

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4063-03
Bill No.: SB 1012
Subject: Cemeteries; Estates, Wills and Trusts; Funerals and Funeral Directors
Type: Original
Date: February 24, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
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 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development - Division of Professional Registration** state having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), they are of the opinion the proposal, in its present form, has no fiscal impact on their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<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 provides that any person designated by the decedent during his or her lifetime shall act as next-of-kin, if the designation is made in writing, dated and signed by the decedent, and acknowledged by a person authorized to administer oaths. If no designation is made, then the proposal delineates the persons who shall be entitled to act as next-of-kin.

Persons to act as next-of-kin must be mentally competent and willing to assume responsibility for the costs of the disposition of the decedent's body only to the extent that assets available to the decedent's estate are insufficient to pay such costs. The person acting as next-of-kin also must agree to follow any lawful instructions as to disposition of the decedent's body, if any, but such person may alter such instructions if the costs of disposition exceed the assets available in the decedent's estate.

A funeral director or funeral establishment is entitled to rely upon and act in accordance with instructions of the decedent's next-of-kin, if such person provides to the director or establishment a written statement stating whether or not the decedent had executed a designation of next-of-kin during his or her lifetime, or a statement that sets forth the name and relationship to the decedent of any individual who has a superior or equal right to control final disposition of the decedent's body and that the person wishing to act as next-of-kin has notified or attempted to notify such individuals. If such a written statement is provided, then the relative fault, if any, of a director or establishment for actions taken regarding the final disposition of decedent's body may be reduced if actions are taken in reliance upon a written statement in accordance with this proposal. However, the fault of the director or establishment may not be reduced if the director or establishment had actual knowledge, or had information that would cause a reasonable person to believe, that the person's claim to be next-of-kin was false.

If no designation was made as to the decedent's next of kin, any person who wishes to exercise the right shall provide a written statement to the funeral director or establishment, stating the name and relationship of each individual who has a superior or equal right to control the disposition of the decedent's body, and that the person has made reasonable attempts to notify each person listed. Any person with a superior right to be next-of-kin must object within forty-eight hours, or such person will be deemed to have waived the right. Persons with a superior right may also waive the right in a signed and dated writing.

If there are persons who have equal priority to act as next-of-kin, and there are no objections by other members of the class, the funeral director or establishment may act in accordance with the instructions of the first person in the class to make arrangements for disposition of the decedent's body.

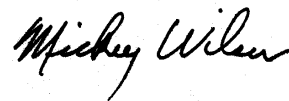
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Economic Development -
Division of Professional Registration

NOT RESPONDING: Jackson County Medical Examiner and St. Louis County Medical Examiner



Mickey Wilson, CPA
Director
February 24, 2006