

1 HB272
2 163962-1
3 By Representatives Rogers, Moore (M), Melton and Coleman-Evans
4 (Constitutional Amendment)
5 RFD: Education Policy
6 First Read: 12-MAR-15

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8 SYNOPSIS: Under existing law, the Board of Trustees of
9 the University of Alabama is responsible for the
10 management and control of all campuses of the
11 University of Alabama System.

12 This bill would propose an amendment to the
13 Constitution of Alabama of 1901, to create a
14 separate supervisory board of trustees for the
15 University of Alabama at Birmingham to provide for
16 the general management and operation of the
17 University of Alabama at Birmingham, subject to the
18 approval of the Board of Trustees of the University
19 of Alabama System in instances affecting the entire
20 system, and to provide for the day-to-day operation
21 of the University of Alabama at Birmingham.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Proposing an amendment to Section 264 of the
2 Constitution of Alabama of 1901, as amended by Amendment 399,
3 now appearing as Section 264 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, relating to
5 the Board of Trustees of the University of Alabama; to create
6 a separate supervisory board of trustees for the University of
7 Alabama at Birmingham; to provide for the general management
8 and operation of the University of Alabama at Birmingham by
9 the supervisory board, subject to the approval of the Board of
10 Trustees of the University of Alabama System in certain
11 instances; and to provide for the day-to-day operation of the
12 University of Alabama at Birmingham by the supervisory board.
13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 PROPOSED AMENDMENT

21 "Section 264. Board of trustees of state university.

22 "(a) The state university shall be under the
23 management and control of a board of trustees, which shall
24 consist of two members from each congressional district in the
25 state, an additional member from the congressional district
26 which includes the site of the first campus of the university,
27 the ~~superintendent of education~~ Superintendent of Education,

1 and the ~~governor~~ Governor, who shall be ex officio president
2 of the board. The members of the board of trustees as now
3 constituted shall hold office until their respective terms
4 expire under existing law, and until their successors shall be
5 elected and confirmed as hereinafter required. The additional
6 trustees provided for by this amendment shall be elected by
7 the existing members of the board, and confirmed by the ~~senate~~
8 Senate in the manner provided below, for initial terms of not
9 more than six years established by the board so that one term
10 shall expire each three years in each congressional district.
11 Successors to the terms of the existing and additional
12 trustees shall hold office for a term of six years, and shall
13 not serve more than three consecutive full six-year terms on
14 the board; ~~provided however that a.~~ A trustee shall retire
15 from the board and vacate office at the annual meeting of the
16 board following that trustee's seventieth birthday. Election
17 of additional and successor trustees or of trustees to fill
18 any vacancy created by the expiration of a term or by the
19 death or resignation of any member or from any other cause
20 shall be by the remaining members of the board by secret
21 ballot; ~~provided, that any.~~ Any trustee so elected shall hold
22 office from the date of election until confirmation or
23 rejection by the ~~senate~~ Senate, and, if confirmed, until the
24 expiration of the term for which elected, and until a
25 successor is elected. At every meeting of the ~~legislature~~
26 Legislature the ~~superintendent of education~~ Superintendent of
27 Education shall certify to the ~~senate~~ Senate the names of all

1 who shall have been so elected since the last session of the
2 ~~legislature~~ Legislature, and the ~~senate~~ Senate shall confirm
3 or reject them, as it shall determine is for the best interest
4 of the university. If it rejects the names of any members, it
5 shall thereupon elect trustees in the stead of those rejected.
6 No trustee shall receive any pay or emolument other than his
7 or her actual expenses incurred in the discharge of his or her
8 duties as such. Upon the vacation of office by a trustee, the
9 board, if it desires, may bestow upon a trustee the honorary
10 title of trustee emeritus, but such status shall confer no
11 responsibilities, duties, rights, or privileges as such.

12 "(b) The University of Alabama at Birmingham shall
13 be under the management and control of a supervisory board of
14 trustees. The supervisory board may act and make decisions
15 concerning the general management and operation of the
16 University of Alabama at Birmingham and shall be responsible
17 for the day-to-day operation of the University of Alabama at
18 Birmingham. The Board of Trustees of the University of Alabama
19 may review and rescind actions of the supervisory board which
20 have a detrimental effect upon the entire university system.
21 The supervisory board shall consist of five members, at least
22 three of whom shall be graduates of the University of Alabama
23 at Birmingham. Each member of the supervisory board shall be a
24 resident of Jefferson County for at least one year immediately
25 preceding nomination to the supervisory board and shall reside
26 in the county during the entire term of office. A chair and
27 vice chair of the supervisory board shall be elected from its

1 membership. The members of the supervisory board shall meet
2 with the Board of Trustees of the University of Alabama
3 System, at the times and places as may be mutually agreed
4 upon. Due notice of meetings shall be given by the board of
5 trustees, for the purpose of reporting and giving information
6 and advice to the trustees regarding the proper maintenance
7 and operation of the University of Alabama at Birmingham. The
8 initial members of the supervisory board shall be appointed by
9 the Board of Trustees of the University of Alabama: One for a
10 term of two years, two for a term of three years, and two for
11 a term of four years. Thereafter, all members of the
12 supervisory board shall be elected by the Board of Trustees of
13 the University of Alabama, on nominations made by the
14 remaining members of the supervisory board, for four-year
15 terms. Vacancies on the supervisory board shall be filled in
16 the same manner by the Board of Trustees of the University of
17 Alabama, and the appointees shall serve for the unexpired
18 terms. The members of the supervisory board shall serve
19 without compensation, but shall be reimbursed for their actual
20 expenses incurred in the discharge of their duties, to be paid
21 in the same manner as the expenses of the university trustees
22 are paid. The President of the University of Alabama at
23 Birmingham shall be an ex officio nonvoting member of the
24 supervisory board and may sit with that body during
25 deliberations."

26 Section 2. An election upon the proposed amendment
27 shall be held in accordance with Sections 284 and 285 of the

1 Constitution of Alabama of 1901, now appearing as Sections 284
2 and 285 of the Official Recompilation of the Constitution of
3 Alabama of 1901, as amended, and the election laws of this
4 state.

5 Section 3. The appropriate election official shall
6 assign a ballot number for the proposed constitutional
7 amendment on the election ballot and shall set forth the
8 following description of the substance or subject matter of
9 the proposed constitutional amendment:

10 "Proposing an amendment to Section 264, as amended
11 by Amendment 399, of the Constitution of Alabama of 1901, now
12 appearing as Section 264 of the Official Recompilation of the
13 Constitution of Alabama of 1901, as amended, relating to the
14 Board of Trustees of the University of Alabama; to create a
15 supervisory Board of Trustees for the University of Alabama at
16 Birmingham as a separate body under the University of Alabama
17 System to provide for the general management and operation of
18 the University of Alabama at Birmingham, subject to the
19 approval of the Board of Trustees of the University of Alabama
20 System concerning actions affecting the entire system.

21 "Proposed by Act _____."

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."