

**SB78 INTRODUCED**



1 SB78

2 YMXE96N-1

3 By Senator Carnley

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 13-Jan-26



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## 4 SYNOPSIS:

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

13 This bill would provide for the continuance of  
14 the Board of Examiners of Assisted Living  
15 Administrators until October 1, 2028, with the  
16 following change: To require the Governor to appoint a  
17 qualified individual to serve on the board if a  
18 nominating authority does not timely submit names for  
19 appointment.

20  
21  
22 A BILL

23 TO BE ENTITLED

24 AN ACT

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26 Relating to the Alabama Sunset Law; to continue the  
27 existence and functioning of the Board of Examiners of  
28 Assisted Living Administrators until October 1, 2028, with

## SB78 INTRODUCED



29 certain modifications; to amend Section 34-2A-3, Code of  
30 Alabama 1975, to require the Governor to appoint a qualified  
31 individual to serve on the board if a nominating authority  
32 does not timely submit names for appointment.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34         Section 1. Pursuant to the Alabama Sunset Law, the  
35 Sunset Committee recommends the continuance of the Board of  
36 Examiners of Assisted Living Administrators until October 1,  
37 2028, with additional recommendation for statutory change as  
38 set out in Section 3.

39         Section 2. The existence and functioning of the Board  
40 of Examiners of Assisted Living Administrators, created and  
41 functioning pursuant to Sections 34-2A-1 to 34-2A-16,  
42 inclusive, Code of Alabama 1975, is continued until October 1,  
43 2028, and those code sections are expressly preserved.

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

46             "§34-2A-3

47             (a) (1) There is created a Board of Examiners of  
48 Assisted Living Administrators composed of nine members, seven  
49 members as set out in this subsection, and two additional  
50 consumer members as set out in subsection (b). The membership  
51 of the board shall be inclusive and reflect the racial,  
52 gender, geographic, ~~urban/rural~~ urban, rural, and economic  
53 diversity of the state. The seven original members shall be  
54 composed as follows: Five members shall be assisted living  
55 administrators duly licensed and registered under this  
56 chapter; one member shall be a physician licensed under the



57 laws of the state; and one shall be a licensed nursing home  
58 administrator who in the same or contiguous facility manages  
59 assisted living beds.

60 (2)a. Appointments to the board for those positions to  
61 be held by assisted living administrators shall be made by the  
62 Governor from a list of three nominees for each position to be  
63 submitted to the Governor by the Assisted Living Association  
64 of Alabama, Inc. The appointment of the nursing home  
65 administrator shall be made from a list of three nominees  
66 submitted to the Governor by the Alabama Nursing Home  
67 Association, Inc. The appointment to the board of the member  
68 for the position to be held by a physician shall be made from  
69 a list of three nominees submitted to the Governor by the  
70 Medical Association of the State of Alabama.

71 b. If the applicable nominating association does not  
72 submit nominees for a board position within 45 days after a  
73 vacancy occurs on the board, the Governor shall appoint a  
74 qualified individual. The Governor shall have 45 days within  
75 which to fill the vacancy.

76 (b) ~~Within 30 days of March 1, 2002, the~~ The Governor  
77 shall appoint two consumer members of the board. The consumer  
78 members shall vote in all matters. At least one consumer  
79 member shall be 65 years of age or older and no consumer  
80 member, or a spouse or immediate family member of a consumer  
81 member, shall be a licensee of the board or be employed in the  
82 assisted living profession.

83 (c) When the terms of all members of the board expire  
84 in April 2005, the Governor shall appoint five members to



85 two-year terms and four members to three-year terms as  
86 follows: Three assisted living administrators, the licensed  
87 nursing home administrator, and one consumer member shall be  
88 appointed to two-year terms; two assisted living  
89 administrators, the licensed physician, and one consumer  
90 member shall be appointed to three-year terms. Thereafter, all  
91 members shall serve three-year terms of office.

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

94 (e) Except as otherwise provided in this section, each  
95 member shall serve three-year staggered terms and no board  
96 member shall serve more than two consecutive full three-year  
97 terms. All members shall continue to serve until the Governor  
98 appoints a successor.

99 (f) The Governor may remove any board member for  
100 misconduct, incapacity, incompetence, or neglect of duty after  
101 the board member so charged has been served with a written  
102 statement of charges and has been given an opportunity to be  
103 heard. Absence from any three consecutive meetings of the  
104 board within a calendar year, without cause acceptable to the  
105 Governor and the board, shall be deemed cause for removal.

106 (g) Any vacancy created by the death, resignation, or  
107 removal of any board member shall be filled by the Governor  
108 for the unexpired term in the same manner as required by this  
109 chapter to make appointments.

110 (h) Each member of the board shall receive a per diem  
111 fee of not less than fifty dollars (\$50) nor more than one  
112 hundred dollars (\$100) to be determined by the board, for the



113 time spent in the performance of official duties. Each member  
114 shall be reimbursed for all necessary and proper travel and  
115 incidental expenses incurred in implementing this chapter as  
116 is provided to state employees by the laws of the state and  
117 ~~regulations~~ rules of the State Personnel Director. In setting  
118 the per diem fee, the board shall give due consideration to  
119 funds ~~which~~ that are available for that purpose.

120 (i) The board shall hold four or more meetings a year.  
121 A majority of the members of the board shall constitute a  
122 quorum at any meeting except as provided in Section 34-2A-13.  
123 A majority vote of the members present shall be sufficient to  
124 transact the business of the board except as provided in  
125 Section 34-2A-13. Meetings may be called by the chair or by a  
126 majority of the members of the board. Members shall be given  
127 seven days' written notice of all meetings.

128 (j) The board shall annually elect from its members a  
129 chair and a vice-chair, at the first meeting of the board held  
130 after October 1 of each year, and each shall serve until the  
131 first meeting held after October 1 of the following year. In  
132 the event of the death, resignation, or removal of the chair  
133 from the board, the vice-chair shall succeed as chair for the  
134 remainder of the unexpired term. In the event of the death,  
135 resignation, removal, or succession to the office of chair of  
136 a vice-chair, a successor shall be elected by the board to  
137 fill the remainder of the unexpired term as vice-chair. The  
138 chair, or in the absence of the chair, the vice-chair, shall  
139 preside at all meetings of the board. The chair of the board  
140 may appoint an executive director to the board, with the

## SB78 INTRODUCED



141      consent of the members of the board, who shall serve at the  
142      pleasure of the board. The board shall fix the salary of the  
143      executive director. The executive director shall be the  
144      executive officer to the board but may not be a member of the  
145      board. The executive director shall have those powers and  
146      shall perform those duties as are prescribed by law and the  
147      rules ~~and regulations~~ of the board. A clerk and sufficient  
148      deputy clerks to adequately assist the board and executive  
149      director in the keeping of the records and in the performance  
150      of their duties may be appointed by the board subject to the  
151      Merit System.

152                    (k) The board is subject to the Alabama Sunset Law of  
153      1981, and is classified as an enumerated agency pursuant to  
154      Section 41-20-3. The board shall automatically terminate on  
155      October 1, 2004, and every four years thereafter, unless a  
156      bill is passed that the board be continued, modified, or  
157      reestablished."

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

161                    Section 5. This act shall become effective June 1,  
162      2026.