

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1361/1dn
MDK:cjs:ch

July 31, 2003

Senator Schultz:

This bill makes the following changes to the previous version:

1. "Funeral director" is defined to include a person who makes "funeral arrangements," which is defined based on the Wis. Admin. Code. Note, however, I deleted the Code's reference to formulating a contractual agreement between a funeral director or funeral home and client because I think that this reference limits the definition too much for your purposes. Also, note that the bill specifies that a funeral director is a person who makes such arrangements, even if the arrangements are made incidentally in the conduct of the person's primary profession or occupation. I included this language to make sure that persons such as hospice workers who make such arrangements are subject to the licensure requirement, which I think is consistent with your intent. In addition, the definition provides that the arrangements must be made for compensation. The intent here is to make sure that family or friends who offer gratuitous advice are not covered.
2. The bill allows a funeral director to make funeral arrangements outside a funeral establishment.
3. The seating requirement for a memorial center is changed to 50.
4. I added a definition of "creed" for purposes of proposed s. 445.105 (2m) (a). The definition is "creed" means a "system of religious beliefs, including moral or ethical beliefs about right and wrong, that are sincerely held with the strength of traditional religious views."
5. The "strip mall" provision regarding funeral establishments is revised. See proposed s. 445.105 (2m) (d).
6. Proposed s. 445.145 (printed advertising) is revised to eliminate the requirement for a permit number. Note that I also eliminated the proposed amendment of s. 445.105 (3) from the previous version, which also deals with permit numbers.
7. An exemption for insurance agents is created in proposed s. 445.16 (2).

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us