

1 SB25
2 133285-1
3 By Senator Brewbaker (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12
6 PFD: 07/08/2011

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8 SYNOPSIS: Under Section 125 of the Constitution of
9 Alabama of 1901, now appearing as Section 125 of
10 the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, a veto of a bill by
12 the Governor may be overridden by a majority vote
13 of the Legislature.

14 This bill would propose a constitutional
15 amendment to change the vote requirement to
16 three-fifths of the whole number elected to each
17 respective house. The proposed amendment would also
18 eliminate the ability of the Governor to pocket
19 veto a bill presented within five days of final
20 adjournment and extend the time after final
21 adjournment for him or her to approve or disapprove
22 a bill from 10 days to 15 days.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 manner reconsider, and if ~~a majority~~ three-fifths of the whole
2 number elected to that house vote for the passage of the bill,
3 the same shall become a law, notwithstanding the governor's
4 veto. If the governor's message proposes amendment, which
5 would remove his objections, the house to which it is sent may
6 so amend the bill and send it with the governor's message to
7 the other house, which may adopt, but can not amend, said
8 amendment; and both houses concurring in the amendment, the
9 bill shall ~~again be sent to the governor and acted on by him~~
10 ~~as other bills~~ deposited with the Secretary of State and shall
11 become a law. If the house to which the bill is returned
12 refuses to make such amendment, it shall proceed to reconsider
13 it; and if ~~a majority~~ three-fifths of the whole number elected
14 to that house shall vote for the passage of the bill, it shall
15 be sent with the objections to the other house, by which it
16 shall likewise be reconsidered, and if approved by ~~a majority~~
17 three-fifths of the whole number elected to that house, it
18 shall become a law. If the house to which the bill is returned
19 makes the amendment, and the other house declines to pass the
20 same, that house shall proceed to reconsider it, as though the
21 bill had originated therein, and such proceedings shall be
22 taken thereon as above provided. In every such case the vote
23 of both houses shall be determined by yeas and nays, and the
24 names of the members voting for or against the bill shall be
25 entered upon the journals of each house, respectively. If any
26 bill shall not be returned by the governor within six calendar
27 days, Sunday excepted, after it shall have been presented, the

1 same shall become a law in like manner as if he had signed it,
2 unless the legislature, by its adjournment, prevent the
3 return, in which case it shall not be a law; but when return
4 is prevented by recess, such bill must be returned to the
5 house in which it originated ~~within two days after~~ on the next
6 day of the reassembling, otherwise it shall become a law, ~~but~~
7 bills. Any bill presented to the governor within five calendar
8 days before the final adjournment of the legislature ~~may be~~
9 ~~approved by the governor at any time within ten days after~~
10 ~~such adjournment, and if approved and deposited~~ which is not
11 returned by the Governor prior to final adjournment shall
12 become law in like manner as if he or she had signed it
13 unless, within 15 days after final adjournment, the Governor
14 disapproves the bill and deposits the bill with the secretary
15 of state ~~within that time shall become law.~~ Every vote, order,
16 or resolution to which concurrence of both houses may be
17 necessary, except on questions of adjournment, ~~and~~ the
18 bringing on of elections by the two houses, adopting rules,
19 expressing commendation or sympathy, and amending this
20 Constitution, shall be presented to the governor; and, before
21 the same shall take effect, be approved by him; or, being
22 disapproved, shall be repassed by both houses according to the
23 rules and limitations prescribed in the case of a bill."

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284 and 285 of the
26 Constitution of Alabama of 1901, now appearing as Sections 284
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

3 Section 3. The appropriate election official shall
4 assign a ballot number for the proposed constitutional
5 amendment on the election ballot and shall set forth the
6 following description of the substance or subject matter of
7 the proposed constitutional amendment:

8 "Proposing an amendment to Section 125 of the
9 Constitution of Alabama of 1901, now appearing as Section 125
10 of the Official Recompilation of the Constitution of Alabama
11 of 1901, as amended, to revise the procedure for the veto of a
12 bill at the end of a legislative session and increase the vote
13 requirement for the Legislature to override a gubernatorial
14 veto.

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."