

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1116
(Government and Veterans Affairs Committee)
(At the request of the State Board of Funeral Service)

AN ACT to create and enact a new section to chapter 43-10 of the North Dakota Century Code, relating to the powers of the state board of funeral service to conduct information seminars; and to amend and reenact subsection 6 of section 43-10-10.1 and sections 43-10-13, 43-10-14, 43-10-15, 43-10-15.1, 43-10-22, and 43-10-23 of the North Dakota Century Code, relating to an exception to the requirement of a license to practice funeral service, licensing of funeral practitioners, and licensing and inspection of funeral establishments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 43-10 of the North Dakota Century Code is created and enacted as follows:

Information seminars. The board may conduct information seminars.

SECTION 2. AMENDMENT. Subsection 6 of section 43-10-10.1 of the North Dakota Century Code is amended and reenacted as follows:

6. This chapter does not prohibit individuals licensed in other states, as embalmers or funeral directors, from assisting ~~a North Dakota licensed embalmer during disasters or special emergencies~~ funeral practitioners.

SECTION 3. AMENDMENT. Section 43-10-13 of the North Dakota Century Code is amended and reenacted as follows:

43-10-13. License - When granted - Fee - Signed by majority of board - Nontransferable - Where displayed. The board shall grant a license to practice funeral service if the applicant:

1. Has the required qualifications;
2. Has passed the required examination; and
3. Has paid to the treasurer of the board a sum of not more than ~~one~~ two hundred dollars, as established by the board.

The license must be signed by a majority of the board, be attested by the board's seal, and specify by name the person to whom it is issued. A license is nonassignable ~~and~~ nontransferable, and must be displayed ~~by the licensee in a conspicuous place in the licensee's office or place of business~~ where it can be observed by the public.

SECTION 4. AMENDMENT. Section 43-10-14 of the North Dakota Century Code is amended and reenacted as follows:

43-10-14. License by reciprocity. A licenseholder in good standing in another ~~state maintaining a system and standard of examination equivalent to~~ jurisdiction that imposes requirements for licensure which are at least as stringent as the requirements of this state may be issued a license after passing a written examination on questions concerning laws and rules of this state, upon payment of a fee established by the board, and proof of good moral character.

SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed one hundred dollars. The board may refuse to renew a license for cause.

SECTION 6. AMENDMENT. Section 43-10-15.1 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15.1. Late renewal. A license that has been expired may be renewed at any time within ~~three~~ two years after its expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is not renewed within thirty days after its expiration, the licensee shall pay a late fee determined by the board not to exceed one hundred fifty dollars. Renewal under this section is effected on the date on which the application is filed, on the date which the renewal fee is paid, or on the date on which the late fee, if any, is paid, whichever last occurs. A license that is not renewed within ~~three~~ two years after its expiration may ~~not~~ be renewed ~~thereafter~~ by filing an application for renewal on a form prescribed by the board, payment of the late fee, and passing the law and rules examination.

SECTION 7. AMENDMENT. Section 43-10-22 of the North Dakota Century Code is amended and reenacted as follows:

43-10-22. Licensure of funeral establishments. A person may not operate or manage a funeral establishment without a funeral establishment license issued by the board for each place of business. Except for on tribal land, a funeral establishment may not be located on tax-exempt property. A person desiring to operate a funeral establishment shall submit an application for an annual license for each funeral establishment to the secretary or executive secretary of the board accompanied by a license fee for each establishment of not more than one hundred dollars, as established by the board. A person operating or managing a funeral establishment shall annually, on or before December first, submit an application for renewal of a license with a renewal fee of not more than one hundred twenty-five dollars, as established by the board. A license is valid until the following January first, unless sooner revoked. An application must show that the funeral establishment has complied with all rules adopted by the board in regard to safety and sanitation and will be under the supervision of an individual licensed to practice funeral service. An applicant who has met these standards must be issued a license. In case of the death of an owner of a funeral establishment who leaves an established business as part or all of an estate, the board may issue a special renewable temporary license to the personal representative of the deceased person for the duration of the administration of the estate, but which may not exceed two years. The fee for the temporary license is the same as required for regular licenses.

SECTION 8. AMENDMENT. Section 43-10-23 of the North Dakota Century Code is amended and reenacted as follows:

43-10-23. Inspections - Hearings - Revocations - Appeal. The funeral establishment, or that part of a funeral establishment in which is conducted or intended to be conducted any funeral service business, must be open at all times for inspection by the board or the state department of health. The board or agents employed by it and the state department of health may make such inspections as are necessary of facilities and equipment of funeral establishments to ensure compliance with safety and sanitary rules adopted by the board or any other rules or federal regulations pertaining to funeral service whenever either deems the inspection advisable. ~~If, upon inspection, it is found that such rules are not complied with, the board shall notify the holder of the funeral establishment license and hold a hearing.~~ The board may subpoena witnesses, administer oaths, and take testimony. All proceedings under this section must be conducted in accordance with chapter 28-32. The board may, after a hearing, revoke, suspend, or refuse to issue or renew a license upon good cause. A person aggrieved by the action of the board may appeal to the district court of the county in which the person resides or the district court of Burleigh County in accordance with chapter 28-32.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1116.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at _____ o'clock _____ M.

Secretary of State