

1 ***b0791/1.2* 1224.** Page 1090, line 13: after that line insert:

2 ***b0791/1.2*** “SECTION 3389h. 303.063 of the statutes is repealed.

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

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

13 ***b0783/2.9* 1225.** Page 1090, line 19: after that line insert:

14 ***b0783/2.9*** “SECTION 3389n. 304.02 (4) of the statutes is repealed.”

15 ***b0783/2.10* 1226.** Page 1090, line 24: after that line insert:

16 ***b0783/2.10*** “SECTION 3389pm. 304.06 (1y) of the statutes is repealed.”

17 ***b0783/2.11* 1227.** Page 1093, line 11: after that line insert:

18 ***b0783/2.11*** “SECTION 3389z. 304.071 (2) of the statutes is amended to read:

19 304.071 (2) If a prisoner is not eligible for parole under s. 939.62 (2m) (c), 961.49
20 (2), 973.01 (6), or 973.014 (1) (c) or (1g) ~~or 973.032 (5)~~, he or she is not eligible for
21 parole under this section.”

22 ***b1070/2.8* 1228.** Page 1093, line 12: delete lines 12 to 22.

23 ***b0910/3.9* 1229.** Page 1094, line 20: on lines 20 and 21, delete “55., or 56.”

24 and substitute “or 55.”

1 ***b0910/3.10* 1230.** Page 1095, line 4: on lines 4 and 20, delete “55., or 56.”
2 and substitute “or 55.”.

3 ***b0910/3.11* 1231.** Page 1098, line 7: delete lines 7 to 19.

4 ***b0910/3.12* 1232.** Page 1098, line 20: delete the material beginning with
5 “statutes” and ending with “(this act),” on line 21 and substitute “statutes”.

6 ***b0910/3.13* 1233.** Page 1098, line 24: delete “55., or 56.” and substitute “or
7 55.”.

8 ***b0910/3.14* 1234.** Page 1099, line 2: delete “55., or 56.” and substitute “or
9 55.”.

10 ***b0910/3.15* 1235.** Page 1101, line 10: delete the material beginning with
11 that line and ending on page 1103, line 14.

12 ***b1096/2.24* 1236.** Page 1104, line 13: after that line insert:

13 ***b1096/2.24* “SECTION 3409d.** 343.10 (1) (a) of the statutes is amended to
14 read:

15 343.10 (1) (a) If a person’s license or operating privilege is revoked or
16 suspended under this chapter or s. 767.303 or 961.50, or if the person’s operating
17 privilege was suspended for failing to pay a forfeiture imposed for violating an
18 ordinance unrelated to the person’s operation of a motor vehicle under s. 345.47 (1)
19 (b), 800.09 (1) (c), 800.095 (4) (b) 4., 938.17 (2) (d), 938.34 (8), or 938.343 (2), and if
20 the person is engaged in an occupation, including homemaking or full-time or
21 part-time study, or a trade making it essential that he or she operate a motor vehicle,
22 the person, after payment of the fee provided in sub. (6), may file an application with
23 the department setting forth in detail the need for operating a motor vehicle. No
24 person may file more than one application with respect to each revocation or

1 suspension of the person's license or operating privilege under this chapter or s.
2 767.303 or 961.50, except that this limitation does not apply to an application to
3 amend an occupational license restriction.”.

4 ***b1096/2.25* 1237.** Page 1106, line 2: after that line insert:

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

7 343.10 (6) (a) No Except as provided in par. (b), no person may file an
8 application for an occupational license under sub. (1) unless he or she first pays a fee
9 of \$40 to the department.

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

11 343.10 (6) (b) A person whose operating privilege was suspended solely for
12 failing to pay a forfeiture imposed for violating an ordinance unrelated to the person's
13 operation of a motor vehicle under s. 345.47 (1) (b), 800.09 (1) (c), 800.095 (4) (b) 4.,
14 938.17 (2) (d), 938.34 (8), or 938.343 (2) may not file an application for an
15 occupational license under sub. (1) unless he or she first pays a fee of \$10 to the
16 department.”.

17 ***b1025/1.3* 1238.** Page 1118, line 21: after that line insert:

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

19 345.11 (1t) The uniform traffic citation may be used by a traffic officer
20 employed under s. 110.07 for a violation of s. 167.10 (3) (a) when committed on a
21 highway.

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

23 345.20 (2) (h) Sections 23.50 to 23.85 apply to actions in circuit court to recover
24 forfeitures for violations of s. 167.10 (3) (a). No demerit points may be assessed

1 against the driving record of a person convicted of a violation of s. 167.10 (3) (a). No
2 report of conviction of a violation of s. 167.10 (3) (a) may be forwarded to the
3 department.”.

4 *b1029/2.23* **1239.** Page 1118, line 21: after that line insert:

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

7 344.576 (3) (a) 5. The address and telephone number of the department of
8 agriculture, trade and consumer protection justice.

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

10 344.576 (3) (c) The department of agriculture, trade and consumer protection
11 justice shall promulgate rules specifying the form of the notice required under par.
12 (a), including the size of the paper and the type size and any highlighting of the
13 information described in par. (a). The rule may specify additional information that
14 must be included in the notice and the precise language that must be used.

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

17 344.579 (2) ENFORCEMENT. (intro.) The department of agriculture, trade and
18 consumer protection justice shall investigate violations of ss. 344.574, 344.576 (1),
19 (2) and (3) (a) and (b), 344.577 and 344.578. The department of agriculture, trade
20 and consumer protection justice may on behalf of the state:”.

21 *b0770/2.27* **1240.** Page 1143, line 6: after that line insert:

22 *b0770/2.27* “SECTION 3492m. 423.102 of the statutes is amended to read:

23 **423.102 Scope.** This chapter applies to all consumer transactions, except that
24 subch. II does not apply to cemetery preneed sales under ~~s.~~ ss. 440.92 and 440.922.”.

1 ***b0770/2.28* 1241.** Page 1145, line 10: after that line insert:

2 ***b0770/2.28* SECTION 3504b.** 440.03 (1) of the statutes is amended to read:

3 440.03 (1) The department may promulgate rules defining uniform procedures
4 to be used by the department, the cemetery board, the real estate board, the real
5 estate appraisers board, and all examining boards and affiliated credentialing
6 boards attached to the department or an examining board, for receiving, filing, and
7 investigating complaints, for commencing disciplinary proceedings and for
8 conducting hearings.

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

10 440.03 (3) If the secretary reorganizes the department, no modification may
11 be made in the powers and responsibilities of the examining boards ~~or~~ affiliated
12 credentialing boards, or other boards attached to the department or an examining
13 board under s. 15.03, 15.405, or 15.406.

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

15 440.03 (7m) The department may promulgate rules that establish procedures
16 for submitting an application for a credential or credential renewal by electronic
17 transmission. Any rules promulgated under this subsection shall specify procedures
18 for complying with any requirement that a fee be submitted with the application.
19 The rules may also waive any requirement in chs. 440 to 480 that an application
20 submitted to the department, an examining board or an affiliated credentialing
21 board be executed, verified, certified, signed, sworn, or made under oath,
22 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)
23 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),
24 452.10 (1), and 480.08 (2m).

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

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

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

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

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

19 ***b0770/2.29* 1242.** Page 1145, line 15: after that line insert:

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

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

1 by the department, the boards, the examining boards, and the affiliated
2 credentialing boards.

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

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

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

10 440.04 (3) Control the allocation, disbursement, and budgeting of the funds
11 received by the boards, examining boards, and affiliated credentialing boards in
12 connection with their credentialing ~~and~~, regulation, or other functions.

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

14 440.04 (4) Employ, assign, and reassign such staff as are required by the
15 department and the attached boards, examining boards, and affiliated credentialing
16 boards in the performance of their functions.

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

19 440.04 (5) (intro.) With the advice of the boards, examining boards, or affiliated
20 credentialing boards:

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

22 440.04 (5) (c) Provide such other services as the boards, examining boards, or
23 affiliated credentialing boards request.

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

1 **440.045 Disputes.** Any dispute between a board in the department, an
2 examining board, or an affiliated credentialing board and the secretary shall be
3 arbitrated by the governor or the governor's designee after consultation with the
4 disputants.

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

7 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
8 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.91 (1m) (a),
9 442.06, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., 449.17, 449.18, and 459.46.”.

10 ***b0770/2.30* 1243.** Page 1148, line 25: after that line insert:

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

13 440.08 (2) (a) 21. Cemetery authority, licensed: January 1 of each
14 odd-numbered year; \$343.

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

17 440.08 (2) (a) 21m. Cemetery authority, registered: January 1 of each
18 odd-numbered year; \$5.”.

19 ***b0799/2.6* 1244.** Page 1154, line 17: after that line insert:

20 ***b0799/2.6* “SECTION 3579c.** 440.08 (2) (a) 66m. of the statutes is created to
21 read:

22 440.08 (2) (a) 66m. Real estate closing agent: January 1 of each odd-numbered
23 year; \$53.”.

24 ***b0727/2.5* 1245.** Page 1156, line 6: after that line insert:

1 ***b0727/2.5*** “**SECTION 3608m.** 450.045 (1) of the statutes is amended to read:
2 450.045 (1) Internships in the practice of pharmacy shall be conducted under
3 the general supervision and according to the procedures and standards of the
4 pharmacy ~~internship~~ examining board.

5 ***b0727/2.5*** **SECTION 3608r.** 450.045 (2) of the statutes is amended to read:
6 450.045 (2) Internships shall consist of practical experience in the
7 responsibilities of a pharmacist and shall be conducted under the supervision of a
8 pharmacist approved by the pharmacy ~~internship~~ examining board.”.

9 ***b0737/2.1*** **1246.** Page 1156, line 6: after that line insert:

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

12 445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made
13 irrevocable as to the first ~~\$2,500~~ \$3,000 of the funds paid under the agreement by
14 each depositor.”.

15 ***b0770/2.31*** **1247.** Page 1156, line 6: after that line insert:

16 ***b0770/2.31*** “**SECTION 3592d.** 440.13 (2) (d) of the statutes is created to read:
17 440.13 (2) (d) With respect to a credential granted by the department under
18 subch. VIII of ch. 440, the cemetery board shall restrict, limit, or suspend the
19 credential when directed to do so by the department.

20 ***b0770/2.31*** **SECTION 3592h.** 440.14 (1) (a) of the statutes is amended to read:
21 440.14 (1) (a) “List” means information compiled or maintained by the
22 department ~~or~~, a credentialing board, or another board in the department that
23 contains the personal identifiers of 10 or more individuals.

24 ***b0770/2.31*** **SECTION 3592p.** 440.14 (2) of the statutes is amended to read:

1 440.14 (2) If a form that the department ~~or~~, a credentialing board, or another
2 board in the department requires an individual to complete in order to apply for a
3 credential or credential renewal or to obtain a product or service from the
4 department ~~or the~~, credentialing board, or other board requires the individual to
5 provide any of the individual's personal identifiers, the form shall include a place for
6 the individual to declare that the individual's personal identifiers obtained by the
7 department ~~or the~~, credentialing board, or other board from the information on the
8 form may not be disclosed on any list that the department ~~or the~~, credentialing board,
9 or other board furnishes to another person.

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

11 440.14 (3) If the department ~~or~~, a credentialing board, or another board in the
12 department requires an individual to provide, by telephone or other electronic
13 means, any of the individual's personal identifiers in order to apply for a credential
14 or credential renewal or to obtain a product or service from the department ~~or a~~,
15 credentialing board, or other board, the department ~~or the~~, credentialing board, or
16 other board shall ask the individual at the time that the individual provides the
17 information if the individual wants to declare that the individual's personal
18 identifiers obtained by telephone or other electronic means may not be disclosed on
19 any list that the department ~~or the~~, credentialing board, or other board furnishes to
20 another person.

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

22 440.14 (4) The department ~~or~~, a credentialing board, or another board in the
23 department shall provide to an individual upon request a form that includes a place
24 for the individual to declare that the individual's personal identifiers obtained by the
25 department ~~or~~, credentialing board, or other board may not be disclosed on any list

1 that the department ~~or~~, credentialing board, or other board furnishes to another
2 person.

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

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

8 (b) Paragraph (a) does not apply to a list that the department ~~or~~, a credentialing
9 board, or another board in the department furnishes to another state agency, a law
10 enforcement agency, or a federal governmental agency. A state agency that receives
11 a list from the department ~~or~~, a credentialing board, or another board in the
12 department containing a personal identifier of any individual who has made a
13 declaration under sub. (2), (3), or (4) may not disclose the personal identifier to any
14 person other than a state agency, a law enforcement agency, or a federal
15 governmental agency.

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

17 **440.22 Assessment of costs.** (1) In this section, “costs of the proceeding”
18 means the compensation and reasonable expenses of hearing examiners and of
19 prosecuting attorneys for the department, examining board ~~or~~, affiliated
20 credentialing board, or other board in the department, a reasonable disbursement
21 for the service of process or other papers, amounts actually paid out for certified
22 copies of records in any public office, postage, telephoning, adverse examinations and
23 depositions and copies, expert witness fees, witness fees and expenses, compensation
24 and reasonable expenses of experts and investigators, and compensation and
25 expenses of a reporter for recording and transcribing testimony.

1 ***b0770/2.31* SECTION 3605gb.** 440.90 (1) of the statutes is renumbered 440.90
2 (1d).

3 ***b0770/2.31* SECTION 3605gd.** 440.90 (1b) of the statutes is created to read:
4 440.90 (1b) “Board” means the cemetery board.

5 ***b0770/2.31* SECTION 3605gf.** 440.90 (1c) of the statutes is created to read:
6 440.90 (1c) “Burial space” has the meaning given in s. 157.061 (1d).

7 ***b0770/2.31* SECTION 3605gh.** 440.90 (1g) of the statutes is created to read:
8 440.90 (1g) “Business entity” has the meaning given in s. 452.01 (3j).

9 ***b0770/2.31* SECTION 3605gj.** 440.90 (1r) of the statutes is created to read:
10 440.90 (1r) “Business representative” has the meaning given in s. 452.01 (3k).

11 ***b0770/2.31* SECTION 3605gL.** 440.90 (3g) of the statutes is created to read:
12 440.90 (3g) “Columbarium” has the meaning given in s. 157.061 (3g).

13 ***b0770/2.31* SECTION 3605gn.** 440.90 (3r) of the statutes is created to read:
14 440.90 (3r) “Columbarium space” has the meaning given in s. 157.061 (3r).

15 ***b0770/2.31* SECTION 3605gp.** 440.90 (4e) of the statutes is created to read:
16 440.90 (4e) “Lawn crypt” has the meaning given in s. 157.061 (8g).

17 ***b0770/2.31* SECTION 3605gr.** 440.90 (4m) of the statutes is created to read:
18 440.90 (4m) “Licensed cemetery authority” means a cemetery authority that
19 is licensed under s. 440.91 (1).

20 ***b0770/2.31* SECTION 3605gt.** 440.90 (4r) of the statutes is created to read:
21 440.90 (4r) “Licensee” means a person licensed under this subchapter.

22 ***b0770/2.31* SECTION 3605gv.** 440.90 (10m) of the statutes is created to read:
23 440.90 (10m) “Registrant” means a person registered under this subchapter.

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

1 440.90 (10r) “Religious cemetery authority” has the meaning given in s.
2 157.061 (15m).

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

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

6 440.91 (1) (a) Except as provided in sub. (6m), every cemetery authority that
7 operates a cemetery that is 5 acres or more in size, that sells or solicits the sale of a
8 total of 10 ~~20~~ or more cemetery lots or mausoleum burial spaces at a cemetery during
9 a calendar year and that pays any commission or other compensation to any person
10 for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register
11 with, or that has \$100,000 or more in trust fund accounts for a cemetery shall apply
12 to the department. The registration shall be in writing and shall include the names
13 of the officers of the cemetery authority for a license for that cemetery. A cemetery
14 authority that operates more than one cemetery shall apply for a separate license for
15 each cemetery that is 5 acres or more in size and for each cemetery, at which it sells
16 20 or more burial spaces or at which it has \$100,000 or more in trust fund accounts.

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

18 440.91 (1) (b) Except as provided in s. 440.93 (1), the department shall grant
19 a license to a cemetery authority if all of the following are satisfied:

20 1. The cemetery authority submits an application for the license to the
21 department on a form provided by the department. The application shall require the
22 cemetery authority to provide the names of the officers of the cemetery authority and
23 to identify a business representative who is primarily responsible for the cemetery
24 authority’s compliance with subch. II of ch. 157 and this subchapter.

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

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

4 440.91 (1) (c) A licensed cemetery authority shall notify the department if it
5 designates a substitute business representative to take the place of a business
6 representative identified under par. (b) 1.

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

8 440.91 (1) (d) If a licensed cemetery authority notifies the department under
9 s. 157.08 (2) (b) 1. (intro.) that it proposes to take an action specified in s. 157.08 (2)
10 (b) 1. b. or c. and the department does not object to the action under s. 157.08 (2) (b)
11 3., the department shall revoke the license granted under par. (b) and require the
12 licensed cemetery authority to reapply for a license under par. (b).

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

14 440.91 (1) (e) 1. The renewal dates and renewal fees for licenses granted under
15 par. (b) are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is
16 not required to renew its license if the cemetery authority sells less than 10 burial
17 spaces during a period of 2 consecutive calendar years.

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

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

23 440.91 (1m) (a) Except as provided in par. (c) and sub. (6m), a cemetery
24 authority that operates a cemetery for which a license is not required under sub. (1)
25 shall register the cemetery with the department by paying a \$5 registration fee and

1 submitting an application on a form provided by the department that requires the
2 applicant to provide the names of the officers of the cemetery authority and any other
3 information that the department may require. A cemetery authority that operates
4 more than one cemetery for which a license is not required under sub. (1) shall pay
5 a separate registration fee and submit a separate application for each cemetery.

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

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

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

13 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
14 person that sells or solicits the sale of, or ~~who that~~ that expects to sell or solicit the sale
15 of, a ~~total of 10~~ 20 or more cemetery lots or mausoleum burial spaces during ~~a 2~~
16 calendar year years shall register with be licensed by the department. ~~An individual~~
17 A person may not be registered licensed as a cemetery salesperson except upon the
18 written request of a cemetery authority and the payment of the fee specified in s.
19 440.05 (1). The cemetery authority shall certify in writing to the department that
20 the individual person is competent to act as a cemetery salesperson. ~~Within 10 days~~
21 ~~after the certification of any cemetery salesperson, the cemetery salesperson shall~~
22 ~~verify and~~ An applicant for licensure as a cemetery salesperson shall furnish to the
23 department, in such form as the department prescribes, all of the following
24 information:

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

3 440.91 (2) (a) The name and address of the applicant and, if the applicant is
4 a business entity, the name and address of each business representative.

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

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

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

8 440.91 (4) Renewal applications shall be submitted to the department on a
9 form provided by the department on or before the applicable renewal date specified
10 under s. 440.08 (2) (a) and shall include the applicable renewal fee specified under
11 s. 440.08 (2) (a). An applicant for renewal of a cemetery salesperson license shall
12 identify each individual that is exempt from licensure under sub. (7) and that the
13 applicant has supervised during the prior 2 years.

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

16 440.91 (6m) A religious cemetery authority is not required to be licensed under
17 sub. (1) or registered under sub. (1m).

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

20 440.91 (7) (a) An individual who solicits the sale of cemetery lots or mausoleum
21 spaces in a cemetery organized, maintained, and operated by a town, village, or city,
22 ~~church, synagogue or mosque, religious, or fraternal or benevolent society or~~
23 ~~incorporated college of a religious order~~ is not required to be ~~registered~~ licensed
24 under sub. (2) if the individual is supervised by a cemetery salesperson licensed
25 under sub. (2).

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

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

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

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

7 440.91 (9) No cemetery authority or cemetery salesperson ~~registered~~ licensed
8 under sub. (1) or (2) may pay a fee or commission as compensation for a referral or
9 as a finder's fee relating to the sale of ~~a cemetery lot~~, cemetery merchandise or
10 ~~mausoleum~~ a burial space to any person who is not ~~registered~~ licensed under sub. (1)
11 or (2) or who is not regularly and lawfully engaged in the sale of cemetery lots,
12 cemetery merchandise or ~~mausoleum~~ burial spaces in another state or territory of
13 the United States or a foreign country.

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

15 440.91 (10) Nothing in this section requires an individual who is ~~registered~~
16 licensed as a preneed seller under s. 440.92 (1) to be ~~registered~~ licensed as a cemetery
17 salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery
18 merchandise or undeveloped spaces under preneed sales contracts.

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

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

22 440.92 (1) (title) LICENSURE.

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

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

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

10 440.92 (1) (b) (intro.) The department shall issue a certificate of ~~registration~~
11 licensure as a cemetery preneed seller to any person who does all of the following:

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

14 440.92 (1) (bm) If a cemetery authority that is registered under this subsection
15 notifies the department under s. 157.08 (2) (b) 1. (intro.) that it proposes to take an
16 action specified in s. 157.08 (2) (b) 1. b. or c. and the department does not object to
17 the action under s. 157.08 (2) (b) 3., the department shall revoke the registration and
18 require the cemetery authority to reapply for a registration under this subsection.

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

20 440.92 (1) (e) Nothing in this subsection requires an individual who is
21 ~~registered~~ licensed as a cemetery salesperson under s. 440.91 (2) to be ~~registered~~
22 licensed under this subsection if the individual does not conduct or solicit any sale
23 under a preneed sales contract.

24 ***b0770/2.31* SECTION 3605kL.** 440.92 (2) (title) of the statutes is renumbered
25 440.922 (title).

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

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

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

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

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

24 ***b0770/2.31* SECTION 3605kn.** 440.92 (2) (am) of the statutes is renumbered
25 440.922 (2) and amended to read:

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

11 ***b0770/2.31* SECTION 3605kp.** 440.92 (2) (b) of the statutes is renumbered
12 440.922 (1) (b).

13 ***b0770/2.31* SECTION 3605kr.** 440.92 (2) (c) of the statutes is renumbered
14 440.922 (3) and amended to read:

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

21 ***b0770/2.31* SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered
22 440.922 (4).

23 ***b0770/2.31* SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered
24 440.922 (5) (a).

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

3 ***b0770/2.31* SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered
4 440.922 (5) (c) and amended to read:

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

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

11 ***b0770/2.31* SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered
12 440.922 (7) and amended to read:

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

21 ***b0770/2.31* SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered
22 440.922 (8).

23 ***b0770/2.31* SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered
24 440.922 (9) and amended to read:

1 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the
2 following language in not less than 10–point boldface type: “SECTION 440.92 (2)
3 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE
4 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE
5 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE
6 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN
7 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

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

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

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

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

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

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

6 440.92 (4) (title) ~~EXCEPTIONS TO REGISTRATION~~ LICENSURE REQUIREMENT.

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

9 440.92 (4) (a) (intro.) Any person who sells or solicits the sale of cemetery
10 merchandise under a preneed sales contract is not required to be ~~registered~~ licensed
11 under sub. (1) and the requirements of sub. (3) (a) and (b) do not apply to the sale if
12 all payments received under the preneed sales contract are trusted as required under
13 s. 445.125 (1) (a) 1. or if all of the following conditions are met:

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

16 440.92 (4) (b) If any preneed seller who is not ~~registered~~ licensed under sub.
17 (1) accepts a payment under a preneed sales contract and the merchandise is not
18 delivered within 180 days after the date of the sale, the preneed seller shall
19 immediately notify the purchaser that the purchaser is entitled to a refund of all
20 money paid by the purchaser, together with interest calculated at the legal rate of
21 interest as provided under s. 138.04, at any time before the merchandise is delivered.

22 ***b0770/2.31* SECTION 3605mv.** 440.92 (5) of the statutes is renumbered
23 440.924.

24 ***b0770/2.31* SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered
25 440.926 (title) and amended to read:

1 **440.926** (title) **Reporting; Preneed seller reporting and record keeping;**
2 **audits.**

3 ***b0770/2.31* SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered
4 440.926 (1) (a) and amended to read:

5 440.926 (1) (a) Every preneed seller ~~registered~~ licensed under ~~sub. s. 440.92~~
6 (1) shall file an annual report with the department. The report shall be made on a
7 form prescribed and furnished by the department. The report shall be made on a
8 calendar-year basis unless the department, by rule, provides for other reporting
9 periods. The report is due on or before the 60th day after the last day of the reporting
10 period.

11 ***b0770/2.31* SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are
12 renumbered 440.926 (1) (b) and (c).

13 ***b0770/2.31* SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered
14 440.926 (2) (c) and amended to read:

15 440.926 (2) (c) All records described under ~~pars. sub. (1) (b) 2. and (c)~~ and
16 maintained by the department are confidential and are not available for inspection
17 or copying under s. 19.35 (1). This paragraph does not apply to any information
18 regarding the name, address, or employer of or financial information related to an
19 individual that is requested under s. 49.22 (2m) by the department of workforce
20 development or a county child support agency under s. 59.53 (5).

21 ***b0770/2.31* SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are
22 renumbered 440.926 (1) (d) and (e).

23 ***b0770/2.31* SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered
24 440.926 (2) (a), and 440.926 (2) (a) 1. and 2., as renumbered, are amended to read:

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

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

6 ***b0770/2.31* SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered
7 440.926 (2) (b) and amended to read:

8 440.926 (2) (b) The records under ~~par. sub. (1) (b) 1.~~ shall be permanently
9 maintained by the preneed seller. The records under ~~par. sub. (1) (b) 2.~~ shall be
10 maintained for not less than 3 years after all of the obligations of the preneed sales
11 contract have been fulfilled. The department may promulgate rules to establish
12 longer time periods for maintaining records under this paragraph.

13 ***b0770/2.31* SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered
14 440.926 (3) (a) and amended to read:

15 440.926 (3) (a) The department may promulgate rules requiring preneed
16 sellers ~~registered~~ licensed under ~~sub. s. 440.92~~ (1) to maintain other records and
17 establishing minimum time periods for the maintenance of those records.

18 ***b0770/2.31* SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered
19 440.926 (4) and amended to read:

20 440.926 (4) AUDITS. The department may audit, at reasonable times and
21 frequency, the records, trust funds, and accounts of any preneed seller ~~registered~~
22 licensed under ~~sub. s. 440.92~~ (1), including records, trust funds, and accounts
23 pertaining to services provided by a preneed seller which are not otherwise subject
24 to the requirements under this ~~section~~ subchapter. The department may conduct
25 audits under this ~~paragraph~~ subsection on a random basis, and shall conduct all

1 audits under this ~~paragraph~~ subsection without providing prior notice to the preneed
2 seller.

3 *b0770/2.31* SECTION 3605op. 440.92 (6) (k) of the statutes is renumbered
4 440.926 (3) (b) and amended to read:

5 440.926 (3) (b) The department may promulgate rules establishing a filing fee
6 to accompany the report required under ~~par. sub. (1)~~ (a). The filing fee shall be based
7 on the approximate cost of regulating preneed sellers.

8 *b0770/2.31* SECTION 3605or. 440.92 (7) of the statutes is renumbered
9 440.927 and amended to read:

10 440.927 Approval of warehouses. No person may own or operate a
11 warehouse located inside or outside this state unless the warehouse is approved by
12 the department. ~~Upon application, the department shall approve a warehouse that~~
13 ~~is located in this state if the person who operates the warehouse is licensed as a public~~
14 ~~warehouse keeper by the department of agriculture, trade and consumer protection~~
15 ~~under ch. 99, but may not approve a warehouse that is located in this state unless~~
16 ~~the person is so licensed.~~ The department shall promulgate rules establishing the
17 requirements for approval of warehouses ~~that are located outside this state~~ under
18 this section. The rules shall require warehouses ~~that are located outside this state~~
19 to file with the department a bond furnished by a surety company authorized to do
20 business in this state in an amount that is sufficient to guarantee the delivery of
21 cemetery merchandise to purchasers under preneed sales contracts. The
22 department shall compile and keep a current list of the names and addresses of all
23 warehouses approved under this ~~subsection~~ section and shall make the list available
24 for public inspection during the times specified in s. 230.35 (4) (f).

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

3 440.92 (9) (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS
4 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES.

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

7 440.92 (9) (a) ~~If the cemetery authority of a cemetery that is affiliated with a~~
8 ~~religious society organized under ch. 187 or that religious society~~ a religious
9 cemetery authority or the church, synagogue, mosque, incorporated college of a
10 religious order, or religious society organized under ch. 187 that is affiliated with a
11 religious cemetery authority files an annual certification with the department as
12 provided in this subsection, neither the religious cemetery authority nor any
13 employee of the cemetery is required to be ~~registered~~ licensed as a cemetery preneed
14 seller under sub. (1) during the period for which the certification is effective, ~~but the~~
15 religious cemetery authority and any employee are required to comply, if applicable,
16 with the requirements of s. 445.125.

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

19 440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to
20 act on behalf of the ~~religious society~~ cemetery authority under this subsection that,
21 during the 12-month period immediately preceding the date on which the
22 certification is filed with the department, each employee specified under subd. 2. and
23 the religious cemetery authority have either fully complied or have substantially
24 complied with ~~subs. (2), sub. (3) (a) and (b) and (5) ss. 440.922 and 440.924.~~

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

1 440.92 (9) (c) If the statement under par. (b) 3. includes a statement of
2 substantial compliance, the statement of substantial compliance must also specify
3 those instances when the employee or religious cemetery authority did not fully
4 comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or 440.924.

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

7 440.92 (9) (e) During the effective period specified under par. (d), the
8 department may not audit the preneed trust funds or any records or accounts
9 relating to the preneed trust funds of the religious cemetery authority or any
10 employee of the cemetery to which a certification under this subsection applies.

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

13 440.92 (9) (f) The church, synagogue, mosque, incorporated college of a
14 religious order, or religious society that is affiliated with a cemetery to which a
15 certification under this subsection applies is liable for the damages of any person
16 that result from the failure of any employee specified under par. (b) 2. or the religious
17 cemetery authority to fully comply with sub. ~~(2)~~, (3) (a) or (b) or ~~(5)~~ s. 440.922 or
18 440.924 during the 12-month period for which such compliance has been certified
19 under this subsection.

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

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

23 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

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

1 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

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

4 440.922 (5) (title) UNDEVELOPED SPACE SALES.

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

7 440.922 (6) (title) INTEREST ASSIGNMENTS.

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

10 440.922 (8) (title) CONTRACT REQUIREMENTS.

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

13 440.922 (10) (title) CONFLICTING PROVISIONS.

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

16 440.926 (1) (title) REPORTS.

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

19 440.926 (2) (title) RECORDS.

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

22 440.926 (3) (title) RULES.

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

24 440.928 Burial space purchase agreements. (1) In this section:

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

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

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

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

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

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

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

18 (4) A cemetery authority shall assign a serial number to each purchase
19 agreement that it enters into, maintain file copies in numerical order according to
20 the serial number and enter the serial number and a description of each purchase
21 agreement into a sales journal. Any additional purchase by a purchaser more than
22 30 days after entering a purchase agreement shall be the subject of a separate
23 purchase agreement with a separate serial number that is the current unused serial
24 number in consecutive order.

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

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

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

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

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

19 440.93 (1) (b) Made a substantial misrepresentation or false promise to an
20 individual to influence the individual to purchase a ~~cemetery lot,~~ cemetery
21 merchandise or ~~mausoleum~~ a burial space.

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

23 440.93 (1) (c) Engaged in any practice relating to the operation or management
24 of a cemetery or the sale of a cemetery lot, cemetery merchandise or ~~mausoleum~~ a

1 burial space which clearly demonstrates a lack of knowledge or ability to apply
2 professional principles or skills.

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

5 440.93 (1) (cm) Engaged in unprofessional or unethical conduct in violation of
6 the code of ethics established in the rules promulgated under s. 440.929.

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

9 440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~
10 ~~offense~~ Violated any law the circumstances of which substantially relate to the
11 ~~operation or management of a cemetery or the sale of a cemetery lot, cemetery~~
12 ~~merchandise or mausoleum~~ a burial space. A certified copy of a judgment of
13 conviction is prima facie evidence of a violation.

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

15 440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any
16 practice relating to the operation or management of a cemetery or the sale of a
17 ~~cemetery lot, cemetery merchandise or mausoleum~~ a burial space while the person's
18 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

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

21 440.93 (1) (g) Violated this subchapter or subch. II of ch. 157, any rule
22 promulgated under this subchapter or subch. II of ch. 157, or any order of the
23 department or the board.

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

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

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

8 440.93 (2) The ~~department~~ board shall determine in each case the period that
9 a limitation, suspension, or revocation of a certificate is effective. This subsection
10 does not apply to a limitation or suspension under s. 440.13 (2) (a).

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

13 440.945 (1) (a) “Installed” means permanently affixed to a ~~cemetery lot~~ burial
14 space.

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

17 440.945 (2) (a) Adopt regulations, consistent with this section and with
18 standards that the cemetery authority uses for its own monument installations,
19 prescribing requirements and procedures for the sale, delivery, installation, or care
20 of monuments, including requirements that each vendor provide reasonable advance
21 notice to the cemetery authority of the date on which the vendor desires to install a
22 monument; that each vendor carry worker’s compensation insurance and a
23 minimum amount of comprehensive general liability insurance, such minimum
24 amount not to exceed \$300,000; and that each owner of a ~~cemetery lot~~ burial space
25 pay all fees and other amounts due the cemetery authority to satisfy any

1 encumbrances pertaining to the ~~cemetery lot~~ burial space before a monument is
2 installed.

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

5 440.945 (2) (c) Charge either the owner of a ~~cemetery lot~~ burial space or a
6 vendor a reasonable fee to cover the cemetery authority's labor costs. In this
7 paragraph, "labor costs" means the amount, calculated in accordance with generally
8 accepted accounting principles and practices, that is payable to employees of the
9 cemetery authority for wages and fringe benefits for the period that the employees
10 were engaged in marking the location for and inspecting the installation of the
11 monument to ensure that it was properly installed, and may include any general
12 administrative or overhead costs of the cemetery authority or any other costs that
13 are directly related to marking the location for and inspecting the installation of the
14 monument to ensure that it was properly installed.

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

17 440.945 (3) (a) (intro.) Every cemetery authority shall keep on file and make
18 available for inspection and copying to owners and prospective purchasers of
19 ~~cemetery lots~~ burial spaces and to other interested persons all of the following
20 information:

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

23 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space
24 to purchase a monument or services related to the installation of a monument from
25 the cemetery authority.

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

3 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a ~~cemetery lot~~
4 burial space to purchase a monument or services related to the installation of a
5 monument from the vendor of his or her choice.

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

8 440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or
9 purchaser of a ~~cemetery lot~~ burial space a fee for purchasing a monument or services
10 related to the installation of a monument from a vendor, or charge a vendor a fee for
11 delivering or installing the monument. Nothing in this subdivision shall be
12 construed to prohibit a cemetery authority from charging the owner or purchaser of
13 a ~~cemetery lot~~ burial space a reasonable fee for services relating to the care of a
14 monument.

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

17 440.945 (4) (a) 4. Discriminate against any owner or purchaser of a ~~cemetery~~
18 ~~lot~~ burial space who has purchased a monument or services related to the
19 installation of a monument from a vendor.

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

22 440.945 (5) (a) If the ~~department~~ board has reason to believe that any person,
23 other than a religious cemetery authority, is violating this section and that the
24 continuation of that activity might cause injury to the public interest, the
25 department may investigate.

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

3 440.945 (5) (am) If the department has reason to believe that any religious
4 cemetery authority is violating this section and that the continuation of that activity
5 might cause injury to the public interest, the department may investigate.

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

8 440.945 (5) (b) The department of justice or any district attorney, upon
9 informing the department of justice, may commence an action in circuit court in the
10 name of the state to restrain by temporary or permanent injunction any violation of
11 this section. The court may, prior to entry of final judgment, make such orders or
12 judgments as may be necessary to restore to any person any pecuniary loss suffered
13 because of the acts or practices involved in the action, if proof of such loss is submitted
14 to the satisfaction of the court. The department of justice may subpoena persons and
15 require the production of books and other documents, and may request the
16 department of regulation and licensing or board to exercise its authority under par.
17 (a) or (am) to aid in the investigation of alleged violations of this section.

18 ***b0770/2.31* SECTION 3605ud.** 440.947 (1) (c) of the statutes is renumbered
19 440.90 (6g).

20 ***b0770/2.31* SECTION 3605uf.** 440.947 (5) of the statutes is amended to read:

21 440.947 (5) A person who sells a casket, outer burial container, or cemetery
22 merchandise shall retain a copy of the price list specified in sub. (2) (intro.) for at least
23 one year after the date of its last distribution to a prospective buyer and shall retain
24 a copy of each form that is provided to a buyer under sub. (3) (intro.) for at least one
25 year after completion of a sale. A person required to retain a copy under this

1 subsection shall make the copy available for inspection by the department or board
2 upon request.

3 *b0770/2.31* SECTION 3605uh. 440.948 of the statutes is created to read:

4 **440.948 Burial agreements.** Any agreement for the purchase of a casket,
5 outer burial container not preplaced into the burial excavation of a grave, or
6 combination casket–outer burial container, that is not immediately required for the
7 burial or other disposition of human remains, is subject to the requirements of s.
8 445.125 (1).

9 *b0770/2.31* SECTION 3605uj. 440.949 of the statutes is created to read:

10 **440.949 Rules; review of rules. (1)** Before submitting any proposed rules
11 relating to this subchapter, except for rules relating exclusively to religious cemetery
12 authorities, to the legislative council staff under s. 227.15, the department shall
13 submit the proposed rules to the board for comment. The board shall have 30 days
14 to submit comments on the proposed rules to the secretary.

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

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

23 (4) The department shall submit to the board a copy of the report required
24 under s. 227.19 (2) on any proposed final rules relating to this subchapter other than
25 rules relating exclusively to religious cemetery authorities. The board may prepare

1 a dissenting report stating its recommendations on the proposed final rules. Any
2 dissenting report shall be prepared within 10 days from the date of receipt of the
3 department's report, attached to the department's report and sent to the presiding
4 officer of each house of the legislature and distributed under s. 227.19 (2). The
5 department shall publish a statement to appear in the Wisconsin administrative
6 register indicating that a dissenting report of the board has been submitted to the
7 presiding officer of each house of the legislature.

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

10 *b0770/2.31* SECTION 3605uL. 440.95 (1) of the statutes is amended to read:

11 440.95 (1) Any cemetery authority that is required to register under s. 440.91
12 (1) (1m) and that knowingly fails to register may be fined not more than \$100.

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

14 440.95 (1m) Any cemetery authority that, without a license granted under s.
15 440.91 (1), sells 10 or more burial, mausoleum, or columbarium spaces at a cemetery
16 during a calendar year or has \$100,000 or more in trust fund accounts for a cemetery
17 may be fined not more than \$100.

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

19 440.95 (2) Any ~~individual who~~ person that is required to register be licensed
20 as a cemetery salesperson under s. 440.91 (2) and ~~who fails to register~~ that is not
21 licensed may be fined not less than \$25 nor more than \$200 or imprisoned for not
22 more than 6 months or both.

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

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

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

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

7 440.95 (4) (c) Fails to file a report or files an incomplete, false, or misleading
8 report under s. ~~440.92 (6)~~ 440.926.

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

10 440.95 (5) Except as provided in sub. (4), any person who violates ~~s. ss. 440.92~~
11 to 440.927 or any rule promulgated under ~~s. ss. 440.92 to 440.927~~ may be required
12 to forfeit not more than \$200 for each offense. Each day of continued violation
13 constitutes a separate offense.”

14 ***b0793/1.5* 1248.** Page 1156, line 6: after that line insert:

15 ***b0793/1.5* “SECTION 3619c.** 560.031 (1) (bt) of the statutes is created to read:
16 560.031 (1) (bt) “High-volume industrial waste” has the meaning given in s.
17 289.01 (17).

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

20 560.031 (2) (a) At the request of the board, the department shall provide the
21 financial assistance awarded by the board under subs. (3) ~~and~~, (4), and (4m).

22 ***b0793/1.5* SECTION 3619g.** 560.031 (2) (b) 3. of the statutes is created to read:

23 560.031 (2) (b) 3. The department shall provide the financial assistance
24 awarded under sub. (4m) from the appropriations under s. 20.143 (1) (hr) and (rr).

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

3 ***b0793/1.5* SECTION 3619m.** 560.031 (3) (bc) of the statutes is created to read:
4 560.031 (3) (bc) In awarding grants, loans, and manufacturing rebates under
5 this subsection, the board shall give priority to projects that involve recovered
6 materials that constitute a relatively high volume of solid waste generated in this
7 state or that are hazardous to human health or the environment.

8 ***b0793/1.5* SECTION 3619n.** 560.031 (3) (cm) of the statutes is created to read:
9 560.031 (3) (cm) Annually, the board shall allocate up to \$200,000 in financial
10 assistance under this subsection for forgivable loans for projects that have
11 exceptional potential to meet one of the qualifying considerations under par. (a) 1.,
12 2., 3., or 4., but do not comply with the standard criteria established by the board or
13 department for meeting its fiduciary responsibilities in managing state resources.

14 ***b0793/1.5* SECTION 3619p.** 560.031 (4m) of the statutes is created to read:
15 560.031 (4m) The board may award a grant or loan under this subsection for
16 a project to develop markets for high-volume industrial waste or to assist generators
17 of high-volume industrial waste in marketing high-volume industrial waste. Before
18 awarding a grant or loan, the board shall consider whether the project does all of the
19 following:

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

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

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

1 ***b0799/2.7* 1249.** Page 1156, line 6: after that line insert:

2 ***b0799/2.7* “SECTION 3608cg.** 452.01 (3p) of the statutes is created to read:
3 452.01 (3p) “Closing agent” means any person who coordinates the closing of
4 a conveyance of real estate by ensuring that title to the real estate is transferred to
5 the buyer and that the purchase price is transferred to the seller, except that “closing
6 agent” does not include any of the following:

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

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

10 (c) A depository institution.

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

13 (e) An attorney licensed to practice in this state while acting within the scope
14 of his or her attorney’s license.

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

16 **452.035 Closing agents.** No person, including an escrow agent, as defined in
17 s. 138.052 (5m) (a) or 707.49 (1) (d), may engage in the business or occupation of, or
18 advertise or hold himself or herself out as, a closing agent unless the person is
19 registered as a closing agent by the department. The department shall issue a
20 certificate of registration as a closing agent to a person who submits an application
21 to the department on a form provided by the department, pays the fee specified in
22 s. 440.05 (1), and submits evidence satisfactory to the department that he or she is
23 competent to act as a closing agent. Renewal applications shall be submitted to the
24 department on a form provided by the department on or before the applicable

1 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
2 renewal fee specified under s. 440.08 (2) (a).

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

4 452.05 (1) (a) Grant and issue licenses to brokers and salespersons and
5 registrations to time-share salespersons and closing agents.

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

7 452.11 (1) A nonresident may become a broker, salesperson ~~or~~, time-share
8 salesperson, or closing agent by conforming to all the provisions of this chapter.

9 ***b0799/2.7* SECTION 3608dm.** 452.12 (6) (a) of the statutes is amended to

10 read:

11 452.12 (6) (a) Any licensee, except a time-share salesperson registered under
12 s. 452.025 or a closing agent registered under s. 452.035, may apply for registration
13 as an inactive licensee on or before the license renewal date. This paragraph does
14 not apply after October 31, 1995.

15 ***b0799/2.7* SECTION 3608dr.** 452.13 (1) (b) of the statutes is renumbered

16 452.01 (3w).

17 ***b0799/2.7* SECTION 3608eg.** 452.13 (1) (c) of the statutes is created to read:

18 452.13 (1) (c) “Closing funds” means any money related to the closing of real
19 estate conveyance that is received by a closing agent. “Closing funds” does not
20 include client funds, unless the client funds are transferred to a closing agent.

21 ***b0799/2.7* SECTION 3608em.** 452.13 (2) (a) of the statutes is amended to read:

22 452.13 (2) (a) A broker who holds client funds or a closing agent who holds
23 closing funds shall establish an interest-bearing common trust account in a
24 depository institution. The interest-bearing common trust account shall earn
25 interest at a rate not less than that applicable to individual accounts of the same

1 type, size, and duration and for which withdrawals or transfers can be made without
2 delay, subject to any notice period that the depository institution is required to
3 observe by law or regulation.

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

6 452.13 (2) (b) (intro.) Any broker or closing agent who maintains an
7 interest-bearing common trust account shall do all of the following:

8 *b0799/2.7* SECTION 3608fg. 452.13 (2) (c) of the statutes is amended to read:
9 452.13 (2) (c) A broker or closing agent shall deposit all client funds or closing
10 funds in the interest-bearing common trust account.

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

13 452.13 (2) (e) (intro.) For each interest-bearing common trust account, the
14 broker or closing agent shall direct the depository institution to do all of the
15 following:

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

18 452.13 (2) (e) 2. When the interest remittance is sent, furnish to the
19 department of administration and to the broker or closing agent maintaining the
20 interest-bearing common trust account a statement that includes the name of the
21 broker or closing agent for whose account the remittance is made, the rate of interest
22 applied, the amount of service charges or fees deducted, if any, and the account
23 balance for the period that the statement covers.

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

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

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

6 452.13 (3) DEPOSIT PROVISIONS. A broker or closing agent who deposits client
7 funds or closing funds in an interest-bearing common trust account in compliance
8 with this section may not be held liable to the owner or beneficial owner of the client
9 funds or closing funds for damages due to compliance with this section. A broker,
10 salesperson, or time-share salesperson who deposits client funds, or a closing agent
11 who deposits closing funds, in an interest-bearing common trust account in
12 compliance with this section is not required to disclose alternative depository
13 arrangements that could be made by the parties or to disclose that a deposit will be
14 made under this section.

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

16 452.13 (4) TRUST ACCOUNT OPTIONAL. This section does not require a broker or
17 closing agent to hold client funds or closing funds or require a person to transfer
18 client funds to a broker or transfer closing funds to a closing agent.

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

20 452.14 (1) The department shall, upon motion of the board or upon its own
21 determination, conduct investigations and, as appropriate, may hold hearings and
22 make findings, if the department receives credible information that a broker,
23 salesperson ~~or~~, time-share salesperson, or closing agent has violated this chapter or
24 any rule promulgated under this chapter.

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

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

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

9 452.14 (3) (b) Made any substantial misrepresentation with reference to a
10 transaction injurious to a seller or purchaser in which the broker, salesperson ~~or~~,
11 time-share salesperson, or closing agent acts as agent;

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

13 452.14 (3) (h) Failed, within a reasonable time, to account for or remit any
14 moneys coming into the broker's, salesperson's ~~or~~, time-share salesperson's, or
15 closing agent's possession which belong to another person;

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

17 452.14 (3) (i) Demonstrated incompetency to act as a broker, salesperson ~~or~~,
18 time-share salesperson, or closing agent in a manner which safeguards the interests
19 of the public;

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

21 452.14 (3) (jm) Intentionally encouraged or discouraged any person from
22 purchasing or renting real estate in a particular area on the basis of race. If the board
23 finds that any broker, salesperson ~~or~~, time-share salesperson, or closing agent has
24 violated this paragraph, the board shall, in addition to any temporary penalty
25 imposed under this subsection, apply the penalty provided in s. 452.17 (4);

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

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

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

10 452.17 (4) (a) (intro.) If the board finds that any broker, salesperson ~~or~~,
11 time-share salesperson, or closing agent has violated s. 452.14 (3) (jm), the board:

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

14 452.17 (4) (a) 1. Shall, for the first offense, suspend the license or registration
15 of the broker, salesperson ~~or~~, time-share salesperson, or closing agent for not less
16 than 90 days.

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

19 452.17 (4) (a) 2. Shall, for the 2nd offense, revoke the license or registration of
20 the broker, salesperson ~~or~~, time-share salesperson, closing agent.

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

22 **452.20 Limitation on actions for commissions.** No person engaged in the
23 business or acting in the capacity of a broker, salesperson ~~or~~, time-share salesperson,
24 or closing agent within this state may bring or maintain an action in the courts of this
25 state for the collection of a commission or compensation for the performance of any

1 act mentioned in this chapter without alleging and proving that he or she was a duly
2 licensed broker, or salesperson or registered time-share salesperson or closing agent
3 at the time the alleged cause of action arose.

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

5 **452.21 Compensation presumed.** In any prosecution for violation of this
6 chapter, proof that a person acted as a broker, agent, salesperson ~~or~~, time-share
7 salesperson, or closing agent is prima facie proof that compensation therefor was
8 received or promised.

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

10 452.22 (2) The certificate of the secretary or his or her designee to the effect that
11 a specified individual or business entity is not or was not on a specified date the
12 holder of a broker's, salesperson's ~~or~~, time-share salesperson's, or closing agent's
13 license or registration, or that a specified license or registration was not in effect on
14 a date specified, or as to the issuance, limitation, suspension, or revocation of any
15 license or registration or the reprimand of any holder thereof, the filing or
16 withdrawal of any application or its existence or nonexistence, is prima facie
17 evidence of the facts therein stated for all purposes in any action or proceedings.”.

18 *b1058/2.17* **1250.** Page 1156, line 6: after that line insert:

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

20 447.01 (10) “Oral risk assessment” means a review of the patient's caries
21 experience, dental care utilization, use of preventive services, and medical history.

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

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

1 447.01 (12) “Remediable procedures” means patient procedures that create
2 changes within the oral cavity or surrounding structures that are reversible without
3 professional intervention and do not involve any increased health risks to the
4 patient.

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

7 447.02 (1) (c) Subject to ch. 553 and s. ~~447.06 (1)~~ 447.055, governing dental
8 franchising.

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

11 447.02 (2) (d) The oral systemic premedications and subgingival sustained
12 release chemotherapeutic agents that may be administered by a dental hygienist
13 licensed under this chapter under s. ~~447.06 (2) (e) 1. and 3~~ (6) (a) and (c).

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

15 447.02 (2) (e) The educational requirements for administration of local
16 anesthesia by a dental hygienist licensed under this chapter under s. ~~447.06 (2) (e)~~
17 2 (6) (b).

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

19 447.02 (3) By January 1, 2003, and every 5 years thereafter, the examining
20 board shall submit jointly with the department of health and family services a report
21 to the legislature under s. 13.172 (2) and to the governor on the ability of the dental
22 work force to meet the oral health care needs of individuals in this state. The report
23 shall include findings and any recommendations of the examining board and the
24 department.

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

3 ***b1058/2.17* SECTION 3592ni.** 447.03 (2) (b) of the statutes is created to read:
4 447.03 (2) (b) Any individual who is licensed as a dental hygienist under this
5 chapter is not required to be licensed as a dentist to perform acts delegated by a
6 dentist under s. 447.06.

7 ***b1058/2.17* SECTION 3592nj.** 447.03 (3) (g) of the statutes is amended to read:
8 447.03 (3) (g) Any individual who provides remediable procedures or other
9 dentistry practices that are delegated under s. 447.065 (1) or (2).

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

12 447.04 (1) (a) 4. Submits evidence satisfactory to the examining board that he
13 or she has passed the national dental examination and either the examination of a
14 dental testing service approved by the examining board or an examination of a
15 regional dental testing service in the United States.

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

18 447.04 (1) (b) The Except as provided in pars. (c) and (d), the examining board
19 may grant a license to practice dentistry to an individual who is licensed in good
20 standing to practice dentistry in another state or territory of the United States or in
21 another country if the applicant meets the requirements for licensure established by
22 the examining board by rule and upon presentation of the license and payment of the
23 fee specified under s. 440.05 (2).

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

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

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

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

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

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

19 e. The applicant possesses a current certificate of proficiency in
20 cardiopulmonary resuscitation.

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

24 g. The applicant has presented satisfactory responses during any personal
25 interview with the board that the board may require to resolve conflicts between the

1 licensing standards and the applicant's application or to inquire into any discipline
2 that was imposed against the applicant or the license in another jurisdiction.

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

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

8 447.04 (1) (d) 1. The examining board shall grant a license to practice dentistry
9 to an applicant who is licensed in good standing to practice dentistry in another state
10 or territory of the United States or in another country upon presentation of the
11 license, payment of the fee specified under s. 440.05 (2), and submission of evidence
12 satisfactory to the examining board that all of the following conditions are met:

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

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

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

21 d. The applicant possesses a current certificate of proficiency in
22 cardiopulmonary resuscitation.

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

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

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

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

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

13 **447.06 (title) Practice Dental hygienist practice limitations.**

14 *b1058/2.17* SECTION 3592nq. 447.06 (1) of the statutes is renumbered
15 447.055 and amended to read:

16 **447.055 Contract provisions.** No contract of employment entered into
17 between a dentist and any other party under which the dentist renders dental
18 services may require the dentist to act in a manner which violates the professional
19 standards for dentistry set forth in this chapter. Nothing in this ~~subsection~~ section
20 limits the ability of the other party to control the operation of the dental practice in
21 a manner in accordance with the professional standards for dentistry set forth in this
22 chapter.

23 *b1058/2.17* SECTION 3592nr. 447.06 (2) (a) of the statutes is renumbered
24 447.06 (1m), and 447.06 (1m) (intro.), as renumbered, is amended to read:

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

4 ***b1058/2.17* SECTION 3592ns.** 447.06 (2) (b) of the statutes is renumbered
5 447.06 (2m) (a) and amended to read:

6 447.06 (2m) (a) ~~A~~ Except as provided in subs. (3) and (4), a dental hygienist
7 may practice dental hygiene or perform remediable procedures under par. (a) 1., 4.,
8 6., 7. or 8. only as only if either authorized by a dentist who is licensed to practice
9 dentistry under this chapter and who is present in the facility in which those
10 practices or procedures are performed, except as provided in par. (c) or if the practices
11 or procedures are performed pursuant to a prescription that meets the requirements
12 of par. (b).

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

15 447.06 (2m) (b) (intro.) ~~A dental hygienist may practice dental hygiene or~~
16 ~~perform remediable procedures under par. (a) 1., 4., 6., 7. or 8. if a dentist who is~~
17 ~~licensed to practice dentistry under this chapter is not present in the facility in which~~
18 ~~these~~ The practices or procedures are under par. (a) may be performed pursuant to
19 a prescription only if all of the following conditions are met:

20 ***b1058/2.17* SECTION 3592nu.** 447.06 (2) (d) of the statutes is renumbered
21 447.06 (5).

22 ***b1058/2.17* SECTION 3592nv.** 447.06 (2) (e) of the statutes is renumbered
23 447.06 (6).

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

1 447.06 (2m) (title) REQUIREMENT FOR A DENTIST PRESENT OR A PRESCRIPTION IF A
2 DENTIST IS NOT PRESENT.

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

4 447.06 (3) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
5 PRESCRIPTION; DENTAL HYGIENIST SCHOOL. A dental hygienist may practice dental
6 hygiene or perform remediable procedures at a school for the education of dental
7 hygienists without a dentist present in the facility in which the practices or
8 procedures are performed and without a written or oral prescription. A dental
9 hygienist may apply sealants on a patient at a school for the education of dental
10 hygienists without a diagnosis or treatment plan by a dentist if a dental hygienist
11 has performed an oral risk assessment of the patient. A dental hygienist shall
12 maintain a written record of the assessment and make appropriate referrals based
13 on the assessment.

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

15 447.06 (4) PRACTICE CIRCUMSTANCES WITHOUT A DENTIST PRESENT AND WITHOUT A
16 PRESCRIPTION; ADDITIONAL EDUCATION AND EXPERIENCE. (a) A dental hygienist may
17 perform any of the following practices without a dentist present in the facility in
18 which the practices are performed and without a written or oral prescription if the
19 requirements of pars. (am), (b), and (c) are met and if the dental hygienist first
20 reviews the patient's medical history and performs an oral risk assessment:

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

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

3 3. Provide fluoride therapies.

4 4. Provide patient education services.

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

7 6. Perform oral prophylaxis, if a dentist, nurse practitioner, physician or
8 physician assistant has reviewed a current medical history for the patient and has
9 indicated in writing that the patient may receive the service. The dental hygienist
10 may use topical anesthesia under this subdivision only if the anesthesia has been
11 prescribed by a dentist, nurse practitioner, physician, or physician assistant. Local
12 anesthesia may not be administered by a dental hygienist under this subdivision.

13 7. Remove supragingival or subgingival calcareous deposits, subgingival
14 cement, or extrinsic stains from a natural or restored surface of a human tooth or a
15 fixed replacement for a human tooth, perform debridement or deep scaling or root
16 planing of teeth, if a dentist, nurse practitioner, physician, or physician assistant has
17 reviewed a current medical history of the patient and has indicated in writing that
18 the patient may receive the service for the patient. The dental hygienist may use
19 topical anesthesia under this subdivision only if prescribed by a dentist, nurse
20 practitioner, physician, or physician assistant. Local anesthesia may not be
21 administered by a dental hygienist under this subdivision.

22 (am) A dental hygienist shall maintain a written record of and oral risk
23 assessment performed under par. (a) and make appropriate referrals based on the
24 assessment.

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

- 1 1. For a school board or a governing body of a private school.
- 2 2. For a facility, as defined in s. 50.01 (1m), a hospital, as defined in s. 50.33 (2),
3 or a facility established to provide care for terminally ill patients.
- 4 3. For a local health department, as defined in s. 250.01 (4).
- 5 4. For a charitable institution open to the general public or to members of a
6 religious sect or order.
- 7 5. For a nonprofit home health care agency.
- 8 6. For a nonprofit dental care program serving primarily indigent,
9 economically disadvantaged, or migrant worker populations.
- 10 (c) A dental hygienist may perform the practices under par. (a) only if certified
11 by the examining board in dental hygiene practice circumstances without a dentist
12 present and without a prescription. The examining board shall issue a certificate in
13 dental hygiene practice circumstances without a dentist present and without a
14 prescription to an individual who documents to the board that he or she has 2 years
15 of experience as a dental hygienist and meets any of the following:
 - 16 1. Has submitted to the examining board proof of course completion issued by
17 an accredited dental school or an accredited dental hygiene school in dental hygiene
18 circumstances without a dentist present and without a prescription. This course
19 may be offered in conjunction with a national or state dental or dental hygiene
20 association.
 - 21 2. Has been certified in community dental health, public health, or public
22 health education from an accredited dental school or an accredited dental hygiene
23 program.
 - 24 3. Has worked for at least 1,000 hours in a public health or community health
25 setting.

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

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

4 447.06 (5) (title) PROHIBITED PRACTICES.

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

7 447.06 (6) (title) DELEGATION BY A DENTIST TO A DENTAL HYGIENIST.

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

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

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

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

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

18 447.06 (7) DENTIST RESPONSIBLE FOR DELEGATION. A dentist who delegates to a
19 dental hygienist the performance of any practice or remediable procedure under sub.
20 (6) is responsible for that dental hygienist's performance of that delegated practice
21 or procedure.

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

24 447.065 (title) **Delegation of remediable procedures and dental**
25 **dentistry practices to unlicensed individuals.**

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

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

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

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

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

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

14 447.065 (2) A dentist may make a delegation under sub. (1) of dentistry
15 practices that are not remediable procedures if all of the following requirements are
16 met:

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

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

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

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

9 *b1058/2.17* **SECTION 3592ph.** 447.065 (3) of the statutes is amended to read:
10 447.065 (3) A dentist who delegates to another an unlicensed individual the
11 performance of any practice or remediable procedure is responsible for that
12 individual's performance of that delegated practice or procedure.”

13 *b0793/1.6* **1251.** Page 1156, line 7: after that line insert:

14 *b0793/1.6* **SECTION 3619s.** 560.031 (6m) of the statutes is created to read:
15 560.031 (6m) Annually, in consultation with the council on recycling, the board
16 shall establish a list of materials recovered from solid waste for which the board may
17 award financial assistance.”

18 *b0850/1.1* **1252.** Page 1156, line 7: after that line insert:

19 *b0850/1.1* **SECTION 3619w.** 560.06 (2) of the statutes is amended to read:
20 560.06 (2) In each fiscal year ~~1999–2000~~, the department ~~may shall~~ provide ~~up~~
21 ~~to~~ \$100,000 from the appropriations under s. 20.143 (1) (c) and (ie) in assistance to
22 ~~a~~ the nonprofit organization specified in sub. (1) that provides assistance to
23 organizations and individuals in urban areas. Notwithstanding sub. (1), the
24 department shall use the moneys authorized under this subsection in accordance

1 with the memorandum of understanding under sub. (1) and shall ensure that the
2 nonprofit organization provides assistance to organizations and individuals in an
3 area that includes the city of Beloit.”.

4 *b0957/1.18* **1253.** Page 1156, line 7: after that line insert:

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

7 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
8 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
9 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495
10 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,
11 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,
12 560.039, and 560.80 to 560.85, the department shall establish and periodically
13 update a list of certified minority businesses, minority financial advisers, and
14 minority investment firms. Any business, financial adviser, or investment firm may
15 apply to the department for certification. For purposes of this paragraph, unless the
16 context otherwise requires, a “business” includes a financial adviser or investment
17 firm.

18 *b0957/1.18* SECTION 3619sg. 560.036 (3) (a) of the statutes is amended to
19 read:

20 560.036 (3) (a) The department shall promulgate rules establishing procedures
21 to implement sub. (2). Those rules shall include a rule prescribing a uniform
22 application form for certification under sub. (2).

23 *b0957/1.18* SECTION 3619sj. 560.036 (3) (c) of the statutes is amended to
24 read: