



# Legislative Background Brief

for the  
Economic Affairs Interim Committee

revised January 2014

## Board of Funeral Service

*Prepared by Pat Murdo, Legislative Research Analyst*

**Board** = 6 members appointed by the Governor with the consent of the Senate. Three must be licensed morticians. One is a public member not engaged in mortuary science or funeral directing. One is a licensed crematory operator or technician or mortician engaged in a crematory operation. One must be a representative of a cemetery company governed by Title 37, chapter 19, part 8. Terms are staggered, for 5 years.

<p><b>Licensed Morticians</b>          Steve Schnider, Great Falls (7/1/2018)          R.J. Brown, Lewistown (7/1/2014)          Todd Stevenson, Miles City (7/1/2017)</p>	<p><b>Cemetery Representative</b>          James Axelson, Butte (7/1/2017)  <b>Crematory Operator</b>          Thomas Meeks, Great Falls (7/1/2015)</p>
<p><b>Public Member</b>          John Tarr, Helena (7/1/2017)</p>	

### Number of Active Licensees and Licensing Fees (active renewal in parentheses)

	FY 2011 Licensees Total = 446		Revised 4/12
	FY 2010 Licensees	Licensees as of January '14	Application fees
Morticians	189	170, of which 26 out of state	\$375 (\$300)
Crematory Operators	73	91, of which 2 out of state	\$375 (\$150)
Crematory Technicians	37	28, all in-state	\$300 (\$150)
Mortuaries	79	70	\$375 (\$450)
Branch Facilities	14	15	\$375 (\$75)
Privately Owned Cemeteries	9	10	\$1,250 (\$1500/5 yrs)
Crematoria	31	34	\$375 (\$450)

### Revenues and Expenditures FY2009-FY2012 and Budget for FY 2014-2015

	Revenues	Expenditures
FY 2009	\$89,985	\$91,979
FY 2010	\$89,128	\$93,713
FY 2011	\$101,946	\$118,453
FY 2012	\$129,017	\$155,203
FY 2014-15 Budget in HB 2: \$315,382		

Expenditures, FY 2012 Total: \$155,203	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem (Direct = \$34,322 in FY 2010, Indirect \$4,700, Div IT/Bur. \$2,949)	\$48,433	\$7,326	\$4,025 / \$2,395
Operating Expenses			
Consulting, Printing, IT, Other (FY 2010: \$17,521 Dir, \$1,145 Ind)	\$20,765		\$1,419
Supplies, incl. Computer (FY 2010: \$1,606 Dir, \$761 Ind)	\$937.94		\$759
Postage, mailing, IT network, voice services (FY 2010: \$806 Dir, \$1,186 Ind)	\$1,244		\$1,045
Travel for Board Members (FY 2010 \$4,868 Direct)	\$5,793		--
Rent and other expenses* (FY 2010: \$2,248 Dir, \$5,878 Ind.)	\$4,747		\$4,822
Legal and hearings (FY 2010: \$15,723)	\$44,760		--

\*Includes computer and office equipment repair of \$115, dues, education & training, and fee collection expense of \$4,631 for direct expenses and rent of \$556, DLI OIT expense of \$3,200, and indirect agency of \$4,618 for indirect expenses.

**Number of Complaints**

FY 09 ..... 4  
  
FY 10 ..... 6  
FY 11 ..... 22  
FY 12 ..... 81  
FY 13 ..... 29

**Disciplinary Action** (may be from other years)

FY 09 ..... 2 dismissed, 1 other sanction  
18 investigations  
  
FY 12 ..... 7 investigations  
FT 13 ..... 2 investigations

**Scope of Practice**

**Morticians** - Supervise funerals, make preneed or at-need contractual arrangements for funerals, prepare dead bodies for burial other than by embalming, maintain a mortuary for preparation, disposition, or care of dead human bodies, and embalm, which includes obtaining burial or removal permits as well as disinfecting and preserving or attempting to preserve dead human bodies by the use of chemical substances, fluids, or gases intended for those purposes.

**Intern** - A person who meets the educational and testing requirements and engages in the practice of mortuary science under the supervision of a licensed mortician.

**2011 Legislation Impacting Board or Profession**

- HB 94, sponsored by Rep. Arntzen at the request of the Department of Labor and Industry, generally revises reciprocity and other board functions. (Became law)

**Summary of responses from survey through Jan. 15, 2014 (all by 10/3/2011):**

*3 Responses from Board of Funeral Service licensees*

*All 3 were dissatisfied with the Board's actions and indicated the board protected morticians more than crematory operators. None felt the board was necessary.*