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

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

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

This bill would provide that the Governor would appoint one of these nominees and submit the name to the Senate, or, if the Governor fails to make the appointment, that the appointment and
submission would be made by the nominating committee.

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

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

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

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

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

A BILL

TO BE ENTITLED

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

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

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

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

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

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

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

(d)(1) The Governor, within 30 days of receipt of these nominees, shall select one nominee for appointment to the board of trustees. The Governor shall notify the board of
trustees and the nominating committee in writing of the
selection.

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

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

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

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

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

(g)(1) Upon the rejection of a submission or the
withdrawal of a submission, the nominating, appointment, and
confirmation process specified in this section shall commence anew.

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

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

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

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

Section 3. All laws or parts of laws which conflict with this act are repealed.
Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law, and upon the ratification of a constitutional amendment authorizing the establishment of a nomination, appointment, and confirmation process by statute.
SYNOPSIS: Under existing law, the Board of Trustees of Auburn University consists of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as they existed on January 1, 1961, the State Superintendent of Education, and the Governor. Members are appointed by the Governor by and with the advice and consent of the Senate, continue to serve until successors are appointed and qualified, and vacancies are filled by the Governor. The terms of members are 12 years.

This bill would propose an amendment to the Constitution of Alabama of 1901, to provide that the board consist of one member from each of the congressional districts in the state as constituted on January 1, 1961, one member from Lee County, four at-large members, each of whom shall reside in the continental United States, and the Governor.
This bill would provide that the method of appointment, filling vacancies, and assuming and relinquishing office would be provided by statute.

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Amendment to Amendment No. 161.

"BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

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

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

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

"Each member of the board of trustees as constituted on the date this amendatory language is ratified may serve the remainder of his or her current term and shall be eligible, if
otherwise qualified, to serve for no more than two additional six-year terms.

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

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

"No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of his duties as such.
"No employee of Auburn University shall be eligible to serve on its as a member of the board of trustees.

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

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

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

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

Proposed by Act _______

This description shall be followed by the following language:

"Yes ( ) No ( )."