

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1619-02
Bill No.: SB 366
Subject: Cemeteries; Estates, wills and trusts; Funerals and funeral directors
Type: Original
Date: March 23, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development - Division of Professional Registration** assume this proposal would not fiscally impact their agency.

Officials from the **Jackson County Medical Examiner** did not respond to our fiscal note request. **Oversight** assumes the Jackson County Medical Examiner would not have a fiscal impact as a result of this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<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.

DESCRIPTION

This proposal modifies provisions regarding the designation of "next-of-kin" for purposes of the disposition of dead bodies. Persons taking control or custody of a body may only do so after gifts, if any, are made of the deceased's body pursuant to the Uniform Anatomical Gift Act.

Any person designated by the deceased in a prepaid funeral plan or certain other written instruments as the "next-of-kin" shall have the top priority in determining the disposition of the body. If multiple documents exist, then the latest executed shall have priority. Before being allowed the right of sepulcher with regard to a deceased's body, the person must agree to carry out the deceased's person's wishes as stated in a prepaid funeral plan or other written instruments.

In actions against a funeral director or establishment for actions taken in funeral arrangements, a funeral director or establishment shall only be liable if they have actual knowledge that a person's claim to be the deceased's person's next-of-kin was false or had information that would cause a reasonable person to believe the claim was false.

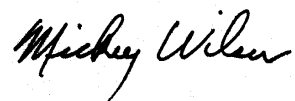
Any person claiming the right to control disposition of the body must state in writing any knowledge of the person as to the designation of a next-of-kin by the deceased person and, if no designation was made, information regarding persons with superior rights to control the body and that attempts have been made to locate such persons.

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 Economic Development -
Division of Professional Registration

NOT RESPONDING: Jackson County Medical Examiner

A handwritten signature in black ink, appearing to read "Mickey Wilson". The signature is written in a cursive, flowing style.

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Mickey Wilson, CPA
Director
March 23, 2005