

# House Bill 3242

Sponsored by COMMITTEE ON BUSINESS AND LABOR

## 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 **as introduced**.

Permits State Mortuary and Cemetery Board to assume control of insolvent, bankrupt or dis-owned 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

1  
2 Relating to cemeteries; and declaring an emergency.

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

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

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

9 (b) Effect the rights of plot owners, as defined in ORS 97.010, owning a plot in the cem-  
10 etery.

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

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

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

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

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

22 (2) The State Mortuary and Cemetery Board may take any action before the operative  
23 date specified in subsection (1) of this section that is necessary to enable the board to exer-  
24 cise, on or after the operative date specified in subsection (1) of this section, all of the duties,  
25 functions and powers conferred on the board by section 1 of this 2015 Act.

26 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
28 **on its passage.**

29  

---

  
**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.