

1 HB2  
2 129011-4  
3 By Representative Hall  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 01-MAR-11  
6 PFD: 02/22/2011



1 12 members, two members who shall reside in the congressional  
2 district in which the institution is situated; one member  
3 shall reside in each of the remaining congressional districts  
4 in the state as constituted on September 5, 1975, and shall be  
5 a bona fide resident and qualified elector of that district,  
6 with a verifiable physical presence in that district, during  
7 the entire term of office; three at-large members who may be  
8 selected from outside the state; and the Governor, who shall  
9 be ex officio president of the board. The president of the  
10 student government association and the president of the  
11 faculty senate shall be ex officio nonvoting members of the  
12 board. If a trustee appointed from a congressional district  
13 ceases to be a bona fide resident and qualified elector of the  
14 district from which appointed, or ceases to have a verifiable  
15 physical presence in that district, the trustee shall vacate  
16 his or her office.

17 "(2) Before the effective date of the act amending  
18 this subsection, the ~~The~~ trustees shall be appointed by the  
19 Governor, by and with the advice and consent of the Senate.

20 "(3) The membership shall include at least three  
21 members who have earned a degree from Alabama Agricultural and  
22 Mechanical University.

23 "(4) Except for the first trustees appointed,  
24 trustees shall hold office for a term of six years. No member  
25 presently serving as of January, 1989 shall have his or her  
26 current term of office terminated because of these provisions.

1           "(5) All appointments shall be effective ~~immediately~~  
2 ~~ad interim~~ upon confirmation by the Senate.

3           "(6) The board shall be divided into three classes  
4 so that at least one third shall be appointed biennially. Of  
5 the first members appointed to the board, three shall be  
6 designated by the Governor to serve until January 31, 1978;  
7 four until January 31, 1980; and four to serve until January  
8 31, 1982.

9           "(7) A trustee may be appointed to serve a second  
10 term of six years, but no trustee shall be appointed to serve  
11 more than a total of 12 years, except as otherwise provided in  
12 paragraph b. of subdivision (4) of subsection (b).

13           "(8) No trustee shall receive any pay or emolument  
14 other than his or her actual expenses incurred in the  
15 discharge of his or her duties.

16           "(9) No member of the governing board, no officer of  
17 any public postsecondary educational institution, and no  
18 elected or appointed official having the power of review of  
19 the Alabama Agricultural and Mechanical University budget,  
20 other than the Governor, shall be eligible to serve on the  
21 board of trustees.

22           "~~(10)~~ Any board member may be removed by ~~four-fifths~~  
23 ~~vote of the membership of the board for misconduct,~~  
24 ~~incapacity, incompetence, or neglect of duty after the board~~  
25 ~~member so charged has been served with a written statement of~~  
26 ~~charges and has been given an opportunity to be heard.~~

1           "(b) (1) On or after the effective date of this  
2 amendatory act, each trustee shall be appointed by the  
3 Governor from a list of three persons nominated by a  
4 nominating committee. The nominating committee shall consist  
5 of the following members:

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

8           "b. One member as selected jointly by the faculty  
9 senate and the staff senate and certified to the committee by  
10 the president of the faculty senate and the president of the  
11 staff senate.

12           "c. The president of the student government  
13 association.

14           "d. The President of the Huntsville-Madison County  
15 Chamber of Commerce, or his or her designee.

16           "e. One member of the Madison County Legislative  
17 Delegation, as selected by the delegation.

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

20           "g. A community representative as selected by the  
21 other members of the nominating committee.

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

25           "(3) Thirty days before the expiration of the term  
26 of a board member, or within 20 days following the creation of  
27 a vacancy in a term of office by death, resignation, or other

1 cause, the president pro tempore of the board of trustees  
2 shall call a meeting of the nominating committee, giving at  
3 least 10 days' notice. The nominating committee, by majority  
4 vote of those present at the meeting, shall nominate to the  
5 Governor the names of three individuals who are qualified  
6 pursuant to subsection (a) to fill the respective position on  
7 the board of trustees. The Governor shall appoint one of the  
8 nominated persons to the board by and with the advice and  
9 consent of the Senate. If the appointment is made by the  
10 Governor while the Legislature is not in session, the name of  
11 the appointee of the Governor shall be submitted to the Senate  
12 not later than the third legislative day following the  
13 reconvening of the Legislature. If the appointment is made by  
14 the Governor while the Legislature is in session the name of  
15 the appointee shall be submitted to the Senate not later than  
16 the next legislative day following the date of the  
17 appointment.

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

1 retroactive to the date of the expiration of the previous  
2 term.

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

26 "(5) If the nominating committee fails to submit a  
27 list of nominees to the Governor within 30 days after a

1 vacancy occurs due to expiration of term, death, resignation,  
2 or any other cause, the Governor, by and with the advice and  
3 consent of the Senate, may appoint an otherwise qualified  
4 trustee to the board, notwithstanding the absence of such  
5 nominations.

6 "(c) The board shall provide for the conduct of  
7 annual training sessions for trustees regarding the fiduciary  
8 responsibility of a trustee to the university and any other  
9 topic deemed appropriate by the board.

10 "§16-49-21.

11 "The Governor, by virtue of his or her office, and  
12 the trustees appointed from the several congressional  
13 districts of the state and the nation at large, pursuant to  
14 Section 16-49-20, and their successors in office are  
15 constituted a body corporate under the name of "Board of  
16 Trustees for Alabama Agricultural and Mechanical University."

17 "§16-49-23.

18 "The primary responsibility of the board of trustees  
19 is to set policy for the university. The board also has the  
20 power to organize the university by appointing a president,  
21 whose salary shall be fixed by the board, ~~and by employing a~~  
22 ~~corps of instructors, who shall be nominated to the board in~~  
23 ~~writing by the president and who shall be styled the faculty~~  
24 ~~of the university and such other instructors and officers as~~  
25 ~~the interests of the university may require; and to remove any~~  
26 ~~such instructors or other officers, and to fix their salaries~~  
27 ~~or compensation and increase or reduce the same at its~~



1 ~~discretion;~~ to regulate, alter, l or modify the government of  
2 the university, as it may deem advisable; to prescribe courses  
3 of instruction, rates of tuition, l and fees; to confer such  
4 academic and honorary degrees as are usually conferred by  
5 institutions of similar character; and to do whatever else ~~it~~  
6 the board may deem best for promoting the interest of the  
7 university. The board shall not engage in activity that  
8 interferes with the day-to-day operation of the university."

9           Section 2. Section 16-49-25, Code of Alabama 1975,  
10 providing for the filling of a vacancy in the office of  
11 trustee of Alabama Agricultural and Mechanical University is  
12 repealed.

13           Section 3. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Boards, Agencies  
and Commissions..... . . . . . 01-MAR-11

Read for the second time and placed  
on the calendar with 1 substitute  
and 1 amendment..... . . . . . 21-APR-11

Read for the third time and passed  
as amended..... . . . . . 05-MAY-11

Yeas 96, Nays 0, Abstains 1

Greg Pappas  
Clerk