

Constitutional Revision Commission

Minutes

October 26, 2011

The Wednesday, October 26, 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, Becky Gerritson, Carolyn McKinstry, Jim Pratt, John Anzalone, Matt Lembke Representative Patricia Todd, 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, and Speaker Mike Hubbard.

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 5, 2011 meeting were approved. *See exhibit 1.*

Becky Gerritson presented an amendment to the committee procedure. The amendment to the procedure to limit individual speakers to 3 minutes subject to extending or reduction of time depending on the number of speakers. With this modification the procedure was approved by the committee. *See exhibit 2.*

The Chair called upon Professor Howard Walthall to present his research on issues raised at the October 5, 2011 meeting concerning Section 239, of Article XII, "Corporations". Motion by Commissioner McKinstry, seconded by Commissioner Todd to delete the last sentence of Section 239 and keep the balance of the section. Approved.

Motion by Representative Paul DeMarco and Seconded by Commissioner John Anzalone "The Commission approve Article XII "Private Corporations, Railroads, and Canals" as amended and the Article be reported to the Legislature for adoption." *See Exhibit 3.*

The Chair called upon Mike Waters to present his research on "Species Payments" which was raised at the October 5, 2011 meeting concerning Section 249 Article XIII, "Banks and Banking". *See exhibit 4.*

Motion by Commissioner Pratt and seconded by Commissioner Lembke to delete Section 255.01 of Article XIII subject to the deletion of Section 232 in Article XII.

Motion by Representative Paul DeMarco and Seconded by Representative Randy Davis to Approve Article XIII, "Banks and banking" as amended and the Article be reported to the Legislature for adoption." *See Exhibit 5.*

The staff was directed to research whether interest rates may be addressed in the Constitution and to review with the Commission their findings.

The Chair called upon Professor Walthall to give an overview of. Article IV Sections 44-83 of the "Legislative Department". Professor Walthall reviewed through Section 56. The Chair asked Professor Walthall to suspend his review to enable individuals wishing to address the Commission to do so and that Professor Walthall resume his review of the Article IV, "The Legislative Department" at the next meeting. *See exhibit 6.*

The Commission also requested staff to research how and when other states reorganize after each election.

The following person made a presentation to the Commission concerning Constitutional Revision: Suzelle Josey.

The Chair announced the next meeting the commission will continue its review of Article IV "Legislative Department" and in particular the sections concerning "Internal Affairs" Sections 44 -83, beginning with Section 56.

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 and on the Legislatures web page , if possible. Committee Chair Governor Brewer encouraged each Commissioner to address groups concerning work of the Commission and these approved Articles.

The following are tentative future dates for Commission meetings:

November 16, 2011

December 7, 2011

The tentative agenda for the next meeting, Wednesday, November 16, 2011:

1:15 p.m.

Article III "Distribution of Powers"

(Article is 3 sections and no changes are proposed.)

Article IV "Legislative Department"

(Resume Section by section historical review beginning with Section 56)

Recommendations to staff for any redrafting of Sections 44-83

3:15 p.m.

Presentations to the Commission by interested individuals concerning Article IV, "Legislative Article" or Article III, "Separation of Power".

4:00 p.m. Adjourn

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

Bob McCurley
Director, Alabama Law Institute