

Amendment No. 655

Senate Amendment to Assembly Bill No. 494 First Reprint (BDR 54-573)

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 494 R1 (§ 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.

DY/BAW



Date: 5/20/2013

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.

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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; 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~~ written and signed agreement for funeral services to be furnished 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 and Cemetery Services Board 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~~ written and signed agreement for funeral services to be furnished in this State, ~~and~~ payable only once with respect to the remains of a deceased person.

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:

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

642.020 1. The Nevada ~~State~~ Funeral and Cemetery Services Board ^a consisting of ~~five~~ seven 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 ~~is appointed by the Governor.~~

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

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

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

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

~~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 **1.** 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:

Application for a license, certificate or permit	\$375
Examination for a license, certificate or permit	375
Renewal of a license, certificate or permit	200
Late renewal of a license, certificate or permit	275
Placement of a license on inactive status	175
Reactivation of a license to active status	175
Reinstatement of a lapsed license	300
Transfer of a license, certificate or permit to another location	225
Issuance of a duplicate license, certificate or permit	75
Provision of an administrative service	75

Regulatory fee, per ~~funeral conducted~~ written and signed agreement for funeral services to be furnished in this State..... 10

2. The regulatory fee of \$10 prescribed in subsection 1 may only be charged once with respect to the remains of a deceased person and only at such time as an agreement for funeral services is fully executed, regardless of:

(a) The number of funeral services furnished;

(b) Whether such funeral services are furnished by more than one holder of a license, certificate or permit issued by the Board; or

(c) Whether a subsequent agreement for funeral services is executed.

3. As used in this section, "funeral services" means those services performed normally by funeral directors or funeral or mortuary parlors, including, without limitation, crematory and embalming services.

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

2. As soon as practicable on or after October 1, 2013, ~~+~~

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

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

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

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

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

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

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