

1 SB407
2 165843-1
3 By Senator Albritton
4 RFD: Governmental Affairs
5 First Read: 23-APR-15

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8 SYNOPSIS: This bill would require that only licensed
9 funeral directors and licensed embalmers of
10 establishments located within the district from
11 which a board member is required to be selected,
12 and who also reside within that district, may vote
13 for nominees for that position on the board.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Section 34-13-20, Code of Alabama 1975, as
20 amended by Act 2014-125, 2014 Regular Session, relating to the
21 Alabama Board of Funeral Service; to provide that only
22 licensed funeral directors and licensed embalmers of
23 establishments located within the district from which a board
24 member is required to be selected, and who also reside within
25 that district, may vote for nominees for that position on the
26 board.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 34-13-20 of the Code of Alabama
2 1975, as amended by Act 2014-125, 2014 Regular Session, is
3 amended to read as follows:

4 "§34-13-20.

5 "(a) There is established the Alabama Board of
6 Funeral Service, consisting of seven members, each of whom
7 shall be citizens of the United States and of the State of
8 Alabama. All members of the former Alabama Embalming Board who
9 are holding office on September 10, 1975, by virtue of that
10 office, shall become members of the Alabama Board of Funeral
11 Service for the term ending December 31, 1976. Not more than
12 one member of the Alabama Board of Funeral Service may reside
13 in the same district as created under Section 34-13-21, and if
14 more than one member of the State Embalming Board resides in
15 one district at the time of the organization of the board, the
16 Governor shall select one member of the Embalming Board to be
17 a member of the original Alabama Board of Funeral Service from
18 the district, and the other member of the Embalming Board
19 shall not be eligible for membership on the board.

20 "(b) At a special meeting called for such purpose,
21 to be held in Montgomery, within 45 days from September 10,
22 1975, the Alabama Funeral Directors Association, Incorporated,
23 and the Alabama Funeral Directors and Morticians Association,
24 Incorporated, in joint meeting, shall nominate three qualified
25 persons for each of the positions as members of the original
26 board of the Alabama Board of Funeral Service which are not
27 filled by members of the State Embalming Board. The names of

1 such persons so nominated shall be promptly certified by the
2 secretary of the Alabama Funeral Directors Association,
3 Incorporated, and the Alabama Funeral Directors and Morticians
4 Association, Incorporated, to the Governor who shall appoint
5 the members of the board from among the persons so nominated.
6 Not more than four members of the board at any time may be
7 members of the same race and the membership of the board shall
8 be inclusive and reflect the racial, gender, geographic,
9 urban/rural, and economic diversity of the state. ~~The board
10 shall annually report to the Legislature by the second
11 legislative day of each regular session the extent to which
12 the board has complied with the diversity provisions provided
13 for in this subsection.~~ Four members shall be appointed for a
14 term ending December 31, 1977, and the board shall be
15 constituted so that the terms of three members of the board
16 shall end December 31, 1976, and the terms of four members
17 shall end December 31, 1977. The terms of the members of the
18 State Embalming Board, who become members of the Alabama Board
19 of Funeral Service under this chapter, shall expire December
20 31, 1976, unless there are more than three such members, in
21 which event, the Governor shall designate which of the three
22 members of the State Embalming Board shall serve for terms
23 ending December 31, 1976, and which shall serve for terms
24 ending December 31, 1977.

25 "(c) After selection of the original members of the
26 Alabama Board of Funeral Service and during October of each
27 year, all embalmers and all funeral directors licensed under

1 this chapter shall meet in Montgomery, at a time and date in
2 October and at a place fixed by the board, for the purpose of
3 nominating three persons to the Governor for each vacancy on
4 the board. Not more than two nominees shall be members of the
5 same race. The Governor shall promptly appoint one of the
6 three persons so nominated. If an appointment is not made
7 before the expiration of the term of a board member, then the
8 board member may continue to serve until a successor has been
9 appointed.

10 "(d) The successors to the original members of the
11 board shall be selected for terms of two years. After the
12 terms of the original members of the board, four of the
13 members serving on the board shall be practicing and licensed
14 embalmers in Alabama for the last 10 consecutive years
15 immediately preceding their appointment and shall be licensed
16 embalmers and funeral directors in this state under this
17 chapter. Three of the members shall have been actively engaged
18 in funeral directing in Alabama for the last 10 consecutive
19 years preceding their appointment and shall be licensed
20 funeral directors of this state, under this chapter, and, at
21 the time of their appointment to the board, shall be operators
22 of funeral establishments in this state. If the license of a
23 member of the board as a funeral director or embalmer should
24 be revoked or suspended, such member shall automatically, by
25 reason of such revocation or suspension, become ineligible to
26 serve as a member of the board, and a new member, properly
27 qualified, shall be selected in the same manner provided for

1 appointment to the board. Should a member fail to qualify
2 after appointment, then he or she shall automatically become
3 ineligible to serve as a member of the board, and a new
4 member, properly qualified, shall be appointed and shall serve
5 the remainder of the term of the member so terminated. Each
6 member of the board shall remain an active practicing funeral
7 director or embalmer and funeral establishment operator during
8 his or her tenure of service on the board. Each member may
9 serve not more than four consecutive two-year terms. In no
10 event shall more than one member of the board reside in one
11 district. At each meeting where nominations are made for
12 members of the board, only one licensed funeral director or
13 licensed embalmer of each establishment located within the
14 district for which nominations are being made, and who reside
15 within the district, shall have the right to vote for
16 nominees.

17 "(e) Any board member who is elected to the
18 International Conference of Funeral Service Examining Board,
19 upon his or her election, shall begin to serve the state board
20 in an ex officio capacity only, for the duration of his or her
21 international conference board term. A member, properly
22 qualified, shall be selected in the same manner provided for
23 appointment to the state board and shall serve the remainder
24 of the term of the member elected to the international
25 conference board."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.