

Senate Bill 30

Sponsored by Senator MONROE (Pre-session filed.)

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**.

Requires endowment care cemetery to deposit in endowment care fund at least nine percent of gross sales price of grave sold with grave liner installed at time of sale.

Clarifies that endowment care cemetery may deposit more than minimum required percentage of sales price in endowment care fund.

A BILL FOR AN ACT

1
2 Relating to endowment care cemeteries; amending ORS 97.810.

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

4 **SECTION 1.** ORS 97.810 is amended to read:

5 97.810. (1) As used in this section[,]:

6 (a) "Endowment care cemetery" means a cemetery that maintains an endowment care fund
7 placed in an irrevocable trust fund.

8 (b) "Grave liner" means a burial receptacle designed to be installed in a grave, as defined
9 in ORS 97.010, to assist in preventing the ground from collapsing.

10 (2) An endowment care cemetery shall deposit with the trustee or custodian of its endowment
11 care fund [*not less than*] the following amounts received from the sale of plots, niches, crypts or
12 private mausoleums:

13 (a) **At least 15** [*fifteen*] percent of the gross sales price with a minimum of \$5 for each grave
14 **sold without a grave liner installed at the time of sale** or, when the gross sales price is paid in
15 installments, **at least 15** percent of each installment until at least 15 percent of the gross sales price
16 has been deposited, with a minimum of \$5 for each grave **sold without a grave liner installed at**
17 **the time of sale.**

18 (b) **At least nine percent of the gross sales price for each grave sold with a grave liner**
19 **installed at the time of sale or, when the gross sales price is paid in installments, at least**
20 **nine percent of each installment until at least nine percent of the gross sales price has been**
21 **deposited.**

22 [(b)] (c) **At least** five percent of the gross sales price for each niche or, when the gross sales
23 price is paid in installments, **at least** five percent of each installment until at least five percent of
24 the gross sales price has been deposited.

25 [(c)] (d) **At least** five percent of the gross sales price for each crypt or, when the gross sales
26 price is paid in installments, **at least** five percent of each installment until at least five percent of
27 the gross sales price has been deposited.

28 [(d)] (e) **At least** five percent of the gross sales price for each private mausoleum or, when the
29 gross sales price is paid in installments, **at least** five percent of each installment until at least five
30 percent of the gross sales price has been deposited.

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 (3) The cemetery authority shall, within 30 days from the receipt of a payment, deposit with the
 2 trustee or custodian of its endowment care fund any payment received by the cemetery authority
 3 that is:

4 (a) Required by subsection (2) of this section to be paid into the fund; or

5 (b) A payment for special care, gifts, grants, contributions, devises or bequests made with re-
 6 spect to the separate or special care of a particular plot, grave, niche, crypt, mausoleum, monument
 7 or marker or that of a particular family.

8 (4) Within 75 days of the end of its fiscal year, each endowment care cemetery, except one
 9 owned by a city or a county, shall file with the Director of the Department of Consumer and Busi-
 10 ness Services a statement containing the following information pertaining to the endowment care
 11 fund:

12 (a) The total amount invested in bonds, securities, mortgages and other investments;

13 (b) The total amount of cash on hand not invested at the close of the previous calendar or fiscal
 14 year;

15 (c) The income earned by investments in the preceding calendar or fiscal year;

16 (d) The amounts of such income expended for maintenance in the preceding calendar or fiscal
 17 year;

18 (e) The amount paid into the fund in the preceding calendar or fiscal year; and

19 (f) Such other items as the director may from time to time require to show accurately the com-
 20 plete financial condition of the trust on the date of the statement.

21 (5) All of the information appearing on the statement [*shall*] **must** be verified by an owner or
 22 officer of the cemetery authority, and **the cemetery authority shall maintain** a copy of the
 23 statement [*shall be maintained*] in the business office of the cemetery authority.

24 (6) The director [*shall have authority to*] **may** require, as often as the director deems necessary,
 25 the cemetery authority to make under oath a detailed report of the condition and assets of any
 26 cemetery endowment care fund.

27 (7) At the time of the filing of the statements of its endowment care fund each cemetery au-
 28 thority shall pay to the director an annual fee as follows:

29 (a) Up to 100 interments per year, \$40.

30 (b) Over 100 interments per year, \$100.

31 (8) All fees received by the director under this section shall be immediately turned over to the
 32 State Treasurer who shall deposit the moneys in the Consumer and Business Services Fund created
 33 under ORS 705.145.

34 (9) A cemetery may not operate as an endowment care, permanent maintenance or free care
 35 cemetery until the provisions of this section are complied with. [*There shall be printed or stamped*
 36 *at*]

37 (10) The head of all contracts and certificates of ownership or deeds referring to plots in an
 38 endowment care cemetery[,] **must contain** the following statement: "This cemetery is an endowment
 39 care cemetery," in [*lettering equivalent to*] at least 10-point [*No. 2*] black type[, *and there shall be*
 40 *printed in the body of or stamped upon the above-described instruments*].

41 (11) **All contracts and certificates of ownership or deeds referring to plots in an**
 42 **endowment care cemetery must contain** the following statement: "Endowment care means the
 43 general care and maintenance of all developed portions of the cemetery and memorials erected
 44 thereon."

45 [(10)] (12) A cemetery that otherwise complies with this section may be designated an

1 endowment care cemetery even though it contains a small area that may be sold without endowed
2 care, if it is separately set off from the remainder of the cemetery. [*There shall be printed or*
3 *stamped at*] The head of all contracts and certificates of ownership or deeds referring to plots in this
4 area **must contain** the phrase “nonendowed care” in [*lettering equivalent to*] at least 10-point [*No.*
5 *2*] black type.

6 [(11)] (13) A nonendowed care cemetery is a cemetery that does not deposit in an endowment
7 care fund the minimum **amounts** specified in subsection [(1)] (2) of this section.

8 [(12)] (14) A cemetery authority may not in any way advertise or represent that it operates
9 wholly or partially as an endowment care cemetery, or otherwise advertise or represent that it
10 provides general care or maintenance of all or portions of the cemetery or memorials erected
11 thereon, unless the provisions of this section are complied with.

12