

# Committee Report

**CONSENT CALENDAR**

**February 13, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Municipal and County Government to  
which was referred HB 301-FN-LOCAL,**

**AN ACT relative to funeral and burial or cremation  
expenses for assisted persons. Having considered the  
same, report the same with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. Susan Treleaven**

**FOR THE COMMITTEE**

COMMITTEE REPORT

COMMITTEE: Muni + County Govt

BILL NUMBER: HB 301

TITLE: relative to funeral and burial or cremation expenses for assisted persons

DATE: 1/23/19 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. 0090h

STATEMENT OF INTENT:

For years <sup>with</sup> funeral homes have been helping our lowest income citizens' burial / cremation needs, often at a loss monetarily. Local welfare departments are also involved in this process, <sup>sometimes</sup> providing funds and coordination. This bill will update the funding allocated for the funeral care of our neediest citizens.

COMMITTEE VOTE: 20/0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Juan B. Tubon  
For the Committee

Rep. Connors, Hills. 15  
February 6, 2019  
2019-0319h  
01/05

Amendment to HB 301-FN-LOCAL

1 Amend RSA 165:27-a, I as inserted by section 1 of the bill by replacing it with the following:

2

3 I. Except when a town or city assisted person has made arrangements for a prepaid funeral,  
4 ~~[if the total of his liquid assets at death are less than \$1,000,]~~ ***if there are liquid assets at death,***  
5 there shall be an automatic assignment to the funeral director or the person who paid for the  
6 funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation  
7 expenses up to ~~[\$1,000]~~ ***\$2,000.***

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 301-FN-LOCAL

**BILL TITLE:** relative to funeral and burial or cremation expenses for assisted persons.

**DATE:** February 12, 2019

**LOB ROOM:** 301

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Treleaven                      Seconded by Rep. Porter                      AM Vote: 20-0

Amendment # 2019-0319h

Moved by Rep. Treleaven                      Seconded by Rep. Carson                      Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Timothy Josephson, Clerk



OFFICE OF THE HOUSE CLERK



1/14/2019 3:24:03 PM  
Roll Call Committee Registers  
Report

2019 SESSION

Municipal and County Government

Bill #: HB301 Motion: OTP-A *adopt amendment* AM #: 0319h ~~0319A~~ Exec Session Date: 2/12/19 ~~1/23/19~~

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	20		
Tatro, Bruce L. Vice Chairman	1		
Porter, Marjorie A.	2		
Treleaven, Susan GS	3		
Gilman, Julie D.	4		
Josephson, Timothy Clerk	5		
Meader, David R.	6		
Dargie, Paul P.	7		
Maggiore, Jim V.	8		
Mombourquette, Donna M.	9		
Stavis, Laurel	10		
Belanger, James P.	11		
<del>Migliore, Vincent Paul</del> <i>Baldasaro</i>	12		
Abramson, Max	13		
Dolan, Tom	14		
Kittredge, Derek MacMillen	15		
MacDonald, John T.	16		
Perreault, Mona	17		
Piemonte, Tony	18		
Pratt, Kevin M.	19		
<b>TOTAL VOTE:</b>	<b>20-0</b>		





2019 SESSION

Municipal and County Government

Bill #: HB301 Motion: OTP-A AM #: 03196 Exec Session Date: 2/12/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	20		
Tatro, Bruce L. Vice Chairman	1		
Porter, Marjorie A.	2		
Treleaven, Susan GS	3		
Gilman, Julie D.	4		
Josephson, Timothy Clerk	5		
Meador, David R.	6		
Dargie, Paul P.	7		
Maggiore, Jim V.	8		
Mombourquette, Donna M.	9		
Stavis, Laurel	10		
Belanger, James P.	11		
Migliore, Vincent Paul <i>Baldasera AI</i>	12		
Abramson, Max	13		
Dolan, Tom	14		
Kittredge, Derek MacMillen	15		
MacDonald, John T.	16		
Perreault, Mona	17		
Piemonte, Tony	18		
Pratt, Kevin M.	19		
<b>TOTAL VOTE:</b>	<b>20-0</b>		

Rep. Connors, Hills. 15  
February 6, 2019  
2019-0319h  
01/05

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6 funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation  
7 expenses up to ~~[\$1,000]~~ ***\$2,000.***

# Sub-Committee Actions

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

**SUBCOMMITTEE WORK SESSION** on HB 301-FN-LOCAL

**BILL TITLE:** relative to funeral and burial or cremation expenses for assisted persons.

**DATE:** February 6, 2019

**Subcommittee Members:** Reps. Treleaven, Mombourquette and Perreault

**Comments and Recommendations:** Comments from Rep. Connors, Mr. Phanuf (funeral director), Cordell Johnston, NH Municipal Association. It's a useful and helpful bill.

**MOTIONS:** OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Treleaven                      Seconded by Rep. Perreault                      AM Vote: 3-0

Amendment # 2019-0090h

Moved by Rep. Treleaven                      Seconded by Rep. Perreault                      Vote: 3-0

Respectfully submitted,

Rep. Susan Treleaven  
Subcommittee Chairman

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

**SUBCOMMITTEE WORK SESSION** on HB 301-FN-LOCAL

**BILL TITLE:** relative to funeral and burial or cremation expenses for assisted persons.

**DATE:** 2/6/19

**Subcommittee Members:** Reps. Treleaven, Mombourquette and Perreault

**Comments and Recommendations:**

Comments from Rep Connors,  
Mr Phanuf (funeral director), Cordeil Johnston  
NHMA. It's a useful and helpful bill.

**MOTIONS:** OTP, (OTP/A) ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. Treleaven Seconded by Rep. Perreault AM Vote: 3

Adoption of Amendment # 0319

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep. Susan X Treleaven  
Subcommittee Chairman/Clerk

Amendment to HB 301-FN-LOCAL

1 Amend RSA 165:27-a, I as inserted by section 1 of the bill by replacing it with the following:

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6 the deceased to the extent of funeral and burial or cremation expenses ~~[up to \$1,000]~~ *of \$2,000.*

UNAPPROVED

Rep. Treleaven, Straf. 17  
January 23, 2019  
2019-0090h  
01/10

Amendment to HB 301-FN-LOCAL

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6 the deceased to the extent of funeral and burial or cremation expenses ~~[up to \$1,000]~~ *of \$2,000.*

UNAPPROVED



# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT.

PUBLIC HEARING ON HB 301-FN-LOCAL

**BILL TITLE:** relative to funeral and burial or cremation expenses for assisted persons.

**DATE:** January 16, 2019

**LOB ROOM:** 301

**Time Public Hearing Called to Order:** 1:30 p.m.

**Time Adjourned:** 1:53 p.m.

**Committee Members:** Reps. Carson, Tatro, Josephson, Porter, Treleaven, Gilman, Meader, Dargie, Maggiore, Mombourquette, Stavis, Belanger, Dolan, Kittredge, MacDonald, Perreault, Piemonte and Pratt

**Bill Sponsors:**  
Rep. Connors

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

1. **Rep. Connors (Hills 13, Manchester Ward 8) - Prime Sponsor**

- a. This addresses an issue they have been facing in Manchester. In talking to the city welfare director, the second largest expense is for cremation or burial. When someone dies and no one claims the body, the expense is left with the local welfare department. Opioid crisis causes people coming into the city without local family
- b. Currently, if they have less than \$1000 in liquid assets, funeral homes can use that money for the expense. However, if there's \$1001 in liquid assets, none of the funds can be used for cremation/burial.
- c. Q - Dolan: How do you deal with joint accounts? (great question for lawyers, not sure, welfare director might know)

2. \* **Charlene Michaud - City of Manchester**

- a. \*\*\* See written testimony \*\*\*
- b. Q - Dolan: How do you deal with joint accounts? (every case we've come across, the person on the joint account is always next of kin so that takes care of that. This is mostly with sole accounts) What about if there's a joint account and the other person cleans out the account? (joint account, no real recourse) Could this be strengthened if you give the community the ability to go after the joint account holder cleaned out the account (RSA 165:19 does allow for local welfare office to recover certain reimbursements in certain circumstances)
- c. Q - Treleaven: Definition question -- "assisted persons" -- is that current language in the law? (yes, once people seek assistance they are coded as "assisted persons")
- d. Q - Mombourquette: Clarification -- except when the city has made arrangements, there should be an automatic assignment -- assignment of what? (assets) wondering if that might be made more clear? Struck line references "assets" (good idea)
- e. Q - Dargie: Is \$1000 cap adequate to cover the needs? (\$1000 is a discounted rate that funeral homes tend to give to the local welfare department. Not truly enough expenses at their cost)
- f. Q - Tatro: what's the procedure you go through to find out if people have assets and then how to obtain them? (Sometimes we are not able to find out. Next of kin sometimes has that knowledge. Unclaimed body, they contact Social Security Administration and other

agencies) They give you the info? (yes, there is a law and the bank has a form)

- g. Q - Belanger: Law as written now speaks of the liquid assets at death -- cash in the bank. Once that sentence is deleted, the rest doesn't make sense. Assignment from where? (true, could use clarification)

3. **Buddy Phaneuf - Cremation Society of NH -- supports the bill with amendments**

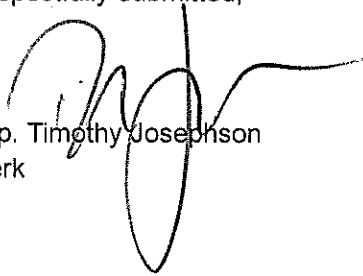
- a. His funeral home does 25% of all cremations in NH. \$1000 is the discounted rate. Each town/city details what they pay. Last year served 900 families across the state.
- b. The dollar limit isn't sufficient
- c. Should be in RSA 325 -- funeral RSAs
- d. Let's say someone has \$800 in the bank, but Manchester says \$750 is the limit, then that person is no longer a welfare recipient for assistance. They get an affidavit from the bank, shows a receipt, gets the money and works with family on the remainder
- e. For more than \$1000, they are not an assisted person, and therefore welfare parts no longer apply. If welfare pays nothing, then the person is not a welfare recipient and no one gets anything.
- f. Someone could have \$3000 but the funeral homes are only able to get \$1000, the rest of the money has to be probated through probate court which is nine to twelve months currently in NH
- g. This would be better served being in the RSAs about funeral homes since funeral homes are the ones making up the difference and deal with this.
- h. His homes use this about 15-20 times a year
- i. Q - Dolan: so it should be in a different RSA, are you opposed to this bill? (no, just need higher limits that would actually pay for the cremation services so support but with amendments)

j.

- 4. Chair Carson, Q to Rep Connors: Would you consider amending the bill to increase the amount funeral homes could recoup? (yes, I considered that at the start but wasn't sure where to go with it and didn't want to go too far in the other direction)

Respectfully submitted,

Rep. Timothy Josephson  
Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 301-FN-LOCAL

BILL TITLE: relative to funeral and burial or cremation expenses for assisted persons.

DATE: January 16, 2019

ROOM: 301

Time Public Hearing Called to Order: 1:30

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(please circle if present)

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Bill Sponsors:  
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TESTIMONY

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so electronic testimony

HB301-FN-LOCAL - relative to funeral and burial or cremation expenses for assisted persons

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  - b. Currently, if they have less than \$1000 in liquid assets, funeral homes can use that money for the expense. However, if there's \$1001 in liquid assets, none of the funds can be used for cremation/burial.
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  - d. Let's say someone has \$800 in the bank, but Manchester says \$750 is the limit, then that person is no longer a welfare recipient for assistance. They get an affidavit from the bank, shows a receipt, gets the money and works with family on the remainder
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  - f. Someone could have \$3000 but the funeral homes are only able to get \$1000, the rest of the money has to be probated through probate court which is nine to twelve months currently in NH
  - g. This would be better served being in the RSAs about funeral homes since funeral homes are the ones making up the difference and deal with this.
  - h. His homes use this about 15-20 times a year
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4. Chair Carson, Q to Rep Connors: Would you consider amending the bill to increase the amount funeral homes could recoup? (yes, I considered that at the start but wasn't sure where to go with it and didn't want to go too far in the other direction)





# Testimony



**City of Manchester  
Welfare Department**



**Charleen Michaud  
Welfare Director**

January 16, 2019

The Honorable Clyde Carson, Chair  
Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

Re: Support of HB 301

Dear Honorable Chairman Carson and Committee Members,

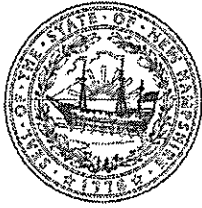
As you know, NH State law requires that municipalities pay for the cost of final arrangements for deceased indigent persons, as well as, all unclaimed bodies found in the community at the time of their death. With the rise in the opioid crisis, and strained family relationships, welfare departments throughout the state have seen an increase in the cremation costs their budgets must bear. Paying for this cost when there is no other resource to pay for it is not at issue. That's what local welfare departments should do. However, paying for a person's final arrangements unnecessarily; in some cases when a deceased person has thousands for dollars in the bank, simply defies logic, and should not be a burden falling upon local taxpayers.

This proposed amendment will correct this situation. It will allow funeral directors to obtain the necessary funds from a person's bank account without involving the local welfare department. It will also provide relief to the deceased person's family, when those individuals themselves are indigent and unable to access the bank funds or raise the necessary money to take care of their loved one's final arrangements.

I want to thank Representative Erika Connors for sponsoring this common sense legislation that will save local welfare departments time and money.

Sincerely,

Charleen Michaud  
Welfare Director  
City of Manchester, NH



**HOUSE COMMITTEE RESEARCH OFFICE**  
**New Hampshire House of Representatives**  
4<sup>th</sup> Floor, Legislative Office Building  
Concord, NH 03301-6334  
TEL: (603) 271-3600  
TDD Access: Relay NH 1-800-735-2964

D.C. Bates, House Committee Researcher  
603-271-3385; [dc.bates@leg.state.nh.us](mailto:dc.bates@leg.state.nh.us); LOB 408

**MEMORANDUM**

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**TO:** Rep. Perreault, Municipal and County Government Committee

**FROM:** D.C. Bates, House Committee Research

**DATE:** January 22, 2019

**SUBJ:** HB 301 relative to funeral and burial or cremation expenses for assisted persons.

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Rep. Perreault,

Following the hearing on HB 301 you asked me to contact a geographically diverse mix of funeral homes and find out what prices they charge for burial or cremation services in the circumstances addressed by HB 301.

I spoke with welfare officers in municipalities around the state to determine which funeral homes they most often worked with, and then attempted to contact those businesses. I was eventually able to speak with knowledgeable staff at ten funeral homes, located in Alton, Laconia, Conway, Keene, Berlin, Manchester, Henniker, Newmarket, Claremont and Rochester.

As burials are more expensive than cremation, it was infrequent that the families of welfare assisted persons requested burial, and I was told in two cases that towns would flatly refuse to contribute money toward a burial.

The fee for a basic cremation ranged from \$1900 to \$2500. In cases where a welfare office was involved, the funeral homes offered a reduced rate, ranging from \$1000 to \$1650. I was told that municipalities offer a set benefit in these cases, and that each municipality is different. These benefits range from \$400 to \$1000, and are most often around \$700.

When I asked how the difference between the town benefit and the reduced rate was made up by the family of the deceased, most funeral homes indicated to me that they would attempt to seek funds from family, but that often it was simply written off as a loss. I was told that funeral homes have little leverage to extract repayment, and that within this population there is seldom the means to offer repayment. One funeral home director told me that payment plans are sometimes informally arranged – another that they would like to offer payment plans as an option, but that they don't have the administrative staff to make that practical.

I was told that funeral directors rely on knowledge of the community and personal interviews when they assess whether family might be able to contribute towards expenses. While the welfare offices possess more formal, detailed financial information, if that information indicates an ability to pay, the municipal contribution is reduced.

If I can provide further assistance or more detail on any point, please contact me.

Bill as  
Introduced

HB 301-FN-LOCAL - AS INTRODUCED

2019 SESSION

19-0317  
01/03

HOUSE BILL

***301-FN-LOCAL***

AN ACT relative to funeral and burial or cremation expenses for assisted persons.

SPONSORS: Rep. Connors, Hills. 15

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill authorizes towns and cities to access certain funds for burial or cremation of assisted persons.

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Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to funeral and burial or cremation expenses for assisted persons.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Aid to Assisted Persons; Funeral and Burial or Cremation Expenses. Amend RSA 165:27-a, I  
2 to read as follows:

3           I. Except when a town or city assisted person has made arrangements for a prepaid funeral,  
4 [~~if the total of his liquid assets at death are less than \$1,000,~~] there shall be an automatic  
5 assignment to the funeral director or the person who paid for the funeral and burial or cremation of  
6 the deceased to the extent of funeral and burial or cremation expenses up to \$1,000.

7           2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
19-0317  
12/20/18

HB 301-FN-LOCAL- FISCAL NOTE  
AS INTRODUCED

AN ACT relative to funeral and burial or cremation expenses for assisted persons.

FISCAL IMPACT:  State  County  Local  None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

**METHODOLOGY:**

RSA 165:3 requires towns or cities to provide burial or cremation services at the expense of the town or city for any person receiving local welfare assistance. RSA 165:27-a, I currently applies to such an assisted person and allows for the automatic assignment of up to \$1,000 for funeral and burial or cremation expenses to a funeral director or person who paid for such expenses, if the total liquid assets at death are less than \$1,000. This bill allows for the automatic assignment of expenses of up to \$1,000 in all cases irrespective of the calculation of liquid assets at death.

The New Hampshire Municipal Association states this bill may increase the number of cases in which funeral expenses are paid partially from the decedent's estate and could result in a decrease in the amount of expenses that are paid by municipalities. The Association has no information on the amount of funeral expenses paid by municipalities and the specific circumstances of individuals throughout the state, therefore they cannot estimate the possible decrease in municipal expenditures. There is likely no effect on municipal revenues.

**AGENCIES CONTACTED:**

New Hampshire Municipal Association