

SENATE BILL REPORT

SB 5262

As of January 24, 2023

Title: An act relating to amending the filing deadlines for cemetery districts to file annual reports with the secretary of state.

Brief Description: Amending the filing deadlines for cemetery districts to file annual reports with the secretary of state.

Sponsors: Senator Braun.

Brief History:

Committee Activity: State Government & Elections: 1/13/23 [w/oRec-LGLT].
Local Government, Land Use & Tribal Affairs: 1/24/23.

Brief Summary of Bill

- Requires the Secretary of State to align the delivery date of the annual report of a cemetery authority with the expiration dates of licenses and permits from the Funeral and Cemetery Board if elected by the cemetery authority.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Staff: Karen Epps (786-7424)

Background: Public cemeteries in Washington are generally managed by cemetery districts or municipalities. A cemetery district is a municipal corporation governed by a board of three elected commissioners that provides cemeteries and conducts cemetery business.

The Funeral and Cemetery Board (Board) enforces and administers the laws generally related to cemeteries, morgues, and human remains. The director of the Department of

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.

Licensing (DOL), in consultation with the Board, administers the laws. Facilities, including crematories, that perform services related to the final disposition of human remains are licensed, by a permit or endorsement, by DOL and may be inspected.

A cemetery authority must have a certificate of authority from the Board to make an interment. Licenses and endorsements, in some cases, are required for cemeteries and prearrangement sales. These licenses, endorsements, certificates, and permits expire on January 31st of each year.

Various entities, such as corporations, limited liability partnerships, nonprofit corporations, and cemetery authorities, must file an annual report with the Secretary of State's office.

Summary of Bill: The Secretary of State must align the delivery date of the annual report of a cemetery authority with the expiration dates for licenses, endorsements, certificates, and permits by the Funeral and Cemetery Board if elected by a cemetery authority. The Secretary of State may adopt rules to implement the change to the delivery date of annual reports from cemetery authorities.

Appropriation: None.

Fiscal Note: Requested on January 20, 2023.

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

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

Staff Summary of Public Testimony: PRO: There is a lot of work that goes in to maintaining a cemetery, together with administration and regulatory work. This bill makes it a little bit simpler. There are four deadlines throughout the year from the DOL, the Secretary of State, the federal deadline for taxes and the revenue deadline for taxes. This bill lines up this regulatory burden with other deadlines. This will reduce some of the administrative burden and the cost of running cemeteries districts.

CON: This legislation would require the Secretary of State's office to undertake a significant and expensive technical modification to its filing system to accommodate this one type of entity. Aligning the Secretary of State's offices annual report deliveries with the expirations of licenses and permits for the few hundred entities that this bill affects come at too high an expense to justify the convenience that this bill could create.

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

CON: Brian Hatfield, Office of Secretary of State.

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