### SB236 ENGROSSED



- 1 SB236
- 2 ZQGD2WR-2
- 3 By Senator Barfoot
- 4 RFD: County and Municipal 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
L 0	revise the composition of executive committees; to provide for
1	the appointment of certain local officials; to prohibit the
12	corporation from creating additional qualifications through
L 3	its bylaws or other legal instruments; and to provide further
L 4	for a quorum.
L 5	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
L 6	Section 1. Sections 22-51-8 and 22-51-9, Code of
L 7	Alabama 1975, are amended to read as follows:
18	<b>"</b> §22-51-8
L 9	(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

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



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



57 out of serving on the executive committee, he or she retains 58 his or her membership on the board. Any judge of probate, 59 sheriff, or representative who elects to opt out of serving on 60 an executive committee is not precluded from consideration of future appointments to an executive committee as vacancies 61 62 occur. 63 (b) Every member of the board of directors mustshall be 64 a resident of the area which he or she represents and which is to be served by the proposed facilities. The governing bodies 65 shall coordinate their appointments to ensure the membership 66 67 of the board of directors is inclusive and reflects the racial, gender, geographic, urban, rural, and economic 68 diversity of the service area. All appointed directors shall 69 70 have demonstrated a concern for the mental health programs and 71 services provided in the service area and shall represent a 72 balance of primary interest areas of expertise. Except in 73 compliance with rules adopted by the department through the 74 Administrative Procedure Act, no other qualifications for 75 directors may be imposed by the corporation's certificate of 76 incorporation, constitution, or bylaws. An individual who 77 meets the qualifications of this section and who is appointed 78 by a governing body shall be seated on the board of directors. 79 (c) The terms of the initial members of the board 80 appointed by the governing bodies, as provided above, shall 81 begin immediately upon their appointments and shall end at noon on April 1 of the succeeding odd-numbered calendar years 82 following the appointments, as designated by saidthe governing 83 84 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.

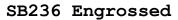
- (d) The respective appointing authorities shall appoint or reappoint a qualified <a href="mailto:person\_individual">person\_individual</a> as a member of the board of directors whenever a member's term expires or whenever a position becomes vacant for any other reason.
- 96 (e) The appointing authority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

101 "\$22-51-9

such—special meetings as may be called, from time to time, on at least two days' notice given by the <a href="https://doi.org/10.2007/bit.



113	the members of the entire board of directors, not withstanding
114	vacancies, or in the case of an executive committee when
115	exercising the power and authority of the board of directors,
116	a majority of the members of the executive committee shall
117	constitute a quorum for the transaction of business. A copy of
118	the constitution and bylaws shall also be filed with the
119	Alabama Department of Mental Health. The board shall conduct
120	its meetings in accordance with the Alabama Open Meetings Act,
121	Chapter 25A of Title 36."
122	Section 2. This act shall become effective on October
123	1, 2025.





124 125 126 Senate Read for the first time and referred ........................18-Mar-25 127 to the Senate committee on County 128 and Municipal Government 129 130 131 on the calendar: 132 133 2 amendments 134 Read for the third time and passed ......24-Apr-25 135 136 as amended Yeas 29 137 Nays 0 138 Abstains 0 139 140 141 142 Patrick Harris, 143 Secretary. 144