

Constitutional Revision Commission

Minutes

October 5, 2011

The Wednesday, October 5, 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, President Pro-Tem Del Marsh, Greg Butrus, Vicki Drummond, Becky Gerritson, Carolyn McKinstry, Jim Pratt, John Anzalone, Representative Patricia Todd, Senator Ben Brooks, Representative Paul DeMarco, Senator Bryan Taylor, and Representative Randy Davis. Absent from the meeting were Governor Robert Bentley , Speaker Mike Hubbard and Matt Lembke,

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: Ryan Cantrell and Derek Trotter; and From the Speaker's Office: Jason Isbell.

Committee Chair Governor Albert Brewer called the meeting to order.

The minutes to the September 21, 2011 meeting were approved. *See exhibit 1.*

Bob McCurley presented a proposed committee procedure. A suggestion was made for the public to have an opportunity to be heard. The procedure was modified to specifically include "individuals". 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 September 21, 2011 meeting concerning Article XII, "Corporations". *See exhibit 3.*

Professor Walthall presented a memo concerning:

1. "General provisions (as in Sections 229) v. detailed provisions" (as in Sections 238 & 239);
2. Historical prospective of Section 239 "Telegraph and Telephone Companies"
3. Corporate Statutory provisions in the Constitution.

Professor Walthall answered questions relating to each.

The only issue remaining in Article XII for which additional research was requested was whether Section 239 should:

- a. be repealed;
- b. delete only the last sentence; or
- c. Section modified to be more general and to apply to all "Communications".

The Chair called upon Mike Waters to present his research on issues raised at the September 21, 2011 meeting concerning Article XIII, "Banks and Banking". *See exhibit 4.*

Mr. Waters presented a memo on his supplemental research concerning "Usury" and answered questions.

The only issues remaining on Article XIII for which additional research was requested:

- a. Whether the entire Banking Article can be repealed;
- b. Whether Section 255.01 should be repealed or transferred to Article XIII.
- c. The effect of repealing Section 249 concerning redeeming bills for gold and silver.

Further, the drafting committee was requested to make all revisions gender neutral.

The Chair called upon Professor Walthall to give an overview of the following Articles:

Article III "Separation of Powers" *See exhibit 5.*

Article IV "Legislative Department" *See exhibit 6.*

The following persons made a presentation to the Commission concerning Article IV "Legislative Department":

Senator Del Marsh, President Pro-Tem of the Senate

Pat Harris, Secretary of the Senate (*Enclosed Senate Rules*)

Greg Pappas, Clerk of the House (*Enclosed House Rules*) & *See exhibit 7.*

Sonny Brasfield, Executive Director,

Association of County Commissions, *See exhibit 8.*

Craig Babb, Appleseed Center for Law and Justice *See exhibit 9. &*

James Williams, Exec. Director Public Affairs Research Council, *See exhibit 10.*

The Chair announced the next meeting the commission will begin its review of Article IV "Legislative Department" and in particular the sections concerning "Internal Affairs". In general these are Article IV, Sections 44 -83.

Leadership of the Senate and House of Representatives, Secretary of the Senate, and Clerk of the House are encouraged to send to the drafting committee their suggestions for change to these sections.

The following are tentative future dates for Commission meetings:

October 26, 2011
November 16, 2011
December 7, 2011

The tentative agenda for the next meeting, Wednesday, October 26, 2011:

1:15 p.m.

Article XII "Private Corporations and
Article XIII "Banks and Banking"
Discussion of remaining issues listed in minutes
Approval of Final Draft

Article IV "Legislative Department"
Section by section historical review

3:15 p.m.

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

4:00 p.m. Adjourn

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

Bob McCurley
Director, Alabama Law Institute