

Bill as Introduced

HB 301-FN-LOCAL - AS AMENDED BY THE HOUSE

27Feb2019... 0319h

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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,]~~ ***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.***

8 2 Effective Date. This act shall take effect 60 days after its passage.

HB 301-FN-LOCAL- FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-0319h)

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 \$2,000 in all cases if there are any 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

**HB 301-FN-LOCAL FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-0319h)**

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New Hampshire Municipal Association

CHAPTER 99
HB 301-FN-LOCAL - FINAL VERSION

27Feb2019... 0319h

2019 SESSION

19-0317
01/03

HOUSE BILL **301-FN-LOCAL**

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COMMITTEE: Municipal and County Government

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CHAPTER 99
HB 301-FN-LOCAL - FINAL VERSION

27Feb2019... 0319h

19-0317
01/03

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

8 99:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 21, 2019
Effective Date: August 20, 2019

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen Melanie Levesque, Chair
Sen Tom Sherman, Vice Chair
Sen Jon Morgan, Member
Sen Regina Birdsell, Member
Sen James Gray, Member

Date: April 3, 2019

HEARINGS

Wednesday	04/10/2019	
(Day)	(Date)	
Election Law and Municipal Affairs	LOB 102	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 297	relative to political advertisements on behalf of political committees or advocacy organizations.
9:15 a.m.	HB 301-FN-LOCAL	relative to funeral and burial or cremation expenses for assisted persons.
9:30 a.m.	HB 303	relative to certification of building code compliance inspectors.
9:45 a.m.	HB 312	establishing a committee to study tiny houses.
10:00 a.m.	HB 370	relative to membership on city and town planning boards.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 297

Rep. Steven Smith

Rep. Marsh

HB 301-FN-LOCAL

Rep. Connors

HB 303

Rep. S. Beaudoin

HB 312

Rep. Testerman

HB 370

Rep. Cloutier

Rep. Merchant

Rep. Stapleton

Rep. O'Hearne

Sen. Hennessey

Tricia Melillo 271-3077

Melanie Levesque
Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 301-FN-LOCAL, relative to funeral and burial or cremation expenses for assisted persons.

Hearing Date: April 10, 2019

Members of the Committee Present: Senators Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : Senator Levesque

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

Sponsors:
Rep. Connors

Who supports the bill: . Connors, Cordell Johnston, Patricia Murphy, Rep. Connors, Elizabeth Sargent, Peter Morin

Who opposes the bill: None

Summary of testimony presented in support:

Representative Connors

- This issue came up when she was meeting with the local welfare department in her district.
- The number two expense for the department is funeral expenses for individuals with no family or money for burial.
- They spent \$25,000 last year in burial assistance.
- Current law states that if someone dies in the city and has less than \$1,000 in their account the welfare office can access those funds to pay for funeral expenses.
- If the account has more than \$1,000 the welfare department cannot access the money.
- The bill was amended in the house to bring the discounted rate for funeral expenses to \$2,000.
- Senator Birdsell asked if there is any information on how much that brought in for the city. Representative Connors replied that last year they paid out \$25,000 but she does not have a figure on how much was reimbursed.
- Senator Morgan asked when the \$1,000 rate was set. Representative Connors

replied that she does not know.

Cordell Johnston – NH Municipal Association

- The existing statute does not make sense. If you die with no money you have to pay but if you die with money you don't have to pay.

Patricia Murphy – NH Local Welfare Administrators Association

- Under RSA 165 local welfare offices are required to pay for basic needs such as burial expenses.
- This bill is making a correction from 2001 when they set the discounted rate at \$1,000.
- When people do have the funds to pay, the welfare office cannot access those funds.
- With this bill the funeral expenses will be paid directly to the funeral company.
- Senator Birdsell asked if \$2,000 is enough. Ms. Murphy replied that as referenced in the fiscal note they are just looking for cremation and burial services and \$2,000 should cover that.

Peter Morin – NH Funeral Directors Association

- He is a licensed funeral director.
- This bill will allow funds to be accessed up to \$2,000 instead of only \$1,000 as current law allows.
- The funeral profession has always cared for the people in the community and they are facing an increased number of indigent deaths due to the opioid crisis.
- The change in language creates a limit of \$2,000 which reflects real cost. Real costs are a basic overhead cost. Funeral homes have to be open 24 hours a day to serve if needed.
- Many funeral homes have been subsidizing this, but they cannot any longer.

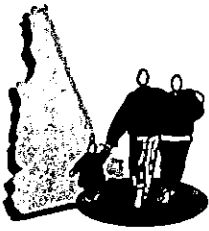
Summary of testimony presented in opposition: None

TM

Date Hearing Report completed: April 12, 2019

Speakers

Testimony



NH Local Welfare Administrator's Association

c/o Cornerstone Association Management
53 Regional Drive, Suite 1
Concord, NH 03301

Towards self-sufficiency...

April 8, 2019

The Honorable Clyde Carson, Chair
Municipal and County Government Committee
Legislative Office Building, Room 102
107 North Main Street
Concord, NH 03301

RE: House Bill 301

Dear Honorable Chairman Carson and Committee Members,

Please accept this letter as testimony in support of HB 301 on behalf of the Local Welfare Administrators Association (NHLWAA). Our Association is a professional non-profit organization that works to support our municipal members to insure that we are providing the basic needs assistance to our residents (mandated under NH RSA 165) while being cognizant to the delicate balance of spending municipal taxpayer dollars.

Under this general assistance per NH RSA 165 municipalities support the very basic of human needs such as housing, electricity and heat, food and personal care items, and access to medication for some of our most vulnerable constituents.

One category of general assistance includes basic expenses for cremation or burial. When there is no family or family are unable to afford to pay for basic cremation or burial then the municipality in which the deceased last resided may have to pay for this basic need. If the resident has assets and has no legal process to access those liquid assets, funeral companies refer these cases to the local welfare offices for payment.

This bill will allow the funeral companies, to be able to access enough liquid funds, if available, to be paid directly to the funeral company and eliminate the need for an immediate payment until the estate is probated and settled by Local Welfare.

Funeral costs are expenses for municipalities and there are not always liquid assets available to hope for repayment. The costs for these actual expenses are attached in a spreadsheet. If this bill passes the reduction of expenses will only apply to those assisted who have liquid assets that cover this basic expense.

Thank you for your consideration,

Patricia Murphy, President
New Hampshire Local Welfare Administrators Association
603 423-8535
pmurphy@merrimacknh.gov

Testimony

Senate Election Law and Municipal Affairs Committee

HB 301-FN-LOCAL - Relative to funeral and burial or cremation expenses for assisted persons.

April 10, 2019

Dear Senator Levesque and Members of the Committee:

My name is Peter Morin, and I am here to testify in support of HB 301 on behalf of the New Hampshire Funeral Directors Association. I am a practicing NH licensed funeral director and embalmer, and I am also the current Executive Director of the Association.

The New Hampshire Funeral Directors Association consists of 200-member funeral directors from 89 funeral homes and chapels. Since our founding, the guiding principle of the New Hampshire Funeral Directors Association has been the commitment to represent our member funeral homes and advocate for the families of New Hampshire.

HB 301-FN-LOCAL would authorize towns and cities to access certain funds for burial or cremation of assisted persons.

The statute currently has a total asset cap of \$1000. In the case of an assisted person having any amount exceeding \$1000 in liquid assets, these funds are ineligible. The change in language creates a limit of \$2000, which reflects real costs, but removes the disqualifying clause in the event the deceased had assets greater than \$2000.

Municipalities bear the legal and financial responsibility of providing for the disposition of deceased indigent and unclaimed residents from their jurisdiction. New Hampshire cities and towns face the increasing number of indigent, homeless and unclaimed opioid overdose deaths.

Some of these individuals may not qualify as assisted persons, but HB 301 would create a more straightforward process to access available funds to help alleviate the overall financial burden faced by cities and towns.

For these reasons, we ask you to vote Ought to Pass on HB 301-FN-LOCAL.

Thank you for your consideration.

Respectfully submitted,

Peter C. Morin, Executive Director

NHFDA
P.O. Box 522
Keene, NH 03431
603-903-4699

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2019 Session**

Bill # HB 301

Hearing date: 4-10-19

Executive Session date: 4-24-19

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Sherman

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 24, 2019

THE COMMITTEE ON Election Law and Municipal Affairs

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Tom Sherman
For the Committee

This bill will authorize towns and cities to access certain funds for burial or cremation of assisted persons. Under RSA 165 local welfare offices are required to pay for basic needs such as burial expenses. With the passage of this legislation, it will allow funds to be accessed up to \$2,000 instead of only \$1,000 as current law allows. The funeral profession has always cared for the people in the community and they are facing an increased number of indigent deaths due to the opioid crisis. The change in language creates a limit of \$2,000 which reflects real cost for the funeral homes.

Tricia Melillo 271-3077

Docket of HB301

Docket Abbreviations

Bill Title: relative to funeral and burial or cremation expenses for assisted persons.*Official Docket of HB301.:*

Date	Body	Description
12/31/2018	H	Introduced 01/02/2019 and referred to Municipal and County Government HJ 2 P. 44
1/9/2019	H	Public Hearing: 01/16/2019 01:30 pm LOB 301
1/16/2019	H	==RECESSED== Executive Session: 01/23/2019 01:00 pm LOB 301
1/23/2019	H	Subcommittee Work Session: 02/06/2019 09:00 am LOB 301
2/6/2019	H	==CONTINUED== Executive Session: 02/12/2019 10:45 am LOB 301
2/15/2019	H	Committee Report: Ought to Pass with Amendment #2019-0319h for 02/27/2019 (Vote 20-0; CC) HC 13 P. 13
2/27/2019	H	Amendment #2019-0319h : AA VV 02/27/2019 HJ 6 P. 20
2/27/2019	H	Ought to Pass with Amendment 2019-0319h: MA VV 02/27/2019 HJ 6 P. 20
3/18/2019	S	Introduced 03/14/2019 and Referred to Election Law and Municipal Affairs; SJ 9
4/3/2019	S	Hearing: 04/10/2019, Room 102, LOB, 09:15 am; SC 17
4/25/2019	S	Committee Report: Ought to Pass, 05/02/2019; Vote 5-0; CC SC 20
5/2/2019	S	Ought to Pass: MA, VV; OT3rdg; 05/02/2019; SJ 15
5/16/2019	S	Enrolled (In recess 05/15/2019); SJ 17
5/16/2019	H	Enrolled 05/08/2019 HJ 15 P. 101
6/24/2019	H	Signed by Governor Sununu 06/21/2019; Chapter 99; Eff: 08/20/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 301-FN-L

Senate Committee: Elec. Law + MA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

_____ - amendment # _____ _____ - amendment # _____
 _____ - amendment # _____ _____ - amendment # _____

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____
 _____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- _____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- _____ Enrolled Bill Amendment(s)
- _____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

_____ as amended by the senate _____ as amended by the house
 final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office
