

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1269-01  
Bill No.: Perfected HB 461  
Subject: Funerals and Funeral Directors; Cemeteries  
Type: Original  
Date: February 20, 2019

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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**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue Fund	(\$52,457) to (\$112,204)	\$0 to (\$80,631)	\$0 to (\$81,312)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$52,457) to (\$112,204)</b>	<b>\$0 to (\$80,631)</b>	<b>\$0 to (\$81,312)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<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 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</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 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
General Revenue	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 or 1 FTE</b>	<b>0 or 1 FTE</b>	<b>0 or 1 FTE</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 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### Section 193.145

Officials from the **Department of Health and Senior Services (DHSS)** assume the proposed legislation 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.

OA-ITSD services will be required at a cost of **\$52,457**;

- \$6,885 (91.80 hours x \$75 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 \$75 per hour plus \$45,572 for the Project Assessment Quotation for a total cost to the state of \$52,457. Oversight notes that an average salary for a current IT Specialist within ITSD is \$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. Therefore, Oversight will range the fiscal impact from the cost of contracting out the work (\$52,457) to (\$125,572) for hiring an additional FTE IT Specialist (roughly \$80,000) plus Project Assessment Quotation with vendor cost (\$45,572) in FY 2020.

#### Section 193.265.2

Officials from the **Department of Health and Senior Services (DHSS)** state that 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.

ASSUMPTION (continued)

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. This will have no fiscal impact to their department.

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 proposal will have no fiscal impact on their respective organizations.

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

**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](http://www.legislativeoversight.mo.gov).

House Amendment 1:

Officials from the **Office of Administration** assume this amendment would not have a fiscal impact on their agency.

**Oversight** assumes House Amendment 1 changes the definition of “Surviving Spouse” and would have no fiscal impact on state or local governments.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>GENERAL REVENUE FUND</b>			
Cost - DHSS - OA-ITSD costs (ranged from contracting out programming to hiring additional FTE IT Specialist)	(\$52,457) to <u>(\$112,204)</u>	\$0 to <u>(\$80,631)</u>	\$0 to <u>(\$81,312)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(\$52,457) to <u>(\$112,204)</u></b>	<b>\$0 to <u>(\$80,631)</u></b>	<b>\$0 to <u>(\$81,312)</u></b>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2020 (10 Mo.)	 FY 2021	 FY 2022
	<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.

The bill repeals a 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.

FISCAL DESCRIPTION (continued)

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 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  
Office of the State Treasurer  
Kansas City  
City of Columbia  
Office of Administration



Kyle Rieman  
Director  
February 20, 2019

Ross Strope  
Assistant Director  
February 20, 2019