



DEPARTMENT OF JUSTICE
ATTORNEY GENERAL'S OFFICE

MEMORANDUM

DATE: February 1, 2018

TO: Honorable Jennifer Williamson, Chair
House Rules Committee

FROM: Aaron Knott, Legislative Director
Oregon Attorney General's Office

SUBJECT: House Bill 4073 – Temporary Cemetery Operating Permit

This testimony is presented in support of House Bill 4073 -1.

BACKGROUND

In situations where an Oregon cemetery has lost its operating license, typically when the license has been revoked or gone unrenewed, consumers might be placed in the traumatic circumstances of being unable to inter their loved ones in a previously purchased burial plot. This additional burden can aggravate the stress and grief that already accompany the passing of a friend or family member. HB 3242, which the legislature passed in 2015, addressed this problem by providing that the State Mortuary and Cemetery Board (OMCB) may grant a temporary operating permit for a cemetery that does not hold a valid license to operate for the purpose of performing an interment. This language sunset on December 31, 2017, leaving Oregon consumers again in an untenable position.

CONCEPT

House Bill 4073 -1 is designed to permanently prevent these situations by allowing the OMCB to grant a cemetery that does not hold a valid license a temporary operating permit for the purpose of performing an interment. The OMCB may only grant the temporary operating permit if (1) a death necessitating interment has occurred and (2) there is an existing prearrangement sales contract as defined in ORS 97.923 to which the cemetery is a party. This prevents the potential for abuse of the permitting process by a business entity that may seek to operate without a license on an as needed basis. The Department of Justice does not consider this an issue that can be resolved via rulemaking alone and therefore urges the passage of HB 4073.

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