

Dear Senators PATRICK, Guthrie, Ward-Engelking, and
Representatives BARBIERI, Clow, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - State Board of Morticians:

IDAPA 24.08.01 - Rules of the State Board of Morticians (Fee Rule) - Proposed Rule (Docket No.
24-0801-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/07/2017. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/07/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Senior Legislative Research Analyst - Kristin Ford

DATE: October 19, 2017

SUBJECT: Bureau of Occupational Licenses - State Board of Morticians

IDAPA 24.08.01 - Rules of the State Board of Morticians (Fee Rule) - Proposed Rule (Docket No. 24-0801-1701)

The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules of the State Board of Morticians. The proposed rule implements 2017 HB 120 (now Idaho Code 54-1110), authorizing inactive license status for morticians and funeral directors. It provides the process, requirements and fee to place a mortician or funeral director's license on inactive status, and how to return to active license status. The Bureau states that negotiated rulemaking was not conducted because the proposed changes were discussed at noticed, open meetings of the Board. The proposed rule appears to be within the Board's statutory authority pursuant to sections 54-1107(G) and 54-1110, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Morticians
Tana Cory

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-1701 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1106 and 54-1110, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2017 Legislature passed House Bill 120 that created inactive licenses for morticians and funeral directors. The bill directed the Board to specify in rule the terms, procedures, and fees necessary to maintain an inactive license. That is what this proposed fee rule does.

FEE SUMMARY: Rule 380 sets the terms under which a mortician or a funeral director may request inactive status, and specifies the steps required for an inactive license holder to return to active status. Rule 500 establishes an inactive license and renewal fee of \$40.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dicsie Gullick at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 1st day of September, 2017.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State St.
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0801-1701
(Only Those Sections With Amendments Are Shown.)

351. -- ~~397~~9. (RESERVED)

380. INACTIVE LICENSE.

01. Request for Inactive License. Persons holding an unrestricted mortician or funeral director license in this state may apply for inactive status by making written application to the Board on a form prescribed by the Board and paying the established fee. ()

02. Inactive License Status. ()

a. Inactive license renewal notices and licenses will be marked "inactive". ()

b. Inactive license holders may not practice in Idaho while on inactive status. ()

c. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. ()

03. Return to Active License Status. An inactive license holder may convert from inactive to active license status by: ()

a. Making written application to the Board on a form prescribed by the Board; ()

b. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and ()

c. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. ()

381. -- 399. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

500. FEES (RULE 500).

01. Funeral Director. Funeral director – eighty-five dollars (\$85) (original license/annual renewal). ~~(3-13-02)~~()

02. Funeral Establishment. Funeral establishment – one hundred twenty-five dollars (\$125) (original license/annual renewal). (3-13-02)

03. Crematory Establishment. Crematory establishment – two hundred dollars (\$200) (original license/annual renewal). (3-16-04)

04. Mortician. Mortician – eighty-five dollars (\$85) (original license/annual renewal). (3-13-02)

05. Inactive License. Inactive license – forty dollars (\$40) (original license/annual renewal). ()

~~05~~6. Resident Trainee. Resident trainee – fifty dollars (\$50) (original license/annual renewal). (4-11-06)

- 067.** **Application Fee.** Application fee - one hundred dollars (\$100). (3-13-02)
- 078.** **Certificate of Authority.** Certificate of Authority - fifty dollars (\$50) (original certificate/annual renewal). (3-13-02)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Bureau of Occupational Licenses

Agency Contact: Dicsie Gullick **Phone:** 208 334-3233

Date: September 1, 2017

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 24.08.01 – Rules of the State Board of Morticians

Fee Rule Status: X **Proposed** **Temporary**

Rulemaking Docket Number: 24-0801-1701

STATEMENT OF ECONOMIC IMPACT:

This fee rule will have no impact on either the general fund or the Idaho Bureau of Occupational Licenses' dedicated fund. It is anticipated that the inactive license fee will offset the cost of administering the inactive license.