

adopted.

CLERK: Mr. President, I now have amendments from Senator Withem. Senator, the first amendment I have from you is on page 158 of the Journal.

SENATOR WITHEM: We will pass over that amendment.

CLERK: Mr. President, Senator Withem would move to amend and those amendments are on page 502 of the Journal.

PRESIDENT: Senator Withem.

SENATOR WITHEM: Yes, Mr. President and members of the body, what you have here is an amendment to a bill that deals with this preburial need situation, pre-need sales of funeral and cemetery services. If those of you that have been around awhile know that this has been a hot item a number of times coming before the Legislature. The funeral directors under state law at this point are required to escrow 100 percent of their pre-need sales. The cemeteries are required to escrow nothing. We have had a number of bills introduced over the years. The cemeteries come in with a bill to try to hold back the funeral directors. The funeral directors come in with a bill to try to make the cemeteries escrow 100 percent. We have been in a situation where there has been kind of a stalemate as there usually is in those type of events. Traditionally what we do in the Legislature is deal with these issues in what is probably not a good public policy method. Usually what we do is we tell these groups as long as you disagree, we are not going to pass legislation. But the second that the lobbyists or the leadership of the two associations come forward and say, guess what, we have agreed, we have an agreement on this issue, we tend then to suspend our independent judgment and go ahead and pass the bill on. Frankly, that is what happened in the Public Health Committee last year. The two groups came forward and says, guess what, we have reached an agreement and the agreement is everybody escrows 85 percent and we are all happy with it. We on the committee probably did not exercise the critical sort of investigation that we should have on this. We tended to just accept their word that it is agreed to, it is worked out. Consequently, we advanced the bill on to the floor. Since that time it has come to my attention that there are huge numbers of funeral directors in this state who do not agree with the judgment