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**ENGROSSED SUBSTITUTE HOUSE BILL 2126**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Commerce & Labor (originally sponsored by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Llias, and Kenney; by request of Governor Gregoire)

READ FIRST TIME 02/23/09.

1           AN ACT Relating to consolidating and modifying the duties of the  
2 cemetery board and the board of funeral directors and embalmers;  
3 amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.235.020,  
4 68.04.190, 68.05.020, 68.05.095, 68.05.100, 68.05.105, 68.05.175,  
5 68.05.205, 68.24.090, 68.40.040, 68.44.115, 68.44.150, 68.46.010,  
6 68.46.090, 68.46.130, 68.50.230, 68.60.030, 68.60.050, and 68.60.060;  
7 adding a new section to chapter 18.39 RCW; creating a new section; and  
8 repealing RCW 18.39.800, 68.05.040, 68.05.050, 68.05.060, 68.05.080,  
9 and 68.05.285.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11           **Sec. 1.** RCW 18.39.010 and 2005 c 365 s 1 are each amended to read  
12 as follows:

13           The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

15           (1) "Funeral director" means a person engaged in the profession or  
16 business of providing for the care, shelter, transportation, and  
17 arrangements for the disposition of human remains that may include  
18 arranging and directing funeral, memorial, or other services.

1 (2) "Embalmer" means a person engaged in the profession or business  
2 of disinfecting and preserving human remains for transportation or  
3 final disposition.

4 (3) "Two-year college course" means the completion of sixty  
5 semester hours or ninety quarter hours of college credit, including the  
6 satisfactory completion of certain college courses, as set forth in  
7 this chapter.

8 (4) "Funeral establishment" means a place of business licensed in  
9 accordance with RCW 18.39.145, that provides for any aspect of the  
10 care, shelter, transportation, embalming, preparation, and arrangements  
11 for the disposition of human remains and includes all areas of such  
12 entity and all equipment, instruments, and supplies used in the care,  
13 shelter, transportation, preparation, and embalming of human remains.

14 (5) "Director" means the director of licensing.

15 (6) "Board" means the ((state)) funeral and cemetery board ((of  
16 ~~funeral directors and embalmers~~)) created pursuant to RCW 18.39.173.

17 (7) "Prearrangement funeral service contract" means any contract  
18 under which, for a specified consideration, a funeral establishment  
19 promises, upon the death of the person named or implied in the  
20 contract, to furnish funeral merchandise or services.

21 (8) "Funeral merchandise or services" means those services normally  
22 performed and merchandise normally provided by funeral establishments,  
23 including the sale of burial supplies and equipment, but excluding the  
24 sale by a cemetery of lands or interests therein, services incidental  
25 thereto, markers, memorials, monuments, equipment, crypts, niches, or  
26 vaults.

27 (9) "Public depository" means a public depository defined by RCW  
28 39.58.010 or a state or federally chartered credit union.

29 (10) "Licensee" means any person or entity holding a license,  
30 registration, endorsement, or permit under this chapter issued by the  
31 director.

32 Words used in this chapter importing the singular may be applied to  
33 the plural of the person or thing, words importing the plural may be  
34 applied to the singular, and words importing the masculine gender may  
35 be applied to the female.

36 **Sec. 2.** RCW 18.39.173 and 2005 c 365 s 13 are each amended to read  
37 as follows:

1       (~~There is hereby established a state board of funeral directors~~  
2 ~~and embalmers to be composed of five members, four professional and one~~  
3 ~~public member, appointed by the governor in accordance with this~~  
4 ~~section. Each professional member of the board shall be licensed in~~  
5 ~~this state as a funeral director and embalmer and a resident of the~~  
6 ~~state of Washington for a period of at least five years next preceding~~  
7 ~~appointment, during which time such member shall have been continuously~~  
8 ~~engaged in the profession)) (1) A funeral and cemetery board is  
9 created. The initial appointments to the board include all members  
10 from the existing funeral directors and embalmers board and existing  
11 cemetery board with their year of expiration of term remaining the  
12 same. Subsequent to the initial appointments the board will consist of  
13 seven members to be appointed by the governor in accordance with this  
14 section.~~

15       (2) Three members of the board must be persons who have had  
16 experience in the active administrative management of a cemetery  
17 authority or as a member of the board of directors of a cemetery  
18 authority for a period of five years preceding appointment. Three  
19 members of the board must each be licensed in this state as funeral  
20 directors and embalmers and must have been continuously engaged in the  
21 practice as funeral directors and embalmers for a period of five years  
22 preceding appointment. One member must represent the general public  
23 and may not have worked in or received any substantive financial  
24 benefit from the funeral or cemetery industry. Board members must be  
25 a resident of the state of Washington.

26       (3) All members of the board ((of funeral directors and embalmers))  
27 shall be appointed to serve for a term of ((five)) four years, to  
28 expire on July 1st of the year of termination of their term, and until  
29 their successors have been appointed. In case of a vacancy occurring  
30 on the board, the governor shall appoint a qualified member for the  
31 remainder of the unexpired term of the vacant office. Any member of  
32 the board ((of funeral directors and embalmers)) who fails to properly  
33 discharge the duties of a member may be removed by the governor.

34       (4) The board shall meet once annually to conduct its business and  
35 to elect a chair, vice-chair, and ((secretary and take official board  
36 action on pending matters by majority vote of all the members of the  
37 board of funeral directors and embalmers)) other officers as the board  
38 determines, and at other times when called by the director, the chair,

1 or a majority of the members. A majority of the members of the board  
2 shall at all times constitute a quorum. A quorum of the board to  
3 consider any charges brought under this chapter must include two of the  
4 funeral director and embalmer members of the board. A quorum of the  
5 board to consider any charges brought under Title 68 RCW must include  
6 two of the members who have had experience in the active administrative  
7 management of a cemetery authority. If board members cannot serve due  
8 to a conflict of interest, a quorum constituting a majority of the  
9 members must preside over the hearing.

10 (5) Each member of the board must be compensated in accordance with  
11 RCW 43.03.240 and must receive travel expenses in accordance with RCW  
12 43.03.050 and 43.03.060.

13 **Sec. 3.** RCW 18.39.175 and 2005 c 365 s 14 are each amended to read  
14 as follows:

15 ~~((Each member of the board of funeral directors and embalmers shall~~  
16 ~~be compensated in accordance with RCW 43.03.240 and shall be reimbursed~~  
17 ~~for travel expenses in connection with board duties in accordance with~~  
18 ~~RCW 43.03.050 and 43.03.060.))~~

19 The board shall have the following duties and responsibilities  
20 under this chapter:

21 (1) To be responsible for the preparation, conducting, and grading  
22 of examinations of applicants for funeral director and embalmer  
23 licenses;

24 (2) To certify to the director the results of examinations of  
25 applicants and certify the applicant as having "passed" or "failed";

26 (3) To make findings and recommendations to the director on any and  
27 all matters relating to the enforcement of this chapter;

28 (4) To adopt and enforce reasonable rules(~~(. Rules regulating the~~  
29 ~~cremation of human remains shall be adopted in consultation with the~~  
30 ~~cemetery board))~~);

31 (5) To examine or audit or to direct the examination and audit of  
32 prearrangement funeral service trust fund records for compliance with  
33 this chapter and rules adopted by the board; and

34 (6) To adopt rules establishing mandatory continuing education  
35 requirements to be met by persons applying for license renewal.

1       **Sec. 4.** RCW 18.39.217 and 2005 c 365 s 18 are each amended to read  
2 as follows:

3       (1) A license or endorsement issued by the board or under chapter  
4 68.05 RCW is required in order to operate a crematory or conduct a  
5 cremation.

6       (2) Conducting a cremation without a license or endorsement is a  
7 misdemeanor. Each such cremation is a separate violation.

8       ~~((3) Crematories owned or operated by or located on property  
9 licensed as a funeral establishment shall be regulated by the board.  
10 Crematories not affiliated with a funeral establishment shall be  
11 regulated by the cemetery board.))~~

12       **Sec. 5.** RCW 18.235.020 and 2008 c 119 s 21 are each amended to  
13 read as follows:

14       (1) This chapter applies only to the director and the boards and  
15 commissions having jurisdiction in relation to the businesses and  
16 professions licensed under the chapters specified in this section.  
17 This chapter does not apply to any business or profession not licensed  
18 under the chapters specified in this section.

19       (2)(a) The director has authority under this chapter in relation to  
20 the following businesses and professions:

21       (i) Auctioneers under chapter 18.11 RCW;

22       (ii) Bail bond agents and bail bond recovery agents under chapter  
23 18.185 RCW;

24       (iii) Camping resorts' operators and salespersons under chapter  
25 19.105 RCW;

26       (iv) Commercial telephone solicitors under chapter 19.158 RCW;

27       (v) Cosmetologists, barbers, manicurists, and estheticians under  
28 chapter 18.16 RCW;

29       (vi) Court reporters under chapter 18.145 RCW;

30       (vii) Driver training schools and instructors under chapter 46.82  
31 RCW;

32       (viii) Employment agencies under chapter 19.31 RCW;

33       (ix) For hire vehicle operators under chapter 46.72 RCW;

34       (x) Limousines under chapter 46.72A RCW;

35       (xi) Notaries public under chapter 42.44 RCW;

36       (xii) Private investigators under chapter 18.165 RCW;

1 (xiii) Professional boxing, martial arts, and wrestling under  
2 chapter 67.08 RCW;

3 (xiv) Real estate appraisers under chapter 18.140 RCW;

4 (xv) Real estate brokers and salespersons under chapters 18.85 and  
5 18.86 RCW;

6 (xvi) Security guards under chapter 18.170 RCW;

7 (xvii) Sellers of travel under chapter 19.138 RCW;

8 (xviii) Timeshares and timeshare salespersons under chapter 64.36  
9 RCW;

10 (xix) Whitewater river outfitters under chapter 79A.60 RCW; and  
11 (xx) Home inspectors under chapter 18.280 RCW.

12 (b) The boards and commissions having authority under this chapter  
13 are as follows:

14 (i) The state board of registration for architects established in  
15 chapter 18.08 RCW;

16 (ii) ~~((The cemetery board established in chapter 68.05 RCW;~~  
17 ~~(iii)))~~ The Washington state collection agency board established in  
18 chapter 19.16 RCW;

19 ~~((iv)))~~ (iii) The state board of registration for professional  
20 engineers and land surveyors established in chapter 18.43 RCW governing  
21 licenses issued under chapters 18.43 and 18.210 RCW;

22 ~~((v)))~~ (iv) The ~~((state board of))~~ funeral ~~((directors and~~  
23 ~~embalmers))~~ and cemetery board established in chapter 18.39 RCW  
24 governing licenses issued under chapters 18.39 and 68.05 RCW;

25 ~~((vi)))~~ (v) The state board of registration for landscape  
26 architects established in chapter 18.96 RCW; and

27 ~~((vii)))~~ (vi) The state geologist licensing board established in  
28 chapter 18.220 RCW.

29 (3) In addition to the authority to discipline license holders, the  
30 disciplinary authority may grant or deny licenses based on the  
31 conditions and criteria established in this chapter and the chapters  
32 specified in subsection (2) of this section. This chapter also governs  
33 any investigation, hearing, or proceeding relating to denial of  
34 licensure or issuance of a license conditioned on the applicant's  
35 compliance with an order entered under RCW 18.235.110 by the  
36 disciplinary authority.

1       **Sec. 6.** RCW 68.04.190 and 2005 c 365 s 39 are each amended to read  
2 as follows:

3       "Cemetery authority" means an entity that has obtained a  
4 certificate of authority to operate a cemetery from the funeral and  
5 cemetery board, or any other entity that operates a cemetery that is  
6 not under the jurisdiction of the funeral and cemetery board.

7       **Sec. 7.** RCW 68.05.020 and 1953 c 290 s 27 are each amended to read  
8 as follows:

9       The term "board" used in this chapter means the funeral and  
10 cemetery board.

11       **Sec. 8.** RCW 68.05.095 and 1987 c 331 s 8 are each amended to read  
12 as follows:

13       (~~The board shall elect annually a chairman and vice chairman and~~  
14 ~~such other officers as it shall determine from among its members.~~)  
15 The director, in consultation with the board, may employ and prescribe  
16 the duties of the (~~executive secretary~~) program administrator or  
17 manager. The (~~executive secretary shall~~) program administrator or  
18 manager must have a minimum of five years' experience in either  
19 cemetery or funeral management, or both, unless this requirement is  
20 waived by the board.

21       **Sec. 9.** RCW 68.05.100 and 2005 c 365 s 52 are each amended to read  
22 as follows:

23       The board may establish necessary rules for the enforcement of this  
24 title and the laws subject to its jurisdiction. The board shall  
25 prescribe the application forms and reports provided for in this title.  
26 (~~Rules regulating the cremation of human remains and establishing~~  
27 ~~requirements shall be adopted in consultation with the state board of~~  
28 ~~funeral directors and embalmers.~~)

29       **Sec. 10.** RCW 68.05.105 and 2005 c 365 s 53 are each amended to  
30 read as follows:

31       In addition to the authority in RCW 18.235.030, the board has the  
32 following authority under this chapter:

33       (1) To adopt, amend, and rescind rules necessary to carry out this  
34 title; and

1 (2) To adopt standards of professional conduct or practice.

2 **Sec. 11.** RCW 68.05.175 and 1987 c 331 s 13 are each amended to  
3 read as follows:

4 A permit or endorsement issued by the ((cemetery)) board or under  
5 chapter 18.39 RCW is required in order to operate a crematory or  
6 conduct a cremation. ~~((Crematories owned or operated by or located on  
7 property licensed as a funeral establishment shall be regulated by the  
8 board of funeral directors and embalmers. Crematories not affiliated  
9 with a funeral establishment shall be regulated by the cemetery  
10 board.))~~

11 **Sec. 12.** RCW 68.05.205 and 1993 c 43 s 4 are each amended to read  
12 as follows:

13 The director with the consent of the ((cemetery)) board shall set  
14 all fees for chapters 68.05, 68.20, 68.24, 68.28, 68.32, 68.36, 68.40,  
15 68.44, and 68.46 RCW in accordance with RCW 43.24.086, including fees  
16 for licenses, certificates, regulatory charges, permits, or  
17 endorsements, and the department shall collect the fees.

18 **Sec. 13.** RCW 68.24.090 and 2005 c 365 s 75 are each amended to  
19 read as follows:

20 Property dedicated to cemetery purposes shall be held and used  
21 exclusively for cemetery purposes, unless and until the dedication is  
22 removed from all or any part of it by an order and decree of the  
23 superior court of the county in which the property is situated, in a  
24 proceeding brought by the cemetery authority for that purpose and upon  
25 notice of hearing and proof satisfactory to the court:

26 (1) That no placements of human remains were made in or that all  
27 placements of human remains have been removed from that portion of the  
28 property from which dedication is sought to be removed.

29 (2) That the portion of the property from which dedication is  
30 sought to be removed is not being used for placement of human remains.

31 (3) That notice of the proposed removal of dedication has been  
32 given in writing to both the funeral and cemetery board and the  
33 ((office)) department of archaeology and historic preservation. This  
34 notice must be given at least sixty days before filing the proceedings  
35 in superior court. The notice of the proposed removal of dedication



1 shall be recorded with the auditor or recording officer of the county  
2 where the cemetery is located at least sixty days before filing the  
3 proceedings in superior court.

4 **Sec. 14.** RCW 68.40.040 and 1987 c 331 s 37 are each amended to  
5 read as follows:

6 A cemetery authority not exempt under this chapter shall file in  
7 its principal office for review by plot owners the previous seven  
8 fiscal years' endowment care reports as filed with the funeral and  
9 cemetery board in accordance with RCW 68.44.150.

10 **Sec. 15.** RCW 68.44.115 and 1987 c 331 s 44 are each amended to  
11 read as follows:

12 To be considered qualified as a trustee, each trustee of an  
13 endowment care fund appointed in accordance with this chapter shall  
14 file with the board a statement of acceptance of fiduciary  
15 responsibility, on a form approved by the board, before assuming the  
16 duties of trustee. The trustee shall remain in the trustee's fiduciary  
17 capacity until such time as the trustee advises the funeral and  
18 cemetery board in writing of the trustee's resignation of trusteeship.

19 **Sec. 16.** RCW 68.44.150 and 2005 c 365 s 123 are each amended to  
20 read as follows:

21 The cemetery authority or the trustees in whose names the funds are  
22 held shall, annually, and within ninety days after the end of the  
23 calendar or fiscal year of the cemetery authority, file in its office  
24 and with the funeral and cemetery board endowment care trust fund, a  
25 report showing the actual financial condition of the funds. The report  
26 must be signed by an officer of the cemetery authority or one or more  
27 of the trustees. The report must be maintained for a period of seven  
28 years.

29 **Sec. 17.** RCW 68.46.010 and 2005 c 365 s 125 are each amended to  
30 read as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

33 (1) "Prearrangement contract" means a contract for purchase of  
34 cemetery merchandise or services, unconstructed crypts or niches, or

1 undeveloped graves to be furnished at a future date for a specific  
2 consideration which is paid in advance by one or more payments in one  
3 sum or by installment payments.

4 (2) "Cemetery merchandise or services" and "merchandise or  
5 services" mean those services normally performed by cemetery  
6 authorities, including the sale of monuments, markers, memorials,  
7 nameplates, liners, vaults, boxes, urns, vases, interment services, or  
8 any one or more of them.

9 (3) "Prearrangement trust fund" means all funds required to be  
10 maintained in one or more funds for the benefit of beneficiaries by  
11 either this chapter or by the terms of a prearrangement contract, as  
12 herein defined.

13 (4) "Board" means the funeral and cemetery board established under  
14 (~~chapter 68.05~~) RCW 18.39.173 or its authorized representative.

15 (5) "Undeveloped grave" means any grave in an area which a cemetery  
16 authority has not landscaped, groomed, or developed to the extent  
17 customary in the cemetery industry.

18 **Sec. 18.** RCW 68.46.090 and 2005 c 365 s 135 are each amended to  
19 read as follows:

20 Any cemetery authority selling prearrangement merchandise or other  
21 prearrangement services shall file in its office and with the  
22 (~~cemetery~~) board a written report upon forms prepared by the  
23 (~~cemetery~~) board which shall state the amount of the principle of the  
24 prearrangement trust fund, the depository of such fund, and cash on  
25 hand which is or may be due to the fund as well as other information  
26 the board may deem appropriate. All information appearing on such  
27 written reports shall be revised at least annually. These reports  
28 shall be verified by the president, or the vice president, and one  
29 other officer of the cemetery authority, the accountant or auditor who  
30 prepared the report, and, if required by the board for good cause, a  
31 certified public accountant in accordance with generally accepted  
32 auditing standards.

33 **Sec. 19.** RCW 68.46.130 and 1979 c 21 s 43 are each amended to read  
34 as follows:

35 The (~~cemetery~~) board may grant an exemption from any or all of

1 the requirements of this chapter relating to prearrangement contracts  
2 to any cemetery authority which:

- 3 (1) Sells less than twenty prearrangement contracts per year; and
- 4 (2) Deposits one hundred percent of all funds received into a trust  
5 fund under RCW 68.46.030, as now or hereafter amended.

6 **Sec. 20.** RCW 68.50.230 and 2005 c 365 s 146 are each amended to  
7 read as follows:

8 Whenever any human remains shall have been in the lawful possession  
9 of any person, firm, corporation, or association for a period of ninety  
10 days or more, and the relatives of, or persons interested in, the  
11 deceased person shall fail, neglect, or refuse to direct the  
12 disposition, the human remains may be disposed of by the person, firm,  
13 corporation, or association having such lawful possession thereof,  
14 under and in accordance with rules adopted by the funeral and cemetery  
15 board (~~((and the board of funeral directors and embalmers))~~), not  
16 inconsistent with any statute of the state of Washington or rule  
17 adopted by the state board of health.

18 **Sec. 21.** RCW 68.60.030 and 2005 c 365 s 150 are each amended to  
19 read as follows:

20 (1)(a) The (~~((archaeological and historical division of the  
21 department of community, trade, and economic development))~~) department  
22 of archaeology and historic preservation may grant by nontransferable  
23 certificate authority to maintain and protect an abandoned cemetery  
24 upon application made by a preservation organization which has been  
25 incorporated for the purpose of restoring, maintaining, and protecting  
26 an abandoned cemetery. Such authority shall be limited to the care,  
27 maintenance, restoration, protection, and historical preservation of  
28 the abandoned cemetery, and shall not include authority to make  
29 burials. In order to activate a historical cemetery for burials, an  
30 applicant must apply for a certificate of authority to operate a  
31 cemetery from the (~~(state))~~) funeral and cemetery board.

32 (b) Those preservation and maintenance corporations that are  
33 granted authority to maintain and protect an abandoned cemetery shall  
34 be entitled to hold and possess burial records, maps, and other  
35 historical documents as may exist. Maintenance and preservation  
36 corporations that are granted authority to maintain and protect an

1 abandoned cemetery shall not be liable to those claiming burial rights,  
2 ancestral ownership, or to any other person or organization alleging to  
3 have control by any form of conveyance not previously recorded at the  
4 county auditor's office within the county in which the abandoned  
5 cemetery exists. Such organizations shall not be liable for any  
6 reasonable alterations made during restoration work on memorials,  
7 roadways, walkways, features, plantings, or any other detail of the  
8 abandoned cemetery.

9 (c) Should the maintenance and preservation corporation be  
10 dissolved, the ~~((archaeological — and — historical — division — of — the  
11 department of community, trade, and economic development))~~ department  
12 of archaeology and historic preservation shall revoke the certificate  
13 of authority.

14 (d) Maintenance and preservation corporations that are granted  
15 authority to maintain and protect an abandoned cemetery may establish  
16 care funds.

17 (2) Except as provided in subsection (1) of this section, the  
18 department of ~~((community, — trade, — and — economic — development))~~  
19 archaeology and historic preservation may, in its sole discretion,  
20 authorize any Washington nonprofit corporation that is not expressly  
21 incorporated for the purpose of restoring, maintaining, and protecting  
22 an abandoned cemetery, to restore, maintain, and protect one or more  
23 abandoned cemeteries. The authorization may include the right of  
24 access to any burial records, maps, and other historical documents, but  
25 shall not include the right to be the permanent custodian of original  
26 records, maps, or documents. This authorization shall be granted by a  
27 nontransferable certificate of authority. Any nonprofit corporation  
28 authorized and acting under this subsection is immune from liability to  
29 the same extent as if it were a preservation organization holding a  
30 certificate of authority under subsection (1) of this section.

31 (3) The department of ~~((community, — trade, — and — economic  
32 development))~~ archaeology and historic preservation shall establish  
33 standards and guidelines for granting certificates of authority under  
34 subsections (1) and (2) of this section to assure that any restoration,  
35 maintenance, and protection activities authorized under this subsection  
36 are conducted and supervised in an appropriate manner.

1       **Sec. 22.** RCW 68.60.050 and 1999 c 67 s 1 are each amended to read  
2 as follows:

3       (1) Any person who knowingly removes, mutilates, defaces, injures,  
4 or destroys any historic grave shall be guilty of a class C felony  
5 punishable under chapter 9A.20 RCW. Persons disturbing historic graves  
6 through inadvertence, including disturbance through construction, shall  
7 reinter the human remains under the supervision of the ((office))  
8 department of archaeology and historic preservation. Expenses to  
9 reinter such human remains are to be provided by the ((office))  
10 department of archaeology and historic preservation to the extent that  
11 funds for this purpose are appropriated by the legislature.

12       (2) This section does not apply to actions taken in the performance  
13 of official law enforcement duties.

14       (3) It shall be a complete defense in a prosecution under  
15 subsection (1) of this section if the defendant can prove by a  
16 preponderance of evidence that the alleged acts were accidental or  
17 inadvertent and that reasonable efforts were made to preserve the  
18 remains accidentally disturbed or discovered, and that the accidental  
19 discovery or disturbance was properly reported.

20       **Sec. 23.** RCW 68.60.060 and 1990 c 92 s 5 are each amended to read  
21 as follows:

22       Any person who violates any provision of this chapter is liable in  
23 a civil action by and in the name of the ((state-cemetery-board))  
24 department of archaeology and historic preservation to pay all damages  
25 occasioned by their unlawful acts. The sum recovered shall be applied  
26 in payment for the repair and restoration of the property injured or  
27 destroyed and to the care fund if one is established.

28       NEW SECTION. **Sec. 24.** A new section is added to chapter 18.39 RCW  
29 to read as follows:

30       The funeral and cemetery account is created in the custody of the  
31 state treasurer. All receipts from fines and fees collected under this  
32 chapter and chapter 68.05 RCW must be deposited in the account.  
33 Expenditures from the account may be used only to carry out the duties  
34 required for the operation and enforcement of this chapter and chapter  
35 68.05 RCW. Only the director of licensing or the director's designee

1 may authorize expenditures from the account. The account is subject to  
2 the allotment procedures under chapter 43.88 RCW, but an appropriation  
3 is not required for expenditures.

4 NEW SECTION. **Sec. 25.** Any residual balance of funds remaining in  
5 the funeral directors and embalmers account and the cemetery account  
6 must be transferred to the funeral and cemetery account established in  
7 section 24 of this act. The treasurer shall make the transfer after  
8 being notified by the office of financial management that it has  
9 completed the financial statement for fiscal year 2009, and no later  
10 than December 31, 2009.

11 NEW SECTION. **Sec. 26.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 18.39.800 (Funeral directors and embalmers account) and  
14 2005 c 365 s 25, 1996 c 217 s 9, & 1993 c 43 s 2;

15 (2) RCW 68.05.040 (Cemetery board created--Appointments--Terms) and  
16 2005 c 365 s 48, 1987 c 331 s 5, 1977 ex.s. c 351 s 1, & 1953 c 290 s  
17 31;

18 (3) RCW 68.05.050 (Qualifications of members) and 2005 c 365 s 49,  
19 1979 c 21 s 5, 1977 ex.s. c 351 s 2, & 1953 c 290 s 32;

20 (4) RCW 68.05.060 (Compensation and travel expenses) and 1984 c 287  
21 s 102, 1975-'76 2nd ex.s. c 34 s 156, & 1953 c 290 s 33; and

22 (5) RCW 68.05.080 (Meetings) and 2005 c 365 s 50, 1987 c 331 s 6,  
23 & 1953 c 290 s 35; and

24 (6) RCW 68.05.285 ("Cemetery account.") and 2005 c 365 s 67 & 1953  
25 c 290 s 29.

--- END ---