

Senate Bill 135

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies membership of State Mortuary and Cemetery Board.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to appointment of members to the State Mortuary and Cemetery Board; creating new pro-
3 visions; amending ORS 692.300; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 692.300 is amended to read:

6 692.300. (1) There is created the State Mortuary and Cemetery Board to carry out the purposes
7 and enforce the provisions of this chapter. The board consists of **up to** 11 members appointed by the
8 Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and
9 171.565. All members of the board must be residents of this state. Of the members of the board:

10 (a) *[Two]* **Three** members must be *[licensed funeral service practitioners. One of the members un-*
11 *der this paragraph must be a funeral service practitioner who does not offer embalming]* **individuals**
12 **licensed by the board.**

13 *[(b) One member must be a licensed embalmer.]*

14 *[(c)]* **(b)** Three members must be representatives of cemeteries, one representing for-profit **or**
15 **nonprofit** cemeteries, one representing a city or county owned or operated cemetery and one rep-
16 representing a special district owned or operated cemetery.

17 *[(d)]* **(c)** One member must be a representative of a *[crematorium]* **facility, other than a cem-**
18 **etry, used for final disposition of human remains.**

19 *[(e)]* **(d)** Four members must be representatives of the public **who are not licensed by the**
20 **board**, one of whom must be a member of a recognized senior citizen organization.

21 **(2) The Governor may appoint a single board member to fill more than one of the cate-**
22 **gories of representation required by subsection (1)(a) to (c) of this section.**

23 *[(2)(a)]* **(3)(a)** Board members required to be licensed *[funeral service practitioners or licensed*
24 *embalmers]* **by the board or representatives of facilities licensed by the board** may be selected
25 by the Governor from a list of three to five nominees for each vacancy, submitted by[:]

26 *[(A)]* **individuals or facilities licensed by the board or** any professional organization repre-
27 senting **individuals or facilities licensed by the board.** *[funeral service practitioners, if the vacancy*
28 *on the board is for a funeral service practitioner position; or]*

29 *[(B) Any professional organization representing embalmers, if the vacancy on the board is for an*
30 *embalmer position.]*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
 2 tation on the board according to:

3 (A) Geographic areas of this state; and

4 (B) Ethnic group.

5 [(3)(a)] (4)(a) The term of office of the members of the board shall be three years ending on
 6 December 31, but a member serves at the pleasure of the Governor. The terms must be staggered
 7 so that no more than four terms end each year. A member is eligible for no more than two consec-
 8 utive terms. If there is a vacancy for any cause, the Governor shall make an appointment to become
 9 immediately effective for the unexpired term.

10 (b) A board member shall be removed immediately from the board if, during the member's term,
 11 the member:

12 (A) Is not a resident of this state;

13 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
 14 cused; **or**

15 (C) Is not [*a licensed funeral service practitioner or a retired funeral service practitioner*] **an in-**
 16 **dividual licensed by the board or a retired individual** whose license was in good standing at the
 17 time of retirement, if the board member was appointed to serve on the board as **an individual li-**
 18 **censed by the board.** [*a funeral service practitioner; or*]

19 [(D) *Is not a licensed embalmer or a retired embalmer whose license was in good standing at the*
 20 *time of retirement, if the board member was appointed to serve on the board as an embalmer.*]

21 **SECTION 2. (1) The amendments to ORS 692.300 by section 1 of this 2011 Act apply to**
 22 **appointments to the State Mortuary and Cemetery Board made on or after the effective date**
 23 **of this 2011 Act.**

24 **(2) A member serving on the board on the effective date of this 2011 Act continues to**
 25 **serve until the term of office for which the member was appointed terminates by expiration**
 26 **of time, resignation from the board by the member or removal of the member from office.**

27 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
 28 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
 29 **on its passage.**