

# Constitutional Revision Commission

## Minutes

January 18, 2012

The Wednesday, January 18, 2012 meeting of the Alabama Constitutional Revision Commission was held 1:15 to 4:00 p.m. in Room 617 of the State House, Montgomery Alabama.

The following members were present: Governor Albert Brewer, Greg Butrus, Vicki Drummond, Carolyn McKinstry, Matt Lembke, Becky Gerritson, Representative Paul DeMarco, , Senator Bryan Taylor, and Representative Randy Davis. Absent from the meeting were Governor Robert Bentley, President Pro-Tem Del Marsh, Speaker Mike Hubbard, Senator Ben Brooks Representative Patricia Todd, Jim Pratt, and John Anzalone.

Also present from the Drafting staff: Bob McCurley, Professor Howard Walthall and Mike Waters ; Law Institute staff: Othni Lathram, Penny Davis and Teresa Norman; Governor's Office: Rebecca Boykins; Senate Pro Tem's Office: Phillip Bryan and Ryan Cantrell ; and from the Speaker's Office: Jason Isbell and Boone Kinard.

Committee Chair Governor Albert Brewer called the meeting to order.

The minutes to the December 7, 2011 meeting were approved. *See exhibit 1.*

Commissioner Carolyn McKinstry presented the following amendment on predatory lending for consideration:

“No law of this state shall permit any person who extends consumer credit to an individual in this state to impose an annual percentage rate of interest greater than 36 % with respect to the consumer credit extended.”

Motion by Commissioner Bryan Taylor to carry over the amendment until the next meeting of the Commission and further requested staff to compare this amendment with other states' constitutions, statutes and Federal statutes and report back at the next meeting. Amendment was carried over until the next meeting by unanimous consent.

The Commission then heard from interested individuals and organizations concerning a “home rule” provision in Article IV. The following persons spoke:

Sonny Brasfield, Association of County Commissions (Handout attached)  
Craig Babb, Alabama Appleseed (Handout attached)  
Stephen Stetson, Alabama Arise  
Nancy Ekberg, Alabama Citizens for Constitutional Reform  
Robert Harris, Commissioner Lowndes County (Handout)  
Gene Crum, Lowndes County Economic Director  
Sid Martin, Blount County  
Huber Johnson, Toney  
Frank Dillman, Macon County (Handout)  
Margaret Brown, Birmingham  
Ken Freeman, Alliance for Citizens Rights (Handout)  
Mr. Shannon Mason, Marshall County  
Roe Shannon  
Dean Johnson, Huntsville (Handout)  
Charles Orr, Huntsville  
Mr. Bill Anthony, Tallassee  
Don Casey, Pleasant Grove  
Jim Gosser, Clay County  
Paul Brothers, Marshall County  
Joey Hartline, Albertville

At the end of the public meeting at which all parties who were present and wished to speak were heard, the Chair stated staff will take all recommendations under consideration and draft alternatives for the Commission to consider.

Chair called upon Bob McCurley who presented a draft “Report to the Legislature” of the Commission’s work during the past year and recommendations of the Commission for the 2012 Regular Session of the Legislature. Upon review it was unanimously moved and seconded the report as drafted be adopted and presented to the Legislature. (See attached)

The Commission further considered and recommended the effective date of each Article be the second January 1 following their approval by the voters to allow all affected parties the opportunity to be apprised of the new Articles.

Bob McCurley reviewed the Articles scheduled for the Commission to review in 2012:

**Article III, Distribution of Powers.** The Commission has completed its review of this Article and has recommended no changes to be made to the Article.

**Article IV, Legislative Department.**

**Article IX, Representation.**

The Commission upon completion of Articles IV and IX will begin a review of the following Articles during 2012:

Article I    Declaration of Rights  
Article V    Executive Department  
Article XIV   Education

The Chair announced the meeting tentatively set for Wednesday, January 25, 2012 would not be held. It was a consensus of the Commission that no formal Commission meeting would be held during the 2012 Regular Session of the legislature which will begin February 7, 2012 and could last until mid May. The Commission agreed the next meeting would be held at the completion of the Session at the call of the Chair.

The balance of the agenda will addressed at the next meeting. Staff was requested to continue to meet and develop alternatives for the Commission to consider.

The meeting was adjourned.

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Bob McCurley