HB425 ENGROSSED



- 1 HB425
- 2 BYHZU4J-2
- 3 By Representative Bedsole
- 4 RFD: State Government
- 5 First Read: 18-Mar-25



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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to regional mental health authority boards; to
9	amend Sections 22-51-8 and 22-51-9, Code of Alabama 1975; to
10	revise the composition of executive committees; to provide for
11	the appointment of certain local officials; to prohibit the
12	corporation from creating additional qualifications through
13	its bylaws or other legal instruments; and to provide further
14	for a quorum.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Sections 22-51-8 and 22-51-9, Code of
17	Alabama 1975, are amended to read as follows:
18	" §22-51-8
19	(a)(1) Each corporation shall be governed by a board of
20	directors of nine or more members, selected as provided in
21	this section. Each governing body which authorized the
22	formation of the corporation shall appoint three members of
23	the said board of directors; provided, that if the area to be
24	served by the corporation shall be located wholly within an
25	area governed by a single governing body, the said governing
26	body shall appoint nine members to the said board; provided
27	further, that if the said area to be served shall be located

wholly within an area governed by at least two, but not more

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29 than two, governing bodies, or if the formation of the board 30 was authorized by only two governing bodies, each of the said 31 governing bodies shall be entitled tomay appoint at least five 32 members of the said board, or such other number as may be 33 provided by the certificate of incorporation or any amendment 34 thereto. 35 (2) If there are more than 16 directors, they shallmay 36 appoint from among their number an executive committee consisting of nine members, which shall have and exercise the 37 powers and authority of the board of directors, subject to the 38 39 general supervision and control of the said board. Except for boards that exist solely for the purpose of providing programs 40 to individuals with intellectual or developmental 41 42 disabilities, the nine members of the executive committee 43 shall include one sheriff, or his or her representative, and one judge of probate; provided, the officials or 44 45 representative are serving on the board. If the representative 46 is not currently serving on the executive committee, he or she 47 shall be added at the expiration of the next terms of members 48 of the executive committee. If multiple judges of probate are 49 serving on the board, the judges of probate shall designate 50 from among themselves one judge of probate who will serve on 51 the executive committee. If multiple sheriffs or sheriffs' 52 representatives are serving on the board, they shall designate 53 from among themselves one sheriff or sheriff's representative 54 who will serve on the executive committee. Any judge of probate, sheriff, or representative may choose to opt out of 55 56 serving on an executive committee. If he or she chooses to opt



out, he or she retains his or her membership on the board. Any
judge of probate, sheriff, or representative who elects to opt
out of serving on an executive committee is not precluded from
consideration of future appointments to an executive committee
as vacancies occur.

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(b) Every member of the board of directors mustshall be a resident of the area which he or she represents and which is to be served by the proposed facilities. The governing bodies shall coordinate their appointments to ensure the membership of the board of directors is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the service area. All appointed directors shall have demonstrated a concern for the mental health programs and services provided in the service area and shall represent a balance of primary interest areas of expertise. Except in compliance with rules adopted by the department through the Administrative Procedure Act, no other qualifications for directors may be imposed by the corporation's certificate of incorporation, constitution, or bylaws. An individual who meets the qualifications of this section and who is appointed by a governing body shall be seated on the board of directors.

(c) The terms of the initial members of the board appointed by the governing bodies, as provided above, shall begin immediately upon their appointments and shall end at noon on April 1 of the succeeding odd-numbered calendar years following the appointments, as designated by saidthe governing body at the time of their said appointments. Thereafter, the term of office of each director shall be six years. The terms



of office of the said—directors shall be arranged so that the terms of office of approximately one thirdone-third of all directors will end at noon on April 1, in each odd-numbered calendar year. A member of the board of directors shall hold office until his or her successor has been appointed and qualified.

- (d) The respective appointing authorities shall appoint or reappoint a qualified personindividual as a member of the board of directors whenever a member's term expires or whenever a position becomes vacant for any other reason.
- 95 (e) The appointing authority may remove a board member 96 for attending less than one-half of the board meetings in any 97 12-month period.
- 98 <u>(f)</u> A member of the board of directors shall receive no 99 compensation for his or her services."

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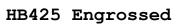
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The board of directors shall hold monthly meetings and such special meetings as may be called, from time to time, on at least two days' notice given by the chair or by any three members thereof, saidwith notice to be given to each member thereof; provided, that where. If the board of directors exceeds 16 members, the executive committee shall meet at least monthly and the complete board of directors shall meet at least every six months. The said board shall adopt a constitution and bylaws, to be subject to in compliance with this chapter, the certificate of incorporation, and laws of the State of Alabama. Three members of the saidOne-third of the members of the entire board of directors, not withstanding



113	vacancies, or in the case of an executive committee when
114	exercising the power and authority of the board of directors,
115	a majority of the members of the executive committee shall
116	constitute a quorum for the transaction of business. A copy of
117	the constitution and bylaws shall also be filed with the
118	Alabama Department of Mental Health. The board shall conduct
119	its meetings in accordance with the Alabama Open Meetings Act,
120	Chapter 25A of Title 36."
121	Section 2. This act shall become effective on October
122	1, 2025.





123 124 125	House of Representatives
126	Read for the first time and referred18-Mar-25
127	to the House of Representatives
128	committee on State Government
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130	Read for the second time and placed19-Mar-25
131	on the calendar:
132	0 amendments
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134	Read for the third time and passed29-Apr-25
135 136	as amended
136	Yeas 101 Nays 0
137	Abstains 0
139	ADSCAINS
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141	John Treadwell
142	Clerk
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