

1 SB454
2 168741-1
3 By Senators Ross and Singleton
4 RFD: Education and Youth Affairs
5 First Read: 05-MAY-15

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SYNOPSIS: Under existing law, Alabama State University is under the direction and control of a board of trustees.

This bill would increase the membership of the board to include three at-large members.

This bill would decrease the length of terms of office from 12 to 6 years and would limit members to two six-year terms.

This bill would provide for the creation and operation of a nominating committee for nominating persons to serve on the board.

This bill would provide a procedure for holding emergency meetings of the board.

This bill would allow members of the board to participate in meetings of the board by electronic means.

This bill would also provide further for the compensation of members.

A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to Alabama State University; to amend
5 Sections 16-50-20, 16-50-26, and 16-50-28, Code of Alabama
6 1975; to increase the membership of the board of trustees by
7 three at-large members; to decrease term lengths from 12 to 6
8 years; to limit members to two six-year terms; to create and
9 provide for the operation of a nominating committee; to
10 provide a procedure for holding emergency meetings of the
11 board; to allow members of the board to participate in
12 meetings by electronic means; and to provide further for the
13 compensation of members.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 16-50-20, 16-50-26, and 16-50-28
16 of the Code of Alabama 1975, are amended to read as follows:

17 "§16-50-20.

18 "(a) There is hereby created a Board of Trustees for
19 Alabama State University, the state educational institution at
20 Montgomery, Alabama. The board of trustees shall consist of
21 two members from the congressional district in which the
22 institution is located and one member from each of the other
23 congressional districts in the state as constituted on October
24 6, 1975, and who shall reside in that district, four members
25 from the state at large who shall reside in different
26 districts, three at-large members who may be selected from
27 outside the state, and the Governor, who shall be ex officio

1 president of the board. Except for a trustee at large, the
2 position of any trustee shall be vacated at such time as he or
3 she shall cease to reside in the district from which he or she
4 was appointed. The trustees shall be appointed by the
5 Governor, by and with the advice and consent of the Senate, in
6 such manner that the membership shall consist of at least a
7 majority who are alumni and who have received a bachelor's
8 degree from the ~~said~~ university; at least one-half of the
9 board shall be from the prevailing minority population of the
10 state according to the last or any succeeding federal census.
11 ~~Trustees shall hold office for staggered terms of three, six,~~
12 ~~nine and 12 years with an equal number appointed to like~~
13 ~~terms, such period of terms designated by the appointing~~
14 ~~authority, with one-fourth to expire every three years, or~~
15 ~~until their successors are appointed. Beginning in 2015, the~~
16 ~~board shall be divided into three groups, so that~~
17 ~~reappointments may be made each two years. In 2015, three~~
18 ~~members shall be appointed for terms of two years, three~~
19 ~~members shall be appointed for terms of four years, and three~~
20 ~~members shall be appointed for terms of six years. Thereafter,~~
21 ~~all successor members shall be appointed for six-year terms.~~
22 All appointments shall be effective until adversely acted upon
23 by the Senate. Provided, however, no trustee who is currently
24 serving on the board or whose term has just expired, who has
25 been previously confirmed by the Senate, shall be required to
26 be reconfirmed for the new term under this section, once
27 appointed by the Governor. ~~A~~ Commencing on the effective date

1 of the act amending this subsection, no member may be
2 appointed to serve a second term of 12 years, ~~but~~ and no
3 member shall be appointed to serve as trustee for more than a
4 total of two six-year terms. ~~The first members, however, shall~~
5 ~~be eligible to serve for two full additional terms in addition~~
6 ~~to their initial terms.~~ No trustee shall receive any pay or
7 emolument other than his or her actual expenses incurred in
8 the discharge of his or her duties as such. ~~No member of the~~
9 ~~governing board or employee or student of any public~~
10 ~~postsecondary education institution, no elected or appointed~~
11 ~~official having the power of review of the Alabama State~~
12 ~~University budget, other than the Governor and no employee of~~
13 ~~the State of Alabama shall be eligible to serve on the board.~~
14 No member shall serve past September 30 following his or her
15 seventieth birthday.

16 " (b) No trustee who is serving on the ~~said~~ board on
17 April 30, 1986, shall lose his or her seat because of this
18 section; provided, however, the Governor may re-designate the
19 period of the term of these members so as to conform to ~~the~~
20 ~~provisions of~~ subsection (a).

21 "(c) (1) On or after July 1, 2015, each trustee shall
22 be appointed by the Governor from a list of three persons
23 nominated by a nominating committee. The nominating committee
24 shall consist of the following members:

25 "a. One member of the board as elected by the
26 membership of the board.

1 "b. One member of the faculty senate as selected
2 jointly by the faculty senate and the staff senate and
3 certified to the committee by the president of the faculty
4 senate and the president of the staff senate.

5 "c. The president of the student government
6 association.

7 "d. One member of the Montgomery County Senate
8 Legislative Delegation, as selected by the delegation.

9 "e. One member of the Montgomery County House of
10 Representatives Legislative Delegation, as selected by the
11 delegation.

12 "f. The president of the national alumni
13 association, or his or her designee.

14 "g. A community representative as selected by the
15 membership of the nominating committee.

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

19 "(3) Thirty days before the expiration of the term
20 of a board member, or within 20 days following the creation of
21 a vacancy in a term of office by death, resignation, or other
22 cause, the president pro tempore of the board shall call a
23 meeting of the nominating committee, giving at least 10 days'
24 notice. The nominating committee, by majority vote of those
25 present at the meeting, shall nominate to the Governor the
26 names of three individuals who are qualified pursuant to
27 subsection (a) to fill the respective position on the board.

1 The Governor shall appoint one of the nominated persons to the
2 board by and with the advice and consent of the Senate. If the
3 appointment is made by the Governor while the Legislature is
4 not in session, the name of the appointee of the Governor
5 shall be submitted to the Senate not later than the third
6 legislative day following the reconvening of the Legislature.
7 If the appointment is made by the Governor while the
8 Legislature is in session, the name of the appointee shall be
9 submitted to the Senate not later than the next legislative
10 day following the date of the appointment.

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

23 "b. If the vacancy on the board is caused by death,
24 resignation, or the expiration of the term of a trustee who
25 has served for the maximum 12 years of service on the board,
26 the position on the board shall remain vacant until the name
27 of an appointee is submitted by the Governor to the Senate. If

1 the appointee is not confirmed or rejected by the Senate
2 during the session in which his or her name is submitted, the
3 appointee shall nevertheless continue to serve in the position
4 on the board until the next session of the Legislature, during
5 which his or her name shall be resubmitted for confirmation.
6 If an appointee is confirmed by the Senate, the term of office
7 for which he or she is appointed pursuant to this paragraph
8 shall be effective retroactive to the date the vacancy was
9 created on the board, for the remainder of the unexpired term
10 if the vacancy was created by death or resignation, or for the
11 entire term if the vacancy was created by the expiration of
12 the previous term. If an appointee is rejected by the Senate,
13 the position on the board shall remain vacant as the
14 nominating and appointing procedure provided in this
15 subsection begins anew and until an appointment is made and
16 confirmed by the Senate. If a trustee is appointed to fill an
17 unexpired term of less than three years, the time shall not be
18 counted toward the maximum 12 years of service.

19 "(5) If the nominating committee fails to submit a
20 list of nominees to the Governor within 30 days after a
21 vacancy occurs due to expiration of term, death, resignation,
22 or any other cause, the Governor, by and with the advice and
23 consent of the Senate, may appoint an otherwise qualified
24 trustee to the board, notwithstanding the absence of such
25 nominations.

26 "(d) The board shall provide for the conduct of
27 annual training sessions for trustees regarding the fiduciary

1 responsibility of a trustee to the university and any other
2 topic deemed appropriate by the board.

3 "§16-50-26.

4 "The first meeting of the Board of Trustees of
5 Alabama State University after all members have been appointed
6 shall be upon the call of the Governor. The board shall hold
7 regular meetings on the first Thursdays in May and November at
8 the university unless the board ~~shall~~, in regular session,
9 shall determine to hold its meetings at some other time and
10 place. The regular May meeting shall be the regular annual
11 meeting. Special meetings of the board may be assembled by
12 either one of the two methods outlined as follows:

13 "(1) Special meetings of the board may be called by
14 the Governor. In calling such special meetings the Governor
15 shall mail a written notice to each trustee, naming the time
16 and place thereof, at least 10 days in advance of the date of
17 such meetings.

18 "(2) Upon the application in writing of any four
19 members of the board, the Governor shall call a special
20 meeting, naming the time and place thereof and causing notices
21 to be issued in writing to the several members of the board.
22 Such meetings shall not be held on a date less than 10 days
23 subsequent to the notices from the Governor.

24 "(3) An emergency meeting of the board may be called
25 when circumstances exist that are deemed by the Governor, by
26 the president pro tempore of the board, or by three members of
27 the board to present a risk to personal health, safety, or

1 property or to the operation of the university. The three
2 board members shall communicate their request for an emergency
3 meeting to the Governor or to the president pro tempore of the
4 board by the most expedient means available to them. Notice of
5 an emergency meeting shall be given at least 72 hours before
6 the time the emergency meeting is to commence unless the
7 circumstances of the emergency require the meeting to convene
8 sooner.

9 "(4) Members of the board may participate in a
10 meeting of the board or any committee of the board by means of
11 telephone conference, video conference, or similar
12 communications equipment by means of which all persons
13 participating in the meeting may hear each other at the same
14 time. Participation by such means shall constitute presence in
15 person at a meeting for all purposes. However, a majority of a
16 quorum of the members of the board, or, in the event of a
17 meeting of only the executive committee, a majority of a
18 quorum of the executive committee of the board shall be
19 physically present at the location noticed and called for the
20 meeting in order to conduct any business or deliberation.
21 Members of the board and any committees of the board may not
22 utilize electronic communications except as in compliance with
23 the Alabama Open Meetings Act. Except for emergency meetings,
24 notice of board meetings shall be provided in accordance with
25 the Alabama Open Meetings Act and telephone or video
26 conference or similar communications equipment shall also

1 allow members of the public the opportunity to simultaneously
2 listen to or observe such meetings.

3 "§16-50-28.

4 "The certificate of the president of the board or,
5 in his or her absence, of the president pro tempore,
6 countersigned by the secretary, shall entitle the several
7 trustees to the payment of their actual expenses incurred in
8 the discharge of their duties as trustees ~~in conformity with~~
9 ~~regulations governing travel expenses of state officials."~~

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