

Amendment No. 468

Assembly Amendment to Assembly Bill No. 494

(BDR 54-573)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of A.B. 494 (§ 5).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

KRO/MSN



Date: 4/21/2013

A.B. No. 494—Revises provisions governing the Nevada State Funeral Board.
(BDR 54-573)



ASSEMBLY BILL NO. 494—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE SUNSET SUBCOMMITTEE)

MARCH 25, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the Nevada State Funeral Board.
(BDR 54-573)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Nevada State Funeral Board; revising the name of the Board and provisions governing the powers, duties and membership of the Board ~~and transferring its powers and duties to the Health Division of the Department of Health and Human Services;~~ ; requiring the Board to submit certain reports to the Sunset Subcommittee of the Legislative Commission; requiring the expiration of the term of any member of the Board serving on October 1, 2013; requiring the termination of the employment of any employee of the Board employed on October 1, 2013; requiring the Board to maintain a principal office in this State; establishing a regulatory fee per funeral conducted in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada State Funeral Board licenses and regulates funeral directors, embalmers, apprentice embalmers, the owners of funeral establishments and certain persons who conduct cremations and burials. (Chapter 642 of NRS) The Board also licenses and regulates the operators of crematories and cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS 451.635, 451.640, 452.026, 452.310-452.590)

Section 1 of this bill renames the Board as the Nevada Funeral ~~Advisory~~ Cemetery Services Board, and ~~section 9 of this bill makes the Board purely advisory to the Health Division of the Department of Health and Human Services, as recommended by the Sunset Subcommittee of the Legislative Commission. Sections 7, 8, 12-80 and 84 of this bill, also upon recommendation of the Sunset Subcommittee, transfer the existing powers and duties of the Board to the Health Division, effective on January 1, 2014.~~

~~Existing law establishes certain procedural requirements for an administrative proceeding involving the holder of a license, certificate, permit or similar authorization issued by a regulatory body. (Chapter 622A of NRS) The Board is currently subject to some of those requirements, but the Health Division is entirely exempted from them unless it elects by regulation to comply with them. (NRS 622A.120, 642.075, 642.524, 642.570) Accordingly,~~

sections 21, 50, 61 and 62-65 of this bill delete existing references to those requirements in the provisions amended by those sections. With the transfer of the Board's powers and duties to the Health Division, the result is that proceedings involving a person licensed and regulated by the Board under existing law will not be subject to those requirements after the effective date of the transfer, unless the Health Division so provides by regulation, and revises the composition of the Board.

Existing law requires the Board to meet at least once every year and authorizes the Board to hold special meetings if the proper discharge of its duties requires. (NRS 642.050) Section 2 of this bill instead requires the Board to meet at least once every calendar quarter.

Existing law authorizes the Board to maintain offices in as many localities in this State as it finds necessary and to employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. (NRS 642.055) Section 3 of this bill requires the Board to: (1) maintain a principal office in this State; (2) employ an Executive Director and inspectors in addition to the personnel that the Board is required by existing law to employ; (3) maintain certain documents in its principal office; (4) establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors and other employees of the Board; and (5) maintain an Internet website and post on the website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Section 5 of this bill requires the Board to charge and collect a regulatory fee for each funeral conducted in this State.

Section 6 of this bill provides that the term of any current member of the Board expires on October 1, 2013, and provides for the appointment of new membership. Section 6 also provides for the termination of the employment of any person employed by the Board on October 1, 2013, and requires the employment by the Board of new staff on or before December 31, 2013.

Section 7 of this bill requires the Board to prepare and submit a written report of its activities to the Sunset Subcommittee of the Legislative Commission every 6 months until the 78th Session of the Nevada Legislature convenes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 84 of this bill and replace with the following new sections 1 through 8:

Section 1. NRS 642.020 is hereby amended to read as follows:

642.020 1. The Nevada ~~{State}~~ Funeral and Cemetery Services Board, ~~consisting of five members appointed by the Governor,~~ is hereby created.

2. The ~~{Governor shall appoint}~~ Board consists of seven members appointed as follows:

(a) ~~{One member}~~ Two members who ~~{is}~~ are actively engaged as a funeral director ~~{and}~~ or embalmer, appointed by the Governor.

(b) One member who is actively engaged as an operator of a cemetery, appointed by the Governor.

(c) One member who is actively engaged in the operation of a crematory, appointed by the Governor.

(d) ~~{Two members}~~ One member who ~~{are representatives}~~ is a representative of the general public, appointed by the Governor.

(e) One member who is a representative of the general public, appointed by the Majority Leader of the Senate.

(f) One member who is a representative of the general public, appointed by the Speaker of the Assembly.

3. No member of the Board who is a representative of the general public may:

(a) Be the holder of a license or certificate issued by the Board or be an applicant or former applicant for such a license or certificate.

(b) Be related within the third degree of consanguinity or affinity to the holder of a license or certificate issued by the Board.

(c) Be employed by the holder of a license or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

5. The Chair of the Board must be chosen from the members of the Board who are representatives of the general public.

Sec. 2. NRS 642.050 is hereby amended to read as follows:

642.050 1. The Board shall meet at least once every ~~year~~ calendar quarter, and may also hold special meetings, if the proper discharge of its duties requires, at a time and place to be fixed by the rules and bylaws of the Board. The rules and bylaws of the Board must provide for the giving of timely notice of all special meetings to all members of the Board and to all applicants for licenses or certificates.

2. Four of the members of the Board at any meeting may organize and constitute a quorum for the transaction of business.

Sec. 3. NRS 642.055 is hereby amended to read as follows:

642.055 The Board ~~may~~ shall:

1. Maintain a principal office in this State, and such other offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter and chapters 451 and 452 of NRS.

2. Employ an Executive Director and attorneys, investigators, inspectors and other professional consultants and clerical personnel necessary to the discharge of its duties.

3. Maintain all financial records, records relating to licenses, certificates and permits, meeting minutes, notices and other public documents of the Board in its principal office.

4. Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors, and other professional consultants and clerical personnel employed by the Board.

5. Maintain an Internet website and post on that Internet website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Sec. 4. NRS 642.067 is hereby amended to read as follows:

642.067 The Board ~~may inspect any premises in which the business of funeral directing is conducted or where embalming is practiced and, for that purpose, may~~ shall employ ~~a licensed embalmer of the State of Nevada as~~ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses ~~shall~~ must be paid out of the fees collected by the Board. The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing is conducted or embalming is practiced. A member of the Board shall not conduct any such inspection.

Sec. 5. NRS 642.0696 is hereby amended to read as follows:

642.0696 In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:

1	Application for a license, certificate or permit.....	\$375
2	Examination for a license, certificate or permit	375
3	Renewal of a license, certificate or permit	200
4	Late renewal of a license, certificate or permit	275
5	Placement of a license on inactive status	175
6	Reactivation of a license to active status.....	175
7	Reinstatement of a lapsed license	300
8	Transfer of a license, certificate or permit to another location	225
9	Issuance of a duplicate license, certificate or permit.....	75
10	Provision of an administrative service	75
11	<u>Regulatory fee, per funeral conducted in this State</u>	<u>10</u>

12 Sec. 6. 1. The term of any member of the Nevada State Funeral Board
 13 appointed pursuant to subsection 2 of NRS 642.020 serving on October 1,
 14 2013, expires on that date.

15 2. As soon as practicable on or after October 1, 2013:

16 (a) The Governor shall appoint to the Nevada Funeral and Cemetery
 17 Services Board the members required to be appointed pursuant to paragraphs
 18 (a) to (d), inclusive, of subsection 2 of NRS 642.020, as amended by section 1 of
 19 this act.

20 (b) The Majority Leader of the Senate shall appoint to the Nevada
 21 Funeral and Cemetery Services Board the member required to be appointed
 22 by paragraph (e) of subsection 2 of NRS 642.020, as amended by section 1 of
 23 this act.

24 (c) The Speaker of the Assembly shall appoint to the Nevada Funeral and
 25 Cemetery Services Board the member required to be appointed by paragraph
 26 (f) of subsection 2 of NRS 642.020, as amended by section 1 of this act.

27 3. The employment of any person employed by the Nevada State Funeral
 28 Board pursuant to subsection 2 of NRS 642.055 on October 1, 2013, must be
 29 terminated on that date.

30 4. The Nevada Funeral and Cemetery Services Board shall employ new
 31 staff pursuant to subsection 2 of NRS 642.055, as amended by section 3 of this
 32 act, on or before December 31, 2013.

33 Sec. 7. The Nevada Funeral and Cemetery Services Board created
 34 pursuant to NRS 642.020, as amended by section 1 of this act, shall, not later
 35 than 6 months after the appointment of all the members of the Board pursuant
 36 to section 6 of this act, and every 6 months thereafter until the 78th Session of
 37 the Nevada Legislature convenes, prepare and submit a written report of its
 38 activities, including the inspection of any premises at which the business of
 39 funeral directing is conducted or embalming is practiced, to the Sunset
 40 Subcommittee of the Legislative Commission created by NRS 232B.210. The
 41 report must include, without limitation, any minutes of meetings of the Board,
 42 any records kept and any documentation pertaining to the inspection of any
 43 premises at which the business of funeral directing is conducted or embalming
 44 is practiced.

45 Sec. 8. The Legislative Counsel shall, in preparing supplements to the
 46 Nevada Administrative Code, appropriately change any references to an
 47 officer, agency or other entity whose name is changed or whose responsibilities
 48 are transferred pursuant to the provisions of this act to refer to the
 49 appropriate officer, agency or other entity.