

MINUTES OF THE MEETING  
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

January 18, 1977

The fourth meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Stephens on the above date in Room 405 of the State Capitol Building at approximately 11:00 A.M.

ROLL CALL: All members were present excepting Senator Roberts.

This Committee meeting heard Senate Bill 22, entitled: "An Act to Change the Makeup of the Board of Morticians to Include Two Representatives of the Public; Amending Section 82A-1602.16, R.C.M. 1947."

The sponsor, Senator Watt, explained SB 22, which simply changes the makeup of the Board of Morticians to include two representatives of the public. The Board of Morticians would then include three licensed morticians and two persons not connected with the profession. The purpose of this proposed change, according to Watt, is to bring the public into the profession to provide people, as consumers, with a great deal more knowledge.

Following the Senator's introduction and explanation of the bill, Chairman Stephens asked for witnesses' testimony.

The following persons testified before the Committee:

1. Thomas C. O'Connor, Chairman, Montana Board of Morticians (oppose).
2. Lyman Clayton, Montana Funeral Directors Association (oppose).
3. Ed Carney, State Department of Professional & Occupational Licensing (neither opposed nor supported bill - attended only to offer information, if requested.)
4. Arthur Jacobson, American Association of Retired Persons and National Retired Teachers' Association (support).
5. Roland D. Pratt, Montana Funeral Directors Association (oppose).

Mr. O'Connor handed out a statement (attached Exhibit "A") outlining the Board's stand on the bill under consideration. Their opposition stemmed from numerous considerations but Mr. O'Connor stressed the problems which might arise in having two non-professional persons on their Board, i.e., inexperienced, unknowledgeable Board

members traveling about the State conducting examinations of licensees and facilities. He said this would decrease their working efficiency by 40 percent. Also, if extra persons were to be added to the 5-member Board, to represent the public, additional dues would have to be charged members to offset additional expenses incurred by the extra Board members.

Lyman Clayton stated his Association is not violently opposed to the bill but they are "vitally concerned". He questioned whether the change is necessary for the Board. He stated they have had very few complaints against any of the State's morticians to this point. He stressed the "government by your peers" concept and asked how lay persons can expect to govern without knowledge of the profession.

Ed Carney attended the meeting to provide information from the Department of Professional and Occupational Licensing.

Art Jacobson endorsed the bill but suggested amendments. (see Exhibit "B" - Montana Legislative News.) His Association would like to see the two following changes: (1) Two members appointed to represent the public (not morticians) and (2) Total number of persons serving on the Board increased. As Mr. Jacobson stated to the Committee, the two persons serving who are not knowledgeable in the profession would not be involved in the examinations and inspections around the State, but would serve in an informational capacity only, more in a public relations manner.

Senator Stephens opened the hearing to questions from the Committee to Senator Watt. Watt then read proposed amendments (Exhibit "C") to the bill.

Senator Himsel asked the sponsor if there has been a demonstrated need for this change in the law. Senator Watt responded that there has been a feeling that the public would like to have a better knowledge of what is going on in the profession.

Various questions were asked concerning the cost factor in changing the Board's number. Senator Watt stated the only additional expense would be the travel expense for the Board member attending meetings. (The non-professional members would not be asked nor expected to participate on the Board in examinations around the State.)

Senator Lee questioned Mr. Carney concerning the 31 Boards under his Department's control, asking him if these boards had persons from non-related fields serving as Board members. Mr. Carney reported that, of the 31 Boards, 11 had consumers, technical people, or public members serving as Board members.

Senator Olson quizzed Mr. O'Connor about specific action the Board takes should that Board receive a complaint.

Senator Himsl asked Mr. O'Connor how many applications are examined each year; answer: 12 to 15. Question: Has any license ever been revoked? Answer: None that I am aware of in my time (5 years).

Senator Stephens questioned Mr. Jacobson regarding the feasibility of simply extending invitations to open meetings of the Board as a possible way of involving the public, since it seemed that the new Board members would be filling, essentially, a public relations function. Jacobson responded that the information should be disseminated in a written form, not so much through meetings. Mr. Clayton volunteered that informational brochures are in the process of being written and printed now.

The hearing was concluded with Chairman Stephens requesting that Legislative Council Researcher, Dennis Taylor, and Montana Funeral Directors Association lobbyist, Roland Pratt, present to the Committee on Thursday, the suggested amendments to SB 22 for the Committee's consideration and action.

ANNOUNCEMENTS: Chairman Stephens announced to the Committee SB 83, The Montana Disaster Act, will be heard on Thursday, January 20. Saturday, January 22, the Committee will hear SB 105, immediately following adjournment of the Senate (10:00 A.M. convening time).

ADJOURNMENT: The Committee adjourned at 11:50 A.M.



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STAN STEPHENS, Chairman

## ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: 1/18/77

Each day, attach to minutes.

DATE

1/18/77

COMMITTEE ON

## Public Health

BILL NO. *SB22*

(MORTICIANS' BOARD)

## VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Karen G. Hatch	MFDA		
Thomas G. Connor	Nov. Board of Morticians		✓
V. E. Kelle	MFDA - President		✓
William G. Smith	MFDA		
Leslie S. Johnson	Small College S.N.'s		
Arthur S. Johnson	GANBARTA		
Chuck M. Disney	Consumers Affairs Division		
John Hassett	MFDA		
Doris B. Dolan	MFDA		
Donald Erickson	OARRP, MRTA		
	Small College		
	Small College		
Margaret Blair	Lobbyist for MRTA (Retirees)		
Donna M. Connor	Visitor		

NAME: Roland J. Heit DATE: 1/18/22

ADDRESS: 5511 Herr Helen

PHONE: 555-1234

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: 22

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Arthur Jacobson

DATE:

ADDRESS:

2908 7th Av SW Ct Falls MT

PHONE:

452. 5526

REPRESENTING WHOM?

AARP - NRTA

APPEARING ON WHICH PROPOSAL:

Increase Mortuaries Board

DO YOU: SUPPORT?

AMEND?

✓

OPPOSE?

COMMENTS:

American Association Retired Persons  
National Retired Teachers Association

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lyman M. Clayton DATE: 1-18-77

ADDRESS: Box 130, Wolf Point, mt

PHONE: 653-2600

REPRESENTING WHOM? My Funeral Directors Assn

APPEARING ON WHICH PROPOSAL: S.B. 22

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?  X

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Thom 17 Female DATE: JAN 18 19

ADDRESS: 100 E. 1st, Box 67, Falls, MT. 59401

PHONE: 713-524-4322

REPRESENTING WHOM? MONTANA STATE BOARD OF MARKERS

APPEARING ON WHICH PROPOSAL: SB #22

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE?  X

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATE OF MONTANA  
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING  
BOARD OF MORTICIANS



ED CARNEY, DIRECTOR

LALONDE BUILDING  
HELENA, MONTANA 59601  
PHONE (406) 449-3737

Senate Public Health Committee

Re: SB #22

Summary of Presentation by : Thomas C. O'Connor, Chairman  
Montana State Board of Morticians

State Board of Morticians: Structure, Duties

Pre-need Funeral Trust Law - initiated through action of the Morticians Board.  
Disclosure of funeral arrangements: Procedural Rule - Board of Morticians.

Inspections -

- A. Physical inspection of the preparation room is required to insure the facility can be effectively cleansed and disinfected. Procedures of disinfection used by the Mortuaries are reviewed to determine the methods employed are acceptable. Qualifications of the inspector must be to have knowledge in the sanitation sciences.
- B. Inspections to insure the mortuaries are complying with this Disclosure Procedural Rule require someone with a thorough working knowledge of the funeral industry to effectively enforce this regulation.
- C. Accomplishment of inspections - Each board member from a separate and different geographical district in Montana; Western, South Western, Central, Eastern, and South Eastern, is an active inspector for the Board of Morticians.

SB #22 - Purpose of the proposed legislation is to obtain public input to the Board of Morticians. There is no statement of qualifications to be possessed by the public members of the Board.

→ The effect on the working ability of the Board - two of the five Board members would not be effective investigators, therefore decreasing the Boards present workability by 40%.

If this committee feels that public input and participation is necessary I would suggest the following alternative: leaving the structure of the working Board the same, i.e., Five morticians each from their different geographical locations to continue efficient and economical operation of the working objectives of the board. Alter the proposed legislation to enlarge the number on the Board to six members - the sixth member being the public member of the Board. This should create no economic hardship to the Board nor reduce it's present effectiveness.

# MONTANA LEGISLATIVE NEWS

NATIONAL RETIRED TEACHERS ASSOCIATION

**NRTA/AARP**

AMERICAN ASSOCIATION OF RETIRED PERSONS

November 2, 1976

NEWSLETTER

76-4

## MONTANA STATE BOARD OF MORTICIANS

The 1976 Federal and State Legislative Program of NRTA/AARP contains the following statement (p.33): "States should enact legislation requiring bill itemization and price displays by funeral service establishments and prohibiting certain unfair and deceptive practices."

The Joint State NRTA/AARP Legislative Committee of Montana feels that the first step in obtaining desirable changes in funeral practices would be to make some changes in the membership of the State Board of Morticians. The Law at present reads:

82A 1602:16

Board of Morticians, Appointment, Qualification, Term

1. There is a Board of Morticians.
2. The Board consists of five (5) members appointed by the Governor with the consent of the Senate.  
Each member shall be a licensed mortician.
3. Each member shall serve for a term of five (5) years.

We suggest two changes in the above law. First, it is suggested that there be at least two members appointed to represent the public (who are not morticians), and second, that the number on the Board be increased.

After we have accomplished this step we plan to provide legislators

**JOINT STATE LEGISLATIVE COMMITTEE**

E X H I B I T      "C"

(to come)