

1 SB365  
2 128875-1  
3 By Senators Sanford, Coleman, McGill, Scofield, Holtzclaw and  
4 Orr  
5 RFD: Education  
6 First Read: 06-APR-11

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8 SYNOPSIS: Under existing law, the members of the Board  
9 of Trustees of Alabama Agricultural and Mechanical  
10 University are appointed by the Governor, with the  
11 advice and consent of the Senate.

12 This bill would clarify when an appointment  
13 becomes effective and would provide that, in the  
14 event of a vacancy on the board, a nominating  
15 committee would submit the names of three qualified  
16 nominees to the Governor for appointment, with the  
17 advice and consent of the Senate.

18 Under existing law, trustees are not  
19 required to participate in any training regarding  
20 their duties as trustees.

21 This bill would require the board to develop  
22 a training program for trustees and would specify  
23 the content of the training.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2           Relating to Alabama Agricultural and Mechanical  
3 University; to amend Sections 16-49-20, 16-49-21, and  
4 16-49-23, Code of Alabama 1975, relating to the board of  
5 trustees; to establish a nominating committee process for  
6 nominating and appointing trustees to the board; to clarify  
7 when an appointment to the board becomes effective; to provide  
8 that at-large trustees may be from the nation at large; to  
9 require the board to develop a training program for trustees  
10 and to specify the content of that training; and to repeal  
11 Section 16-49-25, Code of Alabama 1975.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. Sections 16-49-20, 16-49-21, and 16-49-23  
14 of the Code of Alabama 1975, are amended to read as follows:

15           "§16-49-20.

16           "(a) (1) There is created a Board of Trustees for  
17 Alabama Agricultural and Mechanical University, a state  
18 land-grant educational institution at Huntsville. The board of  
19 trustees shall consist of 12 members, two members who shall  
20 reside in the congressional district in which the institution  
21 is situated; one member shall reside in each of the remaining  
22 congressional districts in the state as constituted on  
23 September 5, 1975, and shall be a bona fide resident and  
24 qualified elector of that district, with a verifiable physical  
25 presence in that district, during the entire term of office;  
26 three at-large members who may be selected from outside the  
27 state; and the Governor, who shall be ex officio president of

1 the board. The president of the student government association  
2 and the president of the faculty senate shall be ex officio  
3 nonvoting members of the board. If a trustee appointed from a  
4 congressional district ceases to be a bona fide resident and  
5 qualified elector of the district from which appointed, or  
6 ceases to have a verifiable physical presence in that  
7 district, the trustee shall vacate his or her office.

8 "(2) Before the effective date of the act amending  
9 this subsection, the ~~The~~ trustees shall be appointed by the  
10 Governor, by and with the advice and consent of the Senate.

11 "(3) The membership shall include at least three  
12 members who have earned a degree from Alabama Agricultural and  
13 Mechanical University.

14 "(4) Except for the first trustees appointed,  
15 trustees shall hold office for a term of six years. No member  
16 presently serving as of January, 1989 shall have his or her  
17 current term of office terminated because of these provisions.

18 "(5) All appointments shall be effective ~~immediately~~  
19 ~~ad interim~~ upon confirmation by the Senate.

20 "(6) The board shall be divided into three classes  
21 so that at least one third shall be appointed biennially. Of  
22 the first members appointed to the board, three shall be  
23 designated by the Governor to serve until January 31, 1978;  
24 four until January 31, 1980; and four to serve until January  
25 31, 1982.

26 "(7) A trustee may be appointed to serve a second  
27 term of six years, but no trustee shall be appointed to serve

1 more than a total of 12 years, except as otherwise provided in  
2 paragraph b. of subdivision (4) of subsection (b).

3 "(8) No trustee shall receive any pay or emolument  
4 other than his or her actual expenses incurred in the  
5 discharge of his or her duties.

6 "(9) No member of the governing board, no officer of  
7 any public postsecondary educational institution, and no  
8 elected or appointed official having the power of review of  
9 the Alabama Agricultural and Mechanical University budget,  
10 other than the Governor, shall be eligible to serve on the  
11 board of trustees.

12 "(10) Any board member may be removed by four-fifths  
13 vote of the membership of the board for misconduct,  
14 incapacity, incompetence, or neglect of duty after the board  
15 member so charged has been served with a written statement of  
16 charges and has been given an opportunity to be heard.

17 "(b) (1) On or after the effective date of this  
18 amendatory act, each trustee shall be appointed by the  
19 Governor from a list of three persons nominated by a  
20 nominating committee. The nominating committee shall consist  
21 of the following members:

22 "a. One member of the board of trustees as elected  
23 by the membership of the board of trustees.

24 "b. One member as selected jointly by the faculty  
25 senate and the staff senate and certified to the committee by  
26 the president of the faculty senate and the president of the  
27 staff senate.

1           "c. The president of the student government  
2 association.

3           "d. The President of the Huntsville-Madison County  
4 Chamber of Commerce, or his or her designee.

5           "e. One member of the Madison County Legislative  
6 Delegation, as selected by the delegation.

7           "f. The president of the national alumni  
8 association, or his or her designee.

9           "g. A community representative as selected by the  
10 other members of the nominating committee.

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

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

1 not later than the third legislative day following the  
2 reconvening of the Legislature. If the appointment is made by  
3 the Governor while the Legislature is in session the name of  
4 the appointee shall be submitted to the Senate not later than  
5 the next legislative day following the date of the  
6 appointment.

7 "(4)a. If the vacancy on the board is caused by the  
8 expiration of the term of a trustee who has served for less  
9 than the maximum 12 years on the board, the vacating trustee  
10 shall continue to serve on the board until his or her  
11 successor is confirmed by the Senate. If the holdover trustee  
12 is reappointed to the board, the term of office for which he  
13 or she is reappointed shall be effective retroactive to the  
14 date of the expiration of the previous term. If a new trustee  
15 is appointed pursuant to this paragraph, the term of office  
16 for which he or she is appointed shall be effective  
17 retroactive to the date of the expiration of the previous  
18 term.

19 "b. If the vacancy on the board is caused by death,  
20 resignation, or the expiration of the term of a trustee who  
21 has served for the maximum 12 years on the board, the position  
22 on the board shall remain vacant until the name of an  
23 appointee is submitted by the Governor to the Senate. If the  
24 appointee is not confirmed or rejected by the Senate during  
25 the session in which his or her name is submitted, the  
26 appointee shall nevertheless continue to serve in the position  
27 on the board until the next session of the Legislature, during

1 which his or her name shall be resubmitted for confirmation.  
2 If an appointee is confirmed by the Senate, the term of office  
3 for which he or she is appointed pursuant to this paragraph  
4 shall be effective retroactive to the date the vacancy was  
5 created on the board, for the remainder of the unexpired term  
6 if the vacancy was created by death or resignation, or for the  
7 entire term if the vacancy was created by the expiration of  
8 the previous term. If an appointee is rejected by the Senate,  
9 the position on the board shall remain vacant as the  
10 nominating and appointing procedure provided in this  
11 subsection begins anew and until an appointment is made and  
12 confirmed by the Senate. If a trustee is appointed to fill an  
13 unexpired term of less than three years, the time shall not be  
14 counted toward the maximum 12 years of service.

15 "(5) If the nominating committee fails to submit a  
16 list of nominees to the Governor within 30 days after a  
17 vacancy occurs due to expiration of term, death, resignation,  
18 or any other cause, the Governor, by and with the advice and  
19 consent of the Senate, may appoint an otherwise qualified  
20 trustee to the board, notwithstanding the absence of such  
21 nominations.

22 "(c) The board shall provide for the conduct of  
23 annual training sessions for trustees regarding the fiduciary  
24 responsibility of a trustee to the university and any other  
25 topic deemed appropriate by the board.

26 "§16-49-21.



1           "The Governor, by virtue of his or her office, and  
2 the trustees appointed from the several congressional  
3 districts of the state and the nation at large, pursuant to  
4 Section 16-49-20, and their successors in office are  
5 constituted a body corporate under the name of "Board of  
6 Trustees for Alabama Agricultural and Mechanical University."

7           "§16-49-23.

8           "The primary responsibility of the board of trustees  
9 is to set policy for the university. The board also has the  
10 power to organize the university by appointing a president,  
11 whose salary shall be fixed by the board, ~~and by employing a~~  
12 ~~corps of instructors, who shall be nominated to the board in~~  
13 ~~writing by the president and who shall be styled the faculty~~  
14 ~~of the university and such other instructors and officers as~~  
15 ~~the interests of the university may require; and to remove any~~  
16 ~~such instructors or other officers, and to fix their salaries~~  
17 ~~or compensation and increase or reduce the same at its~~  
18 ~~discretion;~~ to regulate, alter, and modify the government of  
19 the university, as it may deem advisable; to prescribe courses  
20 of instruction, rates of tuition, and fees; to confer such  
21 academic and honorary degrees as are usually conferred by  
22 institutions of similar character; and to do whatever else ~~it~~  
23 the board may deem best for promoting the interest of the  
24 university. The board shall not engage in activity that  
25 interferes with the day-to-day operation of the university."

26           Section 2. Section 16-49-25, Code of Alabama 1975,  
27 providing for the filling of a vacancy in the office of

1 trustee of Alabama Agricultural and Mechanical University is  
2 repealed.

3 Section 3. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.