

**HB 4073 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Linthicum

**Senate Committee On General Government and Accountability**

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**Action Date:** 02/22/18

**Action:** Do pass the A-Eng bill.

**Vote:** 5-0-0-0

**Yeas:** 5 - Hass, Linthicum, Manning Jr, Riley, Thatcher

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** C. Ross, LPRO Analyst

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**WHAT THE MEASURE DOES:**

Allows the State Mortuary and Cemetery Board to issue a temporary operating permit to a cemetery without a valid license in order to honor pre-existing contracts to inter deceased persons. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Success of previous pilot program and its expiration
- Emergency rulemaking by the Department of Justice to cover the gap
- Authority under a temporary permit, each being one-time only
- Increasing cemetery closures over time, especially in rural areas

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The purchase of cemetery plots and funeral arrangements are often made well in advance of a person's death. Advance planning is intended to relieve bereaved persons of the burden of attending to such arrangements while grieving, but it can become an issue if, at the time of death, a contracted cemetery is no longer licensed. The Oregon State Mortuary and Cemetery Board (the Board) prohibits interment at cemeteries without proper licensure, potentially forcing a person who has paid for an otherwise valid contract to make arrangements elsewhere. In 2015, the legislature passed House Bill 3242 to address this possibility, by authorizing the Board to issue temporary permits, but that measure included a sunset date, and the ability to issue temporary permits was repealed January 1, 2018. During the two years it was in effect, the Board provided 145 temporary permits.

House Bill 4073A reinstates the State Mortuary and Cemetery Board's authority to issue temporary permits to cemeteries without a valid license in order to honor pre-existing contracts to inter deceased persons.