



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 75

**Assembly Amendment 1 and
Senate Amendment 1**

Memo published: June 17, 2005

Contact: Phil Cardis, Staff Attorney (267-0683)
Mary Offerdahl, Staff Attorney (266-2230)

Assembly Bill 75 creates a Crematory Authority Council in the Department of Regulation and Licensing (DRL). In addition, the bill creates a new subchapter of the statutes relating to crematory authorities. That subchapter establishes requirements regarding registration of crematory authorities and specifies powers and duties of persons who may direct cremation, described in the bill as “authorizing agents.” The subchapter also establishes requirements for crematory authorities, cremations, and deliveries and disposition of cremated remains.

Assembly Amendment 1

Assembly Amendment 1 provides clarifying language in the bill draft, which does the following:

- Clarifies that no person may place cremated remains of more than one individual in the same container (i.e., commingle), without the prior written consent of each authorizing agent.
- Clarifies that the bill’s requirements do not apply “to a person who is acting according to the burial customs or rites of a religious sect *to which the person belongs or subscribes.*”

Senate Amendment 1

One of the cremation issues regulated by *Assembly Bill 75* is that of who authorizes the cremation. Assembly Bill 75 defines an “authorizing agent,” and specifies who may act as an authorizing agent and direct the cremation of the human remains of a decedent, in a way that would allow specified persons who objected to cremation to overrule a decedent’s intentions for cremation. *Senate Amendment 1* removes these provisions and replaces references to “authorizing agent” in the bill with references to “person directing the cremation,” without specifying who that person would be.

Legislative History

On April 19, 2005, the Assembly Committee on Small Business recommended for adoption Assembly Amendment 1 by a vote of Ayes, 7; Noes, 0, and passage of the bill, as amended, by a vote of Ayes, 7; Noes, 0.

Senate Amendment 1 was offered by Senator Brown. On June 15, 2005, the Senate adopted Senate Amendment 1 by voice vote and concurred in Assembly Bill 75, as amended, by a vote of Ayes, 33; Noes, 0. On June 16, 2005, the Assembly concurred in Senate Amendment 1 by voice vote.

PGC:MO:tlu:jal:rv