

# HB425 INTRODUCED



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



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SYNOPSIS:

Under existing law, regional mental health authority boards of directors and executive committees may delegate their power and authority to an executive committee that is subject to the board's supervision and control.

This bill would require each executive committee to include at least one active sheriff or member of his or her office and one active judge of probate who is currently serving on the board.

This bill would prohibit a board of directors from creating additional qualifications for directors through the corporation's constitution and bylaws or certificate of incorporation.

This bill would also provide for a quorum.

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



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29 its bylaws or other legal instruments; and to provide further  
30 for a quorum.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

34 "§22-51-8

35 (a) Each corporation shall be governed by a board of  
36 directors of nine or more members, selected as provided in  
37 this section. Each governing body which authorized the  
38 formation of the corporation shall appoint three members of  
39 the ~~said~~ board of directors; provided, that if the area to be  
40 served by the corporation shall be located wholly within an  
41 area governed by a single governing body, the ~~said~~ governing  
42 body shall appoint nine members to the ~~said~~ board; provided  
43 further, that if the ~~said~~ area to be served shall be located  
44 wholly within an area governed by at least two, but not more  
45 than two, governing bodies, or if the formation of the board  
46 was authorized by only two governing bodies, each of the ~~said~~  
47 governing bodies ~~shall be entitled to~~may appoint at least five  
48 members of the ~~said~~ board, or such other number as may be  
49 provided by the certificate of incorporation or any amendment  
50 thereto. If there are more than 16 directors, they ~~shall~~may  
51 appoint from among their number an executive committee  
52 consisting of nine members, which shall have and exercise the  
53 powers and authority of the board of directors, subject to the  
54 general supervision and control of the ~~said~~ board. The nine  
55 members of the executive committee shall include one sheriff,  
56 or his or her representative, and one judge of probate;



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57 provided, the officials or representative are serving on the  
58 board. If the representative is not currently serving on the  
59 executive committee, he or she shall be added at the  
60 expiration of the next terms of members of the executive  
61 committee.

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. Members of the board may  
119 participate in a meeting of the board or any committee of the  
120 board by telephone conference, video conference, or similar  
121 communications equipment through which all persons  
122 participating in the meeting may hear each other at the same  
123 time. Participation by these electronic means shall constitute  
124 presence in person at the meeting for all purposes; provided,  
125 that a quorum is physically present at the location noticed  
126 and called for the meeting."

127 Section 2. This act shall become effective on October  
128 1, 2025.