

1 SB510
2 131395-6
3 By Senators Whatley and Marsh (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 24-MAY-11

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8 SYNOPSIS: The membership of the Auburn University
9 Board of Trustees includes the Governor and 13
10 members appointed by an appointing committee and
11 confirmed by the Senate as follows: One member from
12 each of the nine congressional districts in the
13 state as constituted on January 1, 1961, one member
14 from Lee County, and three at-large members who are
15 residents of the continental United States.

16 This bill would revise the membership of the
17 board to include the Governor and 13 members
18 appointed by an appointing committee and confirmed
19 by the Senate as follows: one member from each
20 district in the state as provided for in this
21 amendment, one member from Lee County and five
22 at-large members who are residents of the
23 continental United States.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To propose an amendment to Amendment 670 to the
3 Constitution of Alabama of 1901, now appearing as Section 266
4 of the Official Recompilation of the Constitution of Alabama
5 of 1901, as amended, relating to the Auburn University Board
6 of Trustees; to revise the membership of the board to include
7 the Governor, one member from each district, four at-large
8 members who are residents of the continental United States and
9 the immediate past president of the Auburn Alumni Association.
10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. The following amendment to Amendment 670
12 to the Constitution of Alabama of 1901, now appearing as
13 Section 266 of the Official Recompilation of the Constitution
14 of Alabama of 1901, as amended, is proposed and shall become
15 valid as a part thereof when approved by a majority of the
16 qualified electors voting thereon and in accordance with
17 Sections 284, 285, and 287 of the Constitution of Alabama of
18 1901, as amended:

19 PROPOSED AMENDMENT

20 "Amendment 670.

21 "Auburn University shall be under the management and
22 control of a board of trustees. The Commencing on the date
23 this amendatory language is ratified, the board of trustees
24 shall consist of one member from each of the ~~congressional~~
25 seven districts in the state as provided for below ~~the same~~
26 ~~were constituted on the first day of January, 1961,~~ one member
27 from Lee County, four at-large members who shall be residents

1 of the continental United States, and the immediate past
2 president of the Auburn Alumni Association, two at-large
3 members both of whom shall be a resident of the continental
4 United States, the state superintendent of education serving
5 on the date this amendatory language is ratified, who shall
6 serve until leaving the office of superintendent, one
7 additional at-large member who shall be a resident of the
8 continental United States, and who shall succeed the current
9 State Superintendent of Education on the board of trustees
10 immediately upon the superintendent leaving office, and the
11 governor, who shall be ex officio president of the board.

12 The respective districts shall be comprised of the
13 following Alabama counties: District 1 -- Baldwin, Clarke,
14 Escambia, Mobile, Monroe, and Washington; District 2 --
15 Barbour, Bullock, Butler, Coffee, Conecuh, Covington,
16 Crenshaw, Dale, Geneva, Henry, Houston, Montgomery, and Pike;
17 District 3 -- Calhoun, Cherokee, Chambers, Clay, Cleburne,
18 Lee, Macon, Randolph, Russell, St. Clair, Talledega, and
19 Tallapoosa; District 4 -- Blount, Colbert, Cullman, DeKalb,
20 Etowah, Fayette, Franklin, Lamar, Lawrence, Marion, Marshall,
21 Walker and Winston; District 5 -- Jackson, Lauderdale,
22 Limestone, Madison and Morgan; District 6 -- Autauga, Bibb,
23 Chilton, Coosa, Elmore and Shelby; District 7 -- Choctaw,
24 Dallas, Greene, Hale, Jefferson, Lowndes, Marengo, Perry,
25 Pickens, Tuscaloosa, Sumter and Wilcox. The at-large members
26 shall hold At-Large Position, 1, 2, 3, or 4 . A majority of
27 the board shall elect a president pro tempore of the board.

1 ~~"Appointment of the initial two at-large members~~
2 ~~shall be made by the Governor by and with the advice and~~
3 ~~consent of the Senate. Otherwise, the trustees from each~~
4 ~~congressional district, from Lee County, and all subsequent~~
5 ~~at-large trustees, including the at-large position created~~
6 ~~upon the vacating of office of the current State~~
7 ~~Superintendent of Education, Trustees shall be appointed by~~
8 the appointing committee created herein, by and with the
9 advice and consent of the ~~senate~~ Senate. The appointment of
10 members to fill a vacated position with a partially expired
11 term of office shall also be made by the appointing committee
12 as provided herein.

13 "A board of trustees appointing committee is
14 established composed of the following members:

15 "The President Pro Tem of the Board of Trustees of
16 Auburn University or the designee of the President Pro Tem.
17 The designee shall be a member of the Board of Trustees of
18 Auburn University.

19 "A member of the Board of Trustees of Auburn
20 University selected by the board of trustees.

21 "Two members of the Auburn Alumni Association Board
22 of Directors, who are not current employees of Auburn
23 University, selected by the Auburn Alumni Association Board of
24 Directors.

25 "The Governor or a designee of the Governor who is
26 an alumnus of Auburn University but who is not a current
27 member of the Auburn Board of Trustees nor a current member of

1 the Auburn Alumni Association Board of Directors nor a current
2 employee of Auburn University.

3 "The Governor, or the designee of the Governor,
4 shall serve as chairperson of the appointing committee. If the
5 chairperson fails to call a meeting within 90 days prior to
6 the expiration of the term of a sitting board member or within
7 30 days following the creation of a vacancy by death,
8 resignation, or other cause, a majority of the committee, in
9 writing, may call a meeting giving at least 10 days notice. In
10 the absence of the chairperson or another member designated by
11 the chairperson to preside, the majority of the committee
12 shall choose its own chairperson.

13 "When appropriate, the appointing committee shall
14 meet to address the appointment of any of the following:

15 ~~"A person to fill the at-large position on the Board
16 of Trustees of Auburn University created upon the vacating of
17 office by the current State Superintendent of Education.~~

18 "Persons to fill an expired or soon-to-be expired
19 term of office of any member of the Board of Trustees of
20 Auburn University, ~~including the two at-large positions
21 initially appointed by the Governor.~~

22 "Persons to fill the remainder of a partially
23 expired term of office of any position on the Board of
24 Trustees of Auburn University which has been vacated by reason
25 of death, resignation, or other cause, ~~including the two
26 at-large positions initially appointed by the Governor.~~

1 "The appointing committee, by majority vote, shall
2 appoint an individual to fill the respective position on the
3 board of trustees. The committee shall ensure that
4 appointments are solicited from all constituencies, are
5 inclusive, and reflect the racial, gender, and economic
6 diversity of the state or the continental United States, as
7 applicable. A person may not be appointed to the Board of
8 Trustees of Auburn University while serving on the appointing
9 committee.

10 "~~A~~ Except for the initial appointments made after
11 this amendatory language is ratified, a trustee shall hold
12 office for a term of seven years, and may serve no more than
13 two full seven-year terms of office. Appointment and service
14 for a portion of an unexpired term shall not be considered in
15 applying the two-term limit.

16 "Each member of the board of trustees as constituted
17 on the date this amendatory language is ratified, may serve
18 the remainder of his or her current term and shall be
19 eligible, if otherwise qualified, to serve for no more than
20 two ~~additional~~ seven-year terms. The initial appointments
21 made after this amendatory language is ratified shall be as
22 follows: the first three appointments shall be for a term of
23 five years. The next three appointments shall be for a term of
24 six years. The remaining appointments shall be for a term of
25 seven years. The five and six year appointments shall
26 constitute full terms and any member so appointed shall be
27 eligible for only one additional seven year term, whether

1 served before or after the term for which the initial
2 appointment is made.

3 "No person shall be appointed as a member of the
4 board of trustees after having reached 70 years of age.

5 ~~"Of the two persons initially appointed by the~~
6 ~~Governor to serve in the at-large positions, one shall be~~
7 ~~appointed to serve an initial term of four years and one shall~~
8 ~~be appointed to serve an initial term of seven years.~~
9 ~~Thereafter, successors to these positions, who shall be~~
10 ~~appointed by the appointing committee, shall serve terms of~~
11 ~~office of the same duration as other members. These initial~~
12 ~~terms shall be considered as full terms in applying the~~
13 ~~two-term limit.~~

14 "One more than half of the members of the board
15 shall constitute a quorum, but a smaller number may adjourn
16 from day to day until a quorum is present.

17 "A term shall begin only upon confirmation by the
18 Senate. A member may continue to serve until a successor is
19 confirmed, but in no case for more than one year after
20 completion of a term.

21 "No trustee shall receive any pay or emolument other
22 than his or her actual expenses incurred in the discharge of
23 duties as such.

24 "No employee of Auburn University shall be eligible
25 to serve as a member of the board of trustees.

26 ~~"The appointing committee, or the Governor, in~~
27 ~~regard to the two initial at-large appointments, shall submit~~

1 the ~~name~~ names of the persons selected for appointment to the
2 Secretary of the Senate, who shall inform the Senate of the
3 receipt of such submission. If the Senate is in regular
4 session at that time, the submission shall be made by the
5 conclusion of the next legislative day following the
6 appointment. If the Senate is not in regular session at the
7 time of appointment, the submission shall be made before the
8 commencement of the next regular session.

9 "If the entire Senate, by a majority vote, confirms
10 the submission, the appointee shall immediately assume office.
11 An appointee may not begin service prior to Senate
12 confirmation.

13 "If the submission is not confirmed by the entire
14 Senate by a majority vote by the conclusion of the legislative
15 session, the submission shall be considered rejected.

16 ~~"A submission to the Senate may be withdrawn at any
17 time by the Governor in regard to the two initial at-large
18 appointments made by the Governor. A submission to the Senate
19 may be withdrawn at any time by the appointing committee in
20 regard to appointments made by the committee.~~

21 "Upon the rejection of a submission or the
22 withdrawal of a submission, the appointment and confirmation
23 process specified in this amendment shall commence anew.

24 "The same name may not be submitted to the Senate
25 for the same position on the board more than one time by the
26 same nominating committee.

1 "Upon the expiration of a term of office, a member
2 of the board of trustees shall continue to serve until a
3 successor is appointed pursuant to this amendment, is
4 confirmed by the entire Senate by majority vote, and assumes
5 office. If a successor is not confirmed by the conclusion of
6 the regular session in which one or more names for the
7 position were initially submitted, the former holder of the
8 position may continue to serve until a successor is appointed
9 and confirmed, but in no case shall this continuation be
10 longer than one year after completion of the term of office.

11 "If any position on the board of trustees becomes
12 vacant during a term of office by reason of death,
13 resignation, or other cause, a person shall be appointed by
14 the appointing committee to fill the remainder of the
15 unexpired term of office pursuant to the procedure provided
16 for other appointments made by the appointing committee. The
17 position shall be considered vacant until a person is
18 confirmed by a majority vote of the entire Senate."

19 Section 2. In the event that after the ratification
20 of this amendment, there is more than one member serving in a
21 single congressional district, the member whose term expires
22 latest shall be the designated member for that district. This
23 provision shall not apply to members who are serving as
24 at-large members of the board.

25 Section 3. An election upon the proposed amendment
26 shall be held in accordance with Sections 284 and 285 of the
27 Constitution of Alabama of 1901, now appearing as Sections 284

1 and 285 of the Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, and the election laws of this
3 state.

4 Section 4. The appropriate election official shall
5 assign a ballot number for the proposed constitutional
6 amendment on the election ballot and shall set forth the
7 following description of the substance or subject matter of
8 the proposed constitutional amendment:

9 "Proposing an amendment to the Constitution of
10 Alabama of 1901, to revise the membership of the Board of
11 Trustees of Auburn University to include the Governor, one
12 member from each district as provided for in this amendment,
13 and four members who are residents of the continental United
14 States, one from Lee County, and the immediate past president
15 of the Auburn Alumni Association.

16 "Proposed by Act _____."

17 This description shall be followed by the following
18 language:

19 "Yes () No ()."