

HOUSE BILL REPORT

HB 1402

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to cemetery fees, funeral directors and embalmers account created.

Brief Description: Changing licensing provisions.

Sponsors: Representatives Springer and Heavey; by request of Department of Licensing.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 19, 1993, DPA.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 9 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Conway; Horn; King; Springer; and Veloria.

Staff: Jim Kelley (786-7166).

Background: Prior to 1989, all health care professionals were licensed by the Department of Licensing. Fees collected for the activities related to the licensing and registration of these professionals were deposited into the health professionals account. Funeral directors and embalmers were classified as health care professionals at that time. When the Department of Health was established, it acquired the responsibility for licensing health care professionals. The licensing of funeral directors and embalmers remained the responsibility of the Department of Licensing. However, fees collected for the licensing and registration of funeral directors and embalmers continue to be deposited in the health professionals account. The Department of Licensing does receive credit when such fees are deposited into the account.

Current law limits the dollar amount of fees the director may charge cemetery authorities. Compliance with this law has put the Cemetery Board Program in direct conflict with the statutory requirement that licensing programs be self-sustaining.

Summary of Amended Bill: The funeral directors and embalmers account is created in the custody of the state treasurer. All fees received by the Department of Licensing for activities related to the licensing and registration of funeral directors and embalmers, and all fines and civil penalties paid by such professionals are deposited into this account. All expenses related to the licensing and registration of these professionals are paid from this account. Any residue in the account shall remain in the account and shall not revert to the general fund.

The director, with the consent of the Cemetery Board, is authorized to set cemetery fees in accordance with the statute requiring that the cost of each professional, occupational or business licensing program be fully borne by the members of that profession, occupation or business.

Amended Bill Compared to Original Bill: The amended bill requires the director to obtain the consent of the Cemetery Board when establishing fees, rather than requiring that the director consult with the board.

Fiscal Note: Available.

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

Testimony For: This is almost identical to the bill that was passed by the House last year. Cemetery fees do not support their share of the program. That must be corrected. The transfer of the fees to the Department of Health was purely an oversight which should also be corrected.

Testimony Against: The fees should be set with the consent of the board.

Witnesses: Jon Donnellan, Department of Licensing (in favor); Paul Elvig, Washington Interment Association (in favor as amended); and James Noel, Washington Funeral Directors Association (in favor as amended).