

WAC 308-50A-010 Definitions. For the purposes of this chapter, the following terms will be construed as follows:

(1) **"Board"** means the funeral and cemetery board.

(2) **"Capital gains"** means an increase in principal and is excluded from ordinary income and net ordinary income.

(3) **"Cemetery authority"** means an entity that has obtained a certificate of authority to operate a cemetery from the funeral and cemetery board.

(4) **"Endowment care cemetery"** means a cemetery required to establish an endowment care fund in accordance with chapter 68.40 RCW.

(5) **"Fiduciary responsibility"** means the trustee(s) will manage the endowment care fund in accordance with RCW 11.100.020.

(6) **"Gross sales price,"** in determining "ten percent of the gross sales price" pursuant to RCW 68.40.010, gross sales price shall not include the endowment care fund portion. Endowment care shall be added to the gross sales price and separately identified as endowment care on any contract.

For example: Grave gross sales price - \$100.00. Endowment care requirement - \$10.00. Total contract price - \$110.00.

(7) **"Income"** means ordinary income, that is, interest, dividends, rents and other amounts received by the fund as current returns on investments, but excludes realized or unrealized capital gains or losses.

(8) **"Net ordinary income"** means the ordinary income of the fund reduced by the expenses of operating the fund.

(9) **"Trustee(s)"** means the bank, trust company or persons appointed by the cemetery authority or association of lot owners to hold fiduciary responsibility in managing the endowment care fund in accordance with chapter 68.44 RCW and subject to the direction of the cemetery authority.

[Statutory Authority: RCW 68.05.105 and 18.39.175. WSR 20-09-031, § 308-50A-010, filed 4/6/20, effective 5/7/20.]