

REPORT OF THE
ALABAMA CITIZENS'
CONSTITUTION COMMISSION
TO GOVERNOR BOB RILEY

Pursuant to
Executive Order No. 1
January 23, 2003



Submitted March 27, 2003

Jim Bennett, Chairman
Lenora Pate, Vice Chairman

“Many of the provisions of our present antiquated fundamental law constitute insuperable barriers to most of the important reforms necessary to meet modern conditions and to secure economy and efficiency in the administration of every department of state government.”

**Gov. Emmet O’Neal
In an address before the Alabama Legislature
January 18, 1918**

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INTRODUCTION

On January 23, 2003, Governor Bob Riley created the Alabama Citizens' Constitution Commission and charged the Commission with drafting suggested revisions to the Constitution of 1901. Signing the first executive order of his administration, Governor Riley made it clear that the Alabama Constitution does not adequately serve the needs of the citizens of our state and that the most responsible method for revising the Constitution is through a section-by-section reform process directed by a citizens' panel of respected Alabamians.

The Governor subsequently appointed a Commission of racially and geographically diverse individuals who voluntarily sacrificed their time and energies to this worthy effort, and requested from them a final report within 120 days. After only 64 days of intense research, discussion, public meetings, public hearings, extensive drafting and deliberation, we present this report.

Governor Riley asked the Commission to address the following areas: (1) the best method to provide limited home rule to county governments, (2) the appropriateness and proper method for recompiling our current Constitution, (3) the excessive earmarking in state budgets while ensuring full funding of education, (4) the expansion of the governor's veto power to include line-items as a budgetary management tool, and (5) the appropriateness of a super-majority vote of the Legislature to impose new taxes as part of overall tax reform. To effectively address these concerns we established committees to examine each area. These committees presented their reports to the full Commission for final

approval. It is the final recommendations of the full Commission that are contained in the following pages.

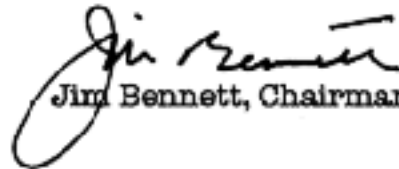
The Constitution of 1901 has been amended 742 times and is now widely considered a hindrance to progress in our state. It still contains racist provisions that are vestiges of a by-gone era and sections written for the benefit of a few rather than the good of the whole. Several times during the last century, valiant efforts have been made by reform minded Alabamians to correct the deficiencies in the 1901 Constitution, but such efforts have yet to succeed. It is our hope that this Commission's report will be the starting point for successful reform.

In Executive Order No. 1, the Governor outlined several of the most important areas in the Constitution in need of reform. It is past time to offer optional limited home rule to counties; past time to examine our excessive earmarking; past time to expand the Governor's veto power to include an effective line-item veto; past time to consider how the legislature may impose new taxes; and certainly past time to recompile the 1901 Constitution to make it more functional, coherent, and readable. Now is the time and this is the place to begin our long and overdue journey to update our fundamental law and covenant.

We are grateful that Governor Riley has recognized the great need for reform and has assembled an experienced and accomplished commission to develop thoughtful suggestions. The Constitution Commission and its Board of Technical Advisors have taken the Governor's charge very seriously. With a

hopeful eye toward the state's future, we are honored to serve and to submit the report and recommendations of the Alabama Citizens' Constitution Commission.

Respectfully submitted,


Jim Bennett, Chairman


Lenora Fata, Vice Chair

Office of the Governor

BOB RILEY
Governor



STATE OF ALABAMA

David Azbell
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January 23, 2003

EXECUTIVE ORDER NUMBER 01

WHEREAS, there is general agreement among many Alabamians that our state's central charter, the Constitution of Alabama of 1901, does not adequately serve the interests of the people who consent to be governed by it; and

WHEREAS, all Alabamians should recognize the value of certain important provisions of the Constitution, such as the Declaration of Rights and the prohibition on lotteries, and demand that they remain at the heart of our Constitution; and

WHEREAS, our Constitution has been amended over seven hundred times; and

WHEREAS, several provisions of the Constitution act as impediments to the establishment and operation of a government that is responsive to our people's needs; and

WHEREAS, any effort to reform our Constitution must be conducted in a responsible method - a method with safeguards in place to limit the influence of special interests in Alabama politics; and

WHEREAS, the approach to reforming the Constitution must be designed to retain the beneficial provisions of the current Constitution; to protect the process from the manipulation of special interests; to make the changes required to allow Alabama to move forward.

NOW THEREFORE, based upon those considerations, and for other good and valid reasons which relate thereto, I, Bob Riley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby create the Alabama Citizens' Constitution Commission, which shall be a panel of respected Alabamians, including constitutional law experts, former public officials, education, business and civic leaders, and others who represent Alabama's best and brightest.

BE IT FURTHER ORDERED, that the Commission shall hold public hearings, deliberations, and draft suggested revisions to Alabama's Constitution in the following areas:

1. The best method by which to provide limited home rule to Alabama counties in a manner that will be available to any county, but imposed on none, and that will allow constitutional government to be more efficient and responsive to the needs of its people by giving the power to address zoning, economic development, fire and police protection to local officials. The Commission shall be limited in its

the local imposition of taxes without a direct vote of the people.

2. The current system of earmarking in state budgetary matters while ensuring that our children's educations are fully funded.

3. The feasibility of granting the Governor an expanded power to exercise the veto of line items in a budget. The Commission shall consider that a broadening of this power will allow Alabama to join the majority of states whose governors exercise such a power. The Commission should also consider whether such power should be accompanied by a super-majority requirement to override.

4. The appropriateness of amending Alabama's Constitution to establish a threshold three-fifths super-majority vote of the Legislature to enact and impose any new taxes.

5. The appropriateness and best method to accomplish a recompilation of our current Constitution.

BE IT FURTHER ORDERED, that within 120 days of its initial meeting, the Commission shall provide a full report of its recommendations to the Governor.

BE IT FURTHER ORDERED, that these suggested revisions will be submitted to the Legislature for a vote.

BE IT FURTHER ORDERED, that should these changes gain legislative approval, they will be offered to the people for ratification or rejection.

BE IT FURTHER ORDERED that this Executive Order shall become effective immediately upon its execution and shall remain in effect until amended or modified by the Governor.

DONE AND ORDERED this 23rd day of January, 2003.

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For more contact information, visit Governor Bob Riley's Web Site: <http://www.governor.state.al.us/>
Alabama's Official State Web Site: <http://www.alabama.gov/>

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