributable to vegetable contractors of at least
13 \$800,000 after January 1, 2006, but not more than \$3,000,000 at any time.

14 **126.89 Calculations.** If a number used in or resulting from a calculation made
15 to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,
16 other than a number that appears in one of those sections, extends more than 6
17 decimal places to the right of the decimal point, a person making the calculation shall
18 round the number to the nearest whole digit in the 6th decimal place to the right of
19 the decimal point. The amount of an assessment may be rounded to the nearest
20 whole dollar.

21 **126.90 Agricultural producer security council.** The agricultural producer
22 security council shall advise the department on the administration and enforcement
23 of this chapter. The council shall meet as often as the department considers
24 necessary, but at least once annually. The department shall inform the council of

1 fund balances and payments, and shall consult with the council before modifying any
2 license fee, license surcharge, or fund assessment under this chapter.

3 *b1461/3.16* SECTION 2814. Chapter 127 of the statutes, as affected by 2001
4 Wisconsin Act (this act), is repealed.

5 *b1524/1.9* SECTION 2814dd. 127.01 (1r) of the statutes is amended to read:

6 127.01 (1r) "Audited financial statement" means a financial statement on
7 which an independent certified public accountant, ~~or an independent public~~
8 ~~accountant holding a certificate of authority licensed or certified~~ under ch. 442, has
9 expressed an opinion according to generally accepted accounting principles and has
10 conducted an audit according to generally accepted auditing standards.

11 *b1524/1.9* SECTION 2814dh. 127.01 (25m) (b) of the statutes is amended to
12 read:

13 127.01 (25m) (b) The financial statement is reviewed according to generally
14 accepted accounting principles by an independent certified public accountant ~~or an~~
15 ~~independent public accountant who holds a certificate of authority licensed or~~
16 ~~certified~~ under ch. 442.

17 *b1524/1.9* SECTION 2814dp. 127.06 (1) (e) of the statutes is amended to read:

18 127.06 (1) (e) The department may extend the filing deadline under par. (a) 2.
19 by up to 30 days in response to a written request from a warehouse keeper or an
20 independent certified public accountant, ~~or an independent public accountant~~
21 ~~holding a certificate of authority licensed or certified~~ under ch. 442, that is auditing
22 or reviewing the financial statement for a warehouse keeper if the department
23 receives the request on or before the 5th day of the 4th month beginning after the
24 close of the warehouse keeper's fiscal year and if the request states the reason for the
25 extension.

1 ***b1524/1.9* SECTION 2814dt.** 127.06 (1m) (e) of the statutes is amended to
2 read:

3 127.06 **(1m)** (e) The department may extend the filing deadline under par. (b)
4 2. by up to 30 days in response to a written request from a grain dealer or an
5 independent certified public accountant, ~~or an independent public accountant who~~
6 ~~holds a certificate of authority~~ licensed or certified under ch. 442, that is auditing or
7 reviewing the financial statement for a grain dealer, if the department receives the
8 written request on or before the 5th day of the 4th month beginning after the close
9 of the grain dealer's fiscal year and if the request states the reason for the extension.

10 ***b2221/3.127* SECTION 2813m.** 134.60 of the statutes is amended to read:

11 **134.60 Cutting or transportation of evergreens.** No person may cut for
12 sale in its natural condition and untrimmed, with or without roots, any evergreen or
13 coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another
14 without the written consent of the owner, whether such land is publicly or privately
15 owned. The written consent shall contain the legal description of the land where the
16 tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal
17 owner. The written consent or a certified copy of the consent shall be carried by every
18 person in charge of the cutting or removing of the trees, branches, boughs, bushes,
19 saplings or shrubs, and shall be exhibited to any officer of the law, state forest ranger,
20 forest patrol officer, conservation warden, or other officer of the department of
21 natural resources or the department of forestry at the officer's request at any time.
22 The officer may inspect the trees, branches, boughs, bushes, saplings or shrubs when
23 being transported in any vehicle or other means of conveyance and may investigate
24 to determine whether or not this section has been complied with. The officer may
25 stop any vehicle or means of conveyance found carrying any trees, branches, boughs,

1 bushes, saplings or shrubs upon any public highway of this state for the purpose of
2 making such inspection and investigation, and may seize and hold, subject to the
3 order of the court, any such trees, bushes, saplings or shrubs found being cut,
4 removed or transported in violation of this section. No person may ship or transport
5 any such trees, bushes, saplings or shrubs outside the county where they were cut
6 unless the person attaches to the outside of each package, box, bale, truckload or
7 carload shipped a tag or label on which appears the person's name and address. No
8 common carrier or truck hauler may receive for shipment or transportation any such
9 trees, bushes, saplings or shrubs unless the tag or label is attached. Any person who
10 violates this section shall be fined not less than \$10 nor more than \$100. Any person
11 who signs any such written consent or certified copy under this section who is not
12 authorized to do so, and any person who lends or transfers or offers to lend or transfer
13 any such written consent or certified copy to another person who is not entitled to use
14 it, and any person not entitled to use any such written consent or certified copy, or
15 who borrows, receives or solicits from another any such written consent or certified
16 copy thereof shall be fined not less than \$100 nor more than \$500.

17 *b0768/4.5* SECTION 2818. 134.72 (title) of the statutes is amended to read:

18 134.72 (title) **Prohibition of certain unsolicited messages by telephone**
19 **or facsimile machine.**

20 *b0768/4.5* SECTION 2819b. 134.72 (1) (c) of the statutes is renumbered
21 100.52 (1) (i) and amended to read:

22 100.52 (1) (i) "Telephone solicitation" means the unsolicited initiation of a
23 telephone conversation for the purpose of encouraging a person the recipient of the
24 telephone call to purchase property, goods or services or to make a contribution.

1 donation, grant, or pledge of money, credit, property, or other thing of any kind or
2 value.

3 *b0768/4.5* SECTION 2820d. 134.72 (2) (a) (title) of the statutes is repealed.

4 *b0768/4.5* SECTION 2821b. 134.72 (2) (a) of the statutes is renumbered
5 100.52 (4) (a) (intro.) and amended to read:

6 100.52 (4) (a) (intro.) ~~No person may use~~ A telephone solicitor or an employee
7 or contractor of a telephone solicitor may not do any of the following:

8 1. Use an electronically prerecorded message in telephone solicitation without
9 the consent of the ~~person called~~ recipient of the telephone call.

10 *b0768/4.5* SECTION 2822. 134.72 (2) (b) (title) of the statutes is repealed.

11 *b0768/4.5* SECTION 2822m. 134.72 (2) (b) of the statutes is renumbered
12 134.72 (2), and 134.72 (2) (b), as renumbered, is amended to read:

13 134.72 (2) (b) Notwithstanding ~~subd. 1, par. (a),~~ a person may not make a
14 facsimile solicitation to a person who has notified the facsimile solicitor in writing
15 or by facsimile transmission that the person does not want to receive facsimile
16 solicitation.

17 *b0768/4.5* SECTION 2824. 134.72 (3) (a) of the statutes is amended to read:

18 134.72 (3) (a) *Intrastate.* This section applies to any ~~intrastate telephone~~
19 ~~solicitation or intrastate facsimile solicitation.~~

20 *b0768/4.5* SECTION 2825. 134.72 (3) (b) of the statutes is amended to read:

21 134.72 (3) (b) *Interstate.* This section applies to any ~~interstate telephone~~
22 ~~solicitation, or interstate facsimile solicitation,~~ received by a person in this state.

23 *b0768/4.5* SECTION 2826. 134.72 (4) of the statutes is amended to read:

24 134.72 (4) PENALTY. A person who violates this section may be required to
25 forfeit up to not more than \$500.

1 ***b0993/2.2* SECTION 2826m.** 134.73 of the statutes is created to read:

2 **134.73 Identification of prisoner making telephone solicitation. (1)**

3 DEFINITIONS. In this section:

4 (a) “Contribution” has the meaning given in s. 440.41 (5).

5 (b) “Prisoner” means a prisoner of any public or private correctional or
6 detention facility that is located within or outside this state.

7 (c) “Solicit” has the meaning given in s. 440.41 (8).

8 (d) “Telephone solicitation” means the unsolicited initiation of a telephone
9 conversation for any of the following purposes:

10 1. To encourage a person to purchase property, goods, or services.

11 2. To solicit a contribution from a person.

12 3. To conduct an opinion poll or survey.

13 **(2) REQUIREMENTS.** A prisoner who makes a telephone solicitation shall do all
14 of the following immediately after the person called answers the telephone:

15 (a) Identify himself or herself by name.

16 (b) State that he or she is a prisoner.

17 (c) Inform the person called of the name of the correctional or detention facility
18 in which he or she is a prisoner and the city and state in which the facility is located.

19 **(3) TERRITORIAL APPLICATION.** (a) *Intrastate.* This section applies to any
20 intrastate telephone solicitation.

21 (b) *Interstate.* This section applies to any interstate telephone solicitation
22 received by a person in this state.

23 **(4) PENALTIES.** (a) A prisoner who violates this section may be required to forfeit
24 not more than \$500.

1 (b) If a person who employs a prisoner to engage in telephone solicitation is
2 concerned in the commission of a violation of this section as provided under s. 134.99,
3 the person may be required to forfeit not more than \$10,000.

4 ***b0993/2.2* SECTION 2826p.** 134.95 (2) of the statutes is amended to read:

5 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a
6 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,
7 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that
8 chapter, the person shall be subject to a supplemental forfeiture not to exceed
9 \$10,000 for that violation if the conduct by the defendant, for which the fine or
10 forfeiture was imposed, was perpetrated against an elderly person or disabled person
11 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.

12 ***b0667/1.1* SECTION 2830g.** 137.01 (1) (a) of the statutes is amended to read:

13 137.01 (1) (a) The governor shall appoint notaries public who shall be
14 ~~Wisconsin~~ United States residents and at least 18 years of age. Applicants who are
15 not attorneys shall file an application with the secretary of state and pay a \$20 fee.

16 ***b0667/1.1* SECTION 2830j.** 137.01 (1) (d) of the statutes is amended to read:

17 137.01 (1) (d) Qualified applicants shall be notified by the secretary of state to
18 take and file the official oath and execute and file an official bond in the sum of \$500,
19 with ~~a surety to be approved by the clerk of the circuit court for his or her county, or,~~
20 ~~if~~ executed by a surety company, and approved by the secretary of state.

21 ***b0667/1.1* SECTION 2830m.** 137.01 (2) (a) of the statutes is amended to read:

22 137.01 (2) (a) ~~Any Wisconsin~~ Except as provided in par. (am), any United States
23 resident who is licensed to practice law in this state is entitled to a permanent
24 commission as a notary public upon application to the secretary of state and payment
25 of a \$50 fee. The application shall include a certificate of good standing from the

1 supreme court, the signature and post-office address of the applicant and an
2 impression of the applicant's official seal, or imprint of the applicant's official rubber
3 stamp.

4 *b0667/1.1* SECTION 2830p. 137.01 (2) (am) of the statutes is created to read:

5 137.01 (2) (am) If a United States resident has his or her license to practice law
6 in this state suspended or revoked, upon reinstatement of his or her license to
7 practice law in this state, the person may be entitled to receive a certificate of
8 appointment as a notary public for a term of 4 years. An eligible notary appointed
9 under this paragraph is entitled to reappointment for 4-year increments. At least
10 30 days before the expiration of a commission under this paragraph the secretary of
11 state shall mail notice of the expiration date to the holder of the commission.

12 *b0667/1.1* SECTION 2830r. 137.01 (2) (b) of the statutes is amended to read:

13 137.01 (2) (b) The secretary of state shall issue a certificate of appointment as
14 a notary public to persons who qualify under the requirements of this subsection.
15 ~~Such~~ The certificate shall state that the notary commission is permanent or is for 4
16 years.

17 *b0667/1.2* SECTION 2833g. 137.01 (6) (b) of the statutes is repealed.

18 *b0667/1.2* SECTION 2833j. 137.01 (6m) of the statutes is amended to read:

19 137.01 (6m) CHANGE OF RESIDENCE. A notary public shall ~~docs~~ not vacate his
20 or her office by reason of his or her change of residence within the state United States.
21 Written notice of any change of address shall be given to the secretary of state within
22 ~~5~~ 10 days of ~~such~~ the change.

23 *b0667/1.2* SECTION 2833m. 137.01 (7) of the statutes is amended to read:

24 137.01 (7) OFFICIAL RECORDS TO BE FILED. When any notary public ceases to hold
25 office the notary public, or in case of the notary public's death the notary public's

1 executor or administrator, shall deposit the notary public's official records and
2 papers in the office of the ~~clerk of the circuit court of the county of the notary public's~~
3 ~~residence~~ secretary of state. If any such notary or any executor or administrator,
4 after such records and papers come to his or her hands, neglects for 3 months to
5 deposit them, he or she shall forfeit not less than \$50 nor more than \$500. If any
6 person knowingly destroys, defaces or conceals any records or papers of any notary
7 public, the person shall forfeit not less than \$50 nor more than \$500, and shall be
8 liable to the party injured for all damages thereby sustained. ~~The clerks of the circuit~~
9 ~~courts~~ secretary of state shall receive and safely keep all such papers and records in
10 their office.

11 *b1765/1.1* SECTION 2841m. 139.03 (5) (b) 2. of the statutes is amended to
12 read:

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

20 *-1841/1.1* SECTION 2842. 139.30 (7) of the statutes is amended to read:

21 139.30 (7) "Manufacturer" means any person who manufactures cigarettes for
22 the purpose of sale, including the authorized agent of a person who manufactures
23 cigarettes for the purpose of sale.

24 *b0693/1.1* SECTION 2842m. 139.31 (1) (a) of the statutes is amended to read:

1 139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,
2 ~~29.5~~ 38.5 mills on each cigarette.

3 ***b0693/1.1* SECTION 2842n.** 139.31 (1) (b) of the statutes is amended to read:

4 139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~59~~ 77
5 mills on each cigarette.

6 ***-1841/1.2* SECTION 2843.** 139.31 (4) of the statutes is created to read:

7 139.31 (4) No person may sell or distribute in this state, acquire, store, possess,
8 or transport for sale or distribution in this state, import or cause to be imported into
9 this state for sale or distribution in this state, or affix stamps as described under s.
10 139.32 to, any of the following:

11 (a) A cigarette package on which a statement, label, stamp, sticker, or notice
12 indicates that the manufacturer did not intend the cigarettes in the package to be
13 sold, distributed, or used in the United States, including labels stating “for export
14 only,” “U.S. tax exempt,” “for use outside U.S.,” or similar wording.

15 (b) A cigarette package that does not comply with 15 USC 1333 and 15 USC
16 1335 or other federal law.

17 (c) A cigarette package that has been altered as described in sub. (5).

18 (d) Any cigarettes that are imported into the United States in violation of
19 federal law.

20 ***-1841/1.3* SECTION 2844.** 139.31 (5) of the statutes is created to read:

21 139.31 (5) (a) No person may alter a cigarette package before the sale or
22 distribution to the ultimate consumer so as to remove, conceal, or obscure any of the
23 following:

24 1. Any statement, label, stamp, sticker, or notice described in sub. (4) (a).

1 2. Any health warning that is not specified in or that does not conform with the
2 requirements under 15 USC 1333.

3 (b) No person may affix stamps, as described in s. 139.32, to any cigarette
4 package that is altered as described in par. (a).

5 ***b0692/2.4* SECTION 2845m.** 139.31 (6) of the statutes is created to read:

6 139.31 (6) Subsections (4) and (5) do not apply to cigarettes that may be brought
7 into the United States for personal use and cigarettes that are sold or intended for
8 sale by a duty-free enterprise, as provided under 19 USC 1555, not including
9 cigarettes that are brought into a customs territory, as defined under 19 USC 1555
10 (2) (b) (C), for resale within the customs territory.

11 ***-1841/1.5* SECTION 2846.** 139.34 (3) of the statutes is created to read:

12 139.34 (3) No distributor may affix stamps to cigarette packages, as provided
13 in s. 139.32, unless the distributor certifies to the department, in a manner
14 prescribed by the department, that the distributor purchases cigarettes directly from
15 a manufacturer.

16 ***b0692/2.5* SECTION 2847m.** 139.39 (4m) of the statutes is created to read:

17 139.39 (4m) Any person who sells, distributes, or manufactures cigarettes and
18 who sustains direct economic or commercial injury as the result of a violation of this
19 chapter may bring an action for injunctive relief.

20 ***b0692/2.5* SECTION 2847n.** 139.40 (1) of the statutes is amended to read:

21 139.40 (1) All cigarettes acquired, owned, imported, possessed, kept, stored,
22 made, sold, distributed or transported in violation of this chapter, and all personal
23 property used in connection therewith is unlawful property and subject to seizure by
24 the secretary or any peace officer. All cigarettes seized for violating s. 139.31 (4) or
25 (5) shall be destroyed.

1 ***b0694/1.1* SECTION 2848m.** 139.76 (1) of the statutes is amended to read:

2 139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale,
3 possession with intent to sell or removal for consumption or sale or other disposition
4 for any purpose of tobacco products by any person engaged as a distributor of them
5 at the rate of ~~20%~~ 25% of the manufacturer's established list price to distributors
6 without diminution by volume or other discounts on domestic products. On products
7 imported from another country the rate of tax is ~~20%~~ 25% of the amount obtained by
8 adding the manufacturer's list price to the federal tax, duties and transportation
9 costs to the United States. The tax attaches at the time the tobacco products are
10 received by the distributor in this state. The tax shall be passed on to the ultimate
11 consumer of the tobacco products. All tobacco products received in this state for sale
12 or distribution within this state, except tobacco products actually sold as provided
13 in sub. (2), shall be subject to such tax.

14 ***b0694/1.1* SECTION 2848n.** 139.78 (1) of the statutes is amended to read:

15 139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco
16 products in this state at the rate of ~~20%~~ 25% of the cost of the tobacco products. The
17 tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been
18 paid or if the tobacco products are exempt from the tobacco products tax under s.
19 139.76 (2).

20 ***b0404/1.3* SECTION 2848r.** 146.185 (3) of the statutes is amended to read:

21 146.185 (3) From the appropriation under s. 20.435 (5) ~~(fh)~~ (kb), the
22 department shall in each fiscal year award up to \$200,000 in grants for activities to
23 improve the health status of economically disadvantaged minority group members.
24 A person may apply, in the manner specified by the department, for a grant of up to
25 \$50,000 in each fiscal year to conduct these activities. ~~A grant awarded~~ An awardee

1 ~~of a grant~~ under this subsection may not exceed 50% of the cost of the activities. An
2 applicant's required contribution for a grant shall provide, for at least 50% of the
3 grant amount, matching funds that may consist of funding or an in-kind
4 contribution. An applicant that is not a federally qualified health center, as defined
5 under 42 CFR 405.2401 (b) shall receive priority for grants awarded under this
6 subsection.

7 *b0404/1.3* SECTION 2848s. 146.185 (4) of the statutes is amended to read:

8 146.185 (4) From the appropriation under s. 20.435 (5) ~~(fh)~~ (kb), the
9 department shall award a grant of up to \$100,000 \$50,000 in each fiscal year to a
10 private nonprofit corporation that applies, in the manner specified by the
11 department, to conduct a public information campaign on minority health.

12 *-0299/2.1* SECTION 2850. 146.55 (2m) (a) of the statutes is repealed and
13 recreated to read:

14 146.55 (2m) (a) The department shall contract with a physician to direct the
15 state emergency medical services program. The department may expend from the
16 funding under the federal preventive health services project grant program under
17 42 USC 2476 under the appropriation under s. 20.435 (1) (mc), \$25,000 in each fiscal
18 year for this purpose.

19 *b1545/2.3* SECTION 2850ag. 146.56 (1) of the statutes is amended to read:

20 146.56 (1) Not later than July 1, 2002, the department shall develop and
21 implement a statewide trauma care system. The department shall seek the advice
22 of the statewide trauma advisory council under s. 15.197 (25) in developing and
23 implementing the system, and, as part of the system, shall develop regional trauma
24 advisory councils.

25 *b1545/2.3* SECTION 2850ah. 146.56 (2) of the statutes is amended to read:

1 146.56 (2) The department shall promulgate rules to develop and implement
2 the system. The rules shall include a method by which to classify all hospitals as to
3 their respective emergency care capabilities. The classification rule shall be based
4 on standards developed by the American College of Surgeons. Within 180 days after
5 promulgation of the classification rule, and every ~~4~~ 3 years thereafter, each hospital
6 shall certify to the department the classification level of trauma care services that
7 is provided by the hospital, based on the rule. The department may require a hospital
8 to document the basis for its certification. The department may not direct a hospital
9 to establish a certain level of certification. Confidential injury data that is collected
10 under this subsection shall be used for confidential review relating to performance
11 improvements in the trauma care system, and may be used for no other purpose.

12 ***b1042/1.5* SECTION 2850bc.** 146.65 of the statutes is created to read:

13 **146.65 Rural health dental clinics. (1)** From the appropriation under s.
14 20.485 (5) (dm), the department shall distribute moneys as follows:

15 (a) In state fiscal year 2001–02, not more than \$618,000 and in fiscal year
16 2002–03, not more than \$232,000, to the rural health dental clinic located in
17 Ladysmith that provides dental services to persons who are developmentally
18 disabled or elderly or who have low income, in the counties of Rusk, Price, Taylor,
19 Sawyer, and Chippewa.

20 (b) In fiscal year 2001–02, not more than \$294,500 and in state fiscal year
21 2002–03, not more than \$355,600, to the rural health dental clinic located in
22 Menomonie that provides dental services to persons who are developmentally
23 disabled or elderly or who have low income, in the counties of Barron, Chippewa,
24 Dunn, Pepin, Pierce, Polk, and St. Croix.

1 (2) The department shall also seek federal funding to support the operations
2 of the rural health dental clinics under sub. (1).

3 ***b2030/1.1* SECTION 2850bg.** 146.83 (1) (b) of the statutes is amended to read:

4 146.83 (1) (b) Receive a copy of the patient's health care records upon payment
5 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

6 ***b2030/1.1* SECTION 2850bh.** 146.83 (1) (c) of the statutes is amended to read:

7 146.83 (1) (c) Receive a copy of the health care provider's X-ray reports or have
8 the X-rays referred to another health care provider of the patient's choice upon
9 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

10 ***b2030/1.1* SECTION 2850bi.** 146.83 (3m) of the statutes is created to read:

11 146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on
12 an approximation of actual costs. The fees, plus applicable tax, are the maximum
13 amount that a health care provider may charge under sub. (1) (b) for duplicate
14 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
15 referral of X-rays to another health care provider of the patient's choice. The rule
16 shall also permit the health care provider to charge for actual postage or other actual
17 delivery costs. In determining the approximation of actual costs for the purposes of
18 this subsection, the department may consider all of the following factors:

19 1. Operating expenses, such as wages, rent, utilities, and duplication
20 equipment and supplies.

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

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

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

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

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

4 ***b1524/1.10* SECTION 2850bm.** 148.19 (2) of the statutes is amended to read:

5 148.19 (2) Legal counsel, certified public accountants licensed or certified
6 under ch. 442, or other persons as to matters the director or officer believes in good
7 faith are within the person's professional or expert competence.

8 ***b0394/1.1* SECTION 2850c.** 149.115 of the statutes is amended to read:

9 **149.115 Rules relating to creditable coverage.** The commissioner, in
10 consultation with the department, shall promulgate rules that specify how
11 creditable coverage is to be aggregated for purposes of ~~ss. s. 149.10 (2l) (a) and 149.14~~
12 ~~(6)(b) 1. a.~~ and that determine the creditable coverage to which ~~ss. s. 149.10 (2t) (b)~~
13 and (d) and ~~149.14 (6) (b) 1. b. and d.~~ apply applies. The rules shall comply with
14 section 2701 (c) of P.L. 104–191.

15 ***b0394/1.1* SECTION 2850d.** 149.13 (4) of the statutes is created to read:

16 149.13 (4) Notwithstanding subs. (1) to (3), the department, with the
17 agreement of the commissioner, may perform various administrative functions
18 related to the assessment of insurers participating in the cost of administering the
19 plan.

20 ***b0887/1.1* 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 ***b0394/1.1* SECTION 2850e.** 149.14 (3) (nm) of the statutes is created to read:
12 149.14 (3) (nm) Hospice care provided by a hospice licensed under subch. IV
13 of ch. 50.

14 ***b0395/2.1* SECTION 2850f.** 149.14 (5) (title) of the statutes is amended to
15 read:

16 149.14 (5) (title) DEDUCTIBLES, COPAYMENTS ~~AND~~ COINSURANCE, AND
17 OUT-OF-POCKET LIMITS.

18 ***b0395/2.1* SECTION 2850g.** 149.14 (5) (b) of the statutes is amended to read:
19 149.14 (5) (b) Except as provided in ~~par. pars.~~ (c) and (e), if the covered costs
20 incurred by the eligible person exceed the deductible for major medical expense
21 coverage in a calendar year, the plan shall pay at least 80% of any additional covered
22 costs incurred by the person during the calendar year.

23 ***b0395/2.1* SECTION 2850h.** 149.14 (5) (c) of the statutes is amended to read:
24 149.14 (5) (c) If Except as provided in par. (e), if the aggregate of the covered
25 costs not paid by the plan under par. (b) and the deductible exceeds \$500 for an

1 eligible person receiving medicare, \$2,000 for any other eligible person during a
2 calendar year or \$4,000 for all eligible persons in a family, the plan shall pay 100%
3 of all covered costs incurred by the eligible person during the calendar year after the
4 payment ceilings under this paragraph are exceeded.

5 ***b0395/2.1* SECTION 2850i.** 149.14 (5) (e) of the statutes is amended to read:

6 149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17
7 (4), establish copayments for prescription drug coverage under sub. (3) (d) copayment
8 amounts, coinsurance rates, and copayment and coinsurance out-of-pocket limits
9 over which the plan will pay 100% of covered costs under sub. (3) (d). Any copayment
10 amounts or rates amount, coinsurance rate, or out-of-pocket limit established are
11 under this paragraph is subject to the approval of the board. Copayments and
12 coinsurance paid by an eligible person under this paragraph shall are separate from
13 and do not count toward the deductible and covered costs not paid by the plan under
14 pars. (a) to (c).

15 ***b0394/1.1* SECTION 2850j.** 149.14 (6) (b) 1. of the statutes is repealed.

16 ***b0394/1.1* SECTION 2850k.** 149.14 (6) (b) 2. of the statutes is renumbered
17 149.14 (6) (b) and amended to read:

18 149.14 (6) (b) An eligible individual who obtains coverage under the plan ~~on~~
19 ~~or after June 17, 1998,~~ may not be subject to any preexisting condition exclusion
20 under the plan. ~~An eligible individual who is covered under the plan on June 17,~~
21 ~~1998, may not be subject to any preexisting condition exclusion on or after June 17,~~
22 ~~1998.~~

23 ***b0395/2.1* SECTION 2850Lc.** 149.142 (1) (b) of the statutes is amended to
24 read:

1 149.142 (1) (b) The payment rate for a prescription drug shall be the allowable
2 charge paid under s. 49.46 (2) (b) 6. h. for the prescription drug. Notwithstanding
3 s. 149.17 (4), the department may not reduce the payment rate for prescription drugs
4 below the rate specified in this paragraph, and the rate may not be adjusted under
5 s. 149.143 or 149.144.

6 ***b0395/2.1* SECTION 2850Ld.** 149.142 (2) of the statutes is amended to read:

7 149.142 (2) ~~The Except as provided in sub. (1) (b), the rates established under~~
8 this section are subject to adjustment under ss. 149.143 and 149.144.

9 ***b0887/1.2* SECTION 2850Ldc.** 149.143 (1) (intro.) of the statutes is amended

10 to read:

11 149.143 (1) (intro.) The department shall pay or recover the operating costs of
12 the plan from the appropriation under s. 20.435 (4) (v) and administrative costs of
13 the plan from the appropriation under s. 20.435 (4) (u). For purposes of determining
14 premiums, insurer assessments under s. 149.13, and provider payment rate
15 adjustments, the department shall apportion and prioritize responsibility for
16 payment or recovery of plan costs from among the moncys constituting the fund as
17 follows:

18 ***b0887/1.2* SECTION 2850Ldm.** 149.143 (1) (b) 1. a. of the statutes is amended

19 to read:

20 149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage
21 under s. 149.14 (2) (a) set at 150% of the rate that a standard risk would be charged
22 under an individual policy providing substantially the same coverage and
23 deductibles as are provided under the plan and from eligible persons with coverage
24 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts
25 received for premium and deductible subsidies under s. 149.144 and under the

1 transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and from
2 premiums collected from eligible persons with coverage under s. 149.146 set in
3 accordance with s. 149.146 (2) (b), and from 50% of small employer insurer
4 assessments under s. 149.135.

5 *b0395/2.1* SECTION 2850Le. 149.143 (1) (b) 1. d. of the statutes is amended
6 to read:

7 149.143 (1) (b) 1. d. Fourth, notwithstanding subd. 2., by increasing insurer
8 assessments under s. 149.13, excluding assessments under s. 149.144, and adjusting
9 provider payment rates, subject to s. 149.142 (1) (b) and excluding adjustments to
10 those rates under s. 149.144, in equal proportions and to the extent that the amounts
11 under subd. 1. a. to c. are insufficient to pay 60% of plan costs.

12 *b0887/1.4* SECTION 2850Lem. 149.143 (1) (b) 2. a. of the statutes is amended
13 to read:

14 149.143 (1) (b) 2. a. Fifty percent from insurer assessments under s. 149.13,
15 excluding assessments under s. 149.144, and from 50% of small employer insurer
16 assessments under s. 149.135.

17 *b0395/2.1* SECTION 2850Lf. 149.143 (1) (b) 2. b. of the statutes is amended
18 to read:

19 149.143 (1) (b) 2. b. Fifty percent from adjustments to provider payment rates,
20 subject to s. 149.142 (1) (b) and excluding adjustments to those rates under s.
21 149.144.

22 *b0395/2.1* SECTION 2850Lg. 149.143 (2) (a) 4. of the statutes is amended to
23 read:

24 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider
25 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and

1 setting the rate at the level necessary to equal the amounts specified in sub. (1) (b)
2 1. d. and 2. b. and as provided in s. 149.145.

3 ***b0394/1.1* SECTION 2850Lgj.** 149.143 (2m) (b) 3. of the statutes is created to
4 read:

5 149.143 (2m) (b) 3. For distribution to eligible persons, notwithstanding any
6 requirements in this chapter related to setting premium amounts. The department,
7 with the approval of the board and the concurrence of the plan actuary, shall
8 determine the policies, eligibility criteria, methodology, and other factors to be used
9 in making any distribution under this subdivision.

10 ***b0395/2.1* SECTION 2850Lh.** 149.143 (3) (a) of the statutes is amended to
11 read:

12 149.143 (3) (a) If, during a plan year, the department determines that the
13 amounts estimated to be received as a result of the rates and amount set under sub.
14 (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment
15 rate under s. 149.144 will not be sufficient to cover plan costs, the department may
16 by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the
17 plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,
18 by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan
19 year, subject to sub. (1) (b) 2. a., and by the same rule under which assessments are
20 increased adjust the provider payment rate set under sub. (2) (a) 4. for the remainder
21 of the plan year, subject to sub. (1) (b) 2. b. and s. 149.142 (1) (b).

22 ***b0395/2.1* SECTION 2850Li.** 149.143 (3) (b) of the statutes is amended to
23 read:

24 149.143 (3) (b) If the department increases premium rates and insurer
25 assessments and adjusts the provider payment rate under par. (a) and determines

1 that there will still be a deficit and that premium rates have been increased to the
2 maximum extent allowable under par. (a), the department may further adjust, in
3 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment
4 rate set under sub. (2) (a) 4., without regard to sub. (1) (b) 2. but subject to s. 149.142
5 (1) (b).

6 *b0395/2.1* SECTION 2850Lj. 149.143 (5) (a) of the statutes is amended to
7 read:

8 149.143 (5) (a) Annually, no later than April 30, the department shall perform
9 a reconciliation with respect to plan costs, premiums, insurer assessments, and
10 provider payment rate adjustments based on data from the previous calendar year.
11 On the basis of the reconciliation, the department shall make any necessary
12 adjustments in premiums, insurer assessments under s. 149.13, or provider
13 payment rates, subject to s. 149.142 (1) (b), for the fiscal year beginning on the first
14 July 1 after the reconciliation, as provided in sub. (2) (b).

15 *b0395/2.1* SECTION 2850Lk. 149.143 (5) (b) of the statutes is amended to
16 read:

17 149.143 (5) (b) Except as provided in sub. (3) and s. 149.144, the department
18 shall adjust the provider payment rates to meet the providers' specified portion of the
19 plan costs no more than once annually, subject to s. 149.142 (1) (b). The department
20 may not determine the adjustment on an individual provider basis or on the basis
21 of provider type, but shall determine the adjustment for all providers in the
22 aggregate, subject to s. 149.142 (1) (b).

23 *b0395/2.1* SECTION 2850Lm. 149.144 of the statutes is amended to read:

24 **149.144 Adjustments to insurer assessments and provider payment**
25 **rates for premium and deductible reductions.** If the moneys transferred to the

1 fund under the appropriation under s. 20.435 (4) (ah) are insufficient to reimburse
2 the plan for premium reductions under s. 149.165 and deductible reductions under
3 s. 149.14 (5) (a), or the department determines that the moneys transferred or to be
4 transferred to the fund under the appropriation under s. 20.435 (4) (ah) will be
5 insufficient to reimburse the plan for premium reductions under s. 149.165 and
6 deductible reductions under s. 149.14 (5) (a), the department may, by rule, adjust in
7 equal proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and
8 the provider payment rate set under s. 149.143 (2) (a) 4., subject to s. ss. 149.142 (1)
9 (b) and 149.143 (1) (b) 1., sufficient to reimburse the plan for premium reductions
10 under s. 149.165 and deductible reductions under s. 149.14 (5) (a). If the department
11 makes the adjustment under this section, the department shall notify the
12 commissioner so that the commissioner may levy any increase in insurer
13 assessments.

14 *b0395/2.1* **SECTION 2850Ln.** 149.145 of the statutes is amended to read:

15 **149.145 Program budget.** The department, in consultation with the board,
16 shall establish a program budget for each plan year. The program budget shall be
17 based on the provider payment rates specified in s. 149.142 and in the most recent
18 provider contracts that are in effect and on the funding sources specified in s. 149.143
19 (1), including the methodologies specified in ss. 149.143, 149.144, and 149.146 for
20 determining premium rates, insurer assessments under s. 149.13, and provider
21 payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b) and subject
22 to s. 149.142 (1) (b), from the program budget the department shall derive the actual
23 provider payment rate for a plan year that reflects the providers' proportional share
24 of the plan costs, consistent with ss. 149.143 and 149.144. The department may not

1 implement a program budget established under this section unless it is approved by
2 the board.

3 ***b0394/1.1* SECTION 2850m.** 149.146 (1) (b) 1. of the statutes is repealed.

4 ***b0394/1.1* SECTION 2850p.** 149.146 (1) (b) 2. of the statutes is renumbered
5 149.146 (1) (b).

6 ***b0395/2.1* SECTION 2850q.** 149.146 (2) (am) 2. of the statutes is amended to
7 read:

8 149.146 (2) (am) 2. Except as provided in ~~subd.~~ subds. 3. and 5., if the covered
9 costs incurred by the eligible person exceed the deductible for major medical expense
10 coverage in a calendar year, the plan shall pay at least 80% of any additional covered
11 costs incurred by the person during the calendar year.

12 ***b0395/2.1* SECTION 2850r.** 149.146 (2) (am) 3. of the statutes is amended to
13 read:

14 149.146 (2) (am) 3. ~~If~~ Except as provided in subd. 5., if the aggregate of the
15 covered costs not paid by the plan under subd. 2. and the deductible exceeds \$3,500
16 for any eligible person during a calendar year or \$7,000 for all eligible persons in a
17 family, the plan shall pay 100% of all covered costs incurred by the eligible person
18 during the calendar year after the payment ceilings under this subdivision are
19 exceeded.

20 ***b0395/2.1* SECTION 2850s.** 149.146 (2) (am) 5. of the statutes is created to
21 read:

22 149.146 (2) (am) 5. Subject to s. 149.14 (8) (b), the department may, by rule
23 under s. 149.17 (4), establish for prescription drug coverage under this section
24 copayment amounts, coinsurance rates, and copayment and coinsurance
25 out-of-pocket limits over which the plan will pay 100% of covered costs for

1 prescription drugs. Any copayment amount, coinsurance rate, or out-of-pocket
2 limit established under this subdivision is subject to the approval of the board.
3 Copayments and coinsurance paid by an eligible person under this subdivision are
4 separate from and do not count toward the deductible and covered costs not paid by
5 the plan under subs. 1. to 3.

6 *b0394/1.1* SECTION 2850w. 149.15 (1) of the statutes is amended to read:

7 149.15 (1) The plan shall have a board of governors consisting of
8 representatives of 2 participating insurers ~~which~~ that are nonprofit corporations,
9 representatives of 2 other participating insurers, 3 health care provider
10 representatives, including one representative of the State Medical Society of
11 Wisconsin, one representative of the Wisconsin Health and Hospital Association and
12 one representative of an integrated multidisciplinary health system, and ~~3~~ 4 public
13 members, including one representative of small businesses in the state, appointed
14 by the secretary for staggered 3-year terms. In addition, the commissioner, or a
15 designated representative from the office of the commissioner, and the secretary, or
16 a designated representative from the department, shall be members of the board.
17 The public members shall not be professionally affiliated with the practice of
18 medicine, a hospital, or an insurer. At least ~~2~~ one of the public members shall be
19 ~~individuals reasonably expected to qualify for an individual who has~~ coverage under
20 ~~the plan or the parent or spouse of such an individual.~~ The secretary or the
21 secretary's representative shall be the chairperson of the board. Board members,
22 except the commissioner or the commissioner's representative and the secretary or
23 the secretary's representative, shall be compensated at the rate of \$50 per diem plus
24 actual and necessary expenses.

25 *b0393/1.1* SECTION 2850x. 149.25 of the statutes is created to read:

1 **149.25 Case management pilot program. (1) DEFINITIONS.** In this section:

2 (a) “Chronic disease” means any disease, illness, impairment, or other physical
3 condition that requires health care and treatment over a prolonged period and,
4 although amenable to treatment, is irreversible and frequently progresses to
5 increasing disability or death.

6 (b) “Health professional shortage area” means an area that is designated by the
7 federal department of health and human services under 42 CFR part 5, appendix A,
8 as having a shortage of medical care professionals.

9 **(2) PROGRAM AND ELIGIBILITY REQUIREMENTS.** (a) The department shall conduct
10 a 3-year pilot program, beginning on July 1, 2002, under which eligible persons who
11 qualify under par. (b) are provided community-based case management services.

12 (b) To be eligible to participate in the pilot program, an eligible person must
13 satisfy any of the following criteria:

- 14 1. Be diagnosed as having a chronic disease.
- 15 2. Be taking 2 or more prescribed medications on a regular basis.
- 16 3. Within 6 months of applying for the pilot program, have been treated 2 or
17 more times at a hospital emergency room or have been admitted 2 or more times to
18 a hospital as an inpatient.

19 (c) 1. Participation in the pilot program shall be voluntary and limited to no
20 more than 300 eligible persons. The department shall ensure that all eligible
21 persons are advised in a timely manner of the opportunity to participate in the pilot
22 program and of how to apply for participation.

23 2. If more than 300 eligible persons apply to participate, the department shall
24 select pilot program participants from among those who qualify under par. (b)
25 according to standards determined by the department, except that the department

1 shall give preference to eligible persons who reside in medically underserved areas
2 or health professional shortage areas.

3 (3) PROVIDER ORGANIZATION AND SERVICES REQUIREMENTS. (a) The department
4 shall select and contract with an organization to provide the community-based case
5 management services under the pilot program. To be eligible to provide the services,
6 an organization must satisfy all of the following criteria:

7 1. Be a private, nonprofit, integrated health care system that provides access
8 to health care in a medically underserved area of the state or in a health professional
9 shortage area.

10 2. Operate an existing community-based case management program with
11 demonstrated successful client and program outcomes.

12 3. Demonstrate an ability to assemble and coordinate an interdisciplinary
13 team of health care professionals, including physicians, nurses, and pharmacists, for
14 assessment of a program participant's treatment plan.

15 (b) The community-based case management services under the pilot program
16 shall be provided by a team, consisting of a nurse case manager, a pharmacist, and
17 a social worker, working in collaboration with the eligible person's primary care
18 physician or other provider. Services to be provided include all of the following:

19 1. An initial intake assessment.

20 2. Development of a treatment plan based on best practices.

21 3. Coordination of health care services.

22 4. Patient education.

23 5. Family support.

24 6. Monitoring and reporting of patient outcomes and costs.

1 (c) The department shall pay contract costs from the appropriation under s.
2 20.435 (4) (u).

3 (4) EVALUATION STUDY. The department shall conduct a study that evaluates the
4 pilot program in terms of health care outcomes and cost avoidance. In the study, the
5 department shall measure and compare, for pilot program participants and similarly
6 situated eligible persons not participating in the pilot program, plan costs and
7 utilization of services, including inpatient hospital days, rates of hospital
8 readmission within 30 days for the same diagnosis, and prescription drug utilization.
9 The department shall submit a report on the results of the study, including the
10 department's conclusions and recommendations, to the legislature under s. 13.172
11 (2) and to the governor.

12 *b0605/2.1* SECTION 2850y. 150.345 of the statutes is created to read:

13 **150.345 Nursing home bed transfers.** (1) Notwithstanding ss. 150.33 and
14 150.34, a nursing home may transfer a licensed bed to another nursing home, if all
15 of the following apply:

16 (a) The receiving nursing home is within the same area for allocation of nursing
17 home beds, as determined by the department, as is the transferring nursing home,
18 or is in a county adjoining that area.

19 (b) The transferring nursing home and the receiving nursing home are owned
20 by corporations that are owned by the same person.

21 (c) The transferring and receiving nursing homes notify the department of the
22 proposed transfer within 30 days before the transfer occurs.

23 (d) The department reviews and approves the transfer.

1 (2) Upon receiving the notification specified in sub. (1) (c), the department shall
2 adjust the allocation of licensed beds under s. 150.31 for each nursing home in
3 accordance with the transfer that was made.

4 ***b2049/3.8* SECTION 2852bb.** 157.061 (1) of the statutes is renumbered
5 157.061 (1c) and amended to read:

6 157.061 (1c) “Burial” means entombment, inurnment ~~or~~, interment, or
7 placement in a mausoleum, vault, crypt, or columbarium.

8 ***b2049/3.8* SECTION 2852bf.** 157.061 (1d) of the statutes is created to read:

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

13 ***b2049/3.8* SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:

14 157.061 (1p) “Cemetery” means a place that is dedicated to and used or
15 intended to be used for the final disposition of human remains.

16 ***b2049/3.8* SECTION 2852bL.** 157.061 (2m) of the statutes is amended to read:

17 157.061 (2m) “Cemetery lot” means a grave or 2 or more contiguous graves ~~and,~~
18 ~~when used in reference to the sale, purchase or ownership of a cemetery lot, includes~~
19 ~~the right to bury human remains in that cemetery lot.~~

20 ***b2049/3.8* SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:

21 157.061 (3) “Cemetery merchandise” means goods associated with the burial
22 of human remains, including monuments, markers, nameplates, vases, and urns,
23 and any services that are associated with supplying or delivering those goods or with
24 the burial of human remains and that may be lawfully provided by a cemetery

1 authority, including opening and closing of a burial space. The term does not include
2 caskets or outer burial containers.

3 *b2049/3.8* SECTION 2852bp. 157.061 (3g) of the statutes is created to read:

4 157.061 (3g) “Columbarium” means a building, structure, or part of a building
5 or structure that is used or intended to be used for the inurnment of cremains.

6 *b2049/3.8* SECTION 2852br. 157.061 (3r) of the statutes is created to read:

7 157.061 (3r) “Columbarium space” means a niche, crypt, or specific place in a
8 columbarium that contains or is intended to contain cremains.

9 *b2049/3.8* SECTION 2852bt. 157.061 (8g) of the statutes is created to read:

10 157.061 (8g) “Lawn crypt” means an interment space in chambers that are
11 preplaced at either a single depth or multiple depths and that are located primarily
12 underground.

13 *b2049/3.8* SECTION 2852bx. 157.061 (11r) of the statutes is amended to read:

14 157.061 (11r) “Payment of principal” means the portion of a payment for the
15 purchase of a ~~cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that
16 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,
17 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion
18 of the payment that represents any taxes, finance or interest charges, or insurance
19 premiums.

20 *b2049/3.8* SECTION 2852da. 157.061 (15) of the statutes is amended to read:

21 157.061 (15) “Religious association” means any church, synagogue, or mosque
22 ~~or any, incorporated college of a religious order, or religious society organized under~~
23 ch. 187.

24 *b2049/3.8* SECTION 2852dc. 157.061 (15m) of the statutes is created to read:

1 157.061 (15m) “Religious cemetery authority” means a cemetery authority of
2 a cemetery owned and operated by a religious association.

3 ***b2049/3.8* SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

4 157.061 (17) “Undeveloped space” means a mausoleum space, columbarium
5 space, or lawn crypt that is not ready for the burial of human remains on the date
6 of the sale of the mausoleum space, columbarium space, or lawn crypt.

7 ***b2049/3.8* SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

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

14 ***b2049/3.8* SECTION 2852dm.** 157.062 (4) (a) of the statutes is amended to
15 read:

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

24 ***b2049/3.8* SECTION 2852ds.** 157.062 (6) (c) of the statutes is amended to read:

1 157.062 (6) (c) If an association is dissolved under par. (a) or any group has
2 never been properly organized as cemetery association, and there are fewer than 5
3 members living or residing in the county where the cemetery is located, the circuit
4 judge for the county shall upon the petition of any person interested, make an order
5 determining who are persons interested in the cemetery. Any adult person who owns
6 an interest in any ~~cemetery lot~~ burial space in the cemetery, who is related to any
7 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,
8 or surviving spouse of a member of the dissolved association, is an interested person.
9 The circuit judge may make the order upon evidence he or she deems sufficient, with
10 or without hearing. The order need not contain the names of all persons interested,
11 but shall contain the names of at least 5 such persons.

12 ***b2049/3.8* SECTION 2852dt.** 157.062 (9) of the statutes is amended to read:

13 157.062 (9) EXEMPTIONS FOR CERTAIN NONPROFIT CEMETERIES. In lieu of
14 delivering a certification, resolution, or copy of proceedings to the department of
15 financial institutions under sub. (1), (2), or (6) (b), a cemetery association that is not
16 required to be registered under s. 440.91 (1) ~~and~~, that is not organized or conducted
17 for pecuniary profit, and that does not operate a cemetery that is located in a county
18 with a population greater than 600,000 shall deliver the certification, resolution, or
19 copy of proceedings to the office of the register of deeds of the county in which the
20 cemetery is located.

21 ***b2049/3.8* SECTION 2852dy.** 157.064 (2) of the statutes is amended to read:

22 157.064 (2) A cemetery or religious association incorporated in this state and
23 having a cemetery in or near a 1st or 2nd class city and any cemetery described under
24 s. 157.065 (3m) (d) may acquire by gift or purchase up to 30 acres of adjoining lands

1 for cemetery purposes, and may pay for it wholly or partly from its ~~cemetery lot~~ burial
2 space sales.

3 *b2049/3.8* SECTION 2852fb. 157.064 (6) of the statutes is amended to read:

4 157.064 (6) Whenever the majority of the members of a cemetery association,
5 or of a religious association authorized to hold lands for cemetery purposes, present
6 at an annual meeting or special meeting called for such purpose vote to convey all
7 of the cemetery association's or religious association's cemetery property, trust funds
8 and other property used for cemetery purposes to another cemetery association or
9 religious association, the trustees of the association shall transfer the property upon
10 the acceptance of the transfer by the other association by affirmative vote of a
11 majority of its members present at an annual meeting or special meeting called for
12 that purpose. Upon such acceptance, the title to the cemetery property, trust funds
13 and other property of the transferring association vests in the accepting association
14 under the control of the trustees of the accepting association. A conveyance under
15 this subsection is subject to s. 157.08 (2). This subsection does not apply to a religious
16 ~~society organized under ch. 187 cemetery authority.~~

17 *b2049/3.8* SECTION 2852fd. 157.065 (1) (b) 4. of the statutes is repealed.

18 *b2049/3.8* SECTION 2852fh. 157.07 (1) of the statutes is amended to read:

19 157.07 (1) A cemetery authority shall cause to be surveyed and platted by a
20 land surveyor registered in this state those portions of the lands that are from time
21 to time required for burial, into ~~cemetery lots~~ burial spaces, drives, and walks, and
22 record a plat or map of the land in the office of the register of deeds. The plat or map
23 may not be recorded unless laid out and platted to the satisfaction of the county board
24 of the county, and the town board of the town, in which the land is situated, or, if the
25 land is situated within a 1st class city, then only by the common council of that city.

1 ***b2049/3.8* SECTION 2852fj.** 157.07 (5) of the statutes is amended to read:

2 157.07 (5) The cemetery authority may vacate or replat any portion of its
3 cemetery upon the filing of a petition with the circuit court describing the portion and
4 setting forth the facts and reasons therefor. The court shall fix a time for hearing and
5 direct publication of a class 3 notice, under ch. 985, and the court shall order a copy
6 of the notice to be mailed to at least one interested person, as to each separate parcel
7 involved, whose post-office address is known or can be ascertained with reasonable
8 diligence, at least 20 days before such hearing. If the court finds that the proposed
9 vacating or replatting is for the best interest of the cemetery authority and that the
10 rights of none to whom ~~cemetery lots~~ burial spaces have been conveyed will be
11 injured, it shall enter an order reciting the jurisdictional facts and its findings and
12 authorizing the vacating or replatting of the lands of the cemetery. The order shall
13 be effective when recorded by the register of deeds.

14 ***b2049/3.8* SECTION 2852fL.** 157.07 (6) of the statutes is amended to read:

15 157.07 (6) This section does not apply to a religious ~~society organized under ch.~~
16 ~~187~~ cemetery authority.

17 ***b2049/3.8* SECTION 2852fn.** 157.08 (1) of the statutes is amended to read:

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

25 ***b2049/3.8* SECTION 2852fp.** 157.08 (2) (a) of the statutes is amended to read:

1 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery
2 authority and used or intended to be used for the burial of the human remains of the
3 purchaser or the purchaser's family members, the purchaser's interests in the
4 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are
5 not affected or limited by any claims or liens of other persons against the cemetery
6 authority.

7 ***b2049/3.8* SECTION 2852fr.** 157.08 (2) (b) of the statutes is amended to read:

8 157.08 (2) (b) 1. Before a cemetery authority sells or encumbers any cemetery
9 land, except for a sale described in par. (a), the cemetery authority shall notify the
10 department in writing.

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

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

23 5. The department may, before the expiration of the 60-day period under subd.
24 3., notify the cemetery authority in writing that the department approves of the sale
25 ~~or encumbrance~~ action. Upon receipt of the department's written approval, the

1 cemetery authority may ~~sell or encumber the cemetery land~~ take the action and is
2 released of any liability under this paragraph.

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

5 ***b2049/3.8* SECTION 2852ft.** 157.08 (2) (b) 1m. of the statutes is created to
6 read:

7 157.08 (2) (b) 1m. Before a cemetery authority of a cemetery in a county with
8 a population greater than 600,000 takes any of the following actions, the cemetery
9 authority shall notify the department in writing:

10 a. Transfers ownership or control of 50% or more of the assets or stock of the
11 cemetery.

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

14 c. Transfers responsibility for management or operation of the cemetery
15 authority.

16 ***b2049/3.8* SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to read:

17 157.08 (2) (b) 2. The department shall promulgate rules that specify the
18 documentation that must be submitted with a notification under subds. 1. and 1m.

19 ***b2049/3.8* SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

20 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
21 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a
22 cemetery authority that is not required to be registered under s. 440.91 (1) and, that
23 is not organized or conducted for pecuniary profit, and that does not operate a
24 cemetery that is located in a county with a population greater than 600,000.

25 ***b2049/3.9* SECTION 2852fx.** 157.10 (title) of the statutes is amended to read:

1 **157.10 (title) Alienation and use of ~~cemetery lots~~ burial spaces.**

2 ***b2049/3.9* SECTION 2852gb.** 157.10 of the statutes is renumbered 157.10 (1)
3 and amended to read:

4 157.10 (1) While any person is buried in a ~~cemetery lot~~ burial space, the
5 ~~cemetery lot~~ burial space shall be inalienable, without the consent of the cemetery
6 authority, and on the death of the owner, ownership of the ~~cemetery lot~~ burial space
7 shall descend to the owner's heirs; but any one or more of such heirs may convey to
8 any other heir his or her interest in the ~~cemetery lot~~ burial space. No human remains
9 may be buried in a ~~cemetery lot~~ burial space except the human remains of one having
10 an interest in the ~~cemetery lot~~ burial space, or a relative, or the husband or wife of
11 such person, or his or her relative, except by the consent of all persons having an
12 interest in the ~~cemetery lot~~ burial space.

13 ***b2049/3.9* SECTION 2852hb.** 157.10 (2) of the statutes is created to read:

14 157.10 (2) The department shall promulgate rules that interpret the
15 requirements of this section and require any person who transfers an interest in a
16 burial space to provide the transferee with a written notice, prepared by the
17 department, that describes the requirements of this section.

18 ***b2049/3.9* SECTION 2852jd.** 157.11 (title) of the statutes is amended to read:

19 **157.11 (title) Improvement and care of cemetery lots burial spaces and**
20 **grounds.**

21 ***b2049/3.9* SECTION 2852jf.** 157.11 (1m) of the statutes is created to read:

22 157.11 (1m) DUTY TO MAINTAIN. A cemetery authority of a cemetery in a county
23 with a population greater than 600,000 shall maintain a cemetery, including burial
24 spaces, grounds, landscaping, roads, parking lots, fences, buildings, and other
25 structures, in a reasonable manner at all times.

1 ***b2049/3.9* SECTION 2852jh.** 157.11 (2) of the statutes is amended to read:

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

16 ***b2049/3.9* SECTION 2852jj.** 157.11 (3) of the statutes is amended to read:

17 157.11 (3) CONTRACTS. The cemetery authority may contract with persons who
18 own or are interested in a cemetery lot burial space for its care. The contract shall
19 be in writing, may provide that the cemetery lot burial space shall be forever exempt
20 from taxes, assessments, or charges for its care and the care and preservation of the
21 grounds, shall express the duty of the cemetery authority, shall be recorded in a book
22 kept for that purpose, and shall be effective when the consideration is paid or
23 secured.

24 ***b2049/3.9* SECTION 2852jL.** 157.11 (4) of the statutes is amended to read:

1 157.11 (4) ASSOCIATIONS OF RELATIVES. Persons owning a ~~cemetery lot~~ burial
2 space or having relatives buried in a cemetery may incorporate an association to hold
3 and occupy a previously constituted cemetery, and to preserve and care for the same.
4 Section 157.062 shall apply to the association. Nothing in this subsection shall give
5 rights of burial. A municipality may lease a municipal cemetery to a cemetery
6 association for preservation and may contract to permit the association to use
7 cemetery funds therefor. Such leases and contracts may be revoked at will by the
8 municipal board.

9 ***b2049/3.9* SECTION 2852jn.** 157.11 (5) of the statutes is amended to read:

10 157.11 (5) SUM REQUIRED. The cemetery authority shall annually fix the sum
11 necessary for the care of ~~cemetery lots~~ burial spaces and care and improvement of
12 the cemetery, or to produce a sufficient income for those purposes.

13 ***b2049/3.9* SECTION 2852jp.** 157.11 (7) (a) of the statutes is amended to read:

14 157.11 (7) (a) The cemetery authority may annually assess upon the ~~cemetery~~
15 ~~lots~~ burial spaces amounts not to exceed the amounts reasonably required for actual
16 and necessary costs for cleaning and care of ~~cemetery lots~~ burial spaces and care and
17 improvement of the cemetery. Notice of the assessment, along with a copy of this
18 section, shall be mailed to each owner or person having charge of a ~~cemetery lot~~
19 burial space, at the owner's or person's last-known post-office address, directing
20 payment to the cemetery authority within 30 days and specifying that such
21 assessments are a personal liability of the owner or person.

22 ***b2049/3.9* SECTION 2852jr.** 157.11 (7) (b) of the statutes is amended to read:

23 157.11 (7) (b) The cemetery authority may fix and determine the sum
24 reasonably necessary for the care of the ~~grave or cemetery lot~~ burial space in

1 reasonable and uniform amounts, which amounts shall be subject to the approval of
2 the court, and may collect those amounts as part of the funeral expenses.

3 ***b2049/3.9* SECTION 2852jt.** 157.11 (7) (c) of the statutes is amended to read:

4 157.11 (7) (c) Before ordering distribution of the estate of a deceased person,
5 the court shall order paid any assessment under this section, or the sum so fixed for
6 the care of the ~~cemetery lot or grave~~ burial space of the deceased.

7 ***b2049/3.9* SECTION 2852jv.** 157.11 (7) (d) of the statutes is amended to read:

8 157.11 (7) (d) When uniform care of a ~~cemetery lot~~ burial space has been given
9 for 2 consecutive years or more, for which assessments are unpaid, after notice as
10 provided in sub. (2), right to burial is forfeited until delinquent assessments are paid.
11 When uniform care has been given for 5 consecutive years or more and the
12 assessments are unpaid, upon like notice, title to all unoccupied parts of the ~~cemetery~~
13 ~~lot~~ burial space shall pass to the cemetery authority and may be sold, the payment
14 of principal to be deposited into the care fund. Before depositing the payment of
15 principal into the care fund, the cemetery authority may retain an amount necessary
16 to cover the cemetery authority's administrative and other expenses related to the
17 sale, but the amount retained may not exceed 50% of the proceeds.

18 ***b2049/3.9* SECTION 2852jx.** 157.11 (8) (title) of the statutes is repealed.

19 ***b2049/3.9* SECTION 2852jy.** 157.11 (8) of the statutes is renumbered 157.11
20 (9) (am) and amended to read:

21 157.11 (9) (am) The A cemetery authority shall take, hold, and use any gifts,
22 or the income and proceeds of any gifts, as may be made in trust or otherwise, for the
23 improvement, maintenance, repair, preservation, or ornamentation of any ~~cemetery~~
24 ~~lot~~ burial space or structure in the cemetery, according to the terms of the gift and
25 regulations by the cemetery authority.

1 ***b2049/3.9* SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and
2 recreated to read:

3 157.11 (9) (title) GIFTS.

4 ***b2049/3.9* SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered
5 157.11 (9) (b) and amended to read:

6 157.11 (9) (b) Before a cemetery authority receives a gift, the surety bonds of
7 the cemetery authority shall be increased to cover such amount if it does not then do
8 so. ~~If the bonds are not filed, or the~~

9 (d) If a cemetery authority fails to do anything required by this subsection, the
10 judge may appoint a trustee, and all property and money so given in the manner
11 described under par. (am) or (c) and evidences of title and securities shall be delivered
12 to the trustee.

13 ***b2049/3.9* SECTION 2852Ld.** 157.11 (9) (c) of the statutes is created to read:

14 157.11 (9) (c) If a cemetery authority of a cemetery in a county with a population
15 greater than 600,000 receives a gift for the improvement, maintenance, repair,
16 preservation, or ornamentation of any burial space or structure in the cemetery, it
17 shall either expend the income and proceeds of the gift or deposit the proceeds into
18 a trust account at a financial institution, as defined in s. 705.01 (3), according to the
19 terms of the gift and regulations of the cemetery authority. A cemetery authority of
20 a cemetery in a county with a population greater than 600,000 that receives a gift
21 shall maintain a gift ledger that accounts for all receipts and disbursements of gifts.

22 ***b2049/3.9* SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to
23 read:

24 157.11 (9g) (title) CARE FUND FOR ~~CEMETERY LOTS~~ BURIAL SPACES.

1 ***b2049/3.9* SECTION 2852Lh.** 157.11 (9g) (a) 1. (intro.) of the statutes is
2 amended to read:

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

6 ***b2049/3.9* SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended
7 to read:

8 157.11 (9g) (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise
9 deposited by the cemetery authority in an investment ~~approved by the department~~
10 if the care funds are segregated and invested separately from all other moneys held
11 by the cemetery authority. A cemetery authority of a cemetery in a county with a
12 population of 600,000 or less may invest funds in the manner described in this subd.
13 1. c. only if the department approves the investment. A cemetery authority of a
14 cemetery in a county with a population greater than 600,000 may invest funds in the
15 manner described in this subd. 1. c. only if the cemetery authority submits to the
16 department a written statement by an investment advisor licensed under ch. 551, or
17 a broker, as defined in s. 408.102 (1) (c), that the investment is made in accordance
18 with the standards specified in s. 881.01.

19 ***b2049/3.9* SECTION 2852LL.** 157.11 (9g) (a) 2. of the statutes is amended to
20 read:

21 157.11 (9g) (a) 2. The manner in which the care funds are invested may not
22 permit the cemetery authority to withdraw the care fund's principal amount. ~~The,~~
23 but, for a cemetery authority of a cemetery in a county with a population greater than
24 600,000, may permit the withdrawal of interest, dividends, or capital gains earned
25 during the most recently completed calendar year. For any cemetery authority, the

1 income from the investment of a care fund for the care of ~~cemetery~~ lots burial spaces
2 may be used only to maintain the ~~cemetery~~ lots burial spaces and grounds, except
3 that if the amount of income exceeds the amount necessary to maintain the ~~cemetery~~
4 lots burial spaces or grounds properly, the excess amount may be used to maintain
5 any other portion of the cemetery, including mausoleums. If the care funds are
6 deposited with a city or county, or previously deposited with a village, there shall be
7 paid to the cemetery authority annually interest on funds so deposited of not less
8 than 2% per year. The governing body of any city or county, or any village or town
9 in the case of previous deposits, may determine to return all or a part of any funds
10 deposited by a cemetery authority, and that cemetery authority shall accept the
11 returned funds within 30 days after receiving written notice of that action. If the
12 cemetery authority is dissolved or becomes inoperative, the county or city shall use
13 the interest on the funds for the care and upkeep of the cemetery. Deposit shall be
14 made and the income paid over from time to time, not less frequently than once each
15 year, and receipts in triplicate shall be given, one filed with the county clerk, one with
16 the cemetery authority and one given to the person making the deposit. Deposits
17 shall be in the amount of \$5 or a multiple thereof. Records and receipts shall specify
18 the ~~cemetery lot~~ burial space for the care of which the deposit is made. Reports of
19 money received for care and of money and property received as gifts shall be made
20 annually as provided in s. 157.62 (2).

21 *b2049/3.9* SECTION 2852Ln. 157.11 (9g) (c) of the statutes is amended to
22 read:

23 157.11 (9g) (c) Except as provided in sub. (11), any cemetery authority that sells
24 a cemetery lot, lawn crypt, or columbarium space on or after November 1, 1991 the
25 effective date of this paragraph ... [revisor inserts date], shall deposit 15% of each

1 payment of principal into a care fund under par. (a) within 30 days after the last day
2 of the month in which the payment is received, except as provided in sub. (7) (d) and
3 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of
4 all payments of principal that have been received, but not less than \$25.

5 ***b2049/3.9* SECTION 2852Lp.** 157.11 (10) of the statutes is amended to read:

6 157.11 (10) EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.

7 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does
8 apply, to a religious society ~~organized under ch. 187~~ cemetary authority.

9 ***b2049/3.9* SECTION 2852Lt.** 157.11 (11) of the statutes is amended to read:

10 157.11 (11) EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES. Subsection (9g) does

11 not apply to a cemetery authority that is not required to be registered under s. 440.91
12 (1) ~~and, that is not organized or conducted for pecuniary profit, and that does not~~
13 operate a cemetery in a county with a population that is greater than 600,000.

14 ***b0766/1.1* SECTION 2852n.** 157.114 of the statutes is created to read:

15 157.114 **Duty to provide for burials.** (1) In this section, “cemetary
16 authority” does not include a municipality that takes control of a cemetery under s.
17 157.115 (1) (b).

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

22 ***b2049/3.9* SECTION 2852ob.** 157.115 (title) of the statutes is amended to
23 read:

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

1 ***b2049/3.9* SECTION 2852obm.** 157.115 (1) (title) of the statutes is amended
2 to read:

3 157.115 (1) (title) ABANDONMENT OF CEMETERIES: ALL COUNTIES.

4 ***b2049/3.9* SECTION 2852oc.** 157.115 (1) (a) of the statutes is renumbered
5 157.115 (1) (ar).

6 ***b2049/3.9* SECTION 2852od.** 157.115 (1) (ag) of the statutes is created to read:
7 157.115 (1) (ag) This subsection applies to cemeteries in any county.

8 ***b2049/3.9* SECTION 2852oh.** 157.115 (1) (b) and (c) of the statutes are
9 renumbered 157.115 (1g) (b) and (c).

10 ***b2049/3.9* SECTION 2852of.** 157.115 (1g) (title) of the statutes is created to
11 read:

12 157.115 (1g) (title) ABANDONMENT OF CEMETERIES; NONPOPULOUS COUNTIES.

13 ***b2049/3.9* SECTION 2852og.** 157.115 (1g) (a) of the statutes is created to read:
14 157.115 (1g) (a) This subsection applies to cemeteries in counties with a
15 population that is 600,000 or less.

16 ***b2049/3.9* SECTION 2852oj.** 157.115 (1r) of the statutes is created to read:
17 157.115 (1r) ABANDONMENT OF CEMETERIES; POPULOUS COUNTIES. (a) This
18 subsection applies to cemeteries in counties with a population greater than 600,000.

19 (b) If a municipality in which a cemetery is located determines that the
20 cemetery authority has failed to care for the cemetery for a period of 6 months or
21 more, the municipality shall notify the cemetery authority that it has 90 days to
22 correct the failure. Upon a showing of good cause, the municipality may grant the
23 cemetery authority one 90-day extension to correct the failure. If the municipality
24 finds that the cemetery authority has failed to correct the failure within the deadline
25 specified in the notice or extension, the municipality may, after a public hearing, take

1 control of the cemetery, manage and care for the cemetery, collect and manage all
2 trust funds connected with the cemetery other than trust funds received by a will,
3 or take any other action necessary to provide for the care of the cemetery. The
4 municipality may collect from the cemetery authority any costs incurred by the
5 municipality in exercising its authority under this paragraph.

6 ***b2049/3.9* SECTION 2852ok.** 157.115 (1t) of the statutes is created to read:

7 157.115 (1t) INJUNCTION. Upon application by the department, a court may
8 enjoin a person from acquiring ownership or control of a cemetery in a county with
9 a population greater than 600,000 if the person has abandoned another cemetery
10 anywhere in this state, or has owned or operated another cemetery anywhere in this
11 state that is subsequently controlled by a municipality under sub. (1g) (b) or (c) or
12 (1r) (b).

13 ***b2049/3.9* SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended to
14 read:

15 157.115 (2) (title) ABANDONMENT OF CEMETERY LOTS BURIAL SPACES.

16 ***b2049/3.9* SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is
17 amended to read:

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

1 ***b2049/3.9* SECTION 2852op.** 157.115 (2) (a) 1. a. of the statutes is amended
2 to read:

3 157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the
4 cemetery let burial space to any other person.

5 ***b2049/3.9* SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended
6 to read:

7 157.115 (2) (a) 1. b. No owner has purchased or sold another cemetery let or a
8 mausoleum burial space in the cemetery.

9 ***b2049/3.9* SECTION 2852ot.** 157.115 (2) (a) 1. c. of the statutes is amended
10 to read:

11 157.115 (2) (a) 1. c. No other grave in that ~~cemetery let~~ burial space or adjoining
12 cemetery let or adjoining ~~mausoleum~~ burial space that is owned or partially owned
13 by an owner has been used for the burial of human remains.

14 ***b2049/3.9* SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended
15 to read:

16 157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been
17 installed on the cemetery let burial space.

18 ***b2049/3.9* SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended
19 to read:

20 157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been
21 installed on any other ~~cemetery let~~ burial space, in the same cemetery, that is owned
22 or partially owned by an owner.

23 ***b2049/3.9* SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended
24 to read:

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

5 ***b2049/3.9* SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to
6 read:

7 157.115 (2) (a) 2. “Assignee” means a person who has been assigned in the
8 deceased owner’s will or in any other legally binding written agreement, or who is
9 entitled to receive under ch. 852, an ownership interest in the abandoned ~~cemetery~~
10 ~~lot~~ space.

11 ***b2049/3.9* SECTION 2852pd.** 157.115 (2) (a) 3. of the statutes is amended to
12 read:

13 157.115 (2) (a) 3. “Owner” means a person who, according to the records of the
14 cemetery authority of the cemetery in which an abandoned ~~cemetery lot~~ space is
15 located, owns or partially owns the abandoned ~~cemetery lot~~ space.

16 ***b2049/3.9* SECTION 2852pf.** 157.115 (2) (b) of the statutes is amended to read:

17 157.115 (2) (b) No cemetery authority may resell an abandoned ~~cemetery lot~~
18 space unless the cemetery authority complies with the requirements in this
19 subsection or the abandoned space is sold by a trustee under s. 157.117.

20 ***b2049/3.9* SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to
21 read:

22 157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner’s
23 last-known address, a notice of the cemetery authority’s intent to resell the
24 abandoned ~~cemetery lot~~ space as provided in this subsection. If an owner is buried
25 in the cemetery in which the abandoned ~~cemetery lot~~ space is located or if the