

1 SB120  
2 134909-1  
3 By Senator Bussman  
4 RFD: Governmental Affairs  
5 First Read: 07-FEB-12  
6 PFD: 01/30/2012

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8 SYNOPSIS: Under existing law, termination dates are  
9 established for enumerated state agencies. The  
10 agencies are periodically reviewed by the Alabama  
11 Sunset Committee. After the review process is  
12 completed, the committee prepares its  
13 recommendations for the agencies to the Legislature  
14 in the form of sunset bills which either continue,  
15 terminate, or continue with modification each  
16 agency reviewed.

17 This bill would provide for the continuance  
18 of the Alabama Board of Examiners in Counseling  
19 until October 1, 2016, with the following change:  
20 To require that members of the board reside in  
21 different congressional districts.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           Relating to the Alabama Sunset Law; to continue the  
2 existence and functioning of the Alabama Board of Examiners in  
3 Counseling until October 1, 2016, with certain modifications;  
4 to amend Section 34-8A-4, Code of Alabama 1975, so as to  
5 require that members of the board reside in different  
6 congressional districts.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Pursuant to the Alabama Sunset Law, the  
9 Sunset Committee recommends the continuance of the Alabama  
10 Board of Examiners in Counseling until October 1, 2016, with  
11 the additional recommendations for statutory change as set out  
12 in Section 3.

13           Section 2. The existence and functioning of the  
14 Alabama Board of Examiners in Counseling, created and  
15 functioning pursuant to Sections 34-8A-1 to 34-8A-24,  
16 inclusive, Code of Alabama 1975, is continued until October 1,  
17 2016, and those code sections are expressly preserved.

18           Section 3. Section 34-8A-4, Code of Alabama 1975, is  
19 amended to read as follows:

20           "§34-8A-4.

21           "(a) There is created an Alabama Board of Examiners  
22 in Counseling, to consist of seven members who shall be  
23 citizens of this state and appointed by the Governor pursuant  
24 to the requirements of this section.

25           "(b) Within 30 days from July 18, 1979, the  
26 Executive Committee of the Alabama Counseling Association, or  
27 its successor organization, shall submit to the Governor a

1 list of qualified candidates for the board. The list shall  
2 contain names of at least four citizens from the general  
3 public, four qualified counselor educators, and six qualified  
4 practicing counselors from which the Governor, within 60 days,  
5 shall select the board. The board shall consist of two  
6 citizens from the general public, two counselor educators, and  
7 three counselors in private practice.

8 "(c) The initial appointments to the board shall be  
9 for the following terms: The term of two members is one year,  
10 the term of two members is two years, the term of three  
11 members is three years.

12 "(d) The professional membership of the board  
13 authorized under this section shall be licensed under this  
14 chapter, except that the initial professional members shall be  
15 members who have been rendering the private practice of  
16 counseling services for at least one year, or who have been  
17 giving instruction in counseling in a regionally accredited  
18 institution of higher learning for at least three years.

19 "(e) The board shall perform those duties and  
20 exercise those powers as this chapter prescribes and confers  
21 upon it. No member of the board shall be liable to civil  
22 action for any act performed in good faith for the performance  
23 of his or her duty pursuant to this chapter.

24 "(f) Board members shall be ineligible for  
25 reappointment for a period of three years following completion  
26 of their terms. Subsequent appointments to the board shall be  
27 made by the Governor in the following manner: Not later than

1       October 1, of each year the Executive Committee of the Alabama  
2       Counseling Association, or its successor organization, shall  
3       submit to the Governor the names of two qualified candidates  
4       for the position on the board to be vacated by reason of  
5       expiration of term of office. From the two candidates the  
6       Governor shall appoint one member not later than January 1, to  
7       serve on the board for a term of five years. Every reasonable  
8       effort shall be made to insure that one member of the board be  
9       a member of a cultural minority. Each board member shall hold  
10      office until his or her successor is appointed and assumes  
11      office. If the Governor fails to make an appointment by  
12      January 1 for a successor to a member whose term has expired,  
13      the Executive Committee of the Alabama Counseling Association,  
14      or its successor organization, shall select a successor member  
15      from among the two qualified candidates nominated to fill the  
16      vacancy. Other vacancies occurring in the board shall be  
17      filled for the unexpired term by appointment of the Governor  
18      from two candidates for each vacancy submitted within 30 days  
19      after the vacancy occurs by the Executive Committee of the  
20      Alabama Counseling Association, or its successor organization.  
21      The appointments shall be made within 45 days after the names  
22      of the candidates have been submitted. If the Governor fails  
23      to make the appointment within the 45-day period, the  
24      Executive Committee of the Alabama Counseling Association, or  
25      its successor organization, shall select a replacement member  
26      from among the two qualified candidates nominated to fill the  
27      unexpired term of a board member. Any board members may be

1 removed by the Governor, after notice and hearing, for  
2 incompetence, neglect of duty, malfeasance in office, or moral  
3 turpitude. Composition of the board shall always consist of  
4 two citizens, two counselor educators, and three counselors in  
5 private practice. The membership of the board shall be  
6 inclusive and reflect the racial, gender, geographic,  
7 urban/rural, and economic diversity of the state. After the  
8 effective date of the act amending this subsection,  
9 appointments shall be made so that not more than one board  
10 member from any congressional district may be appointed to  
11 serve at the same time. A college or university shall have  
12 only one counselor educator representative as a member of the  
13 board at any one time. In addition, no more than one  
14 practitioner from the same practice setting or corporation  
15 shall be members of the board at any one time.

16 "(g) Immediately and before entering public duties  
17 of the office, the members of the board shall take the  
18 constitutional oath of office and shall file the oath of  
19 office in the office of the Governor, who upon receiving the  
20 oath of office shall issue to each member a certificate of  
21 appointment. The board shall have available for the Governor  
22 or his or her representative detailed reports on proceedings  
23 and shall make annual reports in the form as required by the  
24 Governor.

25 "(h) The Alabama Board of Examiners in Counseling is  
26 subject to the provisions of the Alabama Sunset Law of 1981,  
27 and is classified as an enumerated agency pursuant to Section

1 41-20-3. The board shall automatically terminate on October 1,  
2 2000, and every four years thereafter, unless a bill is passed  
3 that it be continued, modified, or reestablished."

4 Section 4. The Legislature concurs in the  
5 recommendations of the Sunset Committee as provided in  
6 Sections 1, 2, and 3.

7 Section 5. This act shall become effective  
8 immediately upon its passage and approval by the Governor, or  
9 its otherwise becoming law.