

REPORTS OF COUNCIL ON CONSTITUTION AND BYLAWS

The following reports, 1-2, were presented by John A. Fagg, MD, Chair:

1. ELIMINATION OF THE WORD "TREASURER" IN THE TITLE "SECRETARY-TREASURER"

HOUSE ACTION: RECOMMENDATIONS ADOPTED, CONSTITUTION AND BYLAWS AMENDED ACCORDINGLY, AND REMAINDER OF REPORT FILED

At the 2003 Annual Meeting, the House of Delegates amended Board of Trustees Report 24 and adopted the following recommendations:

1. That the Constitution and Bylaws of the American Medical Association be amended to eliminate the word "Treasurer" from the title of the position "Secretary-Treasurer," an officer of the Association.
2. That following approval of the amended Constitution and Bylaws, the Board of Trustees clarify its Standing Rules accordingly.
3. That the Council on Constitution and Bylaws shall draft appropriate amendments to the Constitution and Bylaws consistent with Recommendation 1.

Article XII of the Constitution requires that an amendment to the Constitution must be introduced at one meeting and voted upon at the following meeting. At the 2003 Interim Meeting, the Council on Constitution and Bylaws submitted its Report 1-I-03, which introduced an amendment to the AMA Constitution to implement the action of the House of Delegates. The House of Delegates received Report 1-A-03 and deferred action on the amendment to the 2004 Annual Meeting, as required by the Constitution. A vote of two-thirds of the registered voting members of the House of Delegates is necessary for adoption of an amendment to the Constitution.

The Council also has developed appropriate amendments to the Bylaws to implement this action. A vote of two-thirds of the members of the House of Delegates present and voting is necessary for adoption of amendments to the Bylaws, following adoption of the Constitutional amendment.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends:

1. That the following amendment to the AMA Constitution, which was introduced at the 2003 Interim Meeting, be adopted:

Article VII General Officers

The general officers of the Association shall be a President, President-Elect, Immediate Past President, Secretary-Treasurer, Speaker of the House of Delegates, Vice Speaker of the House of Delegates and sixteen Trustees, including a Young Physician member, a Resident Physician member, a Medical Student member and a Public (Non-Physician) member. Their qualifications and terms of office shall be provided in the Bylaws.

2. That the following amendments to the AMA Bylaws be adopted:

3.00 General Officers

* * * * *

3.30 Nominations. Nominations for officers, except for Secretary-Treasurer and the public member of the Board of Trustees, shall be made from the floor by a member of the House of Delegates. Where candidates for office are unopposed, except for the office of President-Elect, there will be no nominating speeches. A nominating speech shall not exceed two minutes.

3.40 Elections.

3.41 Time of Election. Officers of the AMA, except the Secretary-Treasurer and the medical student member of the Board of Trustees shall be elected by the House of Delegates at the Annual Meeting, except as provided in 3.60 and 3.70. On recommendation of the Committee on Rules and Credentials, the House shall set the day and hour of such election by adopting an appropriate motion.

* * * * *

3.50 Terms and Tenure.

* * * * *

3.503 Secretary-Treasurer. A Secretary-Treasurer shall be selected by the Board of Trustees from one of its members and shall serve for a term of one year.

* * * * *

4.00 Duties and Privileges of General Officers

* * * * *

4.60 Secretary-Treasurer.

In addition to the duties ordinarily incumbent on the secretary of a corporation by law and custom, and those granted or imposed in other provisions of the Constitution and these Bylaws, the Secretary-Treasurer shall perform such other duties as may be directed by the House of Delegates or by the Board of Trustees.

* * * * *

5.00 Board of Trustees

* * * * *

5.20 Organization.

5.201 Officers and Committees. Immediately following the conclusion of the Annual Meeting, the Board shall organize by electing a Chair-Elect, a Secretary-Treasurer and committees necessary for its functions.

* * * * *

5.40 Duties and Privileges. In addition to the rights and duties conferred or imposed upon the Board of Trustees by law and custom and elsewhere in the Constitution and Bylaws, it shall:

* * * * *

5.405 Select annually from one of its members a Secretary-Treasurer who shall assume the duties as provided in 4.60 of the Bylaws.

3. That the remainder of this report be filed.

2. EXTENDING THE FREEZE ON THE SIZE OF THE HOUSE OF DELEGATES

HOUSE ACTION: RECOMMENDATIONS ADOPTED, BYLAWS AMENDED ACCORDINGLY, AND REMAINDER OF REPORT FILED

At this 2004 Annual Meeting, the House of Delegates adopted action that affects the delegate apportionment in the House. Delegate apportionment is established in our AMA Bylaws. The action of the House requires amendment of our Bylaws.

The Council on Constitution and Bylaws has prepared appropriate Bylaw amendments to implement this action.

RECOMMENDATION

The Council on Constitution and Bylaws presents the following amendments for consideration, and recommends that the remainder of this report be filed. Adoption requires the affirmative vote of two-thirds of the members of the House of Delegates present and voting.

2.00 House of Delegates

* * * * *

2.11 Constituent Associations. Each constituent association is entitled to delegate representation based on the number of seats allocated to it by apportionment, and such additional delegate seats as may be provided under 2.112.

2.111 Apportionment. The apportionment of delegates from each constituent association is one delegate for each one thousand (1,000), or fraction thereof, active constituent and active direct members of the American Medical Association within the jurisdiction of each constituent association, as recorded in the office of the Executive Vice President of the AMA on December 31 of each year.

2.1111 Effective Date. Such apportionment shall take effect the ensuing January 1 and shall remain effective for one year thereafter. In January of each year the Executive Vice President of the American Medical Association shall notify each constituent association of the number of seats in the House of Delegates to which it is entitled during the current year. Notwithstanding the foregoing requirements, the apportionment of delegates from each constituent association shall not be less than the 2003 apportionment while the specialty organization delegate apportionment freeze set forth in bylaw 2.124 is in effect.

2.11111 Retention of Delegate. If the membership information as recorded in the Office of the Executive Vice President of the American Medical Association on December 31 warrants a decrease in the number of delegates representing a constituent association, the constituent association shall be permitted to retain the same number of delegates, without decrease, for one additional year, but only if it promptly files with the Office of the Executive Vice President of the AMA a written plan of intensified AMA membership development activities among its members.

2.1112 Unified Membership. A constituent association that adopts bylaw provisions requiring all members of the constituent association to be members of the AMA shall not suffer a reduction in the number of delegates allocated to it by apportionment during the first two (2) years in which the unified membership bylaw provisions are implemented.

* * * * *

2.124 Apportionment of Specialty Organization Delegates. Apportionment of delegates and alternate delegates from each specialty organization represented in the AMA House of Delegates is one delegate and one alternate delegate for each one-thousand (1,000), or fraction thereof, of physician members of the AMA who select that specialty organization to represent the member on the biennial notice returned to the AMA plus fourth year medical students who are members of the AMA who select that specialty organization to represent the member on the biennial notice returned to the AMA. Notwithstanding the foregoing requirements, the apportionment of delegates and alternate delegates in effect for 2003 from each specialty organization represented in the AMA House of Delegates in 2003 shall remain in effect until December 31, ~~2004~~ 2005. The delegates eligible for seating in the House of Delegates by apportionment are in addition to the additional delegate and alternate delegate authorized for unified specialty organizations meeting the requirements of 2.122.