

1 SB510
2 132022-3
3 By Senators Whatley and Marsh (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 24-MAY-11

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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 Proposing an amendment to the Alabama Constitution
12 providing for the selection of members of the Board of
13 Trustees for Auburn University and repealing Amendment 670 of
14 the Alabama Constitution.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to the
17 Constitution of Alabama of 1901, as amended, is proposed and
18 shall become valid as a part thereof when approved by a
19 majority of the qualified electors voting thereon and in
20 accordance with Sections 284, 285, and 287 of the Constitution
21 of Alabama of 1901, as amended:

22 PROPOSED AMENDMENT

23 Auburn University shall be under the management and
24 control of a board of trustees. Commencing on June 1, 2012,
25 the board of trustees shall consist of fifteen members as
26 follows: one member from each of seven districts as set forth
27 herein, an additional member from Lee County, the immediate

1 past president of the Auburn Alumni Association, five at-large
2 members and the governor, who shall be ex officio president of
3 the board. One more than half of the members then in office of
4 the board shall constitute a quorum, but a smaller number may
5 adjourn from day to day until a quorum is present.

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

22 Appointment of members, including members to fill a
23 vacated position with a partially expired term of office,
24 shall be by the appointing committee created herein, by and
25 with the advice and consent of the Senate. A board of trustees
26 appointing committee is established composed of the following
27 members: The President Pro Tempore of the Board of Trustees of

1 Auburn University or the designee of the President Pro
2 Tempore. The designee shall be a member of the Board of
3 Trustees of Auburn University; a member of the Board of
4 Trustees of Auburn University selected by the Board of
5 Trustees; two members of the Auburn Alumni Association Board
6 of Directors who are not current employees of Auburn
7 University, selected by the Auburn Alumni Association Board of
8 Directors; the Governor or a designee of the Governor who is
9 an alumnus of Auburn University, but who is not a current
10 member of the Board nor a current member of the Auburn Alumni
11 Association Board of Directors nor a current employee of
12 Auburn University. The Governor, or the designee of the
13 Governor, shall serve as chairperson of the appointing
14 committee. If the chairperson fails to call a meeting within
15 90 days prior to the expiration of the term of a sitting board
16 member or within 30 days following the creation of a vacancy
17 by death, resignation, or other cause, a majority of the
18 committee, in writing, may call a meeting giving at least 10
19 days notice. In the absence of the chairperson or another
20 member designated by the chairperson to preside, the majority
21 of the committee shall choose its own chairperson. The
22 appointing committee as a whole shall establish a procedure
23 and timetable for soliciting and selecting candidates for
24 appointment prior to calling a meeting. The committee shall
25 ensure that appointments are solicited from all
26 constituencies, are inclusive, and reflect the racial, gender,
27 and economic diversity of the state or the continental United

1 States, as applicable. A person may not be appointed to the
2 Board of Trustees of Auburn University while serving on the
3 appointing committee.

4 For purposes of transitioning from the districts
5 established by Amendment 670 to the new districts established
6 herein and creating a permanent and uniform system of
7 staggered terms for members of the Board of Trustees of Auburn
8 University, on the first day of June 2012, the following
9 realignment and modification of the positions and terms of
10 office of trustees serving on that date will take place in the
11 following manner: New District 1, the term for which shall end
12 at midnight on June 30, 2015, shall be filled by the incumbent
13 in former District 1; new District 2, the term for which shall
14 end at midnight on June 30, 2019, shall be filled by the
15 incumbent in former District 3; new District 3, the term for
16 which shall end at midnight on June 30, 2014, shall be filled
17 by the incumbent in former District 5; new District 4, the
18 term for which shall end at midnight on June 30, 2017, shall
19 be filled by the incumbent in former District 7; new District
20 5, the term for which shall end at midnight on June 30, 2016,
21 shall be filled by the incumbent in former District 8; new
22 District 6, the term for which shall end at midnight on June
23 30, 2015, shall be filled by the incumbent in former District
24 4; new District 7, the term for which shall end at midnight on
25 June 30, 2018, shall be filled by the incumbent in former
26 District 9; Lee County, the term for which shall end at
27 midnight on June 30, 2019, shall be filled by the incumbent in

1 District 3/Lee County; At-Large Position 1, the term for which
2 shall end at midnight on June 30, 2014, shall be filled by the
3 successor to the four year at large seat created under
4 Amendment 670; At-Large Position 2, the term for which shall
5 end at midnight on June 30, 2016, shall be filled by the
6 successor to the seven year at large seat created under
7 Amendment 670; At-Large Position 3, the term for which shall
8 end at midnight on June 30, 2017, shall be filled by the
9 incumbent in former District 2; At-Large Position 4, the term
10 for which shall end at midnight on June 30, 2020, shall be
11 filled by the incumbent in the at-large position formerly held
12 by the state superintendent of education and converted to an
13 at-large seat by Amendment 670; At-Large Position 5, the term
14 for which shall end at midnight on June 30, 2019, shall be
15 filled by the incumbent in former District 6. If there is no
16 incumbent sitting in a former position on July 1, 2012, the
17 new position shall be considered vacant and a person shall be
18 appointed by the appointing committee to fill the position
19 pursuant to the procedure provided for other appointments made
20 by the appointing committee for the term provided herein. Any
21 reference in this paragraph to incumbent shall mean the
22 incumbent on June 1, 2012.

23 To the extent the realignment of positions set forth
24 above results in one or more incumbent trustees being
25 designated to occupy a district position to which they would
26 not be eligible for appointment under the requirements for
27 appointment established herein, such trustee may nevertheless

1 occupy that position for the term herein established. After
2 the expiration of the term of any incumbent serving in the
3 newly established districts, the successor, whether it be the
4 incumbent or a new member, must meet the district requirements
5 at the time of appointment.

6 Except for the initial terms after this mandatory
7 language is ratified, the term of office for any district, the
8 Lee County or at-large position shall be seven years;
9 provided, however, that no person shall serve as a member of
10 the board of trustees after having reached 75 years of age. No
11 person shall serve more than two full seven-year terms of
12 office or more than 20 years total recognizing any time served
13 before or after ratification of this amendment. Service for
14 the remainder of an unexpired term shall not be considered in
15 applying the two-term limit. A member may continue to serve
16 until a successor is confirmed, but in no case for more than
17 one year after completion of a term; however, any such
18 extended time served shall decrease what would otherwise be a
19 seven year term of the successor.

20 No trustee shall receive any pay or emolument other
21 than his or her actual expenses incurred in the discharge of
22 duties as such. No employees of Auburn University shall be
23 eligible to serve as a member of the Board of Trustees.

24 The appointing committee shall submit the name of
25 the person selected for appointment to the Secretary of the
26 Senate, who shall inform the Senate of the receipt of such
27 submission. If the Senate is in regular session at that time,

1 the submission shall be made by the conclusion of the next
2 legislative day following the appointment. If the Senate is
3 not in regular session at the time of the appointment, the
4 submission shall be made before the commencement of the next
5 regular session. If the entire Senate, by a majority vote,
6 confirms the submission, the appointee shall immediately
7 assume office. An appointee may not begin service prior to
8 Senate confirmation. If the submission is not confirmed by the
9 entire Senate by a majority vote by the conclusion of the
10 legislative session, the submission shall be considered
11 rejected. A submission to the Senate may be withdrawn at any
12 time by the appointing committee in regard to appointments
13 made by the committee. Upon the rejection of a submission or
14 the withdrawal of a submission, the appointment and
15 confirmation process specified in this amendment shall
16 commence anew. The same name may not be submitted to the
17 Senate for the same position on the board more than one time
18 by the same nominating committee. Upon the expiration of a
19 term of office, a member of the Board of Trustees shall
20 continue to serve until a successor appointed pursuant to this
21 amendment is confirmed by the entire Senate by majority vote
22 and assumes office. If a successor is not confirmed by the
23 conclusion of the regular session in which one or more names
24 for the position were initially submitted, the former holder
25 of the position may continue to serve until a successor
26 appointed and confirmed, but in no case shall this
27 continuation be longer than one year after completion of the

1 term of office. If any position on the Board of Trustees
2 becomes vacant during a term of office by reason of death,
3 resignation or other cause, a person shall be appointed by the
4 appointing committee to fill the remainder of the unexpired
5 term of office pursuant to the procedure provided for other
6 appointments made by the appointing committee. The position
7 shall be considered vacant until a person is confirmed by a
8 majority vote of the entire Senate. Any appointments confirmed
9 after the ratification of this amendment shall be for the new
10 districts established herein. Upon the ratification of this
11 Amendment, Amendment 670 to the Constitution of Alabama of
12 1901 is hereby repealed.

13 Section 2. An election upon the proposed amendment
14 shall be held in accordance with Sections 284 and 285 of the
15 Constitution of Alabama of 1901, now appearing as Sections 284
16 and 285 of the Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, and the election laws of this
18 state at the next statewide primary, general or special
19 election.

20 Section 3. The appropriate election official shall
21 assign a ballot number for the proposed constitutional
22 amendment on the election ballot and shall set forth the
23 following description of the substance or subject matter of
24 the proposed constitutional amendment:

25 "Proposing an amendment to the Constitution of
26 Alabama of 1901, providing for the selection of members of the

1 Board of Trustees for Auburn University and repealing
2 Amendment 670 to the Constitution of Alabama of 1901."

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 24-MAY-11

Read for the second time and placed on the calen-
dar with 1 substitute and..... 25-MAY-11

Read for the third time and passed as amended 31-MAY-11

Yeas 31
Nays 0
Abstaining 2

Patrick Harris
Secretary