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3 SENATE EDUCATION AND YOUTH AFFAIRS COMMITTEE SUBSTITUTE FOR  
4 SB236

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

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

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

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

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§16-50-20.

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

1 The position of state at-large trustee shall be vacated if the  
2 trustee serving in the position shall cease to reside in the  
3 State of Alabama. The trustees shall be appointed by the  
4 Governor, by and with the advice and consent of the Senate, in  
5 such manner that the membership shall consist of at least a  
6 majority who are alumni and who have received a bachelor's  
7 degree from the university; at least one-half of the board  
8 shall be from the prevailing minority population of the state  
9 according to the last or any succeeding federal census. The  
10 two at large members who may be selected from outside the  
11 state shall be appointed in 2015 for initial terms of five  
12 years and six years, respectively, and for terms of six years  
13 thereafter. Commencing on June 11, 2015, members shall be  
14 appointed for terms of six years. All appointments shall be  
15 effective until adversely acted upon by the Senate. Provided,  
16 however, no trustee who is currently serving on the board or  
17 whose term has just expired, who has been previously confirmed  
18 by the Senate, shall be required to be reconfirmed for the new  
19 term under this section, once appointed by the Governor.  
20 Commencing on June 11, 2015, no member may be appointed to  
21 serve a second term of 12 years, and no member shall be  
22 appointed to serve as trustee for more than a total of 12  
23 years or two six-year terms. No trustee shall receive any pay  
24 or emolument other than his or her actual expenses incurred in  
25 the discharge of his or her duties as such. ~~No member shall~~  
26 ~~serve past September 30 following his or her seventieth~~  
27 ~~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.