

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4658

(BY DELEGATES HOWELL, ARVON, IHLE, MOFFATT, HILL,
CADLE, HAMRICK, LYNCH, BLAIR, P. WHITE AND R. SMITH)

[Introduced February 22, 2016;
referred to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-6-4 of the Code of West Virginia, 1931, as amended, relating
2 to the Board of Funeral Service Examiners; changing the qualifications for board
3 members; providing for the continuous service of qualifying board members; and providing
4 for the disqualification of certain members who become licensees.

Be it enacted by the Legislature of West Virginia:

1 That §30-6-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 6. BOARD OF FUNERAL SERVICE EXAMINERS.

§30-6-4. Board of funeral service examiners.

1 (a) The “West Virginia Board of Embalmers and Funeral Directors” is hereby continued.
2 ~~and shall, after June 30, 2002, be known as the “West Virginia Board of Funeral Service~~
3 ~~Examiners”. The members of the board in office on July 1, 2002 shall, unless sooner removed,~~
4 ~~continue to serve until their respective terms expire and until their successors have been~~
5 ~~appointed and qualified~~

6 (b) Commencing with the board terms beginning July 1, 2002 reenactment of this section
7 in 2016, the board shall consist of seven members appointed for terms of four years by the
8 Governor, by and with the advice and consent of the Senate. ~~Five members must be licensed~~
9 ~~embalmers and funeral directors, and one member must be a citizen member who is not licensed,~~
10 ~~certified or registered under the provisions of this article and who is not a person who performs~~
11 ~~any services related to the practice of embalming or funeral directing. Commencing with the board~~
12 ~~terms beginning July 1, 2002, the Governor shall appoint, by and with the advice and consent of~~
13 ~~the Senate, one person who operates a crematory in West Virginia which person shall replace~~
14 ~~the current board member whose term ended on June 30, 2002. The crematory operator who is~~
15 ~~appointed for the term commencing July 1, 2002, shall register and be certified, pursuant to the~~
16 ~~provisions of this article. Any crematory operator appointed thereafter shall be certified, pursuant~~
17 ~~to the provisions of this article~~ Three members must be licensed embalmers and funeral directors

18 and four members must be citizen members who are not licensed, certified, or registered under
19 the provisions of this article, and who do not perform any services related to the practice of
20 embalming or funeral directing or the funeral home business.

21 (c) Each licensed member of the board, at the time of his or her appointment, must have
22 held a license in this state for a period of not less than five years immediately preceding the
23 appointment and each member must be a resident of this state during the appointment term. ~~Each~~
24 ~~certified member must abide by the provisions of subsection (b) of this section. Board members~~
25 ~~must represent at least four different geographic regions of the state~~ Nonlicensed members must
26 be as equally distributed between the congressional districts as is feasible and no two members
27 may be from the same county.

28 (d) Members of the board as of the effective date of this section may continue to serve
29 their term without regard to the status of their license until a successor is appointed by the
30 Governor.

31 (e) Any member who is unlicensed immediately and automatically forfeits his or her
32 membership on the board if he or she obtains an active license that would permit him or her to
33 practice under the provisions of this article, obtains a similar license that would permit him or her
34 to practice under the provisions of this article, obtains a similar license from another jurisdiction,
35 or would otherwise be disqualified for appointment under subsection (b) of this section.

36 ~~(d)~~ (f) No member may serve more than two consecutive full terms and any member
37 having served two full terms may not be appointed for one year after completion of his or her
38 second full term. A member shall continue to serve until his or her successor has been appointed
39 and qualified.

40 ~~(e)~~ (g) The Governor may remove any member from the board for neglect of duty,
41 incompetency or official misconduct.

42 ~~(f)~~ (h) Any member of the board immediately and automatically forfeits his or her
43 membership if he or she has his or her license or certificate to practice suspended or revoked by

44 the board, is convicted of a felony under the laws of any state or the United States or becomes a
45 nonresident of this state.

46 ~~(g)~~ (i) The board shall annually elect one of its members as president and one of its
47 members as secretary.

48 ~~(h)~~ (j) Each member of the board shall receive compensation and expense reimbursement
49 in accordance with section eleven, article one of this chapter.

NOTE: The purpose of this bill is to change the qualifications for board members of the Board of Funeral Service Examiners while providing for the continuous service of qualifying board members. The bill also provides for the disqualification of certain members who become licensees.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.