

2019 SENATE HUMAN SERVICES

SB 2208

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2208
1/23/2019
Job # 31254 & 31265

- Subcommittee
 Conference Committee

Committee Clerk Signature : Justin Velez / Pam Dever
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Explanation or reason for introduction of bill/resolution:

Relating to authority to and immunity for disposition of the dead.

Minutes:

Att. #1 – Mike Krumwiede

All members present.

Vice Chairman O. Larsen: Opens the hearing for SB 2208.

Madam Chair Lee, Dist 13, W. Fargo: Introduces SB 2208 and gives a brief description. This was brought to me by someone in the medical profession. This puts a process in place.

Vice Chairman O. Larsen: Any testimony?

Rep. Mike Nathe, Dist 30, Bismarck: I am here to speak on some of the detail on this issue. I am the funeral director of Bismarck Funeral Home and Crematory. I have been in the business for 33 years. (3.31) We do have an issue in the industry. We are being notified that someone has passed away, and they cannot find the nearest next of kin. That can drag out quite a while. It is a burden on the hospitals and funeral homes to hold the deceased. We cannot cremate until we get a next of kin authorization. It does put the funeral homes in a tough bind. State law says that after 48 hours, we must embalm. Some people are against embalming for religious reasons. Sometimes we deal with families and will say they are they only brother; then find out there is another sibling. This bill would help us expedite, so we can do the cremation and deal with the deceased. If needed, we will go to a guardian services, and they can take it on and get the authorization go to the courts and get the approval. We don't get paid on some of this stuff. Any questions?

Sen. Kristin Roers: Sen Lee mentioned the hospital's roll in this. Can you explain? How does it get from hospital to you?

Rep. Nathe: Lots of hospitals do not have a morgue anymore. They can have several bodies in a room. That is a health issue. We do it as a favor. We hope Bismarck PD finds next of kin. It is becoming a bigger problem.

Sen. Anderson: Do you see any problems with this legislation with us getting complaints later that now the funeral home is too quick? Do you see that being a problem?

Rep Nathe: I do not. I think the funeral homes will bend over backwards. I don't see any funeral homes jumping the gun and going to the courts to get the approval. I don't see that happening at all. This is a nice tool for the funeral homes. This is going to be the last resort for funeral homes to do.

Sen. Hogan: So you have someone and you make a decision to cremate. How long do you hold the ashes? What do you do with them as far as disposition?

Rep. Nathe: The law does allow us to bury the remains after a period of time. We may have anywhere between half dozen to a dozen at the end of the year. We bury them in a common grave in town. It's all documented, so if a family member should come out of the woodwork someday, we can tell them where they are. (9.37)

(10:15-12:38) **Mike Krumwiede, N.D. Funeral Directors Association:** Testifying in favor of SB 2208. We represent over 100 funeral directors. Please see Attachment #1 for testimony. Please DO PASS. I am not a funeral director. Any questions?

Vice Chairman O. Larsen: Any further testimony? Any against? Any neutral. Hearing is closed. **Sen. Anderson: I move a DO PASS on SB2208. Sen. Kristin Roers: I second.**

(held open for Sen. J. Lee)

(Job # 31265 20 seconds) Sen. J. Lee votes: YES

ROLL CALL VOTE TAKEN:

6 YEA, 0 NAY, 0 ABSENT

Senator K. Roers will carry SB 2208 to the floor

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2208**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. Anderson Seconded By Sen. K. Roers

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. K. Roers

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2208: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2208 was placed on the Eleventh order on the calendar.

2019 HOUSE HUMAN SERVICES

SB 2208

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2208
3/5/2019
3320

- Subcommittee
 Conference Committee

Committee Clerk: Nicole Klaman by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to authority to and immunity for disposition of the dead.

Minutes:

Attachment 1

Chairman Weisz: Opened hearing on SB 2208.

Bonnie Staiger, ND Funeral Directors Association: (Attachment 1)

Aaron Birst, NDACo: Cremation is a lower bill. Public guardians make the decision when you cannot find a family member.

Rep. Rohr: Back in the day, they had an indigent burial site, do we still have that?

Aaron Birst: Yes we do, the Paupers grave.

Rep. Mary Schneider: Do you know what the current payment schedule is for cremation for burial for indigent folks?

Aaron Birst: I don't have the schedule before me but I think that it is \$2100.00.

Rep. Schneider: Less for cremation?

Aaron Birst: Yes, it's by far cheaper. But due to some religious beliefs we avoid suggesting that.

Chairman Weisz: Support? Opposition?

Closed hearing on SB 2208.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2208
3/5/2019
33303

- Subcommittee
 Conference Committee

Committee Clerk: Nicole Klaman by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to authority to and immunity for disposition of the dead.

Minutes:

Chairman Weisz: Reopened SB 2208.

Rep. Tveit: Motion to Do Pass on SB 2208.

Rep. Westlind: Second.

Roll Call Vote Yes 14 No 0 Absent 0

Motion Carried.

Rep. Tveit is the carrier.

Date: 3-5-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2208**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Gwert Seconded By Rep. Westlind

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman	X		Mary Schneider	X	
Dick Anderson	X				
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Gwert

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2208: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2208 was placed on the
Fourteenth order on the calendar.

2019 TESTIMONY

SB 2208



SB 2208
1/23/19
#1 pg.1

Senate Human Services Committee

January 23, 2019

Support SB 2208

Madam Chair Lee and members of the Senate Human Services Committee. For the record my name is Mike Krumwiede and I represent the North Dakota Funeral Directors Association. We are here today in support of SB 2208. Our association currently has just over 100 Funeral Directors who represent 63 of the 75 Funeral Homes in North Dakota.

We are in support of this bill because it will protect the funeral director on several avenues. It will provide direction and authority for the funeral home to take proper care of the deceased when no next of kin are available. It also allows the funeral home to properly bury or cremate the individual and allows the funeral home to take action within a reasonable time. Currently some individuals sit for weeks or months at a time, while the funeral home seeks for the deceased's next of kin.

Reducing this time also reduces the amount of bio-hazard exposure that can occur when deceased individuals are not taken care of in a timely manner.

This proposed change will also grant the funeral home increased protection to complete the cremation process the family has requested.

Although funeral directors do their due diligence in explaining the cremation process to the next of kin and inquiring about other family members, the next of kin are not always honest with their answers. This is very dangerous when discussing cremation, because it is such a final act. When cremation takes place, it cannot be reversed. Therefore, it is very important that all family members are aware of the next of kin's request of cremation before it takes place. The funeral home is placed in a very delicate situation that can lead to legal problems, when families have differing opinions on whether or not their loved one should be cremated.

The proposed changes provide more protection for the funeral home as they sort through these delicate situations.

For these reasons, we respectfully request a Do Pass recommendation on SB 2208.
Thank you for your time.

#1
SB 2208
3/5/19
Pg 1

**Testimony in Support of SB 2208
on Behalf of ND Funeral Directors Association
Bonnie Staiger
March 5, 2019**

North Dakota Funeral Directors serve their communities by helping them through the difficult time of losing loved ones. Unfortunately there are situations where people have no known family, and when a person dies in that situation, funeral directors do their best to help locate a person who could take responsibility for disposition, but there are times when they simply can't find anyone. In the event that there is no family for a decedent and the county fails to act within a reasonable period of time this bill allows the funeral director to at least proceed with disposition, which would most likely be earth burial. The bill also protects funeral directors and crematory operators in the event that a family member misrepresents who they are or what authority they have regarding disposition of their family member's remains.