

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 906

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “a” in line 5 down through “Article” in line 6 and substitute “certain licensees or a business entity majority owned by certain licensees”; in line 10, after “crematory;” insert “prohibiting the Director of the Office of Cemetery Oversight from assessing a crematory a per-occurrence application fee;”; strike beginning with “a” in line 13 down through “Article” in line 14 and substitute “certain licensees or a business entity majority owned by certain licensees”; in line 28, after “a” insert “potentially hazardous”; and in line 34, after the semicolon insert “providing that an inspection fee may be assessed on a crematory authority;”.

On page 2, in line 10, after “5-204,” insert “5-205,”; and in line 32, after “repealing” insert “and reenacting, without amendments,”.

AMENDMENT NO. 2

On page 3 in line 26, and on page 25 in line 22, in each instance, strike “A PERSON” and substitute “AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP, PROFESSIONAL ASSOCIATION, OR CORPORATION”.

On page 5, in line 23, strike “FUNERAL DIRECTOR, MORTICIAN, OR SURVIVING SPOUSE LICENSED” and substitute “LICENSEE OR BUSINESS ENTITY MAJORITY OWNED BY A LICENSEE”; and in line 24, after “ARTICLE” insert “OR A CREMATORY THAT IS SUBJECT TO THE LICENSING PROVISIONS OF TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE”.

On page 7, in line 24, after “UNDER” insert “, OR SUBJECT TO THE LICENSING PROVISIONS OF,”.

On page 22, in line 31, after “AUTHORITY” insert “OR A CREMATORY SUBJECT TO”.

(Over)

THE PROVISIONS OF THIS TITLE”.

On page 23, in line 5, after “AUTHORITIES” insert “OR CREMATORIES SUBJECT TO THE PROVISIONS OF THIS TITLE”.

On page 27, strike beginning with “NOT” in line 28 down through “SPOUSE” in line 30 and substitute “LOCATED ON CEMETERY PROPERTY OR OF A CREMATORY LOCATED ON ALL OTHER PROPERTY EXCEPT THOSE CREMATORIES OWNED AND OPERATED BY A LICENSEE OR BUSINESS ENTITY MAJORITY OWNED BY A LICENSEE UNDER THIS TITLE OR WHICH IS SUBJECT TO THE LICENSING PROVISIONS OF THIS TITLE”.

On page 32, in line 14, strike “AND”.

On page 36 in line 28, and on page 37 in line 10, after “LICENSEE” insert “OR A CREMATORY SUBJECT TO THE PROVISIONS OF THIS TITLE”.

AMENDMENT NO. 3

On page 7, after line 18, insert:

“5-205.

(a) There is a Cemetery Oversight Fund.

(b) (1) (I) By regulation, the Director shall establish reasonable fees and a fee schedule for the issuance and renewal of registrations and permits.

(II) THE DIRECTOR MAY NOT ASSESS A CREMATORY A PER-OCCURRENCE APPLICATION FEE.

(2) In establishing the fees, the Director shall consider the size of the business, whether the business is for-profit or designated as tax exempt under § 501(c) of the Internal Revenue Code, the volume of business conducted, and the type of services provided, including the percentage of preneed contracts written.

(c) The fees charged shall be set so as to approximate the direct and indirect cost of maintaining the Office.

(d) The Director shall pay all funds collected under this title to the Comptroller who shall

distribute the fees to the Cemetery Oversight Fund.

(e) (1) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Office.

(2) The Fund is a continuing nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(3) Any unspent portions of the Fund may not revert or be transferred to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this title.

(4) No other State money be may used to support the Fund.

(f) (1) The Director shall administer the Fund.

(2) Moneys in the Fund may be expended for any lawful purpose authorized under the provisions of this title.

(g) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.”.

AMENDMENT NO. 4

On page 8, in lines 29 and 32, in each instance, strike “, CREMATORY,”.

AMENDMENT NO. 5

On page 14, in line 12, after “CREMATORY” insert “OPERATOR”.

AMENDMENT NO. 6

On page 18 in line 24, and on page 43 in line 4, in each instance, after “(4)” insert “IF ASCERTAINABLE,”.

AMENDMENT NO. 7

(Over)

On page 20 in line 21, and on page 44 in line 31, in each instance, after “EMBALMED” insert “AND THAT ARE NOT CREMATED WITHIN A REASONABLE TIME”.

AMENDMENT NO. 8

On page 20 in line 27, and on page 45 in line 2, in each instance, after “A” insert “POTENTIALLY HAZARDOUS”.

On page 20 in line 30, and on page 45 in line 5, in each instance, after “ANY” insert “HAZARDOUS”.

AMENDMENT NO. 9

On page 21 in lines 16 and 17 and 20, and on page 45 in lines 27 and 28 and 31, in each instance, strike “TO AWAIT FINAL PROCESSING”.

AMENDMENT NO. 10

On page 22, in line 24, before “(1)” insert “(A)”; after line 25, insert:

“(2) AN INSPECTION FEE MAY BE ASSESSED ON A CREMATORY AUTHORITY.”;

and in line 26, strike “(2)” and substitute “(B)”.

On page 46, in line 33, after “(A)” insert “(1)”; and after line 34, insert:

“(2) AN INSPECTION FEE MAY BE ASSESSED ON A CREMATORY AUTHORITY.”.

AMENDMENT NO. 11

On page 29, in line 30, strike “(1)”; and in line 31, after “BY” insert “:

(1)”;

in line 32, strike “FINANCIAL STATEMENT” and substitute “CERTIFICATE OF GOOD STANDING FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION”; and

in the same line, strike the period and substitute “; AND”.

On pages 29 and 30, strike beginning with line 33 on page 29 through line 5 on page 30.

On page 30, in line 6, strike “(IV)” and substitute “(2)”; and in the same line, strike “SATISFY” and substitute “SATISFYING”.

AMENDMENT NO. 12

On page 47, in lines 11 and 14, in each instance, strike the bracket.