

funeral directors to retain a certain amount of the sales, 15 percent in this case, to use right away without having to trust all of it until the death takes place a year, or two years or five years later. Because if that happens, if they have to trust 100 percent, then there is no reason for them to go out and send their salesmen out door to door or however they sell funerals to sell the funerals in advance. So the short of this is that this amendment is an anticompetitive amendment. This amendment is going to cut out those new young funeral directors that want to get out and aggressively sell funerals pre-need.

PRESIDENT: One minute.

SENATOR HOAGLAND: It is going to favor the established funeral homes that would prefer to sit back and wait until somebody dies, until the widow or the widower comes in, and at that time under duress and under need and in the midst of grieving decides to buy nothing but the best for their recently departed spouse. So, please understand what this amendment does. This is a last minute attempt to subvert the compromise that underlies this entire legislation, agreed upon by the Funeral Directors Association and Cemetery Association, an effort to undermine it on behalf of some renegade funeral directors around this state that want business as usual. They want to require that 100 percent be retained to discourage competition. So I would encourage you to vote against this amendment, most of all to listen to the debate and fully understand what the issues are here. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. President and members. This bill did come before the Public Health and Welfare Committee, now the Health and Human Services Committee. We did discuss the questions involved and did have a compromise worked out, but over the summer we did get contacted by a number of smaller funeral homes very concerned about the 15 percent set aside. Right now that isn't something that is done and they feel that allowing for that set aside will encourage more of these pre-need sales and the larger homes will be able to do it, the smaller homes will not, and so it becomes a big home, small funeral home fight, and I guess it comes down to what side you kind of feel more comfortable with. Now Senator Hoagland is right, probably without the