

HB48 INTRODUCED



1 HB48
2 NL9388T-1
3 By Representative Hill (Constitutional Amendment)
4 RFD: State Government
5 First Read: 04-Feb-25
6 PFD: 01-Oct-24



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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 an amendment to the Constitution of Alabama of 2022, to repeal and replace Sections 48 and 125 with new Sections 48 and 125 and to repeal Sections 48.01 and 48.02 of the Constitution of Alabama of 2022, relating to the



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29 Legislature; to divide the regular legislative session into
30 two periods; to require the Legislature to pass budget bills
31 during a certain time period; to provide further for the
32 process of vetoes and legislative overrides; and to delete
33 obsolete language in the Constitution of Alabama of 2022,
34 relating to the Legislature.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

38 PROPOSED AMENDMENT

39 Part 1. Sections 48 and 125 of the Constitution of
40 Alabama of 2022, are repealed and replaced with new Sections
41 48 and 125 of the Constitution of Alabama of 2022 to read as
42 follows:

43 Section 48

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

55 (b) (1) At the commencement of each quadrennium, the
56 Legislature shall convene an organizational session that shall



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57 commence on the second Tuesday in January immediately after
58 the election of the Legislature and shall be limited to 10
59 consecutive calendar days.

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

71 (3) In addition to the election of the President Pro
72 Tempore of the Senate and Speaker of the House of
73 Representatives, the only business that may be transacted
74 during the organizational session is the following:

75 a. The election of other legislative officers and the
76 organization of the Legislature;

77 b. The appointment of standing committees of the Senate
78 and of the House of Representatives, which appointments may be
79 made at such other times as may be necessary;

80 c. The opening and publication of the returns and
81 declaration of the results of the election for Governor,
82 Lieutenant Governor, Attorney General, State Auditor,
83 Secretary of State, State Treasurer, and Commissioner of
84 Agriculture and Industries;



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85 d. The election of any of these officers in the event
86 of a tie vote;

87 e. The determination of contested elections for these
88 offices;

89 f. The judging of the election returns and the
90 qualification of the members of the Legislature; and

91 g. The inauguration of the Governor and the other
92 elected state officers whose terms of office are concurrent
93 with that of the Governor.

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

97 (2) The first period of a regular session shall
98 commence on the first Tuesday in February and shall be limited
99 to 20 legislative days and 75 calendar days, at which time the
100 Legislature shall stand in recess.

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



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113 legislative days and 30 calendar days. A second or subsequent
114 special budget session shall commence as described in this
115 subdivision until the Legislature passes all bills required
116 pursuant to Section 71.01.

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

124 Section 125

125 (a) Every bill that has passed both houses of the
126 Legislature and every resolution that has passed both houses
127 of the Legislature shall be presented to the Governor.

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

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



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141 bill shall become law.

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

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

168 (c) Except as provided in subsection (d), if the



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169 Governor does not take any action on a bill presented to him
170 or her on or before the seventh calendar day following the day
171 the bill was presented to the Governor, the bill shall become
172 law on that seventh day as if the Governor had signed the
173 bill, unless:

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

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

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

192 (d) Notwithstanding subsection (c), if a bill is
193 presented to the Governor within three days before adjournment
194 sine die, the Governor, on or before the tenth calendar day
195 following the date of adjournment, may sign and deposit the
196 bill with the Secretary of State, and the bill shall become



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197 law on the date the bill is deposited with the Secretary of
198 State. If the bill is not signed and deposited with the
199 Secretary of State on or before that tenth day, the bill shall
200 not become law.

201 Upon ratification of this constitutional amendment, the
202 Code Commissioner shall number and place this amendment as
203 appropriate in the constitution omitting this instructional
204 paragraph and may make the following nonsubstantive revisions:
205 change capitalization, hierarchy, spelling, and punctuation
206 for purposes of style and uniformity; correct manifest
207 grammatical, clerical, and typographical errors; revise
208 internal or external citations and cross-references; harmonize
209 language; and translate effective dates.

210 Part 2. Sections 48.01 and 48.02 of the Constitution of
211 Alabama of 2022, are repealed.

END OF PROPOSED AMENDMENT

213 Section 2. An election upon the proposed amendment
214 shall be held in accordance with Sections 284 and 285 of the
215 Constitution of Alabama of 2022, and the election laws of this
216 state. The appropriate election official shall assign a ballot
217 number for the proposed constitutional amendment on the
218 election ballot and shall set forth the following description
219 of the substance or subject matter of the proposed
220 constitutional amendment:

221 "Proposing an amendment to the Constitution of Alabama
222 of 2022, to divide regular sessions of the Legislature into
223 two periods; to require the Legislature to pass budget bills
224 before the convening of the second period of a regular



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225 legislative session; and to allow the Legislature an
226 opportunity to override Governor vetoes of bills passed during
227 the first period of a regular legislative session.

228 Proposed by Act ____."

229 This description shall be followed by the following
230 language:

231 "Yes() No()."

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

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