

1 HB40  
2 179120-1  
3 By Representatives Mooney, Williams (P), Crawford, Greer,  
4 Clouse, Moore (B), Weaver, Carns, Wingo, Beech, Knight,  
5 Standridge, Wadsworth, Fincher, Brown, Lindsey, Black, Ford,  
6 Drake, Martin, Garrett, Lee, Whorton (R), Pringle, Boothe,  
7 Williams (JW), Johnson (K), Hammon, Ball, Polizos, Gaston,  
8 Warren, Faust, Henry, Collins, Scott, Daniels, Patterson,  
9 McCutcheon, Rowe, Hall, Shedd, Howard, England, Sells and  
10 Beckman (Constitutional Amendment)  
11 RFD: Constitution, Campaigns and Elections  
12 First Read: 15-AUG-16

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8 SYNOPSIS: Under existing law, the Governor may convene  
9 an extraordinary session of the Legislature by  
10 proclamation.

11 This bill would propose an amendment to  
12 Section 122 of the Constitution of Alabama of 1901,  
13 to require the Governor to provide at least seven  
14 days' notice of the extraordinary session,  
15 including a specific declaration of each matter  
16 requiring action of the Legislature, and to provide  
17 an exception to the notice requirement for a state  
18 of emergency.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 Proposing an amendment to Section 122 of the  
25 Constitution of Alabama of 1901, now appearing as Section 122  
26 of the Official Recompilation of the Constitution of Alabama  
27 of 1901, as amended, to require the Governor to provide

1 certain notice to the Legislature prior to calling an  
2 extraordinary session; and to provide for an exception for a  
3 state of emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The following amendment to the  
6 Constitution of Alabama of 1901, as amended, is proposed and  
7 shall become valid as a part thereof when approved by a  
8 majority of the qualified electors voting thereon and in  
9 accordance with Sections 284, 285, and 287 of the Constitution  
10 of Alabama of 1901, as amended:

11 PROPOSED AMENDMENT

12 Section 122 of Article IV of the Constitution of  
13 Alabama of 1901, as amended, is amended to read as follows:

14 "(a) The ~~governor~~ Governor may, by proclamation, on  
15 extraordinary occasions, convene the ~~legislature~~ Legislature  
16 at the seat of government, or at a different place if, since  
17 their last adjournment, that shall have become dangerous from  
18 an enemy, insurrection, or other lawless outbreak, or from any  
19 infectious or contagious disease; and he or she shall state  
20 specifically in such proclamation each matter concerning which  
21 the action of that body is deemed necessary.

22 "(b) (1) Except as provided in subdivision (2), a  
23 proclamation to convene an extraordinary session of the  
24 Legislature shall be issued by the Governor at least seven  
25 days prior to the convening of the extraordinary session and  
26 shall state specifically each matter requiring action of the  
27 Legislature.

1                   "(2) The Governor is not required to give the  
2                   requisite notice under subdivision (1) if the proclamation to  
3                   convene an extraordinary session is in response to a state  
4                   public health emergency or state of emergency declared by the  
5                   Governor."

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

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

17                  "Proposing an amendment to the Constitution of  
18                  Alabama of 1901, to require the Governor to provide certain  
19                  notice to the Legislature prior to calling an extraordinary  
20                  session and to provide for an exception for a state of  
21                  emergency.

22                  "Proposed by Act \_\_\_\_\_."

23                  This description shall be followed by the following  
24                  language:

25                  "Yes ( ) No ( )."