

1 HB439  
2 115685-2  
3 By Representatives Black and Rogers (Constitutional Amendment)  
4 RFD: Education Policy  
5 First Read: 26-JAN-10

SYNOPSIS: Under existing law, a member of the University of Alabama Board of Trustees is required to vacate office at the annual meeting of the board following his or her seventieth birthday.

This bill would propose an amendment to Section 264 of the Constitution of Alabama of 1901, as amended by Amendment 399 to the Constitution of Alabama of 1901, now appearing as Section 264 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to increase the age limitation for service on the board from 70 years to 75 years.

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to Section 264 of the Constitution of Alabama of 1901, as amended by Amendment 399 to the Constitution of Alabama of 1901, now appearing as

1       Section 264 of the Official Recompilation of the Constitution  
2       of Alabama of 1901, as amended, relating to the University of  
3       Alabama Board of Trustees; to increase the age limit for  
4       service on the board from 70 to 75 years.

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 264.

14               "The state university shall be under the management  
15      and control of a board of trustees, which shall consist of two  
16      members from each congressional district in the state, an  
17      additional member from the congressional district which  
18      includes the site of the first campus of the university, the  
19      superintendent of education, and the governor, who shall be ex  
20      officio president of the board. 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 elected and confirmed as hereinafter  
24      required. The additional trustees provided for by this  
25      amendment shall be elected by the existing members of the  
26      board, and confirmed by the senate in the manner provided  
27      below, for initial terms of not more than six years

1 established by the board so that one term shall expire each  
2 three years in each congressional district. Successors to the  
3 terms of the existing and additional trustees shall hold  
4 office for a term of six years, and shall not serve more than  
5 three consecutive full six-year terms on the board; provided  
6 however that a trustee shall retire from the board and vacate  
7 office at the annual meeting of the board following that  
8 trustee's ~~seventieth~~ seventy-fifth birthday. Election of  
9 additional and successor trustees or of trustees to fill any  
10 vacancy created by the expiration of a term or by the death or  
11 resignation of any member or from any other cause shall be by  
12 the remaining members of the board by secret ballot; provided,  
13 that any trustee so elected shall hold office from the date of  
14 election until confirmation or rejection by the senate, and,  
15 if confirmed, until the expiration of the term for which  
16 elected, and until a successor is elected. At every meeting of  
17 the legislature the superintendent of education shall certify  
18 to the senate the names of all who shall have been so elected  
19 since the last session of the legislature, and the senate  
20 shall confirm or reject them, as it shall determine is for the  
21 best interest of the university. If it rejects the names of  
22 any members, it shall thereupon elect trustees in the stead of  
23 those rejected. No trustee shall receive any pay or emolument  
24 other than his actual expenses incurred in the discharge of  
25 his duties as such. Upon the vacation of office by a trustee,  
26 the board, if it desires, may bestow upon a trustee the  
27 honorary title of trustee emeritus, but such status shall

1 confer no responsibilities, duties, rights, or privileges as  
2 such."

3 Section 2. An election upon the proposed amendment  
4 shall be held in accordance with Sections 284 and 285 of the  
5 Constitution of Alabama of 1901, now appearing as Sections 284  
6 and 285 of the Official ReCompilation of the Constitution of  
7 Alabama of 1901, as amended, and the election laws of this  
8 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 increase the age limit for members serving  
16 on the University of Alabama Board of Trustees from 70 years  
17 to 75 years of age.

18 "Proposed by Act \_\_\_\_\_."

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

21 "Yes ( ) No ( )."