

1 HB402
2 203465-1
3 By Representatives McMillan and Baker
4 RFD: Education Policy
5 First Read: 05-MAR-20

SYNOPSIS: Under existing law, an appointed member of the Board of Trustees of the Alabama Community College System may not serve more than two consecutive terms of office.

This bill would specify that an appointed member of the board may not serve more than two consecutive full terms of office.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Board of Trustees of the Alabama Community College System; to amend Section 16-60-111 of the Code of Alabama 1975, to specify that a member of the Board of Trustees of the Alabama Community College System may not serve more than two consecutive full terms of office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-60-111 of the Code of Alabama 1975, is amended to read as follows:

1 "§16-60-111.

2 "(a) There is established a Board of Trustees of the
3 Alabama Community College System. The board shall be composed
4 of the following members:

5 "(1) The Governor, who shall be ex officio president
6 of the board.

7 "(2) Seven members appointed by the Governor so that
8 one member of the board is a resident of each of the seven
9 congressional districts in the state as the districts are
10 constituted on May 12, 2015. The member appointed by the
11 Governor pursuant to this subdivision, representing the
12 congressional district in which the main campus of Athens
13 State University is located, shall serve as the member of the
14 Board of Trustees of Athens State University pursuant to
15 subdivision (3) of subsection (a) of Section 16-47A-4.

16 "(3) One ex officio, nonvoting member appointed by
17 the Governor who is actively serving on the State Board of
18 Education.

19 "(4) One member appointed by the Governor from the
20 state at large.

21 "(b) All members appointed by the Governor shall be
22 free from any contractual, employment, personal, or familial
23 financial interest in the Alabama Community College System.

24 "(c) If a member appointed from a congressional
25 district ceases to be a resident of the district from which
26 appointed, the member shall vacate his or her office. Members
27 appointed by the Governor from Districts 1, 3, 5, and 7 shall

1 be appointed for an initial term of two years, and every four
2 years thereafter. Members appointed by the Governor from
3 Districts 2, 4, and 6, and from the state at large, shall be
4 appointed for an initial term of four years, and every four
5 years thereafter.

6 "(d) All appointees to the board shall be subject to
7 confirmation by the Senate and shall be confirmed before
8 beginning a term of office. As vacancies occur on the board
9 for any cause, they shall be filled by the Governor for the
10 unexpired term, subject to confirmation by the Senate before
11 beginning service. An appointment made when the Legislature is
12 in regular session shall be submitted to the Senate not later
13 than the third legislative day following the date of
14 appointment. An appointment made when the Legislature is not
15 in regular session shall be submitted to the Senate not later
16 than the third legislative day following the reconvening of
17 the Legislature after the appointment.

18 "(e) The members of the board shall be qualified
19 electors of the State of Alabama, and the membership of the
20 board shall be inclusive and reflect the racial, gender,
21 geographic, urban/rural, and economic diversity of the state.
22 In making appointments to the board, the Governor shall give
23 special consideration to those persons who have attended a
24 community or technical college and who are familiar with the
25 two-year college system, or who have business leadership
26 experience. No employee of the state may serve as an appointed
27 member of the board. No appointed member of the board may

1 serve more than two consecutive full terms of office not
2 counting any partial term to which the member has been
3 appointed. Other than the ex officio members of the board, no
4 person currently serving in any elected office may
5 concurrently serve as a member of the board.

6 "(f) Upon appointment, and after confirmation, of
7 the initial members of the board, the board shall meet to
8 organize itself, to elect officers, other than the president,
9 as the board deems appropriate, and to transact any necessary
10 business. The board may adopt bylaws to govern operations and
11 create committees as deemed necessary. This organizational
12 meeting of the board is not considered a regular meeting of
13 the board.

14 "(g) The board shall meet not less than quarterly on
15 dates to be set by the board in official session, by the
16 president, or by the Chancellor on written request of a
17 majority of the board members. One meeting of the board each
18 year shall be held with the members of the State Board of
19 Education. The rules generally adopted by deliberative bodies
20 for their government shall be observed and a quorum of five
21 shall be present. Members of the board or any committee of the
22 board may participate in meetings of the board or committees
23 by telephone conference or similar communications equipment
24 through which all persons participating in the meeting can
25 hear each other at the same time, and participation by the
26 members shall constitute presence at a meeting for all

1 purposes. The Chancellor shall give notice of any meeting as
2 required by law.

3 "(h) The members of the board shall receive no
4 compensation for service on the board. Members shall be
5 reimbursed for actual traveling and other necessary expenses
6 incurred in attending meetings and transacting the business of
7 the board. Reimbursement shall be paid out of the Education
8 Trust Fund in the same manner as other expenses of the board
9 are paid.

10 "(i) If not otherwise required by law, each member
11 of the board shall file a completed statement of economic
12 interests, pursuant to Section 36-25-24, for the previous
13 calendar year with the State Ethics Commission no later than
14 April 30th of each year, and shall be covered by all aspects
15 and requirements of the State Ethics Law, Chapter 25 of Title
16 36. Members of the board shall be indemnified for any loss
17 incurred as a result of damage done in the performance of
18 their duties as a member of the board and for which the member
19 is personally liable. Members shall be covered under the
20 General Liability Trust Fund in accordance with Section
21 36-1-6.1.

22 "(j) Before exercising any authority or performing
23 any duty, each member of the board shall qualify as such by
24 taking and subscribing to the oath of office prescribed by the
25 state constitution, the certificate of which shall be filed
26 with the records of the board. The Governor may remove any
27 appointed member of the board for immorality, misconduct in

1 office, incompetency, or willful neglect of duty, giving the
2 member a copy of the charges against him or her and, upon not
3 less than 10 days' notice, an opportunity of being heard
4 publicly in person or by counsel in his or her own defense. If
5 any member shall be removed, the Governor shall file in the
6 office of the Secretary of State a complete statement of all
7 charges against the member, any findings, and a complete
8 record of the proceedings."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.