

Constitutional Revision Commission

Minutes

September 21, 2011

The Wednesday, September 21, 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, Matt Lembke, 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 was Governor Robert Bentley and Speaker Mike Hubbard.

Also present from the Drafting staff: Bob McCurley, Professor Howard Walthall and Mike Waters from the Law Institute staff: Penny Davis, Othni Lathram and Teresa Norman.

Committee Chair Governor Albert Brewer, called the meeting to order. After initial remarks, the Governor Brewer called upon Representative Paul DeMarco to review Article XII Private Corporations. Representative DeMarco reviewed each section and gave an explanation as to any changes or disposition of each section. He commented the Article as drafted was the version that had passed the House of Representative for several years beginning in 2007.

The drafting staff was ask to research general and specific powers in relation to Sections 229 and 238 for the next meeting. Although no change was recommended to Section 239 a question was asked as to whether this language was broad enough today. Additional citations and references will also be added to the comments of sections discussed.

An explanation was given by staff that the Appleseed Organization had inquired as to why the "Municipal Corporation" sections of Article XII were not addressed. Staff responded it was their understanding that sections dealing with taxation would not be considered. Most of these sections concern indebtedness and bonds therefore were not addressed.

Governor Brewer called upon Senator Ben Brooks to review Article XIII on Banks and Banking. Senator Brooks acknowledged the hard work for many years on this Article by Representative Paul DeMarco and Commission member Greg Butrus. He ask

Representative DeMarco to review Article XIII as Representative DeMarco had done Article XII on Corporations.

Representative DeMarco reviewed each section of Article XIII on Banks and Banking and gave an explanation as to any changes or disposition of each section. He commented the Article as drafted was the version that had passed the House of Representative for several years beginning in 2007.

Staff was requested to inform the Commission at the next meeting on Alabama's usury laws. Mike Waters reviewed Alabama's history on usury. Further discussion concerned Section 255.01 and whether it was necessary. Staff will also review this Section and report back to the Commission.

The Chair called upon its staff to give a quick review of the Articles scheduled for discussion at the next meeting, October 5, 2011.

Article III "Distribution of Powers" was reviewed by Bob McCurley. He reported that no changes were recommended by staff.

Article IV "Legislative Department" was reviewed by Professor Walthall. This Article is quite large and will require extensive review.

Article IX "Representation" was also reviewed by Professor Walthall.

The Chair announced at the October 5, 2011 meeting the commission will invite comments from representatives of the leadership of the Senate, House of Representatives, Secretary of the Senate, Clerk of the House and any groups wishing to be heard. These comments will lead the drafters as they prepare for a subsequent section by section discussion.

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

Bob McCurley
Director, Alabama Law Institute