

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ 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          

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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.

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**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   11/17/2011  

(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

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-1-.01 Organization and Rule No. 395-X-1-.02 Nomination and Appointment

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct certain language in the rules from gender specific to gender neutral terms. The Board also proposes to correct the board members term of service on the board and the racial make of nominees for board terms that expire each year in order to agree with the new statutory laws.

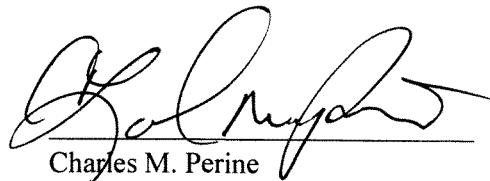
TIME, PLACE, MANNER OF PRESENTING VIEWS: Written, verbal or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Wednesday, January 4, 2012  
Place: 11 South Union Street, Montgomery, AL 36104  
Email: [Charles.perine@fsb.alabama.gov](mailto:Charles.perine@fsb.alabama.gov)  
Phone: 334-242-4049

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Wednesday, January 4, 2012

CONTACT PERSON AT AGENCY:

Charles M. Perine  
Associate Executive Secretary  
11 South Union Street  
Montgomery, AL 366104  
(334)242-4049



Charles M. Perine  
Associate Executive Secretary  
Alabama Board of Funeral Service

ALABAMA BOARD OF FUNERAL SERVICE  
ADMINISTRATIVE CODE

CHAPTER 395-X-1  
BOARD AND IT'S MEMBERS

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**395-X-1-.01 Organization.** The Alabama Board of Funeral Service is made up of seven members, one from each U.S. Congressional District of the state. The term of a member shall be two years and no person may serve more than ~~two terms~~ four 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. 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 to fill the vacancy and said person shall complete the remainder of such term. The Board officers consist of ~~chairman~~ chair, vice ~~chairman~~ 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 ~~hall~~ shall the ~~chairman~~ chair or vice ~~chairman~~ chair be of the same race.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, § 34-13-20, 34-13-23, 34-13-26.

History: Amended: Filed August 9, 1985. Amended: Filed November 17, 2011

**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.

Author: Charles M. Perine

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

History: Amended: Filed August 9, 1985. Amended:Filed November 17, 2011