

# DRAFT

## SUMMARY

Permits State Mortuary and Cemetery Board to assume control of insolvent, bankrupt or disowned cemetery to carry out existing prearrangement sales contracts to which cemetery is party and to effect rights of plot owners. Directs board to adopt rules.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

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Relating to cemeteries; and declaring an emergency.

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

**SECTION 1. (1) The State Mortuary and Cemetery Board may assume control of a cemetery that is insolvent, has filed for bankruptcy or is no longer under the control of the cemetery authority in order to:**

**(a) Carry out existing prearrangement sales contracts, as defined in ORS 97.923, to which the cemetery is a party; and**

**(b) Effect the rights of plot owners, as defined in ORS 97.010, owning a plot in the cemetery.**

**(2) The board may designate a funeral service practitioner, funeral establishment operator, cemetery operator or other person the board deems qualified to assume control of a cemetery for the purposes of subsection (1) of this section.**

**(3) The board may not assume control of a cemetery that is insolvent, has filed for bankruptcy or is no longer under the control of the cemetery authority other than for the purposes listed in subsection (1) of this section.**

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       **(4) The board shall adopt rules to carry out this section.**

2       **SECTION 2. Section 1 of this 2015 Act applies to cemeteries that are**  
3 **insolvent, file for bankruptcy or are no longer under the control of the**  
4 **cemetery authority on or after the operative date specified in section**  
5 **3 of this 2015 Act.**

6       **SECTION 3. (1) Section 1 of this 2015 Act becomes operative on**  
7 **January 1, 2016.**

8       **(2) The State Mortuary and Cemetery Board may take any action**  
9 **before the operative date specified in subsection (1) of this section that**  
10 **is necessary to enable the board to exercise, on or after the operative**  
11 **date specified in subsection (1) of this section, all of the duties, func-**  
12 **tions and powers conferred on the board by section 1 of this 2015 Act.**

13       **SECTION 4. This 2015 Act being necessary for the immediate pres-**  
14 **ervation of the public peace, health and safety, an emergency is de-**  
15 **clared to exist, and this 2015 Act takes effect on its passage.**

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