

1 HB93  
2 115306-1  
3 By Representative Williams (J) (Constitutional Amendment)  
4 RFD: Constitution and Elections  
5 First Read: 12-JAN-10  
6 PFD: 01/06/2010

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8 SYNOPSIS: This bill proposes an amendment to the  
9 Constitution of Alabama of 1901, to adopt a new  
10 section entitled "Bills Presented to the Governor"  
11 and to repeal Sections 125 and 126 of the  
12 Constitution of Alabama of 1901, now appearing as  
13 Sections 125 and 126 of the Official Recompilation  
14 of the Constitution of Alabama of 1901, as amended.

15 Currently, Section 125 of the Constitution  
16 provides that if the Governor fails to return a  
17 bill to the house of origin within six days of  
18 presentation, Sundays excepted, it becomes a law  
19 without the signature of the Governor, unless  
20 return is prevented by recess or adjournment. In  
21 that case, the Governor must return the bill within  
22 two days after the Legislature reassembles, or the  
23 bill becomes law without the signature of the  
24 Governor. Bills presented to the Governor less than  
25 five days before final adjournment may be approved  
26 by the Governor within 10 days of adjournment, and  
27 if not approved within that time are pocket vetoed.

1                   This proposed amendment would require bills  
2                   passed by the Legislature be presented to the  
3                   Governor, and if the Legislature is in session, the  
4                   bill would become law if the Governor signs or  
5                   fails to veto it within seven calendar days of  
6                   presentation. If the Legislature adjourns sine die  
7                   before presentation or during the seven-day period,  
8                   the bill would become law if the Governor signs it  
9                   within 20 calendar days of presentment, otherwise  
10                  it would be pocket vetoed.

11                  Currently, under Section 125, if the  
12                  Governor objects to a presented bill, the Governor  
13                  may veto it and return it to the house of origin,  
14                  and the Governor may suggest amendments which would  
15                  remove the objection. The returned bill would be  
16                  considered, and if approved by a majority of the  
17                  members elected to each house, the bill with the  
18                  incorporated amendment would be returned to the  
19                  Governor for signing. If both houses do not agree  
20                  to the amendment, the bill could be passed by a  
21                  vote of a majority of the members elected to each  
22                  house notwithstanding the veto and the bill would  
23                  become law. If the house of origin approves the  
24                  amendment, but the other house does not, the second  
25                  house would proceed to reconsider the bill as  
26                  though it had originated in that house.

1                   This proposed amendment would provide that  
2                   if the Governor vetoes a bill within seven calendar  
3                   days of presentation, the bill is returned to the  
4                   house of origin and if two-thirds of the members  
5                   elected to each house vote for passage, the bill  
6                   would become law.

7                   The proposed amendment would also permit the  
8                   Governor, within seven calendar days after  
9                   presentment, to return the bill to the house of  
10                  origin with an executive amendment.

11                  If both houses approve the amendment, the  
12                  bill as amended becomes law. If either house  
13                  refuses to approve the amendment or fails to act  
14                  before sine die, the bill is returned to the  
15                  Governor and acted upon as if it were before the  
16                  Governor for the first time, but no further  
17                  amendment may be recommended.

18                  The proposed amendment would provide, in  
19                  substantially the same manner as current Section  
20                  125, that for each vote, the names of members  
21                  voting for and against the bill, amendment, or item  
22                  veto would be entered on the journal and would  
23                  define a bill for purposes of the constitutional  
24                  amendment as every vote, order, or resolution to  
25                  which concurrence of both houses may be necessary,  
26                  except on questions of adjournment, calling  
27                  elections, and amending the constitution. The

1 proposed amendment also specifies that resolutions  
2 of commendation and sympathy are excepted.

3 Under current Section 126 of the  
4 Constitution, the Governor has power to approve or  
5 disapprove any item or items of an appropriation  
6 bill embracing distinct items, and the part or  
7 parts approved become law and the item or items  
8 disapproved are void unless repassed in the same  
9 manner as the override of an executive veto, which  
10 requires the approval of a majority of the members  
11 elected to each house. The vetoed items are  
12 specified in a message, but the enrolled bill is  
13 not returned.

14 The proposed amendment would provide, in a  
15 substantially similar manner, for an item veto, but  
16 would specify that the return of the objections  
17 would be within seven calendar days of  
18 presentation, unless adjournment sine die prevents  
19 return, in which case the disapproved item would be  
20 void and not become law. When the message return is  
21 prevented by a recess, the message must be returned  
22 within two days of reassembling, otherwise, the  
23 item or items would become law. If a two-thirds  
24 majority of the whole number elected to that house  
25 vote for approval of the item or items, the message  
26 would be sent to the other house, which, by a  
27 two-thirds majority of the whole number elected to

1           that house, could approve the item. Items approved  
2           by both houses by such vote would become law, the  
3           Governor's veto notwithstanding.

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5                           A BILL  
6                           TO BE ENTITLED  
7                           AN ACT  
8

9           Proposing an amendment to the Constitution of  
10          Alabama of 1901, adding a new section entitled "Bills  
11          Presented to the Governor"; repealing Sections 125 and 126 of  
12          the Constitution of Alabama of 1901, now appearing as Sections  
13          125 and 126 of the Official Recompilation of the Constitution  
14          of Alabama of 1901, as amended; granting the Governor power to  
15          exercise the veto of line items in a budget after adjournment  
16          of the Legislature; requiring a supermajority vote of the  
17          Legislature to override a Governor's veto; and revising the  
18          procedures regarding the presentation of a bill to the  
19          Governor.

20          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21                 Section 1. The following amendment to the  
22          Constitution of Alabama of 1901, as amended, is proposed and  
23          shall become valid as a part thereof when approved by a  
24          majority of the qualified electors voting thereon and in  
25          accordance with Sections 284, 285, and 287 of the Constitution  
26          of Alabama of 1901, as amended:

27                           PROPOSED AMENDMENT

1                  BILLS PRESENTED TO THE GOVERNOR

2                  Section 1. Repeal of Sections 125 and 126.

3                  Sections 125 and 126 of the Constitution of Alabama  
4 of 1901, now appearing as Sections 125 and 126 of the Official  
5 Recompilation of the Constitution of Alabama of 1901, as  
6 amended, are repealed.

7                  Section 2. Bills Presented to the Governor.

8                  (a) REQUIREMENT OF PRESENTMENT. Every bill passed by  
9 the Legislature, before it becomes law, shall be presented to  
10 the Governor unless otherwise provided by this constitution.

11                 (b) VETO. If the Legislature is in session, the bill  
12 shall become law if the Governor signs or fails to veto it  
13 within seven calendar days of presentation. If the Legislature  
14 adjourns sine die before presentation or during the seven-day  
15 period, the bill shall become law if the Governor signs it  
16 within 20 calendar days of presentation. When the Governor  
17 vetoes a bill, he or she, within seven calendar days of  
18 presentation, shall return it to the secretary or clerk of the  
19 house in which the bill originated, unless the Legislature, by  
20 adjournment sine die, shall prevent such return. The bill  
21 shall be reconsidered and, if two-thirds of the members  
22 elected to each house vote for the passage of the bill, it  
23 shall become law.

24                 (c) EXECUTIVE AMENDMENTS. The Governor, within seven  
25 calendar days after a bill has been presented to him or her,  
26 may return the bill to the house in which it originated, with  
27 recommendations for its amendment. If both houses approve the

1 amendment, the bill as amended shall become law. If either  
2 house refuses to approve the amendment, or fails to act  
3 thereon before adjournment sine die, then the bill shall again  
4 be sent to the Governor and acted on by him or her as if it  
5 were before him or her for the first time, but no further  
6 amendment to the bill can be recommended by the Governor.

7 (d) ITEM VETO. The Governor shall have power to  
8 approve or disapprove any item or items of any bill making an  
9 appropriation of money and embracing distinct items, and the  
10 part or the parts of the bill approved shall be the law, and  
11 the item or items disapproved shall be void unless repassed as  
12 provided herein. The Governor, by message in writing to the  
13 house where the bill originated, shall state specifically the  
14 item or the items he or she disapproves, setting the same out  
15 in full in his or her message. In such case, the enrolled bill  
16 shall not be returned with the Governor's objection. The  
17 message stating the item or items he or she disapproves shall  
18 be returned with the Governor's objection within seven  
19 calendar days after the bill shall have been presented, unless  
20 the Legislature, by adjournment sine die, prevents the return,  
21 in which case the disapproved item or items shall be void and  
22 shall not become law. If the return is prevented by a recess  
23 during the session, the message must be returned within two  
24 days after the Legislature reassembles, otherwise the item or  
25 items shall become law. When the message is received, the  
26 house in which the bill originated shall enter the Governor's  
27 message and objections upon the journal and proceed to

1 reconsider each item separately. If a two-thirds majority of  
2 the whole number elected to that house vote for approval of  
3 the item or items, the Governor's message with the item or  
4 items approved by the originating house shall be sent to the  
5 other house, which by a two-thirds majority of the whole  
6 number elected to that house, may adopt and approve the item  
7 or items approved by the originating house. Any item or items  
8 so approved by both houses shall become law, the Governor's  
9 veto notwithstanding.

10 (e) RECORDING THE VOTE. In all cases set forth  
11 above, the names of the members voting for and against the  
12 bill, amendment, or item veto shall be entered on the journal.

13 (f) DEFINITION OF "BILL." As used in this amendment,  
14 "bill" includes every vote, order, or resolution to which  
15 concurrence of both houses may be necessary, except on  
16 questions of adjournment, the bringing on of elections by the  
17 two houses, the amending of the constitution, and resolutions  
18 of commendation and sympathy.

19 Section 2. An election upon the proposed amendment  
20 shall be held in accordance with Sections 284 and 285 of the  
21 Constitution of Alabama of 1901, now appearing as Sections 284  
22 and 285 of the Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, and the election laws of this  
24 state.

25 Section 3. The appropriate election official shall  
26 assign a ballot number for the proposed constitutional  
27 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of  
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of  
4 Alabama of 1901, repealing Sections 125 and 126; and  
5 specifying procedures concerning the presentment of an adopted  
6 bill to the Governor; gubernatorial approval, vetoes, and  
7 executive amendments; item vetoes; and recording of the vote.

8 "Proposed by Act \_\_\_\_\_."

9 This description shall be followed by the following  
10 language:

11 "Yes ( ) No ( )."