

1 HB240  
2 189603-1  
3 By Representative Garrett (Constitutional Amendment)  
4 RFD: Education Policy  
5 First Read: 18-JAN-18

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8 SYNOPSIS: Under existing law, the membership of the  
9 Board of Trustees of the University of Alabama  
10 consists of members from each congressional  
11 district in the state, an additional member from  
12 the congressional district which includes the site  
13 of the first campus of the university, the State  
14 Superintendent of Education, and the Governor, as  
15 ex officio president of the board.

16 This bill would propose an amendment to  
17 Section 264 of the Constitution of Alabama of 1901,  
18 as amended by Amendment 399 to the Constitution of  
19 Alabama of 1901, now appearing as Section 264 of  
20 the Official Recompilation of the Constitution of  
21 Alabama of 1901, as amended, to specify that the  
22 congressional districts continue to reflect those  
23 as constituted on January 1, 2018, to remove the  
24 State Superintendent of Education from membership,  
25 and to delete the requirement that members vacate  
26 office at the annual meeting of the board following  
27 their seventieth birthday.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
5

6 To propose an amendment to Section 264 of the  
7 Constitution of Alabama of 1901, as amended by Amendment 399  
8 to the Constitution of Alabama of 1901, now appearing as  
9 Section 264 of the Official Recompilation of the Constitution  
10 of Alabama of 1901, as amended, relating to the University of  
11 Alabama Board of Trustees; to specify that the congressional  
12 districts continue to reflect those as constituted on January  
13 1, 2018, to remove the State Superintendent of Education from  
14 membership, and to delete the requirement that members vacate  
15 office at the annual meeting of the board following their  
16 seventieth birthday.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 PROPOSED AMENDMENT

25 "Section 264.

26 "The state university shall be under the management  
27 and control of a board of trustees, which shall consist of two

1 members from each congressional district in the state as  
2 constituted on January 1, 2018, an additional member from the  
3 congressional district which includes the site of the first  
4 campus of the university, ~~the superintendent of education,~~ and  
5 the governor, who shall be ex officio president of the board.  
6 The members of the board of trustees as now constituted shall  
7 hold office until their respective terms expire under existing  
8 law, and until their successors shall be elected and confirmed  
9 as hereinafter required. The additional trustees provided for  
10 by this amendment shall be elected by the existing members of  
11 the board, and confirmed by the senate in the manner provided  
12 below, for initial terms of not more than six years  
13 established by the board so that one term shall expire each  
14 three years in each congressional district. Successors to the  
15 terms of the existing and additional trustees shall hold  
16 office for a term of six years, and shall not serve more than  
17 three consecutive full six-year terms on the board; ~~provided~~  
18 ~~however that a trustee shall retire from the board and vacate~~  
19 ~~office at the annual meeting of the board following that~~  
20 ~~trustee's seventieth birthday.~~ Election of additional and  
21 successor trustees or of trustees to fill any vacancy created  
22 by the expiration of a term or by the death or resignation of  
23 any member or from any other cause shall be by the remaining  
24 members of the board by secret ballot; provided, that any  
25 trustee so elected shall hold office from the date of election  
26 until confirmation or rejection by the senate, and, if  
27 confirmed, until the expiration of the term for which elected,

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

15 Section 2. An election upon the proposed amendment  
16 shall be held in accordance with Sections 284 and 285 of the  
17 Constitution of Alabama of 1901, now appearing as Sections 284  
18 and 285 of the Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, and the election laws of this  
20 state.

21 Section 3. The appropriate election official shall  
22 assign a ballot number for the proposed constitutional  
23 amendment on the election ballot and shall set forth the  
24 following description of the substance or subject matter of  
25 the proposed constitutional amendment:

26 "Proposing an amendment to the Constitution of  
27 Alabama of 1901, relating to the Board of Trustees of the

1 University of Alabama, to specify that the congressional  
2 districts from which members are appointed continue to reflect  
3 those as constituted on January 1, 2018, to remove the State  
4 Superintendent of Education from membership, and to delete the  
5 requirement that members vacate office at the annual meeting  
6 of the board following their seventieth birthday.

7 "Proposed by Act \_\_\_\_\_."

8 This description shall be followed by the following  
9 language:

10 "Yes ( ) No ( )."