

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4727-03  
Bill No.: SCS for HCS for HB 1597  
Subject: Domestic Relations; Funerals and Funeral Directors; Marriage and Divorce;  
 Estates, Wills and Trust; Vital Statistics  
Type: Original  
Date: April 13, 2018

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Bill Summary: This proposal modifies provisions relating to the final disposition of human remains.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue Fund	(\$52,457)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$52,457)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** assume the following:

Section 193.145.4 of the proposed legislation will allow a funeral director or person in charge of final disposition of the dead body to enter the medical attestation into the electronic death registration system if designated to do so by such person responsible for the attestation under Section 193.145.5, RSMo.

Section 193.145.5 of the proposed legislation will allow the person authorized to complete the medical certification to allow any other person to enter the medical attestation into the electronic death registration system. The system is currently set up to only allow physicians, medical examiners, or coroners the ability to certify the medical portion of the death certificate; specifically being able to certify the cause of death. The proposed legislation would require the MoEVR system be modified to allow a person designated by the physician, medical examiner, or coroner to obtain or verify and enter into the system the medical certification information and attestation of that information for a death certificate.

The proposed changes to the entities capable of completing the medical attestation within the electronic death registration system will require functional changes to the Missouri Electronic Vital Records System (MoEVR).

Section 193.265.2 of the proposed legislation requires the state registrar to return records of documentation to the local registrar in the event that any required information from any data provider was missing or incomplete on documents that were submitted to the local registrar to be sent to the state registrar.

DHSS assumes the proposed legislation in Section 193.145 allows the funeral director or person in charge of final disposition of the dead body to obtain or verify and enter into the electronic death registration system the medical certification and attestation, if designated to do so from the person responsible for such certification and attestation as designated under section 193.145.5, RSMo. The current electronic system used to register death certificates, MoEVR, is currently set up to only allow physicians, medical examiners, or coroners the ability to certify the medical portion of the death certificate; specifically being able to certify the cause of death. The proposed legislation would require the MoEVR system be modified to allow a person designated by the physician, medical examiner, or coroner to obtain or verify and enter into the system the medical certification information and attestation of that information for a death certificate.

ASSUMPTION (continued)

The fiscal impact to make changes to the MoEVR system is a one time fiscal impact of \$52,457 in FY 2019.

DHSS assumes section 193.265.2 does not have a fiscal impact. Currently, any record submitted through the local registrar to the state registrar that has not been filed, but found to have incomplete or missing documentation, is mailed back to the funeral home director. Under the proposed legislation, the record would be mailed to the local registrar. There is an assumption that the number of records and the mailing costs would remain the same.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration**, the **Office of the State Courts Administrator**, and the **Department of Public Safety - Missouri Highway Patrol** each assume the current proposal would not fiscally impact their respective agencies.

In response to a previous version, officials from the **City of Kansas City** and the **City of Columbia** each assumed the proposal will have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DHSS</u> IT changes to the MoEVR system	<u>(\$52,457)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$52,457)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

Currently, the surviving spouse is first on the hierarchy of an individual's next-of-kin authorized to assume responsibility for the disposition of human remains. This bill exempts the surviving spouse when a dissolution of marriage has been filed and is pending in a court of competent jurisdiction.

This bill permits the next-of-kin to delegate the control of the final disposition of the remains of any dead human being to an agent through either a specific or general grant of power in accordance with Section 404.710, RSMo, if, at the time of delegation, the next-of-kin is 18 years of age or older and mentally competent and the principal or agent is taking financial responsibility for the disposition.

Currently, a person with an inferior claim must personally serve a written notice or send a written notice with delivery confirmation to a person with a superior claim if he or she desires to exercise his or her right of sepulcher. This bill allows the individual with the inferior claim to notify the person with the superior claim in person or by written notice with delivery confirmation to the person's last known address.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Department of Insurance, Financial Institutions and Professional Registration  
Office of the State Courts Administrator  
Department of Health and Senior Services  
Department of Public Safety - Missouri Highway Patrol  
City of Kansas City  
City of Columbia

Ross Strobe



Acting Director  
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