

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Alabama Board of Licensure for  
Professional Engineers and Land Surveyors

Rule No. 330-X-1.13

Rule Title: Nominating Guidelines

\_\_\_\_\_ 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? 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? 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 action relate to or affect in any  
manner any litigation which the agency is a party to  
concerning the subject matter of the proposed rule? No

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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 41-22-23, 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 Services Agency.

Signature of certifying officer Rock Hunt

Date 8/9/18

(DATE FILED)  
(STAMP)

APA-2

(Agency Name)  
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Licensure for Professional  
Engineers and Land Surveyors (BELS)

RULE NO. & TITLE: 330-X-1.13: Nominating Guidelines

INTENDED ACTION: Update and amend Administrative Code language  
and numbering as a result of Act 2018-550's passage.

SUBSTANCE OF PROPOSED ACTION: The proposed action will clarify  
language governing the nomination process, as well as create a  
nominating committee to select the two new public member  
appointment to the Board as a way to better help protect public  
safety, health and welfare.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments  
concerning changes to Administrative Code are welcome and should  
be emailed in advance of the public hearing to Executive Director  
Rick Huett ([rick.huett@bels.alabama.gov](mailto:rick.huett@bels.alabama.gov)). Public Hearings are  
scheduled for September 10, 2018 beginning at 2 p.m. and November  
14, 2018 beginning at 9 a.m. inside the BELS' office (Suite 382)  
located at 100 North Union Street, Montgomery, Alabama.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Nov. 14, 2018.

CONTACT PERSON AT AGENCY: Rick Huett: [rick.huett@bels.alabama.gov](mailto:rick.huett@bels.alabama.gov)  
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Montgomery, Alabama 36130

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Rick Huett  
Executive Director

**ADMINISTRATIVE CODE**  
*(Rules and Regulations)*

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

~~(1) Appointment of Board Members.~~

~~(a) 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 Ala. 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 Ala. 1975.~~

(1) It is the responsibility of the Executive Director of the board to verify that the three persons nominated by each nominating committee meet the requirements of the Administrative Code. Each nominating committee must submit a letter with the list of names to the Executive Director to be forwarded to the Governor.

a. The Executive Director or a Board representative shall attend all nominating committee meetings.

b. The meetings and any candidate interviews shall be open to the public.

2. 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.

~~(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 for at least six months, 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 for at least six months, 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: Professional Engineer Nominating Committee

A Nominating Committee shall be composed of one professional engineer from each professional engineering organization in Alabama. The members of the nominating committee must be residents of Alabama and must hold a current Alabama professional engineer license.

(a) Members of the Nominating Committee are:

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

(b) Any active professional engineering organization in the state having membership requirements comparable to those of the above-named organizations 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. Public Member Nominating Committee

A nominating committee shall consist of one representative, appointed or elected, by the Business Development Organizations serving as members of the nominating committee.

(a) Members of the Public Member Nominating Committee are:

(1) Chamber of Commerce Association of Alabama

(2) Alabama State Black Chamber of Commerce

(3) Economic Development Association of Alabama

(4) Women's Business Enterprise Council South

(5) National Federation Independent Business Alabama

(6) Alabama Farmers Federation

(5) Professional Engineer and Public Member Nominating Committees Responsibilities and Meeting Procedures

(a) The Nominating Committee is a special committee as established by Section 34-11-30, Code of Ala. 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. In the event there is an unanticipated vacancy, the Executive Director of the board shall give the committee as much notice as possible.~~

(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) (6) 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 30 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 notice as possible.

(b) ASPLS is a separate entity and is not to be considered as a subcommittee 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 Ala. 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.~~

(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.

AUTHORS: Rick Huett (Executive Director), Bonnie Kelly and Griffin Pritchard

Statutory Authority: Code of Ala. 1975 Section 34-11-35

History: Amended August 20, 2018