

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2643/1dn
MDK:jlj:mrc

August 20, 1999

Senator Wirch:

Please review this bill, which was requested on your behalf by Tom Hanson, very carefully to make sure that it achieves your intent. In particular, please note the following questions:

1. Under current law, there is a 40% trusting requirement for: 1) cemetery merchandise sold under a preneed contract; and 2) under certain circumstances, undeveloped space sold under a preneed contract. I assumed that you want to change only the requirement for sales of cemetery merchandise, and not the requirement for sales of undeveloped space. Is this correct?

2. Are the exemptions in proposed s. 440.92 (3) (bm) okay? Note that, under s. 445.125 (3m) (a) 4., "funeral merchandise or funeral services" are defined as "personal property or services typically sold or provided in connection with the final disposition of human remains, including caskets or other primary containers not preplaced into the burial excavation of a grave, rental, temporary or disposable caskets or containers, outer burial containers not preplaced into the burial excavation of a grave, transportation containers, funeral clothing and accessories, embalming services and funeral directing services". In addition, under this definition, "funeral merchandise or funeral services" does not include "a cash advance item or opening and closing costs that are associated with the burial of a deceased person".

3. The bill has a 3-month delayed effective date in order to give persons advance notice of its requirements. Is this okay?

If you have any questions or redraft instructions, please contact me.

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