

8 SYNOPSIS: Under the Constitution of Alabama of 1901,
9 appointments to the Board of Trustees of Auburn
10 University are made by the Governor, by and with
11 the consent of the Senate, and members of the board
12 hold office until a successor is appointed and
13 qualified.

14 Contingent upon the adoption of a
15 constitutional amendment providing that trustees
16 shall be appointed, vacancies filled, and the time
17 of assuming and relinquishing office be provided by
18 statute enacted by the Legislature, this bill would
19 provide for appointments to the board of trustees.

20 This bill would establish a nominating
21 committee composed of certain university related
22 persons who would nominate three individuals and
23 submit their names to the Governor.

24 This bill would provide that the Governor
25 would appoint one of these nominees and submit the
26 name to the Senate, or, if the Governor fails to
27 make the appointment, that the appointment and

1 submission would be made by the nominating
2 committee.

3 This bill would specify that the name would
4 be submitted by the conclusion of the next
5 legislative day if the Legislature is convened in
6 regular session, or otherwise, before the
7 commencement of the next regular session.

8 This bill would provide that the vacating
9 trustee would remain on the board until either a
10 successor is confirmed by the entire Senate by
11 majority vote during the session in which the name
12 is submitted, or until the conclusion of that
13 session.

14 This bill would provide for the withdrawal
15 of a submitted name and the selection of another
16 name.

17 This bill would provide that if a successor
18 is not named by the conclusion of the regular
19 legislative session in which the name is submitted,
20 the position is deemed vacant.

21 This bill would provide for a similar
22 procedure for the appointment of a member of the
23 board of trustees to fill an unexpired term of
24 office.

25
26 A BILL
27 TO BE ENTITLED

AN ACT

Relating to the Board of Trustees of Auburn University; conditioned upon the adoption of a constitutional amendment, providing for the method of appointment of members of the board of trustees and the time of assuming and relinquishing office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) If a constitutional amendment amending or superseding Amendment No. 161 of the Constitution of Alabama of 1901, is adopted, appointments to the Board of Trustees of Auburn University, including appointment of newly created positions pursuant to the constitutional amendment, and the appointment of members to fill a vacated position with a partially expired term of office, shall be made and implemented as provided in this section.

(b) A board of trustees nominating committee is established composed of the following members:

(1) The President Pro Tem of the Board of Trustees of Auburn University or the designee of the President Pro Tem.

(2) A member of the Board of Trustees of Auburn University selected by the board of trustees.

(3) The President of the Auburn Alumni Association or the designee of the President.

(4) A member of the Auburn Alumni Association Board of Directors selected by the Auburn Alumni Association Board of Directors.

1 (5) The President of the Auburn University
2 Foundation.

3 (6) The Chairperson of the Auburn Faculty Senate,
4 who shall serve as a non-voting ex officio member.

5 (c) (1) When appropriate, the nominating committee
6 shall meet to address the nomination of any of the following:

7 a. Persons to newly created positions on the Board
8 of Trustees of Auburn University as provided by any amendment
9 to the Constitution of Alabama of 1901.

10 b. Persons to fill an expired or soon to be expired
11 term of office of a member of the Board of Trustees of Auburn
12 University.

13 c. Persons to fill the remainder of a partially
14 expired term of office of a position on the Board of Trustees
15 of Auburn University which has been vacated by reason of
16 death, resignation, or otherwise.

17 (2) The nominating committee, by majority vote,
18 shall nominate three individuals to fill the respective
19 position on the board of trustees. The committee shall ensure
20 that nominations are inclusive and reflect the racial, gender,
21 and economic diversity of the state. The nominating committee,
22 in writing, shall immediately submit these nominees to the
23 Governor.

24 (d) (1) The Governor, within 30 days of receipt of
25 these nominees, shall select one nominee for appointment to
26 the board of trustees. The Governor shall notify the board of

1 trustees and the nominating committee in writing of the
2 selection.

3 (2) If the Governor fails to select a nominee within
4 the prescribed time, the nominating committee shall select one
5 of the three persons for appointment to the board of trustees.

6 (e) The Governor or the nominating committee, as the
7 case may be, shall submit the name of the person selected for
8 appointment to the Secretary of the Senate, who shall inform
9 the Senate of the receipt of such submission. If the Senate is
10 in regular session at that time, the submission shall be made
11 by the conclusion of the next legislative day. If the Senate
12 is not in regular session at that time, the submission shall
13 be made before the commencement of the next regular session.

14 (f) (1) If the entire Senate, by a majority vote,
15 confirm the submission, the appointee shall immediately assume
16 office. An appointee may not begin service prior to Senate
17 confirmation.

18 (2) If the submission is not confirmed by the entire
19 Senate by a majority vote by the conclusion of the legislative
20 session, the submission shall be considered rejected.

21 (3) A submission to the Senate may be withdrawn at
22 any time by the Governor, if the Governor submitted the name,
23 or by the nominating committee, if the committee submitted the
24 name.

25 (g) (1) Upon the rejection of a submission or the
26 withdrawal of a submission, the nominating, appointment, and

1 confirmation process specified in this section shall commence
2 anew.

3 (2) The same name may be submitted to the Senate for
4 the same position on the board more than one time.

5 (h) Upon the expiration of a term of office, a
6 member of the board of trustees shall continue to serve until
7 a successor is appointed pursuant to this section, is
8 confirmed by the entire Senate by majority vote, and assumes
9 office. If a successor is not confirmed by the conclusion of
10 the regular session in which one or more names for the
11 position were initially submitted, the former holder of the
12 position shall relinquish the position and the position shall
13 be considered vacant.

14 (i) If a position on the board of trustees becomes
15 vacant during a term of office by reason of death,
16 resignation, or otherwise, a person shall be appointed to fill
17 the remainder of the unexpired term of office pursuant to the
18 procedure provided for other appointments. The position shall
19 be considered vacant until a person is confirmed by a majority
20 vote of the entire Senate.

21 Section 2. The provisions of this act are severable.
22 If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

25 Section 3. All laws or parts of laws which conflict
26 with this act are repealed.

1 Section 4. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law, and upon the
4 ratification of a constitutional amendment authorizing the
5 establishment of a nomination, appointment, and confirmation
6 process by statute.

1 24165-2 : N : 01/31/2000 : MF / mfp LRS2000-9243R1
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8 SYNOPSIS: Under existing law, the Board of Trustees of
9 Auburn University consists of two members from the
10 congressional district in which the institution is
11 located, one from each of the other congressional
12 districts in the state as they existed on January
13 1, 1961, the State Superintendent of Education, and
14 the Governor. Members are appointed by the Governor
15 by and with the advice and consent of the Senate,
16 continue to serve until successors are appointed
17 and qualified, and vacancies are filled by the
18 Governor. The terms of members are 12 years.

19 This bill would propose an amendment to the
20 Constitution of Alabama of 1901, to provide that
21 the board consist of one member from each of the
22 congressional districts in the state as constituted
23 on January 1, 1961, one member from Lee County,
24 four at-large members, each of whom shall reside in
25 the continental United States, and the Governor.

1 This bill would provide that the method of
2 appointment, filling vacancies, and assuming and
3 relinquishing office would be provided by statute.

4 This bill would limit succeeding members to
5 two full six-year terms of office.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Proposing an amendment to Amendment No. 161 to the
12 Constitution of Alabama of 1901, to provide that the Board of
13 Trustees of Auburn University consist of one member from each
14 of the congressional districts in the state as constituted on
15 January 1, 1961, one member from Lee County, four at-large
16 members each of whom shall reside in the continental United
17 States, and the Governor; to provide that the method of
18 appointment, filling vacancies, and assuming and relinquishing
19 office shall be specified by statute; and to provide for
20 limited six-year terms of office.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 PROPOSED AMENDMENT

2 Amendment to Amendment No. 161.

3 "BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

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

15 "The trustees shall be appointed, vacancies shall be
16 filled, and the time of assuming and relinquishing office
17 shall be provided by statute as enacted, from time to time, by
18 the Legislature. ~~by the governor, by and with the advice and~~
19 ~~consent of the senate, and~~

20 "A trustee shall hold office for a term of ~~twelve~~
21 six years, and may serve no more than two full six-year terms
22 of office. Appointment and service for a portion of an
23 unexpired term shall not be considered in applying the two
24 term limit.

25 "Each member of the board of trustees as constituted
26 on the date this amendatory language is ratified may serve the
27 remainder of his or her current term and shall be eligible, if

1 otherwise qualified, to serve for no more than two additional
2 six-year terms.

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

12 "The board position of the State Superintendent of
13 Education shall terminate on the date this amendatory language
14 becomes effective, and until their successors shall be
15 appointed and qualified. The board shall be divided into three
16 classes, as nearly equal as may be, so that one-third may be
17 chosen quadrennially. Vacancies occurring in the office of
18 trustees from death or resignation shall be filled by the
19 governor, and such appointee shall hold office until the next
20 meeting of the legislature. The members of the board of
21 trustees as now constituted shall hold office until their
22 respective terms expire under existing law, and until their
23 successors shall be appointed as herein required.

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

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

3 "Section 2. Section 266 of article 14 of the
4 Constitution of Alabama 1901 is hereby repealed."

5 Section 2. An election upon the proposed amendment
6 shall be held in accordance with Sections 284 and 285 of the
7 Constitution of Alabama of 1901, as amended, and the election
8 laws of this state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to provide that the Board of Trustees of
16 Auburn University shall be composed of one member from each of
17 the congressional districts in the state as constituted on
18 January 1, 1961, one member from Lee County, four at-large
19 members, and the Governor; to provide that the method of
20 appointment, filling vacancies, and assuming and relinquishing
21 office would be specified by statute; and to provide for
22 limited six-year terms of office."

23 Proposed by Act _____"

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."