

1 HB519
2 193467-1
3 By Representative Knight
4 RFD: Education Policy
5 First Read: 15-MAR-18

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8 SYNOPSIS: Under existing law, the Board of Trustees of
9 Alabama State University has exclusive
10 jurisdiction, supervision, and control of Alabama
11 State University.

12 This bill would remove the prohibition
13 against persons aged 70 and older serving on the
14 board of trustees.

15 This bill would provide further for the
16 authority and responsibilities of the board of
17 trustees and the president of the university in
18 organizing and providing for the day-to-day
19 operation of the university.

20 This bill would also increase the number of
21 trustees necessary to constitute a quorum from six
22 to eight.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Sections 16-50-20, 16-50-23, and 16-50-27,
2 Code of Alabama 1975, relating to Alabama State University, to
3 remove the prohibition against persons aged 70 and older
4 serving on the board of trustees; to provide further for the
5 authority and responsibilities of the board of trustees and
6 the president of the university; and to increase the number
7 of trustees necessary to constitute a quorum from six to
8 eight.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 16-50-20, 16-50-23, and 16-50-27
11 of the Code of Alabama 1975, are amended to read as follows:

12 "§16-50-20.

13 "(a) There is hereby created a Board of Trustees for
14 Alabama State University, the state educational institution at
15 Montgomery, Alabama. The board of trustees shall consist of
16 two members from the congressional district in which the
17 institution is located and one member from each of the other
18 congressional districts in the state as constituted on October
19 6, 1975, and who shall reside in that district, four members
20 from the state at large who shall reside in different
21 districts, two of whom shall be non-minority members, two
22 at-large members who may be selected from outside the state,
23 and the Governor, who shall be ex officio president of the
24 board. Except for a trustee at large, the position of any
25 trustee shall be vacated at such time as he or she shall cease
26 to reside in the district from which he or she was appointed.
27 The position of state at-large trustee shall be vacated if the

1 trustee serving in the position shall cease to reside in the
2 State of Alabama. The trustees shall be appointed by the
3 Governor, by and with the advice and consent of the Senate, in
4 such manner that the membership shall consist of at least a
5 majority who are alumni and who have received a bachelor's
6 degree from the university; at least one-half of the board
7 shall be from the prevailing minority population of the state
8 according to the last or any succeeding federal census. The
9 two at large members who may be selected from outside the
10 state shall be appointed in 2015 for initial terms of five
11 years and six years, respectively, and for terms of six years
12 thereafter. Commencing on June 11, 2015, members shall be
13 appointed for terms of six years. All appointments shall be
14 effective until adversely acted upon by the Senate. Provided,
15 however, no trustee who is currently serving on the board or
16 whose term has just expired, who has been previously confirmed
17 by the Senate, shall be required to be reconfirmed for the new
18 term under this section, once appointed by the Governor.
19 Commencing on June 11, 2015, no member may be appointed to
20 serve a second term of 12 years, and no member shall be
21 appointed to serve as trustee for more than a total of 12
22 years or two six-year terms. No trustee shall receive any pay
23 or emolument other than his or her actual expenses incurred in
24 the discharge of his or her duties as such. ~~No member shall~~
25 ~~serve past September 30 following his or her seventieth~~
26 ~~birthday.~~

1 "(b) No trustee who is serving on the board on April
2 30, 1986, shall lose his or her seat because of this section;
3 provided, however, the Governor may re-designate the period of
4 the term of these members so as to conform to subsection (a).

5 "(c) (1) Commencing on June 11, 2015, each trustee
6 shall be appointed by the Governor from a list of three
7 persons nominated by a nominating committee. The nominating
8 committee shall consist of the following members:

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

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

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

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

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

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

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

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

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

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

1 term. If a new trustee is appointed pursuant to this
2 paragraph, the term of office for which he or she is appointed
3 shall be effective retroactive to the date of the expiration
4 of the previous term.

5 "b. If the vacancy on the board is caused by death,
6 resignation, or the expiration of the term of a trustee who
7 has served for the maximum 12 years of service on the board,
8 the position on the board shall remain vacant until the name
9 of an appointee is submitted by the Governor to the Senate. If
10 the appointee is neither confirmed nor rejected by the Senate
11 during the session in which his or her name is submitted, the
12 appointee shall nevertheless continue to serve in the position
13 on the board until the next session of the Legislature, during
14 which his or her name shall be resubmitted for confirmation.
15 If an appointee is confirmed by the Senate, the term of office
16 for which he or she is appointed pursuant to this paragraph
17 shall be effective retroactive to the date the vacancy was
18 created on the board, for the remainder of the unexpired term
19 if the vacancy was created by death or resignation, or for the
20 entire term if the vacancy was created by the expiration of
21 the previous term. If an appointee is rejected by the Senate,
22 the position on the board shall remain vacant as the
23 nominating and appointing procedure provided in this
24 subsection begins anew and until an appointment is made and
25 confirmed by the Senate. If a trustee is appointed to fill an
26 unexpired term of less than three years, the time shall not be
27 counted toward the maximum 12 years of service.

1 "(5) If the nominating committee fails to submit a
2 list of nominees to the Governor within ~~30~~ 60 days after a
3 vacancy occurs due to expiration of term, death, resignation,
4 or any other cause, the Governor, by and with the advice and
5 consent of the Senate, may appoint an otherwise qualified
6 trustee to the board, notwithstanding the absence of such
7 nominations.

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

12 "§16-50-23.

13 ~~"The board of trustees shall have the power to
14 organize the university by appointing a president or removing
15 a president for cause, whose salary shall be fixed by the
16 board and who shall serve as chief executive officer of the
17 university; and, upon his recommendation, the board shall
18 appoint a corps of instructors, who shall be styled the
19 faculty of the university, and such other officers and
20 professional and operating personnel as the interest of the
21 university may require; and to remove such instructors or
22 other personnel and to fix their salaries or compensation and
23 increase or reduce the same at its discretion; to regulate,
24 alter or modify the government of the university as it may
25 deem advisable; to prescribe courses of instruction, rates of
26 tuition and fees; to confer such academic and honorary degrees
27 as are usually conferred by institutions of similar character;~~

1 ~~and to do whatever else it may deem best for promoting the~~
2 ~~interest of the university.~~

3 "(a) The board of trustees shall appoint a president
4 who shall serve as the chief executive officer of the
5 university and as secretary to the board and shall perform all
6 services as may be required by the board. The compensation of
7 the president, including the emoluments and prerequisites
8 necessary to carry out the functions of the office, shall be
9 fixed by the board.

10 "(b) The board of trustees may act as a body, or may
11 delegate by resolution or bylaw to a committee of the board or
12 to the president, the authority to do any of the following:

13 "(1) Institute, regulate, alter, or modify the
14 organization of the university, subject to the review and
15 approval of the board.

16 "(2) Appoint a corps of instructors who shall be
17 styled the faculty of the university.

18 "(3). Appoint other instructors, officers, and
19 professionals as the interest of the university may require.

20 "(4) Hire personnel, establish and implement
21 personnel rules, and establish policies and practices for
22 hiring, promoting, demoting, and terminating instructors,
23 other personnel, and employees, or for taking any other action
24 consistent with this section.

25 "(5) Fix, increase, or decrease the salaries or
26 compensation of individual instructors and other personnel.

27 "(6) Remove any instructors or other personnel.

1 "(7) Prescribe courses of instruction, rates of
2 tuition, and fees, subject to the review and approval of the
3 board.

4 "(8) Confer academic and honorary degrees as are
5 usually conferred by institutions of similar character.

6 "§16-50-27.

7 "~~Six~~ Eight members, exclusive of the Governor, of
8 the board of trustees shall constitute a quorum, but a smaller
9 number may adjourn from day to day until a quorum is present."

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.