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TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 330 Department or Agency Board of Licensure for Professional Engineers & Land Surveyors
Rule No. Chapter 330-X-1-.13
Rule Title: Appointment of Board Members/Nominating Committee Guidelines
 New; X Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, safety, or welfare? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

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? N/A

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 any 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 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached 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 Procedures Division of the Legislative Reference Service.

Signature of certifying officer Regina Disney
Date 5/20/2014

ALABAMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 330-X-1.13 Appointment of Board Members/Nominating
Committee Guidelines


INTENDED ACTION: Amend

SUBSTANCE OF AMENDMENT: The Board proposes to amend an existing rule to update the nominating process for identifying the candidates to fill board member vacancies. A recent law change removes the nominating process for the professional land surveyor board members from the responsibility of the nominating committee.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held only if requested by an interested party. A written request should be submitted to the agency contact person listed below. Interested persons may present their views in writing to the Alabama Board of Licensure for Professional Engineers and Land Surveyors, 100 N. Union Street, Suite 382, Post Office Box 304451, Montgomery, Alabama 36130-4451.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments concerning these changes must be received by the Alabama Board of Licensure for Professional Engineers and Land Surveyors no later than July 14, 2014.

CONTACT PERSON AT AGENCY: Regina A. Dinger, Executive Director; Alabama Board of Licensure for Professional Engineers and Land Surveyors; P.O. Box 304451, Montgomery, AL 36130-4451; (334) 242-5568.


Regina A. Dinger, Executive Director
Alabama State Board of Licensure for
Professional Engineers and Land Surveyors

BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 330-X-1
ORGANIZATION, ADMINISTRATION
AND PROCEDURE

330-X-1.13 **Appointment of Board Members/Nominating Committee Guidelines**

(1) Appointment of Board Members.

(a) Members The professional engineering members of the Board shall be appointed by the Governor from a list of three persons nominated by a committee as provided in Section 34-11-30, Code of Alabama, 1975.

(b) The professional land surveying members of the Board shall be appointed by the Governor from a list of three persons nominated by the Alabama Society of Professional Land Surveyors as provided in Section 34-11-30, Code of Alabama, 1975.

(2) Qualification of Board Members.

a. Each professional engineering member of the Board shall be a citizen of the United States, a resident of Alabama, and must hold an unexpired certificate of professional engineer licensure in Alabama that is in active status. The member must have a record of the lawful practice of engineering as a licensed professional engineer for at least 12 years.

b. Each professional land surveying member of the Board shall be a citizen of the United States, a resident of Alabama, and must hold an unexpired certificate of professional land surveyor licensure in Alabama that is in active status. The member must have a record of the lawful practice of land surveying as a licensed professional land surveyor for at least 12 years.

(3) Nominating Committee Composition. A Nominating Committee shall be composed of one professional engineer ~~or one professional land surveyor~~ representing the major from each professional engineering and surveying associations organization in Alabama. The members of the nominating committee must be residents of Alabama and must hold a current Alabama professional engineer ~~or professional land surveyor~~ license.

a. Members of the Nominating Committee are:

1. Alabama Society of Professional Engineers
- ~~2. Alabama Society of Professional Land Surveyors~~
3. 2. American Council of Engineering Companies of Alabama
- ~~4.~~ 3. American Institute of Chemical Engineers
5. 4. American Society of Civil Engineers, Alabama Section
- ~~6.~~ 5. American Society of Mechanical Engineers
7. 6. Institute of Electrical and Electronics Engineers
- ~~8.~~ 7. Society of Mining, Metallurgy, and Exploration
- ~~9.~~ 8. Structural Engineers Association of Alabama

b. Any active professional engineering organization society with ~~active chapters~~ in the state having membership requirements ~~qualifications~~ comparable to those of the above-named organizations ~~societies~~ may petition the board for membership on the committee, and the board may grant the membership.

c. Any professional organization with a representative on the nominating committee, who fails to attend two consecutive committee meetings, shall be placed on probation. Notification will be sent to the non-participating professional organization by the Executive Director of the board. If the professional organization fails to provide a voting representative at a third consecutive committee meeting, the professional organization's membership on the committee shall automatically be revoked. The professional organization and the Board shall receive written notification from the Executive Director of the board and shall not be considered for readmission to the committee for a minimum of three (3) years. A revoked organization may petition the board for membership on the committee using the procedures as outlined in the above section.

(4) Nominating Committee Responsibilities and Meeting Procedures

a. The Nominating Committee is a special committee as established by Section 34-11-30, Code of Alabama, 1975. The Nominating Committee is a separate entity and is not to be considered as a sub-committee of the Board and does not have to meet the requirements of the Open Meetings Act.

b. The Executive Director of the board shall give the Nominating Committee at least 30 days notice of the date and place for a meeting. When possible, the Executive Director will provide an initial notification of the meeting at least 90 days prior to the anticipated date of the meeting.

c. The meeting will be open to the public and shall proceed according to Robert's Rules of Order. The committee may go into Executive Session when discussing the good name and character of the nominees. All motions and ballots will be done in an open meeting.

d. The Chair of the Nominating committee shall be elected by the Committee on the day of the meeting from one of the committee members whose society is not submitting nominations for consideration. If all attending committee members are submitting nominations the Chair will be elected from all attending committee members.

(5) Nominating Process for Professional Land Surveyor Members

a. The Executive Director of the board shall give the Alabama Society of Professional Land Surveyors (ASPLS) at least 90 days' notice of an anticipated professional land surveyor vacancy on the Board. In the event there is an unanticipated vacancy, the Executive Director of the board shall give ASPLS as much as notice as possible.

b. ASPLS is a separate entity and is not to be considered as a sub-committee of the Board and does not have to meet the requirements of the Open Meetings Act.

c. It will be the responsibility of the Executive Director of the board to verify that the three persons nominated by the Alabama Society of Professional Land Surveyors as provided in Section 34-11-30, Code of Alabama, 1975 meet the requirements as identified in Paragraph 330-X-1.13(2)b of the Administrative Code prior to the names being transmitted to the Governor.

Author: Board

Statutory Authority: Section 34-11-30; Section 34-11-35, Code of Alabama 1975

Effective Date: September 6, 2010