

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: ALABAMA BOARD OF FUNERAL SERVICE

Rule No.: 395-X-2-.03

Rule Title: License Renewal Fees

_____ 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?

It is possible that some funeral establishment may pass the increase in fees on to the consumer, but it is the board's opinion that the increase in fees are not substantial enough to necessitate the funeral home passing the increase on to the consumer.

YES

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?

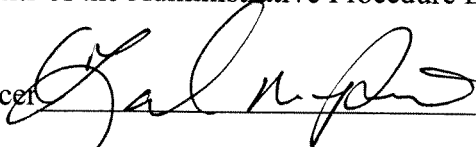
NO

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 11/17/11

(DATE FILED)
(STAMP)

Perine, Charles

From: Frank Gitschier <fgitschier@lfo.state.al.us>
Sent: Thursday, November 17, 2011 10:40 AM
To: Perine, Charles
Subject: FN for SB 94

SB94 for - Dated 06/28/2011

Committee: Sponsor: Keahey
Analyst: Rachel Riddle Date: 06/28/2011

FISCAL NOTE

Senate Bill 94 (Act 2011-623) as enacted could increase Alabama Board of Funeral Services application and exam fees, investigation fees, renewal fees and fines for violations by a maximum of approximately \$500,000. The actual amount of increase will be dependent upon the fees set by the Board. The act also increases the scoring requirement for obtaining a license and requires an applicant to have completed a course of instruction in an accredited mortuary or funeral service school or college or have completed a bachelors degree from an accredited school. These requirements could decrease by a small undetermined amount the number of applicants and thus fees collected.

This act will also increase the obligations of the Board by an estimated \$20,000 annually to pay to pay board members per diem for 20 days a year, instead of the current 10 days, and by expanding the investigation and complaint processes.

Frank Gitschier

House Fiscal Officer

Legislative Fiscal Office

334-242-7950

Alabama Board of Funeral Service

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Funeral Service

RULE NO. & TITLE: 395-X-2-.01 Application for License
395-X-2-.03 License Renewal Fees
395-X-2-.04 Original Application Fees
395-X-2-.05 State Law Examination

INTENDED ACTION: The Alabama Board of Funeral Service proposes to amend Rule No. 395-X-2-.01, Rule No. 395-X-2-.03, and Rule No. 395-X-2-.05. The Alabama Board of Funeral Service also proposes to repeal Rule No. 395-X-2-.04 and add new rule as Rule No. 395-X-2-.04 titled "Display of Licenses".

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correct language concerning the passing score for any Board examination from 70% to 75% correct answers as a result of the new statutory requirement. The Board proposes to change the title of 395-X-2-.03 to "Fees" and amend the current fees being charged by the board. The Board proposes to repeal 395-X-2-.04 Original Application Fees and add a new rule titled "Display of Licenses" which would require all licenses issued by the Board to be displayed in an area of a funeral establishment that is not restricted from public travel. The Board also proposes to increase the minimum passing score on the state law examination to 75%.

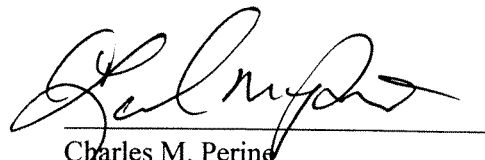
TIME, PLACE, MANNER OF PRESENTING VIEWS: Written, verbal or electronic mail comments will be accepted by the Board until:

Time: 4:30 p.m., Wednesday, January 4, 2012
Place: 11 South Union Street, Montgomery, AL 36104
Email: Charles.perine@fsb.alabama.gov
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-2
LICENSES

TABLE OF CONTENTS

395-X-2-.01	Application for License
395-X-2-.02	Renewal of License
395-X-2-.03	License Renewal Fees
395-X-2-.04	Original Application Fees <u>Display of Licenses</u>
395-X-2-.05	State Laws Examination
395-X-2-.06	Disaster Mutual Aid

395-X-2-.01 Application for License. Anyone wishing to apply for any type of license with the Board, must do so on a form supplied by the Board. Said applicant must meet and comply with all provisions of Title 34, Chapter 13, Code of Ala. 1975, relating to licensure and application thereof. No application is considered valid unless it is submitted to and received by the Board office. The passing score for any Board examination shall be ~~70%~~ 75% correct answers. The Board shall establish the beginning time of all examinations it administers. These examinations shall be completed within 210 minutes within said beginning time, as set by the Board, regardless of the length or number of sections of the examinations. In addition to the application fee, the Board shall charge each applicant an examination fee of \$100.00 for each funeral directing or embalming exam taken.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §§34-13-26, 34-13-70(c), 34-13-90(c).

History:

Amended: Filed August 9, 1985; August 8, 1986 (rule title changed from "Application of License" to "Application for License"); August 7, 1991. Amended: Filed August 10, 2004; effective September 14, 2004. Amended: Filed November 17, 2011.

395-X-2-.03 License Renewal Fees.

The fees for license renewal to be charged by the Board are as follows:

- (a) Funeral Director.....\$ 50.00
- (b) Embalmer.....\$ 50.00
- (c) Practical Embalmer.....\$ 50.00
- (d) Apprentice.....\$ 20.00
- (e) Establishment Operators.....\$100.00

FEE TYPE/PURPOSE	AMOUNT
Funeral Director Application Fee	\$100.00
Embalmer Application Fee	\$100.00
Apprentice Funeral Director / Apprentice Embalmer Application Fee	\$20.00
Funeral Establishment Application Fee	\$400.00
Funeral Director / Embalmer / Practical Embalmer Renewal Fee	\$100.00
Funeral Establishment Renewal Fee	\$250.00
Funeral Director Apprentice / Embalmer Apprentice Renewal Fee	\$20.00
Funeral Establishment Original Inspection Fee	\$150.00
Funeral Establishment Re-Inspection Fee	\$150.00
Funeral Establishment Annual Inspection Fee	\$75.00
Late Penalty for Past Due Inspection Fee	\$150.00
Funeral Establishment – License Transfer	\$25.00
Funeral Establishment New Branch or Location	\$250.00
Funeral Establishment – Reissued License Due to Name Change	\$25.00
Special Operating Permit	\$50.00
Late Renewal Fee or Lapsed Penalty	\$50.00
Reciprocity Licenses	\$250.00
Reciprocity Special Work Permit	\$25.00

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §34-13-26, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-74, 34-13-90, 34-13-111, 34-13-113, 34-13-114, 34-13-130, 34-13-131.

History: Originally filed as Rule No. 395-X-2-.04 entitled "Cost of Renewal License."

Amended: Filed April 5, 1983; August 9, 1985. Amended: Filed May 3, 2002; effective June 7, 2002. Amended: Filed May 14, 2003; effective June 18, 2003. Amended: Filed November 17, 2011

395-X-2-.04 Original Application Fees. “Repealed”

The fees for an original application are as follows:

- (a) Funeral Director.....\$ 50.00
- (b) Embalmer.....\$ 50.00
- (c) Apprentice.....\$ 20.00
- (d) Establishment.....\$200.00

Author: Charles M. Perine

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

History: Amended: Filed April 6, 1983; August 9, 1985. (Formerly Rule No. 395-X-2-.05.) Amended: Filed May 3, 2002; effective June 7, 2002. Funeral Service Board Chapter 395-X-2 Supp. 9/30/04 2-3 **Repealed:** Filed November 17, 2011

395-X-2-.04 Display of Licenses. “New Rule”

All licenses granted by the Board shall be on public display in a location of the establishment that is not restricted from the public travel.

Author: Charles M. Perine

Statutory Authority: Code of Ala. 1975, §34-13-26, 34-13-52.

History: **New Rule:** Filed November 17, 2011

395-X-2-.05 State Laws Examination.

All candidates for original funeral director and/or embalmer licensure must successfully complete an examination on Alabama Funeral Service law and regulations. A passing score shall be ~~70%~~ 75% correct answers. This examination shall be in addition to any other examinations or tests prescribed in Title 34, Chapter 13, Code of Ala. 1975. This requirement shall become effective October 1, 1986. The Board shall supply to each funeral establishment, within fiscal year 1985-86, a copy of the state funeral service laws and regulations and any amendments or revisions of the same made thereafter.

Author: Charles M. Perine

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

History: Filed August 9, 1985.

Amended: Filed November 17, 2011