

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

1 SB454

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4 ENROLLED, An Act,

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§16-50-20.

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

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

1 subsection, members shall be appointed for terms of six years.

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

23 " (b) No trustee who is serving on the ~~said~~ board on
24 April 30, 1986, shall lose his or her seat because of this
25 section; provided, however, the Governor may re-designate the

1 period of the term of these members so as to conform to ~~the~~
2 ~~provisions of~~ subsection (a).

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

8 "a. One member of the board as elected by the
9 membership of the board.

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

14 "c. The president of the student government
15 association.

16 "d. One member of the business community as selected
17 by the Governor.

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

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

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

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

4 "(3) Thirty days before the expiration of the term
5 of a board member, or within 20 days following the creation of
6 a vacancy in a term of office by death, resignation, or other
7 cause, the president pro tempore of the board shall call a
8 meeting of the nominating committee, giving at least 10 days'
9 notice. The nominating committee, by majority vote of those
10 present at the meeting, shall nominate to the Governor the
11 names of three individuals who are qualified pursuant to
12 subsection (a) to fill the respective position on the board.
13 The Governor shall appoint one of the nominated persons to the
14 board by and with the advice and consent of the Senate. If the
15 appointment is made by the Governor while the Legislature is
16 not in session, the name of the appointee of the Governor
17 shall be submitted to the Senate not later than the third
18 legislative day following the reconvening of the Legislature.
19 If the appointment is made by the Governor while the
20 Legislature is in session, the name of the appointee shall be
21 submitted to the Senate not later than the next legislative
22 day following the date of the appointment.

23 "(4)a. If the vacancy on the board is caused by the
24 expiration of the term of a trustee who has served for less
25 than the maximum 12 years of service on the board, the

1 vacating trustee shall continue to serve on the board until
2 his or her successor is confirmed by the Senate. If the
3 holdover trustee is reappointed to the board, the term of
4 office for which he or she is reappointed shall be effective
5 retroactive to the date of the expiration of the previous
6 term. If a new trustee is appointed pursuant to this
7 paragraph, the term of office for which he or she is appointed
8 shall be effective retroactive to the date of the expiration
9 of the previous term.

10 "b. If the vacancy on the board is caused by death,
11 resignation, or the expiration of the term of a trustee who
12 has served for the maximum 12 years of service on the board,
13 the position on the board shall remain vacant until the name
14 of an appointee is submitted by the Governor to the Senate. If
15 the appointee is neither confirmed nor rejected by the Senate
16 during the session in which his or her name is submitted, the
17 appointee shall nevertheless continue to serve in the position
18 on the board until the next session of the Legislature, during
19 which his or her name shall be resubmitted for confirmation.
20 If an appointee is confirmed by the Senate, the term of office
21 for which he or she is appointed pursuant to this paragraph
22 shall be effective retroactive to the date the vacancy was
23 created on the board, for the remainder of the unexpired term
24 if the vacancy was created by death or resignation, or for the
25 entire term if the vacancy was created by the expiration of

1 the previous term. If an appointee is rejected by the Senate,
2 the position on the board shall remain vacant as the
3 nominating and appointing procedure provided in this
4 subsection begins anew and until an appointment is made and
5 confirmed by the Senate. If a trustee is appointed to fill an
6 unexpired term of less than three years, the time shall not be
7 counted toward the maximum 12 years of service.

8 "(5) If the nominating committee fails to submit a
9 list of nominees to the Governor within 30 days after a
10 vacancy occurs due to expiration of term, death, resignation,
11 or any other cause, the Governor, by and with the advice and
12 consent of the Senate, may appoint an otherwise qualified
13 trustee to the board, notwithstanding the absence of such
14 nominations.

15 "(d) The board shall provide for the conduct of
16 annual training sessions for trustees regarding the fiduciary
17 responsibility of a trustee to the university and any other
18 topic deemed appropriate by the board.

19 "§16-50-26.

20 "The first meeting of the Board of Trustees of
21 Alabama State University after all members have been appointed
22 shall be upon the call of the Governor. The board shall hold
23 regular meetings on the first Thursdays in May and November at
24 the university unless the board ~~shall~~, in regular session,
25 ~~shall~~ determine to hold its meetings at some other time and

1 place. The regular May meeting shall be the regular annual
2 meeting. Special meetings of the board may be assembled by
3 either one of the two methods outlined as follows:

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

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

15 "(3) An emergency meeting of the board may be called
16 when circumstances exist that are deemed by the Governor, by
17 the president pro tempore of the board, or by three members of
18 the board to present a risk to personal health, safety, or
19 property or to the operation of the university. The three
20 board members shall communicate their request for an emergency
21 meeting to the Governor or to the president pro tempore of the
22 board by the most expedient means available to them. Notice of
23 an emergency meeting shall be given at least 72 hours before
24 the time the emergency meeting is to commence unless the

1 circumstances of the emergency require the meeting to convene
2 sooner.

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

23 "§16-50-28.

24 "The certificate of the president of the board or,
25 in his or her absence, of the president pro tempore,

1 countersigned by the secretary, shall entitle the several
2 trustees to the payment of their actual expenses incurred in
3 the discharge of their duties as trustees ~~in conformity with~~
4 ~~regulations governing travel expenses of state officials."~~

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB454

Senate 19-MAY-15

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

Patrick Harris
Secretary

House of Representatives
Amended and passed 04-JUN-15

Senate concurred in House amendment 04-JUN-15

By: Senator Ross