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1 ^{e 28529b} SECTION ~~107~~. 157.12 (3) (b) of the statutes is amended to read:

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

18 ^{e 28529d} SECTION ~~108~~. 157.125 (title) of the statutes is amended to read:

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

21 ^{e 28529f} SECTION ~~109~~. 157.125 (2) of the statutes is amended to read:

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

BILL

1 religious society cemetery authority petitions the court to name the county treasurer
2 as the trustee.

3 **SECTION 110.** ^{2852gh} 157.128 (2) (a), (b) and (c) of the statutes ^{is} ~~are~~ amended to read:

4 157.128 (2) (a) The cemetery is owned by a religious association cemetery
5 authority.

6 ^{SECTION 2852 ghk 157.128(2)(b) am} 157.128 (2) (b) The religious association cemetery authority is responsible for all liabilities
7 of the cemetery.

8 ^{SECTION 2852 ghL 157.128 (2)(c) am} 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious association
9 cemetery authority exceeds 20 acres.

10 **SECTION 111.** ^{2852 gw} 157.128 (3) (b) of the statutes is amended to read:

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

14 **SECTION 112.** ^{2852 aL} 157.19 (2) (c) of the statutes is amended to read:

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

BILL

1 If the trustee or account number of a preneed trust fund is changed, the cemetery
2 authority shall notify the department in writing within 30 days after the change.

3 ²⁸⁵²⁹ⁿ
SECTION 113. 157.19 (4m) of the statutes is created to read:

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

14 ^{28529p}
SECTION 114. 157.19 (5) (a) of the statutes is amended to read:

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

22 ^{28529r}
SECTION 115. 157.19 (5) (c) of the statutes is created to read:

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

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1 funds under s. 440.92, the department may require the cemetery authority or
2 preneed seller to use the financial institution selected under sub. (4m) as the trustee
3 for the care funds or preneed trust funds.

4 **SECTION 116.** ^{0 28529t} 157.60 of the statutes is amended to read:

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

14 **SECTION 117.** ^{0 28529v} 157.61 of the statutes is created to read:

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

20 **SECTION 118.** ^{0 28529x} 157.62 (1) (a) (intro.), (b) and (c) of the statutes ^{is} ~~are~~ repealed.

21 **SECTION 119.** ^{0 28529z} 157.62 (1) (a) 1., 2., 3., 4. and 5. of the statutes are renumbered
22 157.62 (2) (b) 7. a., b., c., d. and e.

23 **SECTION 120.** ^{0 28529b} 157.62 (2) (a) of the statutes is amended to read:

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

SECTION 28529kj 157.62 (1)(b) rp

SECTION 28529xl 157.62 (1)(c) rp

BILL

1 157.63 (1), every cemetery authority that is a religious cemetery authority shall file
2 an annual report with the department. The report shall be made on a form
3 prescribed and furnished by the department. The report shall be made on a
4 calendar-year basis unless the department, by rule, provides for other reporting
5 periods. The report is due on the 60th day after the last day of the reporting period.

6 *e 2852 sd*
SECTION ~~121~~. 157.62 (2) (b) 1. of the statutes is amended to read:

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

9 *e 2852 se*
SECTION ~~122~~. 157.62 (2) (b) 1m. of the statutes is created to read:

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

12 *e 2852 sf*
SECTION ~~123~~. 157.62 (2) (b) 2. of the statutes is amended to read:

13 157.62 (2) (b) 2. If the cemetery authority is required to file a report under s.
14 180.1622 or 181.1622, the information specified in sub. (1)(a) ~~3~~ subd. 7. c.

15 *e 2852 sg*
SECTION ~~124~~. 157.62 (2) (b) 7. of the statutes is renumbered 157.62 (2) (b) 7.
16 (intro.) and amended to read:

17 157.62 (2) (b) 7. (intro.) ~~The information specified in sub. (1)(a), to the extent~~
18 ~~applicable, if~~ If the cemetery is not required to file a report under sub. (1)(a) or s.
19 180.1622 or 181.1622, authority is a cemetery association, all of the following:

20 *e 2852 sh*
SECTION ~~125~~. 157.62 (3) (a) of the statutes is amended to read:

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

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1 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or
2 operated by the cemetery authority.

3 ^{2852sl}
SECTION ~~126~~. 157.62 (3) (b) 3. of the statutes is amended to read:

4 157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~
5 ~~mausoleum~~ burial space or cemetery merchandise.

6 ^{2852sj}
SECTION ~~127~~. 157.62 (3) (c) of the statutes is created to read:

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

10 ^{2852sk}
SECTION ~~128~~. 157.62 (4) (title) of the statutes is amended to read:

11 157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

12 ^{2852sl}
SECTION ~~129~~. 157.62 (4) of the statutes is renumbered 157.62 (4) (a).

13 ^{2852sm}
SECTION ~~130~~. 157.62 (4) (b) of the statutes is created to read:

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

17 ^{2852sn}
SECTION ~~131~~. 157.62 (5) of the statutes is renumbered 157.62 (5) (b).

18 ^{2852snb}
SECTION ~~132~~. 157.62 (5) (a) of the statutes is created to read:

19 157.62 (5) (a) The department may promulgate rules establishing minimum
20 standards for the format and maintenance of records required under this section.

21 ^{2852so}
SECTION ~~133~~. 157.62 (6) of the statutes is renumbered 157.62 (6) (a) and
22 amended to read:

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

BILL

1 trust funds, and accounts of each licensed cemetery authority, including records,
2 trust funds, and accounts pertaining to services provided by a cemetery authority
3 which are not otherwise subject to the requirements under this chapter. The
4 department may conduct audits under this subsection on a random basis, and shall
5 ~~conduct all audits under this subsection~~ without providing prior notice to the
6 cemetery authority.

7 ²⁸⁵²⁵⁰
SECTION 134. 157.62 (6) (b) of the statutes is created to read:

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

14 ²⁸⁵²⁵⁰
SECTION 135. 157.625 of the statutes is repealed.

15 ²⁸⁵²⁵⁰
SECTION 136. 157.63 (title) of the statutes is amended to read:

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

19 ²⁸⁵²⁵⁵
SECTION 137. 157.63 (1) of the statutes is amended to read:

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

BILL

2852st

1 SECTION ~~138~~. 157.63 (2) (b) of the statutes is amended to read:

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

2852sv

7 SECTION ~~139~~. 157.63 (3) of the statutes is amended to read:

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

2852sx

12 SECTION ~~140~~. 157.63 (4) of the statutes is amended to read:

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

2852sz

17 SECTION ~~141~~. 157.63 (6) of the statutes is amended to read:

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

2852w

24 SECTION ~~142~~. 157.635 of the statutes is amended to read:

Page 957, line 21: delete the material beginning with that line and ending with page 958, line 19, and substitute:

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page 958, line 19, after that line insert:

1 **157.635 Regulations of religious cemetery ~~affiliated with religious~~**
 2 **society authorities**. Nothing in this subchapter prohibits a religious cemetery
 3 authority of a cemetery that is ~~affiliated with a religious society organized under ch.~~
 4 ~~187~~ from prohibiting the burial of the human remains of an individual in the
 5 cemetery if the individual was in a class of individuals who are prohibited from being
 6 buried in the cemetery under regulations adopted by the religious cemetery
 7 authority or church, synagogue, mosque, incorporated college of a religious order, or
 8 religious society from being buried in the cemetery that is affiliated with the religious
 9 cemetery authority. ✓² ✓¹

10 ✓ SECTION ~~143~~. 157.637 of the statutes is created to read:

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

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

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

BILL

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

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

13 SECTION ^{2852 ye ✓} ~~144~~. 157.64 (2) (d) of the statutes is amended to read:

14 157.64 (2) (d) Fails to file a report or files an incomplete, false, or misleading
15 report under s. 157.62 (1) ~~or~~ (2).

16 SECTION ^{2852 yh ✓} ~~145~~. 157.64 (2) (c) of the statutes is amended to read:

17 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

18 SECTION ^{2852 yL ✓} ~~146~~. 157.64 (2) (h) of the statutes is created to read:

19 157.64 (2) (h) Violates s. 157.112.

20 SECTION ^{2852 yo ✓} ~~147~~. 157.65 (1) (a) of the statutes is amended to read:

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

BILL

1 SECTION ~~148~~^{2852yr ✓}. 157.65 (1) (am) of the statutes is created to read:

2 157.65 (1) (am) If the department of regulation and licensing has reason to
3 believe that a religious cemetery authority is violating or has violated this
4 subchapter or any rule promulgated under this subchapter and that the continuation
5 of that activity might cause injury to the public interest, the department of
6 regulation and licensing may investigate.

7 SECTION ~~149~~^{2852yu ✓}. 157.65 (1) (b) of the statutes is amended to read:

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

12 SECTION ~~150~~^{2852yy ✓}. 157.65 (2) of the statutes is amended to read:

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

24 SECTION ~~151~~^{3492m ✓}. 423.102 of the statutes is amended to read:

Page 1143, line 6: after that line insert:

BILL

Page 1145, line 10: after that line insert:

1 **423.102 Scope.** This chapter applies to all consumer transactions, except that
2 subch. II does not apply to cemetery preneed sales under s. ss. 440.92 and 440.922. ✓ⁿ A

3 **SECTION ~~152~~^{3504b}.** 440.03 (1) of the statutes is amended to read:

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

10 **SECTION ~~153~~^{3504d}.** 440.03 (3) of the statutes is amended to read:

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

15 **SECTION ~~154~~^{3504f}.** 440.03 (7m) of the statutes is amended to read:

16 440.03 (7m) The department may promulgate rules that establish procedures
17 for submitting an application for a credential or credential renewal by electronic
18 transmission. Any rules promulgated under this subsection shall specify procedures
19 for complying with any requirement that a fee be submitted with the application.
20 The rules may also waive any requirement in chs. 440 to 480 that an application
21 submitted to the department, an examining board or an affiliated credentialing
22 board be executed, verified, certified, signed, sworn, or made under oath,
23 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)
24 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),
25 452.10 (1), and 480.08 (2m).

BILL

1 SECTION ~~155~~^{3504h ✓}. 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and
2 amended to read:

3 440.03 (13) (a) The Except as provided in par. (b), the department may conduct
4 an investigation to determine whether an applicant for a credential issued under chs.
5 440 to 480 satisfies any of the eligibility requirements specified for the credential,
6 including whether the applicant does not have an arrest or conviction record.

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

14 SECTION ~~156~~^{3504K ✓}. 440.03 (13) (b) of the statutes is created to read:

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

19 ✓ SECTION ~~157~~^{3404g ✓}. 440.04 (1) of the statutes is amended to read:

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

25 SECTION ~~158~~^{3404r ✓}. 440.04 (2) of the statutes is amended to read:

Page 1145, line 15. open that line insert:

BILL

1 440.04 (2) Provide the bookkeeping, payroll, accounting, and personnel
2 advisory services required by the department and the legal services, except for
3 representation in court proceedings and the preparation of formal legal opinions,
4 required by the attached boards, examining boards, and affiliated credentialing
5 boards.

6 ~~159~~^{3404s} SECTION 440.04 (3) of the statutes is amended to read:

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

10 ~~160~~^{3404t} SECTION 440.04 (4) of the statutes is amended to read:

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

14 ~~161~~^{3404u} SECTION 440.04 (5) (intro.) of the statutes is amended to read:

15 440.04 (5) (intro.) With the advice of the boards, examining boards, or affiliated
16 credentialing boards:

17 ~~162~~^{3404v} SECTION 440.04 (5) (c) of the statutes is amended to read:

18 440.04 (5) (c) Provide such other services as the boards, examining boards, or
19 affiliated credentialing boards request.

20 ~~163~~^{3404w} SECTION 440.045 of the statutes is amended to read:

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

25 ~~164~~^{3404x} SECTION 440.05 (intro.) of the statutes is amended to read:

BILL

Page 1148, line 25: after that line insert:

1 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
2 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.91 (1m) (a),
3 442.06, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18, and 459.46: ✓/✓

4 ✓ **SECTION 165.** ^{e 3529xb} 440.08 (2) (a) 21. of the statutes is amended to read:

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

7 **SECTION 166.** ^{e 3529c} 440.08 (2) (a) 21m. of the statutes is created to read:

8 440.08 (2) (a) 21m. Cemetery authority, registered: January 1 of each
9 odd-numbered year; \$5. ✓/✓ *# Page 1156, line 6: after that line insert:*

10 ✓ **SECTION 167.** ^{e 3592d} 440.13 (2) (d) of the statutes is created to read:

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

14 **SECTION 168.** ^{e 3592h} 440.14 (1) (a) of the statutes is amended to read:

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

18 **SECTION 169.** ^{e 3592p} 440.14 (2) ~~(3), (4) and (5)~~ ^{is} of the statutes ~~are~~ amended to read:

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

BILL

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

→ SECTION 3592 PD 440.14 (3) of the statutes is amended to read:
 ③ 440.14 (3) If the department ~~or~~, a credentialing board, or another board in the
 4 department requires an individual to provide, by telephone or other electronic
 5 means, any of the individual's personal identifiers in order to apply for a credential
 6 or credential renewal or to obtain a product or service from the department ~~or a~~,
 7 credentialing board, or other board, the department ~~or the~~, credentialing board, or
 8 other board shall ask the individual at the time that the individual provides the
 9 information if the individual wants to declare that the individual's personal
 10 identifiers obtained by telephone or other electronic means may not be disclosed on
 11 any list that the department ~~or the~~, credentialing board, or other board furnishes to
 12 another person.

→ SECTION 3592 PD 440.14 (4) of the statutes is amended to read:
 ④ 440.14 (4) The department ~~or~~, a credentialing board, or another board in the
 14 department shall provide to an individual upon request a form that includes a place
 15 for the individual to declare that the individual's personal identifiers obtained by the
 16 department ~~or~~, credentialing board, or other board may not be disclosed on any list
 17 that the department ~~or~~, credentialing board, or other board furnishes to another
 18 person.

→ SECTION 3592 PD 440.14 (5) am.
 ⑤ 440.14 (5) (a) The department ~~or~~, a credentialing board, or another board in the
 20 department may not disclose on any list that it furnishes to another person a
 21 personal identifier of any individual who has made a declaration under sub. (2), (3),
 22 or (4).

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

BILL

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

6 **SECTION ~~170~~^{3592t}**. 440.22 (1) of the statutes is amended to read:

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

16 **SECTION ~~171~~^{3605gb}**. 440.90 (1) of the statutes is renumbered 440.90 (1d).

17 **SECTION ~~172~~^{3605gd}**. 440.90 (1b) of the statutes is created to read:

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

19 **SECTION ~~173~~^{3605gf}**. 440.90 (1c) of the statutes is created to read:

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

21 **SECTION ~~174~~^{3605gh}**. 440.90 (1g) of the statutes is created to read:

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

23 **SECTION ~~175~~^{3605gj}**. 440.90 (1r) of the statutes is created to read:

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

25 **SECTION ~~176~~^{3605gl}**. 440.90 (3g) of the statutes is created to read:

BILL

SECTION 176

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

2 SECTION 177. ^{236059n ✓} 440.90 (3r) of the statutes is created to read:

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

4 SECTION 178. ^{236059p ✓} 440.90 (4e) of the statutes is created to read:

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

6 SECTION 179. ^{236059r ✓} 440.90 (4m) of the statutes is created to read:

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

9 SECTION 180. ^{236059t ✓} 440.90 (4r) of the statutes is created to read:

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

11 SECTION 181. ^{236059v ✓} 440.90 (10m) of the statutes is created to read:

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

13 SECTION 182. ^{236059x ✓} 440.90 (10r) of the statutes is created to read:

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

16 SECTION 183. ^{236059z ✓} 440.90 (14) of the statutes is repealed.

17 SECTION 184. ^{23605ib ✓} 440.91 (1) of the statutes is renumbered 440.91 (1) (a) and
18 amended to read:

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

BILL

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

5 **SECTION 185.** ^{o 3605 id} 440.91 (1) (b) ~~(a) and (a)~~ ^{is} of the statutes ~~are~~ created to read:

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

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

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

15 ^{SECTION 3605 idc 440.91 (1) (c) cr.}
16 ^(B) 440.91 (1) (c) A licensed cemetery authority shall notify the department if it designates
17 a substitute business representative to take the place of a business representative
18 identified under par. (b) 1.

19 ^{SECTION 3605 idf 440.91 (1) (d) cr.}
20 ^(B) 440.91 (1) (d) If a licensed cemetery authority notifies the department under s. 157.08 (2)
21 (b) 1. (intro.) that it proposes to take an action specified in s. 157.08 (2) (b) 1. b. or c.
22 and the department does not object to the action under s. 157.08 (2) (b) 3., the
23 department shall revoke the license granted under par. (b) and require the licensed
24 cemetery authority to reapply for a license under par. (b).

25 ^{SECTION 3605 idg 440.91 (1) (e) cr.}
26 ^(B) 440.91 (1) (e) 1. The renewal dates and renewal fees for licenses granted under par. (b)
27 are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is not

BILL

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

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

7 **SECTION 186.** ^{e 3605 if} 440.91 (1m) of the statutes is created to read: ✓

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

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

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

21 **SECTION 187.** ^{e 3605 ih} 440.91 (2) (intro.) of the statutes is amended to read: ✓

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

BILL

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

9 **SECTION 188.** ^{3605ij ✓} 440.91 (2) (a) of the statutes is repealed and recreated to read:

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

12 **SECTION 189.** ^{3605iL} 440.91 (2) (b) ~~and (c)~~ of the statutes ^{is} ~~are~~ repealed.

^{SECTION 3605iLg 440.91 (2) (c) r.p.}

13 **SECTION 190.** ^{3605im} 440.91 (4) of the statutes is amended to read: ✓

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

20 **SECTION 191.** ^{3605in ✓} 440.91 (6m) of the statutes is repealed and recreated to read:

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

23 **SECTION 192.** ^{3605ip ✓} 440.91 (7) of the statutes is renumbered 440.91 (7) (a) and

24 amended to read:

BILL

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

7 ^{o 3605 it ✓} SECTION 193. 440.91 (7) (b) of the statutes is created to read:

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

11 ^{o 3605 it ✓} SECTION 194. 440.91 (8) of the statutes is repealed.

12 ^{o 3605 iv ✓} SECTION 195. 440.91 (9) of the statutes is amended to read:

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

20 ^{o 3605 ix ✓} SECTION 196. 440.91 (10) of the statutes is amended to read:

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

25 ^{o 3605 iz ✓} SECTION 197. 440.92 of the statutes is repealed.

BILL

1 ^{o 3605Kb ✓} SECTION 198. 440.92 (1) (title) of the statutes is repealed and recreated to read:

2 440.92 (1) (title) LICENSURE.

3 ^{o 3605Kd ✓} SECTION 199. 440.92 (1) (a) of the statutes is amended to read:

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

11 ^{o 3605Kf ✓} SECTION 200. 440.92 (1) (b) (intro.) of the statutes is amended to read:

12 440.92 (1) (b) (intro.) The department shall issue a certificate of registration
13 licensure as a cemetery preneed seller to any person who does all of the following:

14 ^{o 3605Kh ✓} SECTION 201. 440.92 (1) (bm) of the statutes is created to read:

15 440.92 (1) (bm) If a cemetery authority that is registered under this subsection
16 notifies the department under s. 157.08 (2) (b) 1. (intro.) that it proposes to take an
17 action specified in s. 157.08 (2) (b) 1. b. or c. and the department does not object to
18 the action under s. 157.08 (2) (b) 3., the department shall revoke the registration and
19 require the cemetery authority to reapply for a registration under this subsection.

20 ^{o 3605Kj ✓} SECTION 202. 440.92 (1) (e) of the statutes is amended to read:

21 440.92 (1) (e) Nothing in this subsection requires an individual who is
22 registered licensed as a cemetery salesperson under s. 440.91 (2) to be registered
23 licensed under this subsection if the individual does not conduct or solicit any sale
24 under a preneed sales contract.

25 ^{o 3605Kl ✓} SECTION 203. 440.92 (2) (title) of the statutes is renumbered 440.922 (title).

BILL

1 SECTION ^{3605 Km ✓}~~204~~. 440.92 (2) (a) of the statutes is renumbered 440.922 (1) (a), and
2 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are amended to read:

3 440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~
4 mausoleum burial space.

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

10 3g. By storing the cemetery merchandise anywhere on the property of the
11 preneed seller if the property of the preneed seller is located in this state, the preneed
12 seller insures the cemetery merchandise and the preneed sales contract requires the
13 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial
14 space, to the outside of or the grounds surrounding a mausoleum or columbarium or
15 to any other outdoor location without additional charge.

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

23 SECTION ^{3605 Km ✓}~~205~~. 440.92 (2) (am) of the statutes is renumbered 440.922 (2) and
24 amended to read:

BILL

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

11 ^{3605TP ✓}
 SECTION 206. 440.92 (2) (b) of the statutes is renumbered 440.922 (1) (b).

12 ^{3605TR ✓}
 SECTION 207. 440.92 (2) (c) of the statutes is renumbered 440.922 (3) and
 13 amended to read:

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

20 ^{3605TE ✓}
 SECTION 208. 440.92 (2) (cm) of the statutes is renumbered 440.922 (4).

21 ^{3605TV ✓}
 SECTION 209. 440.92 (2) (d) of the statutes is renumbered 440.922 (5) (a).

22 ^{3605TX ✓}
 SECTION 210. 440.92 (2) (e) of the statutes is renumbered 440.922 (5) (b).

23 ^{3605TZ ✓}
 SECTION 211. 440.92 (2) (f) of the statutes is renumbered 440.922 (5) (c) and

24 amended to read:

BILL

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

5 SECTION ~~212~~^{3605mb} 440.92 (2) (g) and (h) of the statutes are renumbered 440.922 (6)
6 and (10).

7 SECTION ~~213~~^{3605md} 440.92 (2) (i) of the statutes is renumbered 440.922 (7) and
8 amended to read:

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

17 SECTION ~~214~~^{3605mf} 440.92 (2) (j) of the statutes is renumbered 440.922 (8).

18 SECTION ~~215~~^{3605mh} 440.92 (2) (k) of the statutes is renumbered 440.922 (9) and
19 amended to read:

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

BILL

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

3 ^{e 3605mj ✓} SECTION 216. 440.92 (3) (a) (intro.) of the statutes is renumbered 440.92 (3) (a)
4 and amended to read:

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

15 ^{e 3605ml ✓} SECTION 217. 440.92 (3) (a) 1. and 2. of the statutes are repealed.

16 ^{e 3605mn ✓} SECTION 218. 440.92 (3) (c) (intro.) of the statutes is amended to read:

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

20 ^{e 3605mp ✓} SECTION 219. 440.92 (4) (title) of the statutes is amended to read:

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

22 ^{e 3605mr ✓} SECTION 220. 440.92 (4) (a) (intro.) of the statutes is amended to read:

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

BILL

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

3 **SECTION 221.** ^{e 3605mt ✓} 440.92 (4) (b) of the statutes is amended to read:

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

10 **SECTION 222.** ^{e 3605mv ✓} 440.92 (5) of the statutes is renumbered 440.924.

11 **SECTION 223.** ^{e 3605mx ✓} 440.92 (6) (title) of the statutes is renumbered 440.926 (title) and
12 amended to read:

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

15 **SECTION 224.** ^{e 3605mz ✓} 440.92 (6) (a) of the statutes is renumbered 440.926 (1) (a) and
16 amended to read:

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

23 **SECTION 225.** ^{e 3605ob ✓} 440.92 (6) (b) and (c) of the statutes are renumbered 440.926 (1)
24 (b) and (c).

BILL

1 ^{g 3605od ✓}
SECTION 226. 440.92 (6) (d) of the statutes is renumbered 440.926 (2) (c) and
2 amended to read:

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

9 ^{e 3605of ✓}
SECTION 227. 440.92 (6) (e) and (f) of the statutes are renumbered 440.926 (1)
10 (d) and (e).

11 ^{g 3605oh ✓}
SECTION 228. 440.92 (6) (g) of the statutes is renumbered 440.926 (2) (a), and
12 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

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

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

18 ^{e 3605oj ✓}
SECTION 229. 440.92 (6) (h) of the statutes is renumbered 440.926 (2) (b) and
19 amended to read:

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

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1 ^{o 3605 oL ✓}
~~SECTION 230.~~ 440.92 (6) (i) of the statutes is renumbered 440.926 (3) (a) and
2 amended to read:

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

6 ^{o 3605 oN ✓}
SECTION ~~231.~~ 440.92 (6) (j) of the statutes is renumbered 440.926 (4) and
7 amended to read:

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

16 ^{o 3605 oP ✓}
SECTION ~~232.~~ 440.92 (6) (k) of the statutes is renumbered 440.926 (3) (b) and
17 amended to read:

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

21 ^{o 3605 oR ✓}
SECTION ~~233.~~ 440.92 (7) of the statutes is renumbered 440.927 and amended
22 to read:

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

BILL

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

13 ^{936050t ✓} SECTION 234. 440.92 (9) (title) of the statutes is amended to read:

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

16 ^{936050v ✓} SECTION 235. 440.92 (9) (a) of the statutes is amended to read:

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

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

3 ^{e 36050x ✓}
SECTION 236. 440.92 (9) (b) 3. of the statutes is amended to read:

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

10 ^{e 36050z ✓}
SECTION 237. 440.92 (9) (c) of the statutes is amended to read:

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

15 ^{e 3605ab ✓}
SECTION 238. 440.92 (9) (e) of the statutes is amended to read:

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

20 ^{e 3605ad ✓}
SECTION 239. 440.92 (9) (f) of the statutes is amended to read:

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

BILL

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

3 ~~SECTION 240.~~ ^{2 3605 qf} 440.92 (10) of the statutes is repealed.

4 ~~SECTION 241.~~ ^{2 3605 qh} 440.922 (1) (title), (4) (title), (5) (title), (6) (title), (8) (title) and (10)
5 (title) of the statutes ^{is} ~~are~~ created to read:

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

7 ~~SECTION 3605 qhc~~ ^{SECTION 3605 qhc} 440.922 (4) (title) ~~cr~~
8 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

9 ~~SECTION 3605 qhe~~ ^{SECTION 3605 qhe} 440.922 (5) (title) ~~cr~~
10 440.922 (5) (title) UNDEVELOPED SPACE SALES.

11 ~~SECTION 3605 qhg~~ ^{SECTION 3605 qhg} 440.922 (6) (title) ~~cr~~
12 440.922 (6) (title) INTEREST ASSIGNMENTS.

13 ~~SECTION 3605 qhj~~ ^{SECTION 3605 qhj} 440.922 (8) (title) ~~cr~~
14 440.922 (8) (title) CONTRACT REQUIREMENTS.

15 ~~SECTION 3605 qhk~~ ^{SECTION 3605 qhk} 440.922 (10) (title) ~~cr~~
16 440.922 (10) (title) CONFLICTING PROVISIONS.

17 ~~SECTION 242.~~ ^{2 3605 qj} 440.926 (1) (title), (2) (title) and (3) (title) of the statutes ^{is} ~~are~~

18 created to read:

19 440.926 (1) (title) REPORTS.
20 ~~SECTION 3605 qjd~~ ^{SECTION 3605 qjd} 440.926 (2) (title) ~~cr~~

21 440.926 (2) (title) RECORDS.
22 ~~SECTION 3605 qjf~~ ^{SECTION 3605 qjf} 440.926 (3) (title) ~~cr~~

23 440.926 (3) (title) RULES.

24 ~~SECTION 243.~~ ^{2 3605 qk} 440.928 of the statutes is created to read:

25 **440.928 Burial space purchase agreements.** (1) In this section:

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

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

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

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

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

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

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

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

21 ^{3605a n}
SECTION 244. 440.929 of the statutes is created to read:

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

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1 ^{e 3605 q p ✓} SECTION 245. 440.93 (1) (intro.) of the statutes is amended to read:

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

12 ^{e 3605 q r ✓} SECTION 246. 440.93 (1) (b) of the statutes is amended to read:

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

16 ^{e 3605 q t ✓} SECTION 247. 440.93 (1) (c) of the statutes is amended to read:

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

21 ^{e 3605 q v ✓} SECTION 248. 440.93 (1) (cm) of the statutes is created to read:

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

24 ^{e 3605 q x ✓} SECTION 249. 440.93 (1) (d) of the statutes is amended to read:

BILL

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

6 ~~SECTION 250.~~ ^{g 360597 ✓} 440.93 (1) (f) of the statutes is amended to read:

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

11 ~~SECTION 251.~~ ^{g 3605sb ✓} 440.93 (1) (g) of the statutes is amended to read:

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

15 ~~SECTION 252.~~ ^{g 3605sd ✓} 440.93 (1m) of the statutes is created to read:

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

22 ~~SECTION 253.~~ ^{g 3605sf ✓} 440.93 (2) of the statutes is amended to read:

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

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g 3605 sh ✓

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SECTION 254. 440.945 (1) (a) of the statutes is amended to read:

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

g 3605 sj ✓

SECTION 255. 440.945 (2) (a) of the statutes is amended to read:

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

g 3605 sl ✓

SECTION 256. 440.945 (2) (c) of the statutes is amended to read:

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

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

3 ^{g 3605 sn ✓}
SECTION ~~257~~. 440.945 (3) (a) (intro.) of the statutes is amended to read:

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

8 ^{g 3605 sp ✓}
SECTION ~~258~~. 440.945 (4) (a) 1. of the statutes is amended to read:

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

12 ^{g 3605 sr ✓}
SECTION ~~259~~. 440.945 (4) (a) 2. of the statutes is amended to read:

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

16 ^{g 3605 st ✓}
SECTION ~~260~~. 440.945 (4) (a) 3. of the statutes is amended to read:

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

24 ^{g 3605 sv ✓}
SECTION ~~261~~. 440.945 (4) (a) 4. of the statutes is amended to read:

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

4 ^{3605sx ✓}
SECTION 262. 440.945 (5) (a) of the statutes is amended to read:

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

9 ^{3605s z ✓}
SECTION 263. 440.945 (5) (am) of the statutes is created to read:

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

13 ^{3605ub ✓}
SECTION 264. 440.945 (5) (b) of the statutes is amended to read:

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

24 ^{3605ud ✓}
SECTION 265. 440.947 (1) (c) of the statutes is renumbered 440.90 (6g).

25 ^{3605uf ✓}
SECTION 266. 440.947 (5) of the statutes is amended to read:

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

8 ~~SECTION 267.~~ 440.948 of the statutes is created to read:

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

14 ~~SECTION 268.~~ 440.949 of the statutes is created to read:

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

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

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

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

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

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

15 SECTION ~~269~~ ^{23605ul ✓} 440.95 (1) of the statutes is amended to read:

16 440.95 (1) Any cemetery authority that is required to register under s. 440.91

17 (1) (1m) and that knowingly fails to register may be fined not more than \$100.

18 SECTION ~~270~~ ^{23605un ✓} 440.95 (1m) of the statutes is created to read:

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

23 SECTION ~~271~~ ^{23605up ✓} 440.95 (2) of the statutes is amended to read:

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

BILL

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

3 ^{2 3605 ur ✓}
SECTION 272. 440.95 (2m) of the statutes is created to read:

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

7 ^{2 3605 ut ✓}
SECTION 273. 440.95 (4) (a) of the statutes is repealed.

8 ^{2 3605 uv ✓}
SECTION 274. 440.95 (4) (c) of the statutes is amended to read:

9 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading ✓
10 report under s. 440.92 (6) 440.926. ^{#Page 1352, line 18:}

11 ^{2 3605 ux ✓}
SECTION 275. 440.95 (5) of the statutes is amended to read:

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

16 SECTION 276. Nonstatutory provisions.

17 (1) DEFINITION In this section:
18 ^{subaction}
"Board" means the cemetery board.

19 "Cemetery association" has the meaning given in section 157.061 (1r) of the
20 statutes.

21 (2) FILING REQUIREMENT. A cemetery association that was not required to be
22 registered under section 440.91 (1), 1999 stats., and that is not organized or
23 conducted for pecuniary profit shall, no later than the first day of the 6th month
24 beginning after the effective date of this subsection, file with the department of
25 financial institutions any copies of certifications, resolutions, or proceedings that the

*#Page 1352, line 18:
after that line
insert:*

*(4f) CEMETERY
= REGULATION.
C 55*

*plan of italics
NDCS*

Paragraph

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1 cemetery association delivered to the office of the register of deeds of the county in
2 which the cemetery is located under section 157.062 (9), 1999 stats.

3 (3) INITIAL APPOINTMENTS TO CEMETERY BOARD. *(start 1/1/03)*

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

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

14 ~~(a)~~ ^{a. ✓} Two cemetery authority business representative members and one public
15 member, for terms expiring on May 1, 2003.

16 ~~(b)~~ ^{b. ✓} One cemetery authority business representative member and one public
17 member, for terms expiring on May 1, 2004.

18 ~~(c)~~ ^{c. ✓} One cemetery authority business representative member and the
19 representative of the department of justice, for terms expiring on May 1, 2005.

20 (4) PRENEED SELLER LICENSES. *(d)* Notwithstanding section 440.92 (1) (a) and (b)

21 (intro.) of the statutes, as affected by this act, the department of regulation and
22 licensing shall issue a certificate of licensure as a cemetery preneed seller to any
23 person who, on the effective date of this ~~subsection~~ *paragraph*, holds a valid certificate of
24 registration as a cemetery preneed seller. ✓

25 SECTION 277. Initial applicability.

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Page 1403, line 5 after that line insert.

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

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0770/1dn
MDK: *hah*

Date

John Keckhaver:

This amendment combines CN1504 and CN9516. If either caucus request is eliminated from the final "in" list, the amendment must be revised.

Regarding CN9516, the instructions are little confusing because they do not correspond to how s. 157.10, stats., is renumbered and amended by the Joint Finance substitute amendment. Therefore, please review how this amendment treats s. 157.10, stats., as well as s. 157.635, stats., to make sure that the treatment is consistent with your intent.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0770/1ins
MDK:.....

INSERT 24-19:

1
2 1. Page 957, line 7: delete "cemetery lot, the cemetery lot" and substitute
3 "~~cemetery lot, the cemetery lot~~ burial space, the burial space".

4 2. Page 957, line 9: delete "cemetery lot" and substitute "burial space".

5 3. Page 957, line 10: delete "cemetery lot, ownership of the cemetery" and
6 substitute "burial space, ownership of the cemetery".

7 4. Page 957, line 11: delete "lot" and substitute "lot burial space".

8 5. Page 957, line 12: on lines 12, 13, and 14, delete "cemetery lot" and
9 substitute "~~cemetery lot~~ burial space".

10 6. Page 957, line 16: delete "cemetery lot" and substitute "~~cemetery lot~~ burial
11 space. This subsection does not apply to the burial of human remains of an individual
12 who is in a class of individuals who are prohibited under regulations adopted by a
13 religious cemetery authority or affiliated religious association from being buried in
14 a cemetery".

15 7. Page 957, line 18: delete "cemetery lot" and substitute "burial space".

16 8. Page 957, line 20: after the period insert "This paragraph does not apply if
17 the spouse, child, sibling, or parent is in a class of individuals who are prohibited
18 under regulations adopted by a religious cemetery authority or affiliated religious
19 association from being buried in the cemetery in which the burial space is located."

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

LRBb0770/1dn
MDK:hmh:kjf

June 17, 2001

John Keckhaver:

This amendment combines CN1504 and CN9516. If either caucus request is eliminated from the final "in" list, the amendment must be revised.

Regarding CN9516, the instructions are little confusing because they do not correspond to how s. 157.10, stats., is renumbered and amended by the Joint Finance substitute amendment. Therefore, please review how this amendment treats s. 157.10, stats., as well as s. 157.635, stats., to make sure that the treatment is consistent with your intent.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Kunkel, Mark

From: Keckhaver, John
Sent: Monday, June 18, 2001 9:34 PM
To: Kunkel, Mark
Subject: RE: CN 9516

Mark,
I would like it redrafted to include the words, "brother or sister" in the two places referenced.
Thanks.
John

-----Original Message-----

From: Kunkel, Mark
Sent: Monday, June 18, 2001 9:17 PM
To: Keckhaver, John
Cc: Hanaman, Cathlene
Subject: RE: CN 9516

John:

I don't think any change to LRBb0770/1 is necessary.

Regarding item 1 of CN9516 (which I assume is item 1 of Sen. Shibilski's motion), the substitute amendment allows a person with an interest in a cemetery lot to convey the interest to his or her spouse, child, **sibling**, or parent, without the consent of the cemetery authority. See p. 957, lines 18 to 20 of the subst. amendment. LRBb0770/1 does not affect this language, except to make it refer to a burial space, instead of a cemetery lot, and except to create an exception for burials prohibited by regulations of certain religious cemetery authorities.

Regarding item 2 of CN9516 (which I assume is item 2 of Sen. Shibilski's motion), current law does not require the consent of all interested parties **to transfer an interest** in a cemetery lot. Instead, current law prohibits certain people **from being buried in** a cemetery lot, without the consent of all interested parties. However, under current law, this prohibition does not apply to the human remains of a person who has an interest in the lot, or is the relative or husband or wife of a person with an interest. See page 957, lines 13 to 16 of the substitute amendment. "Relative" is not defined, but, under its commonly understood meaning, it would include a brother or sister. LRBb0770/1 does not affect this prohibition, except to create an exception for burials prohibited by regulations of certain religious cemetery authorities.

Therefore, unless I misunderstand your intent, no changes to LRBb0770/1 are necessary.

Mark Kunkel
Legislative Attorney
Legislative Reference Bureau
(608) 266-0131 mark.kunkel@legis.state.wi.us

-----Original Message-----

From: Hanaman, Cathlene
Sent: Monday, June 18, 2001 5:36 PM
To: Kunkel, Mark
Subject: FW: CN 9516

-----Original Message-----

From: Keckhaver, John
Sent: Monday, June 18, 2001 4:46 PM
To: Hanaman, Cathlene; Ammerman, Fred
Subject: CN 9516

Cathlene,
I made an error when writing the drafting instructions for this one, it

was also to read, "brother or sister" in both numbered items 1 and 2
(along with SPOUSE, DAUGHTER, ETC.)

Thanks.
John