

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
- 97hr_JCR-AR_ES_pt06
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
-
- Record of Comm. Proceedings ... RCP
-

June 30, 1997
Public Hearing and Exec.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tammy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 3935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

April 23, 1997

Senator Gwendolynne S. Moore
Chair, Senate Committee on Economic Development,
Housing and Government Operations
State Capitol, Room 321 Northeast
Madison, WI 53702

Representative Clifford Otte
Chair, Assembly Committee on Consumer Affairs
State Capitol, Room 109 West
Madison, WI 53702

Dear Senator Moore and Representative Otte:

This letter is a request to make modifications to Clearinghouse Rule 96-183, a proposed rule-making order of the Funeral Directors Examining Board to create s. FD 6.10 relating to solicitation of burial agreements funded with the proceeds of a life insurance policy.

This request is made under s. 227.19 (4) (b) 2., Stats., in response to recommendations made by the Senate Committee on Economic Development, Housing and Government Operations, following a Senate hearing held on April 16, 1997.

The specific modifications to s. FD 6.10 are as follows:

FD 6.10 SOLICITATION OF BURIAL AGREEMENTS FUNDED WITH THE PROCEEDS OF A LIFE INSURANCE POLICY. (1) No funeral director, owner of a funeral establishment, or agent may initiate any telephone call using an automatic telephone dialing system or an artificial prerecorded voice for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy to any of the following.

(a) The telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment.

(b) Any residential or business telephone line without the prior express written consent of the party.

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

~~(c) The residential or business telephone line of a person or relative of a person whose death is imminent or appears to be imminent. The residential or business telephone of a person or relative of a person whose death is imminent or appears to be imminent.~~

(2) ~~A~~ A funeral director, owner of a funeral establishment, or an agent may initiate a telephone call by live voice for the purpose of selling or soliciting a burial agreement funded by with the proceeds of a life insurance policy only between the hours of 8:00 a.m. to 6:00 p.m. central standard time if all of the following apply:

(a) Written notice is sent by a funeral director, owner of a funeral establishment, or agent to the prospective customer at least 72 hours in advance of the call.

(b) Written notice shall advise the customer of all of the following:

1. The name of the funeral director, owner of a funeral establishment, or agent who will be calling, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

2. That the call will only be made between the hours of 8:00 a.m. to 6:00 p.m. central standard time.

3. The specific reason for the call in no less than 12-point type.

4. That a prospective purchaser may call the person or entity upon whose behalf the call is being made to request that no call be made. This statement shall be in no less than 14-point, bold-faced type.

~~(3) Agents who sell or solicit the sale of burial agreements funded by the proceeds of life insurance as provided in sub. (2) shall do all of the following:~~

~~(a) Immediately provide the called party with the name of the agent, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.~~

~~(b) Have a written policy, available upon demand, for maintaining a do-not-call list.~~

~~(c) Record the name and telephone number of persons who request placement on the do-not-call list at the time the request is made. No further calls may be made to a person who has requested placement on the do-not-call list.~~

(3) A funeral director, owner of a funeral establishment, or agent who sells or solicits the sale of burial agreements funded by the proceeds of life insurance as in sub. (2) shall do all of the following:

(a) Immediately provide the called party with the name of the funeral director, owner of a funeral establishment or agent, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

(b) Have a written policy, available upon demand, for maintaining a do-not-call list.

(c) Record the name and telephone number of persons who request placement on the do-not-call list at the time the request is made. No further calls may be made to a person who has requested placement on the do-not-call list.

(4) A funeral director, owner of a funeral establishment, or agent may by live voice contact:

(a) A prospective purchaser of a burial agreement funded by the proceeds of a life insurance policy or the prospective purchaser's authorized representative, in a hospital, health care facility, elderly home or similar establishment, only if the prospective purchaser or the prospective purchaser's authorized representative requests the contact.

(b) A prospective purchaser of a burial agreement funded by the proceeds of a life insurance policy whose death is imminent or appears to be imminent only if the prospective purchaser or the prospective purchaser's authorized representative requests the contact.

(5) Unless the board substantially modifies this section, no funeral director, owner of a funeral establishment, or agent may initiate on or after January 1, 1999, any telephone call by live-voice or by using an automatic telephone dialing system or an artificial prerecorded voice for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy to any of the following:

(a) The telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment.

(b) Any residential or business telephone line without the prior express written consent of the party.

(c) The residential or business telephone line of a person or relative of a person whose death is imminent or appears to be imminent.

April 23, 1997

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I have been authorized by the chair of the Funeral Directors Examining Board to request these modifications.

Sincerely,

A handwritten signature in cursive script that reads "Patricia H. Reuter". The signature is written in dark ink and is positioned above the typed name and title.

Patricia H. Reuter, Director
Bureau of Business and Design Professions



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

APR 29 1997

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P. O. BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

April 29, 1997

The Honorable Gwendolynne S. Moore, Chair
Senate Committee on Economic Development, Housing
and Government Operations
Room 321 Northeast, State Capitol
Madison, WI 53702

Dear Senator Moore:

This letter is in response to the Committee's request of April 25, 1997, asking the Funeral Directors Examining Board to agree to a modification of proposed s. FD 6.10 of Clearinghouse Rule 96-183, pertaining to solicitation of burial agreements funded with the proceeds of a life insurance policy.

The Funeral Directors Examining Board met, by teleconference, on Monday, April 28, 1997, and passed the following motion:

The Funeral Directors Examining Board does not agree to the modification of proposed s. FD 6.10 of Clearinghouse Rule 96-183 as found in the letter dated April 25, 1997, from State Senator Gwendolynne Moore. The motion carried, 4-ayes; 2-nays.

If you have any questions regarding this motion, you may reach me directly at 266-3423.

Sincerely,

PATRICIA H. REUTER, Director
Bureau of Business and Design Professions
Funeral Directors Examining Board

cc: Members, Senate Committee on Economic Development
Housing and Government Operations
Representative Clifford Otte, Chair, Assembly Committee on
Consumer Affairs
Members, Funeral Directors Examining Board
Secretary Marlene Cummings, Department of Regulation and
Licensing

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

TO:

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

Senator Richard Grobschmidt
Representative Glenn Grothman
Co-Chairs

From:

DEPARTMENT OF REGULATION AND LICENSING

Marlene A. Cummings
Secretary

REPORT OF INVESTIGATION OF
ALLEGATIONS THAT CEMETERIANS ARE PERFORMING DUTIES
THAT ONLY FUNERAL DIRECTORS ARE AUTHORIZED
TO PERFORM

September 1, 1997

DEPARTMENT OF REGULATION AND LICENSING

INVESTIGATION OF ALLEGATIONS THAT CEMETERIANS ARE PERFORMING DUTIES THAT ONLY FUNERAL DIRECTORS ARE AUTHORIZED TO PERFORM

PURPOSE AND SCOPE:

On July 1, 1997, the JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES directed the Funeral Directors Examining Board ". . . to investigate allegations that cemeterians are performing duties that only funeral directors are authorized to perform . . ."

In response to that directive, Secretary Marlene A. Cummings directed that Division of Enforcement investigation supervisor Michael Whalen review all cemetery complaints received by the Department of Regulation and Licensing from January 1, 1996 to the present.

[**Note:** This report does not include a summary of any complaints alleging that insurance agents are performing duties that only funeral directors are authorized to perform, because the committee directed the Commissioner of Insurance to conduct an investigation of insurance agent conduct.]

INVESTIGATIVE STEPS:

- 1) Review of all cemetery complaints received from January 1, 1996 - August 26, 1997:

All cemetery complaints received and closed since January 1, 1996 were reviewed. There are 12 complaints in this category. None of those complaints include allegations that cemeterians performed duties that only funeral directors are authorized to perform.

since January 1, 1996, 21 cemetery complaints have been received and opened for investigation. 20 of those complaints do not include allegations that cemeterians performed duties that only funeral directors are authorized to perform.

File reference number 97 RLC 013 includes allegations that a cemetery salesperson represented himself to be employed by a funeral home. That investigation was completed on August 26, 1997 and will be forwarded to the assigned advisor for an opinion and recommendation. It is likely the complaint will not be pursued to discipline because there may have been a violation but no known harm to the public. Also, the activity was discontinued when a funeral director complained about the problem to the respondent employer.

- 2) Interview of persons who purportedly had knowledge of persons performing funeral director duties without a license:

Two individuals who appeared for Rule 96-183 and one individual who appeared against the rule before the Joint Committee for Review of Administrative Rules on June 30, 1997, were identified by Department of Regulation and Licensing personnel as individuals who said they knew about cemeterians performing duties that only funeral directors are authorized to perform. These three funeral directors were interviewed. Additionally, four more funeral directors, who were identified by the first three as individuals with possible knowledge were also interviewed. None of the individuals interviewed had any specific knowledge of an instance where cemetery or cemetery employee performed duties that only funeral directors are authorized to perform. Generally, all the funeral directors interviewed are aware that cemetery sales people have, at times, made representations to consumers that the cemeteries can "take care of everything else" except removal of a body and embalming. In conclusion, none of the funeral directors interviewed are aware of a specific instance where a cemetery employee signed a death certificate, embalmed a body, or directed funeral burial services.

- 3) Review of other Department of Regulation and Licensing, Division of Enforcement available information and complaint files.

Three closed 1995 complaint files with Nicolet Memorial Gardens in Green Bay as Respondent, contain an allegation that Nicolet Memorial Gardens distributed and published a casket price list which referred to the cemetery as a "funeral establishment." The Respondent stated that the document was prepared only for internal use and was formatted from a funeral establishment document and the Respondent failed to delete the "funeral establishment" reference. The list was immediately revised with the funeral establishment reference deleted. These three cases were closed in 1995 for no violation.

CONCLUSION:

The Department of Regulation and Licensing has very limited information about allegations that cemeterians are performing duties that only funeral directors are authorized to perform. Based on the information contained in the complaints on file and the information obtained from the seven Funeral Directors interviewed, this does not appear to be a problem of an especially serious nature. However, we will continue processing complaints received from the public and compiling relevant data. In the event you require any additional information, please contact us.



MAY 07 1997

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708-8935
(608) 266-2112

May 7, 1997

State Senator Richard Grobschmidt, Co-Chair
State Representative Glenn Grothman, Co-Chair
Joint Committee for Review of Administrative Rules
State Capitol
Madison, WI 53702

Dear Senator Grobschmidt and Representative Grothman:

This letter is to provide the position of the department on Clearinghouse Rule 96-183, a proposed rule of the Funeral Directors Examining Board which has been referred to the Joint Committee for consideration.

The department has considered the various opinions and positions that have been expressed on the issues addressed in the proposal. After evaluating the alternative approaches discussed, the department generally supports the rule in the form originally submitted to the legislative standing committees, and as recently supported through the action taken by the Assembly Committee on Consumer Affairs.

The department believes, however, that three changes to the board's original submission should be considered which we believe, if adopted, would improve its effectiveness. These suggestions are as follows:

1. The solicitation of a relative of a person whose death is imminent or appears to be imminent should be prohibited, as recommended by the Senate Committee on Economic Development, Housing and Government Operations.
2. The title of the rule should be amended to read:

SOLICITATION OF PROSPECTIVE PURCHASERS OF BURIAL
AGREEMENTS FUNDED WITH THE PROCEEDS OF A LIFE INSURANCE
POLICY.

This title would be consistent with the manner in which the board's rule-making authority is expressed in its statute, and makes it clear that it relates to the solicitation of purchasers of the plans, rather than to the plans themselves.

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.



**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**
June 26, 1997

**Clearinghouse Rule 96-183, Telephone Solicitation for the sale of
funeral plans funded by life insurance policies**

BACKGROUND

Clearinghouse Rule 96-183 is being promulgated by the Funeral Directors Examining Board and the Department of Regulation and Licensing to implement 1995 Wisconsin Act 295. In brief, that act authorized funeral directors and agents representing funeral directors to sell burial agreements funded by life insurance policies. The rule establishes several conditions on funeral directors or their agents including, registration, training requirements, standards for agreements, and restrictions on solicitations.

When originally proposed, the rule included a complete ban on telephone solicitation for the sale of burial plans. Following a public hearing on the rule, the Funeral Directors Examining Board deleted the provision banning telephone solicitations. Instead the Board substituted language allowing "live voice" telephone solicitation to between the hours of 8 AM and 6 PM central standard time and requiring agents making calls to disclose their name and identify who they are representing. The rule also prohibits automated or prerecorded voice message calling to certain individuals such as hospital patients, nursing home residents and others. The rule further requires agents to make available policies on how they maintain a do-not-call list. Agents would be required to add persons who request to be added to their do-not-call list and prohibits those persons from being called in the future. The Board adopted this change on a 4-2 vote. The two public members voted against the modification. The telephone solicitation requirements are in section FD 6.10 of the proposed rule. The modified rule was submitted to the legislature on February 25, 1997.

The Senate Committee on Economic Development, Housing and Government Operations held a public hearing on the proposed rule on April 16, 1997. An executive session was held on April 24th. The committee adopted a motion requesting a conditional request for modification. The proposed modification would have set a ban on telephone solicitation until December 31, 1998. The motion specified that if the Board did not respond agreeing to the modification or a substantially similar modification by April 29, 1997, the committee would object to Clearinghouse Rule 96-183 in its entirety. The grounds for the objection would be arbitrariness and capriciousness, or imposition of an undue hardship.

Clearinghouse Rule 96-183

page two

On May 7, 1997 the rule was referred to the JCRAR. On June 3, 1997 the Co-Chairs wrote DR&L Secretary Marlene Cummings to request a meeting. That action extended the JCRAR review by an additional 30 days.

ISSUE

Should the rules of the Funeral Directors Examining Board allow telephone solicitation for the sale of burial agreements funded by life insurance policies?

ARGUMENTS FOR THE RULE

At the public hearing of the Senate standing committee some funeral directors and representatives of the Funeral Service Alliance argued that allowing telephone solicitation would allow funeral directors to compete more evenly with other providers of funeral products and services that are able to pursue new customers by telephone. They pointed out that operators of cemeteries are able to use telephone solicitation to market vaults, mausoleums and caskets - products that funeral directors also market. They also noted that insurance agents can already use telephone solicitation to market what is called "final expense" insurance policies, and that sellers of caskets are not limited in their marketing methods. Finally, they also suggest that telephone solicitation can also serve consumers by providing information about the choices involved in planning a funeral.

ARGUMENTS AGAINST THE RULE

Other funeral directors and representatives of the Wisconsin Funeral Directors Association argued against allowing telephone solicitation by funeral directors or their agents. While they acknowledged the argument that funeral directors may be placed at a competitive disadvantage if they were not allowed to telemarket burial agreements, they suggested that it was not in the public interest to allow this type of marketing practice.

Testimony from the Wisconsin Coalition of Aging Groups also challenged the marketing practice claiming that funeral directors would largely target older people. It was their contention that the elderly population includes many individuals who for various reasons are vulnerable to this type of marketing practice.

Clearinghouse Rule 96-183

page three

OPTIONS

Concurrence - The JCRAR could concur in the objection of the standing committee either in part, or in whole. The standing committee objection was to the entire rule including provisions that were not in dispute. If the JCRAR wanted to allow non-controversial provisions of the rule to go forward, the JCRAR could concur in the objection to the provisions related to telephone solicitation and nonconcur in the objection to other provisions. If the JCRAR concurs either in part, or in whole, with the objection, the JCRAR must introduce bills in each house within 30 days of the objection to uphold its action.

Nonconcurrence - The JCRAR could nonconcur in the standing committee objection and allow the rule to go forward as submitted to the standing committee including provisions allowing telephone solicitation.

Seek modifications

- The Senate standing committee motion requested a modification that sought to delay authorization of telephone solicitation by funeral directors until after December 31, 1998.
- Another modification option that the Senate standing committee also discussed, but did not vote on as a motion, was suggested by Senator Grobschmidt. That modification would not have banned telephone solicitation, but would have created additional conditions on the use of telephone solicitation including a requirement that funeral directors or agents provide written notice to the prospective customer prior to calling with a statement indicating that the person may call to request that no call be made. The Funeral Directors Examining Board responded to the discussion that occurred at the meeting of the standing committee by requesting that the committee accept a modification that would include the additional conditions and a possible January 1, 1999 sunset date for the new policy. The modification offer was not pursued by the Senate standing committee.
- After the rule was referred to the JCRAR the Funeral Examining Board wrote the co-chairs stating support for the rule as originally submitted to the legislature with three changes. The rule would also prohibit the telephone solicitation of relatives of persons whose death may be imminent. The title of the rule would be clarified to refer to the solicitation of prospective purchasers. The limit on hours at which time telephone solicitation would be allowed would be expanded to between 8 AM and 9 PM. The rule currently provides for calling between 8 AM and 6 PM. The Board states that changing the permitted hours would bring uniformity between the state rule and federal rules.

**STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING
FUNERAL DIRECTORS : BOARD ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 96-183)**

TO: Fred Risser
President of the Senate
119 Martin Luther King Jr., Blvd.
Room 102
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the FUNERAL DIRECTORS EXAMINING BOARD is submitting in final draft form proposed rules relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy.

If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P.O. BOX 8935
MADISON, WISCONSIN 53708
608 266-2112

Administrative Rules in Final Draft Form

Funeral Directors Examining Board

Rule: Chapter FD 6

Relating to: Agents in Sale or Solicitation of Burial Agreements Funded by Proceeds of Life Insurance Policy

Clearinghouse Rule: No. 96-183

Regulatory Boards

Accounting; Architects, Professional Engineers, Designers and Land Surveyors; Barbering and Cosmetology; Chiropractic; Dentistry; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

**STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 96-183
FUNERAL DIRECTORS : (s. 227.19 (3), Stats.)
EXAMINING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

In this proposed rule-making order the Funeral Directors Examining Board creates rules relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy. These rules are the result of 1995 Wisconsin Act 295 which created a new category of sales agents and gave the board the authority to promulgate rules regarding them.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on February 5, 1997. The following appeared and registered in favor of the proposed rules:

Michael E. Horan, Chippewa Falls, representing Horan Funeral Home Inc.
Edwin Horan, Chippewa Falls, representing Horan Funeral Home, Inc.
Wilma Morris, Wauwatosa, representing the Wisconsin Funeral Directors Association
Richard E. Daniels, Burlington, representing the Wisconsin Funeral Directors Association
Jerry Speckien, Eau Claire, representing Speckien Funeral Home
Thomas Wiseman, Milwaukee, representing Brett Funeral Home, Inc.
Patrick Koszuta, Milwaukee, representing the Wisconsin Funeral Directors Association
Tom Hanson, Madison, representing the Wisconsin Funeral Directors Association
Diego Camacho, Jr., Darlington, representing the Wisconsin Funeral Directors Association. Mr. Camacho also presented testimony and submitted written comments.

The following appeared and registered against the proposed rules:

Mark Aarden, Beaver Dam, representing Community Funeral Homes
Doug Seefeld, Oshkosh, representing Seefeld Funeral Home
R. George Burmeister, Oregon
Pat Essie, Madison, representing Funeral Service Alliance
Pete Gunderson, Madison, representing Gunderson Funeral Home
Estella Chandler, Appleton, representing Familyside Preneed
Ed Patschke, Appleton, representing Secura Life Insurance Company
Mark Pichelmeyer, New London
Ken Schmidt, West Bend, representing Schmidt Funeral Homes, West Bend and Jackson
Charles Peters, Wauwatosa, representing Schmidt & Bartelt Funeral Service

The following appeared and registered against s. FD 6.10, Solicitation, only:

William Krause, Jr., Milwaukee, representing Krause Funeral Home
Mark Krause, Milwaukee, representing Funeral Service Alliance of Wisconsin
Christine Jacob, Milwaukee, representing American Legacy
Mark Willoughby, Batesville, IN, representing The Forethought Group
Paula Bonds, Atlanta, GA, representing United Family Life
Steven Whitehead, West Des Moines, IA, representing Cornerstone Management Systems, Inc.
Dean Dickinson, LaCrosse, representing Dickinson Funeral Homes

Written comments were received from the following:

Kenneth L. Schmidt, Schmidt Funeral Homes, Inc., West Bend & Jackson
William Krause, Krause Funeral Home, Inc., Milwaukee
Edwin L. Patschke, Secura Life, Appleton
Susan E. Cyr, Counsel and Assistant Secretary, the Liberty Corporation, Greenville, SC
Curtis J. Schmidt, Schmidt Funeral Homes, West Bend & Jackson
Diego Camacho, Jr., President, Wisconsin Funeral Directors Association, Wauwatosa
Steven W. Whitehead, Cornerstone Management Systems, West Des Moines, IA
Mark Krause, Secretary/Treasurer, Funeral Service Alliance of Wisconsin
Paula Bonds, United Family Life Insurance, Atlanta, GA
Christine M. Jacob, Funeral Home Representatives
Dean D. Dickinson, President, The Dickinson Family Funeral Homes
C. Keith Edison, Edison Funeral Homes, Independence

VI. MODIFICATIONS MADE AS A RESULT OF PUBLIC HEARING TESTIMONY:

The majority of the testimony at the public hearing concerned s. FD 6.10, which relates to the prohibition of telephone solicitation by "live-voice" callers. Several individuals urged the board to delete that provision, thereby allowing the use of telephone solicitation by "live-voice" callers. Although proponents of that position maintained that the intent of the legislature precludes the board from adopting such a rule, the legislation indicates otherwise.

Following the testimony at the public hearing, the board voted in favor of allowing "live-voice" telephone solicitation, with some limitations. *Section FD 6.10 (1) (intro.)* has been amended to remove the ban on "live-voice" callers. *Section FD 6.10 (2)* has been created to allow "live-voice" callers only between the hours of 8:00 a.m. to 6:00 p.m. central standard time. And, *s. FD 6.10 (3)* has been created identifying requirements to be met by agents who sell or solicit the sale of burial agreements by "live-voice" callers.

The two public board members opposed changing the rules to permit "live-voice" telephone solicitation. Nevertheless, the board majority was willing to allow this type of solicitation for a trial-period, and agreed that it should revisit the rule within two years of its implementation to determine whether "live-voice" calls should be prohibited.

VII. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

VIII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING
FUNERAL DIRECTORS : BOARD ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 96-183)

PROPOSED ORDER

An order of the Funeral Directors Examining Board to create chapter FD 6 relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats., and s. 445.125 (3m) (b) 2. b. and (j) 1. and 2., Stats., as created by 1995 Wisconsin Act 295.

Statutes interpreted: s. 445.125 (3m), Stats.

In this proposed rule-making order, the Funeral Directors Examining Board creates rules relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy. These rules are the result of 1995 Wisconsin Act 295 which created a new category of sales agents and gave the board the authority to promulgate rules regarding them.

Section FD 6.01 sets forth the statutory authority and purpose for the proposed rules. Section FD 6.02 provides definitions of terminology used in the proposed rules. Section FD 6.03 specifically outlines the registration process for sales agents. Section FD 6.04 requires a funeral director to notify the board when an agency relationship is terminated. Section FD 6.05 sets forth the training requirements for agents. Section FD 6.06 identifies the procedure for obtaining approval for educational training programs. Section FD 6.07 creates the standards for burial agreements funded by the proceeds of life insurance. Section FD 6.08 sets out the contractual standards necessary for an agent and operators of funeral establishments. Section FD 6.09 identifies the requirements that are essential before a burial trust can be terminated. Section FD 6.10 outlines the restrictions on the solicitation of burial agreements that are funded by the proceeds of life insurance. Pursuant to s. 445.125 (3m) (j) 2., Stats., the board has determined that the restrictions contained in s. FD 6.10 are necessary in order to protect the health, safety, and welfare of the public.

TEXT OF RULE

SECTION 1. Chapter FD 6 is created to read:

Chapter FD 6

BURIAL AGREEMENTS FUNDED
WITH LIFE INSURANCE

FD 6.01 AUTHORITY AND PURPOSE. The rules in this chapter are adopted by the board under the authority of ss. 15.08 (5) (b), 227.11 (2), 445.125 (3m) (b) 2. b. and (j) 1. and 2., Stats., and govern the registration and regulation of agents.

FD 6.02 DEFINITIONS. In this chapter:

- (1) "Agent" means an authorized representative of a funeral director or an operator of a funeral establishment who sells or solicits the sale of a burial agreement that is funded with the proceeds of a life insurance policy.
- (2) "Board" means the funeral directors examining board.
- (3) "Department" means the department of regulation and licensing.
- (4) "Evidence of attendance" means an official transcript, student grade report, or a written form furnished by a program provider which specifies satisfactory completion of an educational training program.
- (5) "Program provider" means an educational institution, governmental agency, professional or trade association or foundation or a private firm or individual whose function is educational training programming.

FD 6.03 REGISTRATION REQUIREMENTS. (1) A licensed funeral director or operator of a funeral establishment shall submit an application with all of the following information:

- (a) The identity of any agent authorized by s. 445.125 (3m), Stats., to sell or solicit the sale of a burial agreement that is funded with the proceeds of a life insurance policy on behalf of the licensed funeral director or operator of a funeral establishment.
- (b) The agent's Wisconsin life insurance intermediary's license number and expiration date, and the insurer or insurers whom the agent is listed to represent.
- (c) Evidence satisfactory to the board that the agent has successfully completed at least 20 hours of approved educational training as provided in s. FD 6.05. An agent

who is a Wisconsin licensed funeral director and a Wisconsin licensed insurance intermediary shall be exempt from having to complete the 20 hours of approved educational training as provided in s. FD 6.05.

(2) A copy of each contract between an agent and an operator of a funeral establishment shall accompany the application.

(3) The application shall be accompanied by the fee authorized in s. 440.05 (1), Stats.

(4) Upon receipt of an application and payment of the fees, the board shall issue a registration card to an agent.

(5) No agent may sell or solicit the sale of a burial agreement funded with the proceeds of a life insurance policy unless he or she is registered by the board.

Note: Application forms are available upon request to the Funeral Directors Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

FD 6.04 CHANGE OF EMPLOYMENT. A licensed funeral director or operator of a funeral establishment shall notify the board within 30 calendar days of the termination of any contract he or she has with an agent.

FD 6.05 TRAINING REQUIREMENTS. (1) Educational training shall include the following subjects:

- (a) The funeral industry practice regulations of the federal trade commission, and any other applicable federal statutes and regulations related to the funeral service industry including, but not limited to, the occupational safety and health act.
- (b) The funeral industry practice regulations contained in the Wisconsin statutes and administrative code including, but not limited to, burial agreements and any applicable impoverishment provisions.
- (c) The ethics of funeral service marketing.
- (d) Funeral service and final disposition options.
- (e) Funding mechanisms for burial agreements.
- (f) Financial benefits available at the time of death including, but not limited to, veteran's benefits, social security income, pensions, and human services benefits.
- (g) Grief communication skills.

(2) Educational training credit for participation in a multiple-day program, in which each day of the program is a prerequisite for each succeeding day, shall be granted only for completion of the entire program.

(3) Credit for attendance at an educational training program shall be given to an agent if all of the following apply:

- (a) The program has been approved by the board under s. FD 6.06.
- (b) The agent provides evidence of attendance satisfactory to the board.
- (c) The agent takes and successfully passes a comprehensive examination administered by the program provider.

FD 6.06 APPROVAL OF EDUCATIONAL TRAINING PROGRAMS. (1) To obtain approval of an educational training program, the program provider shall submit an application to the board on a form provided by the board which shall include evidence of all of the following:

- (a) Information that the program relates to the following subject areas:
 - 1. The funeral industry practice regulations of the federal trade commission, and any other applicable federal statutes and regulations related to the funeral service industry including, but not limited to, the occupational safety and health act.
 - 2. The funeral industry practice regulations contained in the Wisconsin statutes and administrative code including, but not limited to, burial agreements and applicable impoverishment provisions.
 - 3. The ethics of funeral service marketing.
 - 4. Funeral service and final disposition options.
 - 5. Funding mechanisms for burial agreements.
 - 6. Financial benefits available at the time of death including, but not limited to, veteran's benefits, social security income, pensions, and human services benefits.
 - 7. Grief communication skills.
- (b) The program is available to all agents regardless of membership or affiliation with any organization.
- (c) The program provider agrees to monitor the continuous attendance of participants and to furnish to each participant with evidence of attendance.

(2) A separate application shall be submitted for each educational training program. Approval of an educational training program expires on December 31 of each odd-numbered year.

(3) A program provider shall apply for approval of an educational training program at least 30 days prior to its presentation.

(4) An educational training program may include subject content other than that specified in sub. (1); however, the board shall limit its approval only to that part and time segments of the program which relate to subject areas specified in sub. (1).

(5) In-service educational training programs sponsored by a funeral establishment or insurance company are not eligible for credit unless the programs are available to all agents and meet all other requirements in this section.

Note: Application forms are available upon request to the Funeral Directors Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

FD 6.07 STANDARDS FOR BURIAL AGREEMENTS FUNDED BY LIFE INSURANCE PROCEEDS. A burial agreement shall be in written form that is clear and conspicuous, and shall include all of the following:

(1) The identity of the funeral establishment and the insurer or insurers that the agent represents.

(2) The identity of the funeral establishment that will be used to provide the funeral services or merchandise under the agreement.

(3) The nature and extent of any price guarantees for the funeral merchandise or funeral services, or any other guarantees that exist.

(4) Information that a life insurance policy is involved in or connected to, or is being used to fund, the burial agreement.

(5) The type of insurance instrument that is being used to fund the burial agreement.

(6) The effect on the burial agreement of all of the following:

(a) Changing the life insurance policy, including, but not limited to, changing the assignment of the policy proceeds, changing the beneficiary designation, or changing the use of the proceeds.

(b) Any penalties incurred by the policyholder as a result of failing to make premium payments.

(c) Any penalties incurred or money received as a result of cancellation or surrender of the life insurance policy.

(7) A statement of funeral goods and services selected under the burial agreement and the price of each item or service provided under the burial agreement, including a statement as to whether the purchase price of the funeral merchandise and services are guaranteed at the time the burial agreement is arranged or whether the price is to be determined at the time of need. If the price of funeral merchandise or services is to be determined at the time of need, those prices may not exceed the prices as set forth in the funeral establishment's general price list required under the funeral industry practices regulations of the federal trade commission.

(8) All information concerning what occurs, and whether any entitlements arise, if there is a difference between the proceeds of the life insurance policy and the amount of money actually needed to fund the burial agreement.

(9) Any restrictions, including geographic restrictions, or penalties relating to delivery or performance under the burial agreement, including any restrictions or penalties relating to the inability of the operator of the funeral establishment to perform.

(10) A statement as to whether the sales commission or other form of compensation is being paid to the agent who sells or solicits the sale of a burial agreement and the life insurance used to fund the burial agreement and, if so, the identity of any other persons to whom the commission or other compensation is paid.

(11) The following statement in not less than 12-point boldface type: "**Burial agreements are regulated by the Wisconsin Funeral Directors Examining Board. Should you have a complaint, please contact the Board at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.**"

FD 6.08 CONTRACTUAL STANDARDS FOR AGENTS AND OPERATORS OF FUNERAL ESTABLISHMENTS. A copy of each contract between an agent and an operator of a funeral establishment shall be sent to the board along with the agent's application for registration as required in s. FD 6.03. A contract between an agent and an operator of a funeral establishment shall include all of the following:

(1) A statement that the agent is currently licensed as a life insurance intermediary in Wisconsin and is currently listed with an insurer or insurers who is authorized to sell life insurance used to fund a burial agreement in Wisconsin.

(2) A statement that the agent has received the required training pursuant to s. 445.125 (3m) (b) 2 a, Stats., and will obtain any additional training as required by the board.

(3) A statement that the agent shall immediately notify the operator of the funeral establishment at any time while the contract between the agent and operator of the funeral establishment is in effect if any of the following occur:

- (a) The agent's life insurance license is suspended or revoked.
- (b) There are any changes to listings with insurers.

(4) A statement that the agent will abide by the funeral industry practices regulations of the federal trade commission, and all applicable Wisconsin statutes and rules.

(5) A statement as to whether the sales commission or other form of compensation is being paid to the agent who sells or solicits the sale of a burial agreement and the life insurance used to fund the burial agreement and, if so, the identity of any other persons to whom the commission or other compensation is paid.

FD 6.09 REQUIREMENTS FOR TERMINATING A BURIAL TRUST. Written notice shall be sent to the board by an agent, licensed funeral director or operator of the funeral establishment when a consumer terminates a trust as established under s. 445.125 (1), Stats. The following information shall be included in the written notice that an agent, funeral director, or operator of a funeral establishment gives to a consumer and to the board when the consumer terminates a burial trust and converts to a burial agreement funded by the proceeds of a life insurance policy:

- (1) The name of the individual for whom the existing burial trust is intended.
- (2) The date on which the original burial trust agreement was made.
- (3) The name of the funeral establishment that was designated on the original burial trust agreement.
- (4) The name of the bank, trust company, savings and loan association, or savings bank in which the burial trust funds have been held.
- (5) The current value of the trust.
- (6) The name of the life insurance company issuing the life insurance policy intended to fund the burial agreement.
- (7) The name of the agent who sells the life insurance policy.
- (8) The name of the funeral establishment that will be designated on the life insurance policy as the beneficiary.

FD 6.10 SOLICITATION OF BURIAL AGREEMENTS FUNDED WITH THE PROCEEDS OF A LIFE INSURANCE POLICY. (1) No funeral director, owner of a funeral establishment, or agent may initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy to any of the following:

(a) The telephone line of any guest room or patient room of a hospital, health care facility, elderly home, or similar establishment.

(b) Any residential telephone line without the prior express written consent of the called party.

(c) Any business telephone line without the prior express written consent of the called party.

(2) An agent may initiate a telephone call by live-voice for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy only between the hours of 8:00 a.m. to 6:00 p.m. central standard time.

(3) Agents who sell or solicit the sale of burial agreements funded by the proceeds of life insurance as provided in sub. (2) shall do all of the following:

(a) Immediately provide the called party with the name of the agent, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

(b) Have a written policy, available upon demand, for maintaining a do-not-call list.

(c) Record the name and telephone number of persons who request placement on the do-not-call list at the time the request is made. No further calls may be made to a person who has requested placement on the do-not-call list.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Funeral Directors Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\fd6.doc
2/25/97

Senate/Assembly

COMMITTEE HEARINGS

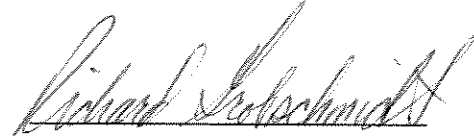
Joint committee for review of Administrative Rules

The committee will hold a public hearing on the following items at the time specified below:


Monday, June 30, 1997
11:00 AM
Hearing Room 1, Lower Level
119 Martin Luther King, Jr. Blvd

Clearinghouse Rule 96-183 **An Order** to create chapter FD 6, relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy. **Submitted by** the Department of Regulation and Licensing

The Joint Committee may hold an executive session on the item listed above.



Senator Richard Grobschmidt
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair

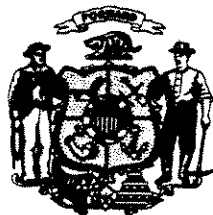
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 96-183

AN ORDER to create chapter FD 6, relating to the registration and regulation of agents authorized to represent funeral directors or funeral establishments in the sale or solicitation of burial agreements that are funded with the proceeds of a life insurance policy.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

12-02-96 RECEIVED BY LEGISLATIVE COUNCIL.
01-03-97 REPORT SENT TO AGENCY.

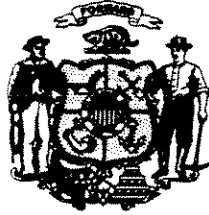
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WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 96-183

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Under s. 445.125 (3m) (j) 2., Stats., the Funeral Directors Examining Board may promulgate rules establishing standards for marketing practices for a burial agreement funded with the proceeds of a life insurance policy, including standards for telephone solicitation of prospective purchasers. The rules promulgated under this subsection may "prohibit a method of telephone solicitation" if the Examining Board determines that the prohibition is "necessary to protect the public." Section FD 6.10 prohibits, by live voice or using an automatic telephone dialing system or an artificial pre-recorded voice, contacts for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy to any residential telephone line without the "prior express written consent" of the called party. Prohibitions are also included for business telephone lines and for telephone lines of any guest room or patient room of a hospital, health care facility, elderly home or similar establishment.

The board has the authority to prohibit this form of contact, under ss. 445.125 (3m) (j) 2. and 445.12 (3g) (a) and (b), Stats. However, the board should include in the analysis that it has made a determination that the prohibition is necessary to protect the public as is required by the statute.

2. Form, Style and Placement in Administrative Code

a. In s. FD 6.01, the notation "ch. FD 6" should be replaced by the phrase "this chapter."

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE 6/30/97 Executive Session A Public Hearing _____ Rule CR 96-183

Moved by Grobschmidt Seconded by Welch

MOTION:

See attached

10 days

Jan. 1, 2000

9 AM to 7 PM

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator POTTER	X		
Senator WIRCH	X		
Senator WELCH	X		
Senator SCHULTZ	X		
Representative GROTHMAN	X		
Representative GUNDERSON	X		
Representative SERATTI	X		
Representative YOUNG	X		
Representative KREUSER	X		
Totals			

MOTION CARRIED "

MOTION FAILED "

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE _____ Executive Session _____ Public Hearing _____ Rule _____

Moved by _____ Seconded by _____

MOTION: That the Joint Committee for Review of Administrative Rules requests that the Funeral Directors Examining Board modify Clearinghouse Rule 96-183 to establish additional requirements relating to live voice telephone solicitation of burial agreements funded with the proceeds of a life insurance policy. The additional requirements are those presented as a proposed as a modification to the chairpersons of the standing committees in the April 23, 1997 letter from Patricia Reuter, Director of the Bureau of Business Design Professions. However, the modification should require that written notice to the prospective customer should be sent at least five days in advance of the call. Also, the modification should not include a sunset date for the rule policy.

If the Board does not inform the JCRAR of its agreement to modify by 5 PM, Wednesday, July 2, 1997, the JCRAR concurs in the objection of the Senate Committee on Economic Development, Housing and Government Operations.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator POTTER			
Senator WIRCH			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED "

MOTION FAILED "

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE 6/30/97 Executive Session 7 Public Hearing _____ Rule CR 96-183

Moved by Grothman Seconded by Schultz

MOTION: ⇒ Prepare legislation to create an _____ across the Board ban on telephone solicitation of funeral products.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator POTTER	X		
Senator WIRCH	X		
Senator WELCH	X		
Senator SCHULTZ	X		
Representative GROTHMAN	X		
Representative GUNDERSON	X		
Representative SERATTI	X		
Representative YOUNG	X		
Representative KREUSER	X		
Totals			

MOTION CARRIED "

MOTION FAILED "

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE 6/30/97 Executive Session _____ Public Hearing _____ Rule CR 96-183

Moved by Welch Seconded by ~~Kreuser~~ Schultz

ASK FDEB and O.C.I. for agents -

MOTION: Investigate cemeterian acting as funeral directors.

Report back by Sept. 1, 1997

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator POTTER	X		
Senator WIRCH	X		
Senator WELCH	X		
Senator SCHULTZ	X		
Representative GROTHMAN	X		
Representative GUNDERSON	X		
Representative SERATTI	X		
Representative YOUNG	X		
Representative KREUSER	X		
Totals			

MOTION CARRIED "

MOTION FAILED "

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE _____ Executive Session _____ Public Hearing _____ Rule _____

Moved by _____ Seconded by _____

MOTION: Becky Young wants explanation of education requirement from Board and the advisability of a grace period.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator POTTER			
Senator WIRCH			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED "

MOTION FAILED "

Committee Meeting Attendance Sheet
Joint Committee for Review of Administrative Rules

Date 6/30/97 Meeting Type Public hearing
 Location Hearing Room 1 LL 119 MLK

COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT	X		
2. Senator POTTER	X		
3. Senator WIRCH	X		
4. Senator WELCH	X		
5. Senator SCHULTZ	X		
6. Representative GROTHMAN	X		
7. Representative GUNDERSON	X		
8. Representative SERATTI	X		
9. Representative YOUNG	X		
10. Representative KREUSER	X		
Totals			

s:\comclerk\attend

John Sumi
 John Sumi / Steve Krieser, Committee Clerk

Rep. Young -

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE _____ Executive Session _____ Public Hearing _____ Rule _____

Moved by _____ Seconded by _____

MOTION: Modify section 6.07 (11) to add the phone number of the Funeral ~~Examining~~^{Directors} Examining Board in the statement about making complaints

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT			
Senator POTTER			
Senator WIRCH			
Senator WELCH			
Senator SCHULTZ			
Representative GROTHMAN			
Representative GUNDERSON			
Representative SERATTI			
Representative YOUNG			
Representative KREUSER			
Totals			

MOTION CARRIED "

MOTION FAILED "