

# Oregon Mortuary & Cemetery Board (OMCB)

SB 5524: 2025-27 Budget Presentation Reference Document

Before the
Joint Committee on Ways and Means
Subcommittee on Education

#### The Origins of the Oregon Mortuary & Cemetery Board (OMCB)

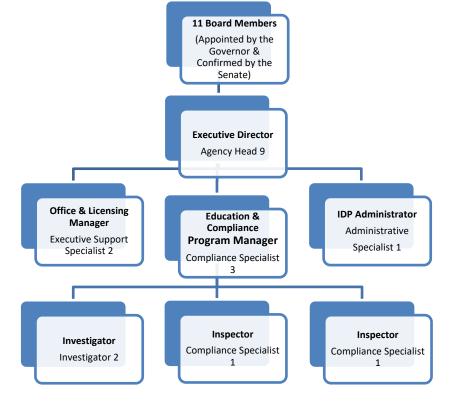
- In 1921, the Funeral Directors and Embalmers Board was established.
- The name of the agency changed in 1983 to the State Mortuary Board.
- The Board's name was changed again in 1985 (after a horrific incident in Lincoln City) to the State Mortuary and Cemetery Board.
- The Lincoln City incident had a profound impact on the community, the death care industry, the State of Oregon and this agency.
- As a result of this incident, OMCB's focus became **Consumer Protection**.
- During the 1985 legislative session, the **Death Laws Task Force** (comprised of Lincoln City residents, industry representatives & legislators) was formed and most of the laws relating to death care were amended.

#### **OMCB's Mission Statement**

The mission of the Board is to protect public health, safety and welfare by fairly and efficiently performing its licensing, inspection and enforcement duties; by promoting professional behavior and standards in all facets of the Oregon death care industry; and, by maintaining constructive relationships with licensees, those they serve and others with an interest in the Board's activities.

#### **OMCB's Organizational Information**

OMCB employs 7 FTE and the Board is comprised of eleven members appointed by the Governor and confirmed by the Senate: one must be a funeral service practitioner; two must be representatives of an immediate disposition company or licensed funeral establishment, and one must be a licensed embalmer; three must be representatives of cemeteries (for-profit, nonprofit & city/county/special district); one must be a representative of a crematorium or other facility for final disposition of human remains; four must be representatives of the public (one must represent a recognized senior citizen organization).



### **Summary of OMCB's Programs**

The Board's programs affect those who have suffered a loss, those who make final arrangements and those who provide death care merchandise and services. It is the Board's responsibility to license and regulate the practice of individuals and facilities engaged in the care, preparation, processing, transportation and final disposition of human remains. The Board's licensees include funeral service practitioners (funeral directors), embalmers, apprentices, interns, death care consultants, funeral establishments, crematoriums, cemeteries and other facilities for final disposition of human remains.

The Board protects the public and the industry by promoting and enforcing compliance with statutes and rules established for that purpose primarily through education. Engaging in certain death care activities without a license is the only crime within the Board's jurisdiction.

**For budgetary purposes, the Board is considered a single program unit.** For practical purposes, the Board's principal activities are organized into four sections, which all contain an educational aspect:

- 1. Licensing & Examination;
- 2. Compliance;
- 3. Administration & Policy, and
- 4. Education.

Examination		Administration & Policy	Education
The Board licenses both death care professional and facilities. Individual licenses include: apprentice/trainee, combination (funeral service practitioner & embalmer), death care consultant, embalmer, funeral service practitioner, intern & preneed salesperson. Facilities include: alternative disposition company, cemetery authority, funeral establishment, immediate disposition company & removal company (Washington). The Board also administers a funeral service practitioner (FSP) and death care consultant (DCC) law examinations at least twice each year.	Inspection:  ORS 692.320 requires that the Board inspect "at least once every two years, the premises and records of funeral establishments, cemeteries, crematoriums, immediate disposition companies and other facilities used for the final disposition of human remains and any other location at which human remains may be stored, temporarily held or processed prior to final disposition."  The Board takes a preventative approach to compliance – by educating licensees in order to prevent violations. With the exception of egregious or repeated violations, deficiencies noted during routine inspections rarely lead to formal disciplinary action.  Complaint & Background Investigation: ORS 676.165 requires that the Board to conduct an investigation upon receipt of a complaint by any person against a licensee or applicant. The Board may also initiate an investigation upon its own motion. Though complaint investigations are mandatory, the Board's sanctioning authority is discretionary. The Board conducts criminal background checks on a variety of individual license applicants and principals of licensed facilities. The Board may deny a license	The Board's administrative functions are carried out by the Executive Director with the assistance from staff. Principal functions include program and project planning, development, management and evaluation; budget preparation and presentation; performance measurement; legislative coordination; rulemaking; personnel recruitment, management and retention; contracting and purchasing; receipt and expenditure control; accounting oversight; information systems and database management; meeting planning and facilitation; public relations; and maintaining critical	The Board serves as an informational resource for the public relating to death care options, other agencies, organizations, the media, as well as licensees. Education is also one of the principal aims of the Board's inspection process. Inspectors welcome questions and provide on-site technical assistance, as well as explain the regulatory basis for any noted deficiencies. Finally, the Board provides apprenticeship registration for prospective funeral service practitioners and embalmers, and also provides the law examinations for licensure for funeral service practitioners and death care consultants.

application for conviction of a crime bearing	partnerships and	
a demonstrable relationship to funeral	collaborative	
service and/or embalming practice, or the	relationships.	
operation of funeral establishments,		
crematories, cemeteries & immediate		
disposition companies. The Board may also		
deny an application for any		
misrepresentation in obtaining a license.		

## **Additional Licensing Information:**

The Board currently issues the following 13 license types:

	Individual Licenses		Facility Licenses
1	Apprentice/Trainee (Funeral Service	1	Alternative Disposition Company
1	Practitioner, Embalmer or Both)	1	Alternative Disposition Company
2	Combination (Funeral Service		Comptony Authority
2	Practitioner & Embalmer)	2	Cemetery Authority
3	Death Care Consultant	3	Crematory Authority
4	Embalmer	4	Funeral Establishment
5	Funeral Service Practitioner (Funeral	5	Immediate Disposition Company
3	Director)	כ	Immediate Disposition Company
6	Intern	6	Ramayal Campany (Mashington)
7	Preneed Salesperson	O	Removal Company (Washington)

## License Types Issued per Biennium\*

License Types Issued Between July 1st and June 30th	2009 - 2011	2011 - 2013	2013 - 2015	2015 - 2017	2017 - 2019	2019 – 2021	2021-2022
Initial Individual Licenses: Apprentice/Trainee, Combination, Death Care Consultant, Embalmer, Funeral Service Practitioner, Intern & Preneed Salesperson	266	230	258	244	268	301	221
Initial Facility Licenses: Alternative Disposition Company, Cemetery Authority, Crematory Authority, Funeral Establishment, Immediate Disposition Company & Removal Company (Washington)	77	66	72	79	42	83	54
Individual Renewals: Apprentice/Trainee, Combination, Death Care Consultant, Embalmer, Funeral Service Practitioner & Preneed Salesperson	1,264	1,289	1,260	1,101	1,121	819	866
Facility Renewals: Alternative Disposition Company, Cemetery Authority, Crematory Authority, Funeral Establishment, Immediate Disposition Company	717	711	726	753	748	708	695
Total Licenses Issued	2,324	2,296	2,316	2,177	2,179	1,911	1,836

<sup>\*</sup>The licensing numbers have been updated as a result of an identified discrepancy with the previously reported data due to the implementation of a new licensing database in late 2019.

#### **Overview of OMCB's Performance and Outcome Measures**

Our agency currently has five approved Key Performance Measures (KPMs):

- Key Performance Measures #1, #2 & #4 are reported for the following data collection period:
  - July 1st through June 30th
- **Key Performance Measure #3** is reported for the following data collection period:
  - January 1st through December 30th
- Key Performance Measure #5 is reported for the following data collection period:
  - January 1st through January 1st

The five Key Performance Measures are as follows:

KPM #	Approved Key Performance Measures (KPMs)							
1	Facility Inspection	Percentage of licensed facilities inspected not less than once per biennium.						
2	Complaint Investigation	Percent of investigative reports completed within six months of a complaint from any person against a licensee.						
3	Customer Service	Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.						
4	Best Practices	Percent of total best practices met by the Board.						
5	<b>Timely Resolution of Complaints</b>	Percent of cases closed within 9 months.						

For the Reporting Year of 2024, the following percentages and narratives were reported:

KPM #1: Facility Inspection – Percentage of licensed facilities inspected not less than once per biennium

Inspections Completed						
Actual 106%						
Target	100%					

Our agency is statutorily mandated to inspect, at least once every two years (a biennium), the premises and records of all licensed facilities – we currently regulate 726 licensed facilities located throughout the state. In order to satisfy this requirement, our inspectors must complete at least half of these facility inspections (approximately 363) during each July 1 – June 30 reporting period. For the period of July 1, 2023 through June 30, 2024, our inspectors performed and completed a total of 385 facility inspections. These inspections included 378 random biennial inspections and 7 biennial inspections as part of a licensing action. The number of completed full biennial inspections equate to a rate of 106% of licensed facilities inspected not less than once per biennium.

#### **Factors Affecting Results**

Our agency is primarily conducting/completing these inspections on-site – virtual inspections remain a viable option when there are scheduling conflicts and/or unfavorable weather/travel conditions. Our inspection rate remained consistent in 2023 and 2024 at 102% or higher.

**KPM #2**: Complaint Investigation – Percent of investigative reports completed within six months of a complaint from any person against a licensee

Complaint Investigation						
Actual 100%						
Target	90%					

For the reporting period of July 1, 2023 through June 30, 2024, our agency opened 146 cases – which was a 74% increase from 2023 (38 additional cases). All investigative reports for this reporting period were completed within 6 months of each complaint, resulting in a rate of 100%.

#### **Factors Affecting Results**

With the exceptions of 2020 and 2023, our agency has maintained a 100% report rate for the last 9 years.

**KPM #3**: Customer Service – Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information

<b>Customer Service</b>							
Overall							
Actual	70%						
Target	95%						
Availability of Information							
Actual	%						
Target	95%						
Helpfulness							
Actual	62%						
Target	95%						
Accuracy							
Actual	70%						
Target	95%						
Timeliness							
Actual	59%						
Target	95%						
Expertise							
Actual	88%						
Target	95%						

In 2023, our agency received 24 customer service survey responses. We continue to promote the survey to all licensees, constituents, and people from the public. A link to the survey is located on the home page of our agency's website and is also included in all staff's email signature lines.

#### **Factors Affecting Results**

Our agency encountered a significant increase of licensee applications, change of principals, and change of ownerships during this reporting period, which caused communication to be delayed on multiple occasions. Once the issue was identified, we quickly implemented an automated system of communication, which included automated responses that provided status updates regarding individual/facility application processing. It is understood that this has been addressed and all applicants are receiving timely updates regarding their applications.

Best Practices						
Actual	98%					
Target	100%					

The Best Practices Self-Assessment Evaluation is available on every Board Member's iPad and is reviewed during every board meeting. Board Members are encouraged to ask questions and raise any issues/concerns they have during the year, so they may be addressed immediately. During the July 8, 2024 general session board meeting, nine of the ten Board Members who served between July 1, 2023 and June 30, 2024 completed the Best Practices voting slip. The remaining Board Member has submitted their voting slip and our agency scored a 98% for 2024.

### **Factors Affecting Results**

Generally, by reviewing the Best Practices Self-Assessment Evaluation during each board meeting, all questions/issues/concerns are being properly and sufficiently addressed in a timely manner to ensure that all Board Members can clearly understand and identify the agency's expectations and determine if these expectations are being met.

KPM #5: Timely Resolution of Complaints - Percent of cases closed within 9 months

<b>Timely Resolution of Complaints</b>						
Actual	51%					
Target	90%					

For the reporting period of January 1, 2023 through January 1, 2024, our agency opened 82 cases – which was a 78% increase from 2023 (18 additional cases). Out of the 82 total cases, 42 were closed within 9 months of receiving each complaint, resulting in a completion rate of 51%.

#### **Factors Affecting Results**

While our agency's total percentage of cases closed within 9 months decreased (from 55% in 2023 to 51% in 2024), the overall number of cases increased (from 64 in 2023 to 82 in 2024 – which was a 78% increase) and the number of cases closed within 9 months increased (from 35 cases closed in 2023 to 42 cases closed in 2024 – which was a 51% increase). Another significant factor that impacted the number of closed cases was the staff member who is the primary individual responsible for closing cases was just hired in May of 2023. During this period of time, this staff member was training and learning all of the duties and responsibilities associated with the job, which took a significant amount of time.

#### The Governor's Budget

A hyperlink/URL to the agency's Governor's Budget has not yet been established, but will be provided to our agency's LFO analyst as soon as it becomes available.

## The Indigent Disposition Program (IDP)

#### Purpose of the Indigent Disposition Program (IDP):

The purpose of the Indigent Disposition Program (IDP) is to provide licensed Oregon funeral establishments with reimbursement for costs incurred while providing services for the disposition of unclaimed indigent decedents. The Indigent Disposition Program has been in existence since the Oregon State Legislature originally assigned administrative responsibility for reimbursement to the Public Health Division of the Oregon Health Authority in 1993. Prior to that legislation, each county was responsible for covering all indigent disposition expenses. In 2015, the Oregon State Legislature revised certain elements of the program, transferred management to the Oregon Mortuary & Cemetery Board (OMCB) and amended the required process that a funeral establishment must complete prior to performing final disposition of an indigent decedent. These changes went into effect on January 1,2016.

Not every state has established a program like Oregon's Indigent Disposition Program. In the states surrounding Oregon, payment for the care of unclaimed decedents falls to the county – which may or may not have sufficient funds – and may or may not have requirements regarding the decedent's residency in the county. Overall, fewer than half of all state governments have established funds similar to this one.

The Indigent Disposition Program's maximum reimbursement rate is set annually by OMCB's Board – the current rate is \$500 per approved claim. This rate is posted on OMCB's website and notification of any rate changes are publicized.

In accordance with OAR 830-040-0090(1), only a licensed funeral establishment (including an immediate disposition company or persons acting as funeral service practitioners) may apply for indigent disposition reimbursement.

#### Definition of an "Indigent Person":

As defined in  $ORS\ 97.170(1)(a)$ -(c), "indigent person" means a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person's body or other means to pay for disposition of the deceased person's body and:

- (a) Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person's body;
- (b) Whose relative, or other person, with the legal right to direct the disposition of the deceased person's body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person's body within 10 days of being notified of the death; or
- (c) For whom no person other than a person described in paragraph (a) or (b) of this subsection wishes to direct and pay for the disposition of the deceased person's body.

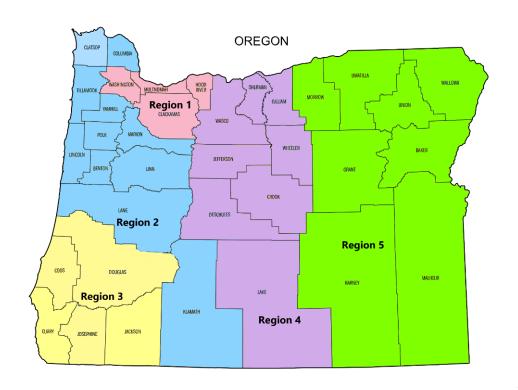
#### How the Indigent Disposition Program (IDP) is Funded:

The IDP Fund receives its revenue entirely from the death filing fee, which is described in ORS 692.415:

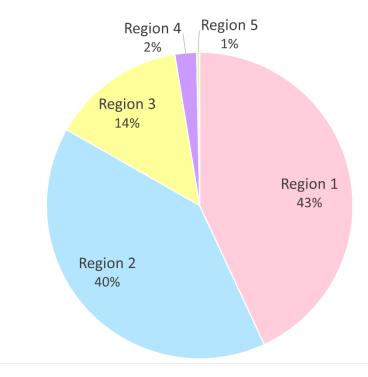
- (1) The State Mortuary and Cemetery Board shall impose and collect a filing fee of \$30 for each report of death. The board shall deposit the amount received into the State Mortuary and Cemetery Board Account established under ORS 692.375. The fee shall be used as follows:
  - (a) \$16 to be used to carry out the requirements of ORS 97.170(5); and

(b) \$14 to be used in the same manner as other funds credited to the account are used.
Therefore, OMCB collects \$30 (death filing fee) for each death and allocates the amount as follows:
\$16 is paid to the IDP Fund; and
• \$14 is paid to OMCB's agency account, which is a main source of the agency's revenue.

## Indigent Disposition Program (IDP) Fund: Regional Map & Total Claims Received by Region (2022-23)



# **Total Claims Received for 2022-2023 by Region**



# Indigent Disposition Program (IDP) Fund: Total Claims Received by Region (2022-23)

IDP Claims by Region	IDP Claims Received in 2022	% of Total IDP Claims in 2022	IDP Claims Received in 2023	% of Total IDP Claims in 2023	Total IDP Claims Received for Both Years (2022 & 2023)	% of Total IDP Claims Received for Both Years (2022 & 2023)	Regional Population for 2022*	Region % of Total Population	Deaths by Region+	IDP Claims as % of Total Deaths (2022)
Region 1: Portland Metro (Clackamas, Hood River, Multnomah and Washington Counties)	213	35.86%	350	49.09%	563	43.08%	1,842,484	43.45%	15,613	1.36%
Region 2: Willamette Valley, North and Mid-Coast (Benton, Clatsop, Columbia, Klamath, Lane, Lincoln, Linn, Marion, Polk, Tillamook & Yamhill Counties)	268	45.12%	257	36.04%	525	40.17%	1,398,875	32.99%	15,912	1.68%
Region 3: Southern Oregon and South Coast (Coos, Curry, Douglas, Jackson & Josephine Counties)	92	15.49%	93	13.04%	185	14.15%	510,259	12.03%	7,796	1.18%
Region 4: Central Oregon (Crook, Deschutes, Gilliam, Jefferson, Lake, Sherman, Wasco & Wheeler Counties)	19	3.20%	11	1.54%	30	2.30%	298,618	7.04%	2,998	0.63%
Region 5: Eastern Oregon (Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union & Wallowa Counties)	2	0.34%	2	0.28%	4	0.31%	189,901	4.48%	2,299	0.09%
Grand Total	594	100%	713	100%	1,307	100%	4,240,137	100%	44,618	4.94%

<sup>\*</sup>Data from US Census

<sup>+</sup>Data from Oregon Health Authority

## Indigent Disposition Program (IDP): Total Claims Received Per Year (2019-23)

IDP Claims Recei	ved Per Year	IDP Claims Pai	d Per Year	% of IDP Claims Paid Per Year
2019	528	2019	487	92.23%
2020	526	2020	476	90.49%
2021	464	2021	371	79.96%
2022	594	2022	518	87.21%
2023	713	2023	533	74.75%
Average Per Year	565	Average Per Year	477	84.42%

## Indigent Disposition Program (IDP): Claim Status (2022-23)

IDP Claim Status	Total IDP Claims Received in 2023	% of Total IDP Claims in 2023	Total Claims Received in 2022	% of Total IDP Claims in 2022	
Paid	533	74.75%	518	87.21%	
Waiting for Supplemental Information	48	6.73%	48	8.08%	
Withdrawn	18	2.52%	7	1.18%	
Denied	57	7.99%	21	3.54%	
Approved, Processing	57	7.99%	-	-	
Other, See Additional Info	-	-	-	-	
Intake	-	-	-	-	
Grand Total	713	100%	594	100%	

## Indigent Disposition Program (IDP): Claims Reimbursed (2022-23)

Claims Payments	
Full Value of Claims to Fund in 2023*	\$920,111.25
Total Amount Reimbursed from Fund for 2023 Claims	\$275,190.00
Average Amount Requested	\$1,292.29

<sup>\*</sup>Funeral establishments are advised to document the full cost that they would charge for each case based on their General Price List for the provided goods and services, but reimbursement is capped at \$550 per case since July 1, 2023.

## Indigent Disposition Program (IDP): Decedent Ethnicity for Paid Claims (2023)

Ethnicity*	IDP Claims Paid in 2023	% of Total Claims Paid in 2023
American Indian or Alaska Native	4	0.75%
Asian	1	0.19%
Black	6	1.13%
Latinx or Hispanic	17	3.19%
White	395	74.11%
Unknown+	110	20.64%
Grand Total	533	100%

<sup>\*</sup>Data from OVERS (Oregon Vital Events Registration System)

<sup>+</sup>Not all ethnicities are reported on death certificates

# Indigent Disposition Program (IDP): Decedent Gender Identification for Paid Claims (2023)

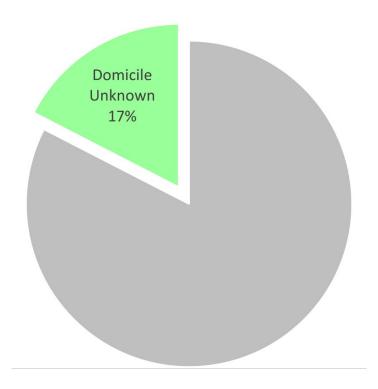
Gender	IDP Claims Paid in 2023	% of Total Claims Paid in 2023
Female	127	23.83%
Male	406	76.17%
Non-Binary	0	-
<b>Grand Total</b>	533	100%

## Indigent Disposition Program (IDP): Veteran Status for Paid IDP Claims (2022-23)

Veteran Status for Paid Claims	IDP Claims Paid in 2023	% of Total Claims Paid in 2023	IDP Claims Paid in 2022	% of Total Claims Paid in 2022	Total Population in 2018-2022*	% of Total Population in 2022	
Not a Veteran	412	77.3%	420	81.08%	3,978,812	93.84%	
Veteran	73	13.7%	94	18.15%	261,322	6.16%	
Unknown Status Due to Incomplete Application	48	9%	4	0.77%	-	-	
Grand Total	533	100%	518	100%	4,240,134	100%	

<sup>\*</sup>Data from US Census

## Indigent Disposition Program (IDP): Decedent Domicile Unknown Status for Paid Claims (2023)



Senate Bill 850 (2021) became effective on January 1, 2022, which required mandatory reporting of housing status on reports of death. "Domicile Unknown" was required for those decedents who were homeless at the time of death.

## Indigent Disposition Program (IDP): How Funeral Homes Acquired Indigent Cases for Paid Claims (2023)

	mes Acquired Ind d IDP Claims in 20											
Adult Foster Home 10 1.88%												
Hospice	53	9.94%										
Hospital	126	23.64%										
Medical Examiner	247	46.34%										
Nursing Facility	40	7.5%										
Other	22	4.13%										
Police Call	35	6.57%										
<b>Grand Total</b>	533	100%										

## Indigent Disposition Program (IDP): IDP Claims Complete/Incomplete Upon Submission (2022-23)

	IDP Claims Re	eceived in 2022	IDP Claims Received in 2023			
IDP Claims Complete Upon Submission	309	52.02%	456	63.96%		
IDP Claims Incomplete Upon Submission	285	47.98%	257	36.04%		
Grand Total	594	100%	713	100%		

## Indigent Disposition Program (IDP): Internal Processing Time of IDP Applications (2020-23)

Average Internal Processing Time* (including weekends and observed holidays)									
2020	157 days								
2021	72 days								
2022	36 days								
2023	38 days								

<sup>\*</sup>Internal processing time begins on the day a completed application is received by our office and concludes on the day when the reimbursement warrant is issued (or the day an application is withdrawn or denied). This does not include the time our staff is waiting for a pending application to be completed by the applicant.

## **Other Funds Ending Balance**

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Addition-	31												

# 10% Reduction Options

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25-27 Bien	nnium													
		2025-27 Cur	rent Service Level Budget											
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Priority Inked most to least Ireferred) Prgm/ Div	Agency Activity Program Unit/Activity Description GF  Initials		LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	Used in Gov. Budget Yes / No	Impact of Reduction on Services and Outcomes		
	833-17		Outreach: Reduce the amount allocated for out of state travel.			Reduce the amount allocated for out of state travel: \$345 (Reduced by 10%).				\$ 345			Yes	Reducing the amount allocated for out of state travel would be unfortunate, as this allows our agency to collaborate with related regulatory agencies – both
	833-17		Compliance: Eliminate an Investigator 2 (Inspector) position & reduce the amount allocated for in-state inspection travel.			1. Eliminate an Investigator 2 (Inspector) position: *2202,805. 2. Reduce the amount allocated for in- state inspection travel: *60,405 (Reduced by 60%).				\$ 263,210	Investigator 2 (Inspector)	1.00	Yes	Eliminating an Investigator 2 (Inspector) position & reducing the amount allocated for in-state inspection travel would significantly reduce completion of facility inspections, which would negatively impact our statuto mandate to inspect all facilities at least once every two years, which corresponds with our KPM #1.
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						263,555	_			\$ - \$ - \$ 263,555	0	1.00		
			TOTAL	-	-	263,555	-	<u>-</u>	Target (10%)		U	1.00		:
									Difference	\$ 263,555				

# **Long-Term Vacancy Information**

ОМСВ 8	22 17																			
2025-27 Bi	ennium																			
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	term vacancies as of December 31, 2024  2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21																			
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Agency	SCR	DCR	Pos No		ition Class Comp	Position Title	Pos Type	GF Fund Split	LF Fund Split	OF Fund Split		FTE	2025-27 GF PS Total	2025-27 LF PS Total	2025-27 OF PS Total	2025-27 FF PS Total	2025-27 Total Bien PS BUDGET	Vacant Date	Position eliminated in GRB? Y/N	Reason for vacancy
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