



NORTH CAROLINA BOARD OF FUNERAL SERVICE

MEMORANDUM

DATE: November 9, 2017
TO: Interested Parties and Individuals on the Electronic Correspondence Mailing List of the North Carolina Board of Funeral Service
FROM: Catherine E. Lee, Executive Director / Rulemaking Coordinator *CEL*
RE: Proposed Repeal of Permanent Rules:
21 NCAC 34A .0122 Character Affidavit Form
21 NCAC 34A .0127 Filing of Documents
21 NCAC 34B .0120 Trainee Final Affidavit Form
21 NCAC 34B .0208 Passing Score
21 NCAC 34B .0211 National Board Certificate
21 NCAC 34B .0510 Courtesy Card Renewal Form
21 NCAC 34B .0610 Funeral Establishment Renewal Form

N.C.G.S. 150B-21.2 requires a rule-making body to notify interested persons of its intent to repeal existing rules as cited. It also requires notification of the date, time, and location of the public hearing on the rules proposed for repeal. The North Carolina Board of Funeral Service (hereinafter the "Board") submitted the attached Notice of Text Form 0300 to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

21 NCAC 34A – BOARD FUNCTIONS

21 NCAC 34A .0122 Character Affidavit Form (Repeal Rule as Cited)
21 NCAC 34A .0127 Filing of Documents (Repeal Rule as Cited)

21 NCAC 34B – FUNERAL SERVICE

21 NCAC 34B .0120 Trainee Final Affidavit Form (Repeal Rule as Cited)
21 NCAC 34B .0208 Passing Score (Repeal)
21 NCAC 34B .0211 National Board Certificate (Repeal Rule as Cited)
21 NCAC 34B .0510 Courtesy Card Renewal Form (Repeal Rule as Cited)
21 NCAC 34B .0610 Funeral Establishment Renewal Form (Repeal Rule as Cited)

The proposed rule texts for repeal are also attached to this memorandum and were submitted for publication the December 15, 2017 edition of the N.C. Register, which can be accessed at the Office of Administrative Hearings website at <http://www.ncoah.com/rules/register/>. The proposed effective date of the repeal of these rules is April 1, 2018.

The Board is accepting public comments on these proposed rules for repeal from November 9, 2017 through February 13, 2018. Comments will also be accepted in person at the public hearing on January 10, 2018. Comments may be submitted by:

- E-mail: clee@ncbfs.org

- Public Hearing:
 - January 10, 2018
 - Time: 10:00 a.m.
 - Location: 1033 Wade Avenue, Suite 108, Raleigh, NC 27605
- Fax: (919) 733-8271
- Mail: Attn: Catherine E. Lee, NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605

This information will also be published on the Board's website at <https://ncbfs.org/>. If you have questions related to these proposed rules for repeal, please contact the Board's office at (919) 733-9380.

Enclosures: 8



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
 Notice without a scheduled hearing
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: North Carolina Board of Funeral Service

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncbfs.org/>

3. Proposed Action – Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

READOPTION with substantive changes:

READOPTION without substantive changes:

AMENDMENT:

REPEAL: 21 NCAC 34A .0122 – CHARACTER AFFIDAVIT FORM; 21 NCAC 34A .0127 – FILING OF DOCUMENTS; 21 NCAC 34B .0120 – TRAINEE FINAL AFFIDAVIT FORM; 21 NCAC 34B .0208 – PASSING SCORE; 21 NCAC 34B .0211 – NATIONAL BOARD CERTIFICATE; 21 NCAC 34B .0510 – COURTESY CARD RENEWAL FORM; 21 NCAC 34B .0610 – FUNERAL ESTABLISHMENT PERMIT RENEWAL FORM

4. Proposed effective date: April 1, 2018

5. Is a public hearing planned? Yes No

If yes: Public Hearing date: January 10, 2018

Public Hearing time: 10:00 a.m.

Public Hearing Location: NC Board of Funeral Service, 1033 Wade Avenue, Suite 108, Raleigh, NC 27605

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing: N/A

7. Explain Reason For Proposed Rule(s): The North Carolina Board of Funeral Service does not need the rules proposed for repeal to accomplish the agency's purposes, as authorized by Articles 13A, 13D, 13E, and 13F of Chapter 90 of the North Carolina General Statutes. The agency has identified the rules as those that should be repealed pursuant to G.S. 150B-19.1(b).

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Catherine E. Lee

Address: 1033 Wade Avenue, Suite 108, Raleigh, NC 27605

Phone (optional): (919) 715-0901

Fax (optional): (919) 733-8271

E-Mail (optional): clee@ncbfs.org

10. Comment Period Ends: February 13, 2018

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Catherine E. Lee

Address: 1033 Wade Ave., Suite 108, Raleigh, NC 27605

Phone: (919) 715-0901

E-Mail: clee@ncbfs.org

Agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: October 11, 2017; November 8, 2017

14. Signature of Agency Head* or Rule-making Coordinator:



*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Charles J. Graves

Title: Board President

1 21 NCAC 34A .0122 is proposed for repeal as follows:

2

3 **21 NCAC 34A .0122 CHARACTER AFFIDAVIT FORM**

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5 *History Note: Authority G.S. ~~90-210.23(a)~~; 90-210.26150B-19.1(b);*

6 *Eff. September 1, 1979;*

7 *Amended Eff. August 1, 2004;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

9 *2017.*

1 21 NCAC 34A .0127 is proposed for repeal as follows:

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3 **21 NCAC 34A .0127 FILING OF DOCUMENTS**

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5 *History Note: Authority G.S. ~~90-210.23(a)~~150B-19.1(b);*

6 *Eff. January 1, 2009;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

8 *2017.*

1 21 NCAC 34B .0120 is proposed for repeal as follows:

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3 **21 NCAC 34B .0120 TRAINEE FINAL AFFIDAVIT FORM**

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5 *History Note: Authority G.S. ~~90-210.23(a),(d),(f); 90-210.25(a)(4)f; 90-210.67(a); 90-210.69(a)~~150B-19.1(b):*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 27, 1977;*

8 *Amended Eff. January 1, 2009; November 1, 2004; June 1, 1994; August 1, 1988; September 1,*
9 *1979;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
11 *2017.*

1 21 NCAC 34B .0208 is proposed for repeal as follows:

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3 **21 NCAC 34B .0208 PASSING SCORE**

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5 *History Note: Authority G.S. ~~90-210.23(a); 90-210.25(a)(1),(2),(3)~~150B-19.1(b);*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 27, 1977;*

8 *Amended Eff. November 1, 2004; September 1, 1979;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

10 *2017.*

1 21 NCAC 34B .0211 is proposed for repeal as follows:

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3 **21 NCAC 34B .0211 NATIONAL BOARD CERTIFICATE**

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5 *History Note: Authority G.S. ~~90-210.23(a)~~; ~~90-210.25(a)(5)~~150B-19.1(b);*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 27, 1977;*

8 *Amended Eff. February 1, 2009; November 1, 2004; September 1, 1979.*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

10 *2017.*

1 21 NCAC 34B .0510 is proposed for repeal as follows:

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3 **21 NCAC 34B .0510 COURTESY CARD RENEWAL FORM**

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5 *History Note: Authority G.S. ~~90-210.23(a)~~; ~~90-210.25(b)(3)~~ 150B-19.1(b);*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 27, 1977;*

8 *Amended Eff. November 1, 2004; September 1, 1979;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*

10 *2017.*

1 21 NCAC 34B .0610 is proposed for repeal as follows:

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3 **21 NCAC 34B .0610 FUNERAL ESTABLISHMENT PERMIT RENEWAL FORM**

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5 *History Note: Authority G.S. ~~90-210.23(a)~~; ~~90-210.25(d)(3)~~150B-19.1(b);*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 27, 1977;*

8 *Amended Eff. December 1, 2004; September 1, 1979;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 19,*
10 *2017.*