

1 HB684
2 135311-1
3 By Representatives Rogers, Williams (P), Moore (M), Givan,
4 Coleman and Ball (Constitutional Amendment)
5 RFD: Education Policy
6 First Read: 12-APR-12

2
3
4
5
6
7
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 a constitutional
13 amendment to create separate boards of trustees for
14 the University of Alabama at Birmingham and the
15 University of Alabama at Huntsville; would provide
16 for the composition, powers, and duties of each
17 board; and would provide for the transfer of assets
18 and liabilities of both universities to their
19 respective boards.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Proposing an amendment to the Constitution of
26 Alabama of 1901, as amended; to create separate boards of
27 trustees for the University of Alabama at Birmingham and the

1 University of Alabama at Huntsville; to provide for the
2 composition, powers, and duties of each board; and to provide
3 for the transfer of assets and liabilities of both
4 universities to their respective boards.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 PROPOSED AMENDMENT

13 Section 1. Notwithstanding the provisions of Section
14 264 of the Constitution of Alabama of 1901, as amended by
15 Amendment 399 to the Constitution of Alabama of 1901, now
16 appearing as Section 264 of the Official ReCompilation of the
17 Constitution of Alabama of 1901, as amended, there is created
18 a separate Board of Trustees for the University of Alabama at
19 Birmingham and a separate Board of Trustees for the University
20 of Alabama at Huntsville, each of which shall be responsible
21 for the management and control of the respective university.

22 Section 2. (a) (1)a. Each board of trustees shall
23 consist of 12 members, two members who shall reside in the
24 congressional district in which the institution is situated;
25 one member shall reside in each of the remaining congressional
26 districts in the state as constituted on January 1, 2013, and
27 shall be a bona fide resident and qualified elector of that

1 district, with a verifiable physical presence in that
2 district, during the entire term of office; three at-large
3 members who may be selected from outside the state; and the
4 Governor, who shall be ex officio president of each board. The
5 president of the student government association and the
6 president of the faculty senate shall be ex officio nonvoting
7 members of each board.

8 b. The membership of each board shall be inclusive
9 and reflect the racial, gender, geographic, urban/rural, and
10 economic diversity of the state.

11 (2) Before October 1, 2014, the initial trustees
12 shall be appointed by the Governor, by and with the advice and
13 consent of the Senate.

14 (3) The membership of each board shall be divided
15 into three classes so that at least one third of the members
16 shall be appointed biennially. Of the first members appointed
17 to the board, three shall be designated by the Governor to
18 serve until September 30, 2017; four until September 30, 2019;
19 and four to serve until September 30, 2020.

20 (4)a. The successors to the terms of the initial
21 trustees of each board shall hold office for a term of six
22 years and shall not serve more than three consecutive full
23 six-year terms on the board; provided, however, that a trustee
24 shall retire from the board and vacate office at the annual
25 meeting of the board following the seventieth birthday of the
26 trustee. If a trustee appointed from a congressional district
27 ceases to be a bona fide resident and qualified elector of the

1 district from which appointed, or ceases to have a verifiable
2 physical presence in that district, the trustee shall vacate
3 his or her office. Election of additional and successor
4 trustees or of trustees to fill any vacancy created by the
5 expiration of a term or by the death or resignation of any
6 member or from any other cause shall be by the remaining
7 members of the respective board by secret ballot. Any trustee
8 elected by the board shall hold office from the date of his or
9 her election until confirmation or rejection by the Senate. If
10 the person is elected to serve as a trustee, and, if
11 confirmed, the person shall serve until the expiration of the
12 term for which he or she was elected, and until a successor is
13 elected.

14 b. At each meeting of the Legislature, the
15 Superintendent of Education shall certify to the Senate the
16 names of all those persons who have been elected since the
17 last session of the Legislature, and the Senate shall confirm
18 or reject them, as it shall determine is for the best interest
19 of the respective universities. If it rejects the names of any
20 members, it shall elect trustees in the stead of those
21 rejected. No trustee shall receive any pay or emolument other
22 than his or her actual expenses incurred in the discharge of
23 his or her duties. Upon the vacation of office by a trustee,
24 the respective board, if it desires, may bestow upon a trustee
25 the honorary title of trustee emeritus, but the status shall
26 confer no responsibilities, duties, rights, or privileges as
27 trustee emeritus.

1 (b) The Board of Trustees for the University of
2 Alabama shall transfer any assets and liabilities of the
3 University of Alabama at Birmingham and the University of
4 Alabama at Huntsville to the respective board of each
5 university.

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

10 Section 3. The appropriate election official shall
11 assign a ballot number for the proposed constitutional
12 amendment on the election ballot and shall set forth the
13 following description of the substance or subject matter of
14 the proposed constitutional amendment: "Proposing an amendment
15 to the Constitution of Alabama of 1901, as amended, to create
16 separate boards of trustees for the University of Alabama at
17 Birmingham and the University of Alabama at Huntsville; to
18 provide for the composition, powers, and duties of each board;
19 and to provide for the transfer of assets and liabilities of
20 both universities to their respective boards.

21 "Proposed by Act ____."

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

24 "Yes () No ()."