

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1541-01  
Bill No.: SB 282  
Subject: Domestic Relations; Funerals and Funeral Directors; Marriage and Divorce;  
 Estates, Wills and Trust; Department of Health and Senior Services; Vital  
 Statistics  
Type: Original  
Date: February 14, 2019

Bill Summary: This proposal modifies provisions relating to the right of sepulcher and the death of registration process.

**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 Other 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 Fund	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. Under the proposed legislation, the record would be mailed to the local registrar.

ASSUMPTION (continued)

Officials from the **Columbia/Boone County Health Department** state that the changes in Section 193.265.2 would have a fiscal cost to their organization. This new language would require the Health Department to do follow-up on death certificates that the state determines are incomplete. This would involve staff contacting the appropriate people and presumably, would be responsible for tracking that the information is provided. Then staff would provide the certificate back to the state. Fiscal impact is not expected to be to be large, but it would be unknown since there is no way to determine how many certificates may be returned.

For fiscal note purposes, **Oversight** assumes the fiscal impact of this proposal would be minimal and local governments could absorb the workload that this proposal may require.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration**, the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Revenue** and **Kansas City** each assume 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.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DHSS - OA-ITSD costs (ranged from contracting out programming to hiring additional FTE IT Specialist)</u>	(\$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 act modifies provisions regarding the death registration process and the right of sepulcher. Under current law, the medical certification from a medical provider is entered into the electronic death registration system. This act requires an attestation from the medical provider who completed the medical certification to be entered into the system as well.

Additionally, 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.

Current law provides a list, in the order of priority, of next-of-kin who have the right to control the disposition of a dead human body. This act provides that the surviving spouse shall not be considered as next-of-kin if an action for dissolution of marriage has been filed and is pending in a court of competent jurisdiction. Additionally, the next-of-kin of a deceased person may delegate the final disposition of the deceased to an agent through a power of attorney.

Under this act, 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.

Finally, this act 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. Additionally, this act 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.

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  
Department of Revenue  
Kansas City  
City of Columbia



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