

1 SB281
2 199854-3
3 By Senator Singleton
4 RFD: Education Policy
5 First Read: 16-APR-19

1 SB281

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4 ENROLLED, An Act,

5 To amend Section 16-50-20, Code of Alabama 1975, as
6 amended by Act 2018-495, 2018 Regular Session, and Section
7 16-50-26, Code of Alabama 1975, relating to Alabama State
8 University; to provide that the Governor serve as an ex
9 officio member, in lieu of ex officio president, of the board
10 of trustees; to provide for the selection of the president and
11 the president pro tempore of the board by the membership of
12 the board from the membership of the board; to remove language
13 requiring certain non-minority and minority representation on
14 the board; and to provide further for meetings of the board.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 16-50-20 of the Code of Alabama
17 1975, as amended by Act 2018-495, 2018 Regular Session, and
18 Section 16-50-26 of the Code of Alabama 1975, are amended to
19 read as follows:

20 "§16-50-20.

21 "(a) There is hereby created a Board of Trustees for
22 Alabama State University, the state educational institution at
23 Montgomery, Alabama. The board of trustees shall consist of
24 two members from the congressional district in which the
25 institution is located and one member from each of the other

1 congressional districts in the state as constituted on October
2 6, 1975, and who shall reside in that district, four members
3 from the state at large who shall reside in different
4 districts, ~~two of whom shall be non-minority members,~~ two
5 at-large members who may be selected from outside the state,
6 and the Governor, who shall ~~be~~ serve as an ex officio
7 ~~president~~ member of the board. Except for a trustee at large,
8 the position of any trustee shall be vacated at such time as
9 he or she shall cease to reside in the district from which he
10 or she was appointed. The position of state at-large trustee
11 shall be vacated if the trustee serving in the position shall
12 cease to reside in the State of Alabama. The trustees shall be
13 appointed by the Governor, by and with the advice and consent
14 of the Senate, in such manner that the membership shall
15 consist of at least a majority who are alumni and who have
16 received a bachelor's degree from the university; ~~at least~~
17 ~~one-half of the board shall be from the prevailing minority~~
18 ~~population of the state according to the last or any~~
19 ~~succeeding federal census.~~ The two at large members who may be
20 selected from outside the state shall be appointed in 2015 for
21 initial terms of five years and six years, respectively, and
22 for terms of six years thereafter. Commencing on June 11,
23 2015, members shall be appointed for terms of six years. All
24 appointments shall be effective until adversely acted upon by
25 the Senate. Provided, however, no trustee who is currently

1 serving on the board or whose term has just expired, who has
2 been previously confirmed by the Senate, shall be required to
3 be reconfirmed for the new term under this section, once
4 appointed by the Governor. Commencing on June 11, 2015, no
5 member may be appointed to serve a second term of 12 years,
6 and no member shall be appointed to serve as trustee for more
7 than a total of 12 years or two six-year terms. No trustee
8 shall receive any pay or emolument other than his or her
9 actual expenses incurred in the discharge of his or her duties
10 as such.

11 "(b) No trustee who is serving on the board on April
12 30, 1986, shall lose his or her seat because of this section;
13 provided, however, the Governor may re-designate the period of
14 the term of these members so as to conform to subsection (a).

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

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

21 "b. One member of the faculty senate as selected
22 jointly by the faculty senate and the staff senate and
23 certified to the committee by the president of the faculty
24 senate and the president of the staff senate.

1 "c. The president of the student government
2 association.

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

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

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

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

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

14 " (3) Thirty days before the expiration of the term
15 of a board member, or within 20 days following the creation of
16 a vacancy in a term of office by death, resignation, or other
17 cause, the president pro tempore of the board shall call a
18 meeting of the nominating committee, giving at least 10 days'
19 notice. The nominating committee, by majority vote of those
20 present at the meeting, shall nominate to the Governor the
21 names of three individuals who are qualified pursuant to
22 subsection (a) to fill the respective position on the board.
23 The Governor shall appoint one of the nominated persons to the
24 board by and with the advice and consent of the Senate. If the
25 appointment is made by the Governor while the Legislature is

1 not in session, the name of the appointee of the Governor
2 shall be submitted to the Senate not later than the third
3 legislative day following the reconvening of the Legislature.
4 If the appointment is made by the Governor while the
5 Legislature is in session, the name of the appointee shall be
6 submitted to the Senate not later than the next legislative
7 day following the date of the appointment.

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

20 "b. If the vacancy on the board is caused by death,
21 resignation, or the expiration of the term of a trustee who
22 has served for the maximum 12 years of service on the board,
23 the position on the board shall remain vacant until the name
24 of an appointee is submitted by the Governor to the Senate. If
25 the appointee is neither confirmed nor rejected by the Senate

1 during the session in which his or her name is submitted, the
2 appointee shall nevertheless continue to serve in the position
3 on the board until the next session of the Legislature, during
4 which his or her name shall be resubmitted for confirmation.
5 If an appointee is confirmed by the Senate, the term of office
6 for which he or she is appointed pursuant to this paragraph
7 shall be effective retroactive to the date the vacancy was
8 created on the board, for the remainder of the unexpired term
9 if the vacancy was created by death or resignation, or for the
10 entire term if the vacancy was created by the expiration of
11 the previous term. If an appointee is rejected by the Senate,
12 the position on the board shall remain vacant as the
13 nominating and appointing procedure provided in this
14 subsection begins anew and until an appointment is made and
15 confirmed by the Senate. If a trustee is appointed to fill an
16 unexpired term of less than three years, the time shall not be
17 counted toward the maximum 12 years of service.

18 "(5) If the nominating committee fails to submit a
19 list of nominees to the Governor within 60 days after a
20 vacancy occurs due to expiration of term, death, resignation,
21 or any other cause, the Governor, by and with the advice and
22 consent of the Senate, may appoint an otherwise qualified
23 trustee to the board, notwithstanding the absence of such
24 nominations.

1 "(d) The board shall provide for the conduct of
2 annual training sessions for trustees regarding the fiduciary
3 responsibility of a trustee to the university and any other
4 topic deemed appropriate by the board.

5 "§16-50-26.

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

18 "(1) ~~Special~~ Commencing with the first regular May
19 meeting following the effective date of the act amending this
20 subdivision, special meetings of the board may be called by
21 the ~~Governor~~ president of the board. In calling ~~such~~ special
22 meetings the ~~Governor~~ president of the board shall mail a
23 written notice to each trustee, naming the time and place
24 thereof, with terms as provided in the bylaws of the board, at
25 least 10 days in advance of the date of ~~such~~ the meetings.

1 "(2) Upon the application in writing of any four
2 members of the board, the ~~Governor~~ president of the board
3 shall call a special meeting, naming the time and place
4 thereof and causing notices to be issued in writing to the
5 several members of the board. ~~Such meetings~~ Meetings shall not
6 be held on a date less than 10 days subsequent to the notices
7 from the ~~Governor~~ president of the board.

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

21 "(4) Members of the board may participate in a
22 meeting of the board or any committee of the board by means of
23 telephone conference, video conference, or similar
24 communications equipment by means of which all persons
25 participating in the meeting may hear each other at the same

1 time. Participation by such means shall constitute presence in
2 person at a meeting for all purposes. However, a majority of a
3 quorum of the members of the board, or, in the event of a
4 meeting of only the executive committee, a majority of a
5 quorum of the executive committee of the board shall be
6 physically present at the location noticed and called for the
7 meeting in order to conduct any business or deliberation.
8 Members of the board and any committees of the board may not
9 utilize electronic communications except as in compliance with
10 the Alabama Open Meetings Act. Except for emergency meetings,
11 notice of board meetings shall be provided in accordance with
12 the Alabama Open Meetings Act and telephone or video
13 conference or similar communications equipment shall also
14 allow members of the public the opportunity to simultaneously
15 listen to or observe such meetings."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB281

Senate 02-MAY-19

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