

AMENDED IN ASSEMBLY MARCH 25, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1816

Introduced by Assembly Member Galgiani

January 17, 2008

An act to add Section 9610 to the Business and Professions Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1816, as amended, Galgiani. Cemeteries: temporary ~~conservator~~ *manager*.

Existing law, the Cemeteries Act, provides for the licensing and regulation of private cemeteries by the Cemetery and Funeral Bureau. Existing law requires all cemeteries for which a certificate of authority is required to be supervised by a manager that has passed a written examination, and prohibits a person from engaging in the business of, acting as, or advertising as, a cemetery or crematory manager without a license from the bureau.

This bill would, notwithstanding any other provision of law, authorize the bureau, ~~upon receiving a written request by a private cemetery owner based upon a finding by a court of competent jurisdiction that a licensed cemetery manager has ceased to perform his or her duties~~, to appoint a temporary ~~conservator~~ *manager* to serve as acting manager of the cemetery, as provided, ~~until the owner notifies the bureau, in writing, that he or she has hired a new licensed manager~~ *manager is hired, at which time the bill would require the bureau to terminate the temporary manager*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9610 is added to the Business and
2 Professions Code, to read:

3 9610. ~~(a) Notwithstanding any other provision of law, a private~~
4 ~~cemetery owner may contact the Cemetery and Funeral Bureau,~~
5 ~~in writing, to inform the bureau that the position of licensed~~
6 ~~manager has been unfilled for three consecutive months, and to~~
7 ~~request the bureau to appoint a temporary conservator to manage~~
8 ~~the property until the owner is able to fill the position.~~

9 (b) ~~Upon receipt of the written request described in subdivision~~
10 ~~(a), and confirmation of the information contained therein, the~~
11 ~~bureau~~

12 9610. *Notwithstanding any other provision of law, based upon*
13 *a finding by a court of competent jurisdiction that a cemetery*
14 *manager has ceased to perform his or her duties, as described in*
15 *subdivision (a) of Section 9605.1 of the Business and Professions*
16 *Code, the Cemetery and Funeral Bureau may appoint a temporary*
17 ~~conservator~~ *manager to manage the business and property of the*
18 *private cemetery. The appointed conservator manager shall have*
19 *the same powers and duties as a licensed cemetery manager, as*
20 *described in subdivision (a) of Section 9605.1 of the Business and*
21 *Professions Code, and shall serve as acting manager until the*
22 ~~bureau is notified by the owner, in writing, that~~ *a new licensed*
23 *manager has been hired, at which the time bureau shall terminate*
24 ~~the conservatorship~~ *temporary manager.*

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