

1 HB413  
2 197966-1  
3 By Representatives Rogers and Moore (M)  
4 RFD: Judiciary  
5 First Read: 11-APR-19

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8 SYNOPSIS: Existing law does not provide for a judicial  
9 review board to adjudicate complaints of  
10 discrimination against a licensee of a professional  
11 licensing board listed in Title 34 of the Code of  
12 Alabama 1975.

13 This bill would provide that a licensee of a  
14 professional licensing board may not unlawfully  
15 discriminate or knowingly permit unlawful  
16 discrimination on the basis of race, national  
17 origin, sex, sexual orientation, religion, age, or  
18 disability of a person or client.

19 This bill would create a judicial review  
20 board to adjudicate complaints of discrimination.

21 This bill would provide for the composition  
22 of the board.

23 This bill would also provide for the  
24 admissibility of the findings of the board.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Relating to licensees of professional licensing  
4 boards; to prohibit a licensee of a board from unlawfully or  
5 knowingly permitting unlawful discrimination on the basis of  
6 race, national origin, sex, sexual orientation, religion, age,  
7 or disability of a person or client; to create a judicial  
8 review board to adjudicate complaints of discrimination; to  
9 provide for composition of the board; and to provide for the  
10 admissibility of the findings of the board.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. As used in this act, the following words  
13 shall have the following meanings:

14 (1) KNOWINGLY PERMIT. A failure to advocate  
15 corrective action where a licensee of a professional licensing  
16 board listed in Title 34, Code of Alabama 1975, knows of a  
17 policy or practice which results in unlawful discrimination on  
18 the basis of race, national origin, sex, sexual orientation,  
19 religion, age, or disability of a person.

20 (2) LICENSEE. A person or individual licensed by a  
21 professional licensing board listed in Title 34 of the Code of  
22 Alabama 1975.

23 (3) UNLAWFUL and UNLAWFULLY. Violations of  
24 applicable state or federal law or court decisions making it  
25 unlawful to refuse to employ a person or offer goods or  
26 services to the person on the basis of race, national origin,

1 sex, sexual orientation, religion, age, or disability of a  
2 person.

3 Section 2. A licensee may not engage in or knowingly  
4 permit unlawful discrimination on the basis of race, national  
5 origin, sex, sexual orientation, religion, age, or disability  
6 in any of the following:

7 (1) The hiring, promoting, discharging, or otherwise  
8 determining the conditions of employment of any person.

9 (2) Accepting or terminating representation of any  
10 client or providing goods or services to any member of the  
11 public.

12 Section 3. A judicial review board is established to  
13 hear grievances under this act. The board shall consist of a  
14 panel of nine current circuit court judges appointed by the  
15 Governor. The Governor shall assure that the membership of the  
16 board is inclusive and reflects the racial, gender,  
17 geographic, urban, rural, and economic diversity of the state.  
18 The sole purpose of the board shall be to hear complaints  
19 regarding violations of this act by licensees and make  
20 determinations.

21 Section 4. A disciplinary investigation or  
22 proceeding by a professional licensing board may not be  
23 initiated against a licensee unless the judicial review board  
24 has first adjudicated a complaint regarding the licensed  
25 member and found that misconduct occurred. Upon the  
26 adjudication of the finding of the judicial review board, the  
27 finding shall be admissible evidence of the occurrence or

1 nonoccurrence of the alleged act in any disciplinary  
2 proceeding initiated under this act.

3 Section 5. A licensee being investigated by the  
4 professional licensing board who believes his or her rights  
5 were violated in connection with the investigation, has the  
6 right to submit a complaint to the judicial review board. The  
7 finding of the judicial review board shall be admissible  
8 evidence of the occurrence or nonoccurrence of the alleged act  
9 in the disciplinary proceeding regarding the licensee.

10 Section 6. If this act conflicts with already  
11 established rules of ethics for each professional entity, then  
12 the disciplinary investigation or action shall be performed  
13 simultaneously with the proceeding of the judicial review  
14 board.

15 Section 7. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.