

Approved: 4-2-99
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT.

The meeting was called to order by Chairman Senator Janice Hardenburger at 1:30 p.m. on March 16, 1999, in Room 529-S of the Capitol.

All members were present:

Committee staff present: Dennis Hodgins, Legislative Research Department
Mike Heim, Legislative Research Department
Ken Wilke, Revisor of Statutes
Graceanna Wood, Committee Secretary

Conferees appearing before the committee: Representative Cindy Hermes
Sandy Jacquot, Shawnee County Counselor
Mark Smith, Exec. Sec., Kansas State Board of Mortuary Arts
Pam Scott, Kansas Funeral Directors Association

Others attending: See attached list

Chairman Hardenburger opened the hearing on **HB 2337 concerning the district coroner; relating to the disposition of the bodies of deceased persons.**

Representative Hermes, the sponsor of the bill, advised the Committee that under current law, the district coroner is required to bury a deceased person when no immediate family or next of kin claims the body. This bill would allow the district coroner a choice between cremating or burying the deceased individual. (Attachment #1)

Sandra Jacquot, Shawnee County Counselor advised the Committee that the bill would add the option of cremation for the disposition of the body of the deceased. Counties would have the option of cremation when the situation warrants at reduced cost to the taxpayer, however, good judgement must be used in exercising this option. Therefore, Shawnee County requested favorable consideration of the bill. (Attachment #2)

Pam Scott, Executive Director of the Kansas Funeral Directors and Embalmers Association, advised the Committee that the KFDA was taking a neutral position on the bill. However, an amendment requested by the KFDA was added to the bill in the House which would authorize the coroner to permit cremation. (Attachment #3)

Mark Smith, Executive Secretary of the Kansas State Board of Mortuary Arts testified in favor of the bill advising the Committee that cremation as an option could be utilized by the coroner in certain cases of indigent burials. (Attachment #4)

The Committee discussed if there are any statutory prohibitions concerning scattering of the indigent's ashes. Mr. Smith informed the Committee there are no state provisions as to where ashes may be scattered. He said that there were federal regulations. Also, the Committee discussed the differences in costs between cremation and regular burial.

Chairman Hardenburger closed the hearing on **HB 2337.**

Senator Gooch moved the bill be passed favorably and be placed on the Consent Calendar, seconded by Senator Steineger. Motion carried.

Meeting was adjourned at 2:00 p.m. Next meeting is scheduled for March 17, 1999.

CINDY HERMES
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Testimony on House Bill 2337

Date: March 15, 1999

TO: Chairman Senator Hardenburger and Members of the Senate Elections Local Government Committee

RE: House Bill 2337 - An act concerning the district coroner, relating to the disposition of the bodies of deceased persons.

Chairman Hardenburger and Members of the Elections Local Government Committee, I appreciate the opportunity to appear before you today on HB 2337.

Under current law, the district coroner is required to bury a deceased person when no immediate family or next of kin claims the body. This bill would allow the district coroner a choice between cremating or burying the deceased individual.

The fiscal impact of this bill would be a cost saving to your local county government. Cremation as a method of final disposition is not as costly as burial. This bill does not mandate what local governments can do. This bill empowers local governments to make their own decisions. It is about local control.

I would appreciate your favorable consideration of this bill. If passed, this bill would be a cost saving to your local government and your constituency.

Senate Elections & Local Government
Attachment: # 1-1
Date: 3-16-99

TESTIMONY ON HOUSE BILL NO. 2337

Currently, in coroner cases in which there is no next of kin and the deceased person is not eligible for State assistance, counties must provide a *decent burial* under K.S.A. 22a-215. House Bill No. 2337 would add the option of cremation for the disposition of the body of the deceased.

Over the past several years, Shawnee County has been faced with an ever-increasing number of persons who fall under the criteria of the above-referenced statute. On average, the County is burying four or more deceased persons yearly. While the funeral homes in Shawnee County have been very cooperative and reasonable in pricing funerals, this is a costly process for the County. On the average, a decent burial costs Shawnee County \$1,000.00. With the numbers escalating, Shawnee County would like the option of cremation for the final disposition of unclaimed bodies.

Some of the questions before the House subcommittee centered around the appropriateness of cremation in various types of circumstances. While I concur that cremation may not be appropriate in all circumstances, murder for example, this addition is a matter of local control. Counties will have the option of cremation when the situation warrants at less cost to the taxpayer, but must always use good judgment in exercising the option.

For the above-cited reasons, Shawnee County requests your favorable consideration on House Bill No. 2337.

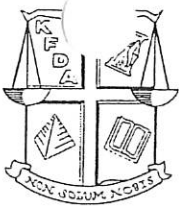
Respectfully submitted on behalf of
The Board of County Commissioners
of the County of Shawnee, Kansas,

Sandra L. Jacquot
Shawnee County Counselor

Senate Elections & Local Government

Attachment: # 2-1

Date: 3-16-99



KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.

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EXECUTIVE DIRECTOR

PAM SCOTT
Topeka

Date: March 16, 1999
To: Senate Elections and Local Government Committee
From: Pam Scott, Executive Director
Re: House Bill No. 2337

I am Pam Scott, Executive Director of the Kansas Funeral Directors and Embalmers Association (KFDA). I appear before you today concerning House Bill No. 2337.

The KFDA is taking a neutral position on this bill. An amendment requested by the KFDA was added to the bill in the House which deals with the practical aspects of adding cremation as an alternative to burial. Before a crematory will cremate a deceased person they will require written authorization. Such authorization is usually given by the most immediate next-of-kin of the deceased unless the deceased had executed a durable power-of-attorney for health care decisions. In many of the cases that will fall under this statute, there will be no next-of-kin available to give consent. The amendment would authorize the public official charged with the responsibility of arranging for disposition of the body of the deceased to provide legal authorization to cremate. Under Kansas law, a coroner must also sign a cremation permit before a body can be cremated to assure there is no pending investigation as to the cause of death. We believe the amendment would make it easier to carryout the intent of the bill.

We would hope a county, when considering whether to cremate an unclaimed body, would take into consideration whether the deceased may have family who may later surface. Such family may later object to cremation on religious or other grounds. It must be remembered that unlike burial, cremation is irreversible. If a deceased is buried, the body can be disinterred and moved to another location or later cremated.

I would be happy to answer any questions you may have concerning the bill.

Senate Elections & Local Government
Attachment: # 3-1
Date: 3-16-99

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*The Kansas
State Board of Mortuary Arts*

CREATED AUG. 1, 1907

700 S.W. JACKSON ST., SUITE 904
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OFFICE MANAGER



Thursday, February 18, 1999

The Senate Elections and Local Government Committee
Chair Janice Hardenburger
Room 529-South, State Capitol
Topeka, Kansas 66612

Regarding: House Bill 2337

Madam Chair and members of the Committee, I am Mack Smith, the executive secretary to the Kansas State Board of Mortuary Arts. Thank you for the opportunity to appear before you today in favor of House Bill 2337.

With the increased number of Kansas consumers selecting cremation as an alternative to burial, it only makes sense to include cremation as an option to be utilized by the coroner in certain cases of indigent burials.

The bill was amended in the house committee to include: "The state or county officer responsible for the final disposition of the deceased person may authorize and order the cremation or burial of such deceased person." For liability purposes crematories will not cremate a body unless such an authorization is provided— in addition to the Coroner's Authorization to Cremate and proof that a death certificate is in the process of being filed with the Kansas Department of Health and Environment, Division of Vital Statistics. The option of cremation may not be practical in all such cases. The amendment to the bill will give an additional option to the state or county officer responsible for final disposition purposes.

I will be glad to attempt to answer any questions that you may have. Again, thank you for the opportunity to testify before you today.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack Smith". The signature is fluid and cursive.

Mack Smith, Executive Secretary
Kansas State Board of Mortuary Arts

MS

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Senate Elections & Local Government
Attachment: # 4-1
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