

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 69
HOUSE BILL 212

AN ACT TO ESTABLISH A SEVEN-MEMBER BOARD OF MORTUARY
SCIENCE, TO SET THREE-YEAR TERMS, AND TO LIMIT SERVICE TO TWO
CONSECUTIVE TERMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-210.18(b) is rewritten to read:

"(b) The North Carolina Board of Mortuary Science is created as a continuation of the North Carolina Board of Embalmers and Funeral Directors. The Board is the agency for regulation of the practice of funeral service in this State. The Board shall have seven members as follows:

- (1) four funeral service licensees or persons holding both a funeral director's license and an embalmer's license,
- (2) two persons holding a funeral director's license or a funeral service license, and
- (3) one public member.

A member's terms shall be three years and shall expire on December 31 or when his successor has been duly elected or appointed. No member may serve more than two complete consecutive terms.

The six seats on the Board for licensees shall be filled in an election in which every person licensed to practice embalming, funeral directing, or funeral service in this State may vote. No licensee may be nominated, elected, or serve unless he holds a North Carolina license in the class designated for the seat and unless he is engaged in full-time employment in this State in a practice authorized by his license. Any vacancy occurring in an elective seat on the Board shall be filled for the unexpired term by majority vote of the remaining Board members.

The public member of the Board shall have full voting authority. He shall be appointed by the Governor and may neither be licensed under this Article nor employed by a person who is. A vacancy occurring in the public member's seat shall be filled for the unexpired term by the Governor."

Sec. 2. G.S. 90-210.18(c)(1) is rewritten to read:

"(1) An election shall be held each year to elect two persons for membership on the Board of Mortuary Science, each to take office on the first day of January following the election. If in any year the election of a member of the Board is not completed by January 1, the member elected that year shall take office immediately after completion of the election."

Sec. 3. G.S. 90-210.18(c)(5a) is repealed.

Sec. 4. G.S. 90-210.18(c)(6) is amended by deleting from the first sentence the phrase "containing, in alphabetical order, the names of all nominees; and each" and substituting the following: "containing identification of the seats for election and, in alphabetical order, the names of all nominees for each seat. Each".

Sec. 5. G.S. 90-210.25(e)(1) is amended by adding a new paragraph at the end to read:

"In any case in which the Board is entitled to suspend, revoke or refuse to renew a license, the Board may accept from the licensee an offer in compromise to pay a penalty of not more than one thousand dollars (\$1,000). The Board may either accept a compromise or revoke or refuse to renew a license, but not both."

Sec. 6. Notwithstanding Section 1 of this act:

(a) The term of the funeral director or funeral service licensee to be elected in 1983 shall be two years. Thereafter the term shall be three years.

(b) The term of the public member to be appointed in 1985 shall expire on December 31, 1988. Thereafter the term shall be three years.

(c) Members currently serving on the Board may complete their terms and shall be eligible for election to one additional consecutive term. When the term of the funeral service licensee member expires on December 31, 1984, that seat shall be eliminated.

Notwithstanding Section 2 of this act, only one member shall be elected to the Board in 1984.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1983.