

SB78 ENROLLED



1 SB78
2 YMXE96N-2
3 By Senator Carnley
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 13-Jan-26



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1 Enrolled, An Act,

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4 Relating to the Alabama Sunset Law; to continue the
5 existence and functioning of the Board of Examiners of
6 Assisted Living Administrators until October 1, 2028, with
7 certain modifications; to amend Section 34-2A-3, Code of
8 Alabama 1975, to require the Governor to appoint a qualified
9 individual to serve on the board if a nominating authority
10 does not timely submit names for appointment.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Pursuant to the Alabama Sunset Law, the
13 Sunset Committee recommends the continuance of the Board of
14 Examiners of Assisted Living Administrators until October 1,
15 2028, with additional recommendation for statutory change as
16 set out in Section 3.

17 Section 2. The existence and functioning of the Board
18 of Examiners of Assisted Living Administrators, created and
19 functioning pursuant to Sections 34-2A-1 to 34-2A-16,
20 inclusive, Code of Alabama 1975, is continued until October 1,
21 2028, and those code sections are expressly preserved.

22 Section 3. Section 34-2A-3, Code of Alabama 1975, is
23 amended to read as follows:

24 "§34-2A-3

25 (a) (1) There is created a Board of Examiners of
26 Assisted Living Administrators composed of nine members, seven
27 members as set out in this subsection, and two additional
28 consumer members as set out in subsection (b). The membership



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29 of the board shall be inclusive and reflect the racial,
30 gender, geographic, ~~urban/rural~~ urban, rural, and economic
31 diversity of the state. The seven original members shall be
32 composed as follows: Five members shall be assisted living
33 administrators duly licensed and registered under this
34 chapter; one member shall be a physician licensed under the
35 laws of the state; and one shall be a licensed nursing home
36 administrator who in the same or contiguous facility manages
37 assisted living beds.

38 (2)a. Appointments to the board for those positions to
39 be held by assisted living administrators shall be made by the
40 Governor from a list of three nominees for each position to be
41 submitted to the Governor by the Assisted Living Association
42 of Alabama, Inc. The appointment of the nursing home
43 administrator shall be made from a list of three nominees
44 submitted to the Governor by the Alabama Nursing Home
45 Association, Inc. The appointment to the board of the member
46 for the position to be held by a physician shall be made from
47 a list of three nominees submitted to the Governor by the
48 Medical Association of the State of Alabama.

49 b. If the applicable nominating association does not
50 submit nominees for a board position within 45 days after a
51 vacancy occurs on the board, the Governor shall appoint a
52 qualified individual. The Governor shall have 45 days within
53 which to fill the vacancy.

54 (b) ~~Within 30 days of March 1, 2002, the~~ The Governor
55 shall appoint two consumer members of the board. The consumer
56 members shall vote in all matters. At least one consumer



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57 member shall be 65 years of age or older and no consumer
58 member, or a spouse or immediate family member of a consumer
59 member, shall be a licensee of the board or be employed in the
60 assisted living profession.

61 (c) When the terms of all members of the board expire
62 in April 2005, the Governor shall appoint five members to
63 two-year terms and four members to three-year terms as
64 follows: Three assisted living administrators, the licensed
65 nursing home administrator, and one consumer member shall be
66 appointed to two-year terms; two assisted living
67 administrators, the licensed physician, and one consumer
68 member shall be appointed to three-year terms. Thereafter, all
69 members shall serve three-year terms of office.

70 (d) All members of the board shall be citizens of the
71 United States and shall be residents of the state.

72 (e) Except as otherwise provided in this section, each
73 member shall serve three-year staggered terms and no board
74 member shall serve more than two consecutive full three-year
75 terms. All members shall continue to serve until the Governor
76 appoints a successor.

77 (f) The Governor may remove any board member for
78 misconduct, incapacity, incompetence, or neglect of duty after
79 the board member so charged has been served with a written
80 statement of charges and has been given an opportunity to be
81 heard. Absence from any three consecutive meetings of the
82 board within a calendar year, without cause acceptable to the
83 Governor and the board, shall be deemed cause for removal.

84 (g) Any vacancy created by the death, resignation, or



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85 removal of any board member shall be filled by the Governor
86 for the unexpired term in the same manner as required by this
87 chapter to make appointments.

88 (h) Each member of the board shall receive a per diem
89 fee of not less than fifty dollars (\$50) nor more than one
90 hundred dollars (\$100), to be determined by the board, for the
91 time spent in the performance of official duties. Each member
92 shall be reimbursed for all necessary and proper travel and
93 incidental expenses incurred in implementing this chapter as
94 is provided to state employees by the laws of the state and
95 ~~regulations~~ rules of the State Personnel Director. In setting
96 the per diem fee, the board shall give due consideration to
97 funds ~~which~~ that are available for that purpose.

98 (i) The board shall hold four or more meetings a year.
99 A majority of the members of the board shall constitute a
100 quorum at any meeting except as provided in Section 34-2A-13.
101 A majority vote of the members present shall be sufficient to
102 transact the business of the board except as provided in
103 Section 34-2A-13. Meetings may be called by the chair or by a
104 majority of the members of the board. Members shall be given
105 seven days' written notice of all meetings.

106 (j) The board shall annually elect from its members a
107 chair and a vice-chair, at the first meeting of the board held
108 after October 1 of each year, and each shall serve until the
109 first meeting held after October 1 of the following year. In
110 the event of the death, resignation, or removal of the chair
111 from the board, the vice-chair shall succeed as chair for the
112 remainder of the unexpired term. In the event of the death,



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113 resignation, removal, or succession to the office of chair of
114 a vice-chair, a successor shall be elected by the board to
115 fill the remainder of the unexpired term as vice-chair. The
116 chair, or in the absence of the chair, the vice-chair, shall
117 preside at all meetings of the board. The chair of the board
118 may appoint an executive director to the board, with the
119 consent of the members of the board, who shall serve at the
120 pleasure of the board. The board shall fix the salary of the
121 executive director. The executive director shall be the
122 executive officer to the board but may not be a member of the
123 board. The executive director shall have those powers and
124 shall perform those duties as are prescribed by law and the
125 rules ~~and regulations~~ of the board. A clerk and sufficient
126 deputy clerks to adequately assist the board and executive
127 director in the keeping of the records and in the performance
128 of their duties may be appointed by the board subject to the
129 Merit System.

130 (k) The board is subject to the Alabama Sunset Law of
131 1981, and is classified as an enumerated agency pursuant to
132 Section 41-20-3. The board shall automatically terminate on
133 October 1, 2004, and every four years thereafter, unless a
134 bill is passed that the board be continued, modified, or
135 reestablished."

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

139 Section 5. This act shall become effective June 1,
140 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB78
Senate 05-Feb-26
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 19-Feb-26

By: Senator Carnley