

1 HB422
2 94764-1
3 By Representatives Vance and Martin (Constitutional Amendment)
4 RFD: Constitution and Elections
5 First Read: 14-FEB-08

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8 SYNOPSIS: Under Section 125 of the Constitution of
9 Alabama of 1901, now appearing as Section 125 of
10 the Official ReCompilation of the Constitution of
11 Alabama of 1901, as amended, the Governor may
12 return a bill with either an executive amendment or
13 a veto message at any time prior to final
14 adjournment of the Legislature during a regular or
15 special session.

16 This bill would propose an amendment to
17 Section 125 providing that, on the final day of a
18 legislative session, the Governor may not return a
19 local bill to the house of origin, either with or
20 without an amendment that would remove the
21 objections of the Governor, unless the return
22 occurs the earlier of two hours before adjournment
23 sine die of either house or six o'clock p.m. If the
24 Governor makes the return within this time
25 limitation, the returned local bill would be
26 subject to other portions of Section 125.

1 The proposed amendment would specify
2 procedures for a return and define certain terms.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Proposing an amendment to Section 125 of the
9 Constitution of Alabama of 1901, now appearing as Section 125
10 of the Official Recompilation of the Constitution of Alabama
11 of 1901, as amended, requiring the Governor to return a local
12 bill to the Legislature with an executive amendment or veto
13 message within a certain time and providing procedures.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. The following amendment to the
16 Constitution of Alabama of 1901, as amended, is proposed and
17 shall become valid as a part thereof when approved by a
18 majority of the qualified electors voting thereon and in
19 accordance with Sections 284, 285, and 287 of the Constitution
20 of Alabama of 1901, as amended:

21 PROPOSED AMENDMENT

22 Amendment to Section 125

23 "(a) Every bill which shall have passed both houses
24 of the legislature, except as otherwise provided in this
25 Constitution, shall be presented to the governor; if he
26 approve, he shall sign it; but if not, he shall return it with
27 his objections to the house in which it originated, which

1 shall enter the objections at large upon the journal and
2 proceed to reconsider it. If the governor's message proposes
3 no amendment which would remove his objections to the bill,
4 the house in which the bill originated may proceed to
5 reconsider it, and if a majority of the whole number elected
6 to that house vote for the passage of the bill, it shall be
7 sent to the other house, which shall in like manner
8 reconsider, and if a majority of the whole number elected to
9 that house vote for the passage of the bill, the same shall
10 become a law, notwithstanding the governor's veto. If the
11 governor's message proposes amendment, which would remove his
12 objections, the house to which it is sent may so amend the
13 bill and send it with the governor's message to the other
14 house, which may adopt, but can not amend, said amendment; and
15 both houses concurring in the amendment, the bill shall again
16 be sent to the governor and acted on by him as other bills. If
17 the house to which the bill is returned refuses to make such
18 amendment, it shall proceed to reconsider it; and if a
19 majority of the whole number elected to that house shall vote
20 for the passage of the bill, it shall be sent with the
21 objections to the other house, by which it shall likewise be
22 reconsidered, and if approved by a majority of the whole
23 number elected to that house, it shall become a law. If the
24 house to which the bill is returned makes the amendment, and
25 the other house declines to pass the same, that house shall
26 proceed to reconsider it, as though the bill had originated
27 therein, and such proceedings shall be taken thereon as above

1 provided. In every such case the vote of both houses shall be
2 determined by yeas and nays, and the names of the members
3 voting for or against the bill shall be entered upon the
4 journals of each house, respectively. If any bill shall not be
5 returned by the governor within six days, Sunday excepted,
6 after it shall have been presented, the same shall become a
7 law in like manner as if he had signed it, unless the
8 legislature, by its adjournment, prevent the return, in which
9 case it shall not be a law; but when return is prevented by
10 recess, such bill must be returned to the house in which it
11 originated within two days after the reassembling, otherwise
12 it shall become a law, but bills presented to the governor
13 within five days before the final adjournment of the
14 legislature may be approved by the governor at any time within
15 ten days after such adjournment, and if approved and deposited
16 with the secretary of state within that time shall become law.
17 Every vote, order, or resolution to which concurrence of both
18 houses may be necessary, except on questions of adjournment
19 and the bringing on of elections by the two houses, and
20 amending this Constitution, shall be presented to the
21 governor; and, before the same shall take effect, be approved
22 by him; or, being disapproved, shall be repassed by both
23 houses according to the rules and limitations prescribed in
24 the case of a bill.

25 "(b) (1) Notwithstanding subsection (a), on the day
26 of final adjournment of a regular or special session, the
27 Governor may not return a local bill to the house of origin,

1 either with or without an amendment that would remove the
2 objections of the Governor, unless the return occurs the
3 earlier of two hours before the time of adjournment sine die
4 of either house or six o'clock p.m. If the Governor makes the
5 return within this time limitation, the returned local bill is
6 subject to subsection (a).

7 "(2) If on the day of final adjournment the Governor
8 makes the return of a local bill in contravention of
9 subdivision (1), but prior to the time of adjournment sine die
10 of both houses, the house of origin shall deposit the bill
11 with the Secretary of State and the bill becomes law without
12 the signature of the Governor on that date at the time of
13 deposit with the Secretary of State.

14 "(3) The house of origin shall document the time of
15 return of the local bill by the Governor in its journal and
16 that house shall inform the other house of final disposition
17 of the bill.

18 "(4) Except as provided in subdivision (2), this
19 subsection does not alter the requirement in subsection (a)
20 that bills presented to the Governor within five days before
21 final adjournment of the Legislature must be approved by the
22 Governor at any time within 10 days after such adjournment
23 and, if approved and deposited with the Secretary of State
24 within that time, shall become law.

25 "This subsection does not preclude either house from
26 adjournment sine die prior to six o'clock p.m. on the final
27 day.

1 "(5) For purposes of this subsection, final
2 adjournment of a session means the last day of convening
3 irrespective of whether that day is the last constitutionally
4 permissible day during the session that the Legislature may
5 meet. A local bill is a bill that is not a general bill or a
6 special or private bill, as specified in Section 110, as
7 amended."

8 Section 2. An election upon the proposed amendment
9 shall be held in accordance with Sections 284 and 285 of the
10 Constitution of Alabama of 1901, now appearing as Sections 284
11 and 285 of the Official Recompilation of the Constitution of
12 Alabama of 1901, as amended, and the election laws of this
13 state.

14 Section 3. The appropriate election official shall
15 assign a ballot number for the proposed constitutional
16 amendment on the election ballot and shall set forth the
17 following description of the substance or subject matter of
18 the proposed constitutional amendment:

19 "Proposing an amendment to the Constitution of
20 Alabama of 1901, to require the Governor to return a local
21 bill to the Legislature with an executive amendment or veto
22 message either two hours before adjournment sine die of either
23 house or six o'clock p.m., whichever is earlier, on the day of
24 final adjournment of the legislative session and to provide
25 procedures related to a return.

26 "Proposed by Act _____."

1 This description shall be followed by the following
2 language:
3 "Yes () No ()."