

1 SB40
2 155480-3
3 By Senator Allen
4 RFD: Governmental Affairs
5 First Read: 14-JAN-14
6 PFD: 11/15/2013

1 SB40

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4 ENROLLED, An Act,

5 To amend Sections 34-11-1, 34-11-4, 34-11-6,
6 34-11-30, and 34-11-34, Code of Alabama 1975, relating to the
7 practice of engineering and land surveying; to require that
8 certain applicants for licensure pass a board approved
9 examination in lieu of an eight-hour written examination; to
10 authorize the board to contract with an independent testing
11 agency; to provide that two members of the board be nominated
12 by the Alabama Society of Professional Land Surveyors for
13 appointment by the Governor; and to provide that a simple
14 majority of board members is a quorum.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 34-11-1, 34-11-4, 34-11-6,
17 34-11-30, and 34-11-34 of the Code of Alabama 1975, are
18 amended to read as follows:

19 "§34-11-1.

20 "For the purposes of this chapter, the following
21 words and phrases shall have the respective meanings ascribed
22 by this section:

23 "(1) BOARD. The State Board of Licensure for
24 Professional Engineers and Land Surveyors, provided for by
25 Section 34-11-30.

1 "(2) ENGINEER INTERN. A person who has qualified
2 under subdivision (2) of Section 34-11-4, and who, in
3 addition, has successfully passed ~~an eight-hour written~~ a
4 board approved examination in the fundamental engineering
5 subjects as provided in Section 34-11-6, and who has been
6 certified by the board as an engineer intern.

7 "(3) ENGINEER or PROFESSIONAL ENGINEER. A person
8 who, by reason of his or her special knowledge of the
9 mathematical and physical sciences and the principles and
10 methods of engineering analysis and design, acquired by
11 engineering education and engineering experience, is qualified
12 to practice engineering as hereinafter defined and has been
13 licensed by the board as a professional engineer.

14 "(4) LAND SURVEYOR INTERN. A person who has
15 qualified under subdivision (4) of Section 34-11-4, has passed
16 ~~an~~ a board approved examination in the fundamental land
17 ~~surveyor intern~~ surveying subjects, pursuant to this chapter,
18 and who has been certified by the board as a land surveyor
19 intern.

20 "(5) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A
21 person who has been duly licensed as a professional land
22 surveyor by the board established under this chapter, and who
23 is a professional specialist in the technique of measuring
24 land, is educated in the principles of mathematics, the
25 related physical and applied sciences, the relevant

1 requirements of law for adequate evidence and all requisites
2 for surveying of real property, and is qualified to practice
3 land surveying as defined in subdivision (8).

4 "(6) PRACTICE and OFFER TO PRACTICE. Any person
5 shall be construed to practice or offer to practice
6 engineering or land surveying, within the meaning and intent
7 of this chapter, who offers to or does as a profession
8 practice any branch of engineering or land surveying; or who
9 by verbal claim, sign, advertisement, letterhead, card, or in
10 any other way represents himself or herself to be a
11 professional engineer or a professional land surveyor, or
12 through the use of some other title implies that he or she is
13 a professional engineer or a professional land surveyor; or
14 who represents himself or herself as able to perform or who
15 does perform any engineering or land surveying service or work
16 or any other service designated by the practitioner which is
17 recognized as engineering or land surveying.

18 "(7) PRACTICE OF ENGINEERING. Any professional
19 service or creative work, the adequate performance of which
20 requires engineering education, training, and experience in
21 the application of special knowledge of the mathematical,
22 physical, and engineering sciences to such services or
23 creative work as consultation, investigation, evaluation,
24 planning, design and design coordination of engineering works
25 and systems, planning the use of land and water, performing

1 engineering surveys and studies, and the review of
2 construction or other design products for the purpose of
3 monitoring compliance with drawings and specifications; any of
4 which embraces such services or work, either public or
5 private, in connection with any utilities, structures,
6 buildings, machines, equipment, processes, work systems,
7 projects, and industrial or consumer products; equipment of a
8 control, communications, computer, mechanical, electrical,
9 hydraulic, pneumatic, or thermal nature, insofar as they
10 involve safeguarding life, health, or property; and including
11 other professional services necessary to the planning,
12 progress, and completion of any engineering services.

13 "Notwithstanding any other provision of this
14 chapter, in qualifying a witness to offer expert testimony on
15 the practice of engineering, the court shall consider as
16 evidence of his or her expertise whether the proposed witness
17 holds a valid Alabama license for the practice of engineering.
18 Provided, however, such qualification by the court shall not
19 be withheld from an otherwise qualified witness solely on the
20 basis of the failure of the proposed witness to hold such
21 valid Alabama license.

22 "a. Design coordination includes the review and
23 coordination of those technical submissions prepared by
24 others, including, as appropriate and without limitations,
25 consulting engineers, architects, landscape architects, land

1 surveyors, and other professionals working under the direction
2 of the engineer.

3 "b. Engineering surveys include all survey
4 activities required to support the sound conception, planning,
5 design, construction, maintenance and operation of engineered
6 projects, rights-of-way, and easement acquisitions relative to
7 the centerline of the project. Engineering surveys may be used
8 to locate, relocate, establish, reestablish, layout, or
9 retrace any road, right-of-way, easement, or alignment
10 relative to the centerline of the project. Additionally,
11 engineering surveys may be performed to determine areas,
12 volumes, or physical features of the earth, elevation of all
13 real property, improvements on the earth, and the
14 configuration or contour of the surface of the earth or the
15 position of fixed objects thereon by measuring lines and
16 angles and applying the principles of mathematics. All
17 engineering surveys shall exclude the surveying of real
18 property for the establishment of any property line or land
19 boundaries, setting of corners or monuments, and the dependent
20 or independent surveys or resurveys of the public land survey
21 system.

22 "c. The term shall not include the practice of
23 architecture except such architectural work as is incidental
24 to the practice of professional engineering; nor shall the

1 term include work ordinarily performed by persons who operate
2 or maintain machinery or equipment.

3 "d. The practice of engineering shall include the
4 offering of expert opinion in any legal proceeding in Alabama
5 regarding work legally required to be performed under an
6 Alabama engineer's license number or seal, which opinion may
7 be given by an engineer licensed in any jurisdiction.

8 "(8) PRACTICE OF LAND SURVEYING. Professional
9 services, including, but not limited to, consultation, project
10 coordination, investigation, testimony, evaluation, planning,
11 mapping, assembling, and interpreting reliable scientific
12 measurements and information relative to the location, size,
13 shape, areas, volumes, or physical features of the earth,
14 improvements on the earth, the space above the earth, or any
15 part of the earth, and the utilization and development of
16 these acts and interpretation into an orderly survey map,
17 plan, report, description, or project. Project coordination
18 shall include the coordination of those technical submissions
19 as prepared by others. Notwithstanding the provisions of this
20 subdivision, the practice of land surveying shall exclude
21 functions unique to engineering as specified by rules of the
22 board. The practice of land surveying shall include, but is
23 not limited to, any one or more of the following:

24 "a. Locates, relocates, establishes, reestablishes,
25 lays out, or retraces any property line or boundary of any

1 tract of land or any road, right-of-way, easement, alignment,
2 or elevation of all real property whether or not fixed works
3 are sited or proposed to be sited on the property.

4 "b. Makes any survey for the subdivision of any
5 tract of land or for condominiums.

6 "c. Determines, by the use of the principles of land
7 surveying, the position for any survey, monument, or reference
8 point; or sets, resets, or replaces any such monument or
9 reference point.

10 "d. Determines the configuration or contour of the
11 surface of the earth or the position of fixed objects thereon
12 by measuring lines and angles and applying the principles of
13 mathematics or photogrammetry.

14 "e. Geodetic surveying which includes surveying for
15 determination of the size and shape of the earth both
16 horizontally and vertically and the precise positioning of
17 points on the earth utilizing angular and linear measurements
18 through spatially oriented spherical geometry.

19 "f. Creates, prepares, or modifies electronic or
20 computerized data, including land information systems and
21 geographic land information systems, relative to the
22 performance of the activities in paragraphs a. to e.,
23 inclusive.

24 "(9) RESPONSIBLE CHARGE. Direct control and personal
25 supervision of engineering work or land surveying work.

1 "§34-11-4.

2 "The board may approve engineering, land surveying,
3 and related science programs which shall be accepted under the
4 following criteria:

5 "(1) PROFESSIONAL ENGINEER. The following shall be
6 considered as minimum evidence satisfactory to the board that
7 the applicant is qualified for licensure as a professional
8 engineer:

9 "a. Graduation and experience plus examination.

10 "1. Graduation in an approved engineering curriculum
11 plus four years experience. A graduate of an approved
12 engineering curriculum of four years or more from a school or
13 college approved by the board who has successfully passed ~~the~~
14 ~~eight-hour written~~ a board approved examination in the
15 fundamental engineering subjects and who has a specific record
16 of an additional four years or more of progressive experience
17 in engineering work of a grade and character satisfactory to
18 the board shall be admitted to ~~an eight-hour written~~ a board
19 approved examination in the principles and practice of
20 engineering. Upon passing this examination, the applicant
21 shall be granted a certificate of licensure to practice
22 engineering in this state, provided the applicant is otherwise
23 qualified.

24 "2. Graduation in an unapproved engineering
25 curriculum plus six years experience. A graduate of an

1 unapproved engineering curriculum of four years or more who
2 has successfully passed ~~the eight-hour written~~ a board
3 approved examination in the fundamental engineering subjects
4 and who has a specific record of an additional six years or
5 more of progressive experience in engineering work of a grade
6 and character satisfactory to the board shall be admitted to
7 ~~an eight-hour written~~ a board approved examination in the
8 principles and practice of engineering. Upon passing this
9 examination, the applicant shall be granted a certificate of
10 licensure to practice engineering in this state, provided the
11 applicant is otherwise qualified.

12 "b. Comity. The board may, upon application, issue a
13 certificate of licensure as a professional engineer to any
14 person who holds a valid professional engineering certificate
15 issued by any jurisdiction of the United States or of any
16 country; provided, that the education, experience, and
17 examination qualifications of the applicant are, in the
18 judgment of the board, of a standard not lower than that
19 specified in the applicable licensure act in effect in Alabama
20 at the time such certificate was issued. The board may
21 authorize an applicant to practice engineering on a temporary
22 basis upon issuance of an interim permit which shall remain in
23 effect until the board acts upon the application. The interim
24 permit may be issued upon submission of documentation and a

1 fee which shall be established by the board, not to exceed
2 fifty dollars (\$50).

3 "(2) ENGINEER INTERN. The following shall be
4 considered as minimum evidence satisfactory to the board that
5 the applicant is qualified for certification as an engineer
6 intern:

7 "a. Graduation and examination. A graduate of an
8 approved engineering curriculum of four years or more from a
9 school or college approved by the board who has successfully
10 passed ~~an eight-hour written~~ a board approved examination in
11 the fundamental engineering subjects shall be certified as an
12 engineer intern, if otherwise qualified.

13 "b. Graduation and examination plus experience.
14 Graduation in an unapproved engineering curriculum plus two
15 years experience. A graduate of an unapproved engineering
16 curriculum of four years or more who has successfully passed
17 ~~an eight-hour written~~ a board approved examination in the
18 fundamental engineering subjects and who has a specific record
19 of two years or more of progressive experience in engineering
20 work of a grade and character satisfactory to the board shall
21 be certified as an engineer intern, if otherwise qualified.

22 "c. Comity. The education, experience, and
23 examination qualifications of the applicant are, in the
24 judgment of the board, of a standard not lower than that
25 specified in the applicable licensure act in effect in Alabama

1 at the time such certificate was issued. Fundamentals of
2 engineering examinations of comparable character taken and
3 passed in another jurisdiction may be accepted by the board.

4 "(3) PROFESSIONAL LAND SURVEYOR. The following shall
5 be considered as minimum evidence satisfactory to the board
6 that the applicant is qualified for licensure as a
7 professional land surveyor.

8 "a. Graduation and experience plus examination.

9 "1. Graduation in an approved land surveying
10 curriculum plus four years experience. A graduate of an
11 approved land surveying curriculum of four years or more
12 including a minimum of 30 semester hours or 45 quarter hours
13 of surveying courses from a school or college approved by the
14 board who has successfully passed ~~an eight-hour written~~ a
15 board approved examination in the fundamental land surveying
16 subjects and who has a specific record of an additional four
17 years or more of combined office and field experience in land
18 surveying work of a grade and character satisfactory to the
19 board shall be admitted to a ~~six-hour written~~ board approved
20 examination in the principles and practice of land surveying
21 and a ~~two-hour written~~ board approved examination on laws,
22 procedures, and practices pertaining to land surveying in
23 ~~Alabama~~ this state. Upon passing these examinations, the
24 applicant shall be granted a certificate of licensure to

1 practice land surveying in this state, provided the applicant
2 is otherwise qualified.

3 "2. Graduation in an approved curriculum related to
4 surveying plus six years experience. A graduate of a
5 curriculum related to surveying of four years or more
6 including a minimum of 15 semester hours or 22.5 quarter hours
7 of surveying courses from a school or college approved by the
8 board and who has successfully passed ~~the eight-hour written a~~
9 board approved examination in the fundamental land surveying
10 subjects and who has a specific record of an additional six
11 years or more of progressive office and field experience in
12 land surveying work of a grade and character satisfactory to
13 the board shall be admitted to a ~~six-hour~~ board approved
14 examination in the principles and practice of land surveying
15 and a ~~two-hour written~~ board approved examination of laws,
16 procedures, and practices pertaining to land surveying in
17 ~~Alabama~~ this state. Upon passing these examinations, the
18 applicant shall be granted a certificate of licensure to
19 practice land surveying in this state, provided the applicant
20 is otherwise qualified.

21 "3. Graduation in a related science curriculum plus
22 eight years experience. A graduate of a related science
23 curriculum of four years or more from a school or college
24 approved by the board who has successfully passed ~~the~~
25 ~~eight-hour written~~ a board approved examination in the

1 fundamental land surveying subjects and who has a specific
2 record of an additional eight years or more of progressive
3 combined office and field experience in land surveying work of
4 a grade and character satisfactory to the board shall be
5 admitted to a ~~six-hour~~ board approved examination in the
6 principles and practice of land surveying and a ~~two-hour~~
7 ~~written~~ board approved examination of laws, procedures, and
8 practices pertaining to land surveying in ~~Alabama~~ this state.
9 Upon passing these examinations, the applicant shall be
10 granted a certificate of licensure to practice land surveying
11 in this state, provided the applicant is otherwise qualified.

12 ~~"b. Experience plus examination. Before December 31,~~
13 ~~2007, an applicant who has a specific record of eight years or~~
14 ~~more of combined office and field experience in land surveying~~
15 ~~work of a grade and character satisfactory to the board shall~~
16 ~~be admitted to an eight-hour written examination in the~~
17 ~~fundamentals of land surveying, and after passing the~~
18 ~~fundamentals examination shall be admitted to a six-hour~~
19 ~~written examination in the principles and practice of land~~
20 ~~surveying and a two-hour written examination on laws,~~
21 ~~procedures, and practices pertaining to land surveying in~~
22 ~~Alabama. Upon passing these examinations, the applicant shall~~
23 ~~be granted a certificate of licensure to practice land~~
24 ~~surveying in this state, provided the applicant is otherwise~~
25 ~~qualified.~~

1 "cb. Comity. The board ~~may~~, upon application, may
2 grant to any person who holds a valid professional land
3 surveying certificate issued by any jurisdiction of the United
4 States or of any country, admission into a ~~two-hour written~~
5 board approved examination of laws, procedures, and practices
6 pertaining to land surveying in ~~Alabama~~ this state, provided
7 that the education, experience, and examination qualifications
8 of the applicant are, in the judgment of the board, of a
9 standard not lower than that specified in the applicable
10 licensure act in effect in ~~Alabama~~ this state at the time such
11 certificate was issued. Upon passing the examination, the
12 applicant shall be granted a certificate of licensure to
13 practice land surveying in this state, provided the applicant
14 is otherwise qualified.

15 "(4) LAND SURVEYOR INTERN. The following shall be
16 considered as minimum evidence satisfactory to the board that
17 the applicant is qualified for certification as a land
18 surveyor intern:

19 "a. Graduation plus examination. Graduation in an
20 approved land surveying curriculum. A graduate of a land
21 surveying curriculum of four years or more including a minimum
22 of 30 semester hours or 45 quarter hours of surveying courses
23 from a school or college approved by the board who has
24 successfully passed ~~an eight-hour written~~ board approved

1 examination in the fundamentals of land surveying shall be
2 certified as a land surveyor intern, if otherwise qualified.

3 "b. Graduation and examination plus experience.

4 "1. Graduation in an approved curriculum related to
5 surveying plus two years experience. A graduate of a
6 curriculum related to surveying of four years or more
7 including a minimum of 15 semester hours or 22.5 quarter hours
8 of surveying courses from a school or college approved by the
9 board who has successfully passed ~~an eight-hour written~~ board
10 approved examination in the fundamentals of land surveying and
11 who has a specific record of an additional two years or more
12 of combined office and field experience in land surveying work
13 of a grade and character satisfactory to the board shall be
14 certified as a land surveyor intern, if otherwise qualified.

15 "2. Graduation in a related science curriculum plus
16 four years experience. A graduate of a related science
17 curriculum of four years or more who has successfully passed
18 ~~an eight-hour written~~ a board approved examination in the
19 fundamentals of land surveying and who has a specific record
20 of an additional four years or more of combined office and
21 field experience in land surveying work of a grade and
22 character satisfactory to the board shall be certified as a
23 land surveyor intern, if otherwise qualified.

24 "c. Comity. The education, experience, and
25 examination qualifications of the applicant are, in the

1 judgment of the board, of a standard not lower than that
2 specified in the applicable licensure act in effect in Alabama
3 at the time such certificate was issued. The board may accept
4 fundamentals of land surveying examinations of comparable
5 character taken and passed in another jurisdiction.

6 "(5) CHARACTER. No person shall be eligible for
7 licensure as a professional engineer, certification as an
8 engineer intern, licensure as a professional land surveyor, or
9 certification as a land surveyor intern who is not of good
10 character and reputation.

11 "(6) TEACHING CREDITS. In considering the
12 qualifications of applicants, teaching in an engineering
13 curriculum approved by the board may be considered as
14 engineering experience. Teaching land surveying subjects in a
15 land surveying curriculum approved by the board may be
16 considered as land surveying experience.

17 "(7) GRADUATE STUDY. In counting years of experience
18 for professional engineer licensure, the board may give
19 credit, not in excess of one year, for successful completion
20 of graduate study leading to a master's degree in engineering.
21 If a Ph.D. in engineering is completed, a total of two year's
22 experience may be credited. The two-year credit shall include
23 one year for the master's degree. If the Ph.D. is obtained
24 without the master's degree, the credit for experience shall
25 be two years. In counting years of experience for professional

1 land surveyor licensure, the board may give credit, not in
2 excess of one year, for successful completion of graduate
3 study leading to a master's degree in land surveying. If a
4 Ph.D. in land surveying is completed, a total of two years'
5 experience may be credited. The credit of two years shall
6 include one year for the master's degree. If the Ph.D. is
7 obtained without the master's degree, the credit for
8 experience shall be two years.

9 "(8) NONPRACTICING APPLICANTS. Any person having the
10 necessary qualifications prescribed in this chapter to entitle
11 the applicant to licensure shall be eligible for licensure
12 although the applicant may not be practicing engineering or
13 land surveying at the time of making application.

14 "(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.
15 The board may accept fundamentals and principles and practice
16 examinations of comparable character taken and passed in
17 another jurisdiction.

18 "§34-11-6.

19 "(a) Examinations shall be held at such times and
20 places as the board determines and upon payment of an
21 examination fee.

22 "(b) When examinations are required on fundamental
23 subjects, the applicant shall be permitted to take this part
24 of the professional examination as specified by rules of the

1 board. A candidate failing an examination may apply for
2 reexamination under guidelines established by the board.

3 "(c) When examinations are required on applied
4 subjects, the applicant shall be permitted to take this part
5 of the professional examination as specified by guidelines
6 established by the board. The scope of the examination and the
7 methods of procedure shall be prescribed by the board with
8 special reference to the applicant's ability to design and
9 supervise engineering or land surveying works so as to protect
10 the safety of life, health, and property. Examinations shall
11 be given for the purpose of determining the qualifications of
12 applicants for licensure separately in engineering and in land
13 surveying. A candidate failing an examination may apply for
14 reexamination under guidelines established by the board.

15 "(d) The fees for examination, ~~and reexamination,~~
16 and administration of the examination on the laws, procedures,
17 and practices pertaining to land surveying in this state shall
18 be set by the board ~~and shall not exceed three hundred dollars~~
19 ~~(\$300).~~

20 "(e) The board may contract with an independent
21 testing agency to prepare, grade, or conduct the required
22 examinations. For those examinations so designated by the
23 board, the applicant shall pay the examination fees directly
24 to the board authorized testing agency. The examination fee

1 for the examination on Alabama land surveying laws,
2 procedures, and practices shall be paid directly to the board.

3 "§34-11-30.

4 "(a) A State Board of Licensure for Professional
5 Engineers and Land Surveyors is created. It shall be the duty
6 of the board to administer this chapter. The board shall
7 consist of five professional engineers and two professional
8 land surveyors, ~~each of whom.~~ Commencing on the effective date
9 of the act amending this section, the five professional
10 engineers shall be appointed by the Governor from a list of
11 three persons nominated for each appointment by a committee
12 and the two land surveyors shall be appointed by the Governor
13 from a list of three persons nominated for each appointment by
14 the Alabama Society of Professional Land Surveyors.
15 Nominations shall be made to the Governor by the committee or
16 the Alabama Society of Professional Land Surveyors,
17 respectively, as vacancies on the board occur, whether by the
18 expiration of a term or otherwise, in a position filled by a
19 professional engineer or land surveyor, respectively. To the
20 extent possible, the nominating committee, the Alabama Society
21 of Professional Land Surveyors, and the Governor shall select
22 those persons whose appointments ensure that the membership of
23 the board is inclusive and reflects the racial, gender,
24 geographic, urban/rural, and economic diversity of the state.

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

17 "(c) Each member of the board, before beginning his
18 or her term of office, shall file with the Secretary of State
19 his or her written oath or affirmation for the faithful
20 discharge of his or her official duties. The members of the
21 board shall continue to serve under this chapter until their
22 respective terms expire. On the expiration of the term of each
23 member, the Governor shall in the manner provided in this
24 section appoint for a term of five years a professional
25 engineer or professional land surveyor having the

1 qualifications required by Section 34-11-31 to take the place
2 of the member whose term on the board is about to expire.
3 Vacancies occurring during a term shall be filled by
4 appointment by the Governor, in the manner provided in this
5 section, for the unexpired term. Each member shall hold office
6 until the expiration of the term for which the member is
7 appointed or until a successor is duly appointed and
8 qualified.

9 "§34-11-34.

10 "The board shall hold at least two regular meetings
11 each year. The two regular meetings of the board shall be held
12 in the City of Montgomery, Alabama. The legal office of the
13 board shall be located in the City of Montgomery. Special
14 meetings shall be held at the time and place as the rules of
15 the board may provide. Notice of all meetings shall be given
16 as the rules provide. The board shall elect or appoint
17 annually the following officers: A chair, a vice chair, and a
18 secretary. A quorum of the board shall consist of ~~not less~~
19 ~~than three members~~ a simple majority of the board membership."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB40

Senate 06-FEB-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 01-APR-14

By: Senator Allen