HB108

R6RBYYN-1

By Representatives Clouse, Sorrells, Rehm (Constitutional Amendment)

RFD: Local Legislation

First Read: 06-Feb-24

SYNOPSIS:

Under existing general law, a local health care authority determines procedures for appointing board members through its articles of incorporation. The Houston County Health Care Authority is a duly constituted local health care authority created pursuant to general law.

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Houston County, to authorize the Houston County Commission to appoint members to the board of the Houston County Health Care Authority.

A BILL

TO BE ENTITLED

AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Houston County, to authorize the Houston County Commission to appoint members to the Houston County Health Care Authority Board of Directors; and to further provide for the replacement of members who have completed their six-year term.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) On and after the ratification of this amendment, for any existing vacancy, as vacancies occur, and at the expiration of any term of office of any director, the directors of the board of the Houston County Health Care Authority, or any successor health care authority in Houston County established or reincorporated pursuant to Article 11 of Chapter 21 of Title 22, Code of Alabama 1975, or any other provision of law, who are appointed by the Houston County Commission shall be individuals appointed by the county commission at its discretion and without regard to any individuals nominated by the board. Any member appointed shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude.

(b) Any director of the board of the Houston County Health Care Authority who has completed a six-year term as of the ratification of this amendment, whether that director was appointed or elected by the county commission to serve an additional term or whose term has expired without a successor having been elected or appointed, shall have his or her position on the board immediately vacated and shall be replaced by the county commission no later than 30 days after the ratification of this amendment. Any director who has not completed a six-year term as of the ratification of this amendment may complete his or her term. Upon the expiration of the term, each replacement must reflect the requirements of

this amendment.

(c) The board of the Houston County Health Care Authority shall amend the governing documents of the authority to reflect the requirements of this amendment.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

END PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284, 284.01, and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Houston County, proposing an amendment to the Constitution of Alabama of 2022, to authorize the elected members of the Houston County Commission to appoint members to the Board of Directors of the Houston County Health Care Authority to ensure the public interest of the residents of Houston County.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes( ) No( )."

Section 3. The proposed amendment shall become valid as part of the Constitution of Alabama of 2022, when approved by a majority of the qualified electors voting thereon.