

1 HB472
2 210461-1
3 By Representatives McMillan, Faust, Shiver, Baker, Collins and
4 Nordgren
5 RFD: Education Policy
6 First Read: 02-MAR-21

SYNOPSIS: Under existing law, appointed members of the Board of Trustees of the Alabama Community College System may not serve more than two consecutive terms of office.

This bill would clarify that an appointed member of the board may not serve more than two consecutive full terms of office.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-60-111, Code of Alabama 1975, relating to the Board of Trustees of the Alabama Community College System; to clarify that an appointed member may not serve more than two consecutive full terms of office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-60-111 of the Code of Alabama 1975, is amended to read as follows:

"§16-60-111.

1 "(a) There is established a Board of Trustees of the
2 Alabama Community College System. The board shall be composed
3 of the following members:

4 "(1) The Governor, who shall be ex officio president
5 of the board.

6 "(2) Seven members appointed by the Governor so that
7 one member of the board is a resident of each of the seven
8 congressional districts in the state as the districts are
9 constituted on May 12, 2015. The member appointed by the
10 Governor pursuant to this subdivision, representing the
11 congressional district in which the main campus of Athens
12 State University is located, shall serve as the member of the
13 Board of Trustees of Athens State University pursuant to
14 subdivision (3) of subsection (a) of Section 16-47A-4.

15 "(3) One ex officio, nonvoting member appointed by
16 the Governor who is actively serving on the State Board of
17 Education.

18 "(4) One member appointed by the Governor from the
19 state at large.

20 "(b) All members appointed by the Governor shall be
21 free from any contractual, employment, personal, or familial
22 financial interest in the Alabama Community College System.

23 "(c) If a member appointed from a congressional
24 district ceases to be a resident of the district from which
25 appointed, the member shall vacate his or her office. Members
26 appointed by the Governor from Districts 1, 3, 5, and 7 shall
27 be appointed for an initial term of two years, and every four

1 years thereafter. Members appointed by the Governor from
2 Districts 2, 4, and 6, and from the state at large, shall be
3 appointed for an initial term of four years, and every four
4 years thereafter.

5 "(d) All appointees to the board shall be subject to
6 confirmation by the Senate and shall be confirmed before
7 beginning a term of office. As vacancies occur on the board
8 for any cause, they shall be filled by the Governor for the
9 unexpired term, subject to confirmation by the Senate before
10 beginning service. An appointment made when the Legislature is
11 in regular session shall be submitted to the Senate not later
12 than the third legislative day following the date of
13 appointment. An appointment made when the Legislature is not
14 in regular session shall be submitted to the Senate not later
15 than the third legislative day following the reconvening of
16 the Legislature after the appointment.

17 "(e) The members of the board shall be qualified
18 electors of the State of Alabama, and the membership of the
19 board shall be inclusive and reflect the racial, gender,
20 geographic, urban/rural, and economic diversity of the state.
21 In making appointments to the board, the Governor shall give
22 special consideration to those persons who have attended a
23 community or technical college and who are familiar with the
24 two-year college system, or who have business leadership
25 experience. No employee of the state may serve as an appointed
26 member of the board. No appointed member of the board may
27 serve more than two consecutive full terms of office, not

1 counting any two-year or partial term to which the member has
2 been appointed. Other than the ex officio members of the
3 board, no person currently serving in any elected office may
4 concurrently serve as a member of the board.

5 "(f) Upon appointment, and after confirmation, of
6 the initial members of the board, the board shall meet to
7 organize itself, to elect officers, other than the president,
8 as the board deems appropriate, and to transact any necessary
9 business. The board may adopt bylaws to govern operations and
10 create committees as deemed necessary. This organizational
11 meeting of the board is not considered a regular meeting of
12 the board.

13 "(g) The board shall meet not less than quarterly on
14 dates to be set by the board in official session, by the
15 president, or by the Chancellor on written request of a
16 majority of the board members. One meeting of the board each
17 year shall be held with the members of the State Board of
18 Education. The rules generally adopted by deliberative bodies
19 for their government shall be observed and a quorum of five
20 shall be present. Members of the board or any committee of the
21 board may participate in meetings of the board or committees
22 by telephone conference or similar communications equipment
23 through which all persons participating in the meeting can
24 hear each other at the same time, and participation by the
25 members shall constitute presence at a meeting for all
26 purposes. The Chancellor shall give notice of any meeting as
27 required by law.

1 "(h) The members of the board shall receive no
2 compensation for service on the board. Members shall be
3 reimbursed for actual traveling and other necessary expenses
4 incurred in attending meetings and transacting the business of
5 the board. Reimbursement shall be paid out of the Education
6 Trust Fund in the same manner as other expenses of the board
7 are paid.

8 "(i) If not otherwise required by law, each member
9 of the board shall file a completed statement of economic
10 interests, pursuant to Section 36-25-24, for the previous
11 calendar year with the State Ethics Commission no later than
12 April 30th of each year, and shall be covered by all aspects
13 and requirements of the State Ethics Law, Chapter 25 of Title
14 36. Members of the board shall be indemnified for any loss
15 incurred as a result of damage done in the performance of
16 their duties as a member of the board and for which the member
17 is personally liable. Members shall be covered under the
18 General Liability Trust Fund in accordance with Section
19 36-1-6.1.

20 "(j) Before exercising any authority or performing
21 any duty, each member of the board shall qualify as such by
22 taking and subscribing to the oath of office prescribed by the
23 state constitution, the certificate of which shall be filed
24 with the records of the board. The Governor may remove any
25 appointed member of the board for immorality, misconduct in
26 office, incompetency, or willful neglect of duty, giving the
27 member a copy of the charges against him or her and, upon not

1 less than 10 days' notice, an opportunity of being heard
2 publicly in person or by counsel in his or her own defense. If
3 any member shall be removed, the Governor shall file in the
4 office of the Secretary of State a complete statement of all
5 charges against the member, any findings, and a complete
6 record of the proceedings."

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.