

1 SB311
2 166088-1
3 By Senator Scofield
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 31-MAR-15

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8 SYNOPSIS: Under existing law, the advisory board of
9 the Alabama Manufactured Housing Commission
10 consists of nine members from the Alabama
11 Manufactured Housing Institute.

12 This bill would provide for those nine
13 members to be from the Alabama Manufactured Housing
14 Association.

15 This bill would change the meeting from four
16 times to two times per year.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 24-6-3, Code of Alabama 1975,
23 regarding the advisory board of the Alabama Manufactured
24 Housing Commission; to provide for nominees from the Alabama
25 Manufactured Housing Association and for meeting times of the
26 advisory board.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§24-6-3.

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

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

10 "(1) From a list of nine nominees submitted by the
11 Alabama Manufactured Housing ~~Institute~~ Association, the
12 Governor shall appoint three members who shall be from the
13 Alabama manufactured housing industry and of those three
14 members, two members shall represent the manufacturers and one
15 member shall represent the retailers. No employee of ~~AMHF~~ AMHA
16 shall serve on the commission. The terms of office of the
17 initial appointees shall be one for one year, one for two
18 years, and one for three years.

19 "(2) There shall be three consumer representatives
20 appointed as follows: The Governor shall appoint from the
21 general public three members who shall serve as consumer
22 representatives and whose initial term of office shall be one
23 for one year, one for two years, and one for three years. The
24 appointees from the general public shall serve as consumer
25 representatives with one appointee living in a manufactured
26 home at the time of appointment. The appointments shall be
27 selected from the current congressional districts as follows:

1 One appointee shall reside in congressional district 4 or 5,
2 one appointee shall reside in congressional district 3 or 6,
3 one appointee shall reside in congressional district 1 or 2 or
4 7.

5 "(c) There shall be three governmental
6 representatives appointed as follows:

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

10 "(2) The Speaker of the House of Representatives
11 shall appoint one member who is a member of the House of
12 Representatives.

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

15 "(d) Appointment, reappointment, vacancies,
16 compensation, meetings, and responsibilities shall be as
17 follows:

18 "(1) Appointed members shall be eligible for
19 reappointment.

20 "(2) Any vacancy or new appointment shall be filled
21 by the appointing authority for the unexpired term in the same
22 manner as the original appointment was made, except that the
23 number of nominees for the industry members shall be reduced
24 to three for each vacancy.

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

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

6 "(5) The administrator, or other persons responsible
7 for handling all matters under the National Manufactured
8 Housing Construction and Safety Standards Act of 1974, shall
9 have no actual or potential conflict of interest nor be under
10 the influence or control of a manufacturer of products or a
11 retailer, supplier, or vendor of products in any manner which
12 may affect his or her capacity to perform the function of the
13 job objectively and without bias. The Alabama Ethics
14 Commission shall investigate any report of a conflict of
15 interest and, upon a finding of a conflict of interest, the
16 Governor shall remove any such person having a conflict of
17 interest. A member of the advisory board of the housing
18 commission who has a direct pecuniary interest in any matter
19 before the advisory board of the housing commission shall
20 disclose that fact before the advisory board takes action at
21 any meeting with respect to the matter, and he or she shall
22 not vote, participate, or be present at any such meeting.
23 Disclosure of such a pecuniary interest shall become a part of
24 the official record of the proceedings of the advisory board
25 of the commission.

26 "(6) A person appointed as a general consumer or
27 government representative shall not have any ownership

1 interest in or income benefit from a manufacturer of
2 manufactured homes, a retail seller of manufactured homes, a
3 community, or a supplier of products or services to the
4 manufactured housing industry. These appointees shall not have
5 any financial contracts or provide or accept any services with
6 anyone in the manufactured housing industry except to the
7 extent the consumer lives in a manufactured home.

8 "(7) The members of the advisory board of the
9 commission shall select from its membership a person to serve
10 as chair. The chair shall preside over the advisory board
11 meetings. The chair may not serve for more than two
12 consecutive terms of two years each.

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

1 "(9) All members of the advisory board of the
2 commission, except legislative members, shall be paid one
3 hundred dollars (\$100) for each day the members of the
4 advisory board of the commission meet and shall receive the
5 same per diem and allowance for meetings of the advisory board
6 as is paid to state employees for official state business.
7 Legislative members shall be entitled to receive their regular
8 legislative compensation.

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

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