

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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A BILL
TO BE ENTITLED
AN ACT

Relating to regional mental health authority boards; to amend Sections 22-51-8 and 22-51-9, Code of Alabama 1975; to revise the composition of executive committees; to provide for the appointment of certain local officials; to prohibit the corporation from creating additional qualifications through its bylaws or other legal instruments; and to provide further for a quorum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-51-8 and 22-51-9, Code of Alabama 1975, are amended to read as follows:

"§22-51-8

(a) (1) Each corporation shall be governed by a board of directors of nine or more members, selected as provided in this section. Each governing body which authorized the formation of the corporation shall appoint three members of the ~~said~~ board of directors; provided, that if the area to be served by the corporation shall be located wholly within an area governed by a single governing body, the ~~said~~ governing body shall appoint nine members to the ~~said~~ board; provided 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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than two, governing bodies, or if the formation of the board was authorized by only two governing bodies, each of the ~~said~~ governing bodies ~~shall be entitled to~~may appoint at least five members of the ~~said~~ board, or such other number as may be provided by the certificate of incorporation or any amendment thereto.

(2) If there are more than 16 directors, they ~~shall~~may appoint from among their number an executive committee consisting of nine members, which shall have and exercise the powers and authority of the board of directors, subject to the general supervision and control of the ~~said~~ board. Except for boards that exist solely for the purpose of providing programs to individuals with intellectual or developmental disabilities, the nine members of the executive committee shall include one sheriff, or his or her representative, and one judge of probate; provided, the officials or representative are serving on the board. If the representative is not currently serving on the executive committee, he or she shall be added at the expiration of the next terms of members of the executive committee. If multiple judges of probate are serving on the board, the judges of probate shall designate from among themselves one judge of probate who will serve on the executive committee. If multiple sheriffs or sheriffs' representatives are serving on the board, they shall designate from among themselves one sheriff or sheriff's representative who will serve on the executive committee. Any judge of probate, sheriff, or representative may choose to opt out of serving on an executive committee. If he or she chooses to opt



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

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

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



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

91 (d) The respective appointing authorities shall appoint
92 or reappoint a qualified ~~person~~ individual as a member of the
93 board of directors whenever a member's term expires or
94 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 (f) A member of the board of directors shall receive no
99 compensation for his or her services."

100 "§22-51-9

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



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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.



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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
133
134 Read for the third time and passed29-Apr-25
135 as amended
136 Yeas 101
137 Nays 0
138 Abstains 0
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John Treadwell
Clerk