

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-2.03
Rule Title: Executive Director; Board Members
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? 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? 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

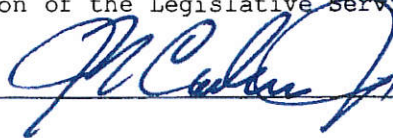
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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.

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 

Date June 20, 2018

(DATE FILED)
(STAMP)

Home Builders Licensure Board
NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builders Licensure Board

RULE NO. & TITLE:

Ala. Admin. Code r. 465-X-2-.02. Officers.

Ala. Admin. Code r. 465-X-2-.03. Executive Director; Board Members.

Ala. Admin. Code r. 465-X-2-.04. Meetings.

Ala. Admin. Code r. 465-X-2-.06. Roster of Licensees.

INTENDED ACTION: Amend rules.

SUBSTANCE OF PROPOSED ACTION:

The amendment of Ala. Admin. Code r. 465-X-2-.02 states the Secretary/Treasurer will perform the duties of the Chairman in the absence of the Chairman and Vice Chairman.

The amendment of Ala. Admin. Code r. 465-X-2-.03 clarifies the reimbursement of Board members.

The amendment of Ala. Admin. Code r. 465-X-2-.04 clarifies meeting dates.

The amendment of Ala. Admin. Code r. 465-X-2-.06 removes the requirement for the Board to mail a copy of the new roster to building officials; allows the Board to publish the roster electronically or otherwise; prohibits the provision of mailing lists

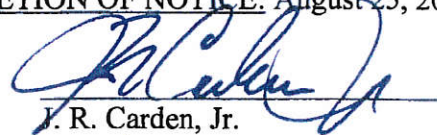
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35-day period beginning June 29, 2018. Persons wishing to submit data, views or arguments orally should contact the Board's executive director between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 25, 2018

CONTACT PERSON AT AGENCY:

Jamie A. Durham, Esq.
Chief Legal Counsel
P.O. Box 303605
Montgomery, Alabama 36130-3605


J. R. Carden, Jr.
Executive Director

465-X-2-.03 Executive Director; Board Members.

(1) The Board shall select and employ an Executive Director who shall be responsible for the administration of Board policies. The Executive Director shall fulfill the duties assigned to the executive secretary, secretary/treasurer, or secretary in the Act and Alabama Administrative Procedure Act. The Executive Director shall be designated as the agent for the Board for service of legal process upon the Board and act as its recording and corresponding secretary. The Executive Director, or his designee, shall serve as custodian of records for the Board. The Executive Director shall have custody of and shall safeguard and keep in good order all property and records of the Board; cause written minutes of every meeting of the Board to be kept in the book of minutes of this Board; sign all instruments and matters that require approval of the Board; act as Treasurer and receive and deposit all funds to the credit of either the "Home Builders Licensure Board Fund," the "Property Acquisition Fund," or the "Homeowners' Recovery Fund" in the state treasury; sign all bills before requesting the state comptroller to make payment of any accounts; and perform such other duties as the Board, the Chairman, the Vice Chairman, or the Secretary/Treasurer may assign. The records kept shall include, without limitation, all license applications and supporting documentation and information; all other evidence of the important business transactions of the Board; a complete and permanent record of all applications rejected, licenses issued, and the findings of the Board regarding all examinations; all enforcement and disciplinary actions taken by the Board; all jurisdictions covered by the Act; and a correct permanent record and account of the monies and funds of the Board kept in accordance with sound accounting principles. Upon the Board's instruction, the Executive Director may issue licenses in accordance with the standards established by the Board. All correspondence to the Board, including requests for information and all submissions of the requests should be made to the Executive Director at the Board's office in Montgomery, Alabama.

(2) The Board may employ other full or part-time administrative staff, including an administrative assistant and secretaries or others, who shall work under the direction and supervision of the Executive Director.

(3) All Board administrative staff, including the Executive Director and the administrative assistant, shall be entitled to reimbursement for travel the same as other employees of the state of Alabama, including actual expenses for authorized out-of-state travel, and per diem and transportation costs for in-state travel. Members of the Board may also receive ~~\$350.00~~~~300.00~~ per day, not to exceed fifteen days per year, for attending meetings of the Board or its committees. Members of the board shall be reimbursed for such necessary travel expenses as are paid to state employees.

(4) The titles "Executive Secretary" and "Executive Director" may be used interchangeably.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan.

Statutory Authority: Code of Ala. 1975, §§ 34-14A-3, 34-14-A-4, 34-14A-8, 34-14A-11, 41-22-1 et seq.

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 4, 2006; effective September 8, 2006. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed _____ : effective _____.