

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH50173-LU-9 (1/31)

Short Title: Board of Mortuary Science. (Public)

Sponsors: Representative Adams.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE STATEWIDE VOTING TO ELECT MEMBERS OF THE BOARD OF MORTUARY SCIENCE 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 G.S. 90-210.18 is repealed.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 Mortuary Science 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 Mortuary Science is created and shall regulate the practice of funeral service in this State. The Board shall have nine members as follows:

(1) Seven members, appointed by the Governor, who shall hold either a funeral director's license or a funeral service license. In appointing members, the Governor may accept four recommendations from the North Carolina Funeral Directors Association, Inc., and three recommendations from the Funeral Directors & Morticians Association of North Carolina, Inc. However, the Governor shall have the authority to reject a recommendation, and at the Governor's request, either organization may resubmit a recommendation.

1 (2) One member appointed by the General Assembly, upon the
2 recommendation of the President Pro Tempore of the Senate, who is a
3 member of the general public.

4 (3) One member appointed by the General Assembly, upon the
5 recommendation of the Speaker of the House of Representatives, who
6 is a member of the general public.

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

10 (c) Qualifications. – Members appointed by the Governor shall hold a license
11 issued by the Board and shall be engaged in full-time employment in this State in a
12 practice authorized by his or her license. Public members shall not be licensed under
13 this Article or employed by a person who is licensed under this Article.

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

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

23 **SECTION 3.** Members serving on the Board of Mortuary Science on the
24 effective date of this act shall continue to serve until June 30, 2003. In establishing
25 staggered terms for appointments made pursuant to G.S. 90-210.18A, as enacted by
26 Section 2 of this act, the Governor shall appoint one member to serve a one-year term,
27 three members to serve two-year terms, and three members to serve three-year terms.
28 The General Assembly, upon the recommendation of the President Pro Tempore of the
29 Senate, shall appoint one member for a one-year term, and the General Assembly, upon
30 the recommendation of the Speaker of the House of Representatives, shall appoint one
31 member for a one-year term. After the staggered terms have been established, members
32 appointed to the Board thereafter shall serve three-year terms.

33 **SECTION 4.** This act is effective when it becomes law.