

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1116

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1116

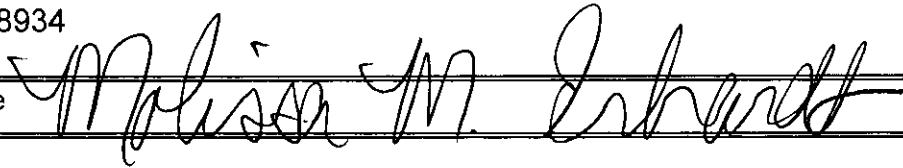
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 02/06/2009

Recorder Job Number: 8934

Committee Clerk Signature



Minutes:

Chairman Grande: Open the hearing on HB 1116. Clerk will read the title.

Dale Niewoehner, President and Executive Secretary of the ND State Board of Funeral Service: Testimony. See Attachment # 1.

Our board does consist of three funeral practitioners and a State Health Officer, and we have the privilege of the ND Attorney General's assistant to help us in legal matters. We are appointed to four year terms and we receive no orientation, no training, and we are then obliged and honored to go forth to administer this (can't understand, coughing) as we see fit and as we have our (not sure of word). I would really like to see some sort of orientation in the future put before the board, but that has nothing to do with this bill. I do have with me fellow board member Gary Carlson and also a representative from the ND State Health Department, Kennan Bullinger.

Chairman Grande: Just a couple of questions on your transfer renewal and the fees and then your licensure for cremation are those two separate fees or licenses?

Dale Niewoehner: There is a license for a funeral practitioner and a license for a funeral establishment, and also a license for a crematorium. Each one of them pays \$100 at this time. As I understand it for any fee increase to take affect that also needs to be done by an administrative code change. But if it's not in the law then the code cannot move forward.

Chairman Grande: So you are asking for a 100% increase on fees, possible, without oversight from a legislative body? Once we approve going from \$100 to \$200 that is a huge leap.

Dale Niewoehner: As I understand it, to increase a fee even to \$10 or \$25 additional it would need to go to an administrative code hearing.

Chairman Grande: Which is a body of only about 13 of us, just to clarify that. But you are looking at the ability to raise somebody to \$300 in one year if you guys so choose. If they followed in the realm of all three of these areas and you went from \$100 to \$200 that's a \$300 increase for their renewal.

Dale Niewoehner: I suppose if we would go with the equivalent steps that is the increase, yes.

Rep. Winrich: When was the last time the fee was raised?

Dale Niewoehner: Probably quite a few years ago, maybe six or seven. I am not sure. It used to be \$75 and then it went to a \$100. I have only been associated with the board for three years now. I just paid the bill when it came and it didn't really matter.

Rep. Dahl: Even if we change it in the Century Code that allows up to \$200, to actually get it changed you would have to go through administrative rules process?

Dale Niewoehner: Yes, believe that is how it works. I have not had the privilege of being involved in the administrative code rulings so I don't know.

Rep. Dahl: One question about the liability issue of going from twelve to six months? Could you explain that a little further?

Dale Niewoehner: Gary can explain that better.

Vice Chairman Randy Boehning: On your Section 1, sponsoring continuing education, do you sponsor it now and if you do how many hours are required? It is kind of open here, do you require a lot of hours, how are they going to get it and so forth.

Dale Niewoehner: At this time in the Century Code the board is allowed to ask for continuing education. But to implement that, it would take an administrative code change to do it. This was attempted a number of years ago and that implementation failed. The background on this opening statement is that in the past, the board would sponsor seminars and symposiums and bring in people

from all over the United States for a educational seminar, that would be one to two days, and present all kinds of programs. In the past the board has also contributed to the ND Funeral Directors Association in which they have no part of, but some of our members are part of that organization, and we have been told that such contributions are not proper. What we are looking for is a bill to present our own programs, facilitate with the association or any other group. Rep. Nathe is a member of a Cremation Association, if he had a group of people come to town, we could help them present a seminar, and right now we cannot. There is no way we are saying that we are going to require continuing education. Does that answer your question?

Vice Chairman Randy Boehning: It does and it doesn't, but by putting that language in "sponsoring continuing education", you don't require any now?

Dale Niewoehner: No.

Vice Chairman Randy Boehning: Was it a few sessions back and the board was here one time looking for continuing education? One of the reasons it failed at that time was that you can't really schedule it because people die and in the small rural areas it was hard for people to get there. I don't know about the sponsoring of continuing education, once you start making the rules you may be saying that you are going to require it. It's kind of hard for a lot of these guys in the small rural towns to get away and get the continuing education.

Dale Niewoehner: At that time I was not associated with the State Board and if and when continuing education would ever be required there is going to be a due diligence of how it's going to be run. I truthfully think that that had not happened at that time. There are many ways of getting continuing education points or hours rather than going somewhere. In this day and age there are many things available on the internet from other associations and groups that have things to offer. But I said that we are not requiring it, we are only asking that it be made proper or legal that we could hold our own or assist other organizations. Who does not want to learn more? I guess that is a statement in my mind.

Rep. Kasper: Let me give you a hypothetical and you can tell me if this is how you do your business. Let's say a new technique for the funeral services are developed by somebody in Texas and it was very important that the funeral homes and directors in ND learn about it. By adding this you would be able to say "we are going to bring this person to ND, and we are going to sponsor him/her and we are going to invite our members to participate if they wish and we'll say there is a fee of \$75 or \$100 to come if you wish to listen to this new technique". Is that what you are trying to get to, not that you have to have a 100 hours or 30 hours of continuing education to do your job in ND. I am laying out a scenario that you envision?

Dale Niewoehner: Yes, I believe that is what we are saying. But the most important thing is that the program event would be open to any and all licensees.

We had to use the word member because that connotes groups, clubs, organizations, to all licensees. We are trying to be very careful to disassociate ourselves any groups. But yes that is what we would do. It might even be provided without cost depending on how the board felt about it. But to gain knowledge and say that we are going to have this program and all licensees are welcome, and here you are.

Gary Carlson: Rep. Dahl in answer to your question, about the commissioned cremains and the holding of the cremains, from twelve months to six months, that is kind of in line with the States around us and their laws. It is a liability issue that we feel if families have not picked up the cremated remains from the funeral home within six months, they are probably are not going to pick them up in twelve months either. Now there is a provision we can't just discard them. We have to notify them by certified mail thirty days before we do anything with the cremains and after that letter then we take them and we have a common burial, where we put them in a burial vault or whatever and label them so that five years from now if they did want to retrieve it they can. So it is kind of a liability issue, if someone broke in and they had a (can't hear speaker). In answer to one other question here earlier the last time the fees were raised was in 1997. That \$200, by the way, came from the Attorney General's office and the attorney, and it was a suggestion that he suggested, that we clean it up, if we are going to (can't understand), clean up the wording and so forth in this bill. Let's do it so it is good

for years to come. I don't foresee any increases in fees if I can help it, but the way it is written we can't even increase it \$25, because it is locked into the \$100. It is not that the board wanted to increase the fees.

Rep. Winrich: That increase in 1997 was from \$75 to \$100?

Gary Karlson: Yes. The same way with the continuing education I wanted the wording to say professional and educational seminars and take the connotation of continuing education out of there because we don't really require it, but there again the Attorney General put it in.

Rep. Karls: I sit on another State Board and we highly encourage continuing education because the technology of every profession is changing constantly and the members need all the information? Is that true with the funeral profession?

Gary Karlson: Characteristically, funeral directors are resistant to change. I have continuing education as well as Mr. Nathe does because we have different licensures in different states we have to have continuing education. It is not that the board or a lot of funeral directors are not against it but we have a lot of rural funeral directors that think it will create a hardship on them and yet I think we as a board and other associations could put on meetings that would not create a hardship for them. They could do some of that online and those types of things but there has been resistance in the past to that. So the other thing we are trying to do as a Board is the ability to sponsor some kind of like technical embalming seminars and so forth that will follow the licensees in the State. So they can

attend some things, even though we don't require continuing education. That way we can still bring some of these things to them. I don't know if continuing education will come down the line, I am not personally against because I already have to do it, and the State I have to do it in is only six hours a year. If it ever comes to ND I don't see it being more than four to six hours anyway. As it stands now, they have been resistant to it.

Rep. Karls: Does your board have the authority to inspect the places, is that part of your commission?

Gary Karlson: Yes, we do have the ability to go and inspect funeral homes.

There has been some talk that probably members of the board could have somebody outside of the board do the inspections. Instead of the board members themselves like it has been done in the past and funeral homes have not been inspected on a regular basis like they should be. So we have talked about if they do not prefer the board to do it, keep an arms link transaction, either hire someone individually or work with the Health Department (coughing) . I think it would be good to get an inspector on board because national news has proven that every once in a while something goes hay wire out there and if we don't have inspections in place, I can about imagine they will say "What has your board been doing?" by not inspecting these funeral homes. So we are in the process of trying to do these things and get this all cleaned up at one time. It sound like a lot, but the wording will be cleaned up in one bill, and try to get it all

done, because no one has taken the time to go over this and all these laws in ND for years and years. It's a long process in fine print and nobody wants to tackle it so we finally got a board now that says it's time and someone has to do some of these things.

Chairman Grande: Any other questions from the committee? Favor of HB 1116? Opposition to HB 1116?

Rep. Mike Nathe, District 30 in Bismarck, Funeral Director for 23 years and currently the owner of Bismarck Funeral Home: I have to respectfully disagree with my colleagues in regards of HB 1116. But I do sympathize with the job that they have to do and I do agree with Mr. Niewoehner as far as a joining the fight once they got on the board. There was no training for them and they were kind of left in a little bit of a mess when it came to some of the regulations that we have. So I would publicly state that I would support Mr. Niewoehner on some sort of training for board members. But getting to HB 1116, I passed around copies of the emails from about 11 funeral home owners who are against this bill for a number of different reasons. (See Attachment # 2). I will go through those with you Section by Section. In Section 1, Line 11, sponsoring education, I understand what they are saying as far as having the wording, but the concern among the industry is that this is a back door approach to continuing education requiring it to be continuing education for the State. There is a bit of a history there and you heard some of that from the other two testimonies. Really

the long and short of it is that back in 2005, they tried to get continuing education in our industry and it was kind of another back-door way. So it was kind of pushed by just a handful of funeral directors and not really taken to the rest of the funeral directors around the State. I was actually one of the people that were at that administrative hearing talking against it. The main reason why we did not want it was because of the administration of it and there really was no input from the funeral directors around the State and really the rural funeral homes have a hard time with it. They have a hard time getting away to go to a continuing education course. That is really the main reason why they are against this bill and also that Section 1 ties into the fee increases. The board stated that they would not raise the increases now but that is not to say that some board down the road, maybe with a different makeup, will increase those fees. It is a big jump as Rep. Grande had pointed out earlier. The way they see it and the way I see it is that the increase would be used to fund the educational programs so Mr. Karlson is right, I have a license in MN and MN requires it, you have to do continuing education and get the credits. It is easy for me, I sit on two national boards. I am on the board of the National Funeral Directors Association out of Milwaukee and I am on the board of the Information Association of North America, which is the leading voice in cremation in the country. So I get to go to all the seminars being a board and I get the CEUs pretty readily. But for someone in a small town who tries to get away and does not have any help or

can't get any help, it is very difficult for them to go to these things. That is why there is a lot of concern about this wording and this being in the bill. Section 5, talking again about the increases, you can see the emails and concerns and some of those may be in your district. There is a very big concern about the increase in fees. Section 5, Section 7, and Section 9, the licensure of crematories as far as in regard to the holding of cremains, there are roughly four in the State, I am in a funeral home that has a crematory in the funeral home, the other ones are in cementaries and I think Grand Forks has one in an Industrial Park so that does affect myself. The disposition of stored cremains, moving it from twelve to six months, it is a difficult issue believe it or not, we have a hard time getting people to come in and pick up the cremains of their loved ones. But I feel that moving it from twelve to six months is a bit premature. There are times that people are out of the country and for some unknown reason cannot come in and pick those cremains up. It has been a practice and I have seen it where the funeral homes that own cementaries in other States and will take these cremains and bury them after six months, the family will come back on the eighth or ninth month to say I want to pick up mom. They say "fine" you will have to pay \$300 to open and close that grave and get your mother's cremains. So it could be used as a revenue source in a way for some of the funeral homes that own cementaries and I have a problem with that. But it is a big problem, where I used

to work in Minneapolis we did roughly 2000 funerals a year, and there are some cremains that are there for fifteen or twenty years and have not been picked up.

A lot of funeral homes will hold these, just in case, just for liability reasons. If the crematory does their job, if you talk to the families and work it out while you are meeting with them and set a time to come and pick those cremains up, you can minimize that liability. Getting to Rep. Karls question about inspections, I have also talked to R D Smith in the Health Department and they are in the process of setting up an inspection process and they are hoping to get it going in the next year. We do need that, I do support that.

As far as some of the other sections in the bill, Sections 2, 3, 4 and 8 we have no problems with those. So we would look to strike Section 1, Line 11, Section 5, over strike and bring it back to the original wording of \$100 in fees, the same thing in Sections 7 and 9 and in Section 10, bringing it back to twelve months. Also, in Section 6, as far as a late renewal, the only problem would be with someone coming back to the State and wanting to get back in the business, they way it reads on Page 3, Lines 1, 2 and 3; is that they have to come back and pay for every year that they have missed and that could add up. If you have someone who is gone for say maybe five or ten years and has to pay for every year they have missed, they have to pay for the application fee and retake the test. It might be a real detriment as far as trying to hire someone and getting back in the business. To get new employees is generally very hard process in

our industry. Back in 2005 I had two wonderful funeral directors from the Bismarck area and they both wanted to branch out and get out of Bismarck and go to different markets, so they left and I had about two months to try to find somebody before they left. When they left I still wasn't able to find anybody and for the next seven months I was operating my funeral home by myself, because I could not find any help to come to ND. I did close to 100 funerals in seven months and so I look at this as kind of being a detriment as far as hiring key people to our industry and trying to bring them back. I would also like to see that back to the original wording.

Chairman Grande: On that Section 7 when you are talking about "back pay" are these people that were not licensed in another State and they were not practicing at all anywhere and then we are still going to make them back pay for all those years?

Rep. Nathe: They may have gone to another state but did not pay the renewal fee in ND, maybe they went to MT or someplace else and were practicing there but they let their license lapse in ND.

Chairman Grande: There is no reciprocity for that?

Dale Niewoehner: For example, if I had a ND license and I went to MT for XX amount of years and I came back and I had my MT license, then I could get my license by reciprocity by paying the \$100 fee and filling out all the paperwork and then I would have my license. This suggests that people that drop their license,

right now they have three years of grace, and after the three years that grace period is gone. We are trying to organize the fees of course and then they would have to take their State laws test again.

Chairman Grande: Are you saying that they did not practice in those three years? They were not working in the field at all during that period of time.

Dale Niewoehner: Correct they did not have a license. But after Legislative year number four they decided well I want to work for the Bismarck Funeral Home and they don't have any license anywhere, so what they are saying is they would have to pay the back fees, a late fee and take the rules test. But if they had a license in another state and as long as that state has as stringent requirements as we do, then they can get their license by reciprocity.

Rep. Nathe: That concludes my testimony and I stand for any questions?

Rep. Wolf: I am having a hard time wrapping my brain around people leaving their ashes at a funeral home and not picking them up. Is that something that happens frequently?

Rep. Nathe: Thank God, no, it doesn't happen very frequently, but it does happen. I have been doing this for 23 years and we still have a hard time wrapping our minds around some of it. It may be a family situation, like dysfunctionality or whatever, and sometimes to be quite honest with you we cannot find them. The members of the family that (laughing) you would be looking at a lawsuit, and those people all of a sudden we can find.

Rep. Meier: You cannot send those remains through the postal service?

Rep. Nathe: Yes we can. We can send them through the US Postal Service.

But the preferred way is through registered mail because they are registered and tracked and they know exactly where they have been. Don't laugh, it prevents lawsuits.

Rep. Winrich: You mentioned that you were on the board of one or two national organizations. Do those national organizations have continuing education programs or sponsor such programs or recommend them?

Rep. Nathe: Yes, they do. Going to their conventions like I do and being a board member, those sorts of things, the National Funeral Directors Association will put on education seminars, not only in different locations around the country but also on the internet. That is another way that rural funeral homes can do theirs. They can get on the internet and get some information that way.

Rep. Winrich: Do these organizations have recommendations about what sort of continuing education those in the profession should maintain?

Rep. Nathe: I don't know if they have any recommendations, they just offer the classes, and as Mr. Karlson said there may be something on embalming or something on how to better handle the family, or maybe how to better dispose of the cremains and get them claimed. Just the different aspects of our industry they will offer us these classes.

Rep. Kasper: Let me run some amendments by you and you can address them formally. Your concern about the education, if we amend it to say: "Sponsor educational and informational seminars." Would you have heartburn with that?

Rep. Nathe: I would have no problem with that.

Rep. Kasper: On the renewal fee, if it were a \$150 or up to \$150, would you have any heartburn with that?

Rep. Nathe: Yes, I do not like the increase in fees as the emails will attest to.

Rep. Kasper: On the top of Page 3, if we amended it to say: "Filing an application fee renewal on a form prescribed by the board, payment of the current years' annual renewal fee and passing the law of rules and examination."

Rep. Nathe: Yes, so striking out payment of late fees.

Rep. Kasper: Striking out payment of annual renewal fees and payment of late fees. So they don't pay the back fees but the current years renewal and no late fees and no (??????).

Rep. Nathe: And then leaving in the passing of the laws and rules of the (???).

Rep. Kasper: Yes. Thank you.

Chairman Grande: Questions from the committee? Against? Neutral?

Kennen Bullinger, ND State Department of Health: My division has been discussing the possibilities of conducting inspections for the board (can't hear the speaker speaking) .

Just a couple of things: I would hate to see this bill get defeated, the board has put a lot of effort into this and it looks like there are some input and it looks like it is headed in the right direction. I agree that there are a lot of professions, and the majority of the professions that do require some kind of inspection. I would like to see that continue whether it is just offering that opportunity or making it a requirement. The board does have the authority to adopt the rules and relations that you have in the statute. That is what they tried to do a few years ago and met with opposition. I think that they should have the opportunity to do that again and in the future and the opportunity to comment through those rule hearings are there and I am sure that they would not be heavy-handed in those requirements.

So I really think that you should look at, in the future, through the rule-making process that everyone should have the opportunity to come and all those affected by it. (Can't hear the speaker). The fee increase issue I think is really, I agree, in fact your first comment, Madam Chairman, just the flexibility to raise fees at will, I have never seen that before beyond this issue. It is both that the fees are established in statute and rule and in visiting with the board the last few months on some changes really need to eliminate one or the other and I don't care what this committee does but there is really no need to state it in both because when you have a fee change by statute, then you have to go through the rule-making process and change it again. One way or the other it needs to be removed. Just as a point of reference, our fees for the food and lodging

industry from the State Health Department are established by administrative

rules. I am not saying that that is what you need to do, is remove them from the statutes and establish them through the rule-making process but there is duplication and there is no need for the duplication. It either should be established by statutes or through the rules. We do have current authority through the statutes in the Health Department to provide inspections. (Can't hear). We have a field staff that does a variety of inspections and they were down here some weeks ago for some Legislation and we do restaurants and so forth, we cover the State with inspections. It would be easy for my field staff to do inspections for the Board of Funeral Services (not audible). They help them out, they did get the (can't understand), to run and operate and it might be difficult for them to provide those inspections. Our hopes are to provide inspections every two years for the funeral establishments and that is kind of the basics for a lot of our facilities that we like to do them every two years. I encourage not a complete revision of this bill because there are some revisions in here that should be retained and needed. I guess the debate on fees (can't hear speaker), and I for one would not take a stand either way but don't defeat the bill because there are some other very important issues. Will stand for any questions?

Chairman Grande: Any other questions from the committee?

Rep. Winrich: You said that your department establishes or your provision

establishes fees by administrative rules. But is that an unlimited authority and you can set your fees at whatever you wish?

Kennen Bullinger: Yes, we do establish them by rule and it used to be in statutes. About three sessions ago they were removed and we went through appropriations where we needed to raise our fees and they had just decided at that time that it should be in administrative rules. So they amended the statutes to allow (can't hear the speaker) through the administrative rules process. My division is not self-supporting with fees, we do get some general funds and there are a lot of Legislators that feel the public should pay for the services we provide through restaurant inspections and we don't try to pay for our services on the backs of all of the regular community. We only raise them when we have a need to raise them based on increased travel costs of the field inspectors and motor pool costs and gasoline increases. We don't raise them every two years, if we have to raise them, since last session, not by us but by others we were given the authority to inspect those and we were given the authority to hire a person but we didn't have the funding, so we had to raise the fees to generate the revenue.

Rep. Winrich: So if I understand correctly, the statute simply says that you must support your program with fees that are established by administrative rule? Is that correct?

Kennen Bullinger: It doesn't say that we have to support the division, it just says that we establish our fees through the administrative rules process.

Rep. Winrich: But there is a statutory authority?

Kennen Bullinger: That is correct. We would not be able to do that without the statutory authority.

Rep. Winrich: That is what I thought.

Chairman Grande: Anyone else wishing to speak neutral to this bill? Closing the hearing on HB 1116.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 1116

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 2/12/2009

Recorder Job Number: 9351

Committee Clerk Signature

Miss M. Erhard

Minutes:

COMMITTEE WORK ONE:

Chairman Grande: We will have discussion on HB 1116. Rep. Nathe has some amendments for us.

Rep. Nathe: Handed out the proposed amendments. See Attachment # 1.

(Rep. Nathe went through each Section and explained them.)

I did not speak to it in the hearing but there is a rift between some funeral directors who belong to the association and some who do not, the State Board is looked upon as being too close for comfort with that association and there are quite a few members that are worried that if the board starts doing informational seminars at the association convention which would help drive up their membership, so they don't want to be used as a tool in the association. That was the reason why we put that in there.

Rep. Dahl: The board talked about that being a liability issue in keeping the remains for that long a period and so I was just wondering what your rationale was?

Rep. Nathe: Very simply, as I said in the testimony, I am the only funeral home in the State that has a crematory in it, so if anybody has a problem with it, it would be us. My rationale is that we get a family sometimes that will have a service for and may not be able to make it into the funeral home and we have to make some arrangements over the phone, maybe the family is scattered and we will be back, everyone will be back in July for the family reunion and we will take care of

it then. Under the way they had it originally proposed they could still take those ashes, because some funeral homes own a cemetery, they could take those ashes and bury them in their own cemetery and the family comes back to town in July, they would charge that family \$300-\$400 to open the grave and get those cremains. Now they have generated \$300-\$400 more for the cemetery in order to do that. In my judgment, six months is a really quick time to all of a sudden to say we are going to bury these cremains or we are going to do something with them. This is a very mobile society we have people all over the country and all over the world for that matter, it just gives them the extra time. It is not a big liability issue, funeral homes can keep them under secure lock and key. We do have systems that we can use.

Vice Chairman Randy Boehning: On Page 4, Lines 22 and 23, it says "with the final disposition of the human remains to the effect that such remains will be disposed of unless claimed by the person." Disposed of, with that terminology you can basically put them out in the garbage too? Then the second part of that is: If you have them for over a year, aren't they unclaimed property, shouldn't they go to the State Land Department?

Rep. Nathe: Rep. Boehning you are exactly right about the unclaimed property I get a thing every year from the State. I will be honest with you, I don't fill it out because there are some confidentiality issues and things like that. I do have

some unclaimed cremains that have been there for probably seven or eight years. I worked in a firm in Minneapolis and we did 2500 funerals a year and there are some cremated remains that have been there almost twenty years. They still have my handwriting on them from the first year I started working for that firm. It is a problem but funeral homes and crematoriums are getting better as far as handling those. Making sure we meet with them and it is written that you will come and pick them up and just stating that there is a final form for proper disposal and disposition. As far as the wording in here in disclosed it is not very nice language to be quite honest with you but I don't know of any funeral home that is going to take somebody's unclaimed cremated remains and throw

them away. I do not know anybody who would want to be in business if they do that .

Chairman Grande: I have a question on the health inspectors part of this, is that addressed in here?

Rep. Nathe: That is not addressed in here but I know the Health Department is working on that right now. We have never had an inspector ever in my fourteen years of doing this in the State. I talked with R D Smith and they are in the process of getting all set up and ready to go.

Rep. Wolf: On the top of Page 3, the question I have is when we are taking out the payment of all annual or renewal fees since the expiration or the payment of a late fee. What is the amount of that late fee?

Rep. Nathe: I am not sure Rep. Wolf. It might be a new rule, it is not very much. When we are renewing with our individual license I think it is a \$100 or \$125.

Rep. Amerman: Your first amendment where it deals with your board arranging these informational seminars and they can't be used as continued education credits. Are there funeral directors in the State that are licensed in the neighboring states and even though we don't have continuing education credits perhaps they could use these to fulfill their requirements in other licensed states?

Rep. Nathe: There is. I hold a license in MN so I need continuing education credits in MN and I get mine because of the boards I sit on and sometimes I go to

those kinds of things. There are ways to receive them and we can get them through online through the website of the National Funeral Directors Association. So there are other ways we can get our continuing education credits for those licenses out of state.

Chairman Grande: In some industries when I used to have to do continuing education, I could take and attend a seminar at the hospital or whatever and I could take the criteria that was written in there and send the notes in to our national organization and they could approve those as continuing education credits. You would have the ability to forward them to the board and ask for

approval even though they were not approved ahead of time they might stamp those approved for number of hours (not sure) due to contact. So there are ways to take the information and submit it to your board. Because we only had a national board and not a State board, we were nationally certified.

Rep. Nathe: What this ban would do is basically they cannot advertise the continuing education. I can go to one of the seminars presented at MN and they could give me a thumbs up or down if they would actually count or not.

Chairman Grande: That happens and I know that they do that with the bar.

You can attend in various places and submit them at different times. Motion to accept these amendments by Rep. Nathe and 2nd by Rep. Dahl. Discussion? All

in Favor? I. Consent.

Chairman Grande: We have the amended bill before us, do we have a motion for a Do Pass?

Rep. Nathe: Motion for a Do Pass As Amended.

Rep. Schneider: 2nd.

Chairman Grande: Clerk will call the roll on a Do Pass As Amended.

Clerk Erhardt: Roll Call. Yes: 12. No: 0. Absent: 1. Carrier: Rep. Nathe.

VR
2/13/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1116

Page 1, line 1, replace "subsection" with "section" and replace "section 43-10-05" with "chapter 43-10"

Page 1, line 2, replace "sponsor continuing" with "conduct information seminars"

Page 1, line 3, remove "education"

Page 1, line 4, remove "43-10-15,", after the fifth comma insert "and", and remove ", 43-10-25, and 43-10-26"

Page 1, line 6, after the second comma insert "and"

Page 1, line 7, remove ", licensing of crematoriums, and disposition of cremated remains"

Page 1, line 9, replace "subsection" with "section" and replace "section 43-10-05" with "chapter 43-10"

Page 1, replace line 11 with:

"Information seminars. The board shall conduct information seminars. The seminars may not be used as continuing education credits. The seminars may not be conducted in conjunction with any other organization."

Page 2, remove lines 15 through 21

Page 3, line 1, remove "payment of all annual"

Page 3, line 2, remove "renewal fees due since the expiration,"

Page 3, line 12, remove the overstrike over "~~one~~" and remove "two"

Page 3, line 14, remove the overstrike over "~~one~~", remove "two", and after "hundred" insert "twenty-five"

Page 4, remove lines 9 through 25

Renumber accordingly

Date: 2/12/04
Roll Call Vote #: 4

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1116

House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 12

No 0

Absent 1

Floor Assignment Rep. Nathe

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

REPORT OF STANDING COMMITTEE

HB 1116: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "section" and replace "section 43-10-05" with "chapter 43-10"

Page 1, line 2, replace "sponsor continuing" with "conduct information seminars"

Page 1, line 3, remove "education"

Page 1, line 4, remove "43-10-15," after the fifth comma insert "and", and remove ", 43-10-25, and 43-10-26"

Page 1, line 6, after the second comma insert "and"

Page 1, line 7, remove ", licensing of crematoriums, and disposition of cremated remains"

Page 1, line 9, replace "subsection" with "section" and replace "section 43-10-05" with "chapter 43-10"

Page 1, replace line 11 with:

"Information seminars. The board shall conduct information seminars. The seminars may not be used as continuing education credits. The seminars may not be conducted in conjunction with any other organization."

Page 2, remove lines 15 through 21

Page 3, line 1, remove "payment of all annual"

Page 3, line 2, remove "renewal fees due since the expiration,"

Page 3, line 12, remove the overstrike over "one" and remove "two"

Page 3, line 14, remove the overstrike over "one", remove "two", and after "hundred" insert "twenty-five"

Page 4, remove lines 9 through 25

Renumber accordingly

2009 SENATE HUMAN SERVICES

HB 1116

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1116

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9939, 9996

Committee Clerk Signature

Mary K. Monson

Minutes:

Senator J. Lee opened the hearing on HB 1116 relating to funeral service.

Greg Everson (Secretary, ND State Board of Funeral Service) testified in support of HB 1116.

Attachment #1

Senator J. Lee asked what the reason was for eliminating the end of the year provision.

Mr. Everson replied that it would be so much easier.

Discussion followed on renewal dates for licenses. The efficiency factor was taken into consideration.

Continuing education was discussed. There are no continuing education requirements right now in ND. They were not interested at this point in addressing continuing education in this bill.

Senator J. Lee encouraged them to pursue the continuing education concept again.

(Meter 09:50)

Senator Heckaman asked if they were comfortable with the House amendment dealing with the fees.

Mr. Everson stated that they were just hoping to put in the language that they could charge up to \$200. They didn't have the intention to charge that much now but wanted to have the option without having to come to the legislature every time they need to raise it.

Discussion continued on the amount of different license fees and late fees. It would be nice if all the license fees were at the same amount.

Senator Dever asked if the Board needs the money.

Mr. Everson replied that they are in good financial standing as the Board at this time. There are times when something comes up that costs a lot of money.

Senator Dever asked if he was correct in his understanding that they license facilities and funeral directors separately - both under the jurisdiction of the Board.

Mr. Everson confirmed that.

Internships were discussed and Mr. Everson explained the schooling process, exams and the reciprocity with other states.

Senator J. Lee said it looked to her that the two areas that were of concern were section 1 and whether the expired licenses have to renew on an anniversary date or a calendar date.

Mr. Everson said that was correct.

Senator J. Lee asked if he was interested in having the committee discuss the possibility of moving back to the anniversary date.

Mr. Everson said it was his understanding that language would be addressed by someone else.

Senator Dever asked if late renewals were a problem.

Mr. Everson said they currently have 3 or 4 late renewals per year. Sometimes they just have people who go by the wayside and don't even apply for renewals.

Representative Mike Nathe (District 30) He is also a funeral director and sat on the GVA committee that heard this bill. He provided proposed amendments - Attachment #2 – and e-mails from funeral directors in the state with concerns about the bill – Attachment #3.

He talked about the history of continuing education.

Senator Dever asked why they wouldn't want seminars in conjunction w/other events.

Rep. Nathe answered that they have a separate private organization in their industry, the ND Funeral Directors' Association. The Association and the Board have had an extremely close relationship in the past. If the Board had educational seminars they would most likely to do it with the Association. It would bring non members to the Association and a lot of the directors felt that would be recruiting for the Association. That was the main reason – to make that separation.

Senator J. Lee pointed out that there is such a benefit to associations working together with their boards in determining what classes are qualified for good continuing education units.

Rep. Nathe explained there is a lot of history to this Association and that about 50% of the funeral homes do not belong to it. Those that don't belong still have the opportunity to go to classes sponsored by the Association by paying a non member fee. This separates the Board and the Association. He said the Board represents every funeral home in the state and the Association only represents some.

(Meter 26:00) The difference between the Board and the Association was distinguished. The Board tests and licenses the funeral homes, they don't represent them they are regulating them.

Crematoriums were discussed (meter 29:40). They are licensed by the board.

There was no opposing testimony.

Kenan Bullinger (ND Department of Health) spoke about the authority for the CEU's still being in statute. The Board does have the authority to draft some rules.

He said they have also been working with the Board on the inspection part of it. The Board has been responsible for conducting inspections but has been too busy to do much in that area. His division, the Division of Food and Lodging of the Department of Health, is trying to work with the Board in providing some inspections to get them back on schedule.

In respect to the fees he said on the House side there were some who were leery about a floating fee schedule.

There was discussion about getting the fees out of statute.

Greg Evenson offered to get the amount of their balances for the committee if they would like to have it.

Senator J. Lee suggested that he could e-mail the information.

That information was later provided for the committee – Attachment #4

The hearing on HB 1116 was closed.

Job # 9996

A short discussion took place on HB 1116 and the two groups that are involved. There was definitely conflict between the two.

Senator J. Lee suggested committee members talk to their people at home to get their feedback.

The packet of e-mails provided in the testimony earlier was basically from one side of the issue.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1116

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/24/09

Recorder Job Number: 11470, 11501

Committee Clerk Signature

Mary K. Morson

Minutes:

Senator J. Lee opened HB 1116 for discussion.

Bill Peterson (Assistant Attorney General) was present at the request of the Attorney General's office. He is also counsel to the Board of Funeral Service but was not there to represent them. His purpose was to answer committee questions regarding HB 1116 and the amendments and to offer suggestions.

Senator J. Lee told Mr. Peterson that the committee heard testimony from both sides of the issues. What seemed confusing was that they were told the Board could not offer continuing education credits. She asked what the Board was able to do and what they can't do.

Mr. Peterson replied that right now there are no requirements for continuing education for funeral service directors. They authority to do that by rule but considering the opposition to it he didn't think they were contemplating doing it. The Board would like to offer educational seminars through this bill. They didn't have authority to do that. The House had concerns that proposition created continuing education for funeral directors. There was also concern about having the education seminars connected to the Association - hence, the amendment and the new section - Section 1 in the engrossed House bill. This amendment is not workable for a couple of reasons. Seminars - The board would not want to conduct seminars because they

could not be conducted in conjunction with any other organization. There are no continuing education requirements so the second sentence is unnecessary.

(Meter 07:10) He addressed how the bill could be amended to work. (1) Take out section 1 entirely. (2) Change shall to may, or (3) take out the last few sentences entirely.

Senator J. Lee asked if, as counsel for the Board, he had a recommendation.

Mr. Peterson said he would recommend taking out the last few sentences. That would allow the Board to conduct the education seminars and they could conduct them conjunction with the Association's meeting where most of the funeral directors would be.

Senator Pomeroy asked if he agreed they should not be used for continuing education.

Mr. Peterson said he would not agree. (Meter 09:20)

He also pointed out that with the third alternative in addition to taking out the last two sentences "shall" should still be changed to "may".

The amendment from Rep. Nathe was discussed relating to Section 5.

Senator Dever asked if the Board or the Association have conducted information seminars.

Mr. Peterson thought the Association does but the Board used to sponsor them some time ago until the Council told them they didn't have authority to do so. Right now they would be prevented from doing so.

Senator J. Lee asked if the committee was interested in having amendments drafted to include Section 5, changing "shall" to "may", and deleting the last two sentences of Section 1.

With committee members agreeing, the intern was asked to draft the amendment.

Job # 11501

Senator J. Lee opened committee work on HB 1116.

The amendment dated 3/24/09 was reviewed.

Senator Heckaman moved to accept the amendment dated 3/24/09.

Second by **Senator Marcellais**.

Roll call vote 5-0-1. (**Senator Dever**) Amendment adopted.

Senator Heckaman made a motion for a Do Pass as Amended.

Second by **Senator Marcellais**.

Roll call vote 5-0-1. (**Senator Dever**) Motion carried.

Carrier is **Senator Marcellais**.

Additional information – Attachment #5


3/25/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1116

Page 1, line 4, after the second comma insert "43-10-15,"

Page 1, line 10, replace "shall" with "may" and remove "The seminars"

Page 1, remove lines 11 and 12

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed one hundred dollars. The board may refuse to renew a license for cause."

Renumber accordingly

Date: 3/24/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1116

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 3-24-09

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations

☒ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever			Senator Jim Pomeroy	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

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

Date: 3/24/09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1116

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98062.0202 Title .0300

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Rerefer to Appropriations
☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever			Senator Jim Pomeroy	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Marcellais

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

REPORT OF STANDING COMMITTEE

HB 1116, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 4, after the second comma insert "43-10-15,"

Page 1, line 10, replace "shall" with "may" and remove "The seminars"

Page 1, remove lines 11 and 12

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed one hundred dollars. The board may refuse to renew a license for cause."

Renumber accordingly

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

HB 1116

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Conference Committee One HB 1116

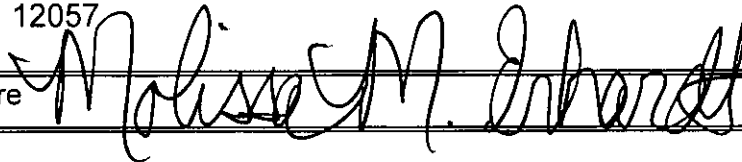
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 04/21/2009

Recorder Job Number: 12057

Committee Clerk Signature



Minutes:

CONFERENCE COMMITTEE ONE:

Chairman Nathe: We will open the Conference Committee hearing on HB 1116.

Clerk will call the roll.

Clerk Engleson: Roll Call. All present, except Senator Richard Marcellais.

Chairman Representative Mike Nathe. Representative Lisa Meier.

Representative Tom Conklin. Senator Judy Lee. Senator Robert Erbele.

Chairman Nathe: We will ask the Senate to explain the amendments.

Sen. Lee: One of the things was that we would have a license renewal at the end of year so that the bookkeeping was a little easier for the Director's.

Because it is not a full time job for that individual and we thought that seemed reasonable. That is what the one provision is. Then we discussed somewhat the difference between the board and the association and the fact that the board as you all know is the licensing entity and everybody is licensed by the board that is a funeral director. But the association is a trade association and you have the

option of belonging to that. I am familiar with it as I mentioned in the committee when you presented the bill because of having been in the real estate business for a long time the real estate commission licenses us and the ND Association of Realtors is the trade association and you may belong to it or you don't have too. But the potential for some collaboration to be there but they do need to be separate obviously because the board is the regulatory entity protecting the consumer. So we felt a little more comfortable in the Senate committee with permitting the board to conduct informational seminars but not being quite so specific about putting a wall between them. I know how positively it has worked and I know that it is not always true like the nurses association that doesn't have a very high percentage of nurses that belong to it and the Board of Nursing is the Registry and Licensing Board. But they have had some issues with their association as well and have had to do some rebuilding and some trust building and all of that. I think the potential for collaborating and providing educational opportunities whether it is used as informational seminars needs to be there because I have seen how well it can work and I would hope that in other fields it might work and we can do it better than we are doing it in my real job. We thought that it would be good if there was the opportunity to collaborate as they see fit as they go along and not have some statutes that prevented them from doing that.

Rep. Meier: Mr. Chairman as you are directly involved in the funeral business would you like to comment?

Chairman Nathe: My whole bone of contention with this from the beginning when they brought it to GVA was the informational seminars on Line 11 there. I was the one that brought the amendment up to create that wall and like you stated we had a very good discussion on that. I had no problem with changing the words from "shall" to "may" and putting in the amendment for the renewal license which made perfect sense. I have sense talked to the Board of Funeral Services and talked to the some of the board members and talked to the lawyer for the board. At least the lawyers understanding is that there is kind of a separation in there and they will adhere to it and they will abide by it. I am comfortable with their explanation and I guess I will take them at their word for it. If in the future they abuse it or go a little too far then as I told them I would talk about and cross that bridge when we get there. I am willing to work with them and give them a chance and take them at their word. I am comfortable with these amendments from the Senate.

Rep. Meier: I would move that the House recede to the Senate amendment and that we that we pass the bill.

Rep. Conklin: 2nd.

Chairman Nathe: Any discussion on this?

Sen. Lee: I appreciate your thinking of discussing it with the folks in the board office and they know that we will be watching and that we will want it to go well and we have an opportunity to keep an eye on things and in two years if something needs to be changed then we will.

Chairman Nathe: Clerk will call the roll.

Clerk Engleson: Roll Call: Yes: 5. No: 0. Absent: 1. Carrier: Chairman Rep. Mike Nathe.

Chairman Nathe: We will close the Conference Committee hearing on HB 1116.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1116 (as reengrossed)

Date: 4/21/09

Your Conference Committee JFA

Roll Call

For the Senate:

For the House:

		YES / NO				YES / NO		
☒	CHAIR SEN. JUDY LEE	☒		☒	CHAIR REP. MIKE NATHAN	☒		☒
☒	SEN. ROBERT E. EBBE	☒		☒	REP. LISA MEIER	☒		☒
☐	SEN. RICHARD MARCELLAIS			☒	REP. TOM CONKLIN	☒		☒

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1117 - _____

X, and place HB 1116 on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) HB 1116 was placed on the Seventh order of business on the calendar.

DATE: 4/21/09

CARRIER: CHAIRMAN REP. MIKE NATHAN

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: REP. LISA MEIER

SECONDED BY: REP. TOM CONKLIN

VOTE COUNT 5 YES 0 NO 1 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1116, as engrossed: Your conference committee (Sens. J. Lee, Erbele, Marcellais and Reps. Nathe, L. Meier, Conklin) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1117 and place HB 1116 on the Seventh order.

Engrossed HB 1116 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1116

HB 1116
House Government & Veterans Affairs Committee
Friday, February 6, 2009

Chairman Grande and members of the committee:

My name is Dale Niewoehner. I am the President and Executive Secretary of the North Dakota State Board of Funeral Service. Our Board worked very hard to draft the bill before you and I speak in favor of the bill.

Briefly, the bill does this for the Board and for the licensed funeral practitioners in the state of North Dakota:

In Section 1, it allows the Board to present or sponsor educational seminars to any and all license holders in the state of North Dakota. In the past, the Board has presented seminars and also sponsored seminars with other groups. We have been informed that this is not proper.

In Section 2, #6, it allows licensed practitioners from other states to assist North Dakota practitioners.

Section 3 clarifies that the license certificate for the funeral practitioner be displayed where the public can see it.

Section 4 clarifies that to obtain a license by reciprocity, that the jurisdiction from which the applicant comes had requirements at least as stringent as the requirements for licensure in North Dakota.

Section 5 clarifies that a license issued during the calendar year is valid until the end of the year issued. It also establishes that the Board may raise license fees not to exceed \$200. It does not raise the fee at this time, but would give a range in future years to come.

Section 6 clarifies that if a license is not renewed for a period of two years rather than three years and how the license will be restored.

Section 7 states the term and amount for funeral establishment renewals.

Section 8 eliminates confusing and unnecessary language. It does not eliminate the licensee's opportunity for a hearing. The law will continue to state the proceedings must be conducted in accordance with NDCC 28-32, which provides for a hearing before any action is taken.

And finally in Section 10, it decreases the amount of time that a funeral establishment will hold unclaimed cremated remains from 12 to six months. This is a liability issue to hold these items.

Thank you for the opportunity to speak to you about this bill. I would be happy to answer any questions you might have concerning the bill.

From: Anderson Funeral Home [mailto:afhrugbytowne@gondtc.com]
Sent: Tuesday, January 20, 2009 2:39 PM
To: Nathe, Mike R.
Subject: House Bill # 1116

Dear Mike:

In reading over the proposed bill, I find it interesting that the board is attempting again to establish continuing education for Funeral Directors. I do not oppose continuing education, however, it would be nice to see some set guidelines, and if the NDFDA is going to sponsor such, it should be open to non members of that organization. Also, being licensed in Minnesota and required to have continuing education, at least courses in allied fields are acceptable as long as they are approved by the State of Minnesota; i.e., nursing, insurance, psychology, etc.. With more and more North Dakota owner/operated firms becoming apparent, it is going to be hard for the one man shop to attend something in Fargo, so internet learning has to come into place.

Second, I think the renewal fee's being proposed are more than excessive. Are they trying to build a "war chest"? All these questions about ownership, names on the establishment permits...I think someone on the board just wants his or her signature on that certificate.

I would think a little more thought needs to go into this bill, so that it does not impose hardship on those trying to make a living and didn't inherit a living. Funny how some are "Legends in their own minds"

Sincerely yours,
Jon M. Stork
Anderson Funeral Homes, Inc.
Rugby, ND

From: Wes Burkart At Thompson-Larson [mailto:wburkart@srt.com]
Sent: Wednesday, January 21, 2009 12:36 PM
To: Nathe, Mike R.
Subject: Fw: house bill number 1116

----- Original Message -----

From: Wes Burkart At Thompson-Larson
To: mrnather@nd.gov
Sent: Tuesday, January 20, 2009 1:20 PM
Subject: house bill number 1116

Mr. Nathe I am writing you to tell you about my displeasure about house bill #1116. The funeral service fee would double, I do not know why this needs to be done. What would the doubling of the fee accomplish and how does it rate with the other licensing fees in the state? (nurses, etc.)

The other part of the bill opens up a large can of worms. Letting the Board of Funeral Service sponsor continuing education. There has to be some guidelines here. This can open up it to forcing continuing education on to a group with no guidelines. This could mean that three or four people can tell someone what they can or cannot have for continuing education without having guidelines in writing. This could open things up to special interest groups and popularity contests.

I am a practicing funeral director in the state of North Dakota and would think that this would hurt the profession and the state in general. It would give too much power to several people to decide what is continuing education and what isn't, if you have to join a group or not, if you can go online to receive credits or have to go in person to receive them. I am for continuing education, but this is just too broad of a bill to have on the books.

Thank you for your consideration and time.

Wes Burkart

Attachment
#2
Same given to
Senate.

From: Hertz Funeral Home [mailto:hertzfuneral@gondtc.com]
Sent: Wednesday, January 21, 2009 12:27 PM
To: Nathe, Mike R.
Subject: HB 1116

REP. Nathe:

In reviewing HB 1116 I have several concerns.

Section 1, line 11, page one. Sponsor Continuing Education. This is very ambiguous section with no plan, guidance or methodology spelled out.

On Section 2 Line 16 of page one, only "funeral practitioner" is used. On my 2009 license I am a Licensed Embalmer/Funeral Practitioner. It is important to note one without the other could result in interpretation problems. Such as in states with dual licenses.

I still think North Dakota Licensed Embalmer/Funeral Practitioner should be the correct terminology. North Dakota being specified there because the amendment pertains to other state licensees.

Licensure fee increases for Licensed Embalmers/Funeral Practitioners and Funeral Homes is a rather steep increase. I do not know how long it has been since the last increase but I do not think it has been long enough for an increase of this magnitude. My corporation pays for the licensure fees for the two licensed embalmers/Funeral Practitioners on staff and the two locations operated out of. The current fees equal \$400 per year total. An increase to \$800 per year is ridiculous especially accomplishing it in one year's time. Below are license fees for different North Dakota licensed entities.

Physicians (MD) pay \$155 per year on line and \$200 per year using paper method

Registered Nurses pay \$ 90 for two years or \$45/yr

LPN's pay \$ 80 for two years or \$ 40 per year

Police pay \$ 45 for three years or \$15 per year

Pharmacists pay \$ 200 per year

Optometrists pay \$ 175 per year

ND state board of Cosmetology manager/operator pay \$35 per year

The reinstatement of a lapsed license also seems to be almost like a penalty. If I read this section correctly the following example would be the case:

A North Dakota Licensee has allowed their license to lapse for five years. In order for the licensee to become licensed again it would require payment of the five years due (payment of all annual renewal fees due since the expiration, payment of the late fee.....) plus the current year license resulting in a \$1200 plus the late fee whatever that may be. Does the board of funeral service not want people back in the profession if they have been out for a time?

Researching other license fees not included above would be a good idea. Perhaps some lobbyist may have this information. Please let me know if you need me to do this.

HB 1323 and SB 2168 did not present any obvious objections or concerns on my part.

Nick J. Hertz

From: Dan Kassian [mailto:aakerfuneralhome@yahoo.com]
Sent: Wednesday, January 21, 2009 1:33 PM
To: Nathe, Mike R.
Subject: HB 1116 objections

I am writing to express my opposition to pending legislation known as House Bill # 1116. I oppose this for several reasons. This bill would increase licensure fees to licensed funeral directors and funeral establishments. I own 3 separate facilities, and this would be quite an increase. The consumer already feels that funerals cost too much, why do we need to burden them with this increased cost that is based solely on government bureaucracy? I also disagree with the subsection that requires mandatory continuing education. There are many opportunities for me to do this already. If I am required to do this when I don't have time, that would create a heavy burden for me and my business, as we are in very small towns that do not have substitute help readily available. How could I tend to my small town business then? I also oppose the clause that would allow for the reinstatement of lapsed licenses. The previous system worked quite nicely.

I would also like to mention that our firm is NOT a member of the North Dakota Funeral Directors Association. They stopped representing ND funeral homes long ago. There are a select few that govern on that board that do not consider the well being of their constituents on all funeral director related issues. This proposed legislation is just one example; they did not inform us of these proposed changes nor get our input. Please do not strictly listen to them as if they do speak for us all; they do not. Thank you

Sincerely,
Daniel Kassian
Licensed Funeral Director
Lakota, ND

From: Evans Funeral Home, Carrington [mailto:evansfuneralhome@daktel.com]
Sent: Wednesday, January 21, 2009 2:00 PM
To: Nathe, Mike R.; hfh@gondtc.com
Cc: dmniewoehner@gondtc.com
Subject: FH & embalmers lisc fees - continuing ed - renewal of lapsed lisc.

Mike – Dale,
For my 2 cents worth, I don't support Funeral Home/ embalmers lisc. rate increase, nor continuing education, nor renewal of lapsed lisc. increases.
In a time of reducing gov. and business sector bureaucracies, this is not the time for growing one.

Funeral service in ND is fairly well done, by the personal desires of the funeral home owners and directors – embalmers, I see no need or reason to promote anything that would add to the cost of doing business. As you well know these cost get passed to the consumers, and it is important to contain and reduce fixed costs if possible. True need changes will be taken care of by the foresight of staying complete, in the short term and in the long term by the very entity's that provide these services, namely the funeral homes and there personal.

Fred Sauby

Evans Funeral Home, Inc.
90 Poplar Ave. N.
Carrington, ND 58421
(701) 652-3003

-----Original Message-----

From: Nero Funeral Home [mailto:nerofh@utma.com]
Sent: Wednesday, January 21, 2009 5:13 PM
To: Nathe, Mike R.
Subject: House Bill 1116

Representative Nathe,

I am writing in concern to House Bill 1116. I am concerned with the vagueness of Section 1. Who is going to decide how many hours are required and how and where we are going to attain these hours. This seems like another ploy by the the State Board in conjunction with the ND Funeral Directors Association to increase membership to the Association and attendance to state convention. I feel if there is going to be a push for continuing education, all the facts need to disclosed.

I would also like to know if there is definite need to double all of the licensing fees. Are they running on a deficit? What has caused such an increase in expenses to warrant a 100% increase?

Sincerely,
Michael L. Nero
Nero Funeral Home
402 Sinclair St
Bottineau, ND 58318
701-228-2286

From: Brose Funeral Home [mailto:jeffbrose@srt.com]
Sent: Wednesday, January 21, 2009 9:41 PM
To: Nathe, Mike R.
Subject: HB 1116

January 21, 2009
RE: HB1116
Greetings Mike:

First, let me congratulate you on becoming a member of the North Dakota House of Representatives. There was a clip on KXMC last night which featured you discussing returning what is the taxpayer's to the taxpayer. I like to hear that.

Secondly, I read the text included in HB 1116. I think a 100% increase in the licensing fee, for both our embalmers license and funeral home license, is a bit excessive. What is the justification for this increase? I would urge you to vote no on this House Bill.

Thirdly, there is text in there regarding "sponsoring continuing education." Is this a precursor to mandatory continuing education? If it is, there are no continuing educations requirements listed. Where is the State Board going with this? If this is to allow the State Board to sponsor continuing education at the association meetings, would it be open to all, or just members of the association? Again, I would urge you to vote no on this House Bill until more information is presented to us out here in the field.

Thank you for your time, Mike, and best wishes to you in the legislature.

Sincerely,
Jeff Brose
Brose Funeral Home
P.O. Box 396
Mohall, ND

From: Langhans [mailto:langhans@rtc.coop]
Sent: Thursday, January 22, 2009 1:50 PM
To: Nathe, Mike R.
Subject: HB 1116

Hi Mike

We have a few concerns regarding HB 1116. The biggest concern is the license fee increase for both facilities and directors. We have a facilities in both Parshall and New Town; we both have our funeral director/embalmer licenses as well. For our small business, the 100% increase would mean paying \$800 each year in license fees to the state. What is the purpose? Where is the money going?

Another concern with this bill is wording for continuing education. If continuing education is required, where/when will it be offered? If passed and continuing education becomes mandatory, will the State Board of Funeral Service provide enough opportunity to gain credit for those that are not members of NDFDA?

We do not agree with this bill passing as it is written. You can contact us if you have any questions or wish to discuss it further.

Regards

Tina and Paul Langhans
Langhans Funeral Homes
701.862.3321 (w)

-----Original Message-----

From: Evans Funeral Home, New Rockford [mailto:evansfuneralhome@gondtc.com]
Sent: Friday, January 23, 2009 4:45 PM
To: Nathe, Mike R.
Subject: FW: HB 1116

Mike - thanks for serving in the legislature...and for being Republican!
Anyway - write me down as one not in favor of HB 1116, based on the inspection process clause. Please see my response to Dale below. I feel the State Board could continue to monitor the establishments with their own personnel. Yes, improvements to the inspection process could be done, but from within the State Board FS itself.

I am not comfortable with the concept of an "outsider" who doesn't understand funeral service having the authority to inspect "by the book". I do feel that it will only be a matter of time until the process would morph into a program where either the inspector is looking for violations in order to justify the position, or that fines would be assessed in order to protect public health (AND help fund the program!) No thanks.

Give away the authority to inspect to a higher level of government, and we will never get it back, even if the State Board feels that it's a good idea now.

Kent Braunberger

Evans Funeral Home, Inc.
108 - 8th St. N.
New Rockford, ND 58356
(701)947-2911

From: Ladbury Funeral Services [mailto:ladbury@goesp.com]
Sent: Tuesday, February 03, 2009 5:48 PM
To: Nathe, Mike R.
Subject: HB 1116

Mr. Nathe,
In regards to House Bill 1116. We have reviewd this and feel that it would not be in the best interest for this to be passed. The added fees, the continuing education and also the time period for holding on to cremated remains, these things need to looked at more closely. Jim Ladbury Ladbury Funeral Service, Dickinson

From: gary ladbury [mailto:gmladbury@hotmail.com]
Sent: Tuesday, February 03, 2009 2:06 PM
To: Nathe, Mike R.
Subject: HB1116

Dear Mike,
For what it is worth I would like to let you know that I am NOT in favor of H.B. 1116. Congrats on our election!!!! I look forward to seeing you in the future. Gary M. Ladbury

Proposed Amendments to House Bill 1116

Attachment
#1

Page 1, line 11, replace "Sponsor continuing education" with "The state board of funeral services shall arrange information seminars that cannot be used as continuing education credits. The seminars shall not be conducted in conjunction with any other organization."

Page 2, line 18, remove the overstrike from "~~for one year~~" and remove "until the end of the year issued"

Page 2, line 20, remove the overstrike from "~~one~~" and remove "two"

Page 3, line 1, remove "payment of all annual"

Page 3, line 2, remove "renewal fees due since the expiration,"

Page 3, line 12, remove the overstrike from "one" and remove "two"

Page 3, line 14, remove the overstrike from "~~one~~" and remove "two", and after "hundred" insert "twenty-five"

Page 4, line 13, remove the overstrike from "~~one~~" and remove "two"

Page 4, line 18, remove the overstrike from "~~twelve~~" and remove "six"

#1

HB 1116
Senate Human Services Committee
Monday, March 2, 2009

Chairman Lee and members of the Senate Humans Services Committee:

My name is Greg Everson. I am the Secretary of the North Dakota State Board of Funeral Service. Our Board worked very hard to draft a bill, which after being amended somewhat, is before you. I would like to explain our purpose in drafting the bill, entertain some changes to the amended form of the bill (Engrossed HB 1116), and ask that you pass those changes, as well as the amended sections that we are presently comfortable with.

Briefly, the bill does for the Board and for licensed funeral practitioners in North Dakota the following:

Section 1: Our goal for Section 1 was to allow the Board to present or sponsor educational seminars to any and all license holders in North Dakota. In the past, the Board had presented seminars and also sponsored seminars with other groups. We have been informed by our counsel that we didn't have the authority to do such. We were simply asking for the power to provide seminars.

However, due to House amendment(s), we ask that you strike Section 1 entirely from the bill, as we do not agree with the House amendment.

Section 2: Allows licensed practitioners from other states to assist North Dakota practitioners, but does not limit the situations or times at which they may do so.

Section 3: Clarifies that the license certificate for the funeral practitioner be displayed where the public can see it.

Section 4: Clarifies that to obtain a license by reciprocity, that the jurisdiction from which the applicant comes, has requirements for their respective license, that are at least as stringent as the requirements for licensure in North Dakota.

Section 5: Clarifies when and how an expired license may be renewed. In the original draft we also asked that a license be valid until the end of the year of issuance (for a licensee's initial or beginning license). This was to provide easier bookkeeping for our time-constrained board and reduce confusing language or procedures.

It also prescribes a late fee of \$150 will be paid to renew one's license.

Section 6: Limits the funeral home renewal fee to \$125.

Section 7: Eliminates confusing and unnecessary language.

If inspections revealed violations of any statutes or rules, all proceedings must be conducted in accordance with NDCC chapter 28-32. It does not eliminate the licensee's opportunity for a hearing. The law will continue to state the proceedings must be conducted in accordance with NDCC 28-32, which does provide for a hearing before any action is taken.

Thank you for the opportunity to speak to you about this bill. I would be happy to answer any questions you might have concerning the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1116

Page 1, line 4, after the second comma insert "43-10-15,"

Page 1, line 10, replace "shall" with "may" and replace "The seminars" with "The board may not conduct a seminar in conjunction with or as part of an event conducted by a North Dakota professional organization for funeral service professionals."

Page 1, remove lines 11 and 12

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed one hundred dollars. The board may refuse to renew a license for cause."

Renumber accordingly

HB 1116

#4

NORTH DAKOTA STATE BOARD OF FUNERAL SERVICE #2

MERCHANTS BANK - RUGBY - CHECKING ACCOUNT 308-259

Beginning Balance 1 July 2007:

\$16,092.65

Expenses:

3-Jul-07	1137 Pierce Co. Tribune	Supplies	\$17.50
5-Jul-07	1138 Dale G. Niewoehner	Salary	\$1,000.00
17-Jul-07	1139 ND Attorney General	Services	\$37.56
17-Jul-07	1140 ND Workforce	Insurance	\$250.00
21-Jul-07	1141 ND Tele Co.	Calling Card	\$17.67
1-Aug-07	1142 Gaffaney's of Minot	Filing Cabinet	\$501.00
1-Aug-07	1143 Dale G. Niewoehner	Salary	\$1,000.00
7-Aug-07	1144 Pierce Co. Tribune	Supplies	\$128.95
23-Aug-07	1145 ND Tele Co.	Calling Card	\$4.38
31-Aug-07	1146 Pierce Co. Tribune	Copies for 3-4 mon.	\$82.80
5-Sep-07	1147 Dale G. Niewoehner	Salary and Voucher	\$1,229.09
5-Sep-07	1148 Gaffaney's of Minot	Balance of Cabinet	\$348.99
5-Sep-07	1149 Postmaster	Postage Stamps	\$82.00
13-Sep-07	1150 Risk Management	Liability Ins for Board	\$779.50
17-Sep-07	1151 ND Attorney General	Services	\$150.35
18-Sep-07	1152 Rugby Insurance Ag	Surety Bond	\$100.00
22-Sep-07	1153 ND Tele Co.	Calling Card	\$14.05
5-Oct-07	1154 Dale G. Niewoehner	Salary	\$1,000.00
9-Oct-07	1155 ICFSEB	Dues	\$250.00
16-Oct-07	1156 Mark A. Krogstad	Labels for Dues	\$50.00
16-Oct-07	1157 Pamida	Printer Ink	\$21.99
18-Oct-07	1158 Postmaster	Stamps	\$129.56
24-Oct-07	1159 ND Tele Co.	Calling Card	\$24.13
24-Oct-07	1160 Risk Management	Workers Comp Prem	\$107.50
2-Nov-07	1161 Pierce Co. Tribune	Printing Cards	\$196.20
7-Nov-07	1162 Dale G. Niewoehner	Salary and Voucher	\$1,057.60
13-Nov-07	1163 ND Attorney General	Services	\$116.18
23-Nov-07	1164 ND Tele Co.	Calling Card	\$11.59
13-Dec-07	1165 Dale G. Niewoehner	Salary	\$1,000.00
17-Dec-07	1166 ND Attorney General	Services	\$123.01
22-Dec-07	1167 ND Tele Co.	Calling Card	\$2.35
31-Dec-07	1168 Postmaster	Stamps	\$82.00
12-Jan-08	1169 ND Attorney General	Services	\$123.01
12-Jan-08	1170 Dale G. Niewoehner	Salary and Voucher	\$1,012.78
18-Jan-08	1171 U Stamp It Printing	Embossing Seal	\$20.00
25-Jan-08	1172 ND Tele Co.	Calling Card	\$14.16
2-Feb-08	1173 Rugby Data	Printer Ink	\$12.72
5-Feb-08	1174 Postmaster	Registered Letter	\$4.80
13-Feb-08	1175 Dale G. Niewoehner	Salary	\$1,000.00
14-Feb-08	1176 ND Attorney General	Services	\$123.01
23-Feb-08	1177 ND Tele Co.	Calling Card	\$8.69
10-Mar-08	1178 Dale G. Niewoehner	Salary	\$1,000.00
22-Mar-08	1179 ND Tele Co.	Calling Card	\$10.68
2-Apr-08	1180 Pierce Co. Tribune	Copies and Supplies	\$64.50

9-Apr-08	1181 Ramada Plaza Suites	Hotel Rooms	\$508.45
12-Apr-08	1182 Postmaster	Post Office Box Rent	\$40.00
12-Apr-08	1183 ND Attorney General	Services	\$20.50
16-Apr-08	1184 Dale G. Niewoehner	Salary and Voucher	\$1,173.00
16-Apr-08	1185 Greg B. Everson	Voucher	\$381.60
16-Apr-08	1186 Gary R. Carlson	Voucher	\$45.00
21-Apr-08	1187 Postmaster	Stamps	\$41.00
22-Apr-08	1188 Merchants Bank	CD Purchase	\$20,000.00
24-Apr-08	1189 ND Tele Co.	Calling Card	\$6.99
6-May-08	1190 Pierce Co. Tribune	Certificates	\$3.00
6-May-08	1191 Dale G. Niewoehner	Salary and Postage	\$1,011.82
12-May-08	1192 Information Tech. Dept.	Website Labor	\$554.40
14-May-08	1193 ND Attorney General	Services	\$307.53
22-May-08	1194 ND Tele Co.	Calling Card	\$9.43
9-Jun-08	1196 Information Tech. Dept.	Website Labor	\$390.60
9-Jun-08	1197 Dale G. Niewoehner	Salary	\$1,000.00
14-Jun-08	1198 ND Workforce	Premium	\$250.00
21-Jun-08	1199 ND Attorney General	Services	\$41.00
23-Jun-08	1200 ND Tele Co.	Calling Card	\$6.60
24-Jun-08	1201 Merchants Bank	Box Rent	\$10.00
3-Jul-08	1202 Dale G. Niewoehner	Salary	\$1,000.00
9-Jul-08	1203 Information Tech. Dept.	Website Labor	\$63.00
29-Jul-08	1204 Risk Management	Liability Ins for Board	\$779.50
29-Jul-08	1205 Emil R. Schoenfish	Audit Expenses	\$2,800.00
29-Jul-08	1206 ND Attorney General	Services	\$88.84
29-Jul-08	1207 ND Tele Co.	Calling Card	\$29.20
5-Aug-08	1208 Pamida	Printer Ink	\$24.37
5-Aug-08	1209 Pierce Co. Tribune	Advertisement	\$11.78
5-Aug-08	1210 Dale G. Niewoehner	Salary and Postage	\$1,009.17
9-Aug-08	1211 Country Peddler	Advertisement	\$9.50
16-Aug-08	1212 ND Attorney General	Services	\$136.68
22-Aug-08	1213 ND Tele Co.	Calling Card	\$6.80
25-Aug-08	1214 Kelly Inn	Hotel Rooms	\$70.00
27-Aug-08	1215 Gary R. Carlson	Voucher	\$250.00
28-Aug-08	1216 Greg B. Everson	Voucher	\$285.00
2-Sep-08	1217 Pierce Co. Tribune	Printing Envelopes	\$56.69
3-Sep-08	1218 Postmaster	Certified Letter Fee	\$4.90
5-Sep-08	1219 Dale G. Niewoehner	Salary and Voucher	\$1,160.00
10-Sep-08	1220 Staples	Office Supplies	\$94.98
12-Sep-08	1221 ND Attorney General	Services	\$293.87
17-Sep-08	1222 Rugby Insurance Ag	Surety Bond	\$100.00
24-Sep-08	1223 ND Tele Co.	Calling Card	\$25.38
3-Oct-08	1224 ICFSEB	Dues	\$250.00
4-Oct-08	1225 Gary R. Carlson	Voucher	\$40.50
7-Oct-08	1226 Pierce Co. Tribune	Printing	\$30.45
10-Oct-08	1227 ND Attorney General	Services	\$669.73
10-Oct-08	1228 Dale G. Niewoehner	Salary	\$1,000.00
23-Oct-08	1229 ND Tele Co.	Calling Card	\$2.35
23-Oct-08	1230 Postmaster	Stamps	\$176.73
1-Nov-08	1231 Risk Management	Liability Ins for Board	\$215.00
4-Nov-08	1232 Pierce Co. Tribune	Printing	\$216.72

4-Nov-08	1233 Mark A. Krogstad	Labels for Renewals	\$50.00
4-Nov-08	1234 Dale G. Niewoehner	Salary	\$1,000.00
5-Nov-08	1235 Thompson-Larson FH	Refund	\$50.00
6-Nov-08	1236 Frank Funeral Home	Refund	\$100.00
14-Nov-08	1237 ND Attorney General	Services	\$75.17
22-Nov-08	1238 ND Tele Co.	Calling Card	\$38.26
1-Dec-08	1239 Pierce Co. Tribune	Printing	\$81.20
1-Dec-08	1240 Dale G. Niewoehner	Salary	\$1,000.00
11-Dec-08	1241 Steven R. Oliver	Refund	\$50.00
11-Dec-08	1242 ND Attorney General	Services	\$293.86
18-Dec-08	1243 Askew Funeral Home	Refund	\$200.00
22-Dec-08	1244 ND Tele Co.	Calling Card	\$10.81
24-Dec-08	1245 Bismarck Funeral Home	Refund	\$150.00
26-Dec-08	1246 HansonRunsvold Fun.	Refund	\$300.00
29-Dec-08	1247 Postmaster	Stamps	\$42.00
1-Jan-09	1248 Pierce Co. Tribune	Printing	\$56.25
2-Jan-09	1249 Haut Funeral Home	Refund	\$50.00
8-Jan-09	NSF Check William Cronin		\$100.00
17-Jan-09	1250 Dale G. Niewoehner	Salary	\$1,000.00
17-Jan-09	1251 ND Attorney General	Services	\$307.53
22-Jan-09	1252 ND Tele Co.	Calling Card	\$5.30
5-Feb-09	1253 Kelly Inn	Hotel Room	\$70.00
7-Feb-09	1254 Gary R. Carlson	Voucher	\$242.50
7-Feb-09	1255 Dale G. Niewoehner	Salary & Voucher	\$1,152.50
12-Feb-09	1256 ND Attorney General	Services	\$389.53
23-Feb-09	1257 ND Tele Co.	Calling Card	\$15.73
24-Feb-09	1258 Postmaster	Stamps	\$78.96

TOTAL EXPENSES:

\$56,921.96

Income:

Deposits:

	23-Aug-07	\$100.00
	5-Sep-07	\$25.00
	14-Sep-07	\$100.00
	7-Nov-07	\$4,400.00
	14-Nov-07	\$4,950.00
	14-Nov-07	\$2,800.00
	20-Nov-07	\$4,750.00
	26-Nov-07	\$3,850.00
	30-Nov-07	\$1,400.00
Accd Int	30-Nov-07	\$454.28
	11-Dec-07	\$6,400.00
	21-Dec-07	\$3,850.00
	29-Dec-07	\$3,100.00
	31-Dec-07	\$1,200.00
	11-Jan-08	\$1,010.00
	25-Jan-08	\$1,000.00
	31-Jan-08	\$600.00
	4-Feb-08	\$500.00
	14-Feb-08	\$100.00
	25-Feb-08	\$250.00

4-Apr-08	\$100.00
8-May-08	\$250.00
9-Jun-08	\$250.00
28-Jun-08	\$100.00
29-Jul-08	\$100.00
5-Sep-08	\$175.00
22-Sep-08	\$50.00
7-Oct-08	\$200.00
8-Nov-08	\$5,850.00
8-Nov-08	\$1,800.00
14-Nov-08	\$4,500.00
22-Nov-08	\$5,700.00
4-Dec-08	\$5,100.00
13-Dec-08	\$5,300.00
24-Dec-08	\$6,850.00
31-Dec-08	\$3,150.00
15-Jan-09	\$1,400.00
31-Jan-09	\$1,210.00
11-Feb-09	\$600.00

TOTAL INCOME: \$83,524.28

ENDING BALANCE:

As of 1 March 2009

\$42,694.97

[Beginning Balance + Total Deposits]

Other Assets:

Bremer Bank CD# 550897 \$ 74,844.94 Earning: 2.9 % Due: 6 June 2009
 Merchants Bank CD# 1337 \$ 50,213.08 Earning: 2.6% Due: 7 October 2009
 Ramsey Bank Money Market #24403735 Earning: 4.64% \$ 94,201.26
 Merchants Bank CD# 1173 \$ 20,000.00 Earning 2.25% Due: 22 April 2009
 (\$239,259.28)

Lee, Judy E.

#5

From: dmnewoehner [dmnewoehner@gondtc.com]
Sent: Tuesday, March 03, 2009 10:19 AM
To: Lee, Judy E.
Cc: Peterson, Bill G.; Dwelle, Terry L.; Bullinger, Kenan L.; Greg B. Everson; Gary R. Carlson
Subject: Funeral Board Re: 1116

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Senator Lee:

I am sorry that I was not able to appear and testify at the hearing for HB1116 yesterday morning. I trust that Greg Everson was able to present the Board's view on the bill.

I have been made aware of your comments about continuing education. I would like to give you the short history of this matter. Many years ago it was finally inserted in the NDCC, but will take an NDAC to implement this requirement. Several years ago the Board attempted to do this, but sadly they did not have their homework done and it was "killed".

In the past and distant past the Board itself has presented seminars on their own and have contributed to the North Dakota Funeral Directors Association for seminars at their convention. These were OPEN TO ALL LICENSEES regardless if they were members of the Association or not. Our attorney told us 2-3 years ago that we could not do this. So the Board stopped with this contribution.

In the past years (2006) since I have been on the Board, I have found the Board has many areas of need and work. One is the matter of inspections.

In reviewing this with ourselves, the Health Department (who will hopefully do these inspections when it gets organized)(the Board should not do them since we are the "judge" and not the "policeman") and our attorney, we found that there were many things in the NDCC and the NDAC that needed attention. So the Board spent many hours at home and at a very long meeting in Bismarck to review these and to draft this bill.

We wanted to be able to present seminars on our own or to be able to legally contribute to other organizations that might have meetings that would feature seminars. However, there is a group of mostly non- association members (and we are very firm about the separation of the two groups) have strong feelings about continuing education. When his bill got to the House and Rep. Nathe made changes to the bill, the Board could no longer support these changes. We would be very happy to be able to sponsor on our own and others but the restrictions about NOT used for CEU credits or MAY NOT be used in conjunction with other groups is something the Board did not want at

all. For those reasons we asked that Section 1 be deleted from the bill.

Section 5: I hope that the line regarding the expiration of licenses will be for the calendar year will hold in the bill. I am also the Exec Sec and have a busy to run and being the Mayor of Rugby too I do not have the time to monitor when licenses come due, except at the end of the year.

Fees: Originally we felt that if we had the power to raise IN THE FUTURE we could, but have absolutely no plans of raising the fees at this time.

One last point, I have talked to a few people about our Board. We are appointed by the Governor to serve a 4 year term. We receive absolutely no training at all. We are grass-roots practitioners and suddenly we are the "experts". I feel strongly that there should be some sort of orientation for this and many other boards.

In closing, I feel strongly about continuing education and I get it every year for two boards that require it. In the future the Board may work

toward implementing it again, but have a better plan this time.

I am sorry this got so long, but I wanted to give you a little history.

Thank you for listening and thank you for your service to the State of North Dakota.

Dale G. Niewoehner, President

North Dakota State Board of Funeral Service www.nd.gov/funeral