

RECOMPILATION **Report and Commentary**

The Commission makes two related recommendations as to recompilation of the Alabama Constitution.

RECOMMENDATION NUMBER ONE: Recompilation can be done by an act of the Legislature. The Commission recommends that legislation be introduced that would direct the Code Commissioner to prepare an official recompilation of the Constitution of Alabama of 1901, and to have the document published. Proposed statutory language accompanies this Report and Commentary. Further, as pursuant to Governor Riley's intent, the proposed legislative recompilation may not make any substantive change to any existing operative constitutional provision.

The official recompilation should include all of the following:

- (1) The removal of all expressly repealed sections or amendments, or portions thereof.
- (2) The insertion of expressly identified amendatory language contained in a particular constitutional amendment into the identified location and the deletion of the language being amended and replaced; and the retention of the original article and section number or amendment number.
- (3) The relocation of various constitutional amendments applicable to the entire state in the appropriate article of the constitution based upon a logical sequence and the particular subject or topic.
- (4) The grouping of various constitutional amendments applicable to the entire state in the same location in the document based upon a logical sequence and the particular subject or topic.
- (5) The grouping of local constitutional amendments in the same location in the document based upon a particular subject or topic or by county.
- (6) The elimination of constitutional provisions or amendments, including portions of such provisions or amendments that have lapsed.
- (7) The inclusion, after the text of a relocated provision, of the official constitutional amendment number assigned to that provision at the time of ratification.

- (8) Other editorial changes necessary to accurately reflect the current status of the constitution in a logical manner.
- (9) The recompilation of the Constitution of Alabama of 1901 shall be a continuing process for future amendments.

The recompiled constitution published under Section 1 shall be known as and cited as the Official Recompilation of the Constitution of Alabama of 1901, as amended.

We further suggest that in the event of a conflict between the official recompilation published under Recommendation One and the Constitution of Alabama of 1901, or any amendments to the Constitution of Alabama of 1901, the Constitution of Alabama of 1901, or the amendments thereto, or both, shall prevail over the official recompilation.

RECOMMENDATION NUMBER TWO: A separate constitutional amendment is necessary to delete certain unconstitutional provisions ("Jim Crow" laws) from the Constitution of Alabama of 1901. The Commission recommends the adoption of such an amendment. A proposed form of amendment to accomplish that purpose also accompanies this report and commentary.

**PROPOSED STATUTE AND CONSTITUTIONAL
AMENDMENT REGARDING RECOMPILATION**

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SYNOPSIS: This bill would direct the Code Commissioner to prepare an official recompilation of the Constitution of Alabama of 1901, and to have the document published and to provide for subsequent supplements to or replacements for the document.

This bill would designate the published document as the Official Recompilation of the Constitution of Alabama of 1901, as amended.

This bill would provide that if the official recompilation conflicts with the Constitution of Alabama of 1901, and amendments thereto, that the Constitution of Alabama of 1901, or the amendments thereto, or both, would prevail.

A BILL
TO BE ENTITLED
AN ACT

Directing the Code Commissioner to prepare an official recompilation of the Constitution of Alabama of 1901, and

1 to have the document published; providing for supplements
2 to or replacements for the official recompilation;
3 designating such published document as the Official
4 Recompilation of the Constitution of Alabama; and providing
5 if such document conflicts with the Constitution of Alabama
6 of 1901, that the Constitution of Alabama of 1901, shall
7 prevail.

8 **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

9 Section 1. (a) The Code Commissioner shall prepare an
10 official recompilation of the Constitution of Alabama of
11 1901, as amended. This official recompilation may not make
12 any substantive change to any existing operative
13 constitutional provision.

14 (b) The official recompilation shall include all of
15 the following:

16 (1) The removal of all expressly repealed sections
17 or amendments, or portions thereof.

18 (2) The insertion of expressly identified amendatory
19 language contained in a particular constitutional
20 amendment into the identified location and the
21 deletion of the language being amended and
22 replaced; and the retention of the original article
23 and section number or amendment number.

- 1 (3) The relocation of various constitutional
2 amendments applicable to the entire state in the
3 appropriate article of the constitution based upon
4 a logical sequence and the particular subject or
5 topic.
- 6 (4) The grouping of various constitutional
7 amendments applicable to the entire state in the
8 same location in the document based upon a logical
9 sequence and the particular subject or topic.
- 10 (5) The grouping of local constitutional amendments
11 in the same location in the document based upon a
12 particular subject or topic or by county.
- 13 (6) The elimination of constitutional provisions
14 or amendments, including portions of such
15 provisions or amendments, that have lapsed.
- 16 (7) The inclusion, after the text of a relocated
17 provision, of the official constitutional amendment
18 number assigned to that provision at the time of
19 ratification.
- 20 (8) Other editorial changes necessary to accurately
21 reflect the current status of the constitution in a
22 logical manner.

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1 (b) (1) The Code Commissioner, upon completion, shall
2 instruct the official Code Publisher to publish the
3 official recompilation.

4 (2) The Code Commissioner may instruct the
5 official Code Publisher to publish supplements to or
6 replacements for the official recompilation in the
7 appropriate location in such supplements and
8 replacements and make other editorial changes as
9 provided in subsection (b). Such supplements or
10 replacements shall be considered as part of or as the
11 official recompilation.

12 Section 2. The recompiled constitution published
13 under Section 1 shall be known as and cited as the Official
14 Recompilation of the Constitution of Alabama of 1901, as
15 amended.

16 Section 3. In the event of a conflict between the
17 official recompilation published under Section 1 and the
18 Constitution of Alabama of 1901, or any amendments to the
19 Constitution of Alabama of 1901, the Constitution of
20 Alabama of 1901, or the amendments thereto, or both, shall
21 prevail over the official recompilation.

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SYNOPSIS: This bill proposes an amendment to delete those remaining "Jim Crow" provisions of the Constitution of Alabama of 1901 which are offensive to many Alabama citizens and which have not yet been expressly repealed by vote of the people.

A B I L L
T O B E E N T I T L E D
A N A C T

Proposing an amendment to the Constitution of Alabama of 1901 repealing, annulling and setting aside certain offensive and unenforceable provisions of the Constitution of Alabama of 1901, as amended, generally known as "Jim Crow" laws, providing for the segregation of schools by race and for poll taxes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed, and shall become valid as a part thereof when approved by a majority of

1 the qualified electors of the State voting thereon and in
2 accordance with Sections 284, 285 and 287 of the Constitution
3 of Alabama of 1901, as amended.

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PROPOSED AMENDMENT

7 "The following provisions of the Constitution of Alabama
8 of 1901, as amended, are hereby repealed, annulled, and set
9 aside:

- 10 (a) The last sentence of Article XIV, Section 256, of
11 the Constitution of Alabama of 1901, as originally
12 adopted, together with the last sentence of Article
13 XIV, Section 256, as amended by Amendment 111.
- 14 (b) Article XIV, Section 259, of the Constitution of
15 Alabama of 1901, relating to poll tax revenues, in
16 its entirety.
- 17 (c) Amendment 90 to the Constitution of Alabama of 1901,
18 relating to exemptions from the poll tax, in its
19 entirety.
- 20 (d) Amendment 109 to the Constitution of Alabama of
21 1901, relating to exemptions from the poll tax, in
22 its entirety."

23 Section 2. Unless otherwise provided by the
24 Legislature, an election upon the proposed amendment is
25 ordered to be held on the date of the first statewide general

1 or special election held in the State after the expiration of
2 three months from final adjournment of the session of the
3 Legislature at which the act proposing the amendment
4 hereinabove proposed is adopted. The election shall be held
5 in accordance with the provisions of Section 284 and 285 of
6 the Constitution of Alabama of 1901, as amended, and the
7 general election laws of the State.

8 Section 3. Notice of the election and of the
9 proposed amendment shall be given by proclamation of the
10 Governor, which proclamation shall be published once a week
11 for four successive weeks next preceding the day appointed
12 for the election in a newspaper in each county of the State.
13 In every county in which no newspaper is published, a copy of
14 the notice shall be posted at each courthouse and post office
15 in such county.