

1 HB340  
2 164638-2  
3 By Representatives Williams (JD), Garrett, Martin, Holmes (M),  
4 Fincher, Moore (B), Howard, Shiver, Polizos, Coleman-Evans,  
5 Forte, Williams (JW), Boyd, Grimsley, Melton, Lawrence, Beech,  
6 Alexander, Standridge, Rogers, Moore (M), Hurst, Whorton (I),  
7 Nordgren, Hanes, Givan, Scott, Williams (P), Butler,  
8 Treadaway, Farley, Daniels, Ledbetter, Whorton (R), Ball,  
9 Pettus, Fridy, Rowe, Johnson (K), Wood, Faust, Greer and  
10 Mooney (Constitutional Amendment)  
11 RFD: Education Policy  
12 First Read: 19-MAR-15

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8 SYNOPSIS: This bill would propose an amendment to  
9 Section 264 of the Constitution of Alabama of 1901,  
10 as amended by Amendment 399 to the Constitution of  
11 Alabama of 1901, now appearing as Section 264 of  
12 the Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, to rename the Board of  
14 Trustees of the University of Alabama as the Board  
15 of Trustees of the University of Alabama System and  
16 to revise the makeup of the board to include  
17 additional members from areas of the state in which  
18 a campus of the university system is located, to  
19 decrease the number of consecutive six-year terms  
20 of office a member may serve from three to two, and  
21 to specify where the office for the system and the  
22 chancellor of the system may be located.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1                   To propose an amendment to Section 264 of the  
2                   Constitution of Alabama of 1901, as amended by Amendment 399  
3                   to the Constitution of Alabama of 1901, now appearing as  
4                   Section 264 of the Official Recompilation of the Constitution  
5                   of Alabama of 1901, as amended, relating to the University of  
6                   Alabama Board of Trustees; to rename the board as the Board of  
7                   Trustees of the University of Alabama System; to revise the  
8                   makeup of the board to include additional members from areas  
9                   of the state in which a campus of the university system is  
10                  located; to decrease the number of consecutive six-year terms  
11                  of office a member may serve from three to two; and to specify  
12                  where the office for the system and the chancellor of the  
13                  system may be located.

14                 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21   PROPOSED AMENDMENT

22                         "Section 264.

23                         "(a) The University of Alabama System shall  
24                         constitute a public corporation and instrumentality of the  
25                         state. The ~~state university~~ University of Alabama System shall  
26                         be under the management and control of a board of trustees,  
27                         which shall consist of.

1           "(b) The University of Alabama System Board of  
2 Trustees shall be comprised of all of the following members:

3           "(1) Two two members from each congressional  
4 district in the state,~~an additional member from the~~  
5 ~~congressional district which includes the site of the first~~  
6 ~~campus of the university, the superintendent of education, and~~  
7 ~~the governor.~~

8           "(2) One member from each congressional district in  
9 the state in which a campus of the university system is  
10 located.

11           "(3) One member who is appointed by majority vote of  
12 the governing body of any municipality in which a campus of  
13 the university system is located.

14           "(4) One member who is appointed by majority vote of  
15 the governing body of any county in which a campus of the  
16 university system is located.

17           "(5) One member representing the alumni of each  
18 campus of the university system who is appointed by the  
19 Governor from a list of five names submitted by each of the  
20 respective campus alumni associations.

21           "(6) One member from the state at-large who is  
22 appointed by the Lieutenant Governor.

23           "(7) One member from the state at-large who is  
24 appointed by the Speaker of the House of Representatives.

25           "(8) One member from the state at-large who is  
26 appointed by the President Pro Tempore of the Senate.

27           "(9) The State Superintendent of Education.

1           "(10) The Governor, who shall be ex officio  
2 president of the board.

3           "(c) The members of the board of trustees as now  
4 constituted on the ratification date of this amendment shall  
5 hold office until their respective terms expire under existing  
6 law, and until their successors shall be elected and confirmed  
7 as hereinafter required.

8           "(d) The members of the board of trustees appointed  
9 pursuant to subdivisions (1), (2), and (5) of subsection (b)  
10 shall be subject to confirmation by the Senate.

11           "(e) The additional trustees provided for by this  
12 amendment shall be ~~elected by the existing members of the~~  
13 ~~board, and confirmed by the senate in the manner provided~~  
14 ~~below,~~ appointed for initial terms ~~of not more than that are~~  
15 staggered to expire over the course of six years established  
16 ~~by the board so that one term shall expire each three years in~~  
17 ~~each congressional district.~~

18           "(f) Successors to the terms of the existing and  
19 additional trustees shall hold office for a term of six years,  
20 and shall not serve more than ~~three~~ two consecutive full  
21 six-year terms on the board, ~~; provided however that a trustee~~  
22 ~~shall retire from the board and vacate office at the annual~~  
23 ~~meeting of the board following that trustee's seventieth~~  
24 ~~birthday. Election of additional and successor trustees or of~~  
25 ~~trustees to fill any vacancy created by the expiration of a~~  
26 ~~term or by the death or resignation of any member or from any~~  
27 ~~other cause shall be by the remaining members of the board by~~

1 ~~secret ballot; provided, that any trustee so elected shall~~  
2 ~~hold office from the date of election until confirmation or~~  
3 ~~rejection by the senate, and, if confirmed, until the~~  
4 ~~expiration of the term for which elected, and until a~~  
5 ~~successor is elected. At every meeting of the legislature the~~  
6 ~~superintendent of education shall certify to the senate the~~  
7 ~~names of all who shall have been so elected since the last~~  
8 ~~session of the legislature, and the senate shall confirm or~~  
9 ~~reject them, as it shall determine is for the best interest of~~  
10 ~~the university. If it rejects the names of any members, it~~  
11 ~~shall thereupon elect trustees in the stead of those rejected.~~

12 "(g) (1) A board of trustees appointing committee is  
13 established composed of the following members:

14 "a. The president pro tem of the board of trustees.

15 "b. One member of each alumni association of the  
16 system selected by the board of trustees of each alumni  
17 association.

18 "c. The Governor, or a designee of the Governor, who  
19 is not a current employee of the University of Alabama System  
20 or any of the institutions therein.

21 "(2) The Governor, or the designee of the Governor,  
22 shall serve as chair of the appointing committee. If the chair  
23 fails to call a meeting within 90 days before the expiration  
24 of the term of a sitting board member or within 30 days after  
25 the creation of a vacancy by death, resignation, or other  
26 cause, a majority of the committee, in writing, may call a  
27 meeting giving at least 10 days' notice. In the absence of the

1 chair or another member designated by the chair to preside, a  
2 majority of the committee shall choose its own chair.

3 "(3) When appropriate, the appointing committee  
4 shall meet to address the appointment of any vacancy of a  
5 trustee serving pursuant to subdivision (1) or subdivision (2)  
6 of subsection (b).

7 "(4) The appointing committee, by majority vote,  
8 shall appoint an individual to fill the respective position on  
9 the board of trustees. The committee shall ensure that  
10 appointments are solicited from all constituencies, are  
11 inclusive, and reflect the racial, gender, and economic  
12 diversity of the state.

13 "(h) No trustee shall receive any pay or emolument  
14 other than his or her actual expenses incurred in the  
15 discharge of his duties as such. ~~Upon the vacation of office~~  
16 ~~by a trustee, the board, if it desires, may bestow upon a~~  
17 ~~trustee the honorary title of trustee emeritus, but such~~  
18 ~~status shall confer no responsibilities, duties, rights, or~~  
19 ~~privileges as such.~~

20 "(i) The office of the University of Alabama System  
21 and that of the Chancellor of the University of Alabama  
22 System, should a chancellor be employed, shall be located in  
23 the largest municipality within a county in which a campus of  
24 the university system is located."

25 Section 2. 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 3. 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, relating to the Board of Trustees of the  
11 University of Alabama; to rename the board as the Board of  
12 Trustees of the University of Alabama System; to revise the  
13 makeup of the board to include additional members from areas  
14 of the state in which a campus of the university system is  
15 located; to decrease the number of consecutive six-year terms  
16 of office a member may serve from three to two; and to specify  
17 where the office for the system and the chancellor of the  
18 system may be located.

19 "Proposed by Act \_\_\_\_\_."

20 This description shall be followed by the following  
21 language:

22 "Yes ( ) No ( )."