

APA-1
6/93

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 330 Department or Agency Board of Licensure for Professional Engineers & Land Surveyors
Rule No. 330-X-1-08
Rule Title: Questions of Procedure and Evidence
 New; XX 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 A. Dima
Date 4/17/12

ALABAMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 330-X-1-.01 Purpose
330-X-1-.03 Officers
330-X-1-.05 Executive Director
330-X-1-.07 Meetings
330-X-1-.08 Questions of Procedure and Evidence
330-X-1-.11 Records

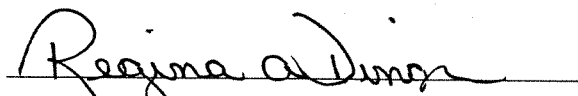
INTENDED ACTION: Amend

SUBSTANCE OF AMENDMENT: The Board proposes to amend existing rules to clarify language and to correct section titles.

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 June 6, 2012.

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-1.01	Purpose
330-X-1.03	Officers/ <u>Board Members</u>
330-X-1.05	Executive Director
330-X-1.07	Meetings
330-X-1.08	Questions of Procedure and Evidence
330-X-1.11	Records

330-X-1-.01 Purpose. The Alabama Board of Licensure for Professional Engineers and Land Surveyors was created to protect the public by helping to safeguard life, health and property, and to promote the public welfare by providing for the licensing ~~and regulation~~ of persons in and regulation of the practices of engineering and land surveying. This purpose is achieved through the establishment of minimum qualifications for entry into the professions of engineering and land surveying, through the adoption of rules defining and delineating unlawful or unethical conduct, and through swift and effective discipline for those individuals or entities who violate the applicable laws or rules promulgated thereunder.

Author: Board

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

Effective date: September 10, 1982. Amended: April 9, 1990 and October 28, 1998.

330-X-1-.03 Officers/Board Members.

(1) Election. The Board shall elect annually the following officers: Chair, Vice-Chair, and Secretary.

(2) Compensation and Expenses. Board Members shall be compensated on a per diem basis for days actually spent in performance of their duties and, additionally, members of the Board shall be reimbursed for all expenses incurred in performance of their duties as provided by Section 34-11-32 and Section 36-7-20 of the Code of Alabama 1975.

Author: Board

Statutory Authority: Section 34-11-32; Section 34-11-35; Section 36-7-20, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998.

330-X-1-.05 Executive Director. The Board shall employ an Executive Director who shall be responsible for the administration of Board policy. The Board may also employ an Assistant Executive Director. The Executive Director is designated as agent for the Board for ~~service of~~ services including any legal process upon the Board.

Author: Board

Statutory Authority: Section 34-11-35; Section 34-11-36, Code of Alabama 1975

Effective date: September 10, 1982. Amended: April 9, 1990, August 17, 1992, and October 28, 1998.

330-X-1-.07 Meetings.

- (1) Meetings may be called by the Chair or by a quorum of the Board.
- (2) Each member of the Board shall be given at least seven days notice ~~of the time, place, and purpose of for any regular or special meeting, by the Chair or the Executive Director, unless such notice is waived by the individual member or unless such member is present at the called meeting~~ at least 24 hours notice for a special meeting, and at least 1 hour for an emergency meeting. The notice will include the time, place and purpose of the meeting.
- (3) The Board shall hold at least two regular meetings each year and these meetings shall be held in Montgomery, Alabama. Special and emergency meetings may be called as necessary and may be held at any place agreed upon by a quorum of the Board.
- (4) The Executive Director will ensure that ~~reasonable notice to include time, date, and place is given to the public for all meetings~~ the meeting notices comply with Alabama's Open Meeting Act, Section 36-25A, Code of Alabama, 1975.

Author: Board

Statutory Authority: Section 34-11-34; Section 34-11-35; Section 36-25A-3, Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998.

330-X-1-.08 Questions of Procedure and Evidence. ~~The~~ Except as otherwise provided in these rules, the Chair of the Board shall ~~in accordance with these rules, and except as otherwise provided in these rules,~~ rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the Chair shall be final.

Author: Board

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

Effective date: September 10, 1982. Amended: October 28, 1998.

330-X-1-.11 Records.

- (1) Public record₁ for the purpose of these rules₁ means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities ~~can be known by~~ will be available to the public. The results of disciplinary hearings are considered public records. Records which do not constitute public records include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, ~~licensee's records,~~ examination material for examinations not yet given, file records of examination problem solutions, applicant's records, application references, complaints against licensees and nonlicensees, investigative files where investigation is pending, and records the disclosure of which would be detrimental to the best interests of the public.
- (2) Public records are available for inspection at the Board office during regular business hours.
- (3) Any person wishing to obtain copies of public records may request such copies from the Executive Director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set by resolution by the Board.

Author: Board

Statutory Authority: Section 34-11-35; Section 34-11-37; Section 41-22-4(1) (c); Code of Alabama 1975

Effective date: September 10, 1982. Amended: October 28, 1998.