

1 HB598
2 212364-1
3 By Representative Garrett
4 RFD: Education Policy
5 First Read: 06-APR-21

8 SYNOPSIS: Under existing law, the membership of the
9 Board of Trustees of the Alabama Community College
10 System includes the Governor and an active member
11 of the State Board of Education as ex officio
12 trustees and eight additional trustees, consisting
13 of one trustee appointed from each congressional
14 district and one state-at-large trustee.

15 This bill would allow the Governor to
16 appoint one additional trustee from the private
17 sector who has a background in either industrial
18 training or human resources.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 16-60-111, Code of Alabama 1975,
25 relating to the Board of Trustees of the Alabama Community
26 College System; to allow the Governor to appoint one

1 additional trustee from the private sector who has a
2 background in either industrial training or human resources.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-60-111 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§16-60-111.

7 "(a) There is established a Board of Trustees of the
8 Alabama Community College System. The board shall be composed
9 of the following members:

10 "(1) The Governor, who shall be ex officio president
11 of the board.

12 "(2) Seven members appointed by the Governor so that
13 one member of the board is a resident of each of the seven
14 congressional districts in the state as the districts are
15 constituted on May 12, 2015. The member appointed by the
16 Governor pursuant to this subdivision, representing the
17 congressional district in which the main campus of Athens
18 State University is located, shall serve as the member of the
19 Board of Trustees of Athens State University pursuant to
20 subdivision (3) of subsection (a) of Section 16-47A-4.

21 "(3) One ex officio, nonvoting member appointed by
22 the Governor who is actively serving on the State Board of
23 Education.

24 "(4) One member appointed by the Governor from the
25 state at large.

1 "(5) One member appointed by the Governor from the
2 private sector who has a background in either industrial
3 training or human resources.

4 "(b) All members appointed by the Governor shall be
5 free from any contractual, employment, personal, or familial
6 financial interest in the Alabama Community College System.

7 "(c) If a member appointed from a congressional
8 district ceases to be a resident of the district from which
9 appointed, the member shall vacate his or her office. Members
10 appointed by the Governor from Districts 1, 3, 5, and 7 shall
11 be appointed for an initial term of two years, and every four
12 years thereafter. Members appointed by the Governor from
13 Districts 2, 4, and 6, and from the state at large, shall be
14 appointed for an initial term of four years, and every four
15 years thereafter. The member appointed from the private sector
16 shall be appointed for an initial term of four years, and
17 every four years thereafter.

18 "(d) All appointees to the board shall be subject to
19 confirmation by the Senate and shall be confirmed before
20 beginning a term of office. As vacancies occur on the board
21 for any cause, they shall be filled by the Governor for the
22 unexpired term, subject to confirmation by the Senate before
23 beginning service. An appointment made when the Legislature is
24 in regular session shall be submitted to the Senate not later
25 than the third legislative day following the date of
26 appointment. An appointment made when the Legislature is not
27 in regular session shall be submitted to the Senate not later

1 than the third legislative day following the reconvening of
2 the Legislature after the appointment.

3 "(e) The members of the board shall be qualified
4 electors of the State of Alabama, and the ~~membership of the~~
5 ~~board shall be inclusive and reflect the racial, gender,~~
6 ~~geographic, urban/rural, and economic diversity of the state~~
7 Governor shall coordinate his or her appointments so that
8 diversity of gender, race, and geographical areas is
9 reflective of the makeup of this state. In making appointments
10 to the board, the Governor shall give special consideration to
11 those persons who have attended a community or technical
12 college and who are familiar with the two-year college system,
13 or who have business leadership experience. No employee of the
14 state may serve as an appointed member of the board. No
15 appointed member of the board may serve more than two
16 consecutive terms of office. Other than the ex officio members
17 of the board, no person currently serving in any elected
18 office may concurrently serve as a member of the board.

19 "(f) Upon appointment, and after confirmation, of
20 the initial members of the board, the board shall meet to
21 organize itself, to elect officers, other than the president,
22 as the board deems appropriate, and to transact any necessary
23 business. The board may adopt bylaws to govern operations and
24 create committees as deemed necessary. This organizational
25 meeting of the board is not considered a regular meeting of
26 the board.

1 "(g) The board shall meet not less than quarterly on
2 dates to be set by the board in official session, by the
3 president, or by the Chancellor on written request of a
4 majority of the board members. One meeting of the board each
5 year shall be held with the members of the State Board of
6 Education. The rules generally adopted by deliberative bodies
7 for their government shall be observed and a quorum of five
8 shall be present. Members of the board or any committee of the
9 board may participate in meetings of the board or committees
10 by telephone conference or similar communications equipment
11 through which all persons participating in the meeting can
12 hear each other at the same time, and participation by the
13 members shall constitute presence at a meeting for all
14 purposes. The Chancellor shall give notice of any meeting as
15 required by law.

16 "(h) The members of the board shall receive no
17 compensation for service on the board. Members shall be
18 reimbursed for actual traveling and other necessary expenses
19 incurred in attending meetings and transacting the business of
20 the board. Reimbursement shall be paid out of the Education
21 Trust Fund in the same manner as other expenses of the board
22 are paid.

23 "(i) If not otherwise required by law, each member
24 of the board shall file a completed statement of economic
25 interests, pursuant to Section 36-25-24, for the previous
26 calendar year with the State Ethics Commission no later than
27 April 30th of each year, and shall be covered by all aspects

1 and requirements of the State Ethics Law, Chapter 25 of Title
2 36. Members of the board shall be indemnified for any loss
3 incurred as a result of damage done in the performance of
4 their duties as a member of the board and for which the member
5 is personally liable. Members shall be covered under the
6 General Liability Trust Fund in accordance with Section
7 36-1-6.1.

8 "(j) Before exercising any authority or performing
9 any duty, each member of the board shall qualify as such by
10 taking and subscribing to the oath of office prescribed by the
11 state constitution, the certificate of which shall be filed
12 with the records of the board. The Governor may remove any
13 appointed member of the board for immorality, misconduct in
14 office, incompetency, or willful neglect of duty, giving the
15 member a copy of the charges against him or her and, upon not
16 less than 10 days' notice, an opportunity of being heard
17 publicly in person or by counsel in his or her own defense. If
18 any member shall be removed, the Governor shall file in the
19 office of the Secretary of State a complete statement of all
20 charges against the member, any findings, and a complete
21 record of the proceedings."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.