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LB 94

SENATOR WESELY: I believe so.

SENATOR JOHNSON: Okay, and what your amendment really does is basically alters subsection (p) to say that neither funeral directors nor embalmers may engage in preneed solicitation, is that correct?

SENATOR WESELY: Correct, Senator.

SENATOR JOHNSON: Now, Senator Wesely, what is the basic rationale for disallowing preneed solicitation?

SENATOR WESELY: For funeral directors?

SENATOR JOHNSON: Yes.

SENATOR WESELY: It gets back to exactly what Senator Dworak was talking about. We don't want to have a situation where somebody is forced to go to a certain funeral home or whatever. We want to allow them that freedom of choice but it does make sense to purchase in a preneed fashion a plot, say, in a cemetery. I think that is a wise investment but we still want to maintain the competitive nature of the industry at this point, and that is getting back again to Senator Dworak's comment, by maintaining this provision.

SENATOR JOHNSON: Let me just make a couple of remarks then. It seems to me in my own opinion, at least, that there is nothing inherently evil with preneed solicitation of funeral business. The person while still living has the opportunity to shop around for the least expensive funeral if that person wishes to do so, and if in fact persons in the funeral industry are allowed to go out and solicit business while the individual is still living, then that individual can look for the best price for that person's funeral. Now that kind of a practice is something that a lot of well-to-do people presently engage in in terms of the estate administration business. They will actually talk to attorneys sometime prior to their death to discuss the kind of fees that can be incurred for the administration of their estate. It seems to me a relatively healthy phenomenon to allow preneed solicitation and preneed arrangements prior to death so that the individual can obtain the best price for the funeral service which the individual desires.

SENATOR LEWIS: Senator Wesely, would you close in reply?