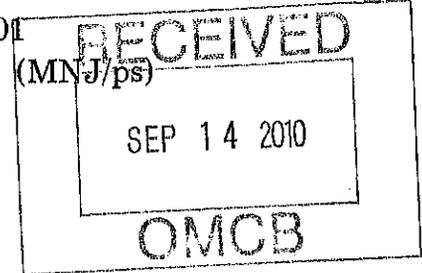


LC 527

83317-001

9/9/10



D R A F T

SUMMARY

Modifies membership of State Mortuary and Cemetery Board.
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the State Mortuary and Cemetery Board; 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 **up to 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]* **Three** members must be *[licensed funeral service practitioners. One of the members under this paragraph must be a funeral service practitioner who does not offer embalming]* **individuals licensed by the board.**

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

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

[(d)] **(c)** One member must be a representative of a *[crematorium]* **facility, other than a cemetery, used for final disposition of human remains.**

1 [(e)] (d) Four members must be representatives of the public **who are not**
 2 **licensed by the board**, one of whom must be a member of a recognized
 3 senior citizen organization.

4 (2) **The Governor may appoint a single board member to fill more**
 5 **than one of the categories of representation required by subsection**
 6 **(1)(a) to (c) of this section.**

7 [(2)(a)] (3)(a) Board members required to be licensed [*funeral service*
 8 *practitioners or licensed embalmers*] **by the board or representatives of**
 9 **facilities licensed by the board** may be selected by the Governor from a list
 10 of three to five nominees for each vacancy, submitted by[:]

11 [(A)] **individuals or facilities licensed by the board or** any professional
 12 organization representing **individuals or facilities licensed by the board.**
 13 [*funeral service practitioners, if the vacancy on the board is for a funeral ser-*
 14 *vice practitioner position; or*]

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

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

- 19 (A) Geographic areas of this state; and
 20 (B) Ethnic group.

21 [(3)(a)] (4)(a) The term of office of the members of the board shall be
 22 three years ending on December 31, but a member serves at the pleasure of
 23 the Governor. The terms must be staggered so that no more than four terms
 24 end each year. A member is eligible for no more than two consecutive terms.
 25 If there is a vacancy for any cause, the Governor shall make an appointment
 26 to become immediately effective for the unexpired term.

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

- 29 (A) Is not a resident of this state;
 30 (B) Has been absent from three consecutive board meetings, unless at
 31 least one absence is excused; or

1 (C) Is not [*a licensed funeral service practitioner or a retired funeral ser-*
2 *vice practitioner*] **an individual licensed by the board or a retired indi-**
3 **vidual** whose license was in good standing at the time of retirement, if the
4 board member was appointed to serve on the board as **an individual li-**
5 **censed by the board.** [*a funeral service practitioner; or*]

6 [(D) *Is not a licensed embalmer or a retired embalmer whose license was*
7 *in good standing at the time of retirement, if the board member was appointed*
8 *to serve on the board as an embalmer.*]

9 **SECTION 2. (1) The amendments to ORS 692.300 by section 1 of this**
10 **2011 Act apply to appointments to the State Mortuary and Cemetery**
11 **Board made on or after the effective date of this 2011 Act.**

12 (2) A member serving on the board on the effective date of this 2011
13 Act continues to serve until the term of office for which the member
14 was appointed terminates by expiration of time, resignation from the
15 board by the member or removal of the member from office.

16 **SECTION 3. This 2011 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2011 Act takes effect on its passage.**

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