

Engrossed

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Amendment No. 161 to the Constitution of Alabama of 1901, to provide that the Board of Trustees of Auburn University consist of one member from each of the congressional districts in the state as constituted on January 1, 1961, one member from Lee County, the current State Superintendent of Education, four at-large members each of whom shall reside in the continental United States, and the Governor; to provide for appointments by the Governor with the advice and consent of the Senate and for a nominating process established by statute; to provide for terms of office; to provide for the time of relinquishing office; and to provide for a quorum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

1 Amendment to Amendment No. 161.

2 "BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

3 "Section 1. Auburn University, ~~formerly called the~~
4 ~~Alabama Polytechnic Institute,~~ shall be under the management
5 and control of a board of trustees. The board of trustees
6 shall consist of ~~two members from the congressional district~~
7 ~~in which the institution is located,~~ one member from each of
8 the other congressional districts in the state as the same
9 were constituted on the first day of January, 1961, one member
10 from Lee County, four at-large members each of whom shall be a
11 resident of the continental United States, the state
12 superintendent of education, serving on the date this
13 amendatory language is ratified, who shall serve until leaving
14 the office of superintendent, and the governor, who shall be
15 ex officio president of the board.

16 "The trustees shall be appointed by the governor, by
17 and with the advice and consent of the senate, ~~and.~~ The
18 Legislature shall by statute provide for a nomination process
19 from which the Governor, or another authority if the Governor
20 fails to appoint within a prescribed time, shall appoint
21 trustees. The statute shall designate certain members of the
22 university's board of trustees, alumni association and
23 foundation as the nominating committee.

24 "A trustee shall hold office for a term of twelve
25 six years, and may serve no more than two full six-year terms
26 of office. Appointment and service for a portion of an

1 unexpired term shall not be considered in applying the
2 two-term limit.

3 "Each member of the board of trustees as constituted
4 on the date this amendatory language is ratified may serve the
5 remainder of his or her current term and shall be eligible, if
6 otherwise qualified, to serve for no more than two additional
7 six-year terms.

8 "Of the four persons first appointed to serve in the
9 at-large positions, one shall be appointed to serve an initial
10 term of two years, one shall be appointed to serve an initial
11 term of four years, and two shall be appointed to serve an
12 initial term of six years. Thereafter, successors to these
13 positions shall serve terms of office of the same duration as
14 other members. These two-year and four-year initial terms
15 shall be considered as full terms in applying the two-term
16 limit.

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

20 "and until their successors shall be appointed and
21 qualified. The board shall be divided into three classes, as
22 nearly equal as may be, so that one-third may be chosen
23 quadrennially. Vacancies occurring in the office of trustees
24 appointed pursuant to the amendment adding this language from
25 death or resignation shall be filled in the same manner as the
26 original appointment was made. Vacancies from death or
27 resignation occurring in the office of trustees holding office

1 on the date this amendatory language is ratified shall be
2 filled in the same manner as is required for the appointment
3 of a succeeding member to that position upon the expiration of
4 the term of office, by the governor, and such appointee shall
5 hold office until the next meeting of the legislature. The
6 members of the board of trustees as now constituted shall hold
7 office until their respective terms expire under existing law,
8 and until their successors shall be appointed as herein
9 required.

10 "A term shall begin only upon confirmation by the
11 Senate. A member shall continue to serve until a successor is
12 confirmed, but in no case for more than one year after
13 completion of a term.

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

17 "No employee of Auburn University shall be eligible
18 to serve on its as a member of the board of trustees.

19 "Section 2. Section 266 of article 14 of the
20 Constitution of Alabama 1901 is hereby repealed."

21 Section 2. An election upon the proposed amendment
22 shall be held in accordance with Sections 284 and 285 of the
23 Constitution of Alabama of 1901, as amended, and the election
24 laws of this state.

25 Section 3. The appropriate election official shall
26 assign a ballot number for the proposed constitutional
27 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to provide that the Board of Trustees of
5 Auburn University shall be composed of one member from each of
6 the congressional districts in the state as constituted on
7 January 1, 1961, one member from Lee County, the current State
8 Superintendent of Education, four at-large members, and the
9 Governor; to provide that the Legislature by statute shall
10 provide for a nomination process from which the Governor shall
11 appoint members; and to provide for limited six-year terms of
12 office."

13 Proposed by Act _____"

14 This description shall be followed by the following
15 language:

16 "Yes () No () ."

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2

3

House of Representatives

4 Read for the first time and 03-FEB-2000
5 referred to the House of Represen-
6 tatives committee on Education

7
8 Read for the second time and placed 17-FEB-2000
9 on the calendar 2 amendments

10
11 Read for the third time and passed 02-MAR-2000
12 as amended

13 Yeas 78, Nays 6. Abstains 1

14

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Greg Pappas
Clerk