

# SENATE BILL REPORT

## ESHB 2126

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As Reported by Senate Committee On:  
Government Operations & Elections, March 17, 2009

**Title:** An act relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers.

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

**Sponsors:** House Committee on Commerce & Labor (originally sponsored by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Lias and Kenney; by request of Governor Gregoire).

**Brief History:** Passed House: 3/10/09, 96-0.

**Committee Activity:** Government Operations & Elections: 3/17/09 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

**Staff:** Aaron Gutierrez (786-7448)

**Background:** The Cemetery Board was created in 1953, and certifies operation of cemeteries not owned by religious groups or taxing district authorities. The board also grants prearrangement sales licenses and crematory licenses, reviews audit results of endowment-care and pre-arrangement trust funds, holds disciplinary hearings on title violations, adopts and amends rules, and consults with the Board of Funeral Directors and Embalmers on rules for cremation and crematories.

The Cemetery Account is a dedicated account. License fees and other monies 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.

The state Board of Funeral Directors and Embalmers was created in 1977, and is responsible for examinations of applicants for funeral director and embalmer licenses, auditing

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prearrangement trust fund records, and adopting and enforcing rules related to cremation and continuing education.

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.

**Summary of Bill:** The Funeral and Cemetery Board is created as a consolidation of the Cemetery Board and the State Board of Funeral Directors and Embalmers.

The board consists of all members of the existing Funeral Directors and Embalmers Board and the existing Cemetery Board. The expiration of their terms remains the same. After the expiration of their terms, the board will consist of seven members appointed by the Governor. New members will serve four-year terms.

Three members must have active experience with administrative management of a cemetery authority, or as a member of the board of directors of a cemetery authority for at least five years previous to appointment. Three members must be licensed as funeral directors and embalmers, and must have been continuously engaged in the practice for at least five years preceding appointment.

The Funeral and Cemetery Account is created using funds from the Funeral Directors and Embalmers Account. Monies collected under the law governing funeral directors and embalmers and the law governing cemeteries must be deposited in the account. Only the Director of Licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures, but an appropriation is not required for expenditures.

Authority to bring civil actions against persons who violate historical cemeteries is transferred from the Cemetery Board to the Department of Archaeology and Historic Preservation.

Other references are updated or removed.

Four cemetery board statutes are repealed:

- RCW 68.05.040 (cemetery board created);
- RCW 68.05.050 (qualifications of members);
- RCW 68.05.060 (compensation and travel expenses); and
- RCW 68.05.080 (meetings).

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Multiple agencies regulate funeral and cemetery issues. Other concerns were addressed by the House amendment.

**Persons Testifying:** PRO: Representative Orwall, prime sponsor; Dennis McPhee, Joe Vincent, Department of Licensing.