

SB227 INTRODUCED



1 SB227
2 BYR3S44-1
3 By Senator Elliott
4 RFD: County and Municipal Government
5 First Read: 29-Jan-26



4 SYNOPSIS:

5 Under existing law, occupational and
6 professional licensing boards are responsible for
7 regulating different professions and occupations in the
8 state.

9 This bill would establish the Office of
10 Occupational and Professional Licensing within the
11 Alabama Department of Workforce to serve as a
12 centralized entity providing leadership, support, and
13 oversight to certain professional or occupational
14 licensing boards operating within the state.

15 This bill would provide for the appointment of
16 an executive director, deputy directors, and other
17 staff for the office, including investigators, and
18 would provide uniformity for certain provisions
19 relating to licensing, fees, funding, and expenses.

20 This bill would maintain the validity of
21 occupational and professional licenses issued before
22 the transfer and the continuance of the rules of a
23 transferred occupational or professional licensing
24 board adopted before the transfer.

25 This bill would also provide for the transfer of
26 an agency to the office pursuant to a recommendation
27 for legislative modification by the Sunset Committee.
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A BILL

TO BE ENTITLED

AN ACT

To establish the Office of Occupational and Professional Licensing within the Alabama Department of Workforce; to add Chapter 2A to Title 25, Code of Alabama 1975; to provide for the leadership, support, and oversight of certain occupational and professional licensing boards; to provide for an executive director, deputy directors, and the employment of staff for the boards; to provide uniform standards for fees; to continue existing licenses and rules until amended or repealed by the office; and to amend Section 41-20-5, Code of Alabama 1975, to provide for the transfer of an agency to the office by the Sunset Committee pursuant to a recommendation for modification.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 2A is added to Title 25 of the Code of Alabama 1975, to read as follows:

CHAPTER 2A. OFFICE OF OCCUPATIONAL AND PROFESSIONAL LICENSING.

§25-2A-1

For the purposes of this chapter, the following terms have the following meanings:

(1) BOARD. A board, commission, or other entity established for the primary purpose of licensing and regulating a specific occupation or profession that is subject



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to oversight and administration by the Office of Occupational and Professional Licensing of the Alabama Department of Workforce.

(2) EXECUTIVE DIRECTOR. The individual appointed by the Secretary of Workforce to serve as the executive director of the office.

(3) FUND. The Occupational and Professional Licensing Fund created by this chapter.

(4) LICENSE. The certificate or license issued to an individual that certifies he or she is qualified to perform a particular occupation or profession. The term includes a certificate of registration, temporary license, or similar formal grant of permission.

(5) OFFICE. The Office of Occupational and Professional Licensing within the Alabama Department of Workforce, responsible for the oversight and administration of certain occupational and professional licensing boards.

§25-2A-2

(a) There is created within the Alabama Department of Workforce the Office of Occupational and Professional Licensing. The mission of the office is to protect the health, safety, and welfare of the public by licensing qualified individuals and entities and enforcing standards of professional conduct for professions and occupations.

(b) (1) The Secretary of Workforce shall appoint and shall set the qualifications for an executive director and shall appoint deputy directors, as needed, who shall act in the absence of the executive director and who shall perform



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other functions of the executive director as the executive director may direct. The executive director and deputy directors shall serve in the exempt service. The compensation of the executive director and deputy directors shall be fixed by the Secretary of Workforce, and they shall hold office at the pleasure of the Secretary of Workforce.

(2) The executive director may employ additional personnel, including administrative law judges, attorneys, and investigators, as necessary to carry out this chapter and to provide leadership, support, and oversight required for each board to exercise its powers and fulfill its duties. Except as otherwise provided in this chapter, all personnel shall be subject to the state Merit System Act.

(c) An individual hired to conduct investigations for the boards shall meet standards established by the executive director.

§25-2A-3

(a) The executive director, with the approval of the Secretary of Workforce, may enter into and terminate contracts on behalf of the office or any board, subject to the State Procurement Law, Article 5 of Chapter 4 of Title 41, as necessary to implement this chapter.

(b) The rights, privileges, entitlements, or duties of parties to contracts, leases, agreements, or other transactions entered into by a board on or before the date a board becomes subject to this chapter, shall continue to exist and shall not be impaired or diminished by reason of the board being subject to this chapter. After the date a board becomes



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subject to this chapter, no existing agreement or contract between a board and a third party may be renewed or otherwise amended unless the agreement or contract complies with this chapter.

§25-2A-4

On the date a board becomes subject to this chapter, all the rights, duties, assets, employees, records, liabilities, property, real or personal, and all other effects existing in the name of each board shall be transferred to, and under the jurisdiction of, the office. By resolution, a board may transfer its rights, duties, assets, employees, records, liabilities, property, or other effects to the office before the date specified by this chapter if approved by the Secretary of Workforce or the executive director.

§25-2A-5

(a) The Occupational and Professional Licensing Fund is created within the State Treasury. The office shall collect, on behalf of each board, all funds the board is entitled to receive. Collected funds shall be deposited into the fund and shall be used to implement this chapter and perform required board functions. The executive director shall allocate and disburse funds budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41.

(b) For purposes of this section, required board functions include the maintenance of existing board programs that benefit an occupation or profession including, but not limited to, grant, wellness, and training programs, if the executive director determines that maintenance of the program



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will not require a material increase in any fee collected by the office.

§25-2A-6

(a) The executive director shall possess all powers necessary and proper to provide administrative support and oversight to each board, including all of the following:

(1) To serve as the custodian of all board records.

(2) To receive and process all license applications.

(3) By rule, to set all administrative fees including, but not limited to application, license, renewal, examination, and wellness program fees and set the dates, times, and locations of license examinations.

(4) To schedule the time and place for all hearings.

(5) To issue all licenses.

(6) To conduct investigations on behalf of each board and issue subpoenas when authorized.

(7) To collect all fees, fines, and other monies due each board and deposit all monies collected into the fund.

(8) To implement and enforce the rules and administrative decisions of each board.

(b) All board orders shall be signed and attested to by the executive director, or his or her designee, in the name of the applicable board, with the seal of that board attached. Any notice or legal process necessary to be served upon a board may be served upon the executive director.

(c) Any document, material, or other information in the possession or control of the office that is obtained by or disclosed in the course of an application, examination, or



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investigation is confidential, privileged, and not subject to subpoena or discovery.

§25-2A-7

(a) Each board member shall be paid a per diem amount of one hundred dollars (\$100) for each day spent attending a board meeting or other official function of the board and shall be reimbursed for travel expenses at the same rate and under the same circumstances as a state employee is paid for each day he or she attends to business of the board. A board member's request for per diem or reimbursement of travel expenses is subject to approval by the executive director.

(b) Board meetings and hearings shall be held in the City of Montgomery, at a site determined by the executive director, or at a different site upon request of the chair and approval by the executive director.

(c) Nothing in this chapter shall be construed to alter the requirements of the Open Meetings Act, Chapter 25A, Title 36.

§25-2A-8

(a) The executive director shall adopt rules pursuant to the Alabama Administrative Procedure Act, as necessary, relating to administrative fees and to the administration of examinations of applicants for licensing by each board pursuant to Section 25-2A-6. The rules may provide for the setting of fees, dates, times, and locations of examinations, and other similar matters related to the administration of an examination.

(b) Nothing in this chapter shall preclude a board from



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adopting rules to establish examination standards including, but not limited to, criteria, grading procedures, passing score requirements, and other matters pertaining to substantive material included on an examination.

(c) A board, by rule, may establish examination standards developed in agreement or in conjunction with a national association of state boards, or other related national association, for the administration of a nationally recognized uniform examination.

(d) Rules adopted by a board before the date of transfer to the office, that are under the jurisdiction of the executive director, shall continue in effect until the executive director expressly amends, repeals, or adopts new rules pursuant to the Alabama Administrative Procedure Act.

§25-2A-9

(a) The executive director, by rule, may establish administrative fees necessary for the operation of a board including, but not limited to, an application fee, original license fee, license renewal fee, inspection fee, permit fee, wellness program fee, and late penalty fee. Each fee shall be reasonable and shall be determined in a manner that the total amount of fees charged by the board shall approximate the total of the direct and indirect costs to the state of the operations of the board. Fees may be refunded as determined by the executive director.

(b) The executive director, by rule, shall determine the term, expiration, renewal period, and late penalty dates for each license issued by a board through the office.



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225 §25-2A-10

226 (a) The executive director, on behalf of each board,
227 may issue or deny a temporary license to an applicant who
228 otherwise satisfies all of the qualifications and criteria
229 required for the issuance of a license.

230 (1) If a temporary license is issued to an applicant by
231 the executive director, that decision shall be reviewed by the
232 applicable board at the next meeting of the board, during
233 which time the board may decide to grant or deny a full
234 license to the temporary licensee.

235 (2) If the executive director denies issuing a
236 temporary license to an applicant, that decision shall be
237 reviewed by the applicable board at the next meeting of the
238 board, during which time the board may decide to grant or deny
239 a full license to the applicant.

240 (b) The executive director, on behalf of each board,
241 may temporarily renew a license pursuant to criteria
242 established by the board for the renewal of a license. A
243 temporary renewal issued by the executive director shall be
244 reviewed by the applicable board at the next meeting of the
245 board, during which time the board may decide to grant or deny
246 the license renewal.

247 §25-2A-11

248 Each board remains subject to the Alabama
249 Administrative Procedure Act. Any rule adopted, amended, or
250 repealed by a board, as authorized by this chapter, shall be
251 approved by the executive director before certification
252 pursuant to Section 41-22-6. An emergency rule shall be



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approved before filing pursuant to Section 41-22-5.

§25-2A-12

(a) Nothing in this chapter shall be construed to invalidate, override, or amend the Military Family Jobs Opportunity Act, Section 31-1-6, or any licensing compact entered into by this state or any board.

(b) The provisions of this chapter are cumulative and supplemental and shall be construed in pari materia with other laws relating to the boards placed under the oversight of the office pursuant to this chapter. Those laws or parts of laws in direct conflict or inconsistent with this chapter are superseded to the extent of the conflict or inconsistency.

§25-2A-13

(a) Each board shall continue to be subject to the Alabama Sunset Law in the same manner and schedule as provided by law.

(b) Commencing with the 2030 Regular Session of the Alabama Legislature, and every fourth regular session thereafter, the Secretary of Workforce, through the executive director of the office, shall submit to the cochairs of the Alabama Sunset Committee, a report recommending the continuation, consolidation, or termination of those boards regulated by this chapter.

Section 2. Section 41-20-5 of the Code of Alabama 1975, is amended to read as follows:

"§41-20-5

(a) Legislative committee review of the enumerated agencies shall begin in the year prior to the scheduled



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regular legislative session next preceding the date upon which the enumerated agencies are scheduled to terminate pursuant to Section 41-20-3, and shall conclude with a recommendation for continuation, modification, or termination on or before the first legislative day immediately following said review. A recommendation for modification may include the transfer of oversight and administration of an enumerated or nonenumerated agency to the Office of Occupational and Professional Licensing of the Alabama Department of Workforce."

Section 3. This act shall become effective on October 1, 2026.