

1 SB311
2 166914-5
3 By Senator Scofield
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 31-MAR-15

1 SB311

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4 ENROLLED, An Act,

5 To amend Section 24-6-3, Code of Alabama 1975,
6 regarding the advisory board of the Alabama Manufactured
7 Housing Commission; to provide for nominees from the Alabama
8 Manufactured Housing Association and for meeting times of the
9 advisory board.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 24-6-3, Code of Alabama 1975, is
12 amended to read as follows:

13 "§24-6-3.

14 "(a) The advisory board of the commission shall be
15 composed of nine advisory only members, each of whom shall
16 have been a resident of Alabama for at least five years prior
17 to appointment.

18 "(b) Six of the members shall be appointed by the
19 Governor, subject to Senate confirmation, as follows:

20 "(1) From a list of nine nominees submitted by the
21 Alabama Manufactured Housing ~~Institute~~ Association, the
22 Governor shall appoint three members who shall be from the
23 Alabama manufactured housing industry and of those three
24 members, two members shall represent the manufacturers and one
25 member shall represent the retailers. No employee of ~~AMHF~~ AMHA

1 shall serve on the commission. The terms of office of the
2 initial appointees shall be one for one year, one for two
3 years, and one for three years.

4 "(2) There shall be three consumer representatives
5 appointed as follows: The Governor shall appoint from the
6 general public three members who shall serve as consumer
7 representatives and whose initial term of office shall be one
8 for one year, one for two years, and one for three years. The
9 appointees from the general public shall serve as consumer
10 representatives with one appointee living in a manufactured
11 home at the time of appointment. The appointments shall be
12 selected from the current congressional districts as follows:
13 One appointee shall reside in congressional district 4 or 5,
14 one appointee shall reside in congressional district 3 or 6,
15 one appointee shall reside in congressional district 1 or 2 or
16 7.

17 "(c) There shall be three governmental
18 representatives appointed as follows:

19 "(1) The President Pro Tempore of the Senate shall
20 appoint one member who is a representative from any local
21 government for an initial term of two years.

22 "(2) The Speaker of the House of Representatives
23 shall appoint one member who is a member of the House of
24 Representatives.

1 "(3) The Lieutenant Governor shall appoint one
2 member who is a member of the Senate.

3 "(d) Appointment, reappointment, vacancies,
4 compensation, meetings, and responsibilities shall be as
5 follows:

6 "(1) Appointed members shall be eligible for
7 reappointment.

8 "(2) Any vacancy or new appointment shall be filled
9 by the appointing authority for the unexpired term in the same
10 manner as the original appointment was made, except that the
11 number of nominees for the industry members shall be reduced
12 to three for each vacancy.

13 "(3) The successors to the initial appointees shall
14 serve terms of five years.

15 "(4) The members who are appointed by the Speaker of
16 the House of Representatives, Lieutenant Governor, and the
17 President Pro Tempore of the Senate shall serve for the
18 initial terms of their elected office and may be reappointed
19 by the appointing authority for additional terms.

20 "(5) The administrator, or other persons responsible
21 for handling all matters under the National Manufactured
22 Housing Construction and Safety Standards Act of 1974, shall
23 have no actual or potential conflict of interest nor be under
24 the influence or control of a manufacturer of products or a
25 retailer, supplier, or vendor of products in any manner which

1 may affect his or her capacity to perform the function of the
2 job objectively and without bias. The Alabama Ethics
3 Commission shall investigate any report of a conflict of
4 interest and, upon a finding of a conflict of interest, the
5 Governor shall remove any such person having a conflict of
6 interest. A member of the advisory board of the housing
7 commission who has a direct pecuniary interest in any matter
8 before the advisory board of the housing commission shall
9 disclose that fact before the advisory board takes action at
10 any meeting with respect to the matter, and he or she shall
11 not vote, participate, or be present at any such meeting.
12 Disclosure of such a pecuniary interest shall become a part of
13 the official record of the proceedings of the advisory board
14 of the commission.

15 "(6) A person appointed as a general consumer or
16 government representative shall not have any ownership
17 interest in or income benefit from a manufacturer of
18 manufactured homes, a retail seller of manufactured homes, a
19 community, or a supplier of products or services to the
20 manufactured housing industry. These appointees shall not have
21 any financial contracts or provide or accept any services with
22 anyone in the manufactured housing industry except to the
23 extent the consumer lives in a manufactured home.

1 (7) Membership of the advisory board shall reflect
2 the geographical, gender, racial, and ethnic diversity of the
3 state without regard to party affiliation.

4 "~~(7)~~ (8) The members of the advisory board of the
5 commission shall select from its membership a person to serve
6 as chair. The chair shall preside over the advisory board
7 meetings. The chair may not serve for more than two
8 consecutive terms of two years each.

9 "~~(8)~~ (9) The Governor shall make appointments within
10 30 days following receipt of the list of nominees from the
11 agencies and if not made within 30 days, nominees are no
12 longer valid and a new list of nominees must be submitted.
13 Appointments requiring Senate approval made at times when the
14 Legislature is not in session shall be effective ad interim.
15 Ad interim appointments shall be made in the same manner as
16 appointments made during a legislative session. An appointment
17 made by the Governor when the Legislature is in session shall
18 be submitted to the Senate not later than the third
19 legislative day following the date of the appointment. An
20 appointment made when the Legislature is not in session shall
21 be submitted to the Senate not later than the third
22 legislative day following the reconvening of the Legislature.

23 "~~(9)~~ (10) All members of the advisory board of the
24 commission, except legislative members, shall be paid one
25 hundred dollars (\$100) for each day the members of the

1 advisory board of the commission meet and shall receive the
2 same per diem and allowance for meetings of the advisory board
3 as is paid to state employees for official state business.
4 Legislative members shall be entitled to receive their regular
5 legislative compensation.

6 "~~(10)~~ (11) The advisory board shall meet at least
7 ~~four~~ two times per year and at such times as called by the
8 chair. Notice of regular meetings shall be given by the chair
9 to advisory board members at least five business days prior to
10 the meeting. Special called meetings shall similarly require
11 five days' notice in writing. Five members of the advisory
12 board shall constitute a quorum for all purposes. Vacancies on
13 the advisory board shall be filled by nomination and
14 appointment within 30 days by the same procedure as the
15 original appointments. Vacancies may occur through death or
16 resignation of an advisory board member, or other reasons."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB311

Senate 05-MAY-15

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

Patrick Harris
Secretary

House of Representatives
Passed: 04-JUN-15

By: Senator Scofield