

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-192
HOUSE BILL 859**

AN ACT TO CHANGE THE LAW CONCERNING THE ELECTION OF MEMBERS OF THE BOARD OF FUNERAL SERVICE AND TO ESTABLISH A NEW PROCESS WHEREBY MEMBERS ARE APPOINTED TO SERVE ON THE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-210.18 is repealed.

SECTION 2. Article 13A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-210.18A. Board of Funeral Service created; qualifications; vacancies; removal.

(a) The General Assembly declares that the practice of funeral service affects the public health, safety, and welfare and is subject to regulation and control in the public interest. The public interest requires that only qualified persons be permitted to practice funeral service in North Carolina and that the profession merit the confidence of the public. This Article shall be liberally construed to accomplish these ends.

(b) The North Carolina Board of Funeral Service is created and shall regulate the practice of funeral service in this State. The Board shall have nine members as follows:

- (1) Four members appointed by the Governor from nominees recommended by the North Carolina Funeral Directors Association, Inc. These members shall be persons licensed under this Article.
- (2) Two members appointed by the Governor from nominees recommended by the Funeral Directors & Morticians Association of North Carolina, Inc. These members shall be persons licensed under this Article.
- (3) One member appointed by the Governor who is licensed under this Article and who is not affiliated with any funeral service trade association.
- (4) One member appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate. This member shall be a person who is not licensed under this Article or employed by a person who is licensed under this Article.
- (5) One member appointed by the General Assembly, upon the recommendation of the Speaker of the House of Representatives. This member shall be a person who is not licensed under this Article or employed by a person who is licensed under this Article.

Members of the Board shall serve staggered three-year terms, ending on June 30 of the last year of the term or when a successor has been duly appointed, whichever is later. No member may serve more than two complete consecutive terms.

(c) Vacancies. – A vacancy shall be filled in the same manner as the original appointment, except that all unexpired terms of Board members appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified.

(d) Removal. – The Board may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary proceedings as a licensee shall be disqualified from participating in the official business of the Board until the charges have been resolved."

SECTION 3. To establish staggered terms of the members of the Board of Funeral Service pursuant to G.S. 90-210.18A(b), two members appointed by the Governor from nominees recommended by the North Carolina Funeral Directors Association, Inc., shall serve two-year terms, and two members appointed by the Governor from nominees recommended by that Association shall serve three-year terms. One member appointed by the Governor from nominees recommended by the Funeral Directors & Morticians Association of North Carolina, Inc., shall serve a two-year term, and one member appointed by the Governor from nominees recommended by that Association shall serve a three-year term. The Governor shall appoint the member appointed by the Governor under G.S. 90-210.18A(b)(3) for a one-year term. The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint one member for a one-year term, and the General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint one member for a one-year term. After the staggered terms have been established, members appointed to the Board thereafter shall serve three-year terms.

SECTION 4. This act becomes effective January 1, 2005.

In the General Assembly read three times and ratified this the 16th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:26 p.m. this 17th day of August, 2004