

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans at 1:30 p.m. on February 7, 1995 in Room 423-S of the State Capitol.

All members were present.

Committee staff present: Norman Furse, Revisor of Statutes
Bill Wolff, Legislative Research Department
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:
Pamela Scott, Kansas Funeral Directors and Embalmers Association
Mack Smith, Executive Secretary, Board of Mortuary Arts

Others attending: See Guest List, Attachment 1.

The minutes of the meetings held on February 2 and February 6, 1995 were approved.

Chairperson Mayans announced that the committee would now consider introduction of bills.

Pamela Scott, representing the Kansas Funeral Directors and Embalmers Association, requested that a bill be introduced relating to funeral expenses of a deceased person. The proposal is fashioned after a law of the State of Washington, which has been successful. Ms. Scott said this bill would specify the order of individuals who would be responsible for the right to control the disposition of the remains of a deceased person and places the liability for the costs. Ms. Scott indicated that the bill places legal responsibility on the family to pay the costs. Each year the Legislature looks at the cost of the SRS Burial Assistance program and each year efforts are made to continue the program. The Association looks at this bill as a mechanism to cut the amount of state funding required for the SRS program; possibly by 50%. Many families believe the state has an obligation to pay the costs of burial of an indigent person. Association members feel they presently subsidize these funerals for indigents.

The meeting was opened for questions. Representative Geringer asked if the bill has been introduced in previous years. Ms. Scott replied this is the first time. Representative Merritt questioned the language on the order of legal responsibility. Ms. Scott replied that current law places no legal responsibility on the family; but there is some responsibility of the spouse. As far as control of the disposition of the remains, that is currently the law. The order of responsibility generally follows the law on intestate succession.

Norman Furse, Revisor of Statutes, noted that section 2 appears to be a definition of section 1, and probably should be made a sub-section of section 1. Ms. Scott agreed.

Representative O'Connor questioned the obligation of the state for burial assistance. Ms. Scott answered that this bill places legal responsibility to the family. If an indigent is on public assistance the costs of final disposition, under this bill, would be the responsibility of the family and if they are unable to pay, then the SRS burial assistance program is used.

Norman Furse, in following up on the questions of liability, noted the last paragraph and the first paragraph are somewhat contradictory and may be a problem.

Representative Kirk questions the liability for "reasonable" costs. Ms. Scott said the family chooses the services from the funeral director. The proposed language "reasonable costs" is to give the director some leeway when making the arrangements, particularly when a child or someone decides on an expensive service.

Representative Freeborn asked if this bill clarifies the order of family responsibility, saying that some times the responsible person can't be found. Ms. Scott said the arrangements are made with the funeral director. If the responsible family member cannot be found, the coroner becomes involved and the responsibility may then fall to the state.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on February 7, 1995

Representative Goodwin asked if the bill was more appropriate for the Judiciary Committee because of the likelihood of probate. Mr. Furse replied that this committee can introduce this or any bill; but it may be referred to another committee to work. This particular bill has elements of the Probate Code, vital statistics, welfare laws, and to individual responsibility and liability generally.

Representative Mayans suggested to Ms. Scott that she review the bill, consider the changes discussed today and bring it back to the committee.

Chairperson Mayans then asked the committee to consider **HB 2163** - mortuary arts license fees and unlawful acts and penalties.

Representative Merritt noted that the committee has heard from the proponents of the bill, but has not heard from any opponents.

Representative Kirk asked if the fees set out on page 3 are the maximum that can be changed. Mack Smith said they were.

Representative Landwehr moved, seconded by Representative Howell, that **HB 2163** be amended in Section 5, lines 40 and 41, by setting the fees at \$15 each.

Representative Merritt, seconded by Representative Haley, by substitute motion, moved that **HB 2163** be amended in Section 5, lines 40 and 41, by setting the fees at \$25 each. Representative Merritt stated the \$25 fees are a compromise and would give some latitude so the Legislature would not have to consider changes so often. Representative Haley indicated he didn't know what the difference in amounts adds up to over the course of time, but suggested it would be less costly to the state to set them at \$25. Representative Henry reminded Mr. Smith that his testimony was that he had told the committee that the sponsor's fee would probably be set at \$20 and \$10 for licensing. Mr. Smith said this is more of a common sense issue.

Chairperson Mayans called for the vote on the substitute motion. By voice vote, the committee adopted the substitute motion. Then, on motion of Representative Geringer, seconded by Representative Rutlege, the committee, by voice vote, voted that **HB 2163** be passed as amended.

Chairperson Mayans indicated that **HB 2221** (administration to infants of tests for genetic diseases) and **HB 2164** (practice of optometry, lease provisions permitted) will be heard at tomorrow's meeting.

The meeting was adjourned at 2:05 p.m.

The next meeting is scheduled for February 8, 1995.

HOUSE COMMITTEE ON HEALTH AND HUMAN
SERVICES COMMITTEE
GUEST LIST
FEBRUARY 7, 1995

NAME	REPRESENTING
Barbara Belcher	Merck
Tammara Capps	Bristol-Myers Squibb
Michelle Peterson	PhRMA
Bob Williams	Ks. Pharmacists Assoc
Don Ryan	Rural Health
John Peterson	Ks Governmental Consulting
Annison Peterson	Kansas Medical Society
GARY Robbins	Kansas Optometric Assn
Tom Rickman	mms, INC.
Rick Guthrie	Health Midwest
Margot Gendreau	Boehringer Ingelheim Pharm.
Stacey Empson	Hein, Stort & Weir
Mack Smith	Ks. St. Bd. of Mortuary Arts
Pam Scott	Kansas Funeral Director's Association
John Federico	Pete Mcbill + Assoc
Camela Johnson Betts	KDHE