

# Constitutional Revision Commission

## Minutes

November 16, 2011

The Wednesday, November 16, 2011 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, Jim Pratt, Matt Lembke, Senator Ben Brooks, 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, Representative Patricia Todd, Becky Gerritson, and John Anzalone.

Also present from the Drafting staff: Bob McCurley, Professor Howard Walthall and Mike Waters; from the Law Institute staff: Teresa Norman; from the Senate ProTem's Office: Phillip Bryan; and From the Speaker's Office: Jason Isbell.

Committee Chair Governor Albert Brewer called the meeting to order.

The minutes to the October 26, 2011 meeting were approved. *See exhibit 1.*

Bob McCurley presented Article III, "Separation of Powers". The Article had previously been reviewed. It was noted the article has only three sections and no changes are recommended. On motion by Representative Randy Davis and seconded by Jim Pratt the Article was approved without change. *See exhibit 2.*

The Chair called upon Mike Waters to present his research on whether interest rates can be regulated in the Constitution, an issue which was raised at the October 5, 2011 meeting. Mr. Waters presented an amendment to 247. *See exhibit 3.* Commissioner Carolyn McKinstry commented that all lenders should be treated equally whether they are banks, loan companies, payday lenders or pawn for title lenders. She and Commissioner Vicki Drummond presented testimony that 13 other states had regulated predatory lending and such lending was adversely affecting our military personnel. They expressed their desire to find a way for Alabama to regulate all lenders.

The Chair called upon Bob McCurley to present his research on how other states reorganize after a general election, an inquiry raised at the October 26, 2011 meeting concerning Section 48.01 of Article IV, *See exhibit 4.*

The Chair called upon Professor Walthall to resume his overview of Article IV, Sections 44-83 of the "Legislative Department" beginning with Section 56.

Staff requested guidance from the Commissioners as to the disposition of each section. Some sections may be considered obsolete, others need revising or while others maybe acceptable as currently written.

The staff was directed to conduct a state by state research as to when other legislatures hold their sessions; the length of their sessions; those that have "budget only sessions"; and general bill sessions.

Ruth Ott, on behalf of the League of Women Voters, voiced the support of the League for Constitutional reform and presented to the Commission a paper concerning her remarks. *See exhibit 5.*

The Chair announced the next meeting the commission will consider specific recommendations to Article IV "Legislative Department" and in particular the sections concerning "Internal Affairs" Sections 44 -83.

Bob McCurley announced the approved minutes of each meeting, the approved Article XII, "Private Corporations" and Article XIII, "Banks and Banking" will be placed on the Law Institute web page [www.ali.state.al.us](http://www.ali.state.al.us).

Committee Chair Governor Brewer encouraged each Commissioner to address groups concerning work of the Commission and these approved Articles.

The next meeting of the Commission will be December 7, 2011.

There being no further business coming before the Commission, the meeting was adjourned.

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Bob McCurley  
Director, Alabama Law Institute