

SB78 INTRODUCED



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



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.

22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
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



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

"§34-2A-3

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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



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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.