

2003 DRAFTING REQUEST

Bill

Received: **04/02/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **Tom Hanson**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact: **Tom Hanson**

Addl. Drafters:

Subject: **Health - miscellaneous
Occupational Reg. - misc**

Extra Copies: **DAK**

Submit via email: **YES**

Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allowing funeral directors and operators of funeral establishments to copy death certificates

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mkunkel 04/02/2003	wjackson 04/02/2003	pgreensl 04/02/2003	_____	amentkow 04/02/2003	amentkow 04/08/2003	

FE Sent For:

None needed → *08-14-2003 ("1") <END>* → *DHFS Requested* → *Oked by MDK & Rep. Lehman*

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/?	mkunkel	1 WLJ 4/2	4/2 PS	4/2 SLF			

FE Sent For:

<END>



**Wisconsin
Funeral
Directors
Association**

A FOUNDATION OF SERVICE

March 26, 2003

To: Tom Hanson
From: Mark Paget
Re: Faxing of Death Certificates

As promised, here are my thoughts on the draft (LRB-1287/1) of the bill that would allow funeral directors to legally fax death certificates for the purpose of releasing trust funds and/or collecting on a preneed life insurance policy.

- Instead of creating a new statute (445.125 (1) (d)), why doesn't the drafter simply include funeral directors in the current exemptions found in 69.30 (2) and 610.50. These allow financial institutions and insurance companies to fax/copy vital records provided they are stamped "For Administrative Use".
- Also, the current draft does not include insurance policies. This application must be added to the current language pertaining to funeral trusts.
- The drafter uses the word "beneficiary". Does this refer to the funeral home?

That's it for now. Call me if you have any questions. I look forward to seeing the next version of the bill.

Thank you,

enclosure

*- redeem trust
or cash in life ins policy
- Add lang. to current law exemption
in 69.30(2)*

2003 - 2004 LEGISLATURE

LRB-1287/1

MDK:kmg:pg

2003 BILL

- 1 AN ACT *to amend* 69.24 (1) (a); and *to create* 445.125 (1) (d) of the statutes;
2 relating to: copies of death certificates required for releasing burial trust
3 funds.

Analysis by the Legislative Reference Bureau

Current law allows a person to establish a trust fund to purchase funeral or burial merchandise or services from a seller in advance of need for a potential decedent. The purchaser must deposit funds with a financial institution, which must hold the funds in trust for the seller, which is the beneficiary of the trust. The financial institution must release the funds to the beneficiary after certain requirements are satisfied, including the financial institution's receipt of a certified copy of the certificate of death of the potential decedent.

Current law also provides, with certain exceptions, that a person who copies a vital record, including a certificate of death, is guilty of a Class I felony. There is no exception for copies of death certificates that are made for a financial institution to release trust funds to a seller as described above. This bill creates such an exception.

For further information see the *state and local* 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:

2003 - 2004 Legislature

- 2 -

LRB-1287/1
MDK:kmg:pg
SECTION 1

BILL

1 SECTION 1. 69.24 (1) (a) of the statutes is amended to read:

2 69.24 (1) (a) Other than as authorized under s. 69.21 (2) (d), prepares or issues
3 any paper or film which purports to be, or carries the appearance of, an original or
4 a copy of a vital record, certified or uncertified, except as provided under this
5 subchapter or s. 445.125 (1) (d) or 610.50 and except for any hospital which issues
6 any written announcement of the birth of a person to the parents of the person if the
7 announcement contains plain notice that the announcement is not for official use.

8 SECTION 2. 445.125 (1) (d) of the statutes is created to read:

9 445.125 (1) (d) A beneficiary is not subject to s. 69.24 (1) (a) for preparing a copy,
10 including a copy for facsimile transmission, of a certified copy of a certificate of death
11 for a bank, trust company, savings bank, savings and loan association, or credit
12 union, to release trust funds to the beneficiary under par. (b).

13 (END)



Thur.
4/3 p m

2003 BILL

1 AN ACT ^{GEN} relating to: allowing funeral directors and operators of funeral
2 establishments to copy vital records.

Analysis by the Legislative Reference Bureau

Under current law, under certain circumstances, funeral directors and persons who operate funeral establishments are allowed to sell funeral services and merchandise that are purchased with trust funds or the proceeds of life insurance policies that are made available to the seller upon the death of the purchaser. A copy of a death certificate may be required to make the trust funds or life insurance proceeds available to the seller. However, current law also prohibits, with certain exceptions, a person from copying a vital record, including a death certificate. One of the exceptions to the prohibition applies to financial institutions and other specified entities that copy vital records for administrative uses.

This bill expands the exception for administrative uses so that it also applies to funeral directors and persons who operate funeral establishments.

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

3 SECTION 1. 69.30 (1) (bd)[↓] of the statutes is created to read:
4 69.30 (1) (bd) "Funeral director" has the meaning given in s. 445.01 (5).[↓]
5 SECTION 2. 69.30 (1) (bh)[↓] of the statutes is created to read:

BILL

1 69.30 (1) (bh) "Operator of a funeral establishment" has the meaning given in
2 s. 445.01 (7)¹²₆₀

3 **SECTION 3.** 69.30 (2)^J of the statutes is amended to read:

4 69.30 (2) A financial institution, funeral director, operator of a funeral
5 establishment, state agency, county department, Wisconsin works agency, service
6 office, or family care district, or an employee of a financial institution, funeral
7 director, operator of a funeral establishment, state agency, county department,
8 Wisconsin works agency, service office, or family care district is not subject to s. 69.24
9 (1) (a) for copying a certified copy of a vital record for use by the financial institution,
10 funeral director, operator of a funeral establishment, state agency, county
11 department, Wisconsin works agency, service office, or family care district, including
12 use under s. 45.36 (4m), if the copy is marked "FOR ADMINISTRATIVE USE".

History: 1989 a. 313; 1991 a. 221, 269, 315; 1995 a. 27; 1997 a. 27; 1999 a. 9.

Mentkowski, Annie

From: Karius, Bob
Sent: Tuesday, April 08, 2003 10:37 AM
To: LRB.Legal
Subject: Draft review: LRB 03-2455/1 Topic: Allowing funeral directors and operators of funeral establishments to copy death certificates

It has been requested by <Karius, Bob> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2455/1 Topic: Allowing funeral directors and operators of funeral establishments to copy death certificates