

TITLE 16. Cemetery and Funeral Bureau

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau of the Department of Consumer Affairs (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Date: July 14, 2009

Time: 10:00 a.m.

**Department of Consumer Affairs Main Hearing Room S102
1625 North Market Blvd.
Sacramento, California 95834**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Cemetery and Funeral Bureau office located at 1625 North Market Blvd. S-208, Sacramento, CA 95834 not later than 5:00 p.m. on July 13, 2009, or must be received by the Bureau at the hearing. The Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 9630 and 9765 of the Business and Professions Code, and to implement, interpret or make specific Sections 9765 and 9786 of said Code, the Cemetery and Funeral Bureau is considering changes to Division 23 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 2310.

Business and Professions Code section 9786 authorizes the Bureau to charge an annual regulatory fee of \$400 for each crematory. In addition to an annual regulatory charge for each crematory, every licensee operating a crematory pursuant to a license issued shall pay an additional charge of \$8.50 per cremation made during the preceding quarter. SB 1952 (Chapter 825, Figueroa, Stats. of 2002) authorized the Bureau to continue to assess the \$8.50 cremation and inurnment fee until December 31, 2007. AB 2946 (Chapter 504, Hayashi, Stats. of 2008), effective January 1, 2009, restored the Bureau's authority to collect this fee. This proposal would re-establish this fee.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to occur are minimal (\$17.00 for a family of two).

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses. This fee is paid by the consumer when making arrangements for burial, entombment, inurnment, or cremation.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Cemetery and Funeral Bureau at 1625 North Market Blvd., Suite S-208, Sacramento, California 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Richard Wallinder
Address: 1625 North Market Blvd., Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-7870
Fax No.: (916) 928-7988
E-Mail Address: rick_wallinder@dca.ca.gov

The backup contact person is:

Name: Lucy Hopkins
Address: 1625 North Market Blvd., Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-7870
Fax No.: (916) 928-7988
E-Mail Address: lucy_hopkins@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cfb.ca.gov.