

# Enrolled House Bill 2317

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)

CHAPTER .....

AN ACT

Relating to health professional regulatory boards; creating new provisions; amending ORS 692.300; and declaring an emergency.

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

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

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

(a) *[Two members]* **One member** must be *[licensed funeral service practitioners. One of the members under this paragraph must be a funeral service practitioner who does not offer embalming.]* **a funeral service practitioner.**

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

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

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

(d) One member must be a representative of a crematorium~~[,]~~ **or other facility for final disposition of human remains under ORS 692.275 that is not a cemetery.**

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

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

*[(A) Any professional organization representing funeral service practitioners, if the vacancy on the board is for a funeral service practitioner position; or]*

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

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

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

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

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

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

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

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

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

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

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

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

**Passed by House March 1, 2017**

**Repassed by House May 10, 2017**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 8, 2017**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2017

**Approved:**

.....M,....., 2017

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2017

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Dennis Richardson, Secretary of State