

HB35 INTRODUCED



1 HB35
2 JHABNFY-1
3 By Representative Hill (Constitutional Amendment)
4 RFD: State Government
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

The state constitution directs the Legislature to hold annual regular sessions of the Legislature.

This bill would propose an amendment to the Constitution of Alabama of 2022, to divide each regular session of the Legislature into two separate periods.

This bill would require budget bills to pass before convening the second period of a regular session.

This bill would allow the Legislature, during the second period of a regular session, to reconsider bills passed during the first period of that regular session which were vetoed by the Governor.

This bill would also repeal obsolete provisions of the Constitution of Alabama of 2022.

A BILL
TO BE ENTITLED
AN ACT

Proposing to repeal and replace Sections 48, 48.01, 48.02, and 125 with new Sections 48 and 125 of the Constitution of Alabama of 2022, relating to the Legislature; to divide the regular legislative session into two periods; to



HB35 INTRODUCED

29 require the Legislature to pass budget bills during a certain
30 time period; to provide further for the process of vetoes and
31 legislative overrides; and to delete obsolete language in the
32 Constitution of Alabama of 2022.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34 Section 1. The following amendment to the Constitution
35 of Alabama of 2022, is proposed:

36 PROPOSED AMENDMENT

37 Sections 48, 48.01, 48.02, and 125 of the Constitution
38 of Alabama of 2022 are repealed and replaced with Sections 48
39 and 125 of the Constitution of Alabama of 2022 to read as
40 follows:

41 Section 48

42 (a) Sessions of the Legislature shall be held in a
43 building designated by the Legislature as the Alabama State
44 House. If at any time the Governor determines, or the
45 President Pro Tempore of the Senate and the Speaker of the
46 House of Representatives jointly determine, that circumstances
47 exist that make meeting or remaining in the Alabama State
48 House impossible or dangerous, the Governor, or the President
49 Pro Tempore of the Senate and the Speaker of the House of
50 Representatives jointly, may convene the Legislature or remove
51 the Legislature after it has convened to some other suitable
52 place for the sitting of the Legislature.

53 (b) (1) At the commencement of each quadrennium, the
54 Legislature shall convene an organizational session that shall
55 commence on the second Tuesday in January immediately after
56 the election of the Legislature and shall be limited to 10



HB35 INTRODUCED

57 consecutive calendar days.

58 (2) At the beginning of each organizational session and
59 at such other times as may be necessary, the Senate shall
60 elect one of its members as President Pro Tempore of the
61 Senate to preside over the deliberations of the Senate in the
62 absence of the Lieutenant Governor, and the House of
63 Representatives shall elect one of its members as Speaker of
64 the House of Representatives to preside over the deliberations
65 of the House of Representatives. The President Pro Tempore of
66 the Senate and the Speaker of the House of Representatives
67 shall each hold his or her respective office until a successor
68 has been elected and qualified.

69 (3) In addition to the election of the President Pro
70 Tempore of the Senate and Speaker of the House of
71 Representatives, the only business that may be transacted
72 during the organizational session is the election of other
73 legislative officers and the organization of the Legislature;
74 the appointment of standing committees of the Senate and of
75 the House of Representatives, which appointments may be made
76 at such other times as may be necessary; the opening and
77 publication of the returns and declaration of the results of
78 the election for Governor, Lieutenant Governor, Attorney
79 General, State Auditor, Secretary of State, State Treasurer,
80 and Commissioner of Agriculture and Industries; the election
81 of any of these officers in the event of a tie vote; the
82 determination of contested elections for these offices; the
83 judging of the election returns and the qualification of the
84 members of the Legislature; and the inauguration of the



HB35 INTRODUCED

85 Governor and the other elected state officers whose terms of
86 office are concurrent with that of the Governor.

87 (c) (1) Regular sessions of the Legislature shall be
88 held annually and, commencing with the 2027 Regular Session,
89 shall be divided into two periods.

90 (2) The first period of a regular session shall commence
91 on the first Tuesday in February and shall be limited to 20
92 legislative days and 75 calendar days, at which time the
93 Legislature shall stand in recess. Any bill introduced during
94 the first period that remains on the calendar at the end of
95 the first period shall continue in its current status upon the
96 end of the first period.

97 (3) If any bill providing for the basic appropriations
98 for a budget period, as required pursuant to Section 71.01 of
99 this constitution, is not passed by the Legislature during the
100 first period of a regular session, the Legislature shall
101 convene a special budget session that commences the first
102 Monday after the end of the first period of the regular
103 session. At this special budget session, no bills other than
104 budget bills providing for basic appropriations may be
105 introduced. Any budget bill that was introduced and remained
106 on the calendar during the preceding first period may continue
107 in its current status in the special budget session. A special
108 budget session convened pursuant to this subdivision shall be
109 limited to 12 legislative days and 30 calendar days. A second
110 or subsequent special budget session shall commence as
111 described in this subdivision until the Legislature passes all
112 bills required pursuant to Section 71.01 of this constitution.



HB35 INTRODUCED

113 (4) The second period of each regular session shall
114 commence on the first Tuesday in September and shall be
115 limited to 10 legislative days and 30 calendar days. Any bill
116 other than a budget bill which was introduced and remained on
117 the calendar during the first period may continue in its
118 current status in the second period of the same regular
119 session.

120 Section 125

121 (a) Every bill that has passed both houses of the
122 Legislature and every resolution that has passed both houses
123 of the Legislature shall be presented to the Governor.

124 (b) If the Governor approves a bill presented to him or
125 her, the Governor shall sign the bill. If the Governor does
126 not approve a bill, the Governor shall return the bill, along
127 with a message stating his or her objections, to the house in
128 which the bill originated, as follows:

129 (1) If the Governor's message does not propose an
130 amendment to the bill which would remove the Governor's
131 objections, the house in which the bill originated may proceed
132 to reconsider the bill. If a majority of the whole number
133 elected to that house votes for the passage of the bill, the
134 bill shall be sent to the other house, which shall in like
135 manner reconsider the bill. If a majority of the whole number
136 elected to that house votes for the passage of the bill, the
137 bill shall become law.

138 (2) If the Governor's message proposes an amendment
139 that would remove the Governor's objections, the house in
140 which the bill originated may so amend the bill and send the



HB35 INTRODUCED

141 bill with the Governor's message to the other house, which may
142 adopt, but may not amend, the amendment. If both houses concur
143 in the amendment, the bill shall again be sent to the Governor
144 and acted on by the Governor as other bills. If the house to
145 which the bill is returned refuses to concur in the Governor's
146 amendment, the house may proceed to reconsider the bill. If a
147 majority of the whole number elected to that house votes for
148 the passage of the bill, the bill shall be sent with the
149 objections to the other house, which may likewise reconsider
150 the bill. If a majority of the whole number elected to that
151 house votes for passage of the bill, the bill shall become
152 law. If the house to which the bill is returned concurs in the
153 amendment, and the other house declines to concur in the
154 amendment, that house shall proceed to reconsider the bill as
155 though the bill had originated in that house, and the bill
156 shall again be sent to the other house, which may adopt the
157 bill, but may not concur in the amendment. If a majority of
158 the whole number elected to that house votes for passage of
159 the bill, the bill shall become law.

160 (3) All votes taken in both houses pursuant to this
161 subsection shall be determined by yeas and nays, and the names
162 of the members voting for or against the bill shall be entered
163 in the journals of each house, respectively.

164 (c) Except as provided in subsection (d), if the
165 Governor does not take any action on a bill presented to him
166 or her on or before the seventh calendar day following the day
167 the bill was presented to the Governor, the bill shall become
168 law on that seventh day as if the Governor had signed the



HB35 INTRODUCED

169 bill, unless:

170 (1) The Legislature, before that seventh day, has
171 adjourned sine die, in which case the bill shall not become
172 law; or

173 (2) The Legislature, on that seventh day, is in recess
174 other than a recess between the first period and second period
175 of a regular session, in which case the Governor has an
176 additional two legislative days after the Legislature
177 reassembles to return the bill, along with a message stating
178 the Governor's objections, to the house in which the bill
179 originated; or

180 (3) The Legislature, on that seventh day, is in recess
181 between the first period and second period of a regular
182 session, in which case the Governor, on the first day of the
183 second period of the regular session, shall return the bill,
184 along with a message stating the Governor's objections, to the
185 house in which the bill originated. If the bill is not
186 returned on that first day, the bill shall become law on that
187 first day.

188 (d) Notwithstanding subsection (c), if a bill is
189 presented to the Governor within three days before adjournment
190 sine die, the Governor, on or before the tenth calendar day
191 following the date of adjournment, may sign and deposit the
192 bill with the Secretary of State, and the bill shall become
193 law on the date the bill is deposited with the Secretary of
194 State. If the bill is not signed and deposited with the
195 Secretary of State on or before that tenth day, the bill shall
196 not become law.



HB35 INTRODUCED

225 language:

226 "Yes () No()."

227 Section 3. The proposed amendment shall become valid as
228 a part of the Constitution of Alabama of 2022, when approved
229 by a majority of the qualified electors voting thereon.

230