SB281

199854-3

By Senator Singleton

RFD: Education Policy

First Read: 16-APR-19
ENROLLED, An Act,

To amend Section 16-50-20, Code of Alabama 1975, as amended by Act 2018-495, 2018 Regular Session, and Section 16-50-26, Code of Alabama 1975, relating to Alabama State University; to provide that the Governor serve as an ex officio member, in lieu of ex officio president, of the board of trustees; to provide for the selection of the president and the president pro tempore of the board by the membership of the board from the membership of the board; to remove language requiring certain non-minority and minority representation on the board; and to provide further for meetings of the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-50-20 of the Code of Alabama 1975, as amended by Act 2018-495, 2018 Regular Session, and Section 16-50-26 of the Code of Alabama 1975, are amended to read as follows:

"§16-50-20.

"(a) There is hereby created a Board of Trustees for Alabama State University, the state educational institution at Montgomery, Alabama. The board of trustees shall consist of two members from the congressional district in which the institution is located and one member from each of the other
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congressional districts in the state as constituted on October 6, 1975, and who shall reside in that district, four members from the state at large who shall reside in different districts, two of whom shall be non-minority members, two at-large members who may be selected from outside the state, and the Governor, who shall be serve as an ex officio president member of the board. Except for a trustee at large, the position of any trustee shall be vacated at such time as he or she shall cease to reside in the district from which he or she was appointed. The position of state at-large trustee shall be vacated if the trustee serving in the position shall cease to reside in the State of Alabama. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, in such manner that the membership shall consist of at least a majority who are alumni and who have received a bachelor's degree from the university; at least one half of the board shall be from the prevailing minority population of the state according to the last or any succeeding federal census. The two at large members who may be selected from outside the state shall be appointed in 2015 for initial terms of five years and six years, respectively, and for terms of six years thereafter. Commencing on June 11, 2015, members shall be appointed for terms of six years. All appointments shall be effective until adversely acted upon by the Senate. Provided, however, no trustee who is currently
serving on the board or whose term has just expired, who has been previously confirmed by the Senate, shall be required to be reconfirmed for the new term under this section, once appointed by the Governor. Commencing on June 11, 2015, no member may be appointed to serve a second term of 12 years, and no member shall be appointed to serve as trustee for more than a total of 12 years or two six-year terms. No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of his or her duties as such.

"(b) No trustee who is serving on the board on April 30, 1986, shall lose his or her seat because of this section; provided, however, the Governor may re-designate the period of the term of these members so as to conform to subsection (a).

"(c)(1) Commencing on June 11, 2015, each trustee shall be appointed by the Governor from a list of three persons nominated by a nominating committee. The nominating committee shall consist of the following members:

"a. One member of the board as elected by the membership of the board.

"b. One member of the faculty senate as selected jointly by the faculty senate and the staff senate and certified to the committee by the president of the faculty senate and the president of the staff senate.
"c. The president of the student government association.

d. One member of the business community as selected by the Governor.

e. One member of the Montgomery County Legislative Delegation, as selected by the delegation.

f. The president of the national alumni association, or his or her designee.

g. A community representative as selected by the membership of the nominating committee.

"(2) Where applicable, members of the nominating committee shall serve at the pleasure of the appointing authority for a period of at least one year.

"(3) Thirty days before the expiration of the term of a board member, or within 20 days following the creation of a vacancy in a term of office by death, resignation, or other cause, the president pro tempore of the board shall call a meeting of the nominating committee, giving at least 10 days' notice. The nominating committee, by majority vote of those present at the meeting, shall nominate to the Governor the names of three individuals who are qualified pursuant to subsection (a) to fill the respective position on the board. The Governor shall appoint one of the nominated persons to the board by and with the advice and consent of the Senate. If the appointment is made by the Governor while the Legislature is
not in session, the name of the appointee of the Governor shall be submitted to the Senate not later than the third legislative day following the reconvening of the Legislature. If the appointment is made by the Governor while the Legislature is in session, the name of the appointee shall be submitted to the Senate not later than the next legislative day following the date of the appointment.

"(4)a. If the vacancy on the board is caused by the expiration of the term of a trustee who has served for less than the maximum 12 years of service on the board, the vacating trustee shall continue to serve on the board until his or her successor is confirmed by the Senate. If the holdover trustee is reappointed to the board, the term of office for which he or she is reappointed shall be effective retroactive to the date of the expiration of the previous term. If a new trustee is appointed pursuant to this paragraph, the term of office for which he or she is appointed shall be effective retroactive to the date of the expiration of the previous term.

"b. If the vacancy on the board is caused by death, resignation, or the expiration of the term of a trustee who has served for the maximum 12 years of service on the board, the position on the board shall remain vacant until the name of an appointee is submitted by the Governor to the Senate. If the appointee is neither confirmed nor rejected by the Senate
during the session in which his or her name is submitted, the appointee shall nevertheless continue to serve in the position on the board until the next session of the Legislature, during which his or her name shall be resubmitted for confirmation. If an appointee is confirmed by the Senate, the term of office for which he or she is appointed pursuant to this paragraph shall be effective retroactive to the date the vacancy was created on the board, for the remainder of the unexpired term if the vacancy was created by death or resignation, or for the entire term if the vacancy was created by the expiration of the previous term. If an appointee is rejected by the Senate, the position on the board shall remain vacant as the nominating and appointing procedure provided in this subsection begins anew and until an appointment is made and confirmed by the Senate. If a trustee is appointed to fill an unexpired term of less than three years, the time shall not be counted toward the maximum 12 years of service.

"(5) If the nominating committee fails to submit a list of nominees to the Governor within 60 days after a vacancy occurs due to expiration of term, death, resignation, or any other cause, the Governor, by and with the advice and consent of the Senate, may appoint an otherwise qualified trustee to the board, notwithstanding the absence of such nominations.
"(d) The board shall provide for the conduct of annual training sessions for trustees regarding the fiduciary responsibility of a trustee to the university and any other topic deemed appropriate by the board.


"The first meeting of the Board of Trustees of Alabama State University after all members have been appointed shall be upon the call of the Governor president of the board. The board shall hold regular meetings on the first Thursdays in May and November at the university unless the board, in regular session, shall determine to hold its meetings at some other time and place. The regular May meeting shall be the regular annual meeting at which the membership of the board shall select a president and president pro tempore of the board from among its members. Special meetings of the board may be assembled by either one of the two methods outlined as follows:

"(1) Special Commencing with the first regular May meeting following the effective date of the act amending this subdivision, special meetings of the board may be called by the Governor president of the board. In calling such special meetings the Governor president of the board shall mail a written notice to each trustee, naming the time and place thereof, with terms as provided in the bylaws of the board, at least 10 days in advance of the date of such the meetings."
(2) Upon the application in writing of any four members of the board, the Governor president of the board shall call a special meeting, naming the time and place thereof and causing notices to be issued in writing to the several members of the board. Such meetings shall not be held on a date less than 10 days subsequent to the notices from the Governor president of the board.

(3) An emergency meeting of the board may be called when circumstances exist that are deemed by the Governor president of the board, by the president pro tempore of the board, or by three members of the board to present a risk to personal health, safety, or property or to the operation of the university. The three board members shall communicate their request for an emergency meeting to the Governor president of the board or to the president pro tempore of the board by the most expedient means available to them. Notice of an emergency meeting shall be given at least 72 hours before the time the emergency meeting is to commence unless the circumstances of the emergency require the meeting to convene sooner.

(4) Members of the board may participate in a meeting of the board or any committee of the board by means of telephone conference, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same
time. Participation by such means shall constitute presence in
person at a meeting for all purposes. However, a majority of a
quorum of the members of the board, or, in the event of a
meeting of only the executive committee, a majority of a
quorum of the executive committee of the board shall be
physically present at the location noticed and called for the
meeting in order to conduct any business or deliberation.
Members of the board and any committees of the board may not
utilize electronic communications except as in compliance with
the Alabama Open Meetings Act. Except for emergency meetings,
notice of board meetings shall be provided in accordance with
the Alabama Open Meetings Act and telephone or video
conference or similar communications equipment shall also
allow members of the public the opportunity to simultaneously
listen to or observe such meetings."

Section 2. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

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I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAY-19

By: Senator Singleton