

1 SB44  
2 115200-1  
3 By Senator Marsh  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10  
6 PFD: 12/02/2009

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8 SYNOPSIS: Under existing law, the State Board of  
9 Licensure for Professional Engineers and Land  
10 Surveyors consists of five professional engineers  
11 and two professional land surveyors.

12 This bill would provide for the nomination  
13 of the professional land surveyor members of the  
14 board by the Alabama Society of Professional Land  
15 Surveyors.

16 This bill would also clarify that only a  
17 licensed professional engineer or a licensed  
18 professional land surveyor, who exclusively holds  
19 an unexpired certificate to practice as a licensed  
20 professional engineer or an unexpired certificate  
21 to practice as a licensed professional land  
22 surveyor, respectively, may be appointed to the  
23 board.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2 To amend Sections 34-11-30, as amended by Act  
3 2009-642, 2009 Regular Session (Acts 2009, p. 1975), and  
4 34-11-31, Code of Alabama 1975, relating to the State Board of  
5 Licensure for Professional Engineers and Land Surveyors; to  
6 provide for the nomination of the professional land surveyor  
7 members of the board by the Alabama Society of Professional  
8 Land Surveyors; and to clarify the requirement that a nominee  
9 for service on the board exclusively hold either an unexpired  
10 certificate to practice as a licensed professional engineer or  
11 an unexpired license to practice as a professional land  
12 surveyor.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 34-11-30, as amended by Act  
15 2009-642, 2009 Regular Session (Acts 2009, p. 1975), and  
16 34-11-31 of the Code of Alabama 1975, are amended to read as  
17 follows:

18 "§34-11-30.

19 "(a) A State Board of Licensure for Professional  
20 Engineers and Land Surveyors is created. It shall be the duty  
21 of the board to administer this chapter. The board shall  
22 consist of five professional engineers and two professional  
23 land surveyors, ~~each of whom.~~ The professional engineer  
24 members of the board shall be appointed by the Governor from a  
25 list of three persons nominated by a committee and the  
26 professional land surveyor members shall be appointed by the  
27 Governor from a list of three persons nominated by the Alabama

1 Society of Professional Land Surveyors, or a successor  
2 organization. To the extent possible, the nominating ~~committee~~  
3 entities and the Governor shall select those persons whose  
4 appointments ensure that the membership of the board is  
5 inclusive and reflects the racial, gender, geographic,  
6 urban/rural, and economic diversity of the state.

7 "(b) The professional engineer nominating committee  
8 shall consist of one professional engineer ~~or professional~~  
9 ~~land surveyor, respectively,~~ appointed or elected by each of  
10 the professional organizations as outlined in the rules of the  
11 board. Any other organization in the state having membership  
12 qualifications comparable to those professional organizations  
13 outlined in the rules of the board may petition the board for  
14 membership on the committee. The board, by rule, may establish  
15 nominating committee operating guidelines and, by rule, may  
16 establish procedures for the removal of nonparticipating  
17 members of the nominating committee. ~~Nominees~~ A professional  
18 engineer nominee shall have the qualifications required by  
19 Section 34-11-31, for professional engineer members of the  
20 board. Nominations shall be made by a majority vote of the  
21 committee present at the same time at a meeting called by the  
22 executive director of the board, who shall advise the above  
23 named societies of the meeting at least 30 days before the  
24 meeting is held.

25 "(c) A professional land surveyor nominee shall have  
26 the qualifications required by Section 34-11-31, for  
27 professional land surveyor members of the board. Nominations

1 shall be made by a majority vote of the Board of Directors of  
2 the Alabama Society of Professional Land Surveyors, or a  
3 successor organization.

4 "(d) Each member of the board, before beginning his  
5 or her term of office, shall file with the Secretary of State  
6 his or her written oath or affirmation for the faithful  
7 discharge of his or her official duties. The members of the  
8 board shall continue to serve under this chapter until their  
9 respective terms expire. On the expiration of the term of each  
10 member, the Governor shall in the manner provided in this  
11 section appoint for a term of five years a professional  
12 engineer or professional land surveyor having the  
13 qualifications required by Section 34-11-31 to take the place  
14 of the member whose term on the board is about to expire.  
15 Vacancies occurring during a term shall be filled by  
16 appointment by the Governor, in the manner provided in this  
17 section, for the unexpired term. Each member shall hold office  
18 until the expiration of the term for which the member is  
19 appointed or until a successor is duly appointed and  
20 qualified.

21 "§34-11-31.

22 "Each member of the board shall be a citizen of the  
23 United States and a resident of this state, and either a  
24 licensed professional engineer or licensed professional land  
25 surveyor who exclusively holds either an unexpired certificate  
26 under this chapter to practice as a licensed professional  
27 engineer or an unexpired certificate to practice as a licensed

1 professional land surveyor, and who has been engaged in the  
2 practice of engineering or land surveying, respectively, for  
3 at least 12 years, ~~and who has been in responsible charge of~~  
4 ~~important engineering or land surveying, respectively, work~~  
5 ~~for at least five years."~~

6 Section 2. This act shall become effective on the  
7 first day of the third month following its passage and  
8 approval by the Governor, or its otherwise becoming law.