



## 2009 SENATE BILL 338

October 8, 2009 – Introduced by Senators LEHMAN, WIRCH, MILLER, LASSA, TAYLOR, KEDZIE and HANSEN, cosponsored by Representatives TURNER, SOLETSKI, KERKMAN, MONTGOMERY, NYGREN, BIES, VOS, BARCA, A. WILLIAMS, YOUNG and HUBLER. Referred to Committee on Ethics Reform and Government Operations.

1     **AN ACT to amend** 49.785 (1m) (b) of the statutes; **relating to:** maximum amount  
2             of funeral and burial expenses under the funeral, burial, and cemetery  
3             expenses program.

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### *Analysis by the Legislative Reference Bureau*

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates at death are insufficient to pay those expenses. If an eligible a decedent's total funeral and burial expenses do not exceed \$3,500, a county department pays the lesser of \$1,500 or the amount not paid by the decedent's estate and other persons. The Department of Health Services reimburses county departments for payments that the county departments make for funeral and burial expenses from a general purpose revenue appropriation.

This bill increases the maximum funeral and burial expenses that obligate a county department to contribute toward the cost. Under the bill, a county department is not required to contribute toward a decedent's funeral and burial expenses if the total funeral and burial expenses exceed \$4,500, rather than \$3,500. The amount that a county department must contribute, however, remains at the lesser of \$1,500 or the amount not paid by the decedent's estate and other persons.

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For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 49.785 (1m) (b) of the statutes is amended to read:  
2           49.785 **(1m)** (b) If the total funeral and burial expenses for the recipient exceed  
3           ~~\$3,500~~ \$4,500, the county or applicable tribal governing body or organization  
4           responsible for burial of the recipient is not required to make a payment for funeral  
5           and burial expenses under sub. (1) (b).

6           **SECTION 2. Initial applicability.**

7           (1) This act first applies to funeral and burial expenses incurred on account of  
8           deaths occurring on the effective date of this subsection.

9   **(END)**