

SB236 INTRODUCED



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



4 SYNOPSIS:

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

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

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

18 This bill would also provide for a quorum.

20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to regional mental health authority boards; to
25 amend Sections 22-51-8 and 22-51-9, Code of Alabama 1975; to
26 revise the composition of executive committees; to provide for
27 the appointment of certain local officials; to prohibit the
28 corporation from creating additional qualifications through



SB236 INTRODUCED

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) 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 thereto. 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. The nine members of the executive committee shall include one sheriff, or his or her representative, and one judge of probate;



SB236 INTRODUCED

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.

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

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



SB236 INTRODUCED

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 the members of the entire board of directors, not withstanding



SB236 INTRODUCED

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
the constitution and bylaws shall ~~also~~ be filed with the
Alabama Department of Mental Health. Members of the board may
participate in a meeting of the board or any committee of the
board by telephone conference, video conference, or similar
communications equipment through which all persons
participating in the meeting may hear each other at the same
time. Participation by these electronic means shall constitute
presence in person at the meeting for all purposes; provided,
that a quorum is physically present at the location noticed
and called for the meeting."

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