

HB245 INTRODUCED



1 HB245
2 JJ9SNNF-1
3 By Representative Harrison (Constitutional Amendment)
4 RFD: State Government
5 First Read: 27-Feb-24

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4 SYNOPSIS:

5 Under the Constitution of Alabama of 2022, only
6 the Governor may call the Legislature into a special
7 session.

8 This bill would authorize members of the
9 Legislature to request the convening of a special
10 session with the Secretary of State, who, once he or
11 she receives the requisite number of requests, would be
12 required to poll all members of the Legislature. If a
13 majority of members of both houses vote in the
14 affirmative, the Secretary of State would notify the
15 President Pro Tempore of the Senate and the Speaker of
16 the House of Representatives, who would be required to
17 issue a joint proclamation calling the Legislature into
18 a special session.

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20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Proposing to amend Section 76 of the Constitution of
26 Alabama of 2022, and add a new section to the Constitution of
27 Alabama of 2022, to authorize the Legislature to call itself
28 into a special session and provide for the process for



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convening a special session.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

~~"§Sec.~~Section 76

When the ~~legislature shall be~~ Legislature is convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation ~~of~~ ~~the governor~~ calling ~~such~~ for the convening of the special session, except by a vote of two-thirds of each house. Special sessions shall be limited to 12 legislative days and ~~thirty~~30 calendar days."

A new section is added to the Constitution of Alabama of 2022 to read as follows:

(a) In addition to Section 122 of the constitution, the Legislature may also be convened in special session as provided in this section.

(b) When 30 percent of the members of the Legislature request in writing the convening of the Legislature in a special session and submit the request to the Secretary of State, the Secretary of State, within seven days after receiving the requisite number of written requests, shall poll members of the Legislature, and upon the affirmative vote of a majority of the members of both houses, shall immediately notify the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives



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shall immediately issue a joint proclamation calling for the convening of a special session under the same conditions and limitations in subsection (b) of Section 48.01 and Section 122 and shall set the time for convening the special session, which shall not be less than 14 days, nor more than 21 days from the date of notification from the Secretary of State.

(c) If the Secretary of State fails to receive the requisite number of written requests to convene the Legislature in a special session within a period of 60 days after receipt of the first written request, all written requests received by the Secretary of State shall be rendered void and no special session shall be called. The written requests shall not be used at any future time for the convening of the Legislature.

(d) Nothing in this section shall affect the authority of the Governor to convene a special session under Section 122 of the constitution.

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

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment



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85 shall be held in accordance with Sections 284 and 285 of the
86 Constitution of Alabama of 2022, and the election laws of this
87 state. The appropriate election official shall assign a ballot
88 number for the proposed constitutional amendment on the
89 election ballot and shall set forth the following description
90 of the substance or subject matter of the proposed
91 constitutional amendment:

92 "Proposing an amendment to the Constitution of Alabama
93 of 2022, to amend Section 76 and add a new section authorizing
94 the Legislature to call itself into a special session under
95 certain conditions.

96 Proposed by Act ____."

97 This description shall be followed by the following
98 language:

99 "Yes() No()."

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