

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 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

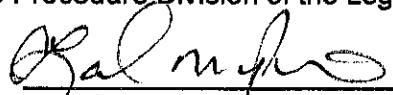
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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 4-18-14

(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-.02 Nomination and Appointment
395-X-1-.03 Meetings

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

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend Rule 395-X-1-.02 by inserting language allowing a current sitting Board member to continue to serve after his/her term has ended if the Governor has not appointed a successor by the end of the current member's term a result of the new statutory requirement. The Board also proposes to Amend Rule 395-X-1-.03 by removing the language that requires the Board to meet once quarterly for the purpose of administering the examinations as a result of the Board allowing all exams to be administered by the International Conference at testing centers.

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

Time: 4:30 p.m., Wednesday, June 4, 2014

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

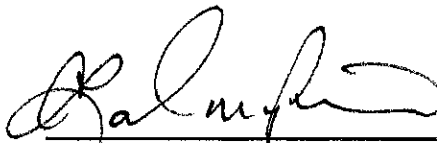
Email: Charles.perine@fsb.alabama.gov

Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Wednesday, June 4, 2014

CONTACT PERSON AT AGENCY:

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



Charles M. Perine
Executive Secretary
Alabama Board of Funeral Service

Alabama Board of Funeral Service
ADMINISTRATIVE CODE

CHAPTER 395-X-1

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395-X-1.02 Nomination and Appointment. In October of each year, a meeting shall be held in Montgomery for the purpose of nominating eligible candidates to serve on the Board. 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. 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 April 18, 2014

395-X-1.03 Meetings. The Board shall meet at least once quarterly for the purpose of ~~administering examinations for funeral directors and/or embalmers and for~~ conducting Board business. Special Meetings may be called by the Board or the executive secretary to deal with matters that require immediate attention. All business meetings are open to the public with the exception of executive sessions allowed by the state "sunshine law." Anyone wishing to appear before the Board or who wishes the Board to consider a new rule, rule amendment, or repeal, should make such request in writing and submit it to the Board office to have the matter placed on the agenda of the next meeting.

Author: Charles Perine

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

History: Amended: Filed August 9, 1985. **Amended:** Filed April 18, 2014