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3 SINGLETON SUBSTITUTE FOR SB281
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8 SYNOPSIS: Under existing law, the Governor serves as
9 the ex officio President of the Board of Trustees
10 of Alabama State University, certain non-minority
11 members are required to be appointed from the state
12 at large, and at least half of the membership of
13 the board is required to be from the prevailing
14 minority population of the state.

15 This bill would provide that the Governor
16 serve as an ex officio member of the board in lieu
17 of the ex officio president and would provide for
18 the selection of the president and the president
19 pro tempore of the board by the membership of the
20 board from the membership of the board.

21 This bill would also remove membership
22 requirements relating to non-minority
23 representation and minority representation from the
24 language establishing the board, and would provide
25 further for meetings of the board.
26

27 A BILL

1 TO BE ENTITLED

2 AN ACT

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§16-50-20.

20 "(a) There is hereby created a Board of Trustees for
21 Alabama State University, the state educational institution at
22 Montgomery, Alabama. The board of trustees shall consist of
23 two members from the congressional district in which the
24 institution is located and one member from each of the other
25 congressional districts in the state as constituted on October
26 6, 1975, and who shall reside in that district, four members
27 from the state at large who shall reside in different

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

1 and no member shall be appointed to serve as trustee for more
2 than a total of 12 years or two six-year terms. No trustee
3 shall receive any pay or emolument other than his or her
4 actual expenses incurred in the discharge of his or her duties
5 as such.

6 "(b) No trustee who is serving on the board on April
7 30, 1986, shall lose his or her seat because of this section;
8 provided, however, the Governor may re-designate the period of
9 the term of these members so as to conform to subsection (a).

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

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

16 "b. One member of the faculty senate as selected
17 jointly by the faculty senate and the staff senate and
18 certified to the committee by the president of the faculty
19 senate and the president of the staff senate.

20 "c. The president of the student government
21 association.

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

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

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

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

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

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

25 "(4)a. If the vacancy on the board is caused by the
26 expiration of the term of a trustee who has served for less
27 than the maximum 12 years of service on the board, the

1 vacating trustee shall continue to serve on the board until
2 his or her successor is confirmed by the Senate. If the
3 holdover trustee is reappointed to the board, the term of
4 office for which he or she is reappointed shall be effective
5 retroactive to the date of the expiration of the previous
6 term. If a new trustee is appointed pursuant to this
7 paragraph, the term of office for which he or she is appointed
8 shall be effective retroactive to the date of the expiration
9 of the previous term.

10 **"b.** If the vacancy on the board is caused by death,
11 resignation, or the expiration of the term of a trustee who
12 has served for the maximum 12 years of service on the board,
13 the position on the board shall remain vacant until the name
14 of an appointee is submitted by the Governor to the Senate. If
15 the appointee is neither confirmed nor rejected by the Senate
16 during the session in which his or her name is submitted, the
17 appointee shall nevertheless continue to serve in the position
18 on the board until the next session of the Legislature, during
19 which his or her name shall be resubmitted for confirmation.
20 If an appointee is confirmed by the Senate, the term of office
21 for which he or she is appointed pursuant to this paragraph
22 shall be effective retroactive to the date the vacancy was
23 created on the board, for the remainder of the unexpired term
24 if the vacancy was created by death or resignation, or for the
25 entire term if the vacancy was created by the expiration of
26 the previous term. If an appointee is rejected by the Senate,
27 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 60 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 "(d) 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 "§16-50-26.

18 "The first meeting of the Board of Trustees of
19 Alabama State University after all members have been appointed
20 shall be upon the call of the ~~Governor~~ president of the board.
21 The board shall hold regular meetings on the first Thursdays
22 in May and November at the university unless the board, in
23 regular session, shall determine to hold its meetings at some
24 other time and place. The regular May meeting shall be the
25 regular annual meeting at which the membership of the board
26 shall select a president and president pro tempore of the
27 board from among its members. Special meetings of the board

1 may be assembled by either one of the two methods outlined as
2 follows:

3 "(1) ~~Special~~ Commencing with the first regular May
4 meeting following the effective date of the act amending this
5 subdivision, special meetings of the board may be called by
6 the ~~Governor~~ president of the board. In calling ~~such~~ special
7 meetings the ~~Governor~~ president of the board shall mail a
8 written notice to each trustee, naming the time and place
9 thereof, with terms as provided in the bylaws of the board, at
10 least 10 days in advance of the date of ~~such~~ the meetings.

11 "(2) Upon the application in writing of any four
12 members of the board, the ~~Governor~~ president of the board
13 shall call a special meeting, naming the time and place
14 thereof and causing notices to be issued in writing to the
15 several members of the board. ~~Such meetings~~ Meetings shall not
16 be held on a date less than 10 days subsequent to the notices
17 from the ~~Governor~~ president of the board.

18 "(3) An emergency meeting of the board may be called
19 when circumstances exist that are deemed by the ~~Governor~~
20 president of the board, by the president pro tempore of the
21 board, or by three members of the board to present a risk to
22 personal health, safety, or property or to the operation of
23 the university. The three board members shall communicate
24 their request for an emergency meeting to the ~~Governor~~
25 president of the board or to the president pro tempore of the
26 board by the most expedient means available to them. Notice of
27 an emergency meeting shall be given at least 72 hours before

1 the time the emergency meeting is to commence unless the
2 circumstances of the emergency require the meeting to convene
3 sooner.

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

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