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## Commerce & Labor Committee

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### HB 2126

**Brief Description:** Consolidating the cemetery board and the board of funeral directors and embalmers.

**Sponsors:** Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Lias and Kenney; by request of Governor Gregoire.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Creates a new Funeral and Cemetery Board by consolidating the Board of Funeral Directors and Embalmers and the Cemetery Board.</li></ul>
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**Hearing Date:** 2/17/09

**Staff:** Jill Reinmuth (786-7134)

**Background:**

Department of Licensing

The Department of Licensing (Department) regulates certain professions and businesses under specific licensing laws. These professions and businesses include funeral directors, embalmers, funeral establishments, cemeteries, and crematories.

Board of Funeral Director and Embalmers

The Board of Funeral Directors and Embalmers:

- conducts examinations of applicants for funeral director and embalmer licenses;
- issues licenses to funeral directors, embalmers, funeral establishments, and certain crematories;
- takes disciplinary action against licensees;
- adopts rules for administering and enforcing the regulatory law;

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- examines and audits prearrangement funeral service trust funds; and
- consults with the Cemetery Board on rules for cremation and crematories.

The Board of Funeral Directors and Embalmers consists of four professional members and one public member appointed by the Governor to five-year terms. The professional members must be licensed funeral directors and embalmers with five years of continuous practice. The members receive compensation of not more than \$50 per day during which they attend official meetings or perform certain duties, as well as travel expenses.

The Board of Funeral Directors and Embalmers meets once each year, and at other times when called by the director of the Department, the chair of the Board, or a majority of Board members. A majority of Board members constitutes a quorum.

The Funeral Directors and Embalmers Account is a dedicated account. Various license fees, fines, and civil penalties are paid into the Account, and expenses related to licensing and registration activities are paid from the Account as authorized by legislative appropriation.

### Cemetery Board

The Cemetery Board:

- enforces and administers laws governing private cemeteries, mausoleum, columbariums, endowment care funds, and prearrangement contracts;
- takes disciplinary action against licensees;
- adopts standards of professional conduct and other rules; and
- consults with the Board of Funeral Directors and Embalmers on rules for cremation and crematories.

The Cemetery Board does not regulate: church cemeteries; cemeteries operated by counties, cities, towns, cemetery districts, or other government entities; or abandoned or historic cemeteries.

The Cemetery Board consists of four professional members and one public member appointed by the Governor to five-year terms. The professional members are persons with experience managing a cemetery authority or serving on a cemetery's board of directors. The public member must not have a financial interest in the cemetery business. The members receive compensation of not more than \$50 per day during which they attend official meetings or perform certain duties, as well as travel expenses.

The Cemetery Board meets once each year, and at other times when called by the director of the Department, the chair of the Board, or a majority of Board members.

The Cemetery Account is a dedicated account. License fees and other moneys related to the Board's activities are deposited in the Account, and expenditures related to its activities are paid from the Account. The Account is subject to allotment, but not appropriation.

### **Summary of Bill:**

A new Funeral and Cemetery Board is created by consolidating the existing Board of Funeral Directors and Embalmers and the existing Cemetery Board.

### Powers and Duties

The new Funeral and Cemetery Board assumes the powers and duties of the existing Board of Funeral Directors and Embalmers with respect to funeral directors, embalmers, and funeral establishments. The new board also assumes the powers and duties of the existing Cemetery Board with respect to cemeteries and crematories.

### Members

Initially, the new Funeral and Cemetery Board consists of the existing five-member Board of Funeral Directors and Embalmers and the existing five-member Cemetery Board. The expiration dates of the members' terms remain the same.

Subsequently, the new Funeral and Cemetery Board consists of seven members appointed by the Governor to four-year terms. Three members must be licensed funeral directors and embalmers with five years of continuous practice. Three members must be persons with experience managing a cemetery authority or serving on a cemetery's board of directors. One member must represent the general public and not have a connection with the funeral or cemetery industry. All members must be Washington residents.

The members receive compensation of not more than \$50 per day during which they attend official meetings or perform certain duties, as well as travel expenses.

### Meetings

The new Funeral and Cemetery Board must meet once each year, and at other times when called by the director of the Department of Licensing, the chair of the Board, or a majority of Board members.

A majority of Board members constitutes a quorum. To consider charges under the law governing funeral directors and embalmers, a quorum must include two members who are funeral directors and embalmers. To consider charges under the law governing cemeteries, a quorum must include two members who are cemetery managers. If there is a conflict of interest, a majority of the members must preside over the hearing.

### Account

A dedicated account, the Funeral and Cemetery Account, is created. Receipts from fines and fees collected under the law governing funeral directors and embalmers are deposited into the Account. Moneys received under the law governing cemetery authorities are also deposited into the Account. Expenditures may be used only for the operation and enforcement of the law governing funeral directors and embalmers and the law governing cemetery authorities. The Account is subject to allotment, but not appropriation.

### Other

The Department of Archaeology and Historic Preservation (instead of the Cemetery Board) is authorized to bring civil actions against persons who violate laws governing historical cemeteries.

Technical corrections are made.

**Rules Authority:** The rule-making powers of the existing Board of Funeral Directors and Embalmers and the existing Cemetery Board are transferred to the new Funeral and Cemetery Board.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.