

**2019 HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE**

**HB 1078**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB1078  
1/7/2019  
30500

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Kathleen Davis for Ellen LeTang
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### Explanation or reason for introduction of bill/resolution:

Intern embalmer applications & qualifications.

### Minutes:

Attachment 1
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**Rep Nelson~District 14:** Introduces HB 1078.

**Rep Nathe~District 30, Bismarck:** We are experiencing a shortage in funeral directors. We need to do anything to help the industry. There was a loophole that we want to close.

**Rep Kasper:** The military spouses will be able to recognize training from other states?

**Rep Nathe:** No. This is coming from the student perspective into the internship program.

**Rep Kasper:** Line 16, what about a person who has applied but not been accepted in college yet?

**Rep Nathe:** As I understand they have to have been enrolled or accepted into college.

**Rep Louser:** Is it common they progress within or end up competing when licensed?

**Rep Nathe:** It's a progression.

**Rep P Anderson:** Can you share an intern in an area?

**Rep Nathe:** Only one license per intern.

**Rep Adams:** How do you determine the good moral character?

**Rep Nathe:** Hard question to answer.

**Chairman Keiser:** What does a license allow you to do?

**Rep Nathe:** An intern can meet with family, cannot conduct a service on their own; I have to be with her until they are licensed.

**Rep Richter:** Is it common to be registered in a school and doing an internship then decide they don't want to continue and remove themselves from the program?

**Rep Nathe:** Yes.

**Jeff Brose**~Director of Brose Funeral Home, Mohall, ND: Attachment 1.

14:00

**Rep P Anderson:** Where have we moved from embalming to cremation?

**Brose:** I'm guessing 50%.

**Rep Schauer:** How will this impact your business from a work shortage in the next 3-5 years.

**Brose:** I'm a lone owner/operator, but it will affect a larger funeral home who have employees.

**Chairman Keiser:** This bill is an intern for embalming?

**Brose:** In our state it's one license. In another state a funeral director license wouldn't embalm bodies and there's an embalming license. Dual licenses.

**Chairman Keiser:** Embalming here is basically a funeral director?

**Brose:** Right.

**Mike Krumwiede,** ND Funeral Directors Association: in full support of bill

**Rep Ruby:** Was there no time restriction how long someone could be an intern?

**Brose:** It's addressed in a different area in code.

**Rep Ruby:** This would limit it to 6 months.

**Brose:** You can do no more than 6 months prior to mortuary school and continue during school.

**Chairman Keiser:** If it takes you 4 years to get through school, you can renew 3 times, that means 18 months?

**Brose:** Once you are registered, you can renew 3 more times and explains.

**Chairman Keiser:** Why do we require a ND license embalmer to supervise?

**Brose:** It was address in title 25 that a registered intern has to do their internship under a ND licensee.

**Chairman Keiser:** What's so special about that?

**Brose:** Explains. In order to have reciprocity in our state, the way code is written, they have to have been licensed in the other state with similar restrictions to our state. After this session we're going to have to go back and examine all of that.

**Rep Kasper:** Does someone have to be an intern for 6 months before they can be licensed? Line 16, accepted or attended. Do they have to come back to intern in ND for 6 months before they can be fully licensed?

**Brose:** No. If they hadn't done any internship ahead of time, I'd have to register as an intern and at least one-year internship prior to getting a license here.

**Rep Kasper:** So your fence building is one year internship once fully accredited.

**Brose:** Yes.

**Krumwiede:** It's a cleanup from two years ago because the internship was wide open.

**Chairman Keiser:** Anyone here to testify in support, opposition, neutral? Closes the hearing. What are the wishes of the committee?

**Rep Laning:** Moves a Do Pass.

**Rep Louser:** Second.

**Roll call was taken for a Do Pass on HB 1078 with 12 yes, 2 no, 0 absent and Rep O'Brien is the carrier.**

Date: Jan 7, 2019Roll Call Vote #: 12017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTESBILL/RESOLUTION NO. 1078

House \_\_\_\_\_ Industry, Business and Labor \_\_\_\_\_ Committee

☐ SubcommitteeAmendment LC# or  
Description: \_\_\_\_\_

## Recommendation

- ☐ Adopt Amendment  
☒ Do Pass    ☐ Do Not Pass    ☐ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

## Other Actions

- ☐ Reconsider    ☐ \_\_\_\_\_

Motion Made By Laning Seconded By Louser

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep O'Brien	X	
Vice Chairman Lefor	X		Rep Richter	X	
Rep Bosch	X		Rep Ruby		X
Rep C Johnson	X		Rep Schauer	X	
Rep Kasper	X		Rep Adams	X	
Rep Laning	X		Rep P Anderson	X	
Rep Louser	X		Rep M Nelson		X

Total (Yes) 12 No 2Absent 0Floor Assignment O'Brien

**REPORT OF STANDING COMMITTEE**

**HB 1078: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1078 was placed on the Eleventh order on the calendar.

**2019 SENATE INDUSTRY, BUSINESS AND LABOR**

**HB 1078**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1078  
3/4/2019  
JOB # 33078

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Florence Mayer
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### Explanation or reason for introduction of bill/resolution:

Relating to intern embalmer applications and qualifications; and to declare an emergency.

### Minutes:

Attachment # 1
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**Chairman Klein:** Called the committee to order on HB 1078. All members were present. Apparently there was a call from the Chinese Embassy, unhappy with the wording of the Taiwan resolution suggesting we are a great sister relationship. They spoke to the speaker's office, so they let Representative Vigesaa know he may be getting contacted. Don't say the resolutions don't get read. ND is now on the map.

**Jeff Brose, North Dakota State Board of Funeral Service:** Testified in favor of HB 1078 and provided Attachment # 1.

**Vice Chair Vedaa:** So if we have someone who is a LPN, and they would be interested in mortuary school, they can become an intern? My step son has an interest.

**Jeff Brose:** Anyone can. A person can work at a funeral home. We have a provision that the only people that can be in the prep room is the licensee or an intern. The way the law is right now, anyone can be an intern without any intent of going to school.

**Senator Vedaa:** That was our concern, what if he doesn't like it. This gives them an opportunity to get their feet wet.

**Jeff Brose:** He can have his pre-mortuary courses, available at any college or university, he would find out if it was for him or now.

**Chairman Klein:** He is doing another job, shows interest in this, he graduated, good moral character, now they would start out working for you. How would that process go before I would have to go to mortuary school?



**Jeff Brose:** You can come and work for me, but I couldn't have you in the back room. Assuming you have a year of college, in order to let you into the back room and register you as an intern, you would have had to apply to go to mortuary school.

**Chairman Klein:** So you have to have a certificate suggestion you will be going to school. Now they can come and start working here, but you can only do this for 6 months then you have to go to school.

**Jeff Brose:** Some people go away to school, a lot do it online. In that case you can do it 6 months prior to starting school, and continuing while you're in school.

**Chairman Klein:** Certainly not as glamorous as going off to San Francisco to mortuary school.

**Jeff Brose:** I went to Dallas.

**Chairman Klein:** You could of ended up in Minneapolis.

**Senator Piepkorn:** Sounds like most of the training goes on in the back room. They can intern without having attending mortuary school, so then what they're learning from you, isn't something they would learned in school anyway. Are they actually doing procedures involved in embalming as an intern that they might learn in school?

**Jeff Brose:** When I went to mortuary school we had to go out to different funeral homes and do case reports, where we assisted an embalmer. A lot of classroom teaches the theory behind it, whereas the internship you actually get to apply the learning. Years ago I got to assist in a funeral home, it helped me immensely when I went to school to know what they were talking about. I valued the time I got to spend learning beforehand.

**Senator Piepkorn:** Did you have any problems, did something come up in the last couple years?

**Jeff Brose:** The way it was years ago, you had to graduate from Highschool, 2 years of pre-mortuary courses, then a year of mortuary school, then you could become an intern for 12 months. You would have 4 years before you get your license. By allowing some of it before hand or during, we should shorten that time to 3 years. Under the old system, if you didn't have the opportunity for hands on, you get done with school and regret your decision. We want to prevent that.

**Senator Burckhard:** What are some of the pre-mortuary courses they would take in college? Sciences?

**Jeff Brose:** Sciences, Chemistry, Biology, English so you can write obituaries in complete sentences.

**Senator Burckhard:** A lot of people choose cremation, is there any of that in this education? Or is that a different ball game?

**Jeff Brose:** I graduated from school 30 years ago, I'm sure the curriculum is different. Back then cremation rates were not high. Now in ND, it's about 50%. I'm sure they are including more of that training now.

**Chairman Klein:** Do you have continuing education?

**Jeff Brose:** We don't as of now, but there is another bill in the legislature that encompasses all the trades. I don't know what the status of that is right now.

**Chairman Klein:** I think there was an attempt by the board to require everyone to come to convention for continuing Education. That has been resisted. We haven't changed that. If you want to learn more you have to go online, where there is a lot of opportunity for.

**Jeff Brose:** We receive trade journals, visiting with our colleagues, there's even a Facebook group for embalmers. I have connected with people all over the nation.

**Chairman Klein:** That has got to be an exciting page to be on. Any other testimony? Closed the public hearing on HB 1078.

**Senator Burckhard: Moved a Do Pass on HB 1078.**

**Senator Vedaa: Seconded.**

**A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.**

**Motioned Carried.**

**Senator Vedaa will carry the bill.**

**Chairman Klein:** Adjourned the committee.

**2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1078**

Senate Industry, Business and Labor Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Burckhard Seconded By Vedaa

Senators	Yes	No	Senators	Yes	No
Chairman Klein	✓		Senator Piepkorn	✓	
Vice Chairman Vedaa	✓				
Senator Burckhard	✓				
Senator Kreun	✓				
Senator Roers	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Vedaa

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1078: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**HB 1078**

Jan 7, 2019

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Page 1



## **Brose Funeral Home**

P.O. Box 396 • 209 2<sup>nd</sup> Street NE

Mohall, ND 58761-0396

701-756-6380

Jeff Brose – Director

January 4, 2019

Chairman Keiser and other members of the House Industry, Business and Labor Committee:

My name is Jeff Brose, an appointed member of the North Dakota State Board of Funeral Service.

Before you is House Bill No. 1078. Some background: This section of law, spelling out the requirements to become an intern embalmer, previously read, "be 18 years of age, of good moral character, completed high school, two years (60 semester hours) of college or university courses and graduation from an accredited college of mortuary science."

Prior to the last Legislative session, The North Dakota Funeral Directors Association suggested to our Board and asked if the requirements could be modified. The Association asked if it would be possible for an Intern to do part of their internship prior to mortuary school. Our colleagues found that there were many recent license holders who spent all their time and money going to school only to find out, "this isn't for me," and changed careers or dropped their license. The opportunity to serve part of their internship prior to mortuary school would give them first-hand knowledge of what they would be experiencing.

As a result, the law was changed to its current format:

### **43-10-15.4. Intern embalmer - Application - Qualifications.**

The board shall issue a certificate of registration as an intern embalmer to each applicant who files an application upon a form and in a manner the board prescribes, accompanied by a fee not to exceed fifty dollars, and who furnishes sufficient evidence to the board that the applicant:

1. Is at least eighteen years of age;
2. Is of good moral character; and
3. Has completed an accredited four-year high school course of study and one year of accredited college or university studies.

The Board quickly saw the need for change once again. The Board had totally eliminated any reference to attending/graduating from mortuary school. The elimination of that provision opened it up to anyone applying to become an intern, as long as the person was 18 years of age, of good moral character and completed one year of college.

Jan 7, 2019

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pg 2

I could, theoretically, register my 78-year-old funeral assistant (a retired school teacher) as an intern and he could renew his Internship up to three times. By adding in the provision "has been accepted to attend or is enrolled..." narrows it to people who are serious about pursuing a career in funeral service. The proposed change gets rid of the ambiguity.

Our colleagues have noted a shortage and availability of licensees in our state. The adoption of this proposed law would modify the length of time it would take an intern to earn their license. In item 2 of the proposed change, the intern would be able to serve up to six months of their internship prior to mortuary school. It would not restrict them from also serving their internship during mortuary school, including online mortuary programs. After graduating from mortuary school, passing The Conference examination and passing the test of our state laws, the candidate would be licensed.

In conclusion, the proposed changes in HB 1078 modifies and fortifies the requirements for the internship program. Thank you for your consideration and support of this bill. I would be happy to answer any questions that you may have.

Sincerely,



Jeff Brose

President – ND State Board of Funeral Service



## Brose Funeral Home

P.O. Box 396 • 209 2<sup>nd</sup> Street NE  
Mohall, ND 58761-0396  
701-756-6380  
Jeff Brose – Director

March 3, 2019

Chairman Klein and other members of the Senate Industry, Business and Labor Committee:

My name is Jeff Brose, an appointed member of the North Dakota State Board of Funeral Service.

Before you is House Bill No. 1078. Some background: This section of law, spelling out the requirements to become an intern embalmer, previously read, “be 18 years of age, of good moral character, completed high school, two years (60 semester hours) of college or university courses and graduation from an accredited college of mortuary science.”

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President – ND State Board of Funeral Service