

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 in this State; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the Nevada State Funeral Board licenses and regulates  
2 funeral directors, embalmers, apprentice embalmers, the owners of funeral  
3 establishments and certain persons who conduct cremations and burials. (Chapter  
4 642 of NRS) The Board also licenses and regulates the operators of crematories and  
5 cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS  
6 451.635, 451.640, 452.026, 452.310-452.590)

7 **Section 1** of this bill renames the Board as the Nevada Funeral and Cemetery  
8 Services Board and revises the composition of the Board.

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



\* A B 4 9 4 R 1 \*

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

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

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

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

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

1 **Section 1.** NRS 642.020 is hereby amended to read as follows:  
2 642.020 1. The Nevada ~~{State}~~ *Funeral and Cemetery*  
3 *Services* Board ~~{, consisting of five members appointed by the~~  
4 ~~Governor,}~~ is hereby created.

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

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

10 (b) One member who is actively engaged as an operator of a  
11 cemetery ~~{}~~ *, appointed by the Governor.*

12 (c) One member who is actively engaged in the operation of a  
13 crematory ~~{}~~ *, appointed by the Governor.*

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

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

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

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



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

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

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

8 4. After the initial terms, members of the Board serve terms of  
9 4 years, except when appointed to fill unexpired terms.

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

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

13 642.050 1. The Board shall meet at least once every ~~year,~~  
14 *calendar quarter*, and may also hold special meetings, if the proper  
15 discharge of its duties requires, at a time and place to be fixed by the  
16 rules and bylaws of the Board. The rules and bylaws of the Board  
17 must provide for the giving of timely notice of all special meetings  
18 to all members of the Board and to all applicants for licenses or  
19 certificates.

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

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

23 642.055 The Board ~~may:~~ *shall:*

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

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

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

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

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

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

42 642.067 The Board ~~may inspect any premises in which the~~  
43 ~~business of funeral directing is conducted or where embalming is~~  
44 ~~practiced and, for that purpose, may~~ *shall* employ ~~a licensed~~  
45 ~~embalmer of the State of Nevada as~~ an inspector to aid in the



1 enforcement of this chapter and chapters 451 and 452 of NRS and  
 2 the regulations adopted pursuant thereto, whose compensation and  
 3 expenses ~~shall~~ **must** be paid out of the fees collected by the Board.  
 4 ***The inspector shall, at least once every 2 years and at the direction***  
 5 ***of the Board, conduct an inspection of every premises in this State***  
 6 ***at which the business of funeral directing is conducted or***  
 7 ***embalming is practiced. A member of the Board shall not conduct***  
 8 ***any such inspection.***

9 **Sec. 5.** NRS 642.0696 is hereby amended to read as follows:  
 10 642.0696 In addition to the fees that the Board is authorized or  
 11 required to collect pursuant to the provisions of a specific statute,  
 12 the Board shall charge and collect the following fees:

|    |  |
|----|--|
| 13 |  |
| 14 | Application for a license, certificate or permit ..... \$375               |
| 15 | Examination for a license, certificate or permit ..... 375                 |
| 16 | Renewal of a license, certificate or permit ..... 200                      |
| 17 | Late renewal of a license, certificate or permit ..... 275                 |
| 18 | Placement of a license on inactive status ..... 175                        |
| 19 | Reactivation of a license to active status ..... 175                       |
| 20 | Reinstatement of a lapsed license ..... 300                                |
| 21 | Transfer of a license, certificate or permit to another                    |
| 22 | location ..... 225   |
| 23 | Issuance of a duplicate license, certificate or permit ..... 75            |
| 24 | Provision of an administrative service ..... 75                            |
| 25 | <b><i>Regulatory fee, per funeral conducted in this State ..... 10</i></b> |

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

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

30 (a) The Governor shall appoint to the Nevada Funeral and  
 31 Cemetery Services Board the members required to be appointed  
 32 pursuant to paragraphs (a) to (d), inclusive, of subsection 2 of NRS  
 33 642.020, as amended by section 1 of this act.

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

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

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



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

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

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

