



2019 ASSEMBLY BILL 576

October 25, 2019 - Introduced by Representatives VANDERMEER, ALLEN, BALLWEG, BORN, DITTRICH, FELZKOWSKI, FIELDS, HEBL, HORLACHER, JAMES, KNODL, KULP, MACCO, NOVAK, OLDENBURG, PETRYK, PLUMER, RODRIGUEZ, SORTWELL, STUCK, TITTL, TUSLER and WITKE, cosponsored by Senators KOYENGA, CRAIG, KAPENGA, OLSEN, JOHNSON and LARSON. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to repeal* 445.095 (5); *to renumber* 445.095 (1) (b); *to renumber and*
2 *amend* 445.095 (1) (a); *to consolidate, renumber and amend* 445.095 (1) (d)
3 and (e); and *to amend* 445.045 (1) (d), 445.045 (1) (e) and 445.045 (1) (f) of the
4 statutes; **relating to:** requirements for funeral director apprenticeships and
5 licenses, extending the time limit for emergency rule procedures, and providing
6 an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

Currently, in order to be eligible for a funeral director license, an individual must, in addition to satisfying other requirements, have 1) completed a funeral director apprenticeship; 2) completed two academic years of instruction in a recognized college or university; and 3) completed nine months or more instruction in a prescribed course in mortuary science. Current law requires that the nine months of mortuary science be completed after completing a 16-hour certification class, which is a prerequisite to beginning the apprenticeship.

This bill 1) requires 24 semester credits of education, instead of two years, in order to be granted a funeral director license; and 2) eliminates the requirement that the nine months of instruction in mortuary science be completed after completing a 16-hour certification class. The bill further provides that if an individual completes the nine months of instruction in mortuary science before beginning an apprenticeship, the 16-hour certification class is not required to begin the apprenticeship.

ASSEMBLY BILL 576

The bill also makes various nonsubstantive organizational changes to the laws governing funeral directors.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 445.045 (1) (d) of the statutes is amended to read:

2 445.045 (1) (d) The person must have completed ~~2~~ 24 semester credits
3 ~~academic years~~ of instruction in a recognized college or university, in a course of
4 study approved by the examining board, or have equivalent education.

5 **SECTION 2.** 445.045 (1) (e) of the statutes is amended to read:

6 445.045 (1) (e) The person must have satisfactorily completed 9 months or more
7 of instruction in a prescribed course in mortuary science approved by the examining
8 board ~~at any time after having completed an approved certification class described~~
9 ~~in s. 445.095 (1) (a).~~

10 **SECTION 3.** 445.045 (1) (f) of the statutes is amended to read:

11 445.045 (1) (f) The person must have completed one year of apprenticeship as
12 prescribed in s. 445.095 ~~at any time after having completed an approved certification~~
13 ~~class described in s. 445.095 (1) (a) and,~~ either before or after taking the course in
14 mortuary science required by par. (e), and must have satisfied the requirement under
15 s. 445.095 (4).

16 **SECTION 4.** 445.095 (1) (a) of the statutes is renumbered 445.095 (1) (a) 1.
17 (intro.) and amended to read:

18 445.095 (1) (a) 1. (intro.) A person desiring to become an apprentice as a funeral
19 director and who satisfies all of the following shall apply on a form provided for the

ASSEMBLY BILL 576

1 purpose and appear before the examining board, or any duly appointed
2 representative of the examining board. ~~The application shall state that the:~~

3 a. The applicant is 18 years of age or older;

4 b. The applicant holds a high school diploma or possesses equivalent education
5 as defined by the examining board;

6 c. The applicant does not have an arrest or conviction record, subject to ss.
7 111.321, 111.322, and 111.335, and

8 d. The applicant has completed a 16-hour certification class approved by the
9 examining board or has satisfied the requirement under s. 445.045 (1) (e).

10 2. The application under subd. 1. must be substantiated by the oath of the
11 applicant and be accompanied by

12 1. e. The applicant pays the fee specified in s. 440.05 (6).

13 3. When the examining board is satisfied as to the qualification of that an
14 applicant for apprenticeship satisfies the requirements for granting a certificate of
15 apprenticeship, it shall issue grant the applicant a certificate of apprenticeship.

16 **(3r)** ~~When the an apprentice enters the employment of a licensed funeral~~
17 ~~director, the apprentice shall immediately notify the examining board, giving the~~
18 ~~name and place of business of the funeral director whose service the apprentice has~~
19 ~~entered. If, at any time thereafter, the apprentice leaves the employment of the~~
20 ~~licensed funeral director whose service the apprentice has entered, the licensed~~
21 ~~funeral director shall give the apprentice an affidavit showing the length of time~~
22 ~~served as an apprentice with that employer, and the work done in detail, which~~
23 ~~affidavit shall be filed with the examining board and made a matter of record in that~~
24 ~~office. If the apprentice thereafter enters the employment of another licensed~~
25 ~~funeral director in this state, the applicant shall forthwith report such employment~~

ASSEMBLY BILL 576**SECTION 4**

1 to the examining board. No person may serve or attempt to serve as an apprentice
2 under a funeral director until the person has notified the examining board as
3 required under this subsection.

4 **SECTION 5.** 445.095 (1) (b) of the statutes is renumbered 445.095 (2m).

5 **SECTION 6.** 445.095 (1) (d) and (e) of the statutes are consolidated, renumbered
6 445.095 (3g) and amended to read:

7 445.095 (3g) All apprentices registered under this section shall report at least
8 semiannually to the examining board upon forms provided by the examining board.
9 ~~The reports shall contain the information required by the examining board~~
10 department. Failure to submit the required reports shall constitute justification
11 grounds for termination of the apprenticeship. (e) The semiannual report ~~must~~ shall
12 show the number of hours served by the apprentice ~~and,~~ the number of bodies the
13 apprentice has assisted in embalming, or otherwise prepared for burial or disposition
14 during such period, and the number of funeral services at which the apprentice has
15 assisted, and give such any other information as ~~may be~~ required by the examining
16 board. The data contained in the report shall be certified to as correct by the licensed
17 funeral director under whom the apprentice has served during ~~such~~ that period.

18 **SECTION 7.** 445.095 (5) of the statutes is repealed.

19 **SECTION 8. Nonstatutory provisions.**

20 (1) The funeral directors examining board may promulgate emergency rules
21 under section 227.24 of the statutes necessary to implement this act.
22 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
23 promulgated under this subsection remain in effect until May 1, 2022, or the date on
24 which permanent rules take effect, whichever is sooner. Notwithstanding section
25 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide

ASSEMBLY BILL 576

1 evidence that promulgating a rule under this subsection as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for a rule promulgated under this
4 subsection.

5 **SECTION 9. Initial applicability.**

6 (1) The treatment of s. 445.045 (1) (d), (e), and (f) first applies to an application
7 for a funeral director license submitted by an applicant who submitted an application
8 for a certificate of apprenticeship on the effective date of this subsection.

9 (2) The treatment of s. 445.095 (1) (a) first applies to an application for a
10 certificate of apprenticeship submitted by an applicant on the effective date of this
11 subsection.

12 **SECTION 10. Effective dates.** This act takes effect on the first day of the 7th
13 month beginning after publication, except as follows:

14 (1) SECTION 8 (1) of this act takes effect on the day after publication.

15 (END)