

**SB227 INTRODUCED**



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



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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.

28



29

A BILL

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TO BE ENTITLED

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AN ACT

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34 To establish the Office of Occupational and  
35 Professional Licensing within the Alabama Department of  
36 Workforce; to add Chapter 2A to Title 25, Code of Alabama  
37 1975; to provide for the leadership, support, and oversight of  
38 certain occupational and professional licensing boards; to  
39 provide for an executive director, deputy directors, and the  
40 employment of staff for the boards; to provide uniform  
41 standards for fees; to continue existing licenses and rules  
42 until amended or repealed by the office; and to amend Section  
43 41-20-5, Code of Alabama 1975, to provide for the transfer of  
44 an agency to the office by the Sunset Committee pursuant to a  
45 recommendation for modification.

46 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

49 CHAPTER 2A. OFFICE OF OCCUPATIONAL AND PROFESSIONAL  
50 LICENSING.

51 §25-2A-1

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

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



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

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

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

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

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

74 §25-2A-2

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

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



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

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

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

101 §25-2A-3

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

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



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

117                   \$25-2A-4

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

127                   \$25-2A-5

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

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



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

143 §25-2A-6

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

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

148 (2) To receive and process all license applications.

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

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

154 (5) To issue all licenses.

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

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

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

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

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



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

171                   \$25-2A-7

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

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

184                   (c) Nothing in this chapter shall be construed to alter  
185 the requirements of the Open Meetings Act, Chapter 25A, Title  
186 36.

187                   \$25-2A-8

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

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



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

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

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

211 §25-2A-9

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

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



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

254                   \$25-2A-12

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

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

265                   \$25-2A-13

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

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

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

278                   "§41-20-5

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



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

290                   Section 3. This act shall become effective on October  
291 1, 2026.