

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

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§16-50-20.

25 "(a) There is hereby created a Board of Trustees for  
26 Alabama State University, the state educational institution at  
27 Montgomery, Alabama. The board of trustees shall consist of

1 two members from the congressional district in which the  
2 institution is located and one member from each of the other  
3 congressional districts in the state as constituted on October  
4 6, 1975, and who shall reside in that district, four members  
5 from the state at large who shall reside in different  
6 districts, three at-large members who may be selected from  
7 outside the state, and the Governor, who shall be ex officio  
8 president of the board. Except for a trustee at large, the  
9 position of any trustee shall be vacated at such time as he or  
10 she shall cease to reside in the district from which he or she  
11 was appointed. The trustees shall be appointed by the  
12 Governor, by and with the advice and consent of the Senate, in  
13 such manner that the membership shall consist of at least a  
14 majority who are alumni and who have received a bachelor's  
15 degree from the ~~said~~ university; at least one-half of the  
16 board shall be from the prevailing minority population of the  
17 state according to the last or any succeeding federal census.  
18 ~~Trustees shall hold office for staggered terms of three, six,~~  
19 ~~nine and 12 years with an equal number appointed to like~~  
20 ~~terms, such period of terms designated by the appointing~~  
21 ~~authority, with one-fourth to expire every three years, or~~  
22 ~~until their successors are appointed. The three at large~~  
23 ~~members who may be selected from outside the state shall be~~  
24 ~~appointed in 2015 for initial terms of four years, five years,~~  
25 ~~and six years, respectively, and for terms of six years~~  
26 ~~thereafter. Commencing on the effective date of the act~~  
27 ~~amending this subsection, members shall be appointed for terms~~

1 of six years. All appointments shall be effective until  
2 adversely acted upon by the Senate. Provided, however, no  
3 trustee who is currently serving on the board or whose term  
4 has just expired, who has been previously confirmed by the  
5 Senate, shall be required to be reconfirmed for the new term  
6 under this section, once appointed by the Governor. ~~A~~  
7 Commencing on the effective date of the act amending this  
8 subsection, no member may be appointed to serve a second term  
9 of 12 years, ~~but~~ and no member shall be appointed to serve as  
10 trustee for more than a total of 12 years or two six-year  
11 ~~terms. The first members, however, shall be eligible to serve~~  
12 ~~for two full additional terms in addition to their initial~~  
13 ~~terms.~~ No trustee shall receive any pay or emolument other  
14 than his or her actual expenses incurred in the discharge of  
15 his or her duties as such. ~~No member of the governing board or~~  
16 ~~employee or student of any public postsecondary education~~  
17 ~~institution, no elected or appointed official having the power~~  
18 ~~of review of the Alabama State University budget, other than~~  
19 ~~the Governor and no employee of the State of Alabama shall be~~  
20 ~~eligible to serve on the board.~~ No member shall serve past  
21 September 30 following his or her seventieth birthday.

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

1           "(c) (1) Commencing on the effective date of the act  
2 adding this subdivision, each trustee shall be appointed by  
3 the Governor from a list of three persons nominated by a  
4 nominating committee. The nominating committee shall consist  
5 of the following members:

6           "a. One member of the board as elected by the  
7 membership of the board.

8           "b. One member of the faculty senate as selected  
9 jointly by the faculty senate and the staff senate and  
10 certified to the committee by the president of the faculty  
11 senate and the president of the staff senate.

12           "c. The president of the student government  
13 association.

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

16           "e. One member of the Montgomery County House of  
17 Representatives Legislative Delegation, as selected by the  
18 delegation.

19           "f. The president of the national alumni  
20 association, or his or her designee.

21           "g. A community representative as selected by the  
22 membership of the nominating committee.

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

26           "(3) Thirty days before the expiration of the term  
27 of a board member, or within 20 days following the creation of

1 a vacancy in a term of office by death, resignation, or other  
2 cause, the president pro tempore of the board shall call a  
3 meeting of the nominating committee, giving at least 10 days'  
4 notice. The nominating committee, by majority vote of those  
5 present at the meeting, shall nominate to the Governor the  
6 names of three individuals who are qualified pursuant to  
7 subsection (a) to fill the respective position on the board.  
8 The Governor shall appoint one of the nominated persons to the  
9 board by and with the advice and consent of the Senate. If the  
10 appointment is made by the Governor while the Legislature is  
11 not in session, the name of the appointee of the Governor  
12 shall be submitted to the Senate not later than the third  
13 legislative day following the reconvening of the Legislature.  
14 If the appointment is made by the Governor while the  
15 Legislature is in session, the name of the appointee shall be  
16 submitted to the Senate not later than the next legislative  
17 day following the date of the appointment.

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

1 shall be effective retroactive to the date of the expiration  
2 of the previous term.

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

26 "(5) If the nominating committee fails to submit a  
27 list of nominees to the Governor within 30 days after a

1 vacancy occurs due to expiration of term, death, resignation,  
2 or any other cause, the Governor, by and with the advice and  
3 consent of the Senate, may appoint an otherwise qualified  
4 trustee to the board, notwithstanding the absence of such  
5 nominations.

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

10 "§16-50-26.

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

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

25 "(2) Upon the application in writing of any four  
26 members of the board, the Governor shall call a special  
27 meeting, naming the time and place thereof and causing notices

1 to be issued in writing to the several members of the board.  
2 Such meetings shall not be held on a date less than 10 days  
3 subsequent to the notices from the Governor.

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

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

1 Members of the board and any committees of the board may not  
2 utilize electronic communications except as in compliance with  
3 the Alabama Open Meetings Act. Except for emergency meetings,  
4 notice of board meetings shall be provided in accordance with  
5 the Alabama Open Meetings Act and telephone or video  
6 conference or similar communications equipment shall also  
7 allow members of the public the opportunity to simultaneously  
8 listen to or observe such meetings.

9 "§16-50-28.

10 "The certificate of the president of the board or,  
11 in his or her absence, of the president pro tempore,  
12 countersigned by the secretary, shall entitle the several  
13 trustees to the payment of their actual expenses incurred in  
14 the discharge of their duties as trustees ~~in conformity with~~  
15 ~~regulations governing travel expenses of state officials."~~

16 Section 2. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Education and Youth Affairs ..... 05-MAY-15

Read for the second time and placed on the calen-  
dar..... 14-MAY-15

Read for the third time and passed as amended .... 19-MAY-15

Yeas 28  
Nays 0

Patrick Harris  
Secretary