

1           **\*b0884/1.1\* SECTION 2761h.** 121.004 (7) (c) 2. of the statutes is amended to  
2 read:

3           121.004 (7) (c) 2. In subd. 1. a. and b., “full-day” means the length of the school  
4 day for pupils in the first grade of the school district operating the ~~5-year-old~~  
5 kindergarten program.

6           **\*b0884/1.1\* SECTION 2761p.** 121.004 (7) (cm) of the statutes is amended to  
7 read:

8           121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program that  
9 provides the required number of 437 hours of direct pupil instruction under s. 121.02  
10 ~~(1) (f) 2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5  
11 additional hours of outreach activities.

12           **\*b0884/1.1\* SECTION 2761t.** 121.02 (1) (f) 2. of the statutes is amended to read:

13           121.02 (1) (f) 2. Annually, schedule at least 437 hours of direct pupil instruction  
14 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and  
15 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours  
16 under this subdivision include recess and time for pupils to transfer between classes  
17 but do not include the lunch period. ~~A school board operating a 4-year-old~~  
18 ~~kindergarten program may use up to 87.5 of the scheduled hours for outreach~~  
19 ~~activities.”.~~

20           **\*b0880/1.3\* 1080.** Page 926, line 2: after that line insert:

21           **\*b0880/1.3\* “SECTION 2767k.** 121.08 (4) of the statutes is repealed.”.

22           **\*b0904/2.32\* 1081.** Page 928, line 5: delete lines 5 and 6 and substitute:

23           “a. Determine the amount calculated under s. 16.518 (4) (a) that does not exceed  
24 \$115,000,000.”.

1           **\*b1095/3.13\* 1082.** Page 928, line 7: delete “subd. 1. a.” and substitute  
2 “subd. 4. a.”.

3           **\*b0892/1.1\* 1083.** Page 928, line 22: delete “and”.

4           **\*b0892/1.2\* 1084.** Page 928, line 23: after “(19)” insert “, and less the amount  
5 of any revenue limit increase under s. 121.91 (4) (j)”.

6           **\*b0747/1.5\* 1085.** Page 929, line 1: delete lines 1 to 5 and substitute:

7           “121.15 (3m) (a) 2. “State school aids” means those aids appropriated under s.  
8 20.255 (2), other than s. 20.255 (2) (am), (fm), (fu), (k), (kn), and (m), and under ss.  
9 20.275 (1) (d), (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids  
10 appropriated under s. 20.275 (1) (s) that are used to provide grants or educational  
11 telecommunications access to school districts under s. 44.73.”.

12           **\*b0986/1.5\* 1086.** Page 931, line 3: delete lines 3 to 22.

13           **\*b0745/1.1\* 1087.** Page 932, line 23: after that line insert:

14           **\*b0745/1.1\* “SECTION 2798w.** 121.91 (4) (k) of the statutes is created to read:  
15           121.91 (4) (k) The limit otherwise applicable under sub. (2m) to a school district  
16 that is at least 275 square miles in area and in which the number of pupils enrolled  
17 in the 2000–01 school year was less than 450 is increased for the 2001–02 school year  
18 by the following amount:

19           1. If the number of pupils enrolled in the school district declined between the  
20 1996–97 school year and the 2000–01 school year, but the decline was less than 10%,  
21 \$100,000.

22           2. If the decline in the number of pupils enrolled between the 1996–97 school  
23 year and the 2000–01 school year was at least 10% but not more than 20%, \$175,000.

1           3. If the decline in the number of pupils enrolled between the 1996–97 school  
2 year and the 2000–01 school year was more than 20%, \$250,000.”.

3           **\*b0892/1.3\* 1088.** Page 932, line 23: after that line insert:

4           **\*b0892/1.3\* “SECTION 2798g.** 121.91 (4) (j) of the statutes is created to read:

5           121.91 (4) (j) If a school board implemented an intradistrict pupil transfer  
6 program to reduce racial imbalance in the school district after June 30, 1993, but  
7 before the effective date of this paragraph .... [revisor inserts date], the limit  
8 otherwise applicable to the school district under sub. (2m) in the 2001–02, 2002–03,  
9 and 2003–04 school years is increased by an amount equal to one–third of the amount  
10 received in the 1994–95 school year under s. 121.85 as a result of implementing the  
11 program.”.

12           **\*b0894/2.1\* 1089.** Page 932, line 23: after that line insert:

13           **\*b0894/2.1\* “SECTION 2798s.** 121.91 (4) (k) of the statutes is created to read:

14           121.91 (4) (k) The limit otherwise applicable to a school district under sub. (2m)  
15 is increased by an amount equal to 1% of the statewide average allowable revenue  
16 per pupil in the previous school year multiplied by the average of the number of  
17 pupils enrolled in the school district in the current and the 2 preceding school years  
18 if the school board adopts a resolution approving the increase by a two–thirds vote  
19 of the members elect. The amount of the revenue limit adjustment approved under  
20 this paragraph shall not be included in the base for determining the school district’s  
21 revenue limit for the following school year.”.

22           **\*b1066/1.1\* 1090.** Page 933, line 8: after that line insert:

23           **\*b1066/1.1\* “SECTION 2799p.** 125.031 of the statutes is created to read:

1           **125.031 Department reports.** By June 30, 2003, and by June 30 of each  
2 odd-numbered year thereafter, the department shall submit to the joint committee  
3 on finance a report identifying the amount of wine shipped by wineries located  
4 outside of this state to individuals in this state under ss. 125.58 (4) and 125.68 (10)  
5 (bm), the amount of wine shipped by permittees under ss. 125.52 and 125.53 from  
6 this state to individuals in states that have reciprocal agreements with this state  
7 under s. 139.035, and the tax consequences to this state of these shipments into and  
8 out of this state.”.

9           **\*b1067/1.1\* 1091.** Page 933, line 9: delete the material beginning with that  
10 line and ending with page 934, line 4.

11           **\*b1067/1.2\* 1092.** Page 934, line 15: delete lines 15 to 20.

12           **\*b1067/1.3\* 1093.** Page 935, line 5: delete lines 5 to 12.

13           **\*b1095/3.14\* 1094.** Page 936, line 2: delete “not withstanding” and  
14 substitute “notwithstanding”.

15           **\*b1067/1.4\* 1095.** Page 937, line 23: delete the material beginning with that  
16 line and ending with page 939, line 16.

17           **\*b0823/1.1\* 1096.** Page 939, line 16: after that line insert:

18           **\*b0823/1.1\* “SECTION 2812se.** 125.51 (4) (br) 1. e. of the statutes is amended  
19 to read:

20           125.51 (4) (br) 1. e. Add one license per each increase of 500 population ~~or~~  
21 ~~fraction thereof~~ to the population recorded under par. (bm).

22           **\*b0823/1.1\* SECTION 2812sf.** 125.51 (4) (br) 1. f. of the statutes is created to  
23 read:

1           125.51 (4) (br) 1. f. Add one license if the municipality had issued a license  
2           under s. 125.51 (4) (br) 1. e., 1999 stats., based on a fraction of 500 population, but  
3           a municipality's quota is only increased under this subd. 1. f. as long as the total  
4           number of licenses issued by the municipality equals the maximum number of  
5           licenses authorized, including under this subd. 1. f.

6           **\*b0823/1.1\* SECTION 2812sg.** 125.51 (4) (br) 2. of the statutes is amended to  
7           read:

8           125.51 (4) (br) 2. Notwithstanding subd. 1., if the difference between the  
9           number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer,  
10          the number of reserve "Class B" licenses authorized to be issued by that municipality  
11          is the difference between the number of licenses determined under par. (b) 1g. and  
12          under par. (bm) 1., plus one per each increase of 500 population ~~or fraction thereof~~  
13          to the population recorded under par. (bm), plus one if the municipality had issued  
14          a license under s. 125.51 (4) (br) 2., 1999 stats., based on a fraction of 500 population  
15          but only as long as the total number of licenses issued by the municipality equals the  
16          maximum number of licenses authorized."

17          **\*b1066/1.2\* 1097.** Page 939, line 16: after that line insert:

18          **\*b1066/1.2\* "SECTION 2812t.** 125.52 (8) of the statutes is created to read:

19          125.52 (8) SALES TO INDIVIDUALS IN OTHER STATES. A permittee under this section  
20          that ships wine from this state to individuals in another state under authorization  
21          of a reciprocal agreement specified in s. 139.035 shall submit a report to the  
22          department, by January 31 of each year, on forms furnished by the department. The  
23          report shall include the identity, quantity, and price of all products shipped during  
24          the previous calendar year from this state to individuals in another state under

1 authorization of a reciprocal agreement specified in s. 139.035. The report shall also  
2 include the name, address, and birthdate of each person who purchased these  
3 products and each person to whom these products were shipped.

4 **\*b1066/1.2\* SECTION 2812u.** 125.53 (3) of the statutes is created to read:

5 125.53 (3) A permittee under this section that ships wine from this state to  
6 individuals in another state under authorization of a reciprocal agreement specified  
7 in s. 139.035 shall submit a report to the department, by January 31 of each year, on  
8 forms furnished by the department. The report shall include the identity, quantity,  
9 and price of all products shipped during the previous calendar year from this state  
10 to individuals in another state under authorization of a reciprocal agreement  
11 specified in s. 139.035. The report shall also include the name, address, and  
12 birthdate of each person who purchased these products and each person to whom  
13 these products were shipped.

14 **\*b1066/1.2\* SECTION 2812v.** 125.58 (4) of the statutes is amended to read:

15 125.58 (4) (a) A winery located outside of this state may ship wine into this state  
16 as provided under s. 125.68 (10) (bm) if the all of the following apply:

17 1. The winery is located in a state which ~~which~~ that has a reciprocal agreement with  
18 this state under s. 139.035.

19 (b) An out-of-state shipper's permit is not required for shipments into this  
20 state under this subsection.

21 **\*b1066/1.2\* SECTION 2812w.** 125.58 (4) (a) 2. of the statutes is created to read:

22 125.58 (4) (a) 2. The winery holds a valid certificate issued under s. 73.03 (50).

23 **\*b1066/1.2\* SECTION 2812wg.** 125.58 (4) (a) 3. of the statutes is created to  
24 read:

1           125.58 (4) (a) 3. The winery submits to the department, with any initial  
2 application or renewal for a certificate under s. 73.03 (50), a copy of any current  
3 license, permit, or authorization issued to the winery by any state from which the  
4 winery will ship wine into this state.

5           **\*b1066/1.2\* SECTION 2812wm.** 125.58 (4) (a) 4. of the statutes is created to  
6 read:

7           125.58 (4) (a) 4. The winery submits a report to the department, by January  
8 31 of each year, on forms furnished by the department, providing the identity,  
9 quantity, and price of all products shipped into this state during the previous  
10 calendar year, along with the name, address, and birthdate of each person who  
11 purchased these products and each person to whom these products were shipped.

12           **\*b1066/1.2\* SECTION 2812x.** 125.68 (10) (bm) of the statutes is amended to  
13 read:

14           125.68 (10) (bm) A winery in compliance with the requirements of s. 125.58 (4)  
15 may ship wine into this state under s. 125.58 (4) from a state ~~which~~ that has a  
16 reciprocal agreement with this state under s. 139.035 to an individual who is of the  
17 legal drinking age if the shipping container is clearly labeled to indicate that the  
18 package may not be delivered to an underage person or to an intoxicated person. A  
19 person who receives wine under this paragraph may not sell it or use it for a  
20 commercial purposc.”.

21           **\*b0731/1.1\* 1098.** Page 939, line 17: delete the material beginning with that  
22 line and ending with page 940, line 4.

23           **\*b0768/4.5\* 1099.** Page 940, line 4: after that line insert:

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

1           **134.72 (title) Prohibition of certain unsolicited messages by telephone**  
2 **or facsimile machine.**

3           **\*b0768/4.5\* SECTION 2819b.** 134.72 (1) (c) of the statutes is renumbered  
4 100.52 (1) (i) and amended to read:

5           100.52 (1) (i) “Telephone solicitation” means the unsolicited initiation of a  
6 telephone conversation for the purpose of encouraging ~~a person~~ the recipient of the  
7 telephone call to purchase property, goods or services or to make a contribution,  
8 donation, grant, or pledge of money, credit, property, or other thing of any kind or  
9 value.

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

11           **\*b0768/4.5\* SECTION 2821b.** 134.72 (2) (a) of the statutes is renumbered  
12 100.52 (4) (a) (intro.) and amended to read:

13           100.52 (4) (a) (intro.) ~~No person may use~~ A telephone solicitor or an employee  
14 or contractor of a telephone solicitor may not do any of the following:

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

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

18           **\*b0768/4.5\* SECTION 2822m.** 134.72 (2) (b) of the statutes is renumbered  
19 134.72 (2), and 134.72 (2) (b), as renumbered, is amended to read:

20           134.72 (2) (b) Notwithstanding ~~subd. 1, par. (a),~~ par. (a), a person may not make a  
21 facsimile solicitation to a person who has notified the facsimile solicitor in writing  
22 or by facsimile transmission that the person does not want to receive facsimile  
23 solicitation.

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



1           134.72 (3) (a) *Intrastate*. This section applies to any ~~intrastate telephone~~  
2 ~~solicitation or~~ intrastate facsimile solicitation.

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

4           134.72 (3) (b) *Interstate*. This section applies to any ~~interstate telephone~~  
5 ~~solicitation, or~~ interstate facsimile solicitation, received by a person in this state.

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

7           134.72 (4) PENALTY. A person who violates this section may be required to  
8 ~~forfeit up to~~ not more than \$500.”.

9           **\*b0993/2.2\* 1100.** Page 940, line 4: after that line insert:

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

11           **134.73 Identification of prisoner making telephone solicitation. (1)**

12           DEFINITIONS. In this section:

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

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

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

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

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

20           2. To solicit a contribution from a person.

21           3. To conduct an opinion poll or survey.

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

24           (a) Identify himself or herself by name.

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

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

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

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

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

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

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

14 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
15 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 134.71,  
16 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under these sections or that  
17 chapter, the person shall be subject to a supplemental forfeiture not to exceed  
18 \$10,000 for that violation if the conduct by the defendant, for which the fine or  
19 forfeiture was imposed, was perpetrated against an elderly person or disabled person  
20 and if any of the factors under s. 100.264 (2) (a), (b), or (c) is present.”.

21 \*b1029/2.18\* 1101. Page 940, line 4: after that line insert:

22 \*b1029/2.18\* “SECTION 2817m. 134.71 (12) of the statutes is amended to read:

23 134.71 (12) APPLICATIONS AND FORMS. The department of agriculture, trade and  
24 consumer protection, in consultation with the department of justice, shall develop

1 applications and other forms required under subs. (5) (intro.) and (8) (c). The  
2 department of agriculture, trade and consumer protection shall print a sufficient  
3 number of applications and forms to provide to counties and municipalities for  
4 distribution to pawnbrokers, secondhand article dealers and secondhand jewelry  
5 dealers at no cost.”.

6 \*b1067/1.5\* **1102.** Page 940, line 5: delete lines 5 to 10.

7 \*b1029/2.19\* **1103.** Page 940, line 10: after that line insert:

8 \*b1029/2.19\* “**SECTION 2828g.** 136.03 (title) of the statutes is amended to read:  
9 **136.03** (title) **Duties of the department of agriculture, trade and**  
10 **consumer protection justice.**

11 \*b1029/2.19\* **SECTION 2828j.** 136.03 (1) (intro.) of the statutes is amended to  
12 read:

13 136.03 (1) (intro.) The department of ~~agriculture, trade and consumer~~  
14 ~~protection of justice~~ shall investigate violations of this chapter and of rules and  
15 orders issued under s. 136.04. The department of justice may subpoena persons and  
16 records to facilitate its investigations, and may enforce compliance with such  
17 subpoenas as provided in s. 885.12. The department of justice may ~~in~~ on behalf of  
18 the state:

19 \*b1029/2.19\* **SECTION 2828m.** 136.04 of the statutes is amended to read:

20 **136.04 Powers of the department of agriculture, trade and consumer**  
21 **protection justice.** (1) The department of ~~agriculture, trade and consumer~~  
22 ~~protection justice~~ may adopt such rules as may be required to carry out the purposes  
23 of this chapter.

1           (2) The department of ~~agriculture, trade and consumer protection~~ justice after  
2 public hearing may issue general or special orders to carry out the purposes of this  
3 chapter and to determine and prohibit unfair trade practices in business or unfair  
4 methods of competition in business pursuant to s. 100.20 (2) to (4).”.

5           **\*b1192/2.1\* 1104.** Page 942, line 16: delete “34” and substitute “40.5”.

6           **\*b1192/2.2\* 1105.** Page 942, line 18: delete “68” and substitute “81”.

7           **\*b0904/2.33\* 1106.** Page 944, line 15: delete the material beginning with  
8 that line and ending with page 945, line 8.

9           **\*b1042/1.5\* 1107.** Page 946, line 7: delete lines 7 to 13 and substitute:

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

11           **146.65 Rural health dental clinics. (1)** From the appropriation under s.  
12 20.435 (5) (dm), the department shall distribute moneys as follows:

13           (a) In state fiscal year 2001–02, not more than \$618,000 and in fiscal year  
14 2002–03, not more than \$232,000, to the rural health dental clinic located in  
15 Ladysmith that provides dental services to persons who are developmentally  
16 disabled or elderly or who have low income, in the counties of Rusk, Price, Taylor,  
17 Sawyer, and Chippewa.

18           (b) In fiscal year 2001–02, not more than \$294,500 and in state fiscal year  
19 2002–03, not more than \$355,600, to the rural health dental clinic located in  
20 Menomonie that provides dental services to persons who are developmentally  
21 disabled or elderly or who have low income, in the counties of Barron, Chippewa,  
22 Dunn, Pepin, Pierce, Polk, and St. Croix.

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

1           **\*b1039/1.1\* 1108.** Page 946, line 13: after that line insert:

2           **\*b1039/1.1\* "SECTION 2850bg.** 146.83 (1) (b) of the statutes is amended to  
3 read:

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

6           **\*b1039/1.1\* SECTION 2850bh.** 146.83 (1) (c) of the statutes is amended to read:

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

10           **\*b1039/1.1\* SECTION 2850bi.** 146.83 (3m) of the statutes is created to read:

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

18           **\*b0887/1.1\* 1109.** Page 946, line 25: after that line insert:

19           **\*b0887/1.1\* "SECTION 2850dm.** 149.135 of the statutes is created to read:

20           **149.135 Special small employer insurer assessment. (1)** In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

11           **\*b0887/1.2\* 1110.** Page 948, line 20: after that line insert:

12           **\*b0887/1.2\* SECTION 2850Ldc.** 149.143 (1) (intro.) of the statutes is amended  
13 to read:

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

21           **\*b0887/1.2\* SECTION 2850Ldm.** 149.143 (1) (b) 1. a. of the statutes is amended  
22 to read:

23           149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage  
24 under s. 149.14 (2) (a) set at 150% of the rate that a standard risk would be charged

1 under an individual policy providing substantially the same coverage and  
2 deductibles as are provided under the plan and from eligible persons with coverage  
3 under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including amounts  
4 received for premium and deductible subsidies under s. 149.144 and under the  
5 transfer to the fund from the appropriation account under s. 20.435 (4) (ah), and from  
6 premiums collected from eligible persons with coverage under s. 149.146 set in  
7 accordance with s. 149.146 (2) (b), and from 50% of small employer insurer  
8 assessments under s. 149.135.”

9 \*b0887/1.3\* **1111.** Page 948, line 23: delete “assessments, excluding” and  
10 substitute “assessments under s. 149.13, excluding”.

11 \*b0887/1.4\* **1112.** Page 949, line 2: after that line insert:

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

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

17 \*b0887/1.5\* **1113.** Page 950, line 17: delete “assessments,” and substitute  
18 “assessments under s. 149.13.”

19 \*b0887/1.6\* **1114.** Page 951, line 25: delete “assessments,” and substitute  
20 “assessments under s. 149.13.”

21 \*b0770/2.13\* **1115.** Page 957, line 3: after that line insert:

22 \*b0770/2.13\* “**SECTION 2852bb.** 157.061 (1) of the statutes is renumbered  
23 157.061 (1c) and amended to read:



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

3           **\*b0770/2.13\* SECTION 2852bd.** 157.061 (1b) of the statutes is created to read:  
4           157.061 (1b) “Board” means the cemetery board.

5           **\*b0770/2.13\* SECTION 2852bf.** 157.061 (1d) of the statutes is created to read:  
6           157.061 (1d) “Burial space” means a space that is used or intended to be used  
7 for the burial of human remains and, when used in reference to the sale, purchase,  
8 or ownership of a burial space, includes the right to bury human remains in the  
9 burial space.

10           **\*b0770/2.13\* SECTION 2852bh.** 157.061 (1j) of the statutes is created to read:  
11           157.061 (1j) “Business representative” has the meaning given in s. 452.01 (3k).

12           **\*b0770/2.13\* SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:  
13           157.061 (1p) “Cemetery” means a place that is dedicated to and used or  
14 intended to be used for the final disposition of human remains.

15           **\*b0770/2.13\* SECTION 2852bL.** 157.061 (2m) of the statutes is amended to  
16 read:

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

20           **\*b0770/2.13\* SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:  
21           157.061 (3) “Cemetery merchandise” means goods associated with the burial  
22 of human remains, including monuments, markers, nameplates, vases, and urns,  
23 and any services that are associated with supplying or delivering those goods or with  
24 the burial of human remains and that may be lawfully provided by a cemetery

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

3 **\*b0770/2.13\* SECTION 2852bp.** 157.061 (3g) of the statutes is created to read:

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

6 **\*b0770/2.13\* SECTION 2852br.** 157.061 (3r) of the statutes is created to read:

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

9 **\*b0770/2.13\* SECTION 2852bt.** 157.061 (8g) of the statutes is created to read:

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

13 **\*b0770/2.13\* SECTION 2852bv.** 157.061 (8r) of the statutes is created to read:

14 157.061 (8r) “Licensed cemetery authority” means a cemetery authority that  
15 is licensed under s. 440.91 (1).

16 **\*b0770/2.13\* SECTION 2852bx.** 157.061 (11r) of the statutes is amended to  
17 read:

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

24 **\*b0770/2.13\* SECTION 2852by.** 157.061 (14m) of the statutes is created to read:

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

3           **\*b0770/2.13\* SECTION 2852da.** 157.061 (15) of the statutes is amended to read:

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

7           **\*b0770/2.13\* SECTION 2852dc.** 157.061 (15m) of the statutes is created to read:

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

10          **\*b0770/2.13\* SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

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

14          **\*b0770/2.13\* SECTION 2852dg.** 157.062 (1) of the statutes is amended to read:

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

25          **\*b0770/2.13\* SECTION 2852di.** 157.062 (2) of the statutes is amended to read:

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

7           **\*b0770/2.13\* SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

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

14           **\*b0770/2.13\* SECTION 2852dm.** 157.062 (4) (a) of the statutes is amended to  
15 read:

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

24           **\*b0770/2.13\* SECTION 2852do.** 157.062 (5) of the statutes is amended to read:

1           157.062 (5) TRUSTEES; DUTIES, REPORT. The trustees may fill vacancies for the  
2 unexpired term. One shall be chosen president, and they shall appoint a secretary  
3 and treasurer, and may require security of the treasurer. The trustees shall manage  
4 the affairs and property of the association and control and beautify the cemetery, and  
5 may establish regulations for those purposes. The trustees shall make and file  
6 written reports as required in s. 157.62 ~~(1) and (2)~~.

7           **\*b0770/2.13\* SECTION 2852dq.** 157.062 (6) (b) of the statutes is amended to  
8 read:

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

24           **\*b0770/2.13\* SECTION 2852ds.** 157.062 (6) (c) of the statutes is amended to  
25 read:

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

12           **\*b0770/2.13\* SECTION 2852du.** 157.062 (9) of the statutes is repealed.

13           **\*b0770/2.13\* SECTION 2852dw.** 157.063 of the statutes is created to read:

14           **157.063 General duties and powers of board. (1)** In addition to the other  
15 duties and powers of the board under this subchapter, the board shall do each of the  
16 following:

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

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

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

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

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

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

10 \*b0770/2.13\* SECTION 2852dy. 157.064 (2) of the statutes is amended to read:

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

16 \*b0770/2.13\* SECTION 2852fb. 157.064 (6) of the statutes is amended to read:

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

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

5 \*b0770/2.13\* SECTION 2852fd. 157.065 (1) (b) 4. of the statutes is repealed.

6 \*b0770/2.13\* SECTION 2852ff. 157.066 of the statutes is created to read:

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

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

13 \*b0770/2.13\* SECTION 2852fh. 157.07 (1) of the statutes is amended to read:

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

22 \*b0770/2.13\* SECTION 2852fj. 157.07 (5) of the statutes is amended to read:

23 157.07 (5) The cemetery authority may vacate or replat any portion of its  
24 cemetery upon the filing of a petition with the circuit court describing the portion and  
25 setting forth the facts and reasons therefor. The court shall fix a time for hearing and



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

10 \*b0770/2.13\* SECTION 2852fl. 157.07 (6) of the statutes is amended to read:

11 157.07 (6) This section does not apply to a religious society organized under ch.  
12 187 cemetery authority.

13 \*b0770/2.13\* SECTION 2852fn. 157.08 (1) of the statutes is amended to read:

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

21 \*b0770/2.13\* SECTION 2852fp. 157.08 (2) (a) of the statutes is amended to  
22 read:

23 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery  
24 authority and used or intended to be used for the burial of the human remains of the  
25 purchaser or the purchaser's family members, the purchaser's interests in the

1 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are  
2 not affected or limited by any claims or liens of other persons against the cemetery  
3 authority.

4 **\*b0770/2.13\* SECTION 2852fr.** 157.08 (2) (b) of the statutes is renumbered  
5 157.08 (2) (b) 1. (intro.) and amended to read:

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

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

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

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

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

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

5 **\*b0770/2.13\* SECTION 2852ft.** 157.08 (2) (b) 1. a., b., c. and d. of the statutes  
6 are created to read:

7 157.08 (2) (b) 1. a. Sells or encumbers any cemetery land, except for a sale  
8 described in par. (a).

9 b. Transfers ownership or control of 50% or more of the assets or stock of the  
10 cemetery.

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

13 d. Transfers responsibility for management or operation of the cemetery  
14 authority.

15 **\*b0770/2.13\* SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to  
16 read:

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

19 **\*b0770/2.13\* SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

20 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious ~~society~~  
21 ~~organized under ch. 187, cemetery authority~~ and sub. (2) (b) does not apply to a  
22 cemetery authority that is not required to be ~~registered~~ licensed under s. 440.91 (1)  
23 ~~and that is not organized or conducted for pecuniary profit.~~

24 **\*b0770/2.13\* SECTION 2852fy.** 157.10 (title) of the statutes is amended to read:

25 **157.10 (title) Alienation and use of cemetery lots burial spaces.**”.

1           **\*b1033/1.1\* 1116.** Page 957, line 3: after that line insert:

2           **\*b1033/1.1\* SECTION 2851e.** 153.01 (4t) of the statutes is amended to read:

3           153.01 (4t) “Health care provider” has the meaning given in s. 146.81 (1) and  
4 includes an ambulatory surgery center, but does not include a medical resident or  
5 fellow in medical education who is participating in an accredited training program  
6 under the supervision of the medical staff of a hospital.

7           **\*b1033/1.1\* SECTION 2851f.** 153.05 (1) of the statutes is amended to read:

8           153.05 (1) ~~It~~ Unless sub. (13) applies and except as provided in sub. (14), in  
9 order to provide to hospitals, health care providers, insurers, consumers,  
10 governmental agencies and others information concerning health care providers and  
11 uncompensated health care services, and in order to provide information to assist in  
12 peer review for the purpose of quality assurance, the department shall collect,  
13 analyze and disseminate health care information, as adjusted for case mix and  
14 severity, in language that is understandable to lay persons.

15           **\*b1033/1.1\* SECTION 2851g.** 153.05 (5) of the statutes is amended to read:

16           153.05 (5) Unless sub. (13) applies and except as provided in sub. (14), the  
17 department may require health care providers to submit to the department  
18 information specified by rule under s. 153.75 (1) (n) for the preparation of reports,  
19 plans and recommendations in the form specified by the department by rule.

20           **\*b1033/1.1\* SECTION 2851h.** 153.05 (8) of the statutes is amended to read:

21           153.05 (8) Unless sub. (13) applies and except as provided in sub. (14), the  
22 department shall collect, analyze and disseminate, in language that is  
23 understandable to lay persons, claims information and other health care  
24 information, as adjusted for case mix and severity, under the provisions of this

1 chapter, as determined by rules promulgated by the department, from health care  
2 providers specified by rules promulgated by the department. Data from health care  
3 providers may be obtained through sampling techniques in lieu of collection of data  
4 on all patient encounters and data collection procedures shall minimize unnecessary  
5 duplication and administrative burdens. If the department collects health care  
6 provider-specific data from health care plans, the department shall attempt to avoid  
7 collecting the same data from health care providers.

8 \*b1033/1.1\* SECTION 2851i. 153.05 (14) of the statutes is created to read:

9 153.05 (14) The department may not collect health care information on the  
10 practice of medical residents or fellows in medical education and may not include  
11 information from that practice in the information collected from the attending or  
12 supervising physician with whom a medical resident or fellow in medical education  
13 practices.”.

14 \*b0770/2.14\* 1117. Page 957, line 7: delete “cemetery lot, the cemetery lot”  
15 and substitute “~~cemetery lot, the cemetery lot~~ burial space, the burial space”.

16 \*b0770/2.15\* 1118. Page 957, line 9: delete “cemetery lot” and substitute  
17 “burial space”.

18 \*b0770/2.16\* 1119. Page 957, line 10: delete “cemetery lot, ownership of the  
19 cemetery” and substitute “burial space, ownership of the ~~cemetery~~”.

20 \*b0770/2.17\* 1120. Page 957, line 11: delete “lot” and substitute “lot burial  
21 space”.

22 \*b0770/2.18\* 1121. Page 957, line 12: on lines 12 and 13, delete “cemetery  
23 lot” and substitute “~~cemetery lot~~ burial space”.

1           **\*b0770/2.19\* 1122.** Page 957, line 14: delete “cemetery lot, or a relative” and  
2 substitute “cemetery lot burial space, or a brother, sister, or other relative”.

3           **\*b0770/2.20\* 1123.** Page 957, line 15: delete “relative” and substitute  
4 “brother, sister, or other relative”.

5           **\*b0770/2.21\* 1124.** Page 957, line 16: delete “cemetery lot.” and substitute  
6 “cemetery lot burial space. This subsection does not apply to the burial of human  
7 remains of an individual who is in a class of individuals who are prohibited under  
8 regulations adopted by a religious cemetery authority or affiliated religious  
9 association from being buried in a cemetery.”.

10           **\*b0770/2.22\* 1125.** Page 957, line 18: delete “cemetery lot” and substitute  
11 “burial space”.

12           **\*b0766/1.1\* 1126.** Page 957, line 20: after that line insert:

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

14           **157.114 Duty to provide for burials.** (1) In this section, “cemetery  
15 authority” does not include a municipality that takes control of a cemetery under s.  
16 157.115 (1) (b).

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

21           **\*b0770/2.24\* 1127.** Page 957, line 20: after that line insert:

22           **\*b0770/2.24\* SECTION 2852jb.** 157.10 (4) of the statutes is created to read:

23           157.10 (4) The department shall promulgate rules that interpret the  
24 requirements of this section and require any person who transfers an interest in a

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

3 \*b0770/2.24\* SECTION 2852jd. 157.11 (title) of the statutes is amended to read:

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

6 \*b0770/2.24\* SECTION 2852jf. 157.11 (1m) of the statutes is created to read:

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

10 \*b0770/2.24\* SECTION 2852jh. 157.11 (2) of the statutes is amended to read:

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

25 \*b0770/2.24\* SECTION 2852jj. 157.11 (3) of the statutes is amended to read:

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

8           **\*b0770/2.24\* SECTION 2852jL.** 157.11 (4) of the statutes is amended to read:

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

17           **\*b0770/2.24\* SECTION 2852jn.** 157.11 (5) of the statutes is amended to read:

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

21           **\*b0770/2.24\* SECTION 2852jp.** 157.11 (7) (a) of the statutes is amended to read:

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



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

5 \*b0770/2.24\* SECTION 2852jr. 157.11 (7) (b) of the statutes is amended to read:

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

10 \*b0770/2.24\* SECTION 2852jt. 157.11 (7) (c) of the statutes is amended to read:

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

14 \*b0770/2.24\* SECTION 2852jv. 157.11 (7) (d) of the statutes is amended to read:

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

25 \*b0770/2.24\* SECTION 2852jx. 157.11 (8) of the statutes is repealed.

1           **\*b0770/2.24\* SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and  
2 recreated to read:

3           157.11 (9) (title) GIFTS.

4           **\*b0770/2.24\* SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered  
5 157.11 (9) (b) and amended to read:

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

12           **\*b0770/2.24\* SECTION 2852Ld.** 157.11 (9) (am) of the statutes is created to  
13 read:

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

21           **\*b0770/2.24\* SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to  
22 read:

23           157.11 (9g) (title) ~~CARE FUND FOR CEMETERY LOTS~~ BURIAL SPACES.

24           **\*b0770/2.24\* SECTION 2852Lh.** 157.11 (9g) (a) 1. (intro.) of the statutes is  
25 amended to read:

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

4           **\*b0770/2.24\* SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended  
5           to read:

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

13          **\*b0770/2.24\* SECTION 2852LL.** 157.11 (9g) (a) 2. of the statutes is amended  
14          to read:

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

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

14 \*b0770/2.24\* SECTION 2852Ln. 157.11 (9g) (c) of the statutes is amended to  
15 read:

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

23 \*b0770/2.24\* SECTION 2852Lp. 157.11 (10) of the statutes is amended to read:

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

4           **\*b0770/2.24\* SECTION 2852Lr.** 157.11 (11) of the statutes is repealed.

5           **\*b0770/2.24\* SECTION 2852ob.** 157.115 (title) of the statutes is amended to  
6 read:

7           **157.115** (title) **Abandonment of cemeteries and ~~cemetary lots~~ burial**  
8 **spaces.**

9           **\*b0770/2.24\* SECTION 2852od.** 157.115 (1) (b) 1. of the statutes is renumbered  
10 157.115 (1) (b) and amended to read:

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

24           **\*b0770/2.24\* SECTION 2852of.** 157.115 (1) (b) 2. of the statutes is repealed.

25           **\*b0770/2.24\* SECTION 2852oh.** 157.115 (1) (c) of the statutes is repealed.

1           **\*b0770/2.24\* SECTION 2852oj.** 157.115 (1) (d) of the statutes is created to read:

2           157.115 (1) (d) Upon application by the department, a court may enjoin a  
3 person from acquiring ownership or control of a cemetery if the person has  
4 abandoned another cemetery, or has owned or operated another cemetery that is  
5 subsequently controlled by a municipality under par. (b).

6           **\*b0770/2.24\* SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended  
7 to read:

8           157.115 (2) (title) ABANDONMENT OF ~~CEMETERY LOTS~~ BURIAL SPACES.

9           **\*b0770/2.24\* SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is  
10 amended to read:

11           157.115 (2) (a) 1. (intro.) “Abandoned ~~lot~~ space” means one or more ~~graves of~~  
12 ~~a cemetery lot~~ burial spaces that is are not owned by the cemetery authority of the  
13 cemetery in which the ~~cemetery lot~~ is burial spaces are located if those ~~graves~~ burial  
14 spaces have not been used for the burial of human remains and if, according to the  
15 records of the cemetery authority, all of the following apply during the 50-year period  
16 immediately preceding the date on which the notice requirement under par. (c) is  
17 satisfied:

18           **\*b0770/2.24\* SECTION 2852op.** 157.115 (2) (a) 1. a. of the statutes is amended  
19 to read:

20           157.115 (2) (a) 1. a. No owner has transferred any ownership interest in the  
21 ~~cemetery lot~~ burial space to any other person.

22           **\*b0770/2.24\* SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended  
23 to read:

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

1           **\*b0770/2.24\* SECTION 2852ot.** 157.115 (2) (a) 1. c. of the statutes is amended  
2 to read:

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

6           **\*b0770/2.24\* SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended  
7 to read:

8           157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been  
9 installed on the ~~cemetery lot~~ burial space.

10           **\*b0770/2.24\* SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended  
11 to read:

12           157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been  
13 installed on any other ~~cemetery lot~~ burial space, in the same cemetery, that is owned  
14 or partially owned by an owner.

15           **\*b0770/2.24\* SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended  
16 to read:

17           157.115 (2) (a) 1. g. The cemetery authority has not been contacted by an owner  
18 or assignee or received any other notice or evidence to suggest that an owner or  
19 assignee intends to use the ~~cemetery lot~~ burial space for a future burial of human  
20 remains.

21           **\*b0770/2.24\* SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to  
22 read:

23           157.115 (2) (a) 2. “Assignee” means a person who has been assigned in the  
24 deceased owner’s will or in any other legally binding written agreement, or who is

1 entitled to receive under ch. 852, an ownership interest in the abandoned cemetery  
2 lot space.

3 \*b0770/2.24\* SECTION 2852pd. 157.115 (2) (a) 3. of the statutes is amended to  
4 read:

5 157.115 (2) (a) 3. "Owner" means a person who, according to the records of the  
6 cemetery authority of the cemetery in which an abandoned cemetery lot space is  
7 located, owns or partially owns the abandoned cemetery lot space.

8 \*b0770/2.24\* SECTION 2852pf. 157.115 (2) (b) of the statutes is amended to  
9 read:

10 157.115 (2) (b) No cemetery authority may resell an abandoned cemetery lot  
11 space unless the cemetery authority complies with the requirements in this  
12 subsection or the abandoned space is sold by a trustee under s. 157.117.

13 \*b0770/2.24\* SECTION 2852ph. 157.115 (2) (c) of the statutes is amended to  
14 read:

15 157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner's  
16 last known address, a notice of the cemetery authority's intent to resell the  
17 abandoned cemetery lot space as provided in this subsection. If an owner is buried  
18 in the cemetery in which the abandoned cemetery lot space is located or if the  
19 cemetery authority has any other evidence that reasonably supports a  
20 determination by the cemetery authority that the owner is deceased, no notice is  
21 required under this paragraph.

22 \*b0770/2.24\* SECTION 2852pj. 157.115 (2) (d) (intro.) of the statutes is  
23 amended to read:

24 157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days  
25 after notice is mailed under par. (c), no owner or assignee contacts the cemetery



1 authority to express an intent to use the abandoned ~~cemetery lot~~ space for a future  
2 burial of human remains, the cemetery authority shall publish in a newspaper of  
3 general circulation in the county in which the abandoned ~~lot~~ space is located, a class  
4 3 notice under ch. 985 that includes all of the following:

5 \*b0770/2.24\* SECTION 2852pL. 157.115 (2) (d) 1. of the statutes is amended  
6 to read:

7 157.115 (2) (d) 1. The location of the abandoned ~~lot~~ space.

8 \*b0770/2.24\* SECTION 2852pn. 157.115 (2) (d) 3. of the statutes is amended  
9 to read:

10 157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the  
11 cemetery authority within the period specified in par. (e), the cemetery authority  
12 intends to resell the abandoned ~~lot~~ space as provided in this subsection.

13 \*b0770/2.24\* SECTION 2852pp. 157.115 (2) (e) of the statutes is amended to  
14 read:

15 157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner  
16 or assignee contacts the cemetery authority to express an intent to use the  
17 abandoned ~~lot~~ space for a future burial of human remains, the cemetery authority  
18 shall bring an action in the circuit court of the county in which the abandoned ~~lot~~  
19 space is located for a judgment that the ~~cemetery lot~~ burial space is an abandoned  
20 ~~lot~~ space and an order transferring ownership of the abandoned ~~lot~~ space to the  
21 cemetery authority.

22 \*b0770/2.24\* SECTION 2852pr. 157.115 (2) (f) of the statutes is amended to  
23 read:

24 157.115 (2) (f) If within one year after the circuit court enters a judgment and  
25 order under par. (e) no owner or assignee contacts the cemetery authority to express

1 an intent to use the abandoned ~~lot~~ space for a future burial of human remains, the  
2 cemetery authority may resell the abandoned ~~lot~~ space, except as provided in par. (g).  
3 The payment of principal shall be deposited into the care fund. Before depositing the  
4 payment of principal into the care fund, the cemetery authority may retain an  
5 amount necessary to cover the cemetery authority's administrative and other  
6 expenses related to the sale, but the amount retained may not exceed 50% of the  
7 proceeds.

8 \*b0770/2.24\* SECTION 2852pt. 157.115 (2) (g) of the statutes is amended to  
9 read:

10 157.115 (2) (g) If at any time before an abandoned ~~lot~~ space is resold under par.  
11 (f) an owner or assignee contacts the cemetery authority to express an intent to use  
12 the abandoned ~~lot~~ space for a future burial of human remains, the authority may not  
13 resell the abandoned ~~lot~~ space, and ownership of the abandoned ~~lot~~ space shall be  
14 transferred to the owner or assignee. The cemetery authority shall pay all costs of  
15 transferring ownership under this paragraph.

16 \*b0770/2.24\* SECTION 2852pv. 157.115 (2) (h) of the statutes is amended to  
17 read:

18 157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from  
19 seeking the authority to resell more than one abandoned ~~lot~~ space by publishing a  
20 single class 3 notice under par. (d) or bringing a single action under par. (e) that  
21 applies to all of the abandoned ~~lots~~ spaces for which such authority is sought.

22 \*b0770/2.24\* SECTION 2852px. 157.117 of the statutes is created to read:

23 **157.117 Trustees for certain cemeteries and mausoleums. (1)**

24 DEFINITIONS. In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **\*b0770/2.24\* SECTION 2852pz.** 157.12 (2) (b) of the statutes is amended to  
15 read:

16 157.12 (2) (b) The department shall supervise construction of any public  
17 mausoleum and conversion of any building to a public mausoleum. Within 30 days  
18 after receiving written notice from the cemetery authority that the construction or  
19 conversion has been completed, the department shall inspect the public mausoleum  
20 and provide the cemetery authority with a written certification as to whether the  
21 construction or conversion complies with approved plans. If the department  
22 determines that, except for certain minor defects, the construction or conversion  
23 complies with the approved plans, the department may provide the cemetery  
24 authority with a written temporary certification of compliance that is contingent on  
25 the correction of those minor defects. A temporary certification is valid for a period

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

1           **\*b0770/2.24\* SECTION 2852qb.** 157.12 (3) (b) of the statutes is amended to  
2 read:

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

19           **\*b0770/2.24\* SECTION 2852qd.** 157.125 (title) of the statutes is amended to  
20 read:

21           **157.125 (title) Trustees for the care of cemeteries or cemetery lots**  
22 **burial spaces.**

23           **\*b0770/2.24\* SECTION 2852qf.** 157.125 (2) of the statutes is amended to read:  
24           157.125 (2) If the burial place or grave is located in a cemetery owned and  
25 operated by a religious society ~~organized under ch. 187~~ cemetery authority, the court



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

4 \*b0770/2.24\* SECTION 2852qh. 157.128 (2) (a) of the statutes is amended to  
5 read:

6 157.128 (2) (a) The cemetery is owned by a religious association cemetery  
7 authority.

8 \*b0770/2.24\* SECTION 2852qhk. 157.128 (2) (b) of the statutes is amended to  
9 read:

10 157.128 (2) (b) The religious association cemetery authority is responsible for  
11 all liabilities of the cemetery.

12 \*b0770/2.24\* SECTION 2852qhL. 157.128 (2) (c) of the statutes is amended to  
13 read:

14 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious  
15 association cemetery authority exceeds 20 acres.

16 \*b0770/2.24\* SECTION 2852qj. 157.128 (3) (b) of the statutes is amended to  
17 read:

18 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be  
19 dedicated by a cemetery authority that is not required to be ~~registered~~ licensed under  
20 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

21 \*b0770/2.24\* SECTION 2852qL. 157.19 (2) (c) of the statutes is amended to  
22 read:

23 157.19 (2) (c) Upon request of the financial institution, the preneed seller, as  
24 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the  
25 preneed sales contract. Except as provided in s. 440.92 (2) (e), (f) and (j) and (5) ss.

1 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or  
2 dividends that have accumulated on the preneed trust funds, may not be withdrawn  
3 until all obligations under the preneed sales contract have been fulfilled. The  
4 financial institution is not responsible for the fulfillment of any part of the preneed  
5 sales contract, except that the financial institution shall release the preneed trust  
6 funds, and any interest or dividends that have accumulated on the preneed trust  
7 funds, as provided by the terms of the preneed sales contract. The trustee of a  
8 preneed trust fund may not be changed without the department's written approval.  
9 If the trustee or account number of a preneed trust fund is changed, the cemetery  
10 authority shall notify the department in writing within 30 days after the change.

11 **\*b0770/2.24\* SECTION 2852qn.** 157.19 (4m) of the statutes is created to read:

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

22 **\*b0770/2.24\* SECTION 2852qp.** 157.19 (5) (a) of the statutes is amended to  
23 read:

24 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that  
25 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds

1 of a cemetery for which a certification under s. 157.63 is effective, or to preneed trust  
2 funds of a cemetery for which a certification under s. 440.92 (9) is effective, ~~or to care~~  
3 ~~funds or preneed trust funds of a cemetery authority that is not required to be~~  
4 ~~registered under s. 440.91 (1) and that is not organized or conducted for pecuniary~~  
5 ~~profit.~~

6 \*b0770/2.24\* SECTION 2852qr. 157.19 (5) (c) of the statutes is created to read:

7 157.19 (5) (c) If the department determines that a cemetery authority or  
8 preneed seller has violated any requirement under this subchapter or subch. VIII of  
9 ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or preneed trust  
10 funds under s. 440.92, the department may require the cemetery authority or  
11 preneed seller to use the financial institution selected under sub. (4m) as the trustee  
12 for the care funds or preneed trust funds.

13 \*b0770/2.24\* SECTION 2852qt. 157.60 of the statutes is amended to read:

14 **157.60 Public easement in cemetery.** Any person who shall open or make  
15 any highway, town way, or private way or shall construct any railroad, turnpike, or  
16 canal or anything in the nature of a public easement over, through, in, or upon such  
17 part of any enclosure, being the property of any town, city, village, or religious society  
18 cemetery authority or of private proprietors, as may be used for the burial of the dead,  
19 unless an authority for that purpose shall be specially granted by law or unless the  
20 consent of such town, city, village, religious society cemetery authority, or private  
21 proprietors, respectively, shall be first obtained, shall be punished by imprisonment  
22 in the county jail not more than one year or by fine not exceeding \$300.

23 \*b0770/2.24\* SECTION 2852qv. 157.61 of the statutes is created to read:

24 **157.61 Identification of human remains.** A person may not provide an  
25 outer burial container or, if an outer burial container is not used, a casket, to a

1 cemetery authority, other than a religious cemetery authority, for the burial of  
2 human remains, unless the person identifies the decedent by name on the exterior  
3 of the outer burial container or casket.

4 \*b0770/2.24\* SECTION 2852qx. 157.62 (1) (a) (intro.) of the statutes is  
5 repealed.

6 \*b0770/2.24\* SECTION 2852qz. 157.62 (1) (a) 1., 2., 3., 4. and 5. of the statutes  
7 are renumbered 157.62 (2) (b) 7. a., b., c., d. and e.

8 \*b0770/2.24\* SECTION 2852qxj. 157.62 (1) (b) of the statutes is repealed.

9 \*b0770/2.24\* SECTION 2852qxL. 157.62 (1) (c) of the statutes is repealed.

10 \*b0770/2.24\* SECTION 2852sb. 157.62 (2) (a) of the statutes is amended to  
11 read:

12 157.62 (2) (a) ~~Except as provided in ss. 157.625 and 157.63 (1), every~~ Every  
13 cemetery authority that is licensed under s. 440.91 (1) and, except as provided in s.  
14 157.63 (1), every cemetery authority that is a religious cemetery authority shall file  
15 an annual report with the department. The report shall be made on a form  
16 prescribed and furnished by the department. The report shall be made on a  
17 calendar-year basis unless the department, by rule, provides for other reporting  
18 periods. The report is due on the 60th day after the last day of the reporting period.

19 \*b0770/2.24\* SECTION 2852sd. 157.62 (2) (b) 1. of the statutes is amended to  
20 read:

21 157.62 (2) (b) 1. A copy of any report required under ~~sub. (1) (a) or~~ s. 180.1622  
22 or 181.1622.

23 \*b0770/2.24\* SECTION 2852se. 157.62 (2) (b) 1m. of the statutes is created to  
24 read:

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

3           **\*b0770/2.24\* SECTION 2852sf.** 157.62 (2) (b) 2. of the statutes is amended to  
4 read:

5           157.62 (2) (b) 2. If the cemetery authority is required to file a report under s.  
6 180.1622 or 181.1622, the information specified in sub. (1) (a) ~~3~~ subd. 7. c.

7           **\*b0770/2.24\* SECTION 2852sg.** 157.62 (2) (b) 7. of the statutes is renumbered  
8 157.62 (2) (b) 7. (intro.) and amended to read:

9           157.62 (2) (b) 7. (intro.) ~~The information specified in sub. (1) (a), to the extent~~  
10 ~~applicable, if~~ If the cemetery is not required to file a report under sub. (1) (a) or s.  
11 180.1622 or 181.1622, authority is a cemetery association, all of the following:

12           **\*b0770/2.24\* SECTION 2852sh.** 157.62 (3) (a) of the statutes is amended to  
13 read:

14           157.62 (3) (a) Every cemetery authority shall keep a copy of the report required  
15 under sub. (2) (a) at its principal place of business and, except for those records  
16 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make  
17 the report available for inspection, upon reasonable notice, by any person with an  
18 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or  
19 operated by the cemetery authority.

20           **\*b0770/2.24\* SECTION 2852si.** 157.62 (3) (b) 3. of the statutes is amended to  
21 read:

22           157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~  
23 ~~mausoleum~~ burial space or cemetery merchandise.

24           **\*b0770/2.24\* SECTION 2852sj.** 157.62 (3) (c) of the statutes is created to read:

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

4           **\*b0770/2.24\* SECTION 2852sk.** 157.62 (4) (title) of the statutes is amended to  
5 read:

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

7           **\*b0770/2.24\* SECTION 2852sL.** 157.62 (4) of the statutes is renumbered 157.62  
8 (4) (a).

9           **\*b0770/2.24\* SECTION 2852sm.** 157.62 (4) (b) of the statutes is created to read:

10           157.62 (4) (b) A cemetery authority shall, upon reasonable notice, make the  
11 records and contract copies under sub. (3) (b) available for inspection and copying by  
12 the board.

13           **\*b0770/2.24\* SECTION 2852sn.** 157.62 (5) of the statutes is renumbered 157.62  
14 (5) (b).

15           **\*b0770/2.24\* SECTION 2852snb.** 157.62 (5) (a) of the statutes is created to read:

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

18           **\*b0770/2.24\* SECTION 2852so.** 157.62 (6) of the statutes is renumbered 157.62  
19 (6) (a) and amended to read:

20           157.62 (6) (a) Except as provided in ss. ~~157.625~~, 157.63 (5) and 440.92 (9) (e),  
21 the department may audit, at reasonable times and frequency, the records, trust  
22 funds, and accounts of any registered cemetery authority and shall audit the records,  
23 trust funds, and accounts of each licensed cemetery authority, including records,  
24 trust funds, and accounts pertaining to services provided by a cemetery authority  
25 which are not otherwise subject to the requirements under this chapter. The

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

4 \*b0770/2.24\* SECTION 2852sp. 157.62 (6) (b) of the statutes is created to read:

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

11 \*b0770/2.24\* SECTION 2852sq. 157.625 of the statutes is repealed.

12 \*b0770/2.24\* SECTION 2852sr. 157.63 (title) of the statutes is amended to read:

13 157.63 (title) **Reporting and auditing exemptions; certification of**  
14 **compliance of religious cemetery ~~affiliated with religious society~~**  
15 **authority.**

16 \*b0770/2.24\* SECTION 2852ss. 157.63 (1) of the statutes is amended to read:

17 157.63 (1) In lieu of filing an annual report under s. 157.62 (2), a religious  
18 cemetery authority of a cemetery that is affiliated with a religious society organized  
19 under ch. 187 or that religious society or the church, synagogue, mosque,  
20 incorporated college of a religious order, or religious society organized under ch. 187  
21 that is affiliated with a religious cemetery authority may file an annual certification  
22 with the department as provided in this section.

23 \*b0770/2.24\* SECTION 2852st. 157.63 (2) (b) of the statutes is amended to read:

24 157.63 (2) (b) A notarized statement of a person who is legally authorized to  
25 act on behalf of the religious society cemetery authority under this section that,

1 during the reporting period under s. 157.62, each cemetery and the religious  
2 cemetery authority of each cemetery specified under par. (a) have either fully  
3 complied or have substantially complied with ss. 157.11 (9g) and 157.12 (3).

4 **\*b0770/2.24\* SECTION 2852sv.** 157.63 (3) of the statutes is amended to read:

5 157.63 (3) If the statement under sub. (2) (b) includes a statement of  
6 substantial compliance, the statement under sub. (2) (b) must also specify those  
7 instances when the cemetery or religious cemetery authority did not fully comply  
8 with s. 157.11 (9g) or 157.12 (3).

9 **\*b0770/2.24\* SECTION 2852sx.** 157.63 (4) of the statutes is amended to read:

10 157.63 (4) A certification under this section is effective for the 12-month period  
11 immediately following the reporting period under s. 157.62 (2) for which the religious  
12 cemetery authority is certified under this section to have fully or substantially  
13 complied with ss. 157.11 (9g) and 157.12 (3).

14 **\*b0770/2.24\* SECTION 2852sz.** 157.63 (6) of the statutes is amended to read:

15 157.63 (6) The church, synagogue, mosque, incorporated college of a religious  
16 order, or religious society that is affiliated with a cemetery to which a certification  
17 under this section applies is liable for the damages of any person that result from the  
18 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11  
19 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such  
20 compliance has been certified under this section.”.

21 **\*b0770/2.23\* 1128.** Page 957, line 20: delete that line and substitute:

22 “child, brother, sister, or parent without the consent of the cemetery authority.  
23 This paragraph does not apply if the spouse, child, brother, sister, or parent is in a  
24 class of individuals who are prohibited under regulations adopted by a religious



1 cemetery authority or affiliated religious association from being buried in the  
2 cemetery in which the burial space is located.”.

3 \*b0770/2.25\* **1129.** Page 957, line 21: delete the material beginning with  
4 that line and ending with page 958, line 19, and substitute:

5 \*b0770/2.25\* “SECTION 2852w. 157.635 of the statutes is amended to read:

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

15 \*b0770/2.26\* **1130.** Page 958, line 19: after that line insert:

16 \*b0770/2.26\* “SECTION 2852yb. 157.637 of the statutes is created to read:

17 **157.637 Rules; review of rules.** (1) Before submitting to the legislative  
18 council staff under s. 227.15 any proposed rules relating to cemeteries or to the board,  
19 except for rules relating exclusively to religious cemetery authorities, the  
20 department shall submit the proposed rules to the board for comment. The board  
21 shall have 30 days to submit comments on the proposed rules to the secretary of  
22 regulation and licensing.

23 (2) When promulgating emergency rules under s. 227.24 relating to cemeteries  
24 or to the board, except for rules relating exclusively to religious cemetery authorities,

1 the department shall provide a copy of the rules to the board prior to publication of  
2 the rules in the official state newspaper.

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

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

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

19 \*b0770/2.26\* SECTION 2852ye. 157.64 (2) (d) of the statutes is amended to  
20 read:

21 157.64 (2) (d) Fails to file a report or files an incomplete, false, or misleading  
22 report under s. 157.62 (1) ~~or~~ (2).

23 \*b0770/2.26\* SECTION 2852yh. 157.64 (2) (e) of the statutes is amended to  
24 read:

25 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

1           **\*b0770/2.26\* SECTION 2852yL.** 157.64 (2) (h) of the statutes is created to read:  
2           157.64 (2) (h) Violates s. 157.112.

3           **\*b0770/2.26\* SECTION 2852yo.** 157.65 (1) (a) of the statutes is amended to  
4 read:

5           157.65 (1) (a) If the ~~department of regulation and licensing board~~ has reason  
6 to believe that any person, other than a religious cemetery authority, is violating or  
7 has violated this subchapter or any rule promulgated under this subchapter and that  
8 the continuation of that activity might cause injury to the public interest, the  
9 ~~department of regulation and licensing may~~ board shall investigate.

10           **\*b0770/2.26\* SECTION 2852yr.** 157.65 (1) (am) of the statutes is created to  
11 read:

12           157.65 (1) (am) If the department of regulation and licensing has reason to  
13 believe that a religious cemetery authority is violating or has violated this  
14 subchapter or any rule promulgated under this subchapter and that the continuation  
15 of that activity might cause injury to the public interest, the department of  
16 regulation and licensing may investigate.

17           **\*b0770/2.26\* SECTION 2852yu.** 157.65 (1) (b) of the statutes is amended to  
18 read:

19           157.65 (1) (b) If the department of commerce has reason to believe that any  
20 person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the  
21 continuation of that activity might cause injury to the public interest, the  
22 department of commerce ~~may~~ shall investigate.

23           **\*b0770/2.26\* SECTION 2852yy.** 157.65 (2) of the statutes is amended to read:

24           157.65 (2) The department of justice or any district attorney, upon informing  
25 the department of justice, may commence an action in circuit court in the name of

1 the state to restrain by temporary or permanent injunction any violation of this  
2 subchapter. The court may, prior to entry of final judgment, make such orders or  
3 judgments as may be necessary to restore to any person any pecuniary loss suffered  
4 because of the acts or practices involved in the action, if proof of such loss is submitted  
5 to the satisfaction of the court. The department of justice may subpoena persons and  
6 require the production of books and other documents, and may request the board, the  
7 department of regulation and licensing, or the department of commerce to exercise  
8 its authority under sub. (1) to aid in the investigation of alleged violations of this  
9 subchapter.”

10 \*b0825/1.3\* **1131.** Page 958, line 25: after that line insert:

11 \*b0825/1.3\* “SECTION 2854e. 165.07 of the statutes is created to read:

12 **165.07 Assistant attorney general — public intervenor.** (1) The attorney  
13 general shall designate an assistant attorney general on the attorney general’s staff  
14 as public intervenor. The head of each agency responsible for proceedings under chs.  
15 30, 31, 281 to 285, and 289 to 299, except s. 281.48, shall give notice of those  
16 proceedings to the public intervenor, to the administrators of divisions primarily  
17 assigned the departmental functions under chs. 29, 281, 285, and 289 to 299, except  
18 s. 281.48, and to the natural areas preservation council.

19 (2) The public intervenor shall formally intervene in proceedings described in  
20 sub. (1) when requested to do so by an administrator of a division primarily assigned  
21 the departmental functions under chs. 29, 281, 285, or 289 to 299, except s. 281.48.  
22 The public intervenor may, on the public intervenor’s own initiative or upon request  
23 of any committee of the legislature, formally intervene in proceedings described in  
24 sub. (1) whenever that intervention is needed for the protection of public rights in