

B-Engrossed
House Bill 2317

Ordered by the Senate April 28
Including House Amendments dated February 23 and Senate Amendments
dated April 28

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for
State Mortuary and Cemetery Board)

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.

Increases term of member of State Mortuary and Cemetery Board from three years to four
years. Specifies that member may be removed from board if, during term, member no longer meets
qualifications for office.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to health professional regulatory boards; creating new provisions; amending ORS 692.300;
3 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 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 members]* **One member** must be *[licensed funeral service practitioners. One of the mem-*
11 *bers under this paragraph must be a funeral service practitioner who does not offer embalming.]* **a**
12 **funeral service practitioner.**

13 **(b) Two members must be representatives of an immediate disposition company or a li-**
14 **icensed funeral establishment, and at least one of the two must be a licensed embalmer.**

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

16 (c) Three members must be representatives of cemeteries, one representing **a for-profit [ceme-**
17 **teries] cemetery, one representing a nonprofit cemetery and** one representing a *[city or county*
18 *owned or operated cemetery and one representing a special district owned or operated cemetery.]*
19 **cemetery owned or operated by a city, county or special district.**

20 (d) One member must be a representative of a crematorium[.] **or other facility for final dis-**
21 **position of human remains under ORS 692.275 that is not a cemetery.**

22 (e) Four members must be representatives of the public, one of whom must be a member of a
23 recognized senior citizen organization.

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

26 *[(A) Any professional organization representing funeral service practitioners, if the vacancy on the*

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 *board is for a funeral service practitioner position; or]*

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

4 **(2)(a) For each vacancy on the board under subsection (1)(a) to (d) of this section, the**
5 **Governor may select a board member from a list of three to five nominees submitted by**
6 **professional organizations that represent individuals licensed, certified or registered by the**
7 **board or facilities regulated by the board.**

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

10 (A) Geographic areas of this state; and

11 (B) *[Ethnic group]* **Ethnicity.**

12 (3)(a) The term of office of the members of the board shall be *[three]* **four** years *[ending on De-*
13 *cember 31]*, but a member serves at the pleasure of the Governor. The terms must be staggered so
14 that no more than four terms end each year. **Except as provided in paragraph (c) of this sub-**
15 **section**, a member is eligible for no more than two consecutive terms. If there is a vacancy for any
16 cause, the Governor shall make an appointment to become immediately effective *[for the unexpired*
17 *term]* **to fill the vacancy. The four-year term of a board member appointed to a vacant posi-**
18 **tion begins on the date of appointment.**

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

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

22 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
23 cused;

24 (C) Is not a licensed funeral service practitioner or a retired funeral service practitioner whose
25 license was in good standing at the time of retirement, if the board member was appointed to serve
26 on the board as a funeral service practitioner; or

27 (D) Is not *[a licensed embalmer or a retired embalmer whose license was in good standing at the*
28 *time of retirement, if the board member was appointed to serve on the board as an embalmer]* **an au-**
29 **thorized representative of a cemetery, crematorium, funeral establishment or immediate**
30 **disposition company, or other facility that is regulated by and in good standing with the**
31 **board, if the board member was appointed to serve on the board as a representative of the**
32 **facility.**

33 (c) **A member who is a representative of the public may serve more than two consecutive**
34 **terms if no other member of the public applies to fill an open position.**

35 **SECTION 2.** The amendments to ORS 692.300 (3) by section 1 of this 2017 Act apply to
36 individuals serving as members of the State Mortuary and Cemetery Board on the effective
37 date of this 2017 Act.

38 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
40 on its passage.