

SENATE BILL REPORT

SB 5261

As Reported by Senate Committee On:
Labor & Commerce, January 24, 2023

Title: An act relating to deadlines concerning permits, licenses, or endorsements of cemetery authorities.

Brief Description: Concerning cemetery authority permit, license, or endorsement deadlines.

Sponsors: Senator Braun.

Brief History:

Committee Activity: Labor & Commerce: 1/19/23, 1/24/23 [DPS].

Brief Summary of First Substitute Bill

- Makes licenses, endorsements, certificates, and permits related to cemeteries, prearrangement certificates, and burial or scattering of human remains expire on March 31st of each year, rather than January 31st.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 5261 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Saldaña, Vice Chair; King, Ranking Member; Braun, MacEwen, Robinson, Schoesler and Stanford.

Staff: Susan Jones (786-7404)

Background: Licenses and endorsements, in some cases, are required for cemeteries and prearrangement sales. Certificates of authority are required for a cemetery authority to make an interment.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Certain people are designated by statute to direct the type, place, and method of disposition of human remains. People who are not designated must have a permit to bury or scatter human remains by land, air, or sea or perform any other disposition of human remains outside of a cemetery.

These licenses, endorsements, certificates, and permits expire on January 31st of each year.

Cemetery authority means an entity that has obtained a certificate of authority to operate a cemetery from the Funeral and Cemetery Board, or any other entity that operates a cemetery that is not under the jurisdiction of the funeral and cemetery board.

Prearrangement funeral service contract is any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person named or implied in the contract, to furnish funeral merchandise or services.

Summary of Bill (First Substitute): The licenses, endorsements, certificates, and permits related to cemeteries, prearrangement certificates, and burial or scattering of human remains expire on March 31st of each year.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Excepts current expiration dates in the funeral directors and embalmers chapter—RCW 18.39, from the January 31st expiration date provision.
- Removes cemetery authority language that is covered in another chapter—RCW 68.05.
- Adds an effective date of October 31, 2023.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on October 31, 2023.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We should look at bills under the lens of affordability. We often make things more expensive, not intentionally, but because the world is complicated. This bill is a small step to make it less costly and easier for some in Washington. Paperwork is an issue. Cemetery owners must report to four government agencies per year at three different times. The bill would change the Department of Licensing deadline to March 31st, which will align with the date of three other deadline to make filing paperwork easier.

Persons Testifying: PRO: Senator John Braun, Prime Sponsor; John Panesko.

Persons Signed In To Testify But Not Testifying: No one.