

1 ~~organizations and labor unions prior to issuing requests for proposals and prior to~~
2 ~~selecting proposals~~ under this paragraph. Each such private business may conduct
3 its operations as a private business, subject to the wage standards under sub. (4), the
4 disposition of earnings under sub. (8), the provisions regarding displacement in sub.
5 (11), the requirements for notification and hearing under sub. (1) (c), the requirement
6 for prison industries board approval under s. 303.015 (1) (b) and the authority of the
7 department to maintain security and control in its institutions. The private business
8 and its operations are not a prison industry. Inmates employed by the private
9 business are not subject to the requirements of inmates participating in prison
10 industries, except as provided in this paragraph;

11 ***b0782/2.6* SECTION 3389gn.** 303.01 (2) (em) of the statutes, as affected by
12 2001 Wisconsin Act (this act), is repealed.

13 ***b0782/2.6* SECTION 3389kb.** 303.01 (8) (b) of the statutes is amended to read:
14 303.01 (8) (b) The department shall distribute earnings of an inmate or
15 resident, ~~other than an inmate or resident employed under sub. (2) (em),~~ for the crime
16 victim and witness assistance surcharge under s. 973.045 (4), for the delinquency
17 victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
18 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
19 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
20 resident's dependents and for other obligations either acknowledged by the inmate
21 or resident in writing or which have been reduced to judgment that may be satisfied
22 according to law.

23 ***b0782/2.6* SECTION 3389kg.** 303.01 (8) (c) of the statutes is repealed.

24 ***b0782/2.6* SECTION 3389km.** 303.01 (8) (d) of the statutes is repealed.

25 ***b0782/2.6* SECTION 3389kq.** 303.01 (8) (e) of the statutes is repealed.

1 ***b0782/2.6* SECTION 3389ks.** 303.01 (11) of the statutes is repealed.

2 ***b0782/2.6* SECTION 3389kx.** 303.06 (3) of the statutes is repealed.

3 ***b0782/2.6* SECTION 3389kz.** 303.21 (1) (b) of the statutes is amended to read:

4 303.21 (1) (b) Inmates are included under par. (a) if they are participating in
5 a structured work program away from the institution grounds under s. 302.15 or a
6 secure work program under s. 303.063. Inmates are not included under par. (a) if
7 they are employed in a prison industry under s. 303.06 (2), participating in a work
8 release program under s. 303.065 (2), ~~participating in employment with a private~~
9 ~~business under s. 303.01 (2) (em)~~ or participating in the transitional employment
10 program, but they are eligible for worker's compensation benefits under ch. 102.
11 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are
12 eligible for worker's compensation benefits under ch. 102.”.

13 ***b0791/1.2* 1237.** Page 1090, line 13: after that line insert:

14 ***b0791/1.2* “SECTION 3389h.** 303.063 of the statutes is repealed.

15 ***b0791/1.2* SECTION 3389j.** 303.21 (1) (b) of the statutes is amended to read:

16 303.21 (1) (b) Inmates are included under par. (a) if they are participating in
17 a structured work program away from the institution grounds under s. 302.15 ~~or a~~
18 ~~secure work program under s. 303.063.~~ Inmates are not included under par. (a) if
19 they are employed in a prison industry under s. 303.06 (2), participating in a work
20 release program under s. 303.065 (2), participating in employment with a private
21 business under s. 303.01 (2) (em), or participating in the transitional employment
22 program, but they are eligible for worker's compensation benefits under ch. 102.
23 Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are
24 eligible for worker's compensation benefits under ch. 102.”.

- 1 ***b0783/2.9* 1238.** Page 1090, line 19: after that line insert:
- 2 ***b0783/2.9* "SECTION 3389n.** 304.02 (4) of the statutes is repealed.”.
- 3 ***b0783/2.10* 1239.** Page 1090, line 24: after that line insert:
- 4 ***b0783/2.10* "SECTION 3389pm.** 304.06 (1y) of the statutes is repealed.”.
- 5 ***b0783/2.11* 1240.** Page 1093, line 11: after that line insert:
- 6 ***b0783/2.11* "SECTION 3389z.** 304.071 (2) of the statutes is amended to read:
- 7 304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49
- 8 (2), 973.01 (6), or 973.014 (1) (c) or (1g) ~~or 973.032 (5)~~, he or she is not eligible for
- 9 parole under this section.”.
- 10 ***b1070/2.8* 1241.** Page 1093, line 12: delete lines 12 to 22.
- 11 ***b0910/3.9* 1242.** Page 1094, line 20: on lines 20 and 21, delete “55., or 56.”
- 12 and substitute “or 55.”.
- 13 ***b0910/3.10* 1243.** Page 1095, line 4: on lines 4 and 20, delete “55., or 56.”
- 14 and substitute “or 55.”.
- 15 ***b0910/3.11* 1244.** Page 1098, line 7: delete lines 7 to 19.
- 16 ***b0910/3.12* 1245.** Page 1098, line 20: delete the material beginning with
- 17 “statutes” and ending with “(this act),” on line 21 and substitute “statutes”.
- 18 ***b0910/3.13* 1246.** Page 1098, line 24: delete “~~55., or 56.~~” and substitute “~~or~~
- 19 ~~55.~~”.
- 20 ***b0910/3.14* 1247.** Page 1099, line 2: delete “~~55., or 56.~~” and substitute “~~or~~
- 21 ~~55.~~”.
- 22 ***b0910/3.15* 1248.** Page 1101, line 10: delete the material beginning with
- 23 that line and ending on page 1103, line 14.

1 ***b1096/2.24* 1249.** Page 1104, line 13: after that line insert:

2 ***b1096/2.24* "SECTION 3409d.** 343.10 (1) (a) of the statutes is amended to
3 read:

4 343.10 (1) (a) If a person's license or operating privilege is revoked or
5 suspended under this chapter or s. 767.303 or 961.50, or if the person's operating
6 privilege was suspended for failing to pay a forfeiture imposed for violating an
7 ordinance unrelated to the person's operation of a motor vehicle under s. 345.47 (1)
8 (b), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8), or 938.343 (2), and if
9 the person is engaged in an occupation, including homemaking or full-time or
10 part-time study, or a trade making it essential that he or she operate a motor vehicle,
11 the person, after payment of the fee provided in sub. (6), may file an application with
12 the department setting forth in detail the need for operating a motor vehicle. No
13 person may file more than one application with respect to each revocation or
14 suspension of the person's license or operating privilege under this chapter or s.
15 767.303 or 961.50, except that this limitation does not apply to an application to
16 amend an occupational license restriction.”.

17 ***b1096/2.25* 1250.** Page 1106, line 2: after that line insert:

18 ***b1096/2.25* "SECTION 3409j.** 343.10 (6) of the statutes is renumbered 343.10
19 (6) (a) and amended to read:

20 343.10 (6) (a) ~~No~~ Except as provided in par. (b), no person may file an
21 application for an occupational license under sub. (1) unless he or she first pays a fee
22 of \$40 to the department.

23 ***b1096/2.25* SECTION 3409k.** 343.10 (6) (b) of the statutes is created to read:

1 343.10 (6) (b) A person whose operating privilege was suspended solely for
2 failing to pay a forfeiture imposed for violating an ordinance unrelated to the person's
3 operation of a motor vehicle under s. 345.47 (1) (b), 800.09 (1) (c), 800.095 (4) (b) 4.,
4 938.17 (2) (d), 938.34 (8), or 938.343 (2) may not file an application for an
5 occupational license under sub. (1) unless he or she first pays a fee of \$10 to the
6 department.”.

7 ***b1025/1.3* 1251.** Page 1118, line 21: after that line insert:

8 ***b1025/1.3*** “SECTION 3427t. 345.11 (1t) of the statutes is created to read:

9 345.11 (1t) The uniform traffic citation may be used by a traffic officer
10 employed under s. 110.07 for a violation of s. 167.10 (3) (a) when committed on a
11 highway.

12 ***b1025/1.3* SECTION 3427tg.** 345.20 (2) (h) of the statutes is created to read:

13 345.20 (2) (h) Sections 23.50 to 23.85 apply to actions in circuit court to recover
14 forfeitures for violations of s. 167.10 (3) (a). No demerit points may be assessed
15 against the driving record of a person convicted of a violation of s. 167.10 (3) (a). No
16 report of conviction of a violation of s. 167.10 (3) (a) may be forwarded to the
17 department.”.

18 ***b1029/2.23* 1252.** Page 1118, line 21: after that line insert:

19 ***b1029/2.23*** “SECTION 3427r. 344.576 (3) (a) 5. of the statutes is amended to
20 read:

21 344.576 (3) (a) 5. The address and telephone number of the department of
22 agriculture, trade and consumer protection justice.

23 ***b1029/2.23* SECTION 3427t.** 344.576 (3) (c) of the statutes is amended to read:

1 344.576 (3) (c) The department of ~~agriculture, trade and consumer protection~~
2 justice shall promulgate rules specifying the form of the notice required under par.
3 (a), including the size of the paper and the type size and any highlighting of the
4 information described in par. (a). The rule may specify additional information that
5 must be included in the notice and the precise language that must be used.

6 ***b1029/2.23* SECTION 3427y.** 344.579 (2) (intro.) of the statutes is amended
7 to read:

8 344.579 (2) ENFORCEMENT. (intro.) The department of ~~agriculture, trade and~~
9 ~~consumer protection~~ justice shall investigate violations of ss. 344.574, 344.576 (1),
10 (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~agriculture, trade~~
11 ~~and consumer protection~~ justice may on behalf of the state.”.

12 ***b0770/2.27* 1253.** Page 1143, line 6: after that line insert:

13 ***b0770/2.27* “SECTION 3492m.** 423.102 of the statutes is amended to read:
14 **423.102 Scope.** This chapter applies to all consumer transactions, except that
15 subch. II does not apply to cemetery preneed sales under ~~s. ss.~~ ss. 440.92 and 440.922.”.

16 ***b0770/2.28* 1254.** Page 1145, line 10: after that line insert:

17 ***b0770/2.28* “SECTION 3504b.** 440.03 (1) of the statutes is amended to read:
18 440.03 (1) The department may promulgate rules defining uniform procedures
19 to be used by the department, the cemetery board, the real estate board, the real
20 estate appraisers board, and all examining boards and affiliated credentialing
21 boards attached to the department or an examining board, for receiving, filing, and
22 investigating complaints, for commencing disciplinary proceedings and for
23 conducting hearings.

24 ***b0770/2.28* SECTION 3504d.** 440.03 (3) of the statutes is amended to read:

1 440.03 (3) If the secretary reorganizes the department, no modification may
2 be made in the powers and responsibilities of the examining boards or, affiliated
3 credentialing boards, or other boards attached to the department or an examining
4 board under s. 15.03, 15.405, or 15.406.

5 ***b0770/2.28* SECTION 3504f.** 440.03 (7m) of the statutes is amended to read:

6 440.03 (7m) The department may promulgate rules that establish procedures
7 for submitting an application for a credential or credential renewal by electronic
8 transmission. Any rules promulgated under this subsection shall specify procedures
9 for complying with any requirement that a fee be submitted with the application.
10 The rules may also waive any requirement in chs. 440 to 480 that an application
11 submitted to the department, an examining board or an affiliated credentialing
12 board be executed, verified, certified, signed, sworn, or made under oath,
13 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)
14 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),
15 452.10 (1), and 480.08 (2m).

16 ***b0770/2.28* SECTION 3504h.** 440.03 (13) of the statutes is renumbered 440.03
17 (13) (a) and amended to read:

18 440.03 (13) (a) The Except as provided in par. (b), the department may conduct
19 an investigation to determine whether an applicant for a credential issued under chs.
20 440 to 480 satisfies any of the eligibility requirements specified for the credential,
21 including whether the applicant does not have an arrest or conviction record.

22 (c) In conducting an investigation under ~~this subsection~~ par. (a) or (b), the
23 department may require an applicant to provide any information that is necessary
24 for the investigation or, for the purpose of obtaining information related to an arrest
25 or conviction record of an applicant, to complete forms provided by the department

1 of justice or the federal bureau of investigation. The department shall charge the
2 applicant any fees, costs, or other expenses incurred in conducting the investigation
3 under ~~this subsection~~ par. (a) or (b).

4 *b0770/2.28* SECTION 3504k. 440.03 (13) (b) of the statutes is created to read:

5 440.03 (13) (b) Before granting a credential to a cemetery authority, cemetery
6 salesperson, or preneed seller, or renewing such a credential, the department shall
7 conduct an investigation to determine whether a person specified in s. 440.93 (1)
8 (intro.) has been convicted of an offense specified in s. 440.93 (1) (d).”.

9 *b0770/2.29* 1255. Page 1145, line 15: after that line insert:

10 *b0770/2.29* “SECTION 3404q. 440.04 (1) of the statutes is amended to read:

11 440.04 (1) Centralize, at the capital and in such district offices as the
12 operations of the department and the attached boards, examining boards, and
13 affiliated credentialing boards require, the routine housekeeping functions required
14 by the department, the boards, the examining boards, and the affiliated
15 credentialing boards.

16 *b0770/2.29* SECTION 3404r. 440.04 (2) of the statutes is amended to read:

17 440.04 (2) Provide the bookkeeping, payroll, accounting, and personnel
18 advisory services required by the department and the legal services, except for
19 representation in court proceedings and the preparation of formal legal opinions,
20 required by the attached boards, examining boards, and affiliated credentialing
21 boards.

22 *b0770/2.29* SECTION 3404s. 440.04 (3) of the statutes is amended to read:

1 440.04 (3) Control the allocation, disbursement, and budgeting of the funds
2 received by the boards, examining boards, and affiliated credentialing boards in
3 connection with their credentialing and, regulation, or other functions.

4 ***b0770/2.29* SECTION 3404t.** 440.04 (4) of the statutes is amended to read:

5 440.04 (4) Employ, assign, and reassign such staff as are required by the
6 department and the attached boards, examining boards, and affiliated credentialing
7 boards in the performance of their functions.

8 ***b0770/2.29* SECTION 3404u.** 440.04 (5) (intro.) of the statutes is amended to
9 read:

10 440.04 (5) (intro.) With the advice of the boards, examining boards, or affiliated
11 credentialing boards:

12 ***b0770/2.29* SECTION 3404v.** 440.04 (5) (c) of the statutes is amended to read:

13 440.04 (5) (c) Provide such other services as the boards, examining boards, or
14 affiliated credentialing boards request.

15 ***b0770/2.29* SECTION 3404w.** 440.045 of the statutes is amended to read:

16 **440.045 Disputes.** Any dispute between a board in the department, an
17 examining board, or an affiliated credentialing board and the secretary shall be
18 arbitrated by the governor or the governor's designee after consultation with the
19 disputants.

20 ***b0770/2.29* SECTION 3404x.** 440.05 (intro.) of the statutes is amended to
21 read:

22 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
23 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.91 (1m) (a),
24 442.06, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18, and 459.46.”

1 ***b0770/2.30* 1256.** Page 1148, line 25: after that line insert:

2 ***b0770/2.30* "SECTION 3529b.** 440.08 (2) (a) 21. of the statutes is amended to
3 read:

4 440.08 (2) (a) 21. Cemetery authority, licensed: January 1 of each
5 odd-numbered year; \$343.

6 ***b0770/2.30* SECTION 3529c.** 440.08 (2) (a) 21m. of the statutes is created to
7 read:

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

10 ***b0799/2.6* 1257.** Page 1154, line 17: after that line insert:

11 ***b0799/2.6* "SECTION 3579c.** 440.08 (2) (a) 66m. of the statutes is created to
12 read:

13 440.08 (2) (a) 66m. Real estate closing agent: January 1 of each odd-numbered
14 year; \$53.”.

15 ***b0727/2.5* 1258.** Page 1156, line 6: after that line insert:

16 ***b0727/2.5* "SECTION 3608m.** 450.045 (1) of the statutes is amended to read:

17 450.045 (1) Internships in the practice of pharmacy shall be conducted under
18 the general supervision and according to the procedures and standards of the
19 pharmacy internship examining board.

20 ***b0727/2.5* SECTION 3608r.** 450.045 (2) of the statutes is amended to read:

21 450.045 (2) Internships shall consist of practical experience in the
22 responsibilities of a pharmacist and shall be conducted under the supervision of a
23 pharmacist approved by the pharmacy internship examining board.”.

24 ***b0737/2.1* 1259.** Page 1156, line 6: after that line insert:

1 ***b0737/2.1*** “SECTION 3607. 445.125 (1) (a) 2. of the statutes is amended to
2 read:

3 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
4 irrevocable as to the first ~~\$2,500~~ \$3,000 of the funds paid under the agreement by
5 each depositor.”.

6 ***b0770/2.31* 1260.** Page 1156, line 6: after that line insert:

7 ***b0770/2.31*** “SECTION 3592d. 440.13 (2) (d) of the statutes is created to read:
8 440.13 (2) (d) With respect to a credential granted by the department under
9 subch. VIII of ch. 440, the cemetery board shall restrict, limit, or suspend the
10 credential when directed to do so by the department.

11 ***b0770/2.31* SECTION 3592h.** 440.14 (1) (a) of the statutes is amended to read:
12 440.14 (1) (a) “List” means information compiled or maintained by the
13 department ~~or~~, a credentialing board, or another board in the department that
14 contains the personal identifiers of 10 or more individuals.

15 ***b0770/2.31* SECTION 3592p.** 440.14 (2) of the statutes is amended to read:
16 440.14 (2) If a form that the department ~~or~~, a credentialing board, or another
17 board in the department requires an individual to complete in order to apply for a
18 credential or credential renewal or to obtain a product or service from the
19 department ~~or the~~, credentialing board, or other board requires the individual to
20 provide any of the individual’s personal identifiers, the form shall include a place for
21 the individual to declare that the individual’s personal identifiers obtained by the
22 department ~~or the~~, credentialing board, or other board from the information on the
23 form may not be disclosed on any list that the department ~~or the~~, credentialing board,
24 or other board furnishes to another person.

1 ***b0770/2.31* SECTION 3592pb.** 440.14 (3) of the statutes is amended to read:

2 440.14 (3) If the department ~~or~~, a credentialing board, or another board in the
3 department requires an individual to provide, by telephone or other electronic
4 means, any of the individual's personal identifiers in order to apply for a credential
5 or credential renewal or to obtain a product or service from the department ~~or a,~~
6 credentialing board, or other board, the department ~~or the,~~ credentialing board, or
7 other board shall ask the individual at the time that the individual provides the
8 information if the individual wants to declare that the individual's personal
9 identifiers obtained by telephone or other electronic means may not be disclosed on
10 any list that the department ~~or the,~~ credentialing board, or other board furnishes to
11 another person.

12 ***b0770/2.31* SECTION 3592pd.** 440.14 (4) of the statutes is amended to read:

13 440.14 (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.

19 ***b0770/2.31* SECTION 3592pf.** 440.14 (5) of the statutes is amended to read:

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

24 (b) Paragraph (a) does not apply to a list that the department ~~or~~, a credentialing
25 board, or another board in the department furnishes to another state agency, a law

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

7 *b0770/2.31* SECTION 3592t. 440.22 (1) of the statutes is amended to read:

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

17 *b0770/2.31* SECTION 3605gb. 440.90 (1) of the statutes is renumbered 440.90
18 (1d).

19 *b0770/2.31* SECTION 3605gd. 440.90 (1b) of the statutes is created to read:
20 440.90 (1b) “Board” means the cemetery board.

21 *b0770/2.31* SECTION 3605gf. 440.90 (1c) of the statutes is created to read:
22 440.90 (1c) “Burial space” has the meaning given in s. 157.061 (1d).

23 *b0770/2.31* SECTION 3605gh. 440.90 (1g) of the statutes is created to read:
24 440.90 (1g) “Business entity” has the meaning given in s. 452.01 (3j).

25 *b0770/2.31* SECTION 3605gj. 440.90 (1r) of the statutes is created to read:

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

2 *b0770/2.31* SECTION 3605gL. 440.90 (3g) of the statutes is created to read:

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

4 *b0770/2.31* SECTION 3605gn. 440.90 (3r) of the statutes is created to read:

5 440.90 (3r) “Columbarium space” has the meaning given in s. 157.061 (3r).

6 *b0770/2.31* SECTION 3605gp. 440.90 (4e) of the statutes is created to read:

7 440.90 (4e) “Lawn crypt” has the meaning given in s. 157.061 (8g).

8 *b0770/2.31* SECTION 3605gr. 440.90 (4m) of the statutes is created to read:

9 440.90 (4m) “Licensed cemetery authority” means a cemetery authority that
10 is licensed under s. 440.91 (1).

11 *b0770/2.31* SECTION 3605gt. 440.90 (4r) of the statutes is created to read:

12 440.90 (4r) “Licensee” means a person licensed under this subchapter.

13 *b0770/2.31* SECTION 3605gv. 440.90 (10m) of the statutes is created to read:

14 440.90 (10m) “Registrant” means a person registered under this subchapter.

15 *b0770/2.31* SECTION 3605gx. 440.90 (10r) of the statutes is created to read:

16 440.90 (10r) “Religious cemetery authority” has the meaning given in s.
17 157.061 (15m).

18 *b0770/2.31* SECTION 3605gz. 440.90 (14) of the statutes is repealed.

19 *b0770/2.31* SECTION 3605ib. 440.91 (1) of the statutes is renumbered 440.91
20 (1) (a) and amended to read:

21 440.91 (1) (a) Except as provided in sub. (6m), every cemetery authority that
22 operates a cemetery that is 5 acres or more in size, that sells or solicits the sale of a
23 total of 10 20 or more cemetery lots or mausoleum burial spaces at a cemetery during
24 a calendar year and that pays any commission or other compensation to any person
25 for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register

1 with, or that has \$100,000 or more in trust fund accounts for a cemetery shall apply
2 to the department. The registration shall be in writing and shall include the names
3 of the officers of the cemetery authority for a license for that cemetery. A cemetery
4 authority that operates more than one cemetery shall apply for a separate license for
5 each cemetery that is 5 acres or more in size and for each cemetery, at which it sells
6 20 or more burial spaces or at which it has \$100,000 or more in trust fund accounts.

7 ***b0770/2.31* SECTION 3605id.** 440.91 (1) (b) of the statutes is created to read:

8 440.91 (1) (b) Except as provided in s. 440.93 (1), the department shall grant
9 a license to a cemetery authority if all of the following are satisfied:

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

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

17 ***b0770/2.31* SECTION 3605idc.** 440.91 (1) (c) of the statutes is created to read:

18 440.91 (1) (c) A licensed cemetery authority shall notify the department if it
19 designates a substitute business representative to take the place of a business
20 representative identified under par. (b) 1.

21 ***b0770/2.31* SECTION 3605idf.** 440.91 (1) (d) of the statutes is created to read:

22 440.91 (1) (d) If a licensed cemetery authority notifies the department under
23 s. 157.08 (2) (b) 1. (intro.) that it proposes to take an action specified in s. 157.08 (2)
24 (b) 1. b. or c. and the department does not object to the action under s. 157.08 (2) (b)

1 3., the department shall revoke the license granted under par. (b) and require the
2 licensed cemetery authority to reapply for a license under par. (b).

3 *b0770/2.31* SECTION 3605idg. 440.91 (1) (e) of the statutes is created to read:

4 440.91 (1) (e) 1. The renewal dates and renewal fees for licenses granted under
5 par. (b) are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is
6 not required to renew its license if the cemetery authority sells less than 10 burial
7 spaces during a period of 2 consecutive calendar years.

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

12 *b0770/2.31* SECTION 3605if. 440.91 (1m) of the statutes is created to read:

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

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

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

1 ***b0770/2.31* SECTION 3605if.** 440.91 (2) (intro.) of the statutes is amended to
2 read:

3 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
4 person that sells or solicits the sale of, or who that expects to sell or solicit the sale
5 of, a total of 10 20 or more cemetery lots or mausoleum burial spaces during ~~a~~ 2
6 calendar year years shall ~~register with~~ be licensed by the department. ~~An individual~~
7 A person may not be ~~registered~~ licensed as a cemetery salesperson except upon the
8 written request of a cemetery authority and the payment of the fee specified in s.
9 440.05 (1). The cemetery authority shall certify in writing to the department that
10 the individual person is competent to act as a cemetery salesperson. ~~Within 10 days~~
11 ~~after the certification of any cemetery salesperson, the cemetery salesperson shall~~
12 verify and An applicant for licensure as a cemetery salesperson shall furnish to the
13 department, in such form as the department prescribes, all of the following
14 information:

15 ***b0770/2.31* SECTION 3605ij.** 440.91 (2) (a) of the statutes is repealed and
16 recreated to read:

17 440.91 (2) (a) The name and address of the applicant and, if the applicant is
18 a business entity, the name and address of each business representative.

19 ***b0770/2.31* SECTION 3605iL.** 440.91 (2) (b) of the statutes is repealed.

20 ***b0770/2.31* SECTION 3605iLg.** 440.91 (2) (c) of the statutes is repealed.

21 ***b0770/2.31* SECTION 3605im.** 440.91 (4) of the statutes is amended to read:

22 440.91 (4) Renewal applications shall be submitted to the department on a
23 form provided by the department on or before the applicable renewal date specified
24 under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under
25 s. 440.08 (2) (a). An applicant for renewal of a cemetery salesperson license shall

1 identify each individual that is exempt from licensure under sub. (7) and that the
2 applicant has supervised during the prior 2 years.

3 *b0770/2.31* SECTION 3605in. 440.91 (6m) of the statutes is repealed and
4 recreated to read:

5 440.91 (6m) A religious cemetery authority is not required to be licensed under
6 sub. (1) or registered under sub. (1m).

7 *b0770/2.31* SECTION 3605ip. 440.91 (7) of the statutes is renumbered 440.91
8 (7) (a) and amended to read:

9 440.91 (7) (a) An individual who solicits the sale of cemetery lots or mausoleum
10 spaces in a cemetery organized, maintained, and operated by a town, village, or city,
11 ~~church, synagogue or mosque, religious, or fraternal or benevolent society or~~
12 ~~incorporated college of a religious order~~ is not required to be registered licensed
13 under sub. (2) if the individual is supervised by a cemetery salesperson licensed
14 under sub. (2).

15 *b0770/2.31* SECTION 3605ir. 440.91 (7) (b) of the statutes is created to read:

16 440.91 (7) (b) An individual who solicits the sale of cemetery lots or mausoleum
17 spaces in a cemetery owned and operated by a religious cemetery authority is not
18 required to be licensed under sub. (2).

19 *b0770/2.31* SECTION 3605it. 440.91 (8) of the statutes is repealed.

20 *b0770/2.31* SECTION 3605iv. 440.91 (9) of the statutes is amended to read:

21 440.91 (9) No cemetery authority or cemetery salesperson ~~registered~~ licensed
22 under sub. (1) or (2) may pay a fee or commission as compensation for a referral or
23 as a finder's fee relating to the sale of ~~a cemetery lot,~~ cemetery merchandise or
24 ~~mausoleum~~ a burial space to any person who is not ~~registered~~ licensed under sub. (1)
25 or (2) or who is not regularly and lawfully engaged in the sale of ~~cemetery lots,~~

1 cemetery merchandise or ~~mausoleum~~ burial spaces in another state or territory of
2 the United States or a foreign country.

3 *b0770/2.31* SECTION 3605ix. 440.91 (10) of the statutes is amended to read:

4 440.91 (10) Nothing in this section requires an individual who is ~~registered~~
5 licensed as a preneed seller under s. 440.92 (1) to be ~~registered~~ licensed as a cemetery
6 salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery
7 merchandise or undeveloped spaces under preneed sales contracts.

8 *b0770/2.31* SECTION 3605iz. 440.92 of the statutes is repealed.

9 *b0770/2.31* SECTION 3605kb. 440.92 (1) (title) of the statutes is repealed and
10 recreated to read:

11 440.92 (1) (title) LICENSURE.

12 *b0770/2.31* SECTION 3605kd. 440.92 (1) (a) of the statutes is amended to
13 read:

14 440.92 (1) (a) Except as provided in subs. (4), and (9) (a) ~~and (10)~~, every
15 individual who sells or solicits the sale of cemetery merchandise or an undeveloped
16 space under a preneed sales contract ~~and, if the~~ is required to be licensed under this
17 subsection and, if applicable, comply with the requirements under s. 445.125. If such
18 an individual is employed by or acting as an agent for a cemetery authority or any
19 other person, that cemetery authority or other person is also required to be ~~registered~~
20 licensed under this subsection.

21 *b0770/2.31* SECTION 3605kf. 440.92 (1) (b) (intro.) of the statutes is amended
22 to read:

23 440.92 (1) (b) (intro.) The department shall issue a certificate of ~~registration~~
24 licensure as a cemetery preneed seller to any person who does all of the following:

1 ***b0770/2.31* SECTION 3605kh.** 440.92 (1) (bm) of the statutes is created to
2 read:

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

8 ***b0770/2.31* SECTION 3605kj.** 440.92 (1) (e) of the statutes is amended to read:

9 440.92 (1) (e) Nothing in this subsection requires an individual who is
10 registered licensed as a cemetery salesperson under s. 440.91 (2) to be registered
11 licensed under this subsection if the individual does not conduct or solicit any sale
12 under a preneed sales contract.

13 ***b0770/2.31* SECTION 3605kL.** 440.92 (2) (title) of the statutes is renumbered
14 440.922 (title).

15 ***b0770/2.31* SECTION 3605km.** 440.92 (2) (a) of the statutes is renumbered
16 440.922 (1) (a), and 440.922 (1) (a) 2., 3., 3g. and 4. (intro.), as renumbered, are
17 amended to read:

18 440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~
19 ~~mausoleum~~ burial space.

20 3. By storing the cemetery merchandise in a warehouse that is located on the
21 property of the preneed seller if the preneed seller insures the cemetery merchandise
22 and the preneed sales contract requires the preneed seller to ultimately affix the
23 cemetery merchandise to the ~~cemetery lot or mausoleum~~ burial space without
24 additional charge.

1 3g. By storing the cemetery merchandise anywhere on the property of the
2 preneed seller if the property of the preneed seller is located in this state, the preneed
3 seller insures the cemetery merchandise and the preneed sales contract requires the
4 preneed seller to ultimately affix the cemetery merchandise to a ~~cemetery lot~~ burial
5 space, to the outside of or the grounds surrounding a mausoleum or columbarium or
6 to any other outdoor location without additional charge.

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

14 ***b0770/2.31* SECTION 3605kn.** 440.92 (2) (am) of the statutes is renumbered
15 440.922 (2) and amended to read:

16 440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE. If a preneed sales contract
17 for the sale of cemetery merchandise requires the preneed seller to ultimately affix
18 the cemetery merchandise to a ~~cemetery lot, mausoleum~~ burial space or other
19 location but the purchaser has not informed the preneed seller of the location where
20 the cemetery merchandise is to be affixed and the location where the cemetery
21 merchandise is to be affixed is not specified in the preneed sales contract, the preneed
22 sales contract may provide that the preneed seller may charge the purchaser an
23 additional fee at the time that the cemetery merchandise is affixed not to exceed the
24 additional costs to the preneed seller that are necessitated by the purchaser's choice
25 of location.

1 ***b0770/2.31* SECTION 3605kp.** 440.92 (2) (b) of the statutes is renumbered
2 440.922 (1) (b).

3 ***b0770/2.31* SECTION 3605kr.** 440.92 (2) (c) of the statutes is renumbered
4 440.922 (3) and amended to read:

5 440.922 (3) VOIDING OF CONTRACTS. Except as provided in ~~par. (cm)~~ sub. (4), a
6 preneed sales contract shall provide that if the purchaser voids the preneed sales
7 contract at any time within 10 days after the date of the initial payment the preneed
8 seller shall, within 30 days after the date on which the preneed sales contract is
9 voided, refund all money paid by the purchaser for cemetery merchandise that has
10 not been supplied or delivered and for the mausoleum space.

11 ***b0770/2.31* SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered
12 440.922 (4).

13 ***b0770/2.31* SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered
14 440.922 (5) (a).

15 ***b0770/2.31* SECTION 3605kx.** 440.92 (2) (e) of the statutes is renumbered
16 440.922 (5) (b).

17 ***b0770/2.31* SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered
18 440.922 (5) (c) and amended to read:

19 440.922 (5) (c) If a preneed sales contract is voided under ~~par. (e)~~ (b), the
20 preneed seller shall, within 30 days after the date on which the preneed sales
21 contract is voided, refund all money paid by the purchaser, together with interest
22 calculated at the legal rate of interest as provided under s. 138.04.

23 ***b0770/2.31* SECTION 3605mb.** 440.92 (2) (g) and (h) of the statutes are
24 renumbered 440.922 (6) and (10).

1 ***b0770/2.31* SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered
2 440.922 (7) and amended to read:

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

11 ***b0770/2.31* SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered
12 440.922 (8).

13 ***b0770/2.31* SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered
14 440.922 (9) and amended to read:

15 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the
16 following language in not less than 10–point boldface type: “SECTION 440.92 (2)
17 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE
18 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE
19 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE
20 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN
21 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

22 ***b0770/2.31* SECTION 3605mj.** 440.92 (3) (a) (intro.) of the statutes is
23 renumbered 440.92 (3) (a) and amended to read:

24 440.92 (3) (a) A preneed seller shall deposit into a preneed trust fund an
25 amount equal to at least 40% of each payment of principal that is received from the

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

9 *b0770/2.31* SECTION 3605mL. 440.92 (3) (a) 1. and 2. of the statutes are
10 repealed.

11 *b0770/2.31* SECTION 3605mn. 440.92 (3) (c) (intro.) of the statutes is
12 amended to read:

13 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits
14 required under par. (a) ~~1. and 2.~~ for payments for sales of undeveloped spaces under
15 preneed contracts if any of the following applies:

16 *b0770/2.31* SECTION 3605mp. 440.92 (4) (title) of the statutes is amended
17 to read:

18 440.92 (4) (title) EXCEPTIONS TO REGISTRATION LICENSURE REQUIREMENT.

19 *b0770/2.31* SECTION 3605mr. 440.92 (4) (a) (intro.) of the statutes is
20 amended to read:

21 440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery
22 merchandise under a preneed sales contract is not required to be ~~registered~~ licensed
23 under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if
24 all payments received under the preneed sales contract are trusted as required under
25 s. 445.125 (1) (a) 1. or if all of the following conditions are met:

1 ***b0770/2.31* SECTION 3605mt.** 440.92 (4) (b) of the statutes is amended to
2 read:

3 440.92 (4) (b) If any preneed seller who is not ~~registered~~ licensed under sub.
4 (1) accepts a payment under a preneed sales contract and the merchandise is not
5 delivered within 180 days after the date of the sale, the preneed seller shall
6 immediately notify the purchaser that the purchaser is entitled to a refund of all
7 money paid by the purchaser, together with interest calculated at the legal rate of
8 interest as provided under s. 138.04, at any time before the merchandise is delivered.

9 ***b0770/2.31* SECTION 3605mv.** 440.92 (5) of the statutes is renumbered
10 440.924.

11 ***b0770/2.31* SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered
12 440.926 (title) and amended to read:

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

15 ***b0770/2.31* SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered
16 440.926 (1) (a) and 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 ***b0770/2.31* SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are
24 renumbered 440.926 (1) (b) and (c).

1 ***b0770/2.31* SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered
2 440.926 (2) (c) and amended to read:

3 440.926 (2) (c) All records described under ~~par. 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 ***b0770/2.31* SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are
10 renumbered 440.926 (1) (d) and (e).

11 ***b0770/2.31* SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered
12 440.926 (2) (a), and 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 ~~par. 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 ***b0770/2.31* SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered
19 440.926 (2) (b) and amended to read:

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

1 ***b0770/2.31* SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered
2 440.926 (3) (a) and 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 ***b0770/2.31* SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered
7 440.926 (4) and 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 ***b0770/2.31* SECTION 3605op.** 440.92 (6) (k) of the statutes is renumbered
17 440.926 (3) (b) and 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 ***b0770/2.31* SECTION 3605or.** 440.92 (7) of the statutes is renumbered
22 440.927 and amended to read:

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

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

13 *b0770/2.31* SECTION 3605ot. 440.92 (9) (title) of the statutes is amended to
14 read:

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

17 *b0770/2.31* SECTION 3605ov. 440.92 (9) (a) of the statutes is amended to
18 read:

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

1 seller under sub. (1) during the period for which the certification is effective, but the
2 religious cemetery authority and any employee are required to comply, if applicable,
3 with the requirements of s. 445.125.

4 ***b0770/2.31* SECTION 3605ox.** 440.92 (9) (b) 3. of the statutes is amended to
5 read:

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

12 ***b0770/2.31* SECTION 3605oz.** 440.92 (9) (c) of the statutes is amended to read:

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

17 ***b0770/2.31* SECTION 3605qb.** 440.92 (9) (e) of the statutes is amended to
18 read:

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

23 ***b0770/2.31* SECTION 3605qd.** 440.92 (9) (f) of the statutes is amended to
24 read:

1 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a
2 religious order, or religious society that is affiliated with a cemetery to which a
3 certification under this subsection applies is liable for the damages of any person
4 that result from the failure of any employee specified under par. (b) 2. or the religious
5 cemetery authority to fully comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or
6 440.924 during the 12-month period for which such compliance has been certified
7 under this subsection.

8 ***b0770/2.31* SECTION 3605qf.** 440.92 (10) of the statutes is repealed.

9 ***b0770/2.31* SECTION 3605qh.** 440.922 (1) (title) of the statutes is created to
10 read:

11 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

12 ***b0770/2.31* SECTION 3605qhc.** 440.922 (4) (title) of the statutes is created
13 to read:

14 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

15 ***b0770/2.31* SECTION 3605qhe.** 440.922 (5) (title) of the statutes is created
16 to read:

17 440.922 (5) (title) UNDEVELOPED SPACE SALES.

18 ***b0770/2.31* SECTION 3605qhg.** 440.922 (6) (title) of the statutes is created
19 to read:

20 440.922 (6) (title) INTEREST ASSIGNMENTS.

21 ***b0770/2.31* SECTION 3605qhj.** 440.922 (8) (title) of the statutes is created to
22 read:

23 440.922 (8) (title) CONTRACT REQUIREMENTS.

24 ***b0770/2.31* SECTION 3605qhk.** 440.922 (10) (title) of the statutes is created
25 to read:

1 440.922 (10) (title) CONFLICTING PROVISIONS.

2 ***b0770/2.31* SECTION 3605qj.** 440.926 (1) (title) of the statutes is created to
3 read:

4 440.926 (1) (title) REPORTS.

5 ***b0770/2.31* SECTION 3605qjd.** 440.926 (2) (title) of the statutes is created to
6 read:

7 440.926 (2) (title) RECORDS.

8 ***b0770/2.31* SECTION 3605qjf.** 440.926 (3) (title) of the statutes is created to
9 read:

10 440.926 (3) (title) RULES.

11 ***b0770/2.31* SECTION 3605qL.** 440.928 of the statutes is created to read:

12 **440.928 Burial space purchase agreements. (1)** In this section:

13 (a) “Cemetery authority” does not include a religious cemetery authority.

14 (b) “Opening or closing fees” means fees charged by a cemetery authority for
15 opening or closing a burial space.

16 (c) “Purchase agreement” means an agreement for the purchase of a burial
17 space.

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

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

23 (a) The terms and conditions and any other pertinent information regarding
24 the purchase, including the price of the burial space, any perpetual care

1 requirements, and any resale, inheritor, cancellation, or refund rights under the
2 agreement.

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

7 (4) A cemetery authority shall assign a serial number to each purchase
8 agreement that it enters into, maintain file copies in numerical order according to
9 the serial number and enter the serial number and a description of each purchase
10 agreement into a sales journal. Any additional purchase by a purchaser more than
11 30 days after entering a purchase agreement shall be the subject of a separate
12 purchase agreement with a separate serial number that is the current unused serial
13 number in consecutive order.

14 *b0770/2.31* SECTION 3605qn. 440.929 of the statutes is created to read:

15 440.929 Rules. The department shall promulgate rules that establish a code
16 of ethics to govern the professional conduct of cemetery authorities licensed under
17 s. 440.91 (1), cemetery salespersons licensed under s. 440.91 (2), and preneed sellers
18 licensed under s. 440.92 (1).

19 *b0770/2.31* SECTION 3605qp. 440.93 (1) (intro.) of the statutes is amended
20 to read:

21 440.93 (1) (intro.) The department may deny a certificate of licensure or
22 registration of a cemetery authority, cemetery salesperson, or preneed seller and the
23 board may reprimand a licensee or registrant or deny, limit, suspend, or revoke a
24 certificate of licensure or registration a cemetery authority, cemetery salesperson or
25 preneed seller if it if the department or board, respectively, finds that the applicant,

1 licensee, or registrant, or, if the applicant, licensee, or registrant, is an association,
2 partnership, limited liability company, or corporation, any officer, director, trustee,
3 member, or shareholder who beneficially owns, holds, or has the power to vote 5% or
4 more of any class of security issued by the applicant, licensee, or registrant, has done
5 any of the following:

6 *b0770/2.31* SECTION 3605qr. 440.93 (1) (b) of the statutes is amended to
7 read:

8 440.93 (1) (b) Made a substantial misrepresentation or false promise to an
9 individual to influence the individual to purchase a ~~cemetery lot~~, cemetery
10 merchandise or ~~mausoleum~~ a burial space.

11 *b0770/2.31* SECTION 3605qt. 440.93 (1) (c) of the statutes is amended to read:

12 440.93 (1) (c) Engaged in any practice relating to the operation or management
13 of a cemetery or the sale of a cemetery lot, cemetery merchandise or ~~mausoleum~~ a
14 burial space which clearly demonstrates a lack of knowledge or ability to apply
15 professional principles or skills.

16 *b0770/2.31* SECTION 3605qv. 440.93 (1) (cm) of the statutes is created to
17 read:

18 440.93 (1) (cm) Engaged in unprofessional or unethical conduct in violation of
19 the code of ethics established in the rules promulgated under s. 440.929.

20 *b0770/2.31* SECTION 3605qx. 440.93 (1) (d) of the statutes is amended to
21 read:

22 440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~
23 offense Violated any law the circumstances of which substantially relate to the
24 operation or management of a cemetery or the sale of a cemetery lot, cemetery

1 merchandise or ~~mausoleum~~ a burial space. A certified copy of a judgment of
2 conviction is prima facie evidence of a violation.

3 *b0770/2.31* SECTION 3605qz. 440.93 (1) (f) of the statutes is amended to read:

4 440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any
5 practice relating to the operation or management of a cemetery or the sale of a
6 cemetery lot, cemetery merchandise or mausoleum a burial space while the person's
7 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

8 *b0770/2.31* SECTION 3605sb. 440.93 (1) (g) of the statutes is amended to
9 read:

10 440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule
11 promulgated under this subchapter or subch. II of ch. 157, or any order of the
12 department or the board.

13 *b0770/2.31* SECTION 3605sd. 440.93 (1m) of the statutes is created to read:

14 440.93 (1m) The board may, in addition to or in lieu of a reprimand or
15 revocation, limitation, suspension, or denial of a certificate of registration or
16 licensure, assess against a person licensed or registered under this subchapter who
17 has done anything specified in sub. (1) (a) to (g) a forfeiture of no more than \$5,000
18 for each separate offense. Each day of continued violation constitutes a separate
19 offense.

20 *b0770/2.31* SECTION 3605sf. 440.93 (2) of the statutes is amended to read:

21 440.93 (2) The ~~department~~ board shall determine in each case the period that
22 a limitation, suspension, or revocation of a certificate is effective. This subsection
23 does not apply to a limitation or suspension under s. 440.13 (2) (a).

24 *b0770/2.31* SECTION 3605sh. 440.945 (1) (a) of the statutes is amended to
25 read:

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

3 ***b0770/2.31* SECTION 3605sj.** 440.945 (2) (a) of the statutes is amended to
4 read:

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

16 ***b0770/2.31* SECTION 3605sL.** 440.945 (2) (c) of the statutes is amended to
17 read:

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

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

3 *b0770/2.31* SECTION 3605sn. 440.945 (3) (a) (intro.) of the statutes is
4 amended to read:

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

9 *b0770/2.31* SECTION 3605sp. 440.945 (4) (a) 1. of the statutes is amended to
10 read:

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

14 *b0770/2.31* SECTION 3605sr. 440.945 (4) (a) 2. of the statutes is amended to
15 read:

16 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a ~~cemetery lot~~
17 burial space to purchase a monument or services related to the installation of a
18 monument from the vendor of his or her choice.

19 *b0770/2.31* SECTION 3605st. 440.945 (4) (a) 3. of the statutes is amended to
20 read:

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

1 a cemetery ~~lot~~ burial space a reasonable fee for services relating to the care of a
2 monument.

3 *b0770/2.31* SECTION 3605sv. 440.945 (4) (a) 4. of the statutes is amended to
4 read:

5 440.945 (4) (a) 4. Discriminate against any owner or purchaser of a cemetery
6 ~~lot~~ burial space who has purchased a monument or services related to the
7 installation of a monument from a vendor.

8 *b0770/2.31* SECTION 3605sx. 440.945 (5) (a) of the statutes is amended to
9 read:

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

14 *b0770/2.31* SECTION 3605sz. 440.945 (5) (am) of the statutes is created to
15 read:

16 440.945 (5) (am) If the department has reason to believe that any religious
17 cemetery authority is violating this section and that the continuation of that activity
18 might cause injury to the public interest, the department may investigate.

19 *b0770/2.31* SECTION 3605ub. 440.945 (5) (b) of the statutes is amended to
20 read:

21 440.945 (5) (b) The department of justice or any district attorney, upon
22 informing the department of justice, may commence an action in circuit court in the
23 name of the state to restrain by temporary or permanent injunction any violation of
24 this section. The court may, prior to entry of final judgment, make such orders or
25 judgments as may be necessary to restore to any person any pecuniary loss suffered

1 because of the acts or practices involved in the action, if proof of such loss is submitted
2 to the satisfaction of the court. The department of justice may subpoena persons and
3 require the production of books and other documents, and may request the
4 department of regulation and licensing or board to exercise its authority under par.
5 (a) or (am) to aid in the investigation of alleged violations of this section.

6 *b0770/2.31* SECTION 3605ud. 440.947 (1) (c) of the statutes is renumbered
7 440.90 (6g).

8 *b0770/2.31* SECTION 3605uf. 440.947 (5) of the statutes is amended to read:
9 440.947 (5) A person who sells a casket, outer burial container, or cemetery
10 merchandise shall retain a copy of the price list specified in sub. (2) (intro.) for at least
11 one year after the date of its last distribution to a prospective buyer and shall retain
12 a copy of each form that is provided to a buyer under sub. (3) (intro.) for at least one
13 year after completion of a sale. A person required to retain a copy under this
14 subsection shall make the copy available for inspection by the department or board
15 upon request.

16 *b0770/2.31* SECTION 3605uh. 440.948 of the statutes is created to read:
17 440.948 Burial agreements. Any agreement for the purchase of a casket,
18 outer burial container not preplaced into the burial excavation of a grave, or
19 combination casket–outer burial container, that is not immediately required for the
20 burial or other disposition of human remains, is subject to the requirements of s.
21 445.125 (1).

22 *b0770/2.31* SECTION 3605uj. 440.949 of the statutes is created to read:
23 440.949 Rules; review of rules. (1) Before submitting any proposed rules
24 relating to this subchapter, except for rules relating exclusively to religious cemetery
25 authorities, to the legislative council staff under s. 227.15, the department shall

1 submit the proposed rules to the board for comment. The board shall have 30 days
2 to submit comments on the proposed rules to the secretary.

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

7 (3) The chairperson of the board, or his or her designee from the board, may
8 cochair with the secretary, or the secretary's designee, any public hearing held by the
9 department on proposed rules relating to this subchapter other than rules relating
10 exclusively to religious cemetery authorities.

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

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

23 *b0770/2.31* SECTION 3605uL. 440.95 (1) of the statutes is amended to read:
24 440.95 (1) Any cemetery authority that is required to register under s. 440.91
25 (4) (1m) and that knowingly fails to register may be fined not more than \$100.

1 ***b0770/2.31* SECTION 3605un.** 440.95 (1m) of the statutes is created to read:

2 440.95 (1m) Any cemetery authority that, without a license granted under s.
3 440.91 (1), sells 10 or more burial, mausoleum, or columbarium spaces at a cemetery
4 during a calendar year or has \$100,000 or more in trust fund accounts for a cemetery
5 may be fined not more than \$100.

6 ***b0770/2.31* SECTION 3605up.** 440.95 (2) of the statutes is amended to read:

7 440.95 (2) Any ~~individual who~~ person that is required to ~~register~~ be licensed
8 as a cemetery salesperson under s. 440.91 (2) and ~~who fails to register~~ that is not
9 licensed may be fined not less than \$25 nor more than \$200 or imprisoned for not
10 more than 6 months or both.

11 ***b0770/2.31* SECTION 3605ur.** 440.95 (2m) of the statutes is created to read:

12 440.95 (2m) Any person that is required to be licensed as a preneed seller under
13 s. 440.92 (1) (a) and that is not licensed may be fined not more than \$1,000 or
14 imprisoned for not more than 90 days or both.

15 ***b0770/2.31* SECTION 3605ut.** 440.95 (4) (a) of the statutes is repealed.

16 ***b0770/2.31* SECTION 3605uv.** 440.95 (4) (c) of the statutes is amended to
17 read:

18 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading
19 report under s. ~~440.92 (6)~~ 440.926.

20 ***b0770/2.31* SECTION 3605ux.** 440.95 (5) of the statutes is amended to read:

21 440.95 (5) Except as provided in sub. (4), any person who violates ~~s. ss.~~ 440.92
22 to 440.927 or any rule promulgated under ~~s. ss.~~ 440.92 to 440.927 may be required
23 to forfeit not more than \$200 for each offense. Each day of continued violation
24 constitutes a separate offense.”.

1 ***b0793/1.5* 1261.** Page 1156, line 6: after that line insert:

2 ***b0793/1.5*** “SECTION 3619c. 560.031 (1) (bt) of the statutes is created to read:
3 560.031 (1) (bt) “High-volume industrial waste” has the meaning given in s.
4 289.01 (17).

5 ***b0793/1.5* SECTION 3619e.** 560.031 (2) (a) of the statutes, as created by 1997
6 Wisconsin act 27, is amended to read:

7 560.031 (2) (a) At the request of the board, the department shall provide the
8 financial assistance awarded by the board under subs. (3) ~~and, (4), and (4m).~~

9 ***b0793/1.5* SECTION 3619g.** 560.031 (2) (b) 3. of the statutes is created to read:
10 560.031 (2) (b) 3. The department shall provide the financial assistance
11 awarded under sub. (4m) from the appropriations under s. 20.143 (1) (hr) and (rr).

12 ***b0793/1.5* SECTION 3619k.** 560.031 (3) of the statutes, as created by 1997
13 Wisconsin act 27, is renumbered 560.031 (3) (a).

14 ***b0793/1.5* SECTION 3619m.** 560.031 (3) (bc) of the statutes is created to read:
15 560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under
16 this subsection, the board shall give priority to projects that involve recovered
17 materials that constitute a relatively high volume of solid waste generated in this
18 state or that are hazardous to human health or the environment.

19 ***b0793/1.5* SECTION 3619n.** 560.031 (3) (cm) of the statutes is created to read:
20 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial
21 assistance under this subsection for forgivable loans for projects that have
22 exceptional potential to meet one of the qualifying considerations under par. (a) 1.,
23 2., 3., or 4., but do not comply with the standard criteria established by the board or
24 department for meeting its fiduciary responsibilities in managing state resources.

1 ***b0793/1.5* SECTION 3619p.** 560.031 (4m) of the statutes is created to read:
2 560.031 (4m) The board may award a grant or loan under this subsection for
3 a project to develop markets for high-volume industrial waste or to assist generators
4 of high-volume industrial waste in marketing high-volume industrial waste. Before
5 awarding a grant or loan, the board shall consider whether the project does all of the
6 following:

7 (a) Maximizes the marketability of high-volume industrial waste on a
8 statewide basis.

9 (b) Minimizes the amount of high-volume industrial waste disposed of in
10 landfills.

11 (c) Maintains present markets or creates new or expanded markets for
12 high-volume industrial waste.”.

13 ***b0799/2.7* 1262.** Page 1156, line 6: after that line insert:

14 ***b0799/2.7* “SECTION 3608cg.** 452.01 (3p) of the statutes is created to read:

15 452.01 (3p) “Closing agent” means any person who coordinates the closing of
16 a conveyance of real estate by ensuring that title to the real estate is transferred to
17 the buyer and that the purchase price is transferred to the seller, except that “closing
18 agent” does not include any of the following:

19 (a) A receiver, trustee, administrator, executor, guardian, or other person
20 appointed by or acting under the judgment or order of any court.

21 (b) A public officer while performing his or her official duties.

22 (c) A depository institution.

23 (d) An employee of a person specified in pars. (a) to (c) when the employee is
24 engaged in the specific performance as such an employee.

1 (e) An attorney licensed to practice in this state while acting within the scope
2 of his or her attorney's license.

3 *b0799/2.7* SECTION 3608cm. 452.035 of the statutes is created to read:

4 **452.035 Closing agents.** No person, including an escrow agent, as defined in
5 s. 138.052 (5m) (a) or 707.49 (1) (d), may engage in the business or occupation of, or
6 advertise or hold himself or herself out as, a closing agent unless the person is
7 registered as a closing agent by the department. The department shall issue a
8 certificate of registration as a closing agent to a person who submits an application
9 to the department on a form provided by the department, pays the fee specified in
10 s. 440.05 (1), and submits evidence satisfactory to the department that he or she is
11 competent to act as a closing agent. Renewal applications shall be submitted to the
12 department on a form provided by the department on or before the applicable
13 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
14 renewal fee specified under s. 440.08 (2) (a).

15 *b0799/2.7* SECTION 3608cr. 452.05 (1) (a) of the statutes is amended to read:

16 452.05 (1) (a) Grant and issue licenses to brokers and salespersons and
17 registrations to time-share salespersons and closing agents.

18 *b0799/2.7* SECTION 3608dg. 452.11 (1) of the statutes is amended to read:

19 452.11 (1) A nonresident may become a broker, salesperson ~~or~~ time-share
20 salesperson, or closing agent by conforming to all the provisions of this chapter.

21 *b0799/2.7* SECTION 3608dm. 452.12 (6) (a) of the statutes is amended to
22 read:

23 452.12 (6) (a) Any licensee, except a time-share salesperson registered under
24 s. 452.025 or a closing agent registered under s. 452.035, may apply for registration

1 as an inactive licensee on or before the license renewal date. This paragraph does
2 not apply after October 31, 1995.

3 *b0799/2.7* SECTION 3608dr. 452.13 (1) (b) of the statutes is renumbered
4 452.01 (3w).

5 *b0799/2.7* SECTION 3608eg. 452.13 (1) (c) of the statutes is created to read:
6 452.13 (1) (c) “Closing funds” means any money related to the closing of real
7 estate conveyance that is received by a closing agent. “Closing funds” does not
8 include client funds, unless the client funds are transferred to a closing agent.

9 *b0799/2.7* SECTION 3608em. 452.13 (2) (a) of the statutes is amended to read:
10 452.13 (2) (a) A broker who holds client funds or a closing agent who holds
11 closing funds shall establish an interest-bearing common trust account in a
12 depository institution. The interest-bearing common trust account shall earn
13 interest at a rate not less than that applicable to individual accounts of the same
14 type, size, and duration and for which withdrawals or transfers can be made without
15 delay, subject to any notice period that the depository institution is required to
16 observe by law or regulation.

17 *b0799/2.7* SECTION 3608er. 452.13 (2) (b) (intro.) of the statutes is amended
18 to read:

19 452.13 (2) (b) (intro.) Any broker or closing agent who maintains an
20 interest-bearing common trust account shall do all of the following:

21 *b0799/2.7* SECTION 3608fg. 452.13 (2) (c) of the statutes is amended to read:
22 452.13 (2) (c) A broker or closing agent shall deposit all client funds or closing
23 funds in the interest-bearing common trust account.

24 *b0799/2.7* SECTION 3608fm. 452.13 (2) (e) (intro.) of the statutes is amended
25 to read:

1 452.13 (2) (e) (intro.) For each interest-bearing common trust account, the
2 broker or closing agent shall direct the depository institution to do all of the
3 following:

4 ***b0799/2.7* SECTION 3608fr.** 452.13 (2) (e) 2. of the statutes is amended to
5 read:

6 452.13 (2) (e) 2. When the interest remittance is sent, furnish to the
7 department of administration and to the broker or closing agent maintaining the
8 interest-bearing common trust account a statement that includes the name of the
9 broker or closing agent for whose account the remittance is made, the rate of interest
10 applied, the amount of service charges or fees deducted, if any, and the account
11 balance for the period that the statement covers.

12 ***b0799/2.7* SECTION 3608gg.** 452.13 (2) (f) 1. of the statutes is amended to
13 read:

14 452.13 (2) (f) 1. May not assess a service charge or fee that is due on an
15 interest-bearing common trust account against any broker or closing agent or,
16 except as provided in subd. 3., against any other account, regardless of whether the
17 same broker or closing agent maintains the other account.

18 ***b0799/2.7* SECTION 3608gm.** 452.13 (3) of the statutes is amended to read:

19 452.13 (3) DEPOSIT PROVISIONS. A broker or closing agent who deposits client
20 funds or closing funds in an interest-bearing common trust account in compliance
21 with this section may not be held liable to the owner or beneficial owner of the client
22 funds or closing funds for damages due to compliance with this section. A broker,
23 salesperson, or time-share salesperson who deposits client funds, or a closing agent
24 who deposits closing funds, in an interest-bearing common trust account in
25 compliance with this section is not required to disclose alternative depository

1 arrangements that could be made by the parties or to disclose that a deposit will be
2 made under this section.

3 ***b0799/2.7* SECTION 3608gr.** 452.13 (4) of the statutes is amended to read:

4 452.13 (4) TRUST ACCOUNT OPTIONAL. This section does not require a broker or
5 closing agent to hold client funds or closing funds or require a person to transfer
6 client funds to a broker or transfer closing funds to a closing agent.

7 ***b0799/2.7* SECTION 3608hg.** 452.14 (1) of the statutes is amended to read:

8 452.14 (1) The department shall, upon motion of the board or upon its own
9 determination, conduct investigations and, as appropriate, may hold hearings and
10 make findings, if the department receives credible information that a broker,
11 salesperson or time-share salesperson, or closing agent has violated this chapter or
12 any rule promulgated under this chapter.

13 ***b0799/2.7* SECTION 3608hm.** 452.14 (3) (intro.) of the statutes is amended
14 to read:

15 452.14 (3) (intro.) Disciplinary proceedings shall be conducted by the board
16 according to rules adopted under s. 440.03 (1). The board may revoke, suspend, or
17 limit any broker's, salesperson's or time-share salesperson's, or closing agent's
18 license or registration, or reprimand the holder of the license or registration, if it
19 finds that the holder of the license or registration has:

20 ***b0799/2.7* SECTION 3608hr.** 452.14 (3) (b) of the statutes is amended to read:

21 452.14 (3) (b) Made any substantial misrepresentation with reference to a
22 transaction injurious to a seller or purchaser in which the broker, salesperson or
23 time-share salesperson, or closing agent acts as agent;

24 ***b0799/2.7* SECTION 3608ig.** 452.14 (3) (h) of the statutes is amended to read:

1 452.14 (3) (h) Failed, within a reasonable time, to account for or remit any
2 moneys coming into the broker's, salesperson's ~~or~~, time-share salesperson's, or
3 closing agent's possession which belong to another person;

4 ***b0799/2.7* SECTION 3608im.** 452.14 (3) (i) of the statutes is amended to read:

5 452.14 (3) (i) Demonstrated incompetency to act as a broker, salesperson ~~or~~,
6 time-share salesperson, or closing agent in a manner which safeguards the interests
7 of the public;

8 ***b0799/2.7* SECTION 3608ir.** 452.14 (3) (jm) of the statutes is amended to read:

9 452.14 (3) (jm) Intentionally encouraged or discouraged any person from
10 purchasing or renting real estate in a particular area on the basis of race. If the board
11 finds that any broker, salesperson ~~or~~, time-share salesperson, or closing agent has
12 violated this paragraph, the board shall, in addition to any temporary penalty
13 imposed under this subsection, apply the penalty provided in s. 452.17 (4);

14 ***b0799/2.7* SECTION 3608jg.** 452.17 (2) of the statutes is amended to read:

15 452.17 (2) Any person who engages in or follows the business or occupation of,
16 or advertises or holds himself or herself out as or acts temporarily or otherwise as,
17 a time-share salesperson or closing agent in this state without being registered with
18 the department shall be prosecuted by the district attorney in the county where the
19 violation occurs and may be fined not less than \$25 nor more than \$200 or imprisoned
20 not less than 10 days nor more than 6 months or both.

21 ***b0799/2.7* SECTION 3608jm.** 452.17 (4) (a) (intro.) of the statutes is amended
22 to read:

23 452.17 (4) (a) (intro.) If the board finds that any broker, salesperson ~~or~~,
24 time-share salesperson, or closing agent has violated s. 452.14 (3) (jm), the board:

1 ***b0799/2.7* SECTION 3608jr.** 452.17 (4) (a) 1. of the statutes is amended to
2 read:

3 452.17 (4) (a) 1. Shall, for the first offense, suspend the license or registration
4 of the broker, salesperson ~~or~~, time-share salesperson, or closing agent for not less
5 than 90 days.

6 ***b0799/2.7* SECTION 3608kg.** 452.17 (4) (a) 2. of the statutes is amended to
7 read:

8 452.17 (4) (a) 2. Shall, for the 2nd offense, revoke the license or registration of
9 the broker, salesperson ~~or~~, time-share salesperson, closing agent.

10 ***b0799/2.7* SECTION 3608km.** 452.20 of the statutes is amended to read:

11 **452.20 Limitation on actions for commissions.** No person engaged in the
12 business or acting in the capacity of a broker, salesperson ~~or~~, time-share salesperson,
13 or closing agent within this state may bring or maintain an action in the courts of this
14 state for the collection of a commission or compensation for the performance of any
15 act mentioned in this chapter without alleging and proving that he or she was a duly
16 licensed broker, or salesperson or registered time-share salesperson or closing agent
17 at the time the alleged cause of action arose.

18 ***b0799/2.7* SECTION 3608kr.** 452.21 of the statutes is amended to read:

19 **452.21 Compensation presumed.** In any prosecution for violation of this
20 chapter, proof that a person acted as a broker, agent, salesperson ~~or~~, time-share
21 salesperson, or closing agent is prima facie proof that compensation therefor was
22 received or promised.

23 ***b0799/2.7* SECTION 3608Lg.** 452.22 (2) of the statutes is amended to read:

24 452.22 (2) The certificate of the secretary or his or her designee to the effect that
25 a specified individual or business entity is not or was not on a specified date the

1 holder of a broker's, salesperson's ~~or~~, time-share salesperson's, or closing agent's
2 license or registration, or that a specified license or registration was not in effect on
3 a date specified, or as to the issuance, limitation, suspension, or revocation of any
4 license or registration or the reprimand of any holder thereof, the filing or
5 withdrawal of any application or its existence or nonexistence, is prima facie
6 evidence of the facts therein stated for all purposes in any action or proceedings.”.

7 *b1058/2.17* **1263.** Page 1156, line 6: after that line insert:

8 *b1058/2.17* “SECTION 3592nb. 447.01 (10) of the statutes is created to read:

9 447.01 (10) “Oral risk assessment” means a review of the patient's caries
10 experience, dental care utilization, use of preventive services, and medical history.

11 “Oral risk assessment” does not include a dental diagnosis.

12 *b1058/2.17* SECTION 3592nc. 447.01 (12) of the statutes is amended to read:

13 447.01 (12) “Remediable procedures” means patient procedures that create
14 changes within the oral cavity or surrounding structures that are reversible without
15 professional intervention and do not involve any increased health risks to the
16 patient.

17 *b1058/2.17* SECTION 3592nd. 447.02 (1) (c) of the statutes is amended to
18 read:

19 447.02 (1) (c) Subject to ch. 553 and s. ~~447.06 (1)~~ 447.055, governing dental
20 franchising.

21 *b1058/2.17* SECTION 3592ne. 447.02 (2) (d) of the statutes is amended to
22 read:

1 447.02 (2) (d) The oral systemic premedications and subgingival sustained
2 release chemotherapeutic agents that may be administered by a dental hygienist
3 licensed under this chapter under s. 447.06 ~~(2) (e) 1. and 3 (6) (a) and (c).~~

4 ***b1058/2.17* SECTION 3592nf.** 447.02 (2) (e) of the statutes is amended to read:

5 447.02 (2) (e) The educational requirements for administration of local
6 anesthesia by a dental hygienist licensed under this chapter under s. 447.06 ~~(2) (e)~~
7 2 (6) (b).

8 ***b1058/2.17* SECTION 3592ng.** 447.02 (3) of the statutes is created to read:

9 447.02 (3) By January 1, 2003, and every 5 years thereafter, the examining
10 board shall submit jointly with the department of health and family services a report
11 to the legislature under s. 13.172 (2) and to the governor on the ability of the dental
12 work force to meet the oral health care needs of individuals in this state. The report
13 shall include findings and any recommendations of the examining board and the
14 department.

15 ***b1058/2.17* SECTION 3592nh.** 447.03 (2) (intro.), (a) and (b) of the statutes
16 are renumbered 447.03 (2) (a) (intro.), 1. and 2.

17 ***b1058/2.17* SECTION 3592ni.** 447.03 (2) (b) of the statutes is created to read:

18 447.03 (2) (b) Any individual who is licensed as a dental hygienist under this
19 chapter is not required to be licensed as a dentist to perform acts delegated by a
20 dentist under s. 447.06.

21 ***b1058/2.17* SECTION 3592nj.** 447.03 (3) (g) of the statutes is amended to read:

22 447.03 (3) (g) Any individual who provides remediable procedures or other
23 dentistry practices that are delegated under s. 447.065 (1) or (2).

24 ***b1058/2.17* SECTION 3592nk.** 447.04 (1) (a) 4. of the statutes is amended to
25 read:

1 447.04 (1) (a) 4. Submits evidence satisfactory to the examining board that he
2 or she has passed the national dental examination and either the examination of a
3 dental testing service approved by the examining board or an examination of a
4 regional dental testing service in the United States.

5 ***b1058/2.17* SECTION 3592nL.** 447.04 (1) (b) of the statutes is amended to
6 read:

7 447.04 (1) (b) The Except as provided in pars. (c) and (d), the examining board
8 may grant a license to practice dentistry to an individual who is licensed in good
9 standing to practice dentistry in another state or territory of the United States or in
10 another country if the applicant meets the requirements for licensure established by
11 the examining board by rule and upon presentation of the license and payment of the
12 fee specified under s. 440.05 (2).

13 ***b1058/2.17* SECTION 3592nm.** 447.04 (1) (c) of the statutes is created to read:

14 447.04 (1) (c) 1. The examining board shall grant a license to practice dentistry
15 to an applicant who is licensed in good standing to practice dentistry in another state
16 or territory of the United States or in Canada upon presentation of the license,
17 payment of the fee specified under s. 440.05 (2), and submission of evidence
18 satisfactory to the examining board that all of the following conditions are met:

19 a. The applicant has graduated from a school of dentistry accredited by the
20 American Dental Association's commission on dental accreditation.

21 b. The applicant submits a certificate from each jurisdiction in which the
22 applicant is or has ever been licensed stating that no disciplinary action is pending
23 against the applicant or the license, and detailing all discipline, if any, that has ever
24 been imposed against the applicant or the license.

1 c. The applicant has been engaged in the active practice of dentistry, as defined
2 in s. DE 1.02 (2), Wis. Adm. Code, in one or more jurisdictions in which the applicant
3 has a current license in good standing, for at least 48 of the 60 months preceding the
4 application for licensure in this state.

5 d. The applicant has successfully completed a jurisprudence examination on
6 the provisions of Wisconsin statutes and administrative rules relating to dentistry
7 and dental hygiene.

8 e. The applicant possesses a current certificate of proficiency in
9 cardiopulmonary resuscitation.

10 f. The applicant has disclosed all discipline that has ever been taken against
11 the applicant in any jurisdiction shown in reports from the national practitioner data
12 bank and the American association of dental examiners.

13 g. The applicant has presented satisfactory responses during any personal
14 interview with the board that the board may require to resolve conflicts between the
15 licensing standards and the applicant's application or to inquire into any discipline
16 that was imposed against the applicant or the license in another jurisdiction.

17 2. Notwithstanding subd. 1., the examining board may refuse to grant a license
18 to an applicant following an interview under subd. 1. g. if the examining board
19 determines that discipline that was imposed against the applicant or the license in
20 another jurisdiction demonstrates that the applicant is unfit to practice dentistry.

21 ***b1058/2.17* SECTION 3592nn.** 447.04 (1) (d) of the statutes is created to read:

22 447.04 (1) (d) 1. The examining board shall grant a license to practice dentistry
23 to an applicant who is licensed in good standing to practice dentistry in another state
24 or territory of the United States or in another country upon presentation of the

1 license, payment of the fee specified under s. 440.05 (2), and submission of evidence
2 satisfactory to the examining board that all of the following conditions are met:

3 a. The applicant is a faculty member at a school of dentistry in this state.

4 b. The applicant submits a certificate from each jurisdiction in which the
5 applicant is or has ever been licensed stating that no disciplinary action is pending
6 against the applicant or the license, and detailing all discipline, if any, that has ever
7 been imposed against the applicant or the license.

8 c. The applicant has successfully completed a jurisprudence examination on
9 the provisions of Wisconsin statutes and administrative rules relating to dentistry
10 and dental hygiene.

11 d. The applicant possesses a current certificate of proficiency in
12 cardiopulmonary resuscitation.

13 e. The applicant has disclosed all discipline that has ever been taken against
14 the applicant in any jurisdiction shown in reports from the national practitioner data
15 bank and the American association of dental examiners.

16 f. The applicant has presented satisfactory responses during any personal
17 interview with the board that the board may require to resolve conflicts between the
18 licensing standards and the applicant's application or to inquire into any discipline
19 that was imposed against the applicant or the license in another jurisdiction.

20 2. Notwithstanding subd. 1., the examining board may refuse to grant a license
21 to an applicant following an interview under subd. 1. f. if the examining board
22 determines that discipline that was imposed against the applicant or the license in
23 another jurisdiction demonstrates that the applicant is unfit to practice dentistry.

24 3. A license under this paragraph is no longer in effect if the licensee ceases to
25 be a faculty member at a school of dentistry in this state.

1 ***b1058/2.17* SECTION 3592np.** 447.06 (title) of the statutes is amended to
2 read:

3 **447.06 (title) Practice Dental hygienist practice limitations.**

4 ***b1058/2.17* SECTION 3592nq.** 447.06 (1) of the statutes is renumbered
5 447.055 and amended to read:

6 **447.055 Contract provisions.** No contract of employment entered into
7 between a dentist and any other party under which the dentist renders dental
8 services may require the dentist to act in a manner which violates the professional
9 standards for dentistry set forth in this chapter. Nothing in this ~~subsection~~ section
10 limits the ability of the other party to control the operation of the dental practice in
11 a manner in accordance with the professional standards for dentistry set forth in this
12 chapter.

13 ***b1058/2.17* SECTION 3592nr.** 447.06 (2) (a) of the statutes is renumbered
14 447.06 (1m), and 447.06 (1m) (intro.), as renumbered, is amended to read:

15 **447.06 (1m) PRACTICE CIRCUMSTANCES.** (intro.) A dental hygienist may practice
16 dental hygiene or perform remediable procedures or other delegated procedures only
17 as an employee or as an independent contractor and only as follows:

18 ***b1058/2.17* SECTION 3592ns.** 447.06 (2) (b) of the statutes is renumbered
19 447.06 (2m) (a) and amended to read:

20 **447.06 (2m) (a)** ~~A Except as provided in subs. (3) and (4),~~ a dental hygienist
21 may practice dental hygiene or perform remediable procedures ~~under par. (a) 1., 4.,~~
22 ~~6., 7. or 8. only as only if either~~ authorized by a dentist who is licensed to practice
23 dentistry under this chapter and who is present in the facility in which those
24 practices or procedures are performed, ~~except as provided in par. (e) or if the practices~~

1 or procedures are performed pursuant to a prescription that meets the requirements
2 of par. (b).

3 *b1058/2.17* SECTION 3592nt. 447.06 (2) (c) of the statutes is renumbered
4 447.06 (2m) (b), and 447.06 (2m) (b) (intro.), as renumbered, is amended to read:

5 447.06 (2m) (b) (intro.) ~~A dental hygienist may practice dental hygiene or~~
6 ~~perform remediable procedures under par. (a) 1., 4., 6., 7. or 8. if a dentist who is~~
7 ~~licensed to practice dentistry under this chapter is not present in the facility in which~~
8 those The practices or procedures are under par. (a) may be performed pursuant to
9 a prescription only if all of the following conditions are met:

10 *b1058/2.17* SECTION 3592nu. 447.06 (2) (d) of the statutes is renumbered
11 447.06 (5).

12 *b1058/2.17* SECTION 3592nv. 447.06 (2) (e) of the statutes is renumbered
13 447.06 (6).

14 *b1058/2.17* SECTION 3592nw. 447.06 (2m) (title) of the statutes is created to
15 read:

16 447.06 (2m) (title) REQUIREMENT FOR A DENTIST PRESENT OR A PRESCRIPTION IF A
17 DENTIST IS NOT PRESENT.

18 *b1058/2.17* SECTION 3592nx. 447.06 (3) of the statutes is created to read:

19 447.06 (3) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
20 PRESCRIPTION; DENTAL HYGIENIST SCHOOL. A dental hygienist may practice dental
21 hygiene or perform remediable procedures at a school for the education of dental
22 hygienists without a dentist present in the facility in which the practices or
23 procedures are performed and without a written or oral prescription. A dental
24 hygienist may apply sealants on a patient at a school for the education of dental
25 hygienists without a diagnosis or treatment plan by a dentist if a dental hygienist

1 has performed an oral risk assessment of the patient. A dental hygienist shall
2 maintain a written record of the assessment and make appropriate referrals based
3 on the assessment.

4 ***b1058/2.17* SECTION 3592ny.** 447.06 (4) of the statutes is created to read:

5 447.06 (4) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
6 PRESCRIPTION; ADDITIONAL EDUCATION AND EXPERIENCE. (a) A dental hygienist may
7 perform any of the following practices without a dentist present in the facility in
8 which the practices are performed and without a written or oral prescription if the
9 requirements of pars. (am), (b), and (c) are met and if the dental hygienist first
10 reviews the patient's medical history and performs an oral risk assessment:

11 1. Conduct an oral screening and have a plan of what dental hygiene
12 procedures will be performed on the patient. Oral screening that is performed solely
13 for the purpose of data collection does not require an oral risk assessment and does
14 not require certification under par. (c).

15 2. Apply dental sealants. Sealants may be applied under this subdivision
16 without a diagnosis or treatment plan by a dentist.

17 3. Provide fluoride therapies.

18 4. Provide patient education services.

19 5. Expose radiographs if a dentist will be available to read and diagnose the
20 radiographs.

21 6. Perform oral prophylaxis, if a dentist, nurse practitioner, physician or
22 physician assistant has reviewed a current medical history for the patient and has
23 indicated in writing that the patient may receive the service. The dental hygienist
24 may use topical anesthesia under this subdivision only if the anesthesia has been

1 prescribed by a dentist, nurse practitioner, physician, or physician assistant. Local
2 anesthesia may not be administered by a dental hygienist under this subdivision.

3 7. Remove supragingival or subgingival calcareous deposits, subgingival
4 cement, or extrinsic stains from a natural or restored surface of a human tooth or a
5 fixed replacement for a human tooth, perform debridement or deep scaling or root
6 planing of teeth, if a dentist, nurse practitioner, physician, or physician assistant has
7 reviewed a current medical history of the patient and has indicated in writing that
8 the patient may receive the service for the patient. The dental hygienist may use
9 topical anesthesia under this subdivision only if prescribed by a dentist, nurse
10 practitioner, physician, or physician assistant. Local anesthesia may not be
11 administered by a dental hygienist under this subdivision.

12 (am) A dental hygienist shall maintain a written record of and oral risk
13 assessment performed under par. (a) and make appropriate referrals based on the
14 assessment. 7

15 (b) The practices under par. (a) may be performed only as follows:

- 16 1. For a school board or a governing body of a private school.
- 17 2. For a facility, as defined in s. 50.01 (1m), a hospital, as defined in s. 50.33 (2),
18 or a facility established to provide care for terminally ill patients.
- 19 3. For a local health department, as defined in s. 250.01 (4).
- 20 4. For a charitable institution open to the general public or to members of a
21 religious sect or order.
- 22 5. For a nonprofit home health care agency.
- 23 6. For a nonprofit dental care program serving primarily indigent,
24 economically disadvantaged, or migrant worker populations.

1 (c) A dental hygienist may perform the practices under par. (a) only if certified
2 by the examining board in dental hygiene practice circumstances without a dentist
3 present and without a prescription. The examining board shall issue a certificate in
4 dental hygiene practice circumstances without a dentist present and without a
5 prescription to an individual who documents to the board that he or she has 2 years
6 of experience as a dental hygienist and meets any of the following:

7 1. Has submitted to the examining board proof of course completion issued by
8 an accredited dental school or an accredited dental hygiene school in dental hygiene
9 circumstances without a dentist present and without a prescription. This course
10 may be offered in conjunction with a national or state dental or dental hygiene
11 association.

12 2. Has been certified in community dental health, public health, or public
13 health education from an accredited dental school or an accredited dental hygiene
14 program.

15 3. Has worked for at least 1,000 hours in a public health or community health
16 setting.

17 4. Has received a bachelor's degree from an accredited college or university.

18 ***b1058/2.17* SECTION 3592pb.** 447.06 (5) (title) of the statutes is created to
19 read:

20 447.06 (5) (title) PROHIBITED PRACTICES.

21 ***b1058/2.17* SECTION 3592pc.** 447.06 (6) (title), (d) and (e) of the statutes are
22 created to read:

23 447.06 (6) (title) DELEGATION BY A DENTIST TO A DENTAL HYGIENIST.

24 (d) Any dentistry practice not included in dental hygiene, except as provided
25 in sub. (5), if all of the following conditions are met:

1 1. The delegated practices are ones that, in the opinion of the dentist and the
2 dental hygienist, the dental hygienist is competent to perform based on his or her
3 education, training, or experience.

4 2. The dental hygienist's performance of the practice is inspected by a dentist.

5 (e) A remediable procedure, except that a dentist need not be present on the
6 premises in which the procedure is performed if it is performed pursuant to a
7 prescription that meets the requirements of sub. (2m) (b).

8 ***b1058/2.17* SECTION 3592pd.** 447.06 (7) of the statutes is created to read:

9 447.06 (7) DENTIST RESPONSIBLE FOR DELEGATION. A dentist who delegates to a
10 dental hygienist the performance of any practice or remediable procedure under sub.
11 (6) is responsible for that dental hygienist's performance of that delegated practice
12 or procedure.

13 ***b1058/2.17* SECTION 3592pe.** 447.065 (title) of the statutes is amended to
14 read:

15 **447.065 (title) Delegation of remediable procedures and dental**
16 **dentistry practices to unlicensed individuals.**

17 ***b1058/2.17* SECTION 3592pf.** 447.065 (1) of the statutes is amended to read:

18 447.065 (1) A dentist who is licensed to practice dentistry under this chapter
19 may delegate to an individual who is not licensed under this chapter only the
20 performance of remediable procedures, and only or other dentistry practices subject
21 to sub. (2), if all of the following conditions are met:

22 (a) The unlicensed individual performs the remediable procedure or dentistry
23 practices in accordance with a treatment plan approved by the dentist.

24 (b) The dentist is on the premises when the unlicensed individual performs the
25 remediable procedures or dentistry practices.

1 (c) The unlicensed individual's performance of the remediable procedures or
2 dentistry practices is ~~subject to inspection~~ inspected by the dentist.

3 *b1058/2.17* SECTION 3592pg. 447.065 (2) of the statutes is repealed and
4 recreated to read:

5 447.065 (2) A dentist may make a delegation under sub. (1) of dentistry
6 practices that are not remediable procedures if all of the following requirements are
7 met:

8 (a) The practice does not involve a practice under s. 447.01 (3) (a), (b), (e), (f),
9 or (g), diagnosis of a dental disease or ailment, determination of any treatment or any
10 regimen of treatment, prescription or ordering of medication, performance of any
11 procedure that involves the intentional cutting of soft or hard tissue of the mouth by
12 any means, or administration of local anesthesia or subgingival sustained release
13 chemotherapeutic agents.

14 (b) The individual has graduated from an accredited dental assisting program
15 or has worked at least 1,000 hours during the preceding 12 months in a clinical
16 dentistry setting.

17 (c) The dentist making the delegation documents in his or her records that the
18 individual has been trained or educated to do the delegated practice by a dental
19 school; dental hygiene program; dental assisting program; a program offered or
20 approved by a national or state dental, dental hygiene, or dental assisting
21 association; or a program approved by the examining board.

22 (d) The delegated practices are ones that, in the opinion of the dentist and the
23 individual to whom the practices are delegated, the individual is competent to
24 perform based on his or her education, training, or experience.

25 *b1058/2.17* SECTION 3592ph. 447.065 (3) of the statutes is amended to read:

1 447.065 (3) A dentist who delegates to another an unlicensed individual the
2 performance of any practice or remediable procedure is responsible for that
3 individual's performance of that delegated practice or procedure.”.

4 ~~*b0793/1.6* 1264. Page 1156, line 7: after that line insert:~~

5 ~~*b0793/1.6* “SECTION 3619s. 560.031 (6m) of the statutes is created to read:
6 560.031 (6m) Annually, in consultation with the council on recycling, the board
7 shall establish a list of materials recovered from solid waste for which the board may
8 award financial assistance.”.~~

9 ~~*b0850/1.1* 1265. Page 1156, line 7: after that line insert:~~

10 ~~*b0850/1.1* “SECTION 3619w. 560.06 (2) of the statutes is amended to read:
11 560.06 (2) In each fiscal year ~~1999–2000~~, the department may shall provide up
12 to \$100,000 from the appropriations under s. 20.143 (1)(c) and (ie) in assistance to
13 ~~a~~ the nonprofit organization specified in sub. (1) that provides assistance to
14 organizations and individuals in urban areas. Notwithstanding sub. (1), the
15 department shall use the moneys authorized under this subsection in accordance
16 with the memorandum of understanding under sub. (1) and shall ensure that the
17 nonprofit organization provides assistance to organizations and individuals in an
18 area that includes the city of Beloit.”.~~

19 ~~*b0957/1.18* 1266. Page 1156, line 7: after that line insert:~~

20 ~~*b0957/1.18* “SECTION 3619sd. 560.036 (2) (a) of the statutes is amended to
21 read:~~

22 ~~560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
23 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
24 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495~~

page 1081, line 1: delete lines # 1 to 16 and
3969m substitute:

INSERT
539-16

Section #. 302.113 (9) (a) of the statutes is amended to read:

302.113 (9) (a) If a person released to extended supervision under this section violates a condition of extended supervision, the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the person on extended supervision waives a hearing, may revoke the extended supervision of the person and return the person to prison. If the person is returned to prison, he or she shall be returned to prison for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served by the person in custody before release to extended supervision. The revocation order shall provide the person on extended supervision with credit in accordance with ss. 304.072 and 973.155.

History: 1997 a. 283.

Except as provided in s. 301.048
(4)(a), the

page 1081, line 17: delete the material beginning with that line and ending on page 1083, line 21.