

Senate Bill 374

In The Senate

February 5, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety. Fiscal note requested.
February 11, 1981	Fiscal note returned.
February 19, 1981	Committee recommend bill do not pass.

1 *Senate* BILL NO. *374*
 2 INTRODUCED BY *Berg Shinn Olson*
 3 BY REQUEST OF

4 THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
 7 LAWS RELATING TO MORTICIANS BY CLARIFYING THE RECIPROCITY
 8 PROVISIONS FOR MORTICIANS LICENSED IN ANOTHER STATE; BY
 9 REQUIRING CONTINUING EDUCATION FOR RENEWAL OF A MORTICIAN'S
 10 LICENSE AFTER JULY 1, 1983; AND BY ESTABLISHING FEES FOR
 11 ORIGINAL MORTUARY LICENSES AND RENEWAL THEREOF; AMENDING
 12 SECTIONS 37-19-305, 37-19-306, AND 37-19-401, MCA; AND
 13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 16 Section 1. Section 37-19-305, MCA, is amended to read:
 17 "37-19-305. Reciprocity. If a person holding a license
 18 entitling him to practice mortuary science in another state
 19 applies for a Montana mortician's license, the board may
 20 waive the examination and internship requirements if it
 21 finds that the standards and requirements of the state in
 22 which the applicant is licensed are equal to or exceed those
 23 of Montana and if ~~such state a reciprocal agreement is~~
 24 ~~required by the other state,~~ it has a reciprocal agreement
 25 with Montana."

1 Section 2. Section 37-19-306, MCA, is amended to read:
 2 "37-19-306. Annual renewal of mortician's license --
 3 fee -- continuing education required -- suspension for
 4 nonrenewal. (1) The annual license fee for a mortician's
 5 license must be postmarked before July 1 of the assessment
 6 year. The amount of the annual renewal fee shall be set by
 7 the board but may not exceed \$50.
 8 ~~(2) After July 1, 1983, no mortician's license may be~~
 9 ~~renewed unless the mortician has certified, upon a form~~
 10 ~~prescribed by the board, that he has obtained the number of~~
 11 ~~hours of approved continuing education required by the~~
 12 ~~board.~~
 13 ~~(3) Upon adequate demonstration of good cause for~~
 14 ~~having failed to obtain the required number of continuing~~
 15 ~~education hours through attendance of regularly accredited~~
 16 ~~programs, the board shall renew the license of a mortician~~
 17 ~~who has completed an alternative program of compliance~~
 18 ~~prescribed by the board. Alternative programs shall insure~~
 19 ~~competency essentially equivalent to that gained through~~
 20 ~~regularly accredited continuing education programs and may~~
 21 ~~include home study courses, examinations, or any other~~
 22 ~~program prescribed by the board.~~
 23 ~~(4) The board shall adopt rules for the proper~~
 24 ~~administration of the continuing education provisions of~~
 25 ~~this section, including but not limited to:~~

1 (a) determination as to accredited programs;

2 (b) the number of hours of continuing education
3 required for license renewal; and

4 (c) alternative methods for fulfilling continuing
5 education requirements.

6 ~~(2)(5)~~ Failure to pay the annual renewal fee or obtain
7 the required continuing education results in automatic
8 suspension of the license. The license may be reinstated by
9 the payment of unpaid renewal fees plus a penalty of \$25 or
10 by obtaining the continuing education required."

11 Section 3. Section 37-19-401, MCA, is amended to read:

12 "37-19-401. License required -- display of license ==
13 annual renewal. An operating mortuary must be licensed by
14 the board. An original license fee not to exceed \$25 shall
15 be charged each new mortuary. The annual renewal license fee
16 for each mortuary must be postmarked before July 1 of the
17 assessment year. The amount of the annual renewal license
18 fee shall be set by the board not to exceed \$50. The license
19 must be displayed in a conspicuous place."

20 Section 4. Coordination. If ___Bill___ [LC 1288]

21 introduced in the 47th legislature is passed and approved,
22 section 3 or any other section of this act that amends
23 37-19-401 is void and of no effect.

24 Section 5. Effective date. This act is effective on
25 passage and approval.

STATE OF MONTANA

REQUEST NO. _____

FISCAL NOTE

Form BD-15

In compliance with a written request received Feb. 6, _____, 19 81, there is hereby submitted a Fiscal Note for SB 374 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to revise and clarify laws relating to morticians by clarifying the reciprocity provisions for morticians licensed in another state; by requiring continuing education for renewal of a morticians license after July 1, 1983; and by establishing fees for original mortuary licenses and renewal thereof; amending section 37-19-305, 37-19-306, and 37-19-401, MCA; and providing and immediate effective date.

ASSUMPTIONS

1. There are currently 92 mortuaries in the state.
2. Three new mortuaries a year seek original licensing.
3. The board charges \$25.00 for each original licence.
4. The board charges \$25.00 for each annual renewal of a mortuary's license.
5. Four morticians a year are licensed by reciprocity and the board charges \$50.00 for each license.

FISCAL IMPACT

<u>Revenue</u>	FY82	FY83
Morticians' licensed by reciprocity		
Under current law	0	0
Under proposed Law	150	150
Mortuaries original license fee		
Under current law	0	0
Under proposed law	75	75
Annual license for mortuaries		
Under current law	0	0
Under proposed law	<u>2300</u>	<u>2375</u>
Net increase in revenue	\$2525	\$2600

Expenditure

No additional expenditure required.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-11-81