

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

\* \* \* \* \*

House Bill 661

\* \* \* \* \*

House Professional Licensure Committee

1863 Inn of Gettysburg  
Gettysburg, Pennsylvania

Friday, October 30, 2009 - 10:00 a.m.

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BEFORE:

Honorable Michael P. McGeehan, Majority Chairman  
Honorable Marc Gergely  
Honorable Nick Kotik  
Honorable Cherelle Parker  
Honorable Harry Readshaw  
Honorable Timothy Solobay  
Honorable William F. Adolph, Jr., Minority Chairman  
Honorable Keith Gillespie  
Honorable Susan Helm  
Honorable Richard Stevenson

KEY REPORTERS  
1300 Garrison Drive, York, PA 17404  
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1     ALSO PRESENT:

2

Marlene Tremmel, Esquire  
3       Majority Executive Director

4

Dianne Nicholas, Esquire  
5       Majority Legal Counsel

6

Kristin Miller  
7       Majority Legislative Assistant

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Wayne Crawford  
9       Minority Executive Director

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1 MAJORITY CHAIRMAN MCGEEHAN: I want  
2 to call this meeting of the House Professional  
3 Licensure to order. Today's business is  
4 centered around House Bill 661, it's by  
5 Representative Curt Sonney.

6 I believe, Chairman Adolph, you have  
7 some comments to submit for the record from  
8 Representative Sonney.

9 REPRESENTATIVE ADOLPH: Thank you,  
10 Mr. Chairman.

11 Representative Sonney has just a  
12 short statement that he'd like me to read into  
13 the record.

14 "I'd like to thank Chairman McGeehan  
15 and the Professional Licensure Committee for  
16 holding the hearing on House Bill 661," which  
17 he introduced this past session. This  
18 originated from one of his constituents who had  
19 been dating a widow of a funeral home director  
20 for several years, and I believe he told me  
21 that the widow was 65 years old. Her friend  
22 was 75 years old. Obviously, she did not want  
23 to sell the funeral home. She would have been  
24 forced to sell the funeral home if she would  
25 have married this young gentleman.

1 Unfortunately, that could not happen because  
2 she needed the finances to continue. She  
3 really appreciates Chairman McGeehan for  
4 holding this meeting and, hopefully, the  
5 committee will see fit to move the legislation.  
6 Thank you very much.

7 MAJORITY CHAIRMAN MCGEEHAN: Thank  
8 you, Mr. Chairman. I want to just depart from  
9 the agenda and thank the members of the  
10 Pennsylvania Cemetery, Cremation and Funeral  
11 Association for their hospitality last evening.  
12 It's important for us to get to know not only  
13 the issues involved in your industry, but you  
14 personally. I certainly was provided a greater  
15 insight into the issues and concerns that your  
16 association has raised before the committee.  
17 On behalf of the committee we want to thank.

18 Also congratulations are in order to  
19 our stenographer who learned last night that  
20 she's going to be a grandmother for the first  
21 time. Congratulations, grandma.

22 Many of the members will be coming  
23 and going. I know there are pressing matters  
24 back in the district, so we want to expedite  
25 this hearing. If you feel that you can submit

1 your remarks but speak extemporaneously, that  
2 would be appreciated.

3 Our first panel is from the  
4 Pennsylvania Cemetery, Cremation and Funeral  
5 Association. Let me correct myself again,  
6 Chairman Adolph, and ask the members to  
7 introduce themselves beginning with  
8 Representative Kotik on my left.

9 REPRESENTATIVE KOTIK: Representative  
10 Kotik, 45th Legislative District, Allegheny  
11 County.

12 REPRESENTATIVE STEVENSON: Dick  
13 Stevenson, the 8th District, Mercer and Butler  
14 counties.

15 REPRESENTATIVE GILLESPIE: Good  
16 morning, everybody. Keith Gillespie, 47th  
17 District, the eastern part of York County.

18 MR. CRAWFORD: Wane Crawford,  
19 committee staff.

20 REPRESENTATIVE ADOLPH: Bill Adolph,  
21 165th District, Delaware County.

22 MAJORITY CHAIRMAN MCGEEHAN: Mike  
23 McGeehan from Philadelphia.

24 MS. TREMMEL: Marlene Tremmel,  
25 Executive Director.

1                   REPRESENTATIVE HELM: Sue Helm,  
2           Dauphin County, 140th District.

3                   REPRESENTATIVE READSHAW: Harry  
4           Readshaw, Allegheny County, 36th District.

5                   REPRESENTATIVE SOLOBAY: Tim Solobay,  
6           Washington County, 48th District.

7                   REPRESENTATIVE PARKER: Cherelle  
8           Parker, Philadelphia, 200th Legislative  
9           District.

10                   MAJORITY CHAIRMAN MCGEEHAN: Thank  
11           you, members, for attending. As I said there's  
12           a panel from the Pennsylvania Cemetery,  
13           Cremation and Funeral Association made up of  
14           Ernie Heffner and Dave Heisterkamp. Dave.

15                   MR. HEFFNER: Good morning.

16                   MR. HEISTERKAMP: Good morning.

17                   MAJORITY CHAIRMAN MCGEEHAN: Thank  
18           you for attending again. We look forward to  
19           your comments.

20                   MR. HEISTERKAMP: Again, on behalf of  
21           PCCFA, we appreciate the opportunity to address  
22           the committee. I'm going to defer, once again,  
23           to Ernie Heffner for comments.

24                   MR. HEFFNER: Chairman McGeehan,  
25           Chairman Adolph, members of the committee,

1 thank you for this opportunity. On behalf of  
2 the Pennsylvania Cemetery, Cremation and  
3 Funeral Association, it's my privilege to  
4 advise the committee that the association has  
5 no objection to House Bill 661. In fact, House  
6 Bill 661 brings to light just one of the  
7 archaic issues in the current Funeral Director  
8 Law which was acted in 1952.

9 In 1994, the Legislative Budget and  
10 Finance Committee Report identified  
11 inadequacies and injustices of the Funeral  
12 Director Law, in including the very issue House  
13 Bill 661 seeks to address and correct. You can  
14 find that in Volume 1, pages 157 to 165, and  
15 you can get the report on-line and I put the  
16 web's address in for that.

17 The recommendations for a  
18 comprehensive overhaul of the statute were  
19 endorsed by the Funeral Board members at that  
20 time. I encourage you to read the report,  
21 lengthy as it is.

22 In 2002, House Bill 2872 was  
23 introduced to address the issues identified by  
24 the Legislative Budget and Finance Committee.  
25 House Bill 2872 was comprehensive legislation,

1 but was met with strong opposition from certain  
2 licensees who seemed to have attained  
3 regulatory capture of the Funeral Board, a  
4 controlled factor that was actually pointed out  
5 in the 1994 report. Ultimately, there was no  
6 legislative progress.

7 In 2004, as a result of the Funeral  
8 Board's attempt to deny consumers the right to  
9 choose irrevocable pre-planning agreements, a  
10 licensee sought relief in Commonwealth Court.  
11 Ultimately, Commonwealth Court in an en banc  
12 decision known as Bean versus Department of  
13 State, State Board of Funeral Directors, found  
14 against the Funeral Board and in favor of the  
15 licensee.

16 In 2005, in an unrelated matter, four  
17 different plaintiffs sought relief from the  
18 Funeral Board's efforts to violate the  
19 commercial-free speech rights of licensees,  
20 rights that are protected by the U.S.  
21 Constitution. The Federal Court found in favor  
22 of the plaintiffs and the Commonwealth  
23 reimbursed \$55,000 in legal fees.

24 In 2008, as the result of a complaint  
25 file in 2003 in Common Pleas Court by another

1 licensee alleging defamation and contractual  
2 interference by parties that included a member  
3 of the Funeral Board, the Commonwealth  
4 ultimately paid \$150,000 to have the Funeral  
5 Board member excused from the civil matter.

6           The Commonwealth also incurred over  
7 \$70,000 in legal expense in this matter when it  
8 engaged an outside law firm for an appeal which  
9 failed, the net result of which was an adverse  
10 impact to all of the licensing boards under the  
11 Bureau of Professional and Occupational Affairs  
12 as the final ruling, which was upheld by the  
13 Pennsylvania Supreme Court, allowed for the  
14 depositions of investigators and prosecutors in  
15 civil matters. That really is a huge impact to  
16 the BPOA.

17           In 2008, another complaint by more  
18 than 30 plaintiffs was filed in Federal Court,  
19 and again, against the members of the Funeral  
20 Board, and again, for violating the U.S.  
21 Constitution. This most recent complaint  
22 includes more than 100 pages, exclusive of  
23 exhibits, supporting the 14 counts, and seeks  
24 to address all the issues that were buried  
25 subsequent to the 1994 Legislative Budget and

1 Finance Committee Report. In fact, the  
2 ownership restriction of House Bill 661 seeks  
3 to address is part of one of the 14 counts  
4 currently addressed in the federal complaint.

5 House Bill 661 is an appropriate step  
6 towards the elimination of just one of the  
7 importunate realities of the archaic Funeral  
8 Director Law, a law which has resulted in  
9 vacillating interpretations by the Funeral  
10 Board, and subsequent litigation due to  
11 inadequacies and inconsistencies and U.S.  
12 Constitutional violations in the current  
13 Funeral Director Law, all of which, along with  
14 recommended changes, are fully addressed and  
15 described in that 1994 Legislative Budget and  
16 Finance Committee Report.

17 I'll be happy to answer any questions  
18 you may have. I respectfully submit my  
19 comments. Thank you.

20 MAJORITY CHAIRMAN McGEEHAN: Thank  
21 you very much, Mr. Heffner. When was the last  
22 time the Funeral Director Law was opened? Do  
23 you recall?

24 MR. HEFFNER: I think there were  
25 amendments -- or some revisions made, but I do

1 not recall the last time anything significant  
2 was done.

3 MAJORITY CHAIRMAN McGEEHAN: When was  
4 the last substantive change?

5 MR. HEFFNER: The law went in in  
6 1952, and I would say there have been no  
7 substantive changes since then.

8 MAJORITY CHAIRMAN McGEEHAN: Thank  
9 you. Chairman Adolph.

10 MINORITY CHAIRMAN ADOLPH: I'm going  
11 to ask this question for the next panel as  
12 well. I was talking to the prime sponsor of  
13 the legislation, Representative Sonney. He  
14 gave us an example, an older couple that wanted  
15 to get married but they were unable to get  
16 married because the widow of a funeral director  
17 was unable to financially afford to sell the  
18 funeral home. But I was going through that,  
19 but --

20 Do you know in your experience if  
21 this has happened to, say, a younger woman who  
22 became a widow with kids and was unable -- The  
23 issue is that, as soon as you remarry you are  
24 forced to sell the business, at least that's  
25 what Representative Sonney has explained to me.

1           So if you're a widow with two or  
2     three kids, two or three years later you meet a  
3     gentleman that you would like to marry, you  
4     would have to sell your livelihood. Is that  
5     the correct interpretation of the current law?

6           MR. HEFFNER: You are understanding  
7     it correctly. I'll briefly tell you about the  
8     ownership issues with the current Funeral  
9     Director Law.

10           If that widow's husband had had the  
11    foresight to incorporate that business to,  
12    what's referred to an Act 16 corporation, she  
13    as the spouse could have owned the stock and it  
14    wouldn't be an ownership issue. The problem  
15    arises for sole proprietorships and  
16    partnerships. When the funeral director dies  
17    there is no license for the business itself.  
18    That's the problem.

19           I don't know if she can go back and  
20    incorporate that business now. That I'm not  
21    familiar with. But the Funeral Director Law,  
22    curiously, allows for a funeral director, if  
23    you have a professional corporation, you may  
24    own one corporation that has one branch.

25           However, the stock of a funeral home

1 may be owned by an unlicensed spouse, child or  
2 grandchild of a funeral director, including an  
3 axe murder who's in jail can own the funeral  
4 home and be the president and run the business,  
5 with no requirements or restrictions, or the  
6 stock can be placed in trust for the benefit of  
7 a spouse, child or grandchild.

8 Now, if you're not married and you  
9 have no children, you can't pass that on to  
10 your significant other. You can't pass it on  
11 to your parents, your brother and sister. So  
12 that's why I commented that the spouse issue is  
13 just one piece of the ownership problem.

14 Pennsylvania is one of the few states  
15 in the country that restricts ownership in that  
16 manner.

17 MAJORITY CHAIRMAN MCGEEHAN: Any  
18 questions from the members?

19 (No response).

20 MAJORITY CHAIRMAN MCGEEHAN: Thank  
21 you very much for your testimony.

22 MR. HEFFNER: Thank you.

23 Our next panel is representing the  
24 Pennsylvania Funeral Directors Association,  
25 commonly referred to as PFDA. William

1 Schleifer, Janice Mannal; Kathleen Ryan, she's  
2 general counsel; and Warren Miller serves as a  
3 member of the Board of Governors of the PFDA.

4 Good morning, and begin when you're  
5 comfortable.

6 MR. SCHLEIFER: Do you need our  
7 names?

8 MAJORITY CHAIRMAN McGEEHAN: If you  
9 would for Karen, please.

10 MS. MANNAL: Janice Mannal.

11 MR. SCHLEIFER: Bill Schleifer.

12 MS. RYAN: Kathleen Ryan.

13 MR. MILLER: Warren Miller.

14 MR. SCHLEIFER: Good morning, Mr.  
15 Chairman, and members of the committee. My  
16 name is Bill Schleifer. I am president-elect  
17 of the Pennsylvania Funeral Directors  
18 Association. I'm a second generation funeral  
19 director, and I own and supervise the  
20 Maloy-Schleifer Funeral Home in Duquesne,  
21 Pennsylvania.

22 On behalf of the 1100 funeral firm  
23 members of the Pennsylvania Funeral Directors  
24 Association, representing more than 3500  
25 Pennsylvania licensed funeral directors, I

1 thank you for the opportunity to testify at  
2 this important hearing.

3 Today I appear before you to speak in  
4 opposition to House Bill 661. We oppose House  
5 Bill 661 that would amend the Funeral Director  
6 Law and extend the current law to allow a widow  
7 or widower to remarry and continue to have a  
8 license to operate the funeral home.

9 There is no reason at this point in  
10 time to allow a widow or a widower's license to  
11 continue upon remarriage. We believe that  
12 these provisions in the law were originally  
13 passed so the estate could be taken care of in  
14 a reasonable period of time upon the death of a  
15 licensee.

16 It has been the 34 with the current  
17 corporate setups that this particular part of  
18 the statute is arcane and needs to be reviewed  
19 in the future.

20 Thank you for the opportunity to  
21 testify before you today. I'll be happy to  
22 answer any questions that you may have.

23 MAJORITY CHAIRMAN MCGEEHAN: Miss  
24 Ryan, Miss Mannal, do you have anything to add?

25 MS. MANNAL: No, I do not. Well,

1 maybe I do. My father died in 1955, and my  
2 mother was issued a widow's license. We were  
3 young at the time, but we were able when the  
4 right time came to do the Act 16, incorporate,  
5 and continue business and she could have  
6 remarried. So, there are ways to do it. I  
7 think there are only like 30 widow's licenses  
8 out there.

9 MR. SCHLEIFER: If I may add  
10 something. When I went into business in 1975,  
11 and we incorporated under an Act 16 Corporation  
12 just in case something like this would happen.

13 I think it speaks clearly when it  
14 says a widow's or widower's license. When you  
15 remarry, you're not a widow and you're not a  
16 widower. Maybe you have to live in sin, I  
17 don't know. But to me a widow or widower's  
18 license means exactly what it says. It doesn't  
19 mean widow that's remarried that can continue  
20 on with the family funeral home.

21 MAJORITY CHAIRMAN MCGEEHAN: Mr.  
22 Miller, are you submitting your comments for  
23 the record?

24 MR. MILLER: I am. It's not part  
25 that I'm not part of PFDA. I just wanted to

1 speak separately.

2 MAJORITY CHAIRMAN MCGEEHAN: Now is  
3 the time, Mr. Miller.

4 MR. MILLER: Hello, my name is Warren  
5 Miller. While I do have these written  
6 comments -- I think that there's a much larger  
7 issue here, and it's not of a widow or widower  
8 receiving a license. I have a problem with the  
9 concept of receiving any type of license.

10 I mean, a plumber doesn't get a  
11 license, wife, spouse doesn't get a license.  
12 Teacher spouse doesn't get a limited license;  
13 physician assistant, dental hygienist, nobody  
14 gets a limited license or a license because  
15 their spouse dies. There are plenty of ways  
16 for a widow to be provided for before she's a  
17 widow or a widower.

18 My concern is the bigger picture, and  
19 I think I think differently than PFDA. The  
20 bigger picture is open ownership. I really  
21 think that's what this is about. Granting a  
22 widow a license or a limited license is just a  
23 little crack in the door for somebody to run  
24 through or something to happen to expand on  
25 that concept of ownership.

1           But the real issue here is not the  
2 widow. Nobody is against the widow or widower.  
3 The real issue is, should someone other than a  
4 funeral director own a funeral home in the  
5 State of Pennsylvania? That's the issue here.

6           It's couched in a widow, it's couched  
7 in a widower, but that's not really the deal, I  
8 really don't believe. That's just my own  
9 opinion. I'm not speaking for PFDA. I'm not  
10 speaking for PCCFA, but I really think that's  
11 the heart of the issue.

12           I'm really concerned that, even  
13 though the statute permits a widow's licensing  
14 to some degree, it's just not a good concept.  
15 It's not consistent, it's not fair to all  
16 concerned. I would address, if I were a widow  
17 or widower and I had an going business, I  
18 certainly would sell the business, maintain the  
19 real estate, rent the real estate to the new  
20 owner.

21           There's lots of ways to protect the  
22 surviving spouse of a deceased licensee other  
23 than licensing them. If, indeed, that business  
24 is viable and if, indeed, it includes real  
25 estate, the widow could get married and could

1 lease the real estate to the new owner at a  
2 very favorable rate of return if they'd like  
3 to.

4 MAJORITY CHAIRMAN MCGEEHAN: Thank  
5 you. Mr. Schleifer, I have a question. Could  
6 someone who is in possession of a widow or  
7 widower's license incorporate then, and then  
8 allow them to continue?

9 MR. SCHLEIFER: They cannot.

10 MAJORITY CHAIRMAN MCGEEHAN: Once  
11 that's issued, it stays as widow or widower's  
12 license?

13 MR. SCHLEIFER: Correct.

14 MAJORITY CHAIRMAN MCGEEHAN: Is this  
15 number fluctuating or has this been pretty  
16 consistent this --

17 MS. RYAN: It's going down.

18 MAJORITY CHAIRMAN MCGEEHAN: Give us  
19 an idea about that?

20 MS. RYAN: The 34 number we recently  
21 received from the Department of State. I know  
22 it is a decreasing number. I don't know how  
23 decreasing it is.

24 MAJORITY CHAIRMAN MCGEEHAN: Thank  
25 you. We can get that from DPOA. They can

1 provide some analysis of where we've been in  
2 the last decade or so. Chairman Adolph.

3 MINORITY CHAIRMAN ADOLPH: Just some  
4 comments and hold a conversation with you on  
5 this subject. There's a couple licenses out  
6 there. There's a license for the funeral  
7 director; is that correct?

8 MR. SCHLEIFER: Correct.

9 MS. MANNAL: Yes.

10 MINORITY CHAIRMAN ADOLPH: Then  
11 there's a license for the business; is that  
12 correct?

13 MS. MANNAL: Yes.

14 MR. SCHLEIFER: Correct.

15 MINORITY CHAIRMAN ADOLPH: So the  
16 widow is not actually getting a license as a  
17 funeral director; isn't that correct?

18 MR. SCHLEIFER: She would not be.

19 MS. MANNAL: She would not be, right.

20 MINORITY CHAIRMAN ADOLPH: The  
21 business is getting the license?

22 MS. MANNAL: Yes.

23 MINORITY CHAIRMAN ADOLPH: In order  
24 to obtain that license, you must have a  
25 licensed supervisor?

1 MS. MANNAL: Yes.

2 MR. SCHLEIFER: That's correct.

3 MINORITY CHAIRMAN ADOLPH: She must  
4 hire a licensed supervisor to run the business.

5 MS. MANNAL: Yes.

6 MINORITY CHAIRMAN ADOLPH: We have  
7 other professions in the state, and we just  
8 worked extensively on the CPA law. We changed  
9 the percentage of ownership to own a CPA  
10 business. At one time in order to be an owner  
11 of a CPA business you had to be a CPA. Then  
12 the percentage dropped to 70 percent. I  
13 believe now it's 51 percent, but they're still  
14 partners in that business and that business  
15 gets a license.

16 All the CPAs that are partners in  
17 that firm has CPA licenses. Those that are not  
18 CPAs do not have a license, and they're not  
19 practicing as CPAs, but they are still owners  
20 of that business.

21 I agree with your comments 100  
22 percent regarding that there's ways to beat  
23 this archaic law by incorporating. I don't see  
24 why anybody would not be incorporated for this  
25 reason. Forget the tax and legal standpoint.

1 But this is certainly a reason to incorporate  
2 when you're going to open up a business.

3 I have a small business myself and  
4 it's a family-run business, and there's been  
5 deaths in my family, and so forth and so on,  
6 and the accounting business continues. Not all  
7 the partners were CPAs. This seems to me to  
8 be --

9 It's troubling to me if a young  
10 family and they have a tragedy, unfortunately,  
11 they were not incorporated, and the husband  
12 dies and there's a widow there and it's a good  
13 business, and she's 40 years old with two or  
14 three kids and she wants to keep the business  
15 going. Maybe her kids would go into the  
16 business later on. I just find it difficult to  
17 say that here in Pennsylvania you have -- if  
18 you're going to remarry, you have to sell that  
19 family business. That's just a personal  
20 observation.

21 Just on this particular issue -- And  
22 I know there's other issues out there as Mr.  
23 Miller talked about. I'm not talking about  
24 those other issues. We only have 30 out there.  
25 What we're really telling those 30 widows that

1 you can't remarry and own this business.  
2 That's just my -- just talking as a small  
3 business owner in the Commonwealth of  
4 Pennsylvania. I have not heard reasons,  
5 really, that you have given me other than you  
6 don't want it, to change my opinion on that.  
7 I'm giving you the opportunity now to convince  
8 me why my opinion -- change my opinion on that.

9 MS. MANNAL: You're giving me the  
10 opportunity?

11 MINORITY CHAIRMAN ADOLPH: Any of you  
12 to say why this is so wrong. If we only have  
13 30 out there, give them a chance to  
14 incorporate, I mean something. Why can't they  
15 incorporate now and become the owner of that  
16 business, the officer of that business?

17 MS. MANNAL: You know, it was a lot  
18 of years ago when it happened for us. I don't  
19 honestly know how it went from my mother having  
20 a widow's license with a supervisor to be  
21 incorporated. I don't know how that path went,  
22 but I know it happened.

23 MS. RYAN: I think one of the bigger  
24 concerns may be that -- and I speak with some  
25 experience on this having once prosecuted for

1 the Funeral Board. Sometimes, not always, but  
2 sometimes when you have these scenarios with a  
3 nonlicensee being the owner of a business and a  
4 supervisor running the business, what ends up  
5 happening is, the person responsible, i.e., the  
6 supervisor, ends up taking their orders from  
7 the owner, and that always doesn't work out so  
8 well when you're talking about distinction  
9 between what's to be done professionally versus  
10 what's to be done business-wise, and it sets up  
11 a problem and it also sets up an ideal  
12 situation for unlicensed practice.

13 I don't remember whether it was Miss  
14 Mannal or Mr. Schleifer pointed out the fact  
15 that, I think maybe the original intent of  
16 these things was to make that transition into  
17 another business model, because there's an  
18 estate license out there as well under the  
19 funeral law and those are, indeed, limited in  
20 time.

21 Maybe the way to look at this is,  
22 they should be limited in time if you want to  
23 keep them, and give them the opportunity to  
24 transition into a restricted business corp. or  
25 something else.

1 MINORITY CHAIRMAN ADOLPH: Thank you.

2 MAJORITY CHAIRMAN MCGEEHAN:

3 Representative Stevenson.

4 REPRESENTATIVE STEVENSON: Maybe I'm  
5 not hearing this correctly, but there seems to  
6 be some confusion about what I'm hearing in the  
7 testimony this morning. Miss Mannal, you said  
8 in your family situation, in some way you moved  
9 from a widow's license to incorporate a  
10 business.

11 MS. MANNAL: Yes.

12 REPRESENTATIVE STEVENSON: And Mr.  
13 Schleifer, I think in your testimony you said,  
14 or an answer to a question you said that can't  
15 be done. Once you have a widow's license you  
16 can't transfer that into becoming incorporated.

17 MR. SCHLEIFER: That's right.

18 REPRESENTATIVE STEVENSON: Did I hear  
19 that correctly?

20 MR. SCHLEIFER: That's correct.

21 REPRESENTATIVE STEVENSON: So it  
22 seems to be at odds here in some way. I'm  
23 wondering if the solicitor might be able to  
24 address that issue and -- Is it your  
25 understanding that there may be a way through a

1 widow's license to become incorporated and  
2 carry on the corporation that way?

3 MS. RYAN: I don't think there is.  
4 But given the year in which Miss Mannal's  
5 business transitioned, it may have been  
6 different. For example, was it prior to '52?

7 MS. MANNAL: No.

8 MS. RYAN: I'm not certain then.

9 MS. MANNAL: In the '50's.

10 REPRESENTATIVE STEVENSON: Does the  
11 board have an objection to that procedure; if  
12 that were somehow incorporated into the law,  
13 the bill was amended in such a way that the  
14 person who holds a widow's license through some  
15 process could incorporate and carry on the  
16 business in that way?

17 MS. RYAN: Does our organization have  
18 an objection to that?

19 REPRESENTATIVE STEVENSON: Yes.

20 MS. RYAN: It's not something we  
21 prepared to our board, Representative  
22 Stevenson. We would have to do that.

23 REPRESENTATIVE STEVENSON: Can you  
24 give me your opinion? Do you think that would  
25 be something they would be open to?

1 MS. RYAN: I think they would because  
2 the restricted business corporation law already  
3 exists. As was pointed out earlier, it is  
4 possible for unlicensed spouses, children or  
5 grandchild to own shares. So this would  
6 basically be the same thing; just transitioning  
7 from another model.

8 REPRESENTATIVE STEVENSON: Thank you  
9 very much. Thank you, Mr. Chairman.

10 MAJORITY CHAIRMAN MCGEEHAN: Thank  
11 you, Representative Stevenson. Representative  
12 Parker.

13 REPRESENTATIVE PARKER: Thank you,  
14 Mr. Chair.

15 I want to concur with Chairman  
16 Adolph's earlier comments, and to also note,  
17 that not only after just listening to the  
18 testimony do I believe this is antiquated and  
19 outdated. But I'm definitely going back to  
20 check and see how many women were in the  
21 General Assembly when this bill was actually  
22 passed, because in no way, shape or form --

23 I guess when I think about this, I'm  
24 thinking about, Mr. Chairman, in Philadelphia.  
25 Many of the African-American owned and operated

1 funeral businesses. The wives are very  
2 supportive of the husbands and they really  
3 operate as a partner. So if I had to go out  
4 and hire a supervisor or funeral director after  
5 my husband dies, but I've worked by his side  
6 for 20 or 30 years helping to keep the business  
7 going, I can't get remarried and just fall in  
8 love. I think it's not only antiquated and  
9 outdated, but sexist. I just wanted to say  
10 that for the record.

11 MAJORITY CHAIRMAN MCGEEHAN: Thank  
12 you, Representative Parker. Any other  
13 questions comments? Chairman Adolph.

14 MINORITY CHAIRMAN ADOLPH: A  
15 grandfathering, I could not -- If this law  
16 would never change, would not be very good  
17 advice by either the accountant or the attorney  
18 to say, operate as a sole proprietor or a  
19 partnership. You must incorporate in order to  
20 keep this business in your family; is that  
21 correct? That's really what this law is  
22 dictating; that you must incorporate in order  
23 to have this business stay in your family; is  
24 that correct?

25 MS. MANNAL: Yes.

1                   MINORITY CHAIRMAN ADOLPH: These 30  
2 widows out there that are operating under this  
3 license, would your board be willing to  
4 grandfather those out there?

5                   MS. RYAN: We are not the State  
6 Board, Representative.

7                   MINORITY CHAIRMAN ADOLPH: Yes, I  
8 understand. That I understand.

9                   MS. RYAN: We can certainly --

10                  MINORITY CHAIRMAN ADOLPH: Your  
11 association.

12                  MS. RYAN: We can certainly run it by  
13 our Board of Governors and ask them. But I  
14 think similar to the previous question, because  
15 the RBC already exists over there, it seems to  
16 me like a natural transition.

17                  MINORITY CHAIRMAN ADOLPH: If you're  
18 married to a doctor and the doctor dies, and  
19 there's another doctor in the business, they  
20 can have an agreement and that widow can be an  
21 owner of that medical practice; is that  
22 correct?

23                  MS. RYAN: I don't know that to be  
24 the case.

25                  MINORITY CHAIRMAN ADOLPH: Is that

1 correct, Wayne?

2 MR. CRAWFORD: I believe so.

3 MINORITY CHAIRMAN ADOLPH: Thank you.

4 MAJORITY CHAIRMAN MCGEEHAN: Thank  
5 you, Mr. Chairman. Any other comments?

6 Representative Readshaw.

7 REPRESENTATIVE READSHAW: Thank you,  
8 Mr. Chairman.

9 I say this jokingly and humorously  
10 because I had a little side bar here with  
11 Representative Parker. I don't know, but as a  
12 male I might be taking offense because all  
13 they're worrying about is widows. There has to  
14 be within these 30 people, there has to be a  
15 widower in here someplace whose wife was a  
16 licensed individual who had a business, and  
17 upon her passing put the man in the same  
18 particular set of circumstances we're speaking  
19 of. I say that in jest.

20 I think what we should do, Mr.  
21 Chairman, a suggestion is to -- and it has been  
22 suggested previous to my remarks by others on  
23 the committee, the question should be I think,  
24 currently we're talking about 30 or so. I  
25 think the question is, would the board take

1 under consideration allowing a period of time  
2 under these particular circumstances for a  
3 widow or a widower would have a period of time  
4 to incorporate in some manner. I think that  
5 would be the questions for -- that we might ask  
6 they respond to in 90 days or so.

7 MAJORITY CHAIRMAN MCGEEHAN: Thank  
8 you, Representative Readshaw. We'll ask the  
9 association to present that to the board, and  
10 that board's decision be transmitted to  
11 Chairman Adolph and myself and the committee.  
12 And depending on that answer, whether this  
13 committee needs to proceed further on  
14 Representative Sonney's bill.

15 Are there any other questions? I'm  
16 encouraged that these cynical members of the  
17 House still believe in love. It's the most  
18 surprising thing to come out of this hearing.

19 I want to thank your association for  
20 your remarks, for your attendance today.  
21 Certainly your remarks and opinions are  
22 important to this committee. We want to work  
23 with you as we proceed with Representative  
24 Sonney's bill; want to work with you and your  
25 association to craft some practical changes

1 that address the concerns that have been raised  
2 before this committee today. We want to thank  
3 you for attending today.

4 Seeing no other business before this  
5 committee, I'll entertain an motion to adjourn.

6 REPRESENTATIVE ADOLPH: So moved.

7 Moved by Chairman Adolph, seconded by  
8 Representative Parker. This committee is  
9 adjourned. Thank you, members, for attending.

10 (At 10:35 a.m., the hearing  
11 concluded).

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C E R T I F I C A T E

I, Karen J. Meister, Reporter, Notary Public, duly commissioned and qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of my stenotype notes taken by me and subsequently reduced to computer printout under my supervision, and that this copy is a correct record of the same.

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Dated this 5th day of November, 2009.

Karen J. Meister - Reporter  
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