



STATE OF ALABAMA

Office of the Governor

BOB RILEY
Governor

Press Office

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Governor Riley Signs Executive Order to Begin Constitution Revision Process

Huntsville - Following through on his commitment to revise the state's 1901 Constitution, Governor Bob Riley signed his first executive order on Thursday and created the Alabama Citizens' Constitution Commission. During the signing ceremony, held at the same site in Huntsville where the state's first governing document was written nearly two hundred years ago, he named former Secretary of State Jim Bennett as chairman of the commission and Birmingham lawyer and 1998 gubernatorial candidate Lenora W. Pate as vice-chairman.

"Today my administration takes the first step toward revising Alabama's 1901 Constitution and reforming how state government in Montgomery operates," Riley said. "I have full faith and confidence that this commission will work to give county governments the tools they need to operate and will address the excessive amount of earmarking in state government."

The governor signed the executive order at Constitution Hall, where 44 delegates from across the state gathered in 1819 to draft Alabama's first constitution. Riley said he will name the remaining members of the commission in the next few days.

The text of the order is as follows:

EXECUTIVE ORDER NUMBER ONE

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 recommendations in this area by the general principle that any extension of home rule must not allow 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.