

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. Department or Agency Alabama Board of Funeral Service

Rule No. 395-X-1-.02

Rule Title: Nomination and Appointment

 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

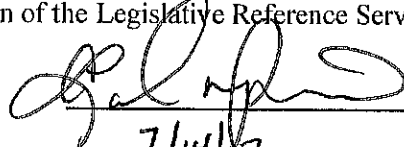
Does the proposed rule have an economic impact? NO

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)

APA-2
07/04

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-.02 Nomination And Appointment.

(1) Professional Members.

(a) In October of each year, a meeting shall be held in Montgomery for the purpose of nominating eligible candidates to serve on the Board as a professional member. Nominations are taken for Districts One (1), Two (2), and Five (5) on even numbered years and Districts Three (3), Four (4), Six (6), and Seven (7) on odd numbered years. Three nominees from each district shall be selected and their names submitted to the Governor, who shall appoint one person from each district. ~~No more than two nominees from each district can be of the same race.~~

(2) Consumer Members

(a) One consumer member shall be appointed by the Lieutenant Governor and one consumer shall be appointed by the Speaker of the House using their own discretion. Consumer members' terms shall run concurrent with Districts One (1), Two (2), and Five (5).

(b) Consumer members may not reside in the same congressional district.

(3) New members are sworn in at the first regular meeting following December 31 of the respective year. If an appointment is not made before the expiration of the term of a board member, then the board member may continue to serve until a successor has been appointed.

Author: Charles M. Perine

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

History: Amended: Filed August 9, 1985. **Amended:** Filed January 30, 2012; effective March 5, 2012. **Amended:** Filed June 6, 2014; effective July 11, 2014. **Amended:** Filed July 14, 2017