

1 SB311
2 166914-4
3 By Senator Scofield
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 31-MAR-15

1 SB311

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 24-6-3, Code of Alabama 1975,
12 regarding the advisory board of the Alabama Manufactured
13 Housing Commission; to provide for nominees from the Alabama
14 Manufactured Housing Association and for meeting times of the
15 advisory board.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 24-6-3, Code of Alabama 1975, is
18 amended to read as follows:

19 "§24-6-3.

20 "(a) The advisory board of the commission shall be
21 composed of nine advisory only members, each of whom shall
22 have been a resident of Alabama for at least five years prior
23 to appointment.

24 "(b) Six of the members shall be appointed by the
25 Governor, subject to Senate confirmation, as follows:

26 "(1) From a list of nine nominees submitted by the
27 Alabama Manufactured Housing ~~Institute~~ Association, the

1 Governor shall appoint three members who shall be from the
2 Alabama manufactured housing industry and of those three
3 members, two members shall represent the manufacturers and one
4 member shall represent the retailers. No employee of ~~AMHT~~ AMHA
5 shall serve on the commission. The terms of office of the
6 initial appointees shall be one for one year, one for two
7 years, and one for three years.

8 "(2) There shall be three consumer representatives
9 appointed as follows: The Governor shall appoint from the
10 general public three members who shall serve as consumer
11 representatives and whose initial term of office shall be one
12 for one year, one for two years, and one for three years. The
13 appointees from the general public shall serve as consumer
14 representatives with one appointee living in a manufactured
15 home at the time of appointment. The appointments shall be
16 selected from the current congressional districts as follows:
17 One appointee shall reside in congressional district 4 or 5,
18 one appointee shall reside in congressional district 3 or 6,
19 one appointee shall reside in congressional district 1 or 2 or
20 7.

21 "(c) There shall be three governmental
22 representatives appointed as follows:

23 "(1) The President Pro Tempore of the Senate shall
24 appoint one member who is a representative from any local
25 government for an initial term of two years.

1 "(2) The Speaker of the House of Representatives
2 shall appoint one member who is a member of the House of
3 Representatives.

4 "(3) The Lieutenant Governor shall appoint one
5 member who is a member of the Senate.

6 "(d) Appointment, reappointment, vacancies,
7 compensation, meetings, and responsibilities shall be as
8 follows:

9 "(1) Appointed members shall be eligible for
10 reappointment.

11 "(2) Any vacancy or new appointment shall be filled
12 by the appointing authority for the unexpired term in the same
13 manner as the original appointment was made, except that the
14 number of nominees for the industry members shall be reduced
15 to three for each vacancy.

16 "(3) The successors to the initial appointees shall
17 serve terms of five years.

18 "(4) The members who are appointed by the Speaker of
19 the House of Representatives, Lieutenant Governor, and the
20 President Pro Tempore of the Senate shall serve for the
21 initial terms of their elected office and may be reappointed
22 by the appointing authority for additional terms.

23 "(5) The administrator, or other persons responsible
24 for handling all matters under the National Manufactured
25 Housing Construction and Safety Standards Act of 1974, shall
26 have no actual or potential conflict of interest nor be under
27 the influence or control of a manufacturer of products or a

1 retailer, supplier, or vendor of products in any manner which
2 may affect his or her capacity to perform the function of the
3 job objectively and without bias. The Alabama Ethics
4 Commission shall investigate any report of a conflict of
5 interest and, upon a finding of a conflict of interest, the
6 Governor shall remove any such person having a conflict of
7 interest. A member of the advisory board of the housing
8 commission who has a direct pecuniary interest in any matter
9 before the advisory board of the housing commission shall
10 disclose that fact before the advisory board takes action at
11 any meeting with respect to the matter, and he or she shall
12 not vote, participate, or be present at any such meeting.
13 Disclosure of such a pecuniary interest shall become a part of
14 the official record of the proceedings of the advisory board
15 of the commission.

16 "(6) A person appointed as a general consumer or
17 government representative shall not have any ownership
18 interest in or income benefit from a manufacturer of
19 manufactured homes, a retail seller of manufactured homes, a
20 community, or a supplier of products or services to the
21 manufactured housing industry. These appointees shall not have
22 any financial contracts or provide or accept any services with
23 anyone in the manufactured housing industry except to the
24 extent the consumer lives in a manufactured home.

25 (7) Membership of the advisory board shall reflect
26 the geographical, gender, racial, and ethnic diversity of the
27 state without regard to party affiliation.

1 "~~(7)~~ (8)The members of the advisory board of the
2 commission shall select from its membership a person to serve
3 as chair. The chair shall preside over the advisory board
4 meetings. The chair may not serve for more than two
5 consecutive terms of two years each.

6 "~~(8)~~ (9)The Governor shall make appointments within
7 30 days following receipt of the list of nominees from the
8 agencies and if not made within 30 days, nominees are no
9 longer valid and a new list of nominees must be submitted.
10 Appointments requiring Senate approval made at times when the
11 Legislature is not in session shall be effective ad interim.
12 Ad interim appointments shall be made in the same manner as
13 appointments made during a legislative session. An appointment
14 made by the Governor when the Legislature is in session shall
15 be submitted to the Senate not later than the third
16 legislative day following the date of the appointment. An
17 appointment made when the Legislature is not in session shall
18 be submitted to the Senate not later than the third
19 legislative day following the reconvening of the Legislature.

20 "~~(9)~~ (10)All members of the advisory board of the
21 commission, except legislative members, shall be paid one
22 hundred dollars (\$100) for each day the members of the
23 advisory board of the commission meet and shall receive the
24 same per diem and allowance for meetings of the advisory board
25 as is paid to state employees for official state business.
26 Legislative members shall be entitled to receive their regular
27 legislative compensation.

1 "~~(10)~~ (11)The advisory board shall meet at least
2 ~~four~~ two times per year and at such times as called by the
3 chair. Notice of regular meetings shall be given by the chair
4 to advisory board members at least five business days prior to
5 the meeting. Special called meetings shall similarly require
6 five days' notice in writing. Five members of the advisory
7 board shall constitute a quorum for all purposes. Vacancies on
8 the advisory board shall be filled by nomination and
9 appointment within 30 days by the same procedure as the
10 original appointments. Vacancies may occur through death or
11 resignation of an advisory board member, or other reasons."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Economic
Development..... 31-MAR-15

Read for the second time and placed on the calen-
dar with 1 substitute and..... 09-APR-15

Read for the third time and passed as amended 05-MAY-15

Yeas 29
Nays 0

Patrick Harris
Secretary