

1 SB190
2 115306-1
3 By Senator Marsh (Constitutional Amendment)
4 RFD: Economic Expansion and Trade
5 First Read: 12-JAN-10

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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

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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 ()."