

1 HB2
2 125215-1
3 By Representative Hall
4 RFD: Boards, Agencies and Commissions
5 First Read: 01-MAR-11
6 PFD: 02/22/2011

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8 SYNOPSIS: Under existing law, the members of the Board
9 of Trustees of Alabama Agricultural and Mechanical
10 University are appointed by the Governor, with the
11 advice and consent of the Senate.

12 This bill would clarify when an appointment
13 becomes effective and would provide, in the event
14 of a vacancy on the board, that a nominating
15 committee would submit the names of three qualified
16 nominees to the Governor for appointment, with the
17 advice and consent of the Senate.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 Relating to Alabama Agricultural and Mechanical
24 University; to amend Sections 16-49-20 and 16-49-21, Code of
25 Alabama 1975, relating to the powers of the board of trustees;
26 to establish a nominating committee process for nominating and
27 appointing trustees to the board; to clarify when an

1 appointment to the board becomes effective; to repeal Section
2 16-49-25, Code of Alabama 1975.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 16-49-20 and 16-49-21, Code of
5 Alabama 1975, are amended to read as follows:

6 "§16-49-20.

7 "(a) (1) There is created a Board of Trustees for
8 Alabama Agricultural and Mechanical University, a state
9 land-grant educational institution at Huntsville. The board of
10 trustees shall consist of 12 members, two members who shall
11 reside in the congressional district in which the institution
12 is situated; one member shall reside in each of the remaining
13 congressional districts in the state as constituted on
14 September 5, 1975; three at-large members who may be selected
15 from outside the state; and the Governor, who shall be ex
16 officio president of the board. The president of the student
17 government association and the president of the faculty senate
18 shall be ex officio nonvoting members of the board.

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

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

25 "(4) Except for the first trustees appointed,
26 trustees shall hold office for a term of six years. No member

1 presently serving as of January, 1989 shall have his or her
2 current term of office terminated because of these provisions.

3 "(5) All appointments shall be effective immediately
4 ad interim. An ad interim appointment shall be subject to the
5 advice and consent of the Senate and submitted to the Senate
6 not later than the third legislative day following the
7 reconvening of the Legislature. An appointment made by the
8 Governor while the Legislature is in session shall be
9 submitted to the Senate not later than the next legislative
10 day following the date of the appointment.

11 "(6) The board shall be divided into three classes
12 so that at least one third shall be appointed biennially. Of
13 the first members appointed to the board, three shall be
14 designated by the Governor to serve until January 31, 1978;
15 four until January 31, 1980; and four to serve until January
16 31, 1982.

17 "(7) A trustee may be appointed to serve a second
18 term of six years, but no trustee shall be appointed to serve
19 more than a total of 12 years.

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

23 "(9) No member of the governing board, no officer of
24 any public postsecondary educational institution, and no
25 elected or appointed official having the power of review of
26 the Alabama Agricultural and Mechanical University budget,

1 other than the Governor, shall be eligible to serve on the
2 board of trustees.

3 "(b) (1) On or after the effective date of the act
4 adding this subsection, trustees shall be appointed by the
5 Governor from a list of three persons nominated by a
6 nominating committee. The nominating committee shall consist
7 of the president pro tempore of the board, one trustee
8 selected by the board, the president of the national alumni
9 association, the president of the faculty senate, the
10 president of the staff senate, the president of the student
11 government association, and a community representative who
12 resides in Madison County as selected by the other members of
13 the nominating committee. The trustees and community
14 representative shall serve at the pleasure of the appointing
15 authority.

16 "(2) Thirty days before the expiration of the term
17 of a board member, or within 20 days following the creation of
18 a vacancy in a term of office by death, resignation, or other
19 cause, the president pro tempore of the board of trustees
20 shall call a meeting of the nominating committee, giving at
21 least 10 days' notice. The nominating committee, by majority
22 vote of those present at the meeting, shall nominate three
23 persons who are qualified pursuant to subsection (a) to fill
24 the respective position on the board.

25 "(3) The Governor shall appoint one of the nominated
26 persons to the board, by and with the advice and consent of
27 the Senate. Ad interim appointments shall be effective

1 immediately. An ad interim appointment shall be submitted to
2 the Senate not later than the third legislative day following
3 the reconvening of the Legislature. Any appointment made by
4 the Governor while the Legislature is in session shall be
5 submitted to the Senate not later than the next legislative
6 day following the date of the appointment.

7 "(4) If an appointee is not confirmed by the Senate,
8 the nominating and appointing procedure provided in this
9 subsection shall begin anew until an appointment is made and
10 confirmed by the Senate.

11 "(5) If the nominating committee fails to submit a
12 list of nominees to the Governor within 30 days after a
13 vacancy occurs, the Governor, by and with the advice and
14 consent of the Senate, may appoint an otherwise qualified
15 trustee to the board, notwithstanding the absence of such
16 nominations.

17 "(c) A trustee appointed to fill a vacancy shall
18 hold office during the remainder of the unexpired term.

19 "(d) All meetings of the board shall be subject to
20 the Alabama Open Meetings Law. Failure to comply with this
21 subsection shall result in any action of the board taken at
22 such meeting being void ab initio.

23 "§16-49-21.

24 "The Governor, by virtue of his or her office, and
25 the trustees appointed from the several congressional
26 districts of the state and the trustees who may be selected
27 from outside the state, pursuant to Section 16-49-20, and

1 their successors in office are constituted a body corporate
2 under the name of the "Board of Trustees for Alabama
3 Agricultural and Mechanical University."

4 Section 2. Section 16-49-25, Code of Alabama 1975,
5 providing for the filling of vacancies on the board, is
6 repealed.

7 Section 3. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.