

2019 Assembly Bill 576 (LRB -3710)

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

2019

10-25.	A.	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 Wittke ; cosponsored by Senators Kooyenga, Craig, Kapenga, Olsen, Johnson and Larson .	339
10-25.	A.	Read first time and referred to Committee on Regulatory Licensing Reform	339
10-30.	A.	Fiscal estimate received	
10-31.	A.	Public hearing held	
12-03.	A.	Senator Hansen added as a cosponsor	412

2020

01-07.	A.	Assembly Amendment 1 offered by Representative VanderMeer (LRB a0824)	442
01-09.	A.	Executive action taken	
01-31.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Regulatory Licensing Reform, Ayes 9, Noes 0	527
01-31.	A.	Report passage as amended recommended by Committee on Regulatory Licensing Reform, Ayes 9, Noes 0	527
01-31.	A.	Referred to committee on Rules	527
02-06.	A.	Placed on calendar 2-11-2020 by Committee on Rules	
02-11.	A.	Read a second time	557
02-11.	A.	Assembly Amendment 1 adopted	557
02-11.	A.	Ordered to a third reading	557
02-11.	A.	Rules suspended	557
02-11.	A.	Read a third time and passed	557
02-11.	A.	Ordered immediately messaged	557
02-12.	S.	Received from Assembly	669
02-13.	S.	Read first time and referred to committee on Senate Organization	673
02-13.	S.	Available for scheduling	
02-14.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	678
02-14.	S.	Placed on calendar 2-19-2020 pursuant to Senate Rule 18(1)	679
02-19.	S.	Read a second time	
02-19.	S.	Ordered to a third reading	
02-19.	S.	Rules suspended	
02-19.	S.	Read a third time and concurred in	
02-19.	S.	Ordered immediately messaged	
02-20.	A.	Received from Senate concurred in	

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ENROLLED BILL

Adopted Documents

Original Engrossed Substitute Amdt

19 3710, 1

Amendments: None or Listed below.

AA 1

Corrections: None or Listed by date below.

25
2/24/20

Topic: Same as relating clause or Indicated below.

Regulation of general directors

2/24/20

Date

Enrolling Drafter



State of Wisconsin
2019-2020 LEGISLATURE

CORRECTIONS IN:

2019 ASSEMBLY BILL 576

Prepared by the Legislative Reference Bureau
(February 25, 2020)

In enrolling, the following corrections were made:

1. Page 2, line 2: delete "24 semester credits".
2. Page 2, line 3: after "academic years" insert "24 semester credits".
3. Page 4, line 21: on lines 21, 22 and 24, delete "section" and substitute "s.".
4. Page 4, line 21: on lines 21, 22 and 25, delete "of the statutes".

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3710/1
MED:cdc

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 WITTKE, cosponsored by Senators KOOYENGA, 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, ^{continuing education requirements for funeral directors,} extending the time limit for emergency rule procedures, and providing
6 an exemption from emergency rule procedures.

MA 1

MA 3

ANI 2

, and granting rule-making authority

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.

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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.

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1,

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).

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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

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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. ccc 1.
ccc 2.
22 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules ccc 1.
ccc 2.
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 ccc 1.
25 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide ccc 2.

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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.

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)

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0824/1
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ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 576

January 6, 2020 - Offered by Representative VANDERMEER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “licenses,” insert “continuing education requirements
3 for funeral directors,”.

4 **2.** Page 1, line 5: delete “and”.

5 **3.** Page 1, line 6: after “procedures” insert “, and granting rule-making
6 authority”.

7 **4.** Page 2, line 15: after that line insert:

8 “SECTION 3g. 445.06 of the statutes is renumbered 445.06 (1) and amended to
9 read:

10 445.06 (1) The renewal date for a funeral director’s license is specified under
11 s. 440.08 (2) (a), and the renewal fee for such license is determined by the department
12 under s. 440.03 (9) (a). Before any renewal license is delivered to any licensed funeral
13 director, proof must be furnished by

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1 (2) In order to renew a license under this chapter, the applicant shall furnish
2 proof, to the satisfaction of the examining board, that of all of the following:

3 (a) That the applicant is doing business at a recognized funeral establishment.

4 The applicant must also furnish proof of completion of at least 15 hours of

5 (b) That the applicant has satisfied the applicable continuing education during
6 the previous 2-year licensure period, except that new licensees are exempt from this
7 requirement during the time between initial licensure and commencement of a full
8 2-year licensure period requirements under s. 445.07.

9 **SECTION 3r.** 445.07 of the statutes is created to read:

10 **445.07 Continuing education.** (1) In order to renew a license under this
11 chapter, an applicant shall, except as provided in sub. (2), furnish proof of having
12 satisfied the following:

13 (a) For the renewal of a license that expires on the first renewal date after the
14 date on which the examining board initially granted the license, completion of 4
15 hours of continuing education subsequent to the date the applicant was granted the
16 initial license. The examining board shall, in the rules promulgated under sub. (3),
17 specify permitted or required subjects for the continuing education under this
18 paragraph, which shall be subjects that the examining board determines prepare a
19 new licensee for practice as a funeral director.

20 (b) For each renewal subsequent to the renewal described in par. (a),
21 completion of 15 hours of continuing education in the previous 2-year licensure
22 period.

23 (2) (a) The examining board may waive the requirement under sub. (1) (a) in
24 cases where the examining board is satisfied that an applicant would be unable to
25 satisfy the requirement prior to the renewal date.



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1 (b) Subsection (1) (a) does not apply to an applicant who was granted a
2 reciprocal license under s. 445.08.

3 (3) The examining board shall promulgate rules to implement this section.”

4 **5.** Page 5, line 11: after that line insert:

5 “(3) The treatment of ss. 445.06 and 445.07 first applies to renewal applications
6 submitted by an applicant who submitted an application for a license on the effective
7 date of this subsection.”

8 (END)

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