

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1541-01
Bill No.: Perfected 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: April 10, 2019

Bill Summary: This proposal modifies provisions relating to the right of sepulcher and the death of registration process and permits funeral directors to perform cremations at an outdoor human cremation facility.

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue Fund	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE
Total Estimated Net Effect on FTE	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 193.145

In response to a previous version, officials from the **Department of Health and Senior Services (DHSS)** assumed 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.

ASSUMPTION (continued)

Section 193.265.2

In response to a previous version, officials from the **Department of Health and Senior Services (DHSS)** stated 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.

In response to a previous version, from the **Columbia/Boone County Health Department** stated 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.

In response to a previous version, 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 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.

Senate Amendment 1

In response to a similar proposal from this year (SB 455), officials from the **Department of Insurance, Financial Institutions and Professional Registration** and the **Department of Natural Resources** each assumed 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.

In response to a similar proposal from this year (SB 455), officials from the **Office of the Secretary of State (SOS)** assumed many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

In response to a similar proposal from this year (SB 455), officials from the **Joint Committee on Administrative Rules (JCAR)** stated this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

Senate Amendment 2

Oversight assumes this proposal states that a procurement organization that has notice of a refusal to make an anatomical gift shall cease any ongoing examination of the individual for medical suitability and shall not make further contact with the individual, agent, or person having priority under section 194.245 regarding anatomical gifts.

Oversight assumes this proposal would not have a fiscal impact on state or local governments.

ASSUMPTION (continued)

Bill as a whole:

Officials from 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.

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
GENERAL REVENUE FUND			
<u>Cost</u> - DHSS - OA-ITSD costs (ranged from contracting out programming (\$52,457 - includes PAQ) to hiring additional FTE IT Specialist (\$66,632) plus cost for PAQ (\$45,572) for total of \$112,204 plus subsequent year FTE costs	(\$52,457) to <u>(\$112,204)</u>	\$0 to <u>(\$80,631)</u>	\$0 to <u>(\$81,312)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(\$52,457) to <u>(\$112,204)</u>	\$0 to <u>(\$80,631)</u>	\$0 to <u>(\$81,312)</u>
<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.

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FISCAL DESCRIPTION (continued)

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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
Office of the Secretary of State
Joint Committee on Administrative Rules
Department of Natural Resources
Kansas City
City of Columbia



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April 10, 2019

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April 10, 2019