

JAN 25 2012

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**A BILL FOR AN ACT**

RELATING TO DEATH BENEFITS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. In 2010, the twenty-fifth legislature passed  
2 House Bill No. 2774, which was enacted as Act 205, Session Laws  
3 of Hawaii 2010. Part II of Act 205 amended section 346-15,  
4 Hawaii Revised Statutes, by decreasing death benefits for  
5 medical and financial assistance recipients to an amount equal  
6 to the Social Security Administration's one-time lump-sum death  
7 benefit. Act 205 has a repeal date of June 30, 2012, at which  
8 time section 346-15 would be reenacted in the form in which it  
9 read on the day prior to the act's effective date.

10           In the current economic climate of decreased state revenue  
11 and the unfortunate necessity of reducing medical assistance  
12 benefits, identifying areas to decrease expenditures with  
13 minimal impact on the public becomes increasingly important.  
14 The senate committee on ways and means stated in Standing  
15 Committee Report No. 3033 that "the State's economic  
16 difficulties threaten the provision of human services under many  
17 state programs. Your Committee finds that, despite budget cuts  
18 and realignments, it is important to maintain the level of

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1 services that are provided to the neediest populations in the  
2 State."

3 Maintaining the death benefit amount authorized in Act 205  
4 by repealing the sunset date for the amendments to section 346-  
5 15, Hawaii Revised Statutes, in section 9 of Act 205 will help  
6 preserve health care benefits for low-income adults and  
7 children.

8 Additionally, the language in Act 205 amending section 346-  
9 15 appears to make the department of human services responsible  
10 for authorizing the disposition of unclaimed dead human bodies.  
11 Section 346-15 should only allow the department of human  
12 services to pay for mortuary and crematory costs for unclaimed  
13 dead human bodies after approving the determination that the  
14 dead human body is unclaimed pursuant to section 327-32, Hawaii  
15 Revised Statutes.

16 The purpose of this bill is to make permanent the reduced  
17 death benefit in order to avoid the need for further reductions  
18 to necessary health care assistance and to establish that the  
19 department is responsible for the payment of the crematory and  
20 mortuary services for unclaimed dead human bodies after  
21 approving the determination that a dead human body is unclaimed.

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1 SECTION 2. Section 346-15, Hawaii Revised Statutes, is  
2 amended by amending the title to read as follows:

3 "**§346-15 Death benefits for deceased medical or financial**  
4 **assistance recipients and disposition of unclaimed [~~corpses~~**  
5 **dead human bodies.**"

6 SECTION 3. Section 346-15, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) All unclaimed dead human bodies shall be cremated.

9 The department may [~~authorize and~~] bear the cost of the mortuary  
10 and crematory services for unclaimed [~~corpses~~] dead human bodies  
11 furnished by any licensed provider of mortuary or crematory  
12 services. Payments for mortuary and crematory services shall be  
13 made to the extent of the cost, or in the sum of \$800 in total,  
14 whichever is less, for each unclaimed [~~corpse~~] dead human body.  
15 Individuals who have possession, charge, or control of any  
16 unclaimed dead human body to be cremated at public expense shall  
17 have sixty days from the date of death of the deceased to submit  
18 in writing to the department its determination that the dead  
19 human body is unclaimed and its application for payment for  
20 cremation. The county medical examiners or coroners shall have  
21 no time limitation by which to submit their written

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1 determination that the dead human body is unclaimed and their  
2 application for payment for cremation."

3 SECTION 4. Section 346-15, Hawaii Revised Statutes, is  
4 amended by amending subsection (e) to read as follows:

5 "(e) For the purposes of this section, [~~"unclaimed~~  
6 ~~corpse"~~] "unclaimed dead human body" means the remains of any  
7 deceased person for whom no one has assumed responsibility for  
8 disposition of the body [~~within five working days, excluding~~  
9 ~~weekends, from the date of death and about whom the department,~~  
10 ~~and the respective county medical examiner or coroner have no~~  
11 ~~actual knowledge of a legally responsible party.~~] and no legally  
12 responsible individual has been identified. Pursuant to section  
13 327-32, the department will review the written description of  
14 the efforts used in making the determination that a dead human  
15 body is unclaimed and approve the determination for purposes of  
16 payment of the mortuary and crematory services, if it meets the  
17 department's requirements."

18 SECTION 5. Act 205, Session Laws of Hawaii 2010, is  
19 amended by amending section 9 to read as follows:

20 "SECTION 9. This Act shall take effect on July 1, 2010;  
21 provided that on June 30, 2012, part I and part III of this Act  
22 shall be repealed and [~~sections 346-15 and~~] section 346-59.9,

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1 Hawaii Revised Statutes, shall be reenacted in the form in which  
2 [~~they~~] it read on the day prior to the effective date of this  
3 Act; and provided further that section 6 of this Act shall take  
4 effect retroactive to May 1, 2010."

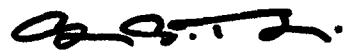
5 SECTION 6. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect on June 29, 2012.

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INTRODUCED BY: \_\_\_\_\_



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BY REQUEST

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**Report Title:**

Death Benefits

**Description:**

Makes permanent the decreased funeral benefit for medical and financial assistance recipients, establishes that the Department of Human Services may bear the cost for crematory and mortuary services for unclaimed dead human bodies and that the Department of Human Services may approve a determination that a dead human body is unclaimed.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO DEATH BENEFITS.

PURPOSE: The purpose of this bill is to make permanent the reduced death benefits for medical and financial assistance recipients as approved in Act 205, Session Laws of Hawaii 2010 and to establish that the Department is responsible for the payment of the crematory and mortuary services for unclaimed dead human bodies after approving the determination that a dead human body is unclaimed.

MEANS: Amend the title and subsections (b) and (e) of section 346-15, Hawaii Revised Statutes, and section 9 of Act 205, Session Laws of Hawaii 2010.

JUSTIFICATION: In 2010, the Twenty-Fifth Legislature passed House Bill No. 2774, which was enacted as Act 205, Session Laws of Hawaii 2010. Part II of Act 205 amended section 346-15, Hawaii Revised Statutes, by reducing death benefits for medical and financial assistance recipients to an amount equal to the Social Security Administration's one-time lump-sum death benefit. Act 205 has a repeal date of June 30, 2012, at which time section 346-15 will be reenacted in the form in which it read on the day prior to the act's effective date.

In the current economic climate of decreased State revenue and the unfortunate necessity of reducing medical assistance benefits, identifying areas to decrease expenditures with minimal impact on the public becomes increasingly important. The Senate Committee on Ways and Means stated in Standing Committee Report No. 3033 that "the State's economic difficulties threaten the

provision of human services under many state programs. Your Committee finds that, despite budget cuts and realignments, it is important to maintain the level of services that are provided to the neediest populations in the State."

Maintaining the reduced death benefit amount authorized in Act 205 by repealing the sunset date in section 9 of Act 250 for the amendments to section 346-15, Hawaii Revised Statutes, will help preserve health care benefits for low-income adults and children.

Additionally, the wording in Act 205 amending section 346-15 appears to make the Department of Human Services responsible for the disposition of unclaimed corpses. Section 346-15 should allow the Department of Human Services to pay for mortuary and crematory costs for unclaimed corpses after approving the determination that a dead human body is unclaimed pursuant to section 327-32, Hawaii Revised Statutes.

The title and subsections (b) and (e) of section 346-15 have also been amended to be consistent with language in section 327-32.

Impact on the public: There will be no new impact from this bill.

Impact on the department and other agencies: The amendments will establish that the Department is responsible to approve the determination that a dead human body is unclaimed pursuant to section 327-32, Hawaii Revised Statutes, for purposes of payment of the mortuary and crematory costs for unclaimed dead human bodies.

GENERAL FUND: None.  
OTHER FUNDS: None.  
PPBS PROGRAM DESIGNATION: HMS 401.



OTHER AFFECTED  
AGENCIES:

Department of Health.

EFFECTIVE DATE:

June 29, 2012.