

Joint Interim Legislative Committee on the Recompilation of the Constitution

October 13, 2021

A meeting of the Joint Interim Legislative Committee on the Recompilation of the Constitution was held in Room 200 of the Alabama State House on October 13, 2021.

The meeting was convened by Representative Merika Coleman, Chair, at 10:02 a.m. Mr. Othni Lathram, Director, Legislative Services Agency, took the attendance roll call. Committee members present for the meeting were Representative Merika Coleman, Chair, Senator Arthur Orr, Vice Chair, Representative Danny Garrett, Ms. Anita Archie, Mr. Greg Butrus, and Mr. Stan Gregory. Senator Sam Givhan and Representative Ben Robbins attended the meeting virtually. Senator Rodger Smitherman and Mr. Al Vance were absent.

After welcoming remarks by Representative Coleman, Mr. Lathram proceeded to explain the basis of the proposed Official Recompilation of the Constitution of Alabama, some of which are found in new materials that were provided as handouts to committee members for this meeting.

Statewide Provisions Generally

Committee members received a document that mirrors the statewide provisions in the 2005 Unofficial Recompilation of the Constitution that was developed by the Legislative Services Agency. Mr. Lathram suggested the document, entitled “Official Recompilation of the Constitution of Alabama of 1901, as amended” should be used as a basis for the statewide provisions in the new official recompilation.

The 2005 unofficial recompilation removed all constitutional provisions that have been explicitly repealed by subsequent constitutional amendment, updated language to reflect any revisions to constitutional provisions by subsequent amendments, made minor clerical revisions to modernize language to drafting style, and fixed typographical errors. The unofficial recompilation did not, however, remove language that would likely be found unconstitutional based on court decisions in other jurisdictions.

Mr. Lathram suggested that the unofficial recompilation should be used as a starting point for the statewide provisions in the new official recompilation. However, several edits that were made when the unofficial recompilation was developed that conform to drafting style and corrected typographical errors will be omitted – thereby reverting to the original language of the Constitution of Alabama of 1901 – in order to avoid making changes that go beyond the scope of the committee’s charge.

Local Provisions

Mr. Lathram reiterated that the local constitutional amendments will be reorganized and renumbered pursuant to the proposal prepared by the Legislative Services Agency. This reorganization will be based on common topics in a similar manner as local laws are organized under Title 45 of the Code of Alabama 1975, and applied universally to all local amendments.

Racist Language

Mr. Lathram reviewed the language that LSA proposes should be deleted, following the discussion at the September 2nd committee meeting. A discussion ensued. The revisions are summarized as follows:

Section 32: (slavery)

- Delete “, otherwise than for the punishment of crime, of which the party shall have been duly convicted”

Section 256: (education)

- In the first paragraph, delete the comma after “legislature” and delete “, to require or impose conditions or procedures deemed necessary to the preservation of peace and order”
- Delete the last paragraph

Section 259: (poll taxes)

- Repeal this section in its entirety

Economic Development

Mr. Lathram pointed out that the economic development provisions were addressed in the unofficial recompilation and the resulting language is consistent with the charge of this committee to remove duplicative or repealed provisions, which the recompilation accomplished. Discussion ensued, mostly with regard to Section 772. It was determined that making any changes to Section 772 might go beyond the scope of the committee’s authority.

Mr. Lathram concluded the meeting by summarizing the documents LSA will provide to the committee, which include a disposition chart indicating the proposed new section designators in the recompiled constitution compared to current sections of the Constitution of Alabama of 1901, for statewide amendments as well as local constitutional amendments, and a listing of all revisions LSA will make in the Unofficial Recompiled Constitution of 1901, that fixed typos and conformed to drafting style, back to the original language in the Constitution of Alabama of 1901.

Mr. Lathram recommended the committee meet once more, at which time the committee members will have the opportunity to formally vote on the proposed Official Recompiled Constitution of Alabama, to be prepared by the Legislative Services Agency. The time and place of the next meeting will be announced, with the goal of holding the meeting the last week of October or first week of November.

There being no additional business before the committee, the meeting was adjourned at 11:27 a.m.