

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3869-01
Bill No.: HB 1466
Subject: Funerals and Funeral Directors; Cemeteries
Type: Original
Date: December 18, 2019

Bill Summary: This proposal authorizes the next-of-kin of a deceased person to delegate control of the final disposition of the remains.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$54,293)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$54,293)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 193.145.4-5 - Final Disposition of Remains

Officials from the **Department of Health and Senior Services (DHSS)** assume the proposed legislation requires that the medical certification and attestation be included when filing a certificate of death. The current electronic system used to register death certificates, MoEVR, is not designed to allow medical certification and attestation by funeral directors, any other person in charge of final disposition of the dead body, or a person designated by the medical certifier. In addition to having to update the current system to be able to allow those individuals the ability to enter and attest to medical information, the system may have to be modified to prevent the automatic submission of electronic death certificates to allow the State of Missouri time to verify the medical information on the certificate. To change the system to allow attestation as proposed in this legislation would incur a fiscal impact to the state and will increase the time it would take for the citizens of Missouri to receive a death certificate.

OA-ITSD services will be required at a cost of **\$54,293**;

- \$8,721 (91.80 hours x \$95 per hour) of IT Consultant
- \$45,572 for Project Assessment Quotation (PAQ) with vendor

Oversight notes ITSD assumes that every new IT project/system will be bid out because all their resources are at full capacity. For this bill, ITSD assumes they will contract out the programming changes need to the MoEVR system. ITSD estimates the project would take 91.8 hours at a contract rate of \$95 per hour plus \$45,572 for the Project Assessment Quotation for a total cost to the state of \$54,293. Oversight notes that an average salary for a current IT Specialist within ITSD is approximately \$51,618, which totals roughly \$80,000 per year when fringe benefits are added. Assuming that all ITSD resources are at full capacity, Oversight assumes ITSD may (instead of contracting out the programming) hire an additional IT Specialist to perform the work required from this bill; however, for fiscal note purposes, Oversight will reflect the ITSD estimated cost of \$54,293 in FY 2021.

Officials from the **Department of Commerce and Insurance**, the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Treasurer**, the **City of Columbia** and the **City of Springfield** each assume the proposal will have no fiscal impact on their respective organizations.

ASSUMPTION (continued)

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Cost - DHSS - OA-ITSD</u>			
Programming and PAQ Cost to modify the MoEVR system	<u>(\$54,293)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$54,293)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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

This bill modifies provisions regarding the death registration process and the right of sepulcher. The bill repeals a provision allowing the State Registrar to adopt pilot programs or voluntary electronic death registration programs until an electronic death registration system is certified. An attestation from the medical provider who completed the medical certification shall also be entered into the electronic death registration system.

FISCAL DESCRIPTION (continued)

The bill repeals an outdated provision requiring the Division of Community and Public Health within the Department of Health and Senior Services to create a working group for the purposes of evaluating the electronic vital records system and submit a report on findings to the General Assembly by January 1, 2016.

If the State Registrar determines that information on a document or record submitted to a local registrar is incomplete, the State Registrar shall return the records or documents with the incomplete information to the local registrar for correction by the data provider, funeral director, or person in charge of the final disposition.

Currently, a list is provided, in the order of priority, of those who have the right to control the disposition of a dead human body, known as the next-of-kin. This bill provides that the surviving spouse shall not be considered as next-of-kin if an action for dissolution of marriage has been filed.

The next-of-kin of a deceased person may delegate the final disposition of the deceased to an agent through a power of attorney.

This bill provides that an individual with a superior claim to the disposition of the deceased may be notified in person or by written notice with delivery confirmation, rather than personally served with written notice by a person with an inferior claim who has the desire to exercise the right to control the final disposition of the deceased.


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 Commerce and Insurance
Office of the State Courts Administrator
Department of Health and Senior Services
Department of Public Safety
 Missouri Highway Patrol
Office of the State Treasurer
City of Columbia
City of Springfield



Julie Morff
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December 18, 2019



Ross Strobe
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December 18, 2019