

# SENATE BILL REPORT

## SB 6613

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As of January 23, 1996

**Title:** An act relating to durable powers of attorney to make funeral decisions.

**Brief Description:** Providing for durable powers of attorney to make funeral decisions.

**Sponsors:** Senators Smith, Pelz, Johnson and Winsley.

**Brief History:**

**Committee Activity:** Law & Justice: 1/29/96.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Martin Lovinger (786-7443)

**Background:** Under current law the wishes of some decedents regarding the disposition of their remains have been frustrated by surviving relatives who do not agree with the decisions expressed by the decedents. This is due to gaps in the various means by which a person can influence his or her own final disposition.

To some extent the different approach to the disposition of remains also may stem from the legal obligation of surviving relatives to pay for the disposition, particularly when the estate has inadequate resources.

**Summary of Substitute Bill:** A person can designate another to act as his or her attorney in fact to make all funeral decisions and decisions regarding burial and cremation. The authority for the attorney in fact to make funeral decisions does not terminate upon the death of the person who granted it.

If the decedent has executed a valid written document regarding the disposition of his or her remains, the cost of the procedures must be paid by the estate of the deceased.

If the decedent does not have a valid written document regarding his or her final disposition or made prepaid prearrangements with a funeral establishment or cemetery authority, then the disposition decisions are made by the attorney in fact authorized to make funeral decisions or a representative of the decedent. The costs shall be paid by the estate or by the person making the decision. If neither the decedent nor an agent acting on behalf of the decedent made arrangements for the disposition of the decedent's remains, the obligation becomes that of the surviving relatives in statutory order.

**Substitute Bill Compared to Original Bill:** Relatives who become responsible for the costs of the disposition of the deceased also make the decisions about the manner of disposition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.