

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

1  
2 ENROLLED, An Act,

3           Relating to Alabama Agricultural and Mechanical  
4 University; to amend Sections 16-49-20, 16-49-21, and  
5 16-49-23, Code of Alabama 1975, relating to the board of  
6 trustees; to establish a nominating committee process for  
7 nominating and appointing trustees to the board; to clarify  
8 when an appointment to the board becomes effective; to provide  
9 that at-large trustees may be from the nation at large; to  
10 require the board to develop a training program for trustees  
11 and to specify the content of that training; and to repeal  
12 Section 16-49-25, Code of Alabama 1975.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14           Section 1. Sections 16-49-20, 16-49-21, and 16-49-23  
15 of the Code of Alabama 1975, are amended to read as follows:

16           "§16-49-20.

17           "(a) (1) There is created a Board of Trustees for  
18 Alabama Agricultural and Mechanical University, a state  
19 land-grant educational institution at Huntsville. The  
20 membership of the board shall be inclusive and reflect the  
21 racial, gender, geographic, urban/rural, and economic  
22 diversity of the state. The board of trustees shall consist of  
23 12 members, two members who shall reside in the congressional  
24 district in which the institution is situated; one member  
25 shall reside in each of the remaining congressional districts

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

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

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

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

24 "(5) All appointments shall be effective immediately  
25 ad interim upon confirmation by the Senate.

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

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

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

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

20           ~~"(10) Any board member may be removed by four-fifths~~  
21 ~~vote of the membership of the board for misconduct,~~  
22 ~~incapacity, incompetence, or neglect of duty after the board~~  
23 ~~member so charged has been served with a written statement of~~  
24 ~~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.

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

21           "(4)a. If the vacancy on the board is caused by the  
22 expiration of the term of a trustee who has served for less  
23 than the maximum 12 years on the board, the vacating trustee  
24 shall continue to serve on the board until his or her  
25 successor is confirmed by the Senate. If the holdover trustee

1 is reappointed to the board, the term of office for which he  
2 or she is reappointed shall be effective retroactive to the  
3 date of the expiration of the previous term. If a new trustee  
4 is appointed pursuant to this paragraph, the term of office  
5 for which he or she is appointed shall be effective  
6 retroactive to the date of the expiration of the previous  
7 term.

8 "b. If the vacancy on the board is caused by death,  
9 resignation, or the expiration of the term of a trustee who  
10 has served for the maximum 12 years on the board, the position  
11 on the board shall remain vacant until the name of an  
12 appointee is submitted by the Governor to the Senate. If the  
13 appointee is not confirmed or rejected by the Senate during  
14 the session in which his or her name is submitted, the  
15 appointee shall nevertheless continue to serve in the position  
16 on the board until the next session of the Legislature, during  
17 which his or her name shall be resubmitted for confirmation.  
18 If an appointee is confirmed by the Senate, the term of office  
19 for which he or she is appointed pursuant to this paragraph  
20 shall be effective retroactive to the date the vacancy was  
21 created on the board, for the remainder of the unexpired term  
22 if the vacancy was created by death or resignation, or for the  
23 entire term if the vacancy was created by the expiration of  
24 the previous term. If an appointee is rejected by the Senate,  
25 the position on the board shall remain vacant as the

1 nominating and appointing procedure provided in this  
2 subsection begins anew and until an appointment is made and  
3 confirmed by the Senate. If a trustee is appointed to fill an  
4 unexpired term of less than three years, the time shall not be  
5 counted toward the maximum 12 years of service.

6 "(5) If the nominating committee fails to submit a  
7 list of nominees to the Governor within 30 days after a  
8 vacancy occurs due to expiration of term, death, resignation,  
9 or any other cause, the Governor, by and with the advice and  
10 consent of the Senate, may appoint an otherwise qualified  
11 trustee to the board, notwithstanding the absence of such  
12 nominations.

13 "(c) The board shall provide for the conduct of  
14 annual training sessions for trustees regarding the fiduciary  
15 responsibility of a trustee to the university and any other  
16 topic deemed appropriate by the board.

17 "§16-49-21.

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

24 "§16-49-23.



1           "The board shall not engage in activity that  
2           interferes with the day-to-day operation of the university.  
3           The primary responsibility of the board of trustees is to set  
4           policy for the university and prescribe rates of tuition and  
5           fees. The board also has the power to organize the university  
6           by appointing a president, whose salary shall be fixed by the  
7           board, ~~and by employing a corps of instructors, who shall be~~  
8           ~~nominated to the board in writing by the president and who~~  
9           ~~shall be styled the faculty of the university and such other~~  
10           ~~instructors and officers as the interests of the university~~  
11           ~~may require; and to remove any such instructors or other~~  
12           ~~officers, and to fix their salaries or compensation and~~  
13           ~~increase or reduce the same at its discretion; to regulate,~~  
14           ~~alter, or modify the government of the university, as it may~~  
15           ~~deem advisable; to prescribe courses of instruction, rates of~~  
16           ~~tuition, and fees; to confer such academic and honorary~~  
17           ~~degrees as are usually conferred by institutions of similar~~  
18           ~~character; and to do whatever else it the board may deem best~~  
19           ~~for promoting the interest of the university. The board shall~~  
20           ~~not engage in activity that interferes with the day-to-day~~  
21           ~~operation of the university."~~ discretion; to regulate, alter  
22           or modify the government of the university, as it may deem  
23           advisable; to prescribe courses of instruction, rates of  
24           tuition and fees; to confer such academic and honorary degrees  
25           as are usually conferred by institutions of similar character;

1 ~~and to do whatever else it may deem best for promoting the~~  
2 ~~interest of the university.~~ The president shall appoint a  
3 corps of instructors who shall be styled the faculty and such  
4 other instructors and officers as the interest of the  
5 university may require, remove any instructors or officers,  
6 fix their salaries or compensation, and define the authority  
7 or duty of such instructors or officers. The president may  
8 regulate, alter, and modify the organization of the  
9 university, subject to review and concurrence of the board.  
10 The president shall prescribe courses of instruction within  
11 academic programs that have been approved by the board. The  
12 president may confer academic degrees and such honorary  
13 degrees as are usually conferred by institutions of similar  
14 character upon the recommendation of the faculty."

15 Section 2. Section 16-49-25, Code of Alabama 1975,  
16 providing for the filling of a vacancy in the office of  
17 trustee of Alabama Agricultural and Mechanical University is  
18 repealed.

19 Section 3. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 05-MAY-11, as amended.

Greg Pappas  
Clerk

Senate	<hr/> 02-JUN-11 <hr/>	Amended and Passed
House	<hr/> 02-JUN-11 <hr/>	Concurred in Sen- ate Amendment