

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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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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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 to~~may 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 ~~shall~~may
36 appoint from among their number an executive committee
37 consisting of nine members, which shall have and exercise the
38 powers and authority of the board of directors, subject to the
39 general supervision and control of the ~~said~~ board. Except for
40 boards that exist solely for the purpose of providing programs
41 to individuals with intellectual or developmental
42 disabilities, the nine members of the executive committee
43 shall include one sheriff, or his or her representative, and
44 one judge of probate; provided, the officials or
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
55 probate, sheriff, or representative may choose to opt out of
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
61 future appointments to an executive committee as vacancies
62 occur.

63 (b) Every member of the board of directors ~~must~~ shall be
64 a resident of the area which he or she represents and which is
65 to be served by the proposed facilities. The governing bodies
66 shall coordinate their appointments to ensure the membership
67 of the board of directors is inclusive and reflects the
68 racial, gender, geographic, urban, rural, and economic
69 diversity of the service area. All appointed directors shall
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
82 noon on April 1 of the succeeding odd-numbered calendar years
83 following the appointments, as designated by ~~said~~ the governing
84 body at the time of their ~~said~~ appointments. Thereafter, the



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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-third~~ one-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 ~~person~~ individual as a member of the board of directors whenever a member's term expires or whenever a position becomes vacant for any other reason.

(e) The appointing authority may remove a board member for attending less than one-half of the board meetings in any 12-month period.

(f) A member of the board of directors shall receive no compensation for his or her services."

"§22-51-9

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 ~~chairman~~ chair or by any three members ~~thereof~~, ~~said~~ with 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 said~~ One-third of



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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.

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124
125
126 Senate

127 Read for the first time and referred18-Mar-25
128 to the Senate committee on County
129 and Municipal Government

130
131 Read for the second time and placed03-Apr-25
132 on the calendar:
133 2 amendments

134
135 Read for the third time and passed24-Apr-25
136 as amended
137 Yeas 29
138 Nays 0
139 Abstains 0

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141
142 Patrick Harris,
143 Secretary.
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