

**ASSEMBLY AMENDMENT 30,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives MORRIS-TATUM, COGGS and YOUNG.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 90, line 6: after that line insert:

3 “41e. Page 25, line 3: after that line insert:

4 “**SECTION 134e.** 15.07 (1) (b) 23. of the statutes is created to read:

5 15.07 (1) (b) 23. Cemetery board.

6 **SECTION 134m.** 15.07 (1) (cm) of the statutes is amended to read:

7 15.07 (1) (cm) The term of one member of the ethics board shall expire on each
8 May 1. The terms of 3 members of the development finance board appointed under
9 s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms
10 of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of
11 every odd-numbered year. The terms of the 3 members of the land and water

1 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
2 The term of the member of the land and water conservation board appointed under
3 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
4 members of the real estate board shall expire on July 1. The terms of the appraiser
5 members of the real estate appraisers board and the terms of the auctioneer and
6 auction company representative members of the auctioneer board shall expire on
7 May 1 in an even-numbered year. The terms of the cemetery authority business
8 representative members of the cemetery board shall expire on May 1 in an
9 even-numbered year.

10 **SECTION 134s.** 15.07 (1) (cs) of the statutes is amended to read:

11 15.07 (1) (cs) No member of the auctioneer board, cemetery board, real estate
12 appraisers board, or real estate board may be an officer, director, or employee of a
13 private organization that promotes or furthers any profession or occupation
14 regulated by that board.”.

15 41m. Page 25, line 7: after that line insert:

16 “**SECTION 135m.** 15.07 (3) (b) of the statutes is amended to read:

17 15.07 (3) (b) Except as provided in par. (bm), each board not covered under par.
18 (a) shall meet annually, and may meet at other times on the call of the chairperson
19 or a majority of its members. The auctioneer board, the cemetery board, the real
20 estate board, and the real estate appraisers board shall also meet on the call of the
21 secretary of regulation and licensing or his or her designee within the department.”.

22 41s. Page 25, line 10: after that line insert:

23 “**SECTION 136b.** 15.07 (3) (bm) 5. of the statutes is created to read:

24 15.07 (3) (bm) 5. The cemetery board shall meet at least 4 times each year.

25 **SECTION 136d.** 15.07 (5) (z) of the statutes is created to read:

1 15.07 (5) (z) Members of the cemetery board, \$25 per day.”.”.

2 **2.** Page 103, line 20: after that line insert:

3 “63m. Page 31, line 15: after that line insert:

4 “**SECTION 182g.** 15.405 (3m) of the statutes is created to read:

5 15.405 (3m) CEMETERY BOARD. (a) In this subsection:

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

7 2. “Licensed cemetery authority” has the meaning given in s. 157.061 (8r).

8 3. “Religious cemetery authority” has the meaning given s. 157.061 (15m).

9 (b) There is created a cemetery board, attached to the department of regulation
10 and licensing under s. 15.03, consisting of the following members appointed for
11 4-year terms:

12 1. Four members, each of whom is a business representative of a licensed
13 cemetery authority.

14 2. A representative of the department of justice designated by the attorney
15 general.

16 3. Two public members.

17 (c) Of the members appointed under par. (b) 1., one member shall be a business
18 representative of a licensed cemetery authority organized or conducted for pecuniary
19 profit, one member shall be a business representative of a licensed cemetery
20 authority not organized or conducted for pecuniary profit, one member shall be a
21 business representative of a licensed cemetery authority that is a city, village, town,
22 or county, and no member may be a business representative of a religious cemetery
23 authority.

24 (d) No member of the cemetery board may serve more than 2 terms.”.”.

1 **3.** Page 163, line 14: after that line insert:

2 “336m. Page 302, line 24: after that line insert:

3 “**SECTION 465p.** 20.165 (1) (q) of the statutes is created to read:

4 20.165 **(1)** (q) *Cemetery and mausoleum trustee disbursements.* From the
5 cemetery management insurance fund, a sum sufficient to make disbursements to
6 trustees under the rules promulgated under s. 157.117 (4) (a).”.”.

7 **4.** Page 310 line 12: after that line insert:

8 “607m. Page 468, line 19: after that line insert:

9 “**SECTION 1104p.** 25.17 (1) (at) of the statutes is created to read:

10 25.17 **(1)** (at) Cemetery management insurance fund (s. 25.86);”.”.

11 **5.** Page 318, line 20: after that line insert:

12 “617m. Page 477, line 11: after that line insert:

13 “**SECTION 1144m.** 25.86 of the statutes is created to read:

14 **25.86 Cemetery management insurance fund.** There is established a
15 separate nonlapsible trust fund designated as the cemetery management insurance
16 fund, to consist of each of the following:

17 **(1)** The moneys received from death certificate filing fees under s. 69.22 (1) (e).

18 **(2)** The moneys received from the issuance of copies of death certificates under
19 s. 69.22 (1) (f).”.”.

20 **6.** Page 520, line 10: after that line insert:

21 “874m. Page 669, line 17: after that line insert:

22 “**SECTION 2003t.** 60.61 (2) (j) of the statutes is created to read:

23 60.61 **(2)** (j) Authorize burials under s. 157.066.

24 **SECTION 2003x.** 62.23 (7) (c) of the statutes is amended to read:

1 62.23 (7) (c) *Purposes in view.* Such regulations shall be made in accordance
2 with a comprehensive plan and designed to lessen congestion in the streets; to secure
3 safety from fire, panic and other dangers; to promote health and the general welfare;
4 to provide adequate light and air, including access to sunlight for solar collectors and
5 to wind for wind energy systems; to encourage the protection of groundwater
6 resources; to prevent the overcrowding of land; to avoid undue concentration of
7 population; to facilitate the adequate provision of transportation, water, sewerage,
8 schools, parks and other public requirements; to authorize burials if an ordinance is
9 enacted under s. 157.066; and to preserve burial sites, as defined in s. 157.70 (1) (b).
10 Such regulations shall be made with reasonable consideration, among other things,
11 of the character of the district and its peculiar suitability for particular uses, and
12 with a view to conserving the value of buildings and encouraging the most
13 appropriate use of land throughout such city.”.

14 **7.** Page 566, line 10: after that line insert:

15 “901d. Page 693, line 7: after “in” insert “, together with the fee required under
16 s. 69.22 (1) (e).”.

17 901h. Page 698, line 4: delete lines 4 to 6 and substitute:

18 “69.22 (1) (a) Except as provided under ~~par. pars.~~ (c) and (f), \$7 for issuing one
19 certified copy of a vital record and \$~~2~~ \$3 for any additional certified copy of the same
20 vital record issued at the same time.”.

21 901p. Page 699, line 6: after that line insert:

22 “**SECTION 2096b.** 69.22 (1) (e) of the statutes is created to read:

1 69.22 (1) (e) Ten dollars for receiving a death certificate filed by a person
2 required to file a certificate of death under s. 69.18 (1) (b), which shall be forwarded
3 to the state treasurer under sub. (1r).

4 **SECTION 2096bc.** 69.22 (1) (f) of the statutes is created to read:

5 69.22 (1) (f) Eight dollars for issuing a copy of a death certificate, \$1 of which
6 shall be forwarded to the state treasurer under sub. (1r).”.

7 901t. Page 699, line 14: after that line insert:

8 **“SECTION 2096f.** 69.22 (1r) of the statutes is created to read:

9 69.22 (1r) By the 15th day of the first month following the end of a calendar
10 quarter, the state registrar and any person acting under this subchapter shall
11 forward to the state treasurer the amounts specified in sub. (1) (e) and (f) that are
12 received during the calendar quarter. The state treasurer shall credit all amounts
13 received under this subsection to the cemetery management insurance fund.”.

14 **8.** Page 982, line 1: before that line insert:

15 “1498m. Page 957, line 3: after that line insert:

16 **“SECTION 2852bb.** 157.061 (1) of the statutes is renumbered 157.061 (1c) and
17 amended to read:

18 157.061 (1c) “Burial” means entombment, inurnment ~~or~~, interment, or
19 placement in a mausoleum, vault, crypt, or columbarium.

20 **SECTION 2852bd.** 157.061 (1b) of the statutes is created to read:

21 157.061 (1b) “Board” means the cemetery board.

22 **SECTION 2852bf.** 157.061 (1d) of the statutes is created to read:

23 157.061 (1d) “Burial space” means a space that is used or intended to be used
24 for the burial of human remains and, when used in reference to the sale, purchase,

1 or ownership of a burial space, includes the right to bury human remains in the
2 burial space.

3 **SECTION 2852bh.** 157.061 (1j) of the statutes is created to read:

4 157.061 (1j) “Business representative” has the meaning given in s. 452.01 (3k).

5 **SECTION 2852bj.** 157.061 (1p) of the statutes is created to read:

6 157.061 (1p) “Cemetery” means a place that is dedicated to and used or
7 intended to be used for the final disposition of human remains.

8 **SECTION 2852bL.** 157.061 (2m) of the statutes is amended to read:

9 157.061 (2m) “Cemetery lot” means a grave or 2 or more contiguous graves and,
10 when used in reference to the sale, purchase or ownership of a cemetery lot, includes
11 the right to bury human remains in that cemetery lot.

12 **SECTION 2852bn.** 157.061 (3) of the statutes is amended to read:

13 157.061 (3) “Cemetery merchandise” means goods associated with the burial
14 of human remains, including monuments, markers, nameplates, vases, and urns,
15 and any services that are associated with supplying or delivering those goods or with
16 the burial of human remains and that may be lawfully provided by a cemetery
17 authority, including opening and closing of a burial space. The term does not include
18 caskets or outer burial containers.

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

20 157.061 (3g) “Columbarium” means a building, structure, or part of a building
21 or structure that is used or intended to be used for the inurnment of cremains.

22 **SECTION 2852br.** 157.061 (3r) of the statutes is created to read:

23 157.061 (3r) “Columbarium space” means a niche, crypt, or specific place in a
24 columbarium that contains or is intended to contain cremains.

25 **SECTION 2852bt.** 157.061 (8g) of the statutes is created to read:

1 157.061 **(8g)** “Lawn crypt” means an interment space in chambers that are
2 preplaced at either a single depth or multiple depths and that are located primarily
3 underground.

4 **SECTION 2852bv.** 157.061 (8r) of the statutes is created to read:

5 157.061 **(8r)** “Licensed cemetery authority” means a cemetery authority that
6 is licensed under s. 440.91 (1).

7 **SECTION 2852bx.** 157.061 (11r) of the statutes is amended to read:

8 157.061 **(11r)** “Payment of principal” means the portion of a payment for the
9 purchase of a ~~cemetery lot~~, cemetery merchandise or a ~~mausoleum~~ burial space that
10 represents the principal amount owed by the purchaser for the ~~cemetery lot~~,
11 cemetery merchandise or ~~mausoleum~~ burial space, and does not include any portion
12 of the payment that represents any taxes, finance or interest charges, or insurance
13 premiums.

14 **SECTION 2852by.** 157.061 (14m) of the statutes is created to read:

15 157.061 **(14m)** “Registered cemetery authority” means a cemetery authority
16 that is registered under s. 440.91 (1m).

17 **SECTION 2852da.** 157.061 (15) of the statutes is amended to read:

18 157.061 **(15)** “Religious association” means any church, synagogue, or mosque
19 ~~or any incorporated college of a religious order, or religious society organized under~~
20 ch. 187.

21 **SECTION 2852dc.** 157.061 (15m) of the statutes is created to read:

22 157.061 **(15m)** “Religious cemetery authority” means a cemetery authority of
23 a cemetery owned and operated by a religious association.

24 **SECTION 2852de.** 157.061 (17) of the statutes is amended to read:

1 157.061 **(17)** “Undeveloped space” means a mausoleum space, columbarium
2 space, or lawn crypt that is not ready for the burial of human remains on the date
3 of the sale of the mausoleum space, columbarium space, or lawn crypt.

4 **SECTION 2852dg.** 157.062 (1) of the statutes is amended to read:

5 157.062 **(1)** ORGANIZATION. Seven or more residents of the same county may
6 form a cemetery association. They shall meet, select a chairperson and secretary,
7 choose a name, fix the annual meeting date, and elect by ballot not less than 3 nor
8 more than 9 trustees whom the chairperson and secretary shall immediately divide
9 by lot into 3 classes, who shall hold their offices for 1, 2, and 3 years, respectively.
10 Within 3 days, the chairperson and secretary shall certify the corporate name, the
11 names, home addresses and business addresses of the organizers and of the trustees,
12 and their classification, and the annual meeting date acknowledged by them, and,
13 ~~except as provided in sub. (9),~~ deliver the certification to the department of financial
14 institutions. The association then has the powers of a corporation.

15 **SECTION 2852di.** 157.062 (2) of the statutes is amended to read:

16 157.062 **(2)** AMENDMENTS. The association may change its name, the number
17 of trustees or the annual meeting date by resolution at an annual meeting, or special
18 meeting called for such purpose, by a majority vote of the members present, and,
19 ~~except as provided in sub. (9),~~ by delivering to the department of financial
20 institutions a copy of the resolution, with the date of adoption, certified by the
21 president and secretary or corresponding officers.

22 **SECTION 2852dk.** 157.062 (3) of the statutes is amended to read:

23 157.062 **(3)** VALIDATION. When there shall have been a bona fide attempt to
24 organize a cemetery association, but a failure to record a properly drawn and
25 executed certificate of organization, and it has in good faith bought and platted

1 grounds and conveyed cemetery lots burial spaces and carried on business for over
2 25 years, the same shall be a body corporate from the date of conveyance to it of real
3 estate, and its transfers and other transactions are validated.

4 **SECTION 2852dm.** 157.062 (4) (a) of the statutes is amended to read:

5 157.062 (4) (a) An annual election shall be held during the annual meeting.
6 The annual meeting, and any special meeting described in sub. (2), shall be held at
7 a place in the county chosen by the trustees upon public notice as required by the
8 bylaws. Trustees chosen after the first election shall be proprietors of cemetery lots
9 burial spaces in the cemetery, residents of the state, and hold office for 3 years.
10 Election shall be by ballot and a plurality shall elect. Each owner of one or more
11 cemetery lots burial spaces is entitled to one vote, and one of several owners of a
12 cemetery lot burial space, designated by the majority of them, shall cast the vote.

13 **SECTION 2852do.** 157.062 (5) of the statutes is amended to read:

14 157.062 (5) TRUSTEES; DUTIES, REPORT. The trustees may fill vacancies for the
15 unexpired term. One shall be chosen president, and they shall appoint a secretary
16 and treasurer, and may require security of the treasurer. The trustees shall manage
17 the affairs and property of the association and control and beautify the cemetery, and
18 may establish regulations for those purposes. The trustees shall make and file
19 written reports as required in s. 157.62 (1) and (2).

20 **SECTION 2852dq.** 157.062 (6) (b) of the statutes is amended to read:

21 157.062 (6) (b) If an association that has been dissolved under par. (a), or any
22 group that was never properly organized as a cemetery association, has cemetery
23 grounds and human remains are buried in the cemetery grounds, 5 or more
24 members, or persons interested as determined by order of the circuit judge under par.
25 (c), may publish a class 3 notice, under ch. 985, in the municipality in which the

1 cemetery is located, of the time, place, and object of the meeting, assemble, and
2 reorganize by the election of trustees and divide them into classes as provided in sub.
3 (1), the commencement of the terms to be computed from the next annual meeting
4 date. The secretary shall enter the proceedings of the meeting on the records. The
5 association is reorganized upon delivery of a copy of the proceedings to the
6 department of financial institutions, ~~except as provided in sub. (9).~~ Upon
7 reorganization, the title to the cemetery grounds, trust funds, and all other property
8 of the association or group vests in the reorganized association, under the control of
9 the trustees. The reorganized association may continue the name of the dissolved
10 association or may adopt a new name.

11 **SECTION 2852ds.** 157.062 (6) (c) of the statutes is amended to read:

12 157.062 **(6)** (c) If an association is dissolved under par. (a) or any group has
13 never been properly organized as cemetery association, and there are fewer than 5
14 members living or residing in the county where the cemetery is located, the circuit
15 judge for the county shall upon the petition of any person interested, make an order
16 determining who are persons interested in the cemetery. Any adult person who owns
17 an interest in any cemetery lot burial space in the cemetery, who is related to any
18 person buried in the cemetery, or who is a descendant, brother, sister, nephew, niece,
19 or surviving spouse of a member of the dissolved association, is an interested person.
20 The circuit judge may make the order upon evidence he or she deems sufficient, with
21 or without hearing. The order need not contain the names of all persons interested,
22 but shall contain the names of at least 5 such persons.

23 **SECTION 2852du.** 157.062 (9) of the statutes is repealed.

24 **SECTION 2852dw.** 157.063 of the statutes is created to read:

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

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

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

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

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

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

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

22 **SECTION 2852dy.** 157.064 (2) of the statutes is amended to read:

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

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

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

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

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

18 **SECTION 2852ff.** 157.066 of the statutes is created to read:

19 **157.066 Burial spaces not located in cemeteries. (1)** A city, village, or
20 town may enact and enforce an ordinance that allows a person to bury human
21 remains in a burial space that is not located in a cemetery.

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

25 **SECTION 2852fh.** 157.07 (1) of the statutes is amended to read:

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

9 **SECTION 2852fj.** 157.07 (5) of the statutes is amended to read:

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

22 **SECTION 2852fL.** 157.07 (6) of the statutes is amended to read:

23 157.07 (6) This section does not apply to a religious ~~society organized under ch.~~
24 ~~187~~ cemetery authority.

25 **SECTION 2852fn.** 157.08 (1) of the statutes is amended to read:

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

8 **SECTION 2852fp.** 157.08 (2) (a) of the statutes is amended to read:

9 157.08 (2) (a) If a ~~cemetery lot or mausoleum~~ burial space is sold by a cemetery
10 authority and used or intended to be used for the burial of the human remains of the
11 purchaser or the purchaser's family members, the purchaser's interests in the
12 ownership of, title to, or right to use the ~~cemetery lot or mausoleum~~ burial space are
13 not affected or limited by any claims or liens of other persons against the cemetery
14 authority.

15 **SECTION 2852fr.** 157.08 (2) (b) of the statutes is renumbered 157.08 (2) (b) 1.
16 (intro.) and amended to read:

17 157.08 (2) (b) 1. (intro.) Before a cemetery authority ~~sells or encumbers any~~
18 ~~cemetery land, except for a sale described in par. (a)~~ takes any of the following
19 actions, the cemetery authority shall notify the department in writing ~~of the~~
20 ~~proposed sale or encumbrance.~~

21 3. If within 60 days after the department is notified of the ~~proposed sale or~~
22 ~~encumbrance~~ under subd. 1. the department notifies the cemetery authority in
23 writing that the department objects to the ~~sale or encumbrance~~ proposed action, the
24 cemetery authority may not ~~sell or encumber the cemetery land~~ take the action

1 unless the department subsequently notifies the cemetery authority in writing that
2 the objection is withdrawn.

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

9 5. The department may, before the expiration of the 60-day period under subd.
10 3., notify the cemetery authority in writing that the department approves of the ~~sale~~
11 ~~or encumbrance~~ action. Upon receipt of the department's written approval, the
12 cemetery authority may ~~sell or encumber the cemetery land~~ take the action and is
13 released of any liability under this paragraph.

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

16 **SECTION 2852ft.** 157.08 (2) (b) 1. a., b., c. and d. of the statutes are created to
17 read:

18 157.08 (2) (b) 1. a. Sells or encumbers any cemetery land, except for a sale
19 described in par. (a).

20 b. Transfers ownership or control of 50% or more of the assets or stock of the
21 cemetery.

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

24 d. Transfers responsibility for management or operation of the cemetery
25 authority.

1 **SECTION 2852fu.** 157.08 (2) (b) 2. of the statutes is created to read:

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

4 **SECTION 2852fw.** 157.08 (5) of the statutes is amended to read:

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

9 **SECTION 2852fy.** 157.10 (title) of the statutes is amended to read:

10 **157.10 (title) Alienation and use of cemetery lots burial spaces.**.”.”.

11 **9.** Page 982, line 1: delete lines 1 and 2 and substitute:

12 “1499b. Page 957, line 7: delete “cemetery lot, the cemetery lot” and substitute
13 “~~cemetery lot, the cemetery lot~~ burial space, the burial space”.

14 1499d. Page 957, line 9: delete “cemetery lot” and substitute “burial space”.

15 1499f. Page 957, line 10: delete “cemetery lot, ownership of the cemetery” and
16 substitute “burial space, ownership of the cemetery”.

17 1499h. Page 957, line 11: delete “lot” and substitute “lot burial space”.

18 1499j. Page 957, line 12: on lines 12 and 13, delete “cemetery lot” and substitute
19 “~~cemetery lot~~ burial space”.

20 1499L. Page 957, line 14: delete “cemetery lot, or a relative” and substitute
21 “~~cemetery lot~~ burial space, or a brother, sister, or other relative”.

22 1499n. Page 957, line 15: delete “relative” and substitute “brother, sister, or
23 other relative”.

1 1499p. Page 957, line 16: delete “cemetery lot.” and substitute “cemetery lot
2 burial space. This subsection does not apply to the burial of human remains of an
3 individual who is in a class of individuals who are prohibited under regulations
4 adopted by a religious cemetery authority or affiliated religious association from
5 being buried in a cemetery.”.

6 1499r. Page 957, line 18: delete “cemetery lot” and substitute “burial space”.

7 1499t. Page 957, line 20: delete that line and substitute “child, brother, sister,
8 or parent without the consent of the cemetery authority. This paragraph does not
9 apply if the spouse, child, brother, sister, or parent is in a class of individuals who are
10 prohibited under regulations adopted by a religious cemetery authority or affiliated
11 religious association from being buried in the cemetery in which the burial space is
12 located.”.

13 1499v. Page 957, line 20: after that line insert:

14 “**SECTION 2852jb.** 157.10 (4) of the statutes is created to read:

15 157.10 **(4)** The department shall promulgate rules that interpret the
16 requirements of this section and require any person who transfers an interest in a
17 burial space to provide the transferee with a written notice, prepared by the
18 department, that describes the requirements of this section.

19 **SECTION 2852jd.** 157.11 (title) of the statutes is amended to read:

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

22 **SECTION 2852jf.** 157.11 (1m) of the statutes is created to read:

23 157.11 **(1m)** DUTY TO MAINTAIN. A cemetery authority shall maintain a
24 cemetery, including burial spaces, grounds, landscaping, roads, parking lots, fences,
25 buildings, and other structures, in a reasonable manner at all times.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SECTION 2852jx.** 157.11 (8) of the statutes is repealed.

19 **SECTION 2852jz.** 157.11 (9) (title) of the statutes is repealed and recreated to
20 read:

21 157.11 (9) (title) GIFTS.

22 **SECTION 2852Lb.** 157.11 (9) (a) of the statutes is renumbered 157.11 (9) (b) and
23 amended to read:

24 157.11 (9) (b) ~~Before a cemetery authority receives a gift, the surety bonds of~~
25 ~~the cemetery authority shall be increased to cover such amount if it does not then do~~

1 ~~so. If the bonds are not filed, or the~~ If a cemetery authority fails to do anything
2 required by this subsection, the judge may appoint a trustee, and all property and
3 money ~~so given~~ in the manner described under par. (am) and evidences of title and
4 securities shall be delivered to the trustee.

5 **SECTION 2852Ld.** 157.11 (9) (am) of the statutes is created to read:

6 157.11 **(9)** (am) If a cemetery authority receives a gift for the improvement,
7 maintenance, repair, preservation, or ornamentation of any burial space or structure
8 in the cemetery, it shall either expend the income and proceeds of the gift or deposit
9 the proceeds into a trust account at a financial institution, as defined in s. 705.01 (3),
10 according to the terms of the gift and regulations of the cemetery authority. A
11 cemetery authority that receives a gift shall maintain a gift ledger that accounts for
12 all receipts and disbursements of gifts.

13 **SECTION 2852Lf.** 157.11 (9g) (title) of the statutes is amended to read:

14 157.11 **(9g)** (title) CARE FUND FOR ~~CEMETERY LOTS~~ BURIAL SPACES.

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

16 157.11 **(9g)** (a) 1. (intro.) Except as provided in ss. ~~66.0603 (1) (c)~~ 66.0603 (1m)
17 (c) and 157.19 (5) (b), funds that are received by a cemetery authority for the care of
18 a cemetery lot burial space shall be invested in one or more of the following manners:

19 **SECTION 2852Lj.** 157.11 (9g) (a) 1. c. of the statutes is amended to read:

20 157.11 **(9g)** (a) 1. c. If not invested as provided in subd. 1. a. or b., otherwise
21 deposited by the cemetery authority in an investment ~~approved by the department~~
22 if the care funds are segregated and invested separately from all other moneys held
23 by the cemetery authority and if the cemetery authority submits to the department
24 a written statement by an investment advisor licensed under ch. 551, or a broker, as

1 defined in s. 408.102 (1) (c), that the investment is made in accordance with the
2 standards specified in s. 881.01.

3 **SECTION 2852LL.** 157.11 (9g) (a) 2. of the statutes is amended to read:

4 157.11 **(9g)** (a) 2. The manner in which the care funds are invested may not
5 permit the cemetery authority to withdraw the care fund's principal amount, but
6 may permit the withdrawal of interest, dividends, or capital gains earned during the
7 most recently completed calendar year. The income from the investment of a care
8 fund for the care of ~~cemetery lots~~ burial spaces may be used only to maintain the
9 ~~cemetery lots~~ burial spaces and grounds, except that if the amount of income exceeds
10 the amount necessary to maintain the ~~cemetery lots~~ burial spaces or grounds
11 properly, the excess amount may be used to maintain any other portion of the
12 cemetery, including mausoleums. If the care funds are deposited with a city or
13 county, or previously deposited with a village, there shall be paid to the cemetery
14 authority annually interest on funds so deposited of not less than 2% per year. The
15 governing body of any city or county, or any village or town in the case of previous
16 deposits, may determine to return all or a part of any funds deposited by a cemetery
17 authority, and that cemetery authority shall accept the returned funds within 30
18 days after receiving written notice of that action. If the cemetery authority is
19 dissolved or becomes inoperative, the county or city shall use the interest on the
20 funds for the care and upkeep of the cemetery. Deposit shall be made and the income
21 paid over from time to time, not less frequently than once each year, and receipts in
22 triplicate shall be given, one filed with the county clerk, one with the cemetery
23 authority and one given to the person making the deposit. Deposits shall be in the
24 amount of \$5 or a multiple thereof. Records and receipts shall specify the ~~cemetery~~
25 ~~lot~~ burial space for the care of which the deposit is made. Reports of money received

1 for care and of money and property received as gifts shall be made annually as
2 provided in s. 157.62 (2).

3 **SECTION 2852Ln.** 157.11 (9g) (c) of the statutes is amended to read:

4 157.11 (9g) (c) ~~Except as provided in sub. (11), any~~ Any cemetery authority that
5 sells a cemetery lot, lawn crypt, or columbarium space on or after ~~November 1, 1991~~
6 the effective date of this paragraph ... [revisor inserts date], shall deposit 15% of each
7 payment of principal into a care fund under par. (a) within 30 days after the last day
8 of the month in which the payment is received, except as provided in sub. (7) (d) and
9 s. 157.115 (2) (f). The total amount deposited must equal 15% of the total amount of
10 all payments of principal that have been received, but not less than \$25.

11 **SECTION 2852Lp.** 157.11 (10) of the statutes is amended to read:

12 157.11 (10) EXEMPTION FOR RELIGIOUS SOCIETIES CEMETERY AUTHORITIES.
13 Subsections (1) to (9), (9g) (a) and (b), (9m) and (9r) do not apply, but sub. (9g) (c) does
14 apply, to a religious society ~~organized under ch. 187~~ cemetery authority.

15 **SECTION 2852Lr.** 157.11 (11) of the statutes is repealed.

16 **SECTION 2852ob.** 157.115 (title) of the statutes is amended to read:

17 **157.115 (title) Abandonment of cemeteries and cemetery lots burial**
18 **spaces.**

19 **SECTION 2852od.** 157.115 (1) (b) 1. of the statutes is renumbered 157.115 (1)
20 (b) and amended to read:

21 157.115 (1) (b) ~~When a~~ If a municipality in which a cemetery is located
22 determines that the cemetery authority fails has failed to care for the cemetery for
23 a period of ~~one or more years~~ 6 months or more, the municipality ~~in which the~~
24 ~~cemetery is located~~ shall notify the cemetery authority that it has 90 days to correct
25 the failure. Upon a showing of good cause, the municipality may grant the cemetery

1 authority one 90–day extension to correct the failure. If the municipality finds that
2 the cemetery authority has failed to correct the failure within the deadline specified
3 in the notice or extension, the municipality may, after a public hearing, take control
4 of the cemetery, manage and care for the cemetery and, collect and manage all trust
5 funds connected with the cemetery other than trust funds received by a will, or take
6 any other action necessary to provide for the care of the cemetery. The municipality
7 may collect from the cemetery authority any costs incurred by the municipality in
8 exercising its authority under this paragraph.

9 **SECTION 2852of.** 157.115 (1) (b) 2. of the statutes is repealed.

10 **SECTION 2852oh.** 157.115 (1) (c) of the statutes is repealed.

11 **SECTION 2852oj.** 157.115 (1) (d) of the statutes is created to read:

12 157.115 (1) (d) Upon application by the department, a court may enjoin a
13 person from acquiring ownership or control of a cemetery if the person has
14 abandoned another cemetery, or has owned or operated another cemetery that is
15 subsequently controlled by a municipality under par. (b).

16 **SECTION 2852oL.** 157.115 (2) (title) of the statutes is amended to read:

17 157.115 (2) (title) ABANDONMENT OF CEMETERY LOTS BURIAL SPACES.

18 **SECTION 2852on.** 157.115 (2) (a) 1. (intro.) of the statutes is amended to read:

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

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

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

4 **SECTION 2852or.** 157.115 (2) (a) 1. b. of the statutes is amended to read:

5 157.115 (2) (a) 1. b. No owner has purchased or sold another cemetery ~~lot or a~~
6 mausoleum burial space in the cemetery.

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

8 157.115 (2) (a) 1. c. No other grave in that cemetery ~~lot~~ burial space or adjoining
9 cemetery ~~lot or~~ adjoining mausoleum burial space that is owned or partially owned
10 by an owner has been used for the burial of human remains.

11 **SECTION 2852ov.** 157.115 (2) (a) 1. d. of the statutes is amended to read:

12 157.115 (2) (a) 1. d. No grave marker, monument, or other memorial has been
13 installed on the cemetery ~~lot~~ burial space.

14 **SECTION 2852ox.** 157.115 (2) (a) 1. e. of the statutes is amended to read:

15 157.115 (2) (a) 1. e. No grave marker, monument, or other memorial has been
16 installed on any other cemetery ~~lot~~ burial space, in the same cemetery, that is owned
17 or partially owned by an owner.

18 **SECTION 2852oz.** 157.115 (2) (a) 1. g. of the statutes is amended to read:

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

23 **SECTION 2852pb.** 157.115 (2) (a) 2. of the statutes is amended to read:

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

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

3 **SECTION 2852pd.** 157.115 (2) (a) 3. of the statutes is amended to read:

4 157.115 (2) (a) 3. “Owner” means a person who, according to the records of the
5 cemetery authority of the cemetery in which an abandoned cemetery lot space is
6 located, owns or partially owns the abandoned cemetery lot space.

7 **SECTION 2852pf.** 157.115 (2) (b) of the statutes is amended to read:

8 157.115 (2) (b) No cemetery authority may resell an abandoned cemetery lot
9 space unless the cemetery authority complies with the requirements in this
10 subsection or the abandoned space is sold by a trustee under s. 157.117.

11 **SECTION 2852ph.** 157.115 (2) (c) of the statutes is amended to read:

12 157.115 (2) (c) The cemetery authority shall mail to each owner, at each owner’s
13 last-known address, a notice of the cemetery authority’s intent to resell the
14 abandoned cemetery lot space as provided in this subsection. If an owner is buried
15 in the cemetery in which the abandoned cemetery lot space is located or if the
16 cemetery authority has any other evidence that reasonably supports a
17 determination by the cemetery authority that the owner is deceased, no notice is
18 required under this paragraph.

19 **SECTION 2852pj.** 157.115 (2) (d) (intro.) of the statutes is amended to read:

20 157.115 (2) (d) (intro.) If no notice is required under par. (c) or if, within 60 days
21 after notice is mailed under par. (c), no owner or assignee contacts the cemetery
22 authority to express an intent to use the abandoned cemetery lot space for a future
23 burial of human remains, the cemetery authority shall publish in a newspaper of
24 general circulation in the county in which the abandoned lot space is located, a class
25 3 notice under ch. 985 that includes all of the following:

1 **SECTION 2852pL.** 157.115 (2) (d) 1. of the statutes is amended to read:

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

3 **SECTION 2852pn.** 157.115 (2) (d) 3. of the statutes is amended to read:

4 157.115 (2) (d) 3. A statement that, unless an owner or assignee contacts the
5 cemetery authority within the period specified in par. (e), the cemetery authority
6 intends to resell the abandoned lot space as provided in this subsection.

7 **SECTION 2852pp.** 157.115 (2) (e) of the statutes is amended to read:

8 157.115 (2) (e) If within 60 days after notice is published under par. (c) no owner
9 or assignee contacts the cemetery authority to express an intent to use the
10 abandoned lot space for a future burial of human remains, the cemetery authority
11 shall bring an action in the circuit court of the county in which the abandoned lot
12 space is located for a judgment that the cemetery lot burial space is an abandoned
13 lot space and an order transferring ownership of the abandoned lot space to the
14 cemetery authority.

15 **SECTION 2852pr.** 157.115 (2) (f) of the statutes is amended to read:

16 157.115 (2) (f) If within one year after the circuit court enters a judgment and
17 order under par. (e) no owner or assignee contacts the cemetery authority to express
18 an intent to use the abandoned lot space for a future burial of human remains, the
19 cemetery authority may resell the abandoned lot space, except as provided in par. (g).
20 The payment of principal shall be deposited into the care fund. Before depositing the
21 payment of principal into the care fund, the cemetery authority may retain an
22 amount necessary to cover the cemetery authority's administrative and other
23 expenses related to the sale, but the amount retained may not exceed 50% of the
24 proceeds.

25 **SECTION 2852pt.** 157.115 (2) (g) of the statutes is amended to read:

1 157.115 (2) (g) If at any time before an abandoned lot space is resold under par.
2 (f) an owner or assignee contacts the cemetery authority to express an intent to use
3 the abandoned lot space for a future burial of human remains, the authority may not
4 resell the abandoned lot space, and ownership of the abandoned lot space shall be
5 transferred to the owner or assignee. The cemetery authority shall pay all costs of
6 transferring ownership under this paragraph.

7 **SECTION 2852pv.** 157.115 (2) (h) of the statutes is amended to read:

8 157.115 (2) (h) Nothing in this subsection prohibits a cemetery authority from
9 seeking the authority to resell more than one abandoned lot space by publishing a
10 single class 3 notice under par. (d) or bringing a single action under par. (e) that
11 applies to all of the abandoned lots spaces for which such authority is sought.

12 **SECTION 2852px.** 157.117 of the statutes is created to read:

13 **157.117 Trustees for certain cemeteries and mausoleums. (1)**

14 DEFINITIONS. In this section:

15 (a) “Cemetery” does not include a cemetery the ownership, control, or
16 management of which has been assumed by a municipality. For purposes of this
17 paragraph, a municipality is considered to have assumed the ownership, control, or
18 management of a cemetery only if the municipality has adopted a resolution or
19 enacted an ordinance that has the effect of assuming ownership, control, or
20 management of the cemetery. “Cemetery” also does not include a cemetery owned
21 and operated by a religious cemetery authority.

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

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

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

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

2 (2) APPOINTMENT OF TRUSTEE. (a) In response to a petition from the board or
3 upon his or her own motion, the attorney general may petition the circuit court for
4 the county in which a cemetery or mausoleum is located for the appointment of a
5 trustee for the cemetery or mausoleum. If the attorney general petitions the court
6 on his or her own motion, the attorney general shall serve a copy of the petition on
7 the board and the municipality and county within which the cemetery is located.

8 (b) A court shall schedule a hearing on a petition filed under par. (a) within 90
9 days after the petition is filed with the court. If the court finds after a hearing that
10 a cemetery or mausoleum is neglected, abandoned, in disuse, improperly
11 maintained, or financially unsound, the court shall appoint as a trustee for the
12 cemetery or mausoleum a capable and competent person to serve as trustee of the
13 cemetery or mausoleum under this section, except that the court may not appoint the
14 department or board as a trustee.

15 (c) An owner of a cemetery or mausoleum may petition the court in a proceeding
16 under par. (b) for an order surrendering title to the cemetery or mausoleum to a new
17 owner, other than the state, if the owner believes itself to be incapable of continuing
18 to operate the cemetery or mausoleum. The court may grant the petition if it finds
19 that the cemetery or mausoleum is neglected, abandoned, in disuse, improperly
20 maintained, or financially unsound. If the court grants the petition, it shall transfer
21 title to the cemetery or mausoleum to the new owner and appoint a trustee under par.
22 (b).

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

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

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

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

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

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

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

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

14 3. Removal and reinternment of human remains in accordance with the
15 requirements of this subchapter.

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

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

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

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

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

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

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

6 **(4) DEPARTMENT AND BOARD POWERS AND DUTIES.** (a) From the appropriation
7 under s. 20.165 (1) (q), the board shall make disbursements to trustees. The
8 department shall promulgate rules establishing requirements and procedures for
9 making the disbursements.

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

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

14 (a) The owner or operator of a cemetery or mausoleum demonstrates to the
15 satisfaction of the court that the conditions that necessitated the trusteeship have
16 been remedied and that it is competent and capable of managing the cemetery or
17 mausoleum.

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

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

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

3 **SECTION 2852pz.** 157.12 (2) (b) of the statutes is amended to read:

4 157.12 (2) (b) The department shall supervise construction of any public
5 mausoleum and conversion of any building to a public mausoleum. Within 30 days
6 after receiving written notice from the cemetery authority that the construction or
7 conversion has been completed, the department shall inspect the public mausoleum
8 and provide the cemetery authority with a written certification as to whether the
9 construction or conversion complies with approved plans. If the department
10 determines that, except for certain minor defects, the construction or conversion
11 complies with the approved plans, the department may provide the cemetery
12 authority with a written temporary certification of compliance that is contingent on
13 the correction of those minor defects. A temporary certification is valid for a period
14 designated by the department, not to exceed 6 months. No person may sell a
15 mausoleum space, except an undeveloped space that is sold in accordance with s. ss.
16 440.92 and 440.922, or bury human remains in a public mausoleum unless a care
17 fund has been established for the mausoleum under sub. (3) and the department has
18 provided the cemetery authority with a certification or a temporary certification
19 under this paragraph. If a cemetery authority that has been provided with a
20 temporary certification notifies the department in writing before the date on which
21 the temporary certification expires that the defects in the construction or conversion
22 of the public mausoleum have been corrected, the department shall, within 30 days
23 after receiving the notice, reinspect the public mausoleum and provide the cemetery
24 authority with a written certification as to whether the construction or conversion
25 complies with the approved plans. If a cemetery authority that has been provided

1 with a temporary certification does not receive a written certification from the
2 department before the date on which the temporary certification expires that the
3 construction or conversion complies with the approved plans, then, beginning on the
4 date on which the certification expires, no person may sell a mausoleum space, except
5 an undeveloped space that is sold in accordance with s. ss. 440.92 and 440.922, or
6 bury human remains in the public mausoleum until the defects are corrected and the
7 department subsequently inspects the public mausoleum and provides the cemetery
8 authority with a certification that the construction or conversion complies with the
9 approved plans. The department may charge a reasonable fee to the cemetery
10 authority for each inspection and certification provided under this paragraph if the
11 inspection and certification are provided within the applicable 30-day period
12 prescribed under this paragraph.

13 **SECTION 2852qb.** 157.12 (3) (b) of the statutes is amended to read:

14 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The
15 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties
16 approved by the department of regulation and licensing to indemnify the cemetery
17 against loss if the treasurer fails to maintain the fund. The amount of the bond shall
18 be no less than the total of all payments of principal required under this section as
19 stated in the most recent annual report filed by the cemetery authority under s.
20 157.62. No indemnity is required if the terms of sale of a mausoleum space require
21 the purchaser to pay directly to a trust company in the state, designated by the
22 cemetery as custodian of the fund. The fund shall be invested as provided in s.
23 157.19, and the manner in which the care funds are invested may not permit the
24 withdrawal of the fund's principal amount, but may permit the withdrawal of
25 interest, dividends, or capital gains earned during the most recently completed

1 calendar year. Income from investment may be used only to maintain the
2 mausoleum, except that if the amount of income exceeds the amount necessary to
3 properly maintain the mausoleum the excess amount may be used to maintain any
4 portion of the cemetery.

5 **SECTION 2852qd.** 157.125 (title) of the statutes is amended to read:

6 **157.125 (title) Trustees for the care of cemeteries or cemetery lots**
7 **burial spaces.**

8 **SECTION 2852qf.** 157.125 (2) of the statutes is amended to read:

9 157.125 (2) If the burial place or grave is located in a cemetery owned and
10 operated by a religious society ~~organized under ch. 187~~ cemetery authority, the court
11 shall name the religious ~~society~~ cemetery authority as the trustee unless the
12 religious ~~society~~ cemetery authority petitions the court to name the county treasurer
13 as the trustee.

14 **SECTION 2852qh.** 157.128 (2) (a) of the statutes is amended to read:

15 157.128 (2) (a) The cemetery is owned by a religious ~~association~~ cemetery
16 authority.

17 **SECTION 2852qhk.** 157.128 (2) (b) of the statutes is amended to read:

18 157.128 (2) (b) The religious ~~association~~ cemetery authority is responsible for
19 all liabilities of the cemetery.

20 **SECTION 2852qhL.** 157.128 (2) (c) of the statutes is amended to read:

21 157.128 (2) (c) The total acreage of all other cemeteries owned by the religious
22 ~~association~~ cemetery authority exceeds 20 acres.

23 **SECTION 2852qj.** 157.128 (3) (b) of the statutes is amended to read:

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

4 **SECTION 2852qL.** 157.19 (2) (c) of the statutes is amended to read:

5 157.19 **(2)** (c) Upon request of the financial institution, the preneed seller, as
6 defined in s. 440.90 (8), shall furnish the financial institution with a copy of the
7 preneed sales contract. Except as provided in ~~s. 440.92 (2) (e), (f) and (j) and (5) ss.~~
8 440.922 (3), (5) (c), and (8), and 440.924, preneed trust funds, and any interest or
9 dividends that have accumulated on the preneed trust funds, may not be withdrawn
10 until all obligations under the preneed sales contract have been fulfilled. The
11 financial institution is not responsible for the fulfillment of any part of the preneed
12 sales contract, except that the financial institution shall release the preneed trust
13 funds, and any interest or dividends that have accumulated on the preneed trust
14 funds, as provided by the terms of the preneed sales contract. The trustee of a
15 preneed trust fund may not be changed without the department's written approval.
16 If the trustee or account number of a preneed trust fund is changed, the cemetery
17 authority shall notify the department in writing within 30 days after the change.

18 **SECTION 2852qn.** 157.19 (4m) of the statutes is created to read:

19 157.19 **(4m)** The department shall request proposals from financial
20 institutions located in this state for the purpose of selecting a financial institution
21 that cemetery authorities and preneed sellers may use as the trustee for care funds
22 under s. 157.11 (9g) and 157.12 (3) and preneed trust funds under s. 440.92. Except
23 as provided in sub. (5) (c), a cemetery authority or preneed seller is not required to
24 use the financial institution selected by the department. The financial institution
25 selected under this subsection shall submit an annual report to the department, in

1 a form and manner satisfactory to the department, that provides an accounting of
2 all care funds and preneed trust funds for which the financial institution is the
3 trustee.

4 **SECTION 2852qp.** 157.19 (5) (a) of the statutes is amended to read:

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

12 **SECTION 2852qr.** 157.19 (5) (c) of the statutes is created to read:

13 157.19 (5) (c) If the department determines that a cemetery authority or
14 preneed seller has violated any requirement under this subchapter or subch. VIII of
15 ch. 440 relating to care funds under s. 157.11 (9g) and 157.12 (3) or preneed trust
16 funds under s. 440.92, the department may require the cemetery authority or
17 preneed seller to use the financial institution selected under sub. (4m) as the trustee
18 for the care funds or preneed trust funds.

19 **SECTION 2852qt.** 157.60 of the statutes is amended to read:

20 **157.60 Public easement in cemetery.** Any person who shall open or make
21 any highway, town way, or private way or shall construct any railroad, turnpike, or
22 canal or anything in the nature of a public easement over, through, in, or upon such
23 part of any enclosure, being the property of any town, city, village, or religious society
24 cemetery authority or of private proprietors, as may be used for the burial of the dead,
25 unless an authority for that purpose shall be specially granted by law or unless the

1 consent of such town, city, village, religious ~~society~~ cemetery authority, or private
2 proprietors, respectively, shall be first obtained, shall be punished by imprisonment
3 in the county jail not more than one year or by fine not exceeding \$300.

4 **SECTION 2852qv.** 157.61 of the statutes is created to read:

5 **157.61 Identification of human remains.** A person may not provide an
6 outer burial container or, if an outer burial container is not used, a casket, to a
7 cemetery authority, other than a religious cemetery authority, for the burial of
8 human remains, unless the person identifies the decedent by name on the exterior
9 of the outer burial container or casket.

10 **SECTION 2852qx.** 157.62 (1) (a) (intro.) of the statutes is repealed.

11 **SECTION 2852qz.** 157.62 (1) (a) 1., 2., 3., 4. and 5. of the statutes are
12 renumbered 157.62 (2) (b) 7. a., b., c., d. and e.

13 **SECTION 2852qxj.** 157.62 (1) (b) of the statutes is repealed.

14 **SECTION 2852qxL.** 157.62 (1) (c) of the statutes is repealed.

15 **SECTION 2852sb.** 157.62 (2) (a) of the statutes is amended to read:

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

23 **SECTION 2852sd.** 157.62 (2) (b) 1. of the statutes is amended to read:

24 157.62 (2) (b) 1. A copy of any report required under ~~sub. (1) (a) or s. 180.1622~~
25 or 181.1622.

1 **SECTION 2852se.** 157.62 (2) (b) 1m. of the statutes is created to read:
2 157.62 (2) (b) 1m. The percentage of burial spaces at the cemetery that are
3 available for sale.

4 **SECTION 2852sf.** 157.62 (2) (b) 2. of the statutes is amended to read:
5 157.62 (2) (b) 2. If the cemetery authority is required to file a report under s.
6 180.1622 or 181.1622, the information specified in ~~sub. (1) (a) 3~~ subd. 7. c.

7 **SECTION 2852sg.** 157.62 (2) (b) 7. of the statutes is renumbered 157.62 (2) (b)
8 7. (intro.) and amended to read:
9 157.62 (2) (b) 7. (intro.) ~~The information specified in sub. (1) (a), to the extent~~
10 ~~applicable, if~~ If the cemetery is not required to file a report under sub. (1) (a) or s.
11 180.1622 or 181.1622, authority is a cemetery association, all of the following:

12 **SECTION 2852sh.** 157.62 (3) (a) of the statutes is amended to read:
13 157.62 (3) (a) Every cemetery authority shall keep a copy of the report required
14 under sub. (2) (a) at its principal place of business and, except for those records
15 relating to accountings of trust funds described under sub. (2) (b) 3. to 7., shall make
16 the report available for inspection, upon reasonable notice, by any person with an
17 interest in a ~~cemetery lot or a mausoleum~~ burial space in a cemetery owned or
18 operated by the cemetery authority.

19 **SECTION 2852si.** 157.62 (3) (b) 3. of the statutes is amended to read:
20 157.62 (3) (b) 3. A copy of each contract for the sale of a ~~cemetery lot,~~
21 ~~mausoleum~~ burial space or cemetery merchandise.

22 **SECTION 2852sj.** 157.62 (3) (c) of the statutes is created to read:
23 157.62 (3) (c) Every cemetery licensed under s. 440.91 (1) shall maintain
24 records identifying the section, lot, and site of each burial space and showing the
25 location of each burial space on a map.

1 **SECTION 2852sk.** 157.62 (4) (title) of the statutes is amended to read:

2 157.62 (4) (title) RECORDS MAINTENANCE; INSPECTION.

3 **SECTION 2852sL.** 157.62 (4) of the statutes is renumbered 157.62 (4) (a).

4 **SECTION 2852sm.** 157.62 (4) (b) of the statutes is created to read:

5 157.62 (4) (b) A cemetery authority shall, upon reasonable notice, make the
6 records and contract copies under sub. (3) (b) available for inspection and copying by
7 the board.

8 **SECTION 2852sn.** 157.62 (5) of the statutes is renumbered 157.62 (5) (b).

9 **SECTION 2852snb.** 157.62 (5) (a) of the statutes is created to read:

10 157.62 (5) (a) The department may promulgate rules establishing minimum
11 standards for the format and maintenance of records required under this section.

12 **SECTION 2852so.** 157.62 (6) of the statutes is renumbered 157.62 (6) (a) and
13 amended to read:

14 157.62 (6) (a) Except as provided in ss. ~~157.625~~, 157.63 (5) and 440.92 (9) (e),
15 the department may audit, at reasonable times and frequency, the records, trust
16 funds, and accounts of any registered cemetery authority and shall audit the records,
17 trust funds, and accounts of each licensed cemetery authority, including records,
18 trust funds, and accounts pertaining to services provided by a cemetery authority
19 which are not otherwise subject to the requirements under this chapter. The
20 department may conduct audits under this subsection on a random basis, and ~~shall~~
21 ~~conduct all audits under this subsection~~ without providing prior notice to the
22 cemetery authority.

23 **SECTION 2852sp.** 157.62 (6) (b) of the statutes is created to read:

24 157.62 (6) (b) If the department or board has cause to believe that a licensed
25 or registered cemetery authority has not complied with the requirements of this

1 subchapter or subch. VIII of ch. 440 pertaining to trust funds and accounts, the
2 department or board may require the cemetery authority to submit an audit
3 conducted at the cemetery authority's expense by an independent certified public
4 accountant in accordance with generally accepted auditing standards.

5 **SECTION 2852sq.** 157.625 of the statutes is repealed.

6 **SECTION 2852sr.** 157.63 (title) of the statutes is amended to read:

7 **157.63 (title) Reporting and auditing exemptions; certification of**
8 **compliance of religious cemetery ~~affiliated with religious society~~**
9 **authority.**

10 **SECTION 2852ss.** 157.63 (1) of the statutes is amended to read:

11 157.63 (1) In lieu of filing an annual report under s. 157.62 (2), a religious
12 cemetery authority of a cemetery that is ~~affiliated with a religious society organized~~
13 ~~under ch. 187 or that religious society or the church, synagogue, mosque,~~
14 incorporated college of a religious order, or religious society organized under ch. 187
15 that is affiliated with a religious cemetery authority may file an annual certification
16 with the department as provided in this section.

17 **SECTION 2852st.** 157.63 (2) (b) of the statutes is amended to read:

18 157.63 (2) (b) A notarized statement of a person who is legally authorized to
19 act on behalf of the religious ~~society~~ cemetery authority under this section that,
20 during the reporting period under s. 157.62, each cemetery and the religious
21 cemetery authority of each cemetery specified under par. (a) have either fully
22 complied or have substantially complied with ss. 157.11 (9g) and 157.12 (3).

23 **SECTION 2852sv.** 157.63 (3) of the statutes is amended to read:

24 157.63 (3) If the statement under sub. (2) (b) includes a statement of
25 substantial compliance, the statement under sub. (2) (b) must also specify those

1 instances when the cemetery or religious cemetery authority did not fully comply
2 with s. 157.11 (9g) or 157.12 (3).

3 **SECTION 2852sx.** 157.63 (4) of the statutes is amended to read:

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

8 **SECTION 2852sz.** 157.63 (6) of the statutes is amended to read:

9 157.63 (6) The church, synagogue, mosque, incorporated college of a religious
10 order, or religious society that is affiliated with a cemetery to which a certification
11 under this section applies is liable for the damages of any person that result from the
12 failure of the cemetery or religious cemetery authority to fully comply with s. 157.11
13 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such
14 compliance has been certified under this section.”.

15 1499x. Page 957, line 21: delete the material beginning with that line and
16 ending with page 958, line 19, and substitute:

17 **“SECTION 2852w.** 157.635 of the statutes is amended to read:

18 **157.635 Regulations of religious cemetery ~~affiliated with religious~~**
19 **~~society~~ authorities.** Nothing in this subchapter prohibits a religious cemetery
20 authority of a cemetery that is affiliated with a religious society organized under ch.
21 187 from prohibiting the burial of the human remains of an individual in the
22 cemetery if the individual was in a class of individuals who are prohibited from being
23 buried in the cemetery under regulations adopted by the religious cemetery
24 authority or church, synagogue, mosque, incorporated college of a religious order, or

1 religious society ~~from being buried in the cemetery~~ that is affiliated with the religious
2 cemetery authority.”.

3 1499z. Page 958, line 19: after that line insert:

4 “**SECTION 2852yb.** 157.637 of the statutes is created to read:

5 **157.637 Rules; review of rules. (1)** Before submitting to the legislative
6 council staff under s. 227.15 any proposed rules relating to cemeteries or to the board,
7 except for rules relating exclusively to religious cemetery authorities, the
8 department shall submit the proposed rules to the board for comment. The board
9 shall have 30 days to submit comments on the proposed rules to the secretary of
10 regulation and licensing.

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

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

19 **(4)** The department shall submit to the board a copy of the report required
20 under s. 227.19 (2) on any proposed final rules relating to cemeteries or to the board
21 other than rules relating exclusively to religious cemetery authorities. The board
22 may prepare a dissenting report stating its recommendations on the proposed final
23 rules. Any dissenting report shall be prepared within 10 days from the date of receipt
24 of the department’s report, attached to the department’s report and sent to the
25 presiding officer of each house of the legislature and distributed under s. 227.19 (2).

1 The department shall publish a statement to appear in the Wisconsin administrative
2 register indicating that a dissenting report of the board has been submitted to the
3 presiding officer of each house of the legislature.

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

6 **SECTION 2852ye.** 157.64 (2) (d) of the statutes is amended to read:

7 157.64 (2) (d) Fails to file a report or files an incomplete, false, or misleading
8 report under s. 157.62 (1) ~~or~~ (2).

9 **SECTION 2852yh.** 157.64 (2) (e) of the statutes is amended to read:

10 157.64 (2) (e) Fails to maintain records as required in s. 157.62 (3) and (4) (a).

11 **SECTION 2852yL.** 157.64 (2) (h) of the statutes is created to read:

12 157.64 (2) (h) Violates s. 157.112.

13 **SECTION 2852yo.** 157.65 (1) (a) of the statutes is amended to read:

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

19 **SECTION 2852yr.** 157.65 (1) (am) of the statutes is created to read:

20 157.65 (1) (am) If the department of regulation and licensing has reason to
21 believe that a religious cemetery authority is violating or has violated this
22 subchapter or any rule promulgated under this subchapter and that the continuation
23 of that activity might cause injury to the public interest, the department of
24 regulation and licensing may investigate.

25 **SECTION 2852yu.** 157.65 (1) (b) of the statutes is amended to read:

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

5 **SECTION 2852yy.** 157.65 (2) of the statutes is amended to read:

6 157.65 (2) The department of justice or any district attorney, upon informing
7 the department of justice, may commence an action in circuit court in the name of
8 the state to restrain by temporary or permanent injunction any violation of this
9 subchapter. The court may, prior to entry of final judgment, make such orders or
10 judgments as may be necessary to restore to any person any pecuniary loss suffered
11 because of the acts or practices involved in the action, if proof of such loss is submitted
12 to the satisfaction of the court. The department of justice may subpoena persons and
13 require the production of books and other documents, and may request the board, the
14 department of regulation and licensing, or the department of commerce to exercise
15 its authority under sub. (1) to aid in the investigation of alleged violations of this
16 subchapter.”.”.

17 **10.** Page 1253, line 2: after that line insert:

18 “1696g. Page 1143, line 6: after that line insert:

19 “**SECTION 3492m.** 423.102 of the statutes is amended to read:

20 **423.102 Scope.** This chapter applies to all consumer transactions, except that
21 subch. II does not apply to cemetery preneed sales under s. ss. 440.92 and 440.922.”.

22 1696r. Page 1145, line 10: after that line insert:

23 “**SECTION 3504b.** 440.03 (1) of the statutes is amended to read:

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

7 **SECTION 3504d.** 440.03 (3) of the statutes is amended to read:

8 440.03 (3) If the secretary reorganizes the department, no modification may
9 be made in the powers and responsibilities of the examining boards ~~or~~ affiliated
10 credentialing boards, or other boards attached to the department or an examining
11 board under s. 15.03, 15.405, or 15.406.

12 **SECTION 3504f.** 440.03 (7m) of the statutes is amended to read:

13 440.03 (7m) The department may promulgate rules that establish procedures
14 for submitting an application for a credential or credential renewal by electronic
15 transmission. Any rules promulgated under this subsection shall specify procedures
16 for complying with any requirement that a fee be submitted with the application.
17 The rules may also waive any requirement in chs. 440 to 480 that an application
18 submitted to the department, an examining board or an affiliated credentialing
19 board be executed, verified, certified, signed, sworn, or made under oath,
20 notwithstanding ss. 440.26 (2) (b), 440.42 (2) (intro.), 440.91 (2) (intro.), 443.06 (1)
21 (a), 443.10 (2) (a), 445.04 (2), 445.08 (4), 445.095 (1) (a), 448.05 (7), 450.09 (1) (a),
22 452.10 (1), and 480.08 (2m).

23 **SECTION 3504h.** 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and
24 amended to read:

1 440.03 (13) (a) ~~The~~ Except as provided in par. (b), the department may conduct
2 an investigation to determine whether an applicant for a credential issued under chs.
3 440 to 480 satisfies any of the eligibility requirements specified for the credential,
4 including whether the applicant does not have an arrest or conviction record.

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

12 **SECTION 3504k.** 440.03 (13) (b) of the statutes is created to read:

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

17 **11.** Page 1253, line 3: delete lines 3 to 12 and substitute:

18 “1698m. Page 1145, line 15: after that line insert:

19 “**SECTION 3404q.** 440.04 (1) of the statutes is amended to read:

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

1 **SECTION 3404r.** 440.04 (2) of the statutes is amended to read:

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

7 **SECTION 3404s.** 440.04 (3) of the statutes is amended to read:

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

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

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

15 **SECTION 3404u.** 440.04 (5) (intro.) of the statutes is amended to read:

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

18 **SECTION 3404v.** 440.04 (5) (c) of the statutes is amended to read:

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

21 **SECTION 3404w.** 440.045 of the statutes is amended to read:

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

1 **SECTION 3404x.** 440.05 (intro.) of the statutes is amended to read:

2 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
3 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.91 (1m) (a),
4 442.06, 444.03, 444.05, 444.11, 447.04 (1) (c) 1. a. and (2) (c) 2., 449.17, 449.18, and
5 459.46:”.”.

6 **12.** Page 1253, line 23: after that line insert:

7 “1701m. Page 1148, line 25: after that line insert:

8 “**SECTION 3529b.** 440.08 (2) (a) 21. of the statutes is amended to read:

9 440.08 **(2)** (a) 21. Cemetery authority, licensed: January 1 of each
10 odd-numbered year; \$343.

11 **SECTION 3529c.** 440.08 (2) (a) 21m. of the statutes is created to read:

12 440.08 **(2)** (a) 21m. Cemetery authority, registered: January 1 of each
13 odd-numbered year; \$5.”.”.

14 **13.** Page 1254, line 3: after that line insert:

15 “1702m. Page 1156, line 6: after that line insert:

16 “**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 **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 **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 **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 **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 **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 **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 **SECTION 3605gb.** 440.90 (1) of the statutes is renumbered 440.90 (1d).

2 **SECTION 3605gd.** 440.90 (1b) of the statutes is created to read:

3 440.90 **(1b)** “Board” means the cemetery board.

4 **SECTION 3605gf.** 440.90 (1c) of the statutes is created to read:

5 440.90 **(1c)** “Burial space” has the meaning given in s. 157.061 (1d).

6 **SECTION 3605gh.** 440.90 (1g) of the statutes is created to read:

7 440.90 **(1g)** “Business entity” has the meaning given in s. 452.01 (3j).

8 **SECTION 3605gj.** 440.90 (1r) of the statutes is created to read:

9 440.90 **(1r)** “Business representative” has the meaning given in s. 452.01 (3k).

10 **SECTION 3605gL.** 440.90 (3g) of the statutes is created to read:

11 440.90 **(3g)** “Columbarium” has the meaning given in s. 157.061 (3g).

12 **SECTION 3605gn.** 440.90 (3r) of the statutes is created to read:

13 440.90 **(3r)** “Columbarium space” has the meaning given in s. 157.061 (3r).

14 **SECTION 3605gp.** 440.90 (4e) of the statutes is created to read:

15 440.90 **(4e)** “Lawn crypt” has the meaning given in s. 157.061 (8g).

16 **SECTION 3605gr.** 440.90 (4m) of the statutes is created to read:

17 440.90 **(4m)** “Licensed cemetery authority” means a cemetery authority that
18 is licensed under s. 440.91 (1).

19 **SECTION 3605gt.** 440.90 (4r) of the statutes is created to read:

20 440.90 **(4r)** “Licensee” means a person licensed under this subchapter.

21 **SECTION 3605gv.** 440.90 (10m) of the statutes is created to read:

22 440.90 **(10m)** “Registrant” means a person registered under this subchapter.

23 **SECTION 3605gx.** 440.90 (10r) of the statutes is created to read:

24 440.90 **(10r)** “Religious cemetery authority” has the meaning given in s.
25 157.061 (15m).

1 **SECTION 3605gz.** 440.90 (14) of the statutes is repealed.

2 **SECTION 3605ib.** 440.91 (1) of the statutes is renumbered 440.91 (1) (a) and
3 amended to read:

4 440.91 (1) (a) Except as provided in sub. (6m), every cemetery authority that
5 operates a cemetery that is 5 acres or more in size, that sells or solicits the sale of a
6 total of 10 20 or more cemetery lots or mausoleum burial spaces at a cemetery during
7 a calendar year and that pays any commission or other compensation to any person
8 for selling or soliciting the sale of its cemetery lots or mausoleum spaces shall register
9 with, or that has \$100,000 or more in trust fund accounts for a cemetery shall apply
10 to the department. The registration shall be in writing and shall include the names
11 of the officers of the cemetery authority for a license for that cemetery. A cemetery
12 authority that operates more than one cemetery shall apply for a separate license for
13 each cemetery that is 5 acres or more in size and for each cemetery, at which it sells
14 20 or more burial spaces or at which it has \$100,000 or more in trust fund accounts.

15 **SECTION 3605id.** 440.91 (1) (b) of the statutes is created to read:

16 440.91 (1) (b) Except as provided in s. 440.93 (1), the department shall grant
17 a license to a cemetery authority if all of the following are satisfied:

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

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

25 **SECTION 3605idc.** 440.91 (1) (c) of the statutes is created to read:

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

4 **SECTION 3605idf.** 440.91 (1) (d) of the statutes is created to read:

5 440.91 (1) (d) If a licensed cemetery authority notifies the department under
6 s. 157.08 (2) (b) 1. (intro.) that it proposes to take an action specified in s. 157.08 (2)
7 (b) 1. b. or c. and the department does not object to the action under s. 157.08 (2) (b)
8 3., the department shall revoke the license granted under par. (b) and require the
9 licensed cemetery authority to reapply for a license under par. (b).

10 **SECTION 3605idg.** 440.91 (1) (e) of the statutes is created to read:

11 440.91 (1) (e) 1. The renewal dates and renewal fees for licenses granted under
12 par. (b) are specified in s. 440.08 (2) (a), except that a licensed cemetery authority is
13 not required to renew its license if the cemetery authority sells less than 10 burial
14 spaces during a period of 2 consecutive calendar years.

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

19 **SECTION 3605if.** 440.91 (1m) of the statutes is created to read:

20 440.91 (1m) (a) Except as provided in par. (c) and sub. (6m), a cemetery
21 authority that operates a cemetery for which a license is not required under sub. (1)
22 shall register the cemetery with the department by paying a \$5 registration fee and
23 submitting an application on a form provided by the department that requires the
24 applicant to provide the names of the officers of the cemetery authority and any other
25 information that the department may require. A cemetery authority that operates

1 more than one cemetery for which a license is not required under sub. (1) shall pay
2 a separate registration fee and submit a separate application for each cemetery.

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

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

8 **SECTION 3605if.** 440.91 (2) (intro.) of the statutes is amended to read:

9 440.91 (2) (intro.) Except as provided in subs. (7) and (10), every individual who
10 person that sells or solicits the sale of, or who that expects to sell or solicit the sale
11 of, a total of ~~10~~ 20 or more cemetery lots or mausoleum burial spaces during ~~a~~ 2
12 calendar year years shall register with be licensed by the department. ~~An individual~~
13 A person may not be registered licensed as a cemetery salesperson except upon the
14 written request of a cemetery authority and the payment of the fee specified in s.
15 440.05 (1). The cemetery authority shall certify in writing to the department that
16 the ~~individual~~ person is competent to act as a cemetery salesperson. ~~Within 10 days~~
17 ~~after the certification of any cemetery salesperson, the cemetery salesperson shall~~
18 ~~verify and~~ An applicant for licensure as a cemetery salesperson shall furnish to the
19 department, in such form as the department prescribes, all of the following
20 information:

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

22 440.91 (2) (a) The name and address of the applicant and, if the applicant is
23 a business entity, the name and address of each business representative.

24 **SECTION 3605iL.** 440.91 (2) (b) of the statutes is repealed.

25 **SECTION 3605iLg.** 440.91 (2) (c) of the statutes is repealed.

1 **SECTION 3605im.** 440.91 (4) of the statutes is amended to read:

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

8 **SECTION 3605in.** 440.91 (6m) of the statutes is repealed and recreated to read:

9 440.91 (6m) A religious cemetery authority is not required to be licensed under
10 sub. (1) or registered under sub. (1m).

11 **SECTION 3605ip.** 440.91 (7) of the statutes is renumbered 440.91 (7) (a) and
12 amended to read:

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

19 **SECTION 3605ir.** 440.91 (7) (b) of the statutes is created to read:

20 440.91 (7) (b) An individual who solicits the sale of cemetery lots or mausoleum
21 spaces in a cemetery owned and operated by a religious cemetery authority is not
22 required to be licensed under sub. (2).

23 **SECTION 3605it.** 440.91 (8) of the statutes is repealed.

24 **SECTION 3605iv.** 440.91 (9) of the statutes is amended to read:

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

8 **SECTION 3605ix.** 440.91 (10) of the statutes is amended to read:

9 440.91 **(10)** Nothing in this section requires an individual who is registered
10 licensed as a preneed seller under s. 440.92 (1) to be ~~registered~~ licensed as a cemetery
11 salesperson under sub. (2) if the individual only sells or solicits the sale of cemetery
12 merchandise or undeveloped spaces under preneed sales contracts.

13 **SECTION 3605iz.** 440.92 of the statutes is repealed.

14 **SECTION 3605kb.** 440.92 (1) (title) of the statutes is repealed and recreated to
15 read:

16 440.92 **(1)** (title) LICENSURE.

17 **SECTION 3605kd.** 440.92 (1) (a) of the statutes is amended to read:

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

25 **SECTION 3605kf.** 440.92 (1) (b) (intro.) of the statutes is amended to read:

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

3 **SECTION 3605kh.** 440.92 (1) (bm) of the statutes is created to read:

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

9 **SECTION 3605kj.** 440.92 (1) (e) of the statutes is amended to read:

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

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

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

17 440.922 (1) (a) 2. By affixing the cemetery merchandise to the ~~cemetery lot or~~
18 ~~mausoleum~~ burial space.

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

24 3g. By storing the cemetery merchandise anywhere on the property of the
25 preneed seller if the property of the preneed seller is located in this state, the preneed

1 seller insures the cemetery merchandise and the preneed sales contract requires the
2 preneed seller to ultimately affix the cemetery merchandise to a cemetery lot burial
3 space, to the outside of or the grounds surrounding a mausoleum or columbarium or
4 to any other outdoor location without additional charge.

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

12 **SECTION 3605kn.** 440.92 (2) (am) of the statutes is renumbered 440.922 (2) and
13 amended to read:

14 440.922 (2) AFFIXTURE OF CEMETERY MERCHANDISE. If a preneed sales contract
15 for the sale of cemetery merchandise requires the preneed seller to ultimately affix
16 the cemetery merchandise to a cemetery lot, ~~mausoleum~~ burial space or other
17 location but the purchaser has not informed the preneed seller of the location where
18 the cemetery merchandise is to be affixed and the location where the cemetery
19 merchandise is to be affixed is not specified in the preneed sales contract, the preneed
20 sales contract may provide that the preneed seller may charge the purchaser an
21 additional fee at the time that the cemetery merchandise is affixed not to exceed the
22 additional costs to the preneed seller that are necessitated by the purchaser's choice
23 of location.

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

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

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

9 **SECTION 3605kt.** 440.92 (2) (cm) of the statutes is renumbered 440.922 (4).

10 **SECTION 3605kv.** 440.92 (2) (d) of the statutes is renumbered 440.922 (5) (a).

11 **SECTION 3605kx.** 440.92 (2) (e) of the statutes is renumbered 440.922 (5) (b).

12 **SECTION 3605kz.** 440.92 (2) (f) of the statutes is renumbered 440.922 (5) (c) and
13 amended to read:

14 440.922 (5) (c) If a preneed sales contract is voided under par. ~~(e)~~ (b), the
15 preneed seller shall, within 30 days after the date on which the preneed sales
16 contract is voided, refund all money paid by the purchaser, together with interest
17 calculated at the legal rate of interest as provided under s. 138.04.

18 **SECTION 3605mb.** 440.92 (2) (g) and (h) of the statutes are renumbered 440.922
19 (6) and (10).

20 **SECTION 3605md.** 440.92 (2) (i) of the statutes is renumbered 440.922 (7) and
21 amended to read:

22 440.922 (7) TRUSTING REQUIREMENTS. If a preneed sales contract includes
23 provisions for the sale of cemetery merchandise or an undeveloped space that is
24 subject to the trusting requirements under ~~sub. s. 440.92~~ (3) (a) and (b) and for the
25 sale of other goods or services that are not subject to the trusting requirements under

1 ~~sub. s. 440.92~~ (3) (a) and (b), the sale price of the goods or services that are not subject
2 to the trusting requirements may not be inflated for the purpose of allocating a lower
3 sale price to the cemetery merchandise or undeveloped space that is subject to the
4 trusting requirements.

5 **SECTION 3605mf.** 440.92 (2) (j) of the statutes is renumbered 440.922 (8).

6 **SECTION 3605mh.** 440.92 (2) (k) of the statutes is renumbered 440.922 (9) and
7 amended to read:

8 440.922 (9) NOTICE OF RIGHTS. A preneed sales contract shall include the
9 following language in not less than 10–point boldface type: “SECTION 440.92 (2)
10 440.922 OF THE WISCONSIN STATUTES SPECIFIES THE RIGHTS OF THE
11 PURCHASER UNDER THIS CONTRACT. DEPENDING ON THE
12 CIRCUMSTANCES, THESE MAY INCLUDE THE RIGHT TO VOID THE
13 CONTRACT AND RECEIVE A REFUND OR THE RIGHT TO ASSIGN AN
14 INTEREST IN THE CONTRACT TO ANOTHER PERSON.”

15 **SECTION 3605mj.** 440.92 (3) (a) (intro.) of the statutes is renumbered 440.92
16 (3) (a) and amended to read:

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

1 a percentage at least 40% of each payment of principal that is received from the sale
2 of the undeveloped space into a preneed trust fund, ~~determined as follows:~~

3 **SECTION 3605mL.** 440.92 (3) (a) 1. and 2. of the statutes are repealed.

4 **SECTION 3605mn.** 440.92 (3) (c) (intro.) of the statutes is amended to read:

5 440.92 (3) (c) (intro.) A preneed seller is not required to make the deposits
6 required under par. (a) ~~1. and 2.~~ for payments for sales of undeveloped spaces under
7 preneed contracts if any of the following applies:

8 **SECTION 3605mp.** 440.92 (4) (title) of the statutes is amended to read:

9 440.92 (4) (title) EXCEPTIONS TO REGISTRATION LICENSURE REQUIREMENT.

10 **SECTION 3605mr.** 440.92 (4) (a) (intro.) of the statutes is amended to read:

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

16 **SECTION 3605mt.** 440.92 (4) (b) of the statutes is amended to read:

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

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

24 **SECTION 3605mx.** 440.92 (6) (title) of the statutes is renumbered 440.926 (title)

25 and amended to read:

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

3 **SECTION 3605mz.** 440.92 (6) (a) of the statutes is renumbered 440.926 (1) (a)
4 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 **SECTION 3605ob.** 440.92 (6) (b) and (c) of the statutes are renumbered 440.926
12 (1) (b) and (c).

13 **SECTION 3605od.** 440.92 (6) (d) of the statutes is renumbered 440.926 (2) (c)
14 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 **SECTION 3605of.** 440.92 (6) (e) and (f) of the statutes are renumbered 440.926
22 (1) (d) and (e).

23 **SECTION 3605oh.** 440.92 (6) (g) of the statutes is renumbered 440.926 (2) (a),
24 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 ~~pars. 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 **SECTION 3605oj.** 440.92 (6) (h) of the statutes is renumbered 440.926 (2) (b) and
7 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 **SECTION 3605oL.** 440.92 (6) (i) of the statutes is renumbered 440.926 (3) (a) and
14 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 **SECTION 3605on.** 440.92 (6) (j) of the statutes is renumbered 440.926 (4) and
19 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 **SECTION 3605op.** 440.92 (6) (k) of the statutes is renumbered 440.926 (3) (b)
4 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 **SECTION 3605or.** 440.92 (7) of the statutes is renumbered 440.927 and
9 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).

25 **SECTION 3605ot.** 440.92 (9) (title) of the statutes is amended to read:

1 440.92 (9) (title) EXEMPTIONS; CERTIFICATION OF COMPLIANCE OF RELIGIOUS
2 CEMETERY AFFILIATED WITH RELIGIOUS SOCIETY AUTHORITIES.

3 **SECTION 3605ov.** 440.92 (9) (a) of the statutes is amended to read:

4 440.92 (9) (a) ~~If the cemetery authority of a cemetery that is affiliated with a~~
5 ~~religious society organized under ch. 187 or that religious society~~ a religious
6 cemetery authority or the church, synagogue, mosque, incorporated college of a
7 religious order, or religious society organized under ch. 187 that is affiliated with a
8 religious cemetery authority files an annual certification with the department as
9 provided in this subsection, neither the religious cemetery authority nor any
10 employee of the cemetery is required to be ~~registered~~ licensed as a cemetery preneed
11 seller under sub. (1) during the period for which the certification is effective, but the
12 religious cemetery authority and any employee are required to comply, if applicable,
13 with the requirements of s. 445.125.

14 **SECTION 3605ox.** 440.92 (9) (b) 3. of the statutes is amended to read:

15 440.92 (9) (b) 3. A notarized statement of a person who is legally authorized to
16 act on behalf of the religious ~~society~~ cemetery authority under this subsection that,
17 during the 12-month period immediately preceding the date on which the
18 certification is filed with the department, each employee specified under subd. 2. and
19 the religious cemetery authority have either fully complied or have substantially
20 complied with ~~subs. (2),~~ sub. (3) (a) and (b) and (5) ss. 440.922 and 440.924.

21 **SECTION 3605oz.** 440.92 (9) (c) of the statutes is amended to read:

22 440.92 (9) (c) If the statement under par. (b) 3. includes a statement of
23 substantial compliance, the statement of substantial compliance must also specify
24 those instances when the employee or religious cemetery authority did not fully
25 comply with sub. ~~(2),~~ (3) (a) or (b) or ~~(5)~~ s. 440.922 or 440.924.

1 **SECTION 3605qb.** 440.92 (9) (e) of the statutes is amended to read:

2 440.92 (9) (e) During the effective period specified under par. (d), the
3 department may not audit the preneed trust funds or any records or accounts
4 relating to the preneed trust funds of the religious cemetery authority or any
5 employee of the cemetery to which a certification under this subsection applies.

6 **SECTION 3605qd.** 440.92 (9) (f) of the statutes is amended to read:

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

14 **SECTION 3605qf.** 440.92 (10) of the statutes is repealed.

15 **SECTION 3605qh.** 440.922 (1) (title) of the statutes is created to read:

16 440.922 (1) (title) DELIVERY OF CEMETERY MERCHANDISE.

17 **SECTION 3605qhc.** 440.922 (4) (title) of the statutes is created to read:

18 440.922 (4) (title) PHYSICAL ALTERATION OF CEMETERY MERCHANDISE.

19 **SECTION 3605qhe.** 440.922 (5) (title) of the statutes is created to read:

20 440.922 (5) (title) UNDEVELOPED SPACE SALES.

21 **SECTION 3605qhg.** 440.922 (6) (title) of the statutes is created to read:

22 440.922 (6) (title) INTEREST ASSIGNMENTS.

23 **SECTION 3605qhj.** 440.922 (8) (title) of the statutes is created to read:

24 440.922 (8) (title) CONTRACT REQUIREMENTS.

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

1 440.922 **(10)** (title) CONFLICTING PROVISIONS.

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

3 440.926 **(1)** (title) REPORTS.

4 **SECTION 3605qjd.** 440.926 (2) (title) of the statutes is created to read:

5 440.926 **(2)** (title) RECORDS.

6 **SECTION 3605qjf.** 440.926 (3) (title) of the statutes is created to read:

7 440.926 **(3)** (title) RULES.

8 **SECTION 3605qL.** 440.928 of the statutes is created to read:

9 **440.928 Burial space purchase agreements. (1)** In this section:

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

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

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

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

18 **(3)** A purchase agreement shall be in writing and shall include each of the
19 following:

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

24 (b) A description of all goods and services that are reasonably expected to be
25 required at the time of need that are not subject to the purchase agreement,

1 including opening and closing fees and any additional fees for weekend, holiday, or
2 after hours burial.

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

10 **SECTION 3605qn.** 440.929 of the statutes is created to read:

11 **440.929 Rules.** The department shall promulgate rules that establish a code
12 of ethics to govern the professional conduct of cemetery authorities licensed under
13 s. 440.91 (1), cemetery salespersons licensed under s. 440.91 (2), and preneed sellers
14 licensed under s. 440.92 (1).

15 **SECTION 3605qp.** 440.93 (1) (intro.) of the statutes is amended to read:

16 440.93 (1) (intro.) The department may deny a certificate of licensure or
17 registration of a cemetery authority, cemetery salesperson, or preneed seller and the
18 board may reprimand a licensee or registrant or deny, limit, suspend, or revoke a
19 certificate of licensure or registration ~~a cemetery authority, cemetery salesperson or~~
20 ~~preneed seller if it~~ if the department or board, respectively, finds that the applicant,
21 licensee, or registrant, or, if the applicant, licensee, or registrant, is an association,
22 partnership, limited liability company, or corporation, any officer, director, trustee,
23 member, or shareholder who beneficially owns, holds, or has the power to vote 5% or
24 more of any class of security issued by the applicant, licensee, or registrant, has done
25 any of the following:

1 **SECTION 3605qr.** 440.93 (1) (b) of the statutes is amended to read:

2 440.93 (1) (b) Made a substantial misrepresentation or false promise to an
3 individual to influence the individual to purchase a ~~cemetery lot~~, cemetery
4 merchandise or ~~mausoleum~~ a burial space.

5 **SECTION 3605qt.** 440.93 (1) (c) of the statutes is amended to read:

6 440.93 (1) (c) Engaged in any practice relating to the operation or management
7 of a cemetery or the sale of a cemetery lot, cemetery merchandise or ~~mausoleum~~ a
8 burial space which clearly demonstrates a lack of knowledge or ability to apply
9 professional principles or skills.

10 **SECTION 3605qv.** 440.93 (1) (cm) of the statutes is created to read:

11 440.93 (1) (cm) Engaged in unprofessional or unethical conduct in violation of
12 the code of ethics established in the rules promulgated under s. 440.929.

13 **SECTION 3605qx.** 440.93 (1) (d) of the statutes is amended to read:

14 440.93 (1) (d) ~~Subject to ss. 111.321, 111.322 and 111.335, been convicted of an~~
15 ~~offense~~ Violated any law the circumstances of which substantially relate to the
16 operation or management of a cemetery or the sale of a cemetery lot, cemetery
17 merchandise or ~~mausoleum~~ a burial space. A certified copy of a judgment of
18 conviction is prima facie evidence of a violation.

19 **SECTION 3605qz.** 440.93 (1) (f) of the statutes is amended to read:

20 440.93 (1) (f) Subject to ss. 111.321, 111.322, and 111.34, engaged in any
21 practice relating to the operation or management of a cemetery or the sale of a
22 ~~cemetery lot~~, cemetery merchandise or ~~mausoleum~~ a burial space while the person's
23 ability to practice was impaired by mental disease or defect or alcohol or other drugs.

24 **SECTION 3605sb.** 440.93 (1) (g) of the statutes is amended to read:

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

4 **SECTION 3605sd.** 440.93 (1m) of the statutes is created to read:

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

11 **SECTION 3605sf.** 440.93 (2) of the statutes is amended to read:

12 440.93 (2) The department board shall determine in each case the period that
13 a limitation, suspension, or revocation of a certificate is effective. This subsection
14 does not apply to a limitation or suspension under s. 440.13 (2) (a).

15 **SECTION 3605sh.** 440.945 (1) (a) of the statutes is amended to read:

16 440.945 (1) (a) “Installed” means permanently affixed to a cemetery lot burial
17 space.

18 **SECTION 3605sj.** 440.945 (2) (a) of the statutes is amended to read:

19 440.945 (2) (a) Adopt regulations, consistent with this section and with
20 standards that the cemetery authority uses for its own monument installations,
21 prescribing requirements and procedures for the sale, delivery, installation, or care
22 of monuments, including requirements that each vendor provide reasonable advance
23 notice to the cemetery authority of the date on which the vendor desires to install a
24 monument; that each vendor carry worker’s compensation insurance and a
25 minimum amount of comprehensive general liability insurance, such minimum

1 amount not to exceed \$300,000; and that each owner of a ~~cemetery lot~~ burial space
2 pay all fees and other amounts due the cemetery authority to satisfy any
3 encumbrances pertaining to the ~~cemetery lot~~ burial space before a monument is
4 installed.

5 **SECTION 3605sL.** 440.945 (2) (c) of the statutes is amended to read:

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

16 **SECTION 3605sn.** 440.945 (3) (a) (intro.) of the statutes is 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 **SECTION 3605sp.** 440.945 (4) (a) 1. of the statutes is amended to read:

22 440.945 (4) (a) 1. Require the owner or purchaser of a ~~cemetery lot~~ burial space
23 to purchase a monument or services related to the installation of a monument from
24 the cemetery authority.

25 **SECTION 3605sr.** 440.945 (4) (a) 2. of the statutes is amended to read:

1 440.945 (4) (a) 2. Restrict the right of the owner or purchaser of a cemetery lot
2 burial space to purchase a monument or services related to the installation of a
3 monument from the vendor of his or her choice.

4 **SECTION 3605st.** 440.945 (4) (a) 3. of the statutes is amended to read:

5 440.945 (4) (a) 3. Except as provided in sub. (2) (c), charge the owner or
6 purchaser of a cemetery lot burial space a fee for purchasing a monument or services
7 related to the installation of a monument from a vendor, or charge a vendor a fee for
8 delivering or installing the monument. Nothing in this subdivision shall be
9 construed to prohibit a cemetery authority from charging the owner or purchaser of
10 a cemetery lot burial space a reasonable fee for services relating to the care of a
11 monument.

12 **SECTION 3605sv.** 440.945 (4) (a) 4. of the statutes is amended to read:

13 440.945 (4) (a) 4. Discriminate against any owner or purchaser of a cemetery
14 lot burial space who has purchased a monument or services related to the
15 installation of a monument from a vendor.

16 **SECTION 3605sx.** 440.945 (5) (a) of the statutes is amended to read:

17 440.945 (5) (a) If the department board has reason to believe that any person,
18 other than a religious cemetery authority, is violating this section and that the
19 continuation of that activity might cause injury to the public interest, the
20 department may investigate.

21 **SECTION 3605sz.** 440.945 (5) (am) of the statutes is created to read:

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

25 **SECTION 3605ub.** 440.945 (5) (b) of the statutes is amended to read:

1 440.945 (5) (b) The department of justice or any district attorney, upon
2 informing the department of justice, may commence an action in circuit court in the
3 name of the state to restrain by temporary or permanent injunction any violation of
4 this section. The court may, prior to entry of final judgment, make such orders or
5 judgments as may be necessary to restore to any person any pecuniary loss suffered
6 because of the acts or practices involved in the action, if proof of such loss is submitted
7 to the satisfaction of the court. The department of justice may subpoena persons and
8 require the production of books and other documents, and may request the
9 department of regulation and licensing or board to exercise its authority under par.
10 (a) or (am) to aid in the investigation of alleged violations of this section.

11 **SECTION 3605ud.** 440.947 (1) (c) of the statutes is renumbered 440.90 (6g).

12 **SECTION 3605uf.** 440.947 (5) of the statutes is amended to read:

13 440.947 (5) A person who sells a casket, outer burial container, or cemetery
14 merchandise shall retain a copy of the price list specified in sub. (2) (intro.) for at least
15 one year after the date of its last distribution to a prospective buyer and shall retain
16 a copy of each form that is provided to a buyer under sub. (3) (intro.) for at least one
17 year after completion of a sale. A person required to retain a copy under this
18 subsection shall make the copy available for inspection by the department or board
19 upon request.

20 **SECTION 3605uh.** 440.948 of the statutes is created to read:

21 **440.948 Burial agreements.** Any agreement for the purchase of a casket,
22 outer burial container not preplaced into the burial excavation of a grave, or
23 combination casket–outer burial container, that is not immediately required for the
24 burial or other disposition of human remains, is subject to the requirements of s.
25 445.125 (1).

1 **SECTION 3605uj.** 440.949 of the statutes is created to read:

2 **440.949 Rules; review of rules. (1)** Before submitting any proposed rules
3 relating to this subchapter, except for rules relating exclusively to religious cemetery
4 authorities, to the legislative council staff under s. 227.15, the department shall
5 submit the proposed rules to the board for comment. The board shall have 30 days
6 to submit comments on the proposed rules to the secretary.

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

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

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

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

3 **SECTION 3605uL.** 440.95 (1) of the statutes is amended to read:

4 440.95 **(1)** Any cemetery authority that is required to register under s. 440.91
5 ~~(1)~~ (1m) and that knowingly fails to register may be fined not more than \$100.

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

7 440.95 **(1m)** Any cemetery authority that, without a license granted under s.
8 440.91 (1), sells 10 or more burial, mausoleum, or columbarium spaces at a cemetery
9 during a calendar year or has \$100,000 or more in trust fund accounts for a cemetery
10 may be fined not more than \$100.

11 **SECTION 3605up.** 440.95 (2) of the statutes is amended to read:

12 440.95 **(2)** Any ~~individual who~~ person that is required to register be licensed
13 as a cemetery salesperson under s. 440.91 (2) and ~~who fails to register~~ that is not
14 licensed may be fined not less than \$25 nor more than \$200 or imprisoned for not
15 more than 6 months or both.

16 **SECTION 3605ur.** 440.95 (2m) of the statutes is created to read:

17 440.95 **(2m)** Any person that is required to be licensed as a preneed seller under
18 s. 440.92 (1) (a) and that is not licensed may be fined not more than \$1,000 or
19 imprisoned for not more than 90 days or both.

20 **SECTION 3605ut.** 440.95 (4) (a) of the statutes is repealed.

21 **SECTION 3605uv.** 440.95 (4) (c) of the statutes is amended to read:

22 440.95 **(4)** (c) Fails to file a report or files an incomplete, false, or misleading
23 report under s. ~~440.92 (6)~~ 440.926.

24 **SECTION 3605ux.** 440.95 (5) of the statutes is amended to read:

1 440.95 (5) Except as provided in sub. (4), any person who violates s. ss. 440.92
2 to 440.927 or any rule promulgated under s. ss. 440.92 to 440.927 may be required
3 to forfeit not more than \$200 for each offense. Each day of continued violation
4 constitutes a separate offense.”.”.

5 **14.** Page 1448, line 16: after that line insert:

6 “1972m. Page 1352, line 18: after that line insert:

7 “(4f) CEMETERY REGULATION.

8 (a) *Definition.* In this subsection:

9 1. “Board” means the cemetery board.

10 2. “Cemetery association” has the meaning given in section 157.061 (1r) of the
11 statutes.

12 (b) *Filing requirement.* A cemetery association that was not required to be
13 registered under section 440.91 (1), 1999 stats., and that is not organized or
14 conducted for pecuniary profit shall, no later than the first day of the 6th month
15 beginning after the effective date of this paragraph, file with the department of
16 financial institutions any copies of certifications, resolutions, or proceedings that the
17 cemetery association delivered to the office of the register of deeds of the county in
18 which the cemetery is located under section 157.062 (9), 1999 stats.

19 (c) *Initial appointments to cemetery board.*

20 1. Notwithstanding section 15.405 (3m) (b) 1. and (c) of the statutes, as created
21 by this act, the initial cemetery authority business representative members of the
22 board need not be business representatives of a cemetery authority that is licensed
23 under section 440.91 (1) of the statutes, as affected by this act, to be appointed to and

1 serve as members of the board until the first day of the 13th month beginning after
2 the effective date of this subdivision.

3 2. Notwithstanding section 15.07 (1) (cm) of the statutes, as affected by this act,
4 and section 15.405 (3m) (b) 1. of the statutes, as created by this act, the initial
5 members of the board shall be appointed by the first day of the 4th month beginning
6 after the effective date of this subdivision for the following terms:

7 a. Two cemetery authority business representative members and one public
8 member, for terms expiring on May 1, 2003.

9 b. One cemetery authority business representative member and one public
10 member, for terms expiring on May 1, 2004.

11 c. One cemetery authority business representative member and the
12 representative of the department of justice, for terms expiring on May 1, 2005.

13 (d) *Preneed seller licenses.* Notwithstanding section 440.92 (1) (a) and (b)
14 (intro.) of the statutes, as affected by this act, the department of regulation and
15 licensing shall issue a certificate of licensure as a cemetery preneed seller to any
16 person who, on the effective date of this paragraph, holds a valid certificate of
17 registration as a cemetery preneed seller.”.”.

18 **15.** Page 1479, line 18: after that line insert:

19 “2072m. Page 1403, line 5: after that line insert:

20 “(2f) NONDISCLOSURE OF CERTAIN INFORMATION. The treatment of section 440.14
21 (1) (a), (2), (3), (4), and (5) of the statutes first applies to lists furnished by a board
22 in the department of regulation and licensing, other than a credentialing board, on
23 the effective date of this subsection.”.”.

24

(END)