

SB236 ENROLLED



1 SB236
2 ZQGD2WR-3
3 By Senator Barfoot
4 RFD: County and Municipal Government
5 First Read: 18-Mar-25



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Enrolled, 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 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



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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 out of serving on the executive committee, 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



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57 occur.

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

74 **(c)** The terms of the initial members of the board
75 appointed by the governing bodies, ~~as provided above,~~ shall
76 begin immediately upon their appointments and shall end at
77 noon on April 1 of the succeeding odd-numbered calendar years
78 following the appointments, as designated by ~~said~~the governing
79 body at the time of their ~~said~~appointments. Thereafter, the
80 term of office of each director shall be six years. The terms
81 of office of the ~~said~~directors shall be arranged so that the
82 terms of office of approximately ~~one-third~~one-third of all
83 directors will end at noon on April 1, in each odd-numbered
84 calendar year. A member of the board of directors shall hold



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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 the members of the entire board of directors, not withstanding vacancies, or in the case of an executive committee when exercising the power and authority of the board of directors, a majority of the members of the executive committee shall constitute a quorum for the transaction of business. A copy of



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113 the constitution and bylaws shall ~~also~~ be filed with the
114 Alabama Department of Mental Health. The board shall conduct
115 its meetings in accordance with the Alabama Open Meetings Act,
116 Chapter 25A of Title 36."

117 Section 2. This act shall become effective on October
118 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 24-Apr-25

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 07-May-25

By: Senator Barfoot