

2019 DRAFTING REQUEST

Bill

For: **Nancy VanderMeer (608) 266-8366** Drafter: **mduchek**
 By: **Jesse** Secondary Drafters:
 Date: **7/15/2019** May Contact:
 Same as LRB: **-4448**

Submit via email: **YES**
 Requester's email: **Rep.VanderMeer@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Funeral director license requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 7/15/2019	ccarmich 7/18/2019			
/P1	mduchek 8/19/2019	ccarmich 8/19/2019	mbarman 7/18/2019		State
/P2	mduchek 9/20/2019	ccarmich 9/23/2019	mbarman 8/19/2019		State
/1			dwalker 9/23/2019	dwalker 10/14/2019	State

FE Sent For:

*2
at
intro*

<END>



FSCA Position Paper on Funeral Director Licensing Requirements

Background

In the 1970's, current requirements for funeral director licensure were enacted. Under these laws, a person cannot obtain a license as a funeral director in Wisconsin unless the following requirements are met:

445.045 License requirements. (1) To be eligible for an original funeral director's license, a person must meet all of the following requirements:

- The person must be at least 18 years of age.
- (b) Subject to ss. 111.321, 111.322 and 111.335, the person must not have an arrest or conviction record.
- (d) The person must have completed 2 academic years of instruction in a recognized college or university, in a course of study approved by the examining board, or have equivalent education.
- (e) The person must have satisfactorily completed 9 months or more instruction in a prescribed course in mortuary science approved by the examining board at any time after having completed an approved certification class described in s. 445.095 (1) (a).
- (f) The person must have completed one year of apprenticeship as prescribed in s. 445.095 at any time after having completed an approved certification class described in s. 445.095 (1) (a) and either before or after taking the course in mortuary science required by par. (e) and must have satisfied the requirement under s. 445.095 (4).
- (g) The person must have successfully passed a comprehensive examination under s. 445.04 (3) (b) and a jurisprudence examination under s. 445.04 (3) (c).

Issue

Members of the Funeral Service & Cremation Alliance of Wisconsin (FSCA), along with representatives from the Milwaukee Area Technical College Mortuary School (MATC) have become increasingly concerned with the number of students interested in entering the mortuary school program in Wisconsin. Fifty years ago, MATC's Mortuary School graduated between 40-50 funeral directors from the program. The current class enrollment for this year is 17. While the FSCA does not have any direct evidence that the dwindling enrollment numbers relates to our current licensure requirements, MATC has approached us to discuss the issue, as there is anecdotal evidence that students are choosing to leave Wisconsin to attend mortuary schools which do not have, most specifically, the following requirement:

Erin Longmire

erinlongmireconsulting@gmail.com

- (d) The person must have completed 2 academic years of instruction in a recognized college or university, in a course of study approved by the examining board, or have equivalent education.

MATC has also relayed to the FSCA that there is no other program offered to students at their school with this level of degree requirement. MATC's mortuary school instructors have approached the FSCA questioning the additional year of instruction and inquired as to the rationale behind the additional credits. The FSCA membership believes that the additional credit requirements are superfluous to licensure and would be in support of legislation that would reduce the number of academic years of instruction prior to receiving a mortuary degree.

Solution

Aside from the states of Ohio and Minnesota, which require a four-year degree to receive funeral director licensure, Wisconsin is one of a handful of states that require three years of academic instruction to receive the same degree as states which only require two.

The FSCA and MATC's Mortuary School are interested in amending current statute to the following:

- (d) The person must have completed ~~2~~ 1 academic year of instruction in a recognized college or university, in a course of study approved by the examining board, or have equivalent education.

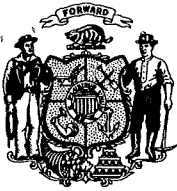
The FSCA and MATC believe that this change will accomplish the following:

- Help to increase the number of students in MATC's mortuary school program, as the program will be more in line with neighboring states.
- Make MATC's mortuary school more competitive with other programs throughout the country.

16-hr
No class

needed for people

Someone who want to 12



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3710/P1
MED:cdc

In 7-15-19
Out 7-18-19

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SIA
x-ref
s/c

1 AN ACT ^{gc}...; relating to: requirements for funeral director apprenticeships and
2 licenses, extending the time limit for emergency rule procedures, and providing
3 an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

4 SECTION 1. 445.045 (1) (d) of the statutes is amended to read:
5 445.045 (1) (d) The person must have completed ~~2~~^{one} academic years year of
6 instruction in a recognized college or university, in a course of study approved by the
7 examining board, or have equivalent education.

History: 1971 c. 213 s. 5; 1971 c. 228 s. 44; 1971 c. 301, 307; 1975 c. 39 ss. 654, 654n, 732 (2); 1975 c. 199; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.045; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 316; 1999 a. 85; 2013 a. 114; 2017 a. 304, 331.

Cross-reference: See also ch. FD 1, Wis. adm. code.

1 SECTION 2. 445.045 (1) (e) of the statutes is amended to read:

2 445.045 (1) (e) The person must have satisfactorily completed 9 months or more
3 of instruction in a prescribed course in mortuary science approved by the examining
4 board at any time after having completed an approved certification class described
5 in s. 445.095 (1) (a).

History: 1971 c. 213 s. 5; 1971 c. 228 s. 44; 1971 c. 301, 307; 1975 c. 39 ss. 654, 654n, 732 (2); 1975 c. 199; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.045; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 316; 1999 a. 85; 2013 a. 114; 2017 a. 304, 331.

Cross-reference: See also ch. FD 1, Wis. adm. code.

****NOTE: Here, I simply struck out the requirement that the mortuary science program be completed after the approved certification class. In fact, it seems to conflict with par. (f), which says that an apprenticeship may be completed before or after taking this class.

6 SECTION 3. 445.045 (1) (f) of the statutes is amended to read:

7 445.045 (1) (f) The person must have completed one year of apprenticeship as
8 prescribed in s. 445.095 at any time after having completed an approved certification
9 class described in s. 445.095 (1) (a) and, either before or after taking the course in
10 mortuary science required by par. (e), and must have satisfied the requirement under
11 s. 445.095 (4).

History: 1971 c. 213 s. 5; 1971 c. 228 s. 44; 1971 c. 301, 307; 1975 c. 39 ss. 654, 654n, 732 (2); 1975 c. 199; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.045; 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 316; 1999 a. 85; 2013 a. 114; 2017 a. 304, 331.

Cross-reference: See also ch. FD 1, Wis. adm. code.

****NOTE: Here, I struck out the requirement that the apprenticeship be completed after the approved certification class. In this case, this should be fine since that class needs to be completed in order for an apprenticeship to begin in the first place (see below).

12 SECTION 4. 445.095 (1) (a) of the statutes is renumbered 445.095 (1) (a) 1.
13 (intro.) and amended to read:

****NOTE: I did a bit more reorganization in this section, in part to make the change below, in d., more parseable. But if you'd rather not do any of the "cleanup" or have any questions, let me know.

14 445.095 (1) (a) 1. (intro.) A person desiring to become an apprentice as a funeral
15 director and who satisfies all of the following shall apply on a form provided for the
16 purpose and appear before the examining board, or any duly appointed
17 representative of the examining board. The application shall state that the:

- 1 a. The applicant is 18 years of age or older,
- 2 b. The applicant holds a high school diploma or possesses equivalent education
3 as defined by the examining board,
- 4 c. The applicant does not have an arrest or conviction record, subject to ss.
5 111.321, 111.322, and 111.335, and,
- 6 d. The applicant has completed a 16-hour certification class approved by the
7 examining board or has satisfied the requirement under s. 445.045 (1) (e).

****NOTE: Does this work? See also s. 445.10 (1), which ^{five} requires the class to be taken again for people who fail to get a license after 5 years. I left that alone, but if that needs to be modified for the unlikely scenario that someone who had completed a mortuary science class did not finish an apprenticeship in 5 years, let me know.

- 8 2. The application under subd. 1. must be substantiated by the oath of the
9 applicant and be accompanied by.
- 10 1. e. The applicant pays the fee specified in s. 440.05 (6).
- 11 3. When the examining board is satisfied as to the qualification of that an
12 applicant for apprenticeship satisfies the requirements for granting a certificate of
13 apprenticeship, it shall issue grant the applicant a certificate of apprenticeship.
- 14 **(3r)** When the an apprentice enters the employment of a licensed funeral
15 director, the apprentice shall immediately notify the examining board, giving the
16 name and place of business of the funeral director whose service the apprentice has
17 entered. If, at any time thereafter, the apprentice leaves the employment of the
18 licensed funeral director whose service the apprentice has entered, the licensed
19 funeral director shall give the apprentice an affidavit showing the length of time
20 served as an apprentice with that employer, and the work done in detail, which
21 affidavit shall be filed with the examining board and made a matter of record in that
22 office. If the apprentice thereafter enters the employment of another licensed
23 funeral director in this state, the applicant shall forthwith report such employment

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.

History: 1971 c. 164, 228; 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.095; 1981 c. 20, 162, 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9130 (4); 1997 a. 3; 2005 a. 266; 2009 a. 291; 2017 a. 304.

****NOTE: I moved this block of text to a separate provision as it deals more with regulation of apprentices, not the granting of the certificate of apprenticeship. I put the related and somewhat redundant material from s. 445.095 (5) here at the end as well.

Cross-reference: See also chs. FD 1 and 2, Wis. adm. code.

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.

History: 1971 c. 164, 228; 1975 c. 39 s. 732 (2); 1975 c. 199; 1977 c. 29; 1979 c. 175 ss. 29, 53; 1979 c. 221 ss. 662, 2202 (45); Stats. 1979 s. 445.095; 1981 c. 20, 162, 380; 1981 c. 391 s. 211; 1983 a. 485; 1991 a. 39; 1995 a. 27 s. 9130 (4); 1997 a. 3; 2005 a. 266; 2009 a. 291.

Cross-reference: See also chs. FD 1 and 2, Wis. adm. code.

****NOTE: This eliminates outdated and redundant language and makes a change to reflect the fact that DSPS, not the board, generally prescribes and provides forms.

18 **SECTION 7.** 445.095 (5) of the statutes is repealed.

19 **SECTION 8. Nonstatutory provisions.**

1 (1) The funeral directors examining board may promulgate emergency rules
2 under section 227.24 of the statutes necessary to implement this act.
3 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
4 promulgated under this subsection remain in effect until May 1, 2022, or the date on
5 which permanent rules take effect, whichever is sooner. Notwithstanding section
6 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide
7 evidence that promulgating a rule under this subsection as an emergency rule is
8 necessary for the preservation of the public peace, health, safety, or welfare and is
9 not required to provide a finding of emergency for a rule promulgated under this
10 subsection.

****NOTE: Following the changes last session, which had a ^{6-5x} ~~6-month delayed~~ ^{delayed} effective date, the board did emergency rules so as to get them in place by the effective date. This gives them explicit authority to do emergency rules for these changes as well so the board can do rules right away to implement the bill. See https://docs.legis.wisconsin.gov/code/register/2018/754A3/register/emr/emr1823_rule_text/emr1823_rule_text.

11 SECTION 9. Initial applicability.

12 (1) The treatment of s. 445.045 (1) (d), (e), and (f) first applies to an application
13 for a funeral director license submitted by an applicant who submitted an application
14 for a certificate of apprenticeship on the effective date of this subsection.

15 (2) The treatment of s. 445.095 (1) (a) first applies to an application for a
16 certificate of apprenticeship submitted by an applicant on the effective date of this
17 subsection.

18 SECTION 10. Effective dates. This act takes effect on the first day of the 7th
19 month beginning after publication, except as follows:

****NOTE: I pulled the same effective date (roughly ^{6-5x} ~~6~~ months) as last time. Let me know if you want something different.

1 (1) ^{A.R. /} SECTION 8 (1) of this act takes effect on the day after publication.

2 (END)



P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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, extending the time limit for emergency rule procedures, and providing
6 an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

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22 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules

1 promulgated under this subsection remain in effect until May 1, 2022, or the date on
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3 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide
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5 necessary for the preservation of the public peace, health, safety, or welfare and is
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[https://docs.legis.wisconsin.gov/code/register/2018/754A3/register/emr/emr1823_rule_t
ext/emr1823_rule_text](https://docs.legis.wisconsin.gov/code/register/2018/754A3/register/emr/emr1823_rule_text/emr1823_rule_text).

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15 **SECTION 10. Effective dates.** This act takes effect on the first day of the 7th
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me know if you want something different.

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18

(END)

Duchek, Michael

From: Johnson, Jesse
Sent: Tuesday, September 17, 2019 9:35 AM
To: Duchek, Michael
Subject: RE: Funeral Director draft -3710

Interesting....thanks. Yea, glad we can chat about it – kind of a unique program that we’re working with.

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Tuesday, September 17, 2019 9:23 AM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Funeral Director draft -3710

By the way, the other thing I was told was that 12 credits/semester is a federal standard for what is considered full-time, I think for purposes of financial aid. So it does sound like that is a standard for what is considered “attending” full-time, but I would note that I assume that just because you attended full-time doesn’t mean you passed all your courses, so it will be good to talk about how to word it best.

-Mike

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Tuesday, September 17, 2019 9:20 AM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: Funeral Director draft -3710

Okay, great. Thanks. Sure – would like to do that but Nancy is chairing a hearing at 1 that day and we have some things on the schedule prior so we’ll say 4:15 over in our office again if that works.

Jesse

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Monday, September 16, 2019 4:47 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: Re: Funeral Director draft -3710

That's fine. I just try to go to the Unemployment Insurance Advisory Council meeting which is at 10 and usually is done by an hour so 1130 would be pretty safe too.

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On Mon, Sep 16, 2019 at 4:30 PM -0500, "Johnson, Jesse" <Jesse.Johnson@legis.wisconsin.gov> wrote:

415?

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Monday, September 16, 2019 4:29 PM

To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>

Subject: Re: Funeral Director draft -3710

Yes. If any later that day would work that would be better but if not I can do 11.

Mike

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On Mon, Sep 16, 2019 at 4:23 PM -0500, "Johnson, Jesse" <Jesse.Johnson@legis.wisconsin.gov> wrote:

Thanks Mike. Can we get together one more time on this? Would like to involve Erin too like when we met initially.

If that would be okay, would Thursday morning the 19th work at like 11a? In our office if that's okay with you.

Jesse

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>

Sent: Friday, September 13, 2019 11:53 AM

To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>

Subject: RE: Funeral Director draft -3710

Jesse,

It seems to me what constitutes the minimum number of credits to be considered full-time and what constitutes a year's worth of credits might be different concepts. For example, if a four-year degree requires 120 credits, then a year's worth might be considered 30, not 24, as some people take a higher load in some semesters and lighter in others and may still be considered full-time from semester to semester and still be considered full-time. So there could be different interpretations in that sense, though I don't think the language could be interpreted to mean more than 30 in that example if 36 is more than what a student would usually complete in a year. Having said that, I also don't know how standard credits are across schools and whether the concept of "credits" varies from school to school/private vs. public, though it sounds like you're confident 12 is pretty standard for full-time. Otherwise, I would say that if you have something (like full-time attendance for a year) that you think better reflects your intent, then I can use that instead or if you're sure 12 credits is pretty standard and that reflects your intent, we could go with that too.

-Mike

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>

Sent: Thursday, September 12, 2019 10:00 AM

To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>

Subject: Funeral Director draft -3710

Hi Mike,

Thanks for turning over that PT draft so quickly. Appreciate it.

On the funeral director bill, - 3710/P1, a question came up.

Section 445.045 (1)(d) - page 2, line one - states that a person must complete one academic year of an accredited college or university prior to entering mortuary school.

The question is regarding the use of minimum number of credits vs. stating one year and why we wouldn't want to instead detail the minimum number of credits a person would need to get into mortuary school. Could the one year requirement could potentially be perceived as ambiguous, and potentially cause problems in the rule making process once the bill is passed?

For example, DSPS and the funeral directors examining board could determine that a year of academic instruction is 36 credits, thereby negating someone's ability to get into mortuary school after only two semesters of college. Wisconsin's credit requirement for being a full time student is a minimum of 12 credits per semester.

Would it make sense to change the language to instead require a minimum of 24 credits from an accredited college or university?

Believe you're out today, had called first. **This is not a time sensitive issue.** Hope everything above makes sense. If it works, maybe we could chat when you're able. Would like to discuss the validity of the concern and also maybe go over options available and maybe what has been done in statute in similar situations. It seems like there may be a few ways to 'slice things up' regarding one year vs. twelve months and 24 credits, etc.

Thanks.

Jesse Johnson
Office of Representative Nancy VanderMeer
(608) 266.8366

Duchek, Michael

From: Duchek, Michael
Sent: Thursday, September 19, 2019 3:58 PM
To: Johnson, Jesse
Subject: RE: Need to Cancel this afternoons meeting

Jesse, I talked to Erin and I just wanted to share this that I found for you to pass on:
<https://www2.ed.gov/about/offices/list/ous/international/usnei/us/credits.doc>

We talked about referring to 30 credits, and I think to make clear I can use the phrase "30 semester credits." There are apparently some schools that use quarter credits and there is an understood formula for converting them, and so I could also put in a number of quarter credits if they thought that might also be necessary (I did find some provisions that reference both semester and quarter credits). But otherwise my main point is that the concept of "semester credits" is standard enough that I think it should work to just say that and the number (which, it sounds like 30 would be the number).

-Mike

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Thursday, September 19, 2019 3:01 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: Need to Cancel this afternoons meeting

Great. Thanks

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Thursday, September 19, 2019 3:00 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Need to Cancel this afternoons meeting

Of course, anytime.

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Thursday, September 19, 2019 3:00 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: RE: Need to Cancel this afternoons meeting

Thanks Mike. Erin wanted to just give you a call on it because they're anxious about moving things forward. She wanted to call you directly and that's okay with me if it's okay with you. Appreciate it.

From: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Sent: Thursday, September 19, 2019 2:12 PM
To: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Subject: RE: Need to Cancel this afternoons meeting

I think either should work, let me know.

From: Johnson, Jesse <Jesse.Johnson@legis.wisconsin.gov>
Sent: Thursday, September 19, 2019 2:07 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Subject: Need to Cancel this afternoons meeting
Importance: High

Hi Mike,

Sorry to have to do it, but I can no longer meet this afternoon. Erin had something unexpected come up too, unfortunately.

What does Monday or Tuesday this coming week look like for you?

Jesse Johnson
Office of Representative Nancy VanderMeer
(608) 266.8366

Duchek, Michael

From: Erin Longmire <erinlongmireconsulting@gmail.com>
Sent: Friday, September 20, 2019 9:05 AM
To: Duchek, Michael
Cc: Johnson, Jesse
Subject: MATC Credits Draft

Hello Mike -

I've talked with MATC and they feel more comfortable requiring a 24 credit requirement prior to entering their mortuary school program, as their program is at least 37 credits to complete.

Would you please amend the draft accordingly? Also, this would be the final changes, so please make this the final version.

Thank you again for your time yesterday.

Best,

Erin Longmire
FSCA Executive Director
PO Box 67
Madison, WI 53701
P: (608)204-0306
F: (608)237-2299
C: (608)444-6214
www.fsawisconsin.org



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3710/P2
MED:cdc

In 9-20-19
Out 9-23-19

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert Analysis

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, extending the time limit for emergency rule procedures, and providing
6 an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

7 **SECTION 1.** 445.045 (1) (d) of the statutes is amended to read:

SECTION 1

1 445.045 (1) (d) The person must have completed ~~2~~ ^{24 semester credits} one academic years year
2 of instruction in a recognized college or university, in a course of study approved by
3 the examining board, or have equivalent education.

4 **SECTION 2.** 445.045 (1) (e) of the statutes is amended to read:

5 445.045 (1) (e) The person must have satisfactorily completed 9 months or more
6 of instruction in a prescribed course in mortuary science approved by the examining
7 board ~~at any time after having completed an approved certification class described~~
8 ~~in s. 445.095 (1) (a).~~

9 **SECTION 3.** 445.045 (1) (f) of the statutes is amended to read:

10 445.045 (1) (f) The person must have completed one year of apprenticeship as
11 prescribed in s. 445.095 ~~at any time after having completed an approved certification~~
12 ~~class described in s. 445.095 (1) (a) and,~~ either before or after taking the course in
13 mortuary science required by par. (e), and must have satisfied the requirement under
14 s. 445.095 (4).

15 **SECTION 4.** 445.095 (1) (a) of the statutes is renumbered 445.095 (1) (a) 1.
16 (intro.) and amended to read:

17 445.095 (1) (a) 1. (intro.) A person desiring to become an apprentice as a funeral
18 director and who satisfies all of the following shall apply on a form provided for the
19 purpose and appear before the examining board, or any duly appointed
20 representative of the examining board. ~~The application shall state that the:~~

21 a. The applicant is 18 years of age or older,;

22 b. The applicant holds a high school diploma or possesses equivalent education
23 as defined by the examining board,;

24 c. The applicant does not have an arrest or conviction record, subject to ss.
25 111.321, 111.322, and 111.335, and,

1 d. The applicant has completed a 16-hour certification class approved by the
2 examining board or has satisfied the requirement under s. 445.045 (1) (e).

3 2. The application under subd. 1. must be substantiated by the oath of the
4 applicant and be accompanied by.

5 1. e. The applicant pays the fee specified in s. 440.05 (6).

6 3. When the examining board is satisfied as to the qualification of that an
7 applicant for apprenticeship satisfies the requirements for granting a certificate of
8 apprenticeship, it shall issue grant the applicant a certificate of apprenticeship.

9 (3r) When the an apprentice enters the employment of a licensed funeral
10 director, the apprentice shall immediately notify the examining board, giving the
11 name and place of business of the funeral director whose service the apprentice has
12 entered. If, at any time thereafter, the apprentice leaves the employment of the
13 licensed funeral director whose service the apprentice has entered, the licensed
14 funeral director shall give the apprentice an affidavit showing the length of time
15 served as an apprentice with that employer, and the work done in detail, which
16 affidavit shall be filed with the examining board and made a matter of record in that
17 office. If the apprentice thereafter enters the employment of another licensed
18 funeral director in this state, the applicant shall forthwith report such employment
19 to the examining board. No person may serve or attempt to serve as an apprentice
20 under a funeral director until the person has notified the examining board as
21 required under this subsection.

22 **SECTION 5.** 445.095 (1) (b) of the statutes is renumbered 445.095 (2m).

23 **SECTION 6.** 445.095 (1) (d) and (e) of the statutes are consolidated, renumbered
24 445.095 (3g) and amended to read:

1 445.095 (3g) All apprentices registered under this section shall report at least
2 semiannually to the examining board upon forms provided by the examining board.
3 ~~The reports shall contain the information required by the examining board~~
4 ~~department.~~ Failure to submit the required reports shall constitute justification
5 grounds for termination of the apprenticeship. (e) The semiannual report must shall
6 show the number of hours served by the apprentice and, the number of bodies the
7 apprentice has assisted in embalming, or otherwise prepared for burial or disposition
8 during such period, and the number of funeral services at which the apprentice has
9 assisted, and give such any other information as may be required by the examining
10 board. The data contained in the report shall be certified to as correct by the licensed
11 funeral director under whom the apprentice has served during such that period.

12 **SECTION 7.** 445.095 (5) of the statutes is repealed.

13 **SECTION 8. Nonstatutory provisions.**

14 (1) The funeral directors examining board may promulgate emergency rules
15 under section 227.24 of the statutes necessary to implement this act.
16 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
17 promulgated under this subsection remain in effect until May 1, 2022, or the date on
18 which permanent rules take effect, whichever is sooner. Notwithstanding section
19 227.24 (1) (a) and (3) of the statutes, the examining board is not required to provide
20 evidence that promulgating a rule under this subsection as an emergency rule is
21 necessary for the preservation of the public peace, health, safety, or welfare and is
22 not required to provide a finding of emergency for a rule promulgated under this
23 subsection.

24 **SECTION 9. Initial applicability.**

1 (1) The treatment of s. 445.045 (1) (d), (e), and (f) first applies to an application
2 for a funeral director license submitted by an applicant who submitted an application
3 for a certificate of apprenticeship on the effective date of this subsection.

4 (2) The treatment of s. 445.095 (1) (a) first applies to an application for a
5 certificate of apprenticeship submitted by an applicant on the effective date of this
6 subsection.

7 **SECTION 10. Effective dates.** This act takes effect on the first day of the 7th
8 month beginning after publication, except as follows:

9 (1) SECTION 8 (1) of this act takes effect on the day after publication.

10

(END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3710/lins
MED:...

INSERT ANALYSIS

✕ 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,^o 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.

The bill also makes various nonsubstantive organizational changes to the laws governing funeral directors.

Walker, Dan

From: Johnson, Jesse
Sent: Friday, October 11, 2019 4:59 PM
To: LRB.Legal
Subject: Draft Review: LRB -3710/1

Please Jacket LRB -3710/1 for the ASSEMBLY.