

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control Department or Agency Alabama Board of Licensure for Professional Geologists

Rule No. 364-X-7-.02

Rule Title: References

 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? No

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

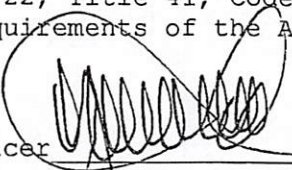
Does the proposed rule have an economic impact? No

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: February 17, 2023

REC'D & FILED

FEB 17 2023

(DATE FILED)

LEGISLATIVE SVC AGENCY

APA-2
11/96

Alabama Board of Licensure for Professional Geologists

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Licensure for Professional Geologists

RULE NO. & TITLE: 364-X-7-.02 References

INTENDED ACTION: Amend

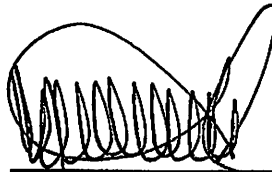
SUBSTANCE OF PROPOSED ACTION: The Board proposes to update the requirements for a board member to recuse from the board's discussion and consideration of an application in which they serve as a reference.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Wednesday, April 5, 2023. Comments should be directed to Keith E. Warren, *Executive Secretary*, 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-420-7236.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Wednesday, April 5, 2023

CONTACT PERSON AT AGENCY:

Keith E. Warren
Executive Secretary
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7236



Keith E. Warren, *Executive Secretary*
Alabama Board of Licensure for Professional Geologists

364-X-7-.02 References.

(1) The applicant shall furnish on his/her application for licensing the names and addresses of at least five (5) references.

(2) At least three (3) of the five (5) references shall be professional geologists having personal knowledge of the geologic experience of the applicant.

(3) Two (2) of the five- (5) references may attest to the moral character, reputation integrity and community standing of the applicant.

(4) All references should know the applicant personally and should be able to issue judgments concerning the applicant's experience, ability, character and/or reputation.

(5) Accurate statements of fact from responsible references covering the applicant's experience are necessary.

(6) References dated more than one (1) year prior to Board review are not acceptable.

(7) A current member of the Board may serve as a reference for an applicant, but must abstain recuse from the Board's discussion and consideration of the applicant, including final vote voting on that applicant.

(8) The Board may occasionally find it necessary to correspond directly with a reference to seek clarification or amplification of the reference's original statements, which may have been unfavorable, questionable, or simply inadequate to substantiate experience claimed by the applicant. If the reference fails or declines to furnish the necessary information within a reasonable time, all information submitted by that reference may be disregarded in consideration of the application involved and the applicant will be so notified, and additional references requested.

Author: Thornton Neathery

Statutory Authority: Code of Ala. 1975, §§34-41-9, 34-41-10.

History: New Rule: Filed May 10, 1996; effective June 14, 1996. **Amended:** Filed March 5, 2002; effective April 9, 2002. **Amended:** Filed February 17, 2023;