

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-1-.01

Rule Title: Organization

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

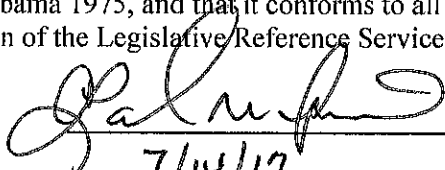
Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer



Date

7/14/17

(DATE FILED)
(STAMP)

Alabama Board of Funeral Service
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-1-.01 Organization
395-X-1-.02 Nomination and Appointment
395-X-1-.03 Meetings
395-X-1-.04 Board Staff

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-1-.01, Rule No. 395-X-1-.02, Rule No. 395-X-1-.03, and Rule No. 395-X-1-.04.

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend language to Rule No. 395-X-1-.01 changing the board members' terms to four (4) year terms only being able to serve two (2) consecutive terms and it adds language allow for two consumer members to be added to the board. The Board proposes to add language in Rule No. 395-X-1-.02 requiring one consumer member to be appointed by the Lieutenant Governor, one appointed by the Speaker of the House, using their own discretion, and sets the terms of the consumer members. The Board proposes to amend language in Rule No. 395-X-1-.03 and Rule No. 395-X-1-.04 to change the title of Executive Secretary to Executive Director.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Tuesday, September 5, 2017

Place: 11 South Union Street Suite 106, Montgomery, AL 36104

Email: Charles.perine@fsb.alabama.gov

Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Tuesday, September 5, 2017

CONTACT PERSON AT AGENCY:

Charles M. Perine
Executive Director
11 South Union Street
Suite 106
Montgomery, AL 36104



Charles M. Perine
Executive Director
Alabama Board of Funeral Service

Alabama Board of Funeral Service
ADMINISTRATIVE CODE

CHAPTER 395-X-1
BOARD AND ITS MEMBERS

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395-X-1-.01 Organization. The Alabama Board of Funeral Service is made up of seven professional members appointed by the Governor, one from each U.S. Congressional District of the state. The term of a member shall be ~~two~~ four years and no person may serve more than ~~four~~ two consecutive terms. Four (4) of the members shall have been practicing and licensed embalmers in Alabama for the ten (10) consecutive years immediately preceding their appointment and shall be licensed as embalmers and funeral directors during their terms. Three (3) of the members shall have been actively engaged in funeral directing in Alabama for ten (10) consecutive years, immediately preceding their appointment, and shall be licensed as funeral directors and shall be operators of a funeral establishment in this state at the time of their appointment. Commencing on January 1, 2019, the board shall be reconstituted to consist of seven professional members and two consumer members. Should a member, for any reason, become ineligible to serve on the Board, the position shall become vacant and a new person, properly qualified, shall be appointed by the ~~Governor~~ appointing authority to fill the vacancy and said person shall complete the remainder of such term. The Board officers consist of chair, vice chair, treasurer, and secretary. These positions shall be filled by the Board during the first meeting immediately following the appointment each year. ~~No more than four (4) members of the Board shall be of the same race, nor shall the chair or vice chair be of the same race.~~

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-20, 34-13-2334-13-26.

History: Amended: Filed August 9, 1985. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed July 14, 2017