

1 SB281
2 199266-1
3 By Senator Singleton
4 RFD: Education Policy
5 First Read: 16-APR-19

8 SYNOPSIS: Under existing law, the Governor serves as
9 the ex officio President of the Board of Trustees
10 of Alabama State University.

11 This bill would provide that the Governor
12 serve as an ex officio member of the board in lieu
13 of the ex officio president and would provide for
14 the selection of the president and the president
15 pro tempore of the board by the membership of the
16 board from the membership of the board.
17

18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 16-50-20, Code of Alabama 1975, as
23 amended by Act 2018-495, 2018 Regular Session, and Section
24 16-50-26, Code of Alabama 1975, relating to Alabama State
25 University; to provide that the Governor serve as an ex
26 officio member, in lieu of ex officio president, of the board
27 of trustees; and to provide for the selection of the president

1 and the president pro tempore of the board by the membership
2 of the board from the membership of the board.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-50-20 of the Code of Alabama
5 1975, as amended by Act 2018-495, 2018 Regular Session, and
6 Section 16-50-26 of the Code of Alabama 1975, are amended to
7 read as follows:

8 "§16-50-20.

9 "(a) There is hereby created a Board of Trustees for
10 Alabama State University, the state educational institution at
11 Montgomery, Alabama. The board of trustees shall consist of
12 two members from the congressional district in which the
13 institution is located and one member from each of the other
14 congressional districts in the state as constituted on October
15 6, 1975, and who shall reside in that district, four members
16 from the state at large who shall reside in different
17 districts, two of whom shall be non-minority members, two
18 at-large members who may be selected from outside the state,
19 and the Governor, who shall ~~be~~ serve as an ex officio
20 ~~president member~~ of the board. Except for a trustee at large,
21 the position of any trustee shall be vacated at such time as
22 he or she shall cease to reside in the district from which he
23 or she was appointed. The position of state at-large trustee
24 shall be vacated if the trustee serving in the position shall
25 cease to reside in the State of Alabama. The trustees shall be
26 appointed by the Governor, by and with the advice and consent
27 of the Senate, in such manner that the membership shall

1 consist of at least a majority who are alumni and who have
2 received a bachelor's degree from the university; at least
3 one-half of the board shall be from the prevailing minority
4 population of the state according to the last or any
5 succeeding federal census. The two at large members who may be
6 selected from outside the state shall be appointed in 2015 for
7 initial terms of five years and six years, respectively, and
8 for terms of six years thereafter. Commencing on June 11,
9 2015, members shall be appointed for terms of six years. All
10 appointments shall be effective until adversely acted upon by
11 the Senate. Provided, however, no trustee who is currently
12 serving on the board or whose term has just expired, who has
13 been previously confirmed by the Senate, shall be required to
14 be reconfirmed for the new term under this section, once
15 appointed by the Governor. Commencing on June 11, 2015, no
16 member may be appointed to serve a second term of 12 years,
17 and no member shall be appointed to serve as trustee for more
18 than a total of 12 years or two six-year terms. No trustee
19 shall receive any pay or emolument other than his or her
20 actual expenses incurred in the discharge of his or her duties
21 as such.

22 "(b) No trustee who is serving on the board on April
23 30, 1986, shall lose his or her seat because of this section;
24 provided, however, the Governor may re-designate the period of
25 the term of these members so as to conform to subsection (a).

26 "(c) (1) Commencing on June 11, 2015, each trustee
27 shall be appointed by the Governor from a list of three

1 persons nominated by a nominating committee. The nominating
2 committee shall consist of the following members:

3 "a. One member of the board as elected by the
4 membership of the board.

5 "b. One member of the faculty senate as selected
6 jointly by the faculty senate and the staff senate and
7 certified to the committee by the president of the faculty
8 senate and the president of the staff senate.

9 "c. The president of the student government
10 association.

11 "d. One member of the business community as selected
12 by the Governor.

13 "e. One member of the Montgomery County Legislative
14 Delegation, as selected by the delegation.

15 "f. The president of the national alumni
16 association, or his or her designee.

17 "g. A community representative as selected by the
18 membership of the nominating committee.

19 "(2) Where applicable, members of the nominating
20 committee shall serve at the pleasure of the appointing
21 authority for a period of at least one year.

22 "(3) Thirty days before the expiration of the term
23 of a board member, or within 20 days following the creation of
24 a vacancy in a term of office by death, resignation, or other
25 cause, the president pro tempore of the board shall call a
26 meeting of the nominating committee, giving at least 10 days'
27 notice. The nominating committee, by majority vote of those

1 present at the meeting, shall nominate to the Governor the
2 names of three individuals who are qualified pursuant to
3 subsection (a) to fill the respective position on the board.
4 The Governor shall appoint one of the nominated persons to the
5 board by and with the advice and consent of the Senate. If the
6 appointment is made by the Governor while the Legislature is
7 not in session, the name of the appointee of the Governor
8 shall be submitted to the Senate not later than the third
9 legislative day following the reconvening of the Legislature.
10 If the appointment is made by the Governor while the
11 Legislature is in session, the name of the appointee shall be
12 submitted to the Senate not later than the next legislative
13 day following the date of the appointment.

14 "(4)a. If the vacancy on the board is caused by the
15 expiration of the term of a trustee who has served for less
16 than the maximum 12 years of service on the board, the
17 vacating trustee shall continue to serve on the board until
18 his or her successor is confirmed by the Senate. If the
19 holdover trustee is reappointed to the board, the term of
20 office for which he or she is reappointed shall be effective
21 retroactive to the date of the expiration of the previous
22 term. If a new trustee is appointed pursuant to this
23 paragraph, the term of office for which he or she is appointed
24 shall be effective retroactive to the date of the expiration
25 of the previous term.

26 "b. If the vacancy on the board is caused by death,
27 resignation, or the expiration of the term of a trustee who

1 has served for the maximum 12 years of service on the board,
2 the position on the board shall remain vacant until the name
3 of an appointee is submitted by the Governor to the Senate. If
4 the appointee is neither confirmed nor rejected by the Senate
5 during the session in which his or her name is submitted, the
6 appointee shall nevertheless continue to serve in the position
7 on the board until the next session of the Legislature, during
8 which his or her name shall be resubmitted for confirmation.
9 If an appointee is confirmed by the Senate, the term of office
10 for which he or she is appointed pursuant to this paragraph
11 shall be effective retroactive to the date the vacancy was
12 created on the board, for the remainder of the unexpired term
13 if the vacancy was created by death or resignation, or for the
14 entire term if the vacancy was created by the expiration of
15 the previous term. If an appointee is rejected by the Senate,
16 the position on the board shall remain vacant as the
17 nominating and appointing procedure provided in this
18 subsection begins anew and until an appointment is made and
19 confirmed by the Senate. If a trustee is appointed to fill an
20 unexpired term of less than three years, the time shall not be
21 counted toward the maximum 12 years of service.

22 "(5) If the nominating committee fails to submit a
23 list of nominees to the Governor within 60 days after a
24 vacancy occurs due to expiration of term, death, resignation,
25 or any other cause, the Governor, by and with the advice and
26 consent of the Senate, may appoint an otherwise qualified

1 trustee to the board, notwithstanding the absence of such
2 nominations.

3 "(d) The board shall provide for the conduct of
4 annual training sessions for trustees regarding the fiduciary
5 responsibility of a trustee to the university and any other
6 topic deemed appropriate by the board.

7 "§16-50-26.

8 "The first meeting of the Board of Trustees of
9 Alabama State University after all members have been appointed
10 shall be upon the call of the ~~Governor~~ president of the board.
11 The board shall hold regular meetings on the first Thursdays
12 in May and November at the university unless the board, in
13 regular session, shall determine to hold its meetings at some
14 other time and place. The regular May meeting shall be the
15 regular annual meeting at which the membership of the board
16 shall select a president and president pro tempore of the
17 board from among its members. Special meetings of the board
18 may be assembled by either one of the two methods outlined as
19 follows:

20 "(1) Special meetings of the board may be called by
21 the ~~Governor~~ president of the board. In calling ~~such~~ special
22 meetings the ~~Governor~~ president of the board shall mail a
23 written notice to each trustee, naming the time and place
24 thereof, at least 10 days in advance of the date of ~~such~~ the
25 meetings.

26 "(2) Upon the application in writing of any four
27 members of the board, the ~~Governor~~ president of the board

1 shall call a special meeting, naming the time and place
2 thereof and causing notices to be issued in writing to the
3 several members of the board. ~~Such meetings~~ Meetings shall not
4 be held on a date less than 10 days subsequent to the notices
5 from the ~~Governor~~ president of the board.

6 "(3) An emergency meeting of the board may be called
7 when circumstances exist that are deemed by the ~~Governor~~
8 president of the board, by the president pro tempore of the
9 board, or by three members of the board to present a risk to
10 personal health, safety, or property or to the operation of
11 the university. The three board members shall communicate
12 their request for an emergency meeting to the ~~Governor~~
13 president of the board or to the president pro tempore of the
14 board by the most expedient means available to them. Notice of
15 an emergency meeting shall be given at least 72 hours before
16 the time the emergency meeting is to commence unless the
17 circumstances of the emergency require the meeting to convene
18 sooner.

19 "(4) Members of the board may participate in a
20 meeting of the board or any committee of the board by means of
21 telephone conference, video conference, or similar
22 communications equipment by means of which all persons
23 participating in the meeting may hear each other at the same
24 time. Participation by such means shall constitute presence in
25 person at a meeting for all purposes. However, a majority of a
26 quorum of the members of the board, or, in the event of a
27 meeting of only the executive committee, a majority of a

1 quorum of the executive committee of the board shall be
2 physically present at the location noticed and called for the
3 meeting in order to conduct any business or deliberation.
4 Members of the board and any committees of the board may not
5 utilize electronic communications except as in compliance with
6 the Alabama Open Meetings Act. Except for emergency meetings,
7 notice of board meetings shall be provided in accordance with
8 the Alabama Open Meetings Act and telephone or video
9 conference or similar communications equipment shall also
10 allow members of the public the opportunity to simultaneously
11 listen to or observe such meetings."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.