

1 HB300
2 197966-1
3 By Representatives Rogers and Moore (M)
4 RFD: Judiciary
5 First Read: 20-FEB-20

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8 SYNOPSIS: Existing law does not provide for a judicial
9 review board to adjudicate complaints of
10 discrimination against a licensee of a professional
11 licensing board listed in Title 34 of the Code of
12 Alabama 1975.

13 This bill would provide that a licensee of a
14 professional licensing board may not unlawfully
15 discriminate or knowingly permit unlawful
16 discrimination on the basis of race, national
17 origin, sex, sexual orientation, religion, age, or
18 disability of a person or client.

19 This bill would create a judicial review
20 board to adjudicate complaints of discrimination.

21 This bill would provide for the composition
22 of the board.

23 This bill would also provide for the
24 admissibility of the findings of the board.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to licensees of professional licensing
4 boards; to prohibit a licensee of a board from unlawfully or
5 knowingly permitting unlawful discrimination on the basis of
6 race, national origin, sex, sexual orientation, religion, age,
7 or disability of a person or client; to create a judicial
8 review board to adjudicate complaints of discrimination; to
9 provide for composition of the board; and to provide for the
10 admissibility of the findings of the board.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. As used in this act, the following words
13 shall have the following meanings:

14 (1) KNOWINGLY PERMIT. A failure to advocate
15 corrective action where a licensee of a professional licensing
16 board listed in Title 34, Code of Alabama 1975, knows of a
17 policy or practice which results in unlawful discrimination on
18 the basis of race, national origin, sex, sexual orientation,
19 religion, age, or disability of a person.

20 (2) LICENSEE. A person or individual licensed by a
21 professional licensing board listed in Title 34 of the Code of
22 Alabama 1975.

23 (3) UNLAWFUL and UNLAWFULLY. Violations of
24 applicable state or federal law or court decisions making it
25 unlawful to refuse to employ a person or offer goods or
26 services to the person on the basis of race, national origin,

1 sex, sexual orientation, religion, age, or disability of a
2 person.

3 Section 2. A licensee may not engage in or knowingly
4 permit unlawful discrimination on the basis of race, national
5 origin, sex, sexual orientation, religion, age, or disability
6 in any of the following:

7 (1) The hiring, promoting, discharging, or otherwise
8 determining the conditions of employment of any person.

9 (2) Accepting or terminating representation of any
10 client or providing goods or services to any member of the
11 public.

12 Section 3. A judicial review board is established to
13 hear grievances under this act. The board shall consist of a
14 panel of nine current circuit court judges appointed by the
15 Governor. The Governor shall assure that the membership of the
16 board is inclusive and reflects the racial, gender,
17 geographic, urban, rural, and economic diversity of the state.
18 The sole purpose of the board shall be to hear complaints
19 regarding violations of this act by licensees and make
20 determinations.

21 Section 4. A disciplinary investigation or
22 proceeding by a professional licensing board may not be
23 initiated against a licensee unless the judicial review board
24 has first adjudicated a complaint regarding the licensed
25 member and found that misconduct occurred. Upon the
26 adjudication of the finding of the judicial review board, the
27 finding shall be admissible evidence of the occurrence or

1 nonoccurrence of the alleged act in any disciplinary
2 proceeding initiated under this act.

3 Section 5. A licensee being investigated by the
4 professional licensing board who believes his or her rights
5 were violated in connection with the investigation, has the
6 right to submit a complaint to the judicial review board. The
7 finding of the judicial review board shall be admissible
8 evidence of the occurrence or nonoccurrence of the alleged act
9 in the disciplinary proceeding regarding the licensee.

10 Section 6. If this act conflicts with already
11 established rules of ethics for each professional entity, then
12 the disciplinary investigation or action shall be performed
13 simultaneously with the proceeding of the judicial review
14 board.

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