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3 SENATE CONSTITUTION, ETHICS AND ELECTIONS COMMITTEE SUBSTITUTE
4 FOR SB88
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9 SYNOPSIS: Under existing constitutional provisions,
10 the Lieutenant Governor is the President of the
11 Senate, is entitled to vote in the event of a tie,
12 and is vested with certain prescribed legislative
13 duties, powers, and responsibilities. Also, under
14 existing constitutional provisions, the Lieutenant
15 Governor and the Governor are elected separately.

16 This bill would propose an amendment to the
17 Constitution of Alabama of 1901, which would
18 require the Governor and Lieutenant Governor to be
19 elected jointly, would remove the power of the
20 Lieutenant Governor to preside over the Senate and
21 to vote in the event of a tie and would provide
22 that the sole duty of the Lieutenant Governor would
23 be to succeed to the Office of Governor upon the
24 Governor's removal from office, death, or
25 resignation.

26 This bill would require the members of the
27 Senate to elect from its membership a President and

1 President Pro Tempore of the Senate and would
2 provide that the prior legislative duties,
3 responsibilities, and powers of the Lieutenant
4 Governor would be vested in the President of the
5 Senate.

6 This bill would specify that the annual
7 salary of the Lieutenant Governor would be an
8 amount equal to 75 percent of the annual salary
9 paid to the Governor.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Proposing an amendment to repeal Amendment 57 of the
16 Constitution of Alabama 1901, now appearing as Section 48.01
17 of the Official Recompilation of the Constitution of Alabama
18 of 1901, as amended, to add a new Section 48.01 to, and to
19 amend Sections 51, 117, 118, 127, and 129 of, the Constitution
20 of Alabama of 1901, now appearing as Sections 51, 117, 118,
21 127, and 129 of the Official Recompilation of the Constitution
22 of Alabama of 1901, as amended; to require the Governor and
23 Lieutenant Governor to be elected jointly; to remove the duty
24 of the Lieutenant Governor to serve as the President of the
25 Senate and other duties, responsibilities, and powers
26 regarding the Legislative Department; to specify that the sole
27 duty of the Lieutenant Governor is to succeed to the Office of

1 Governor under certain existing conditions; to vest these
2 duties, responsibilities, and powers with the President of the
3 Senate who shall be elected by the members of the Senate from
4 the membership of the Senate; and to provide for the annual
5 salary of the Lieutenant Governor.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 PROPOSED AMENDMENT

14 (a) Amendment 57 of the Constitution of Alabama of
15 1901, now appearing as Section 48.01 of the Official
16 Recompilation of the Constitution of Alabama of 1901, as
17 amended, is repealed.

18 (b) Section 48.01 is added to the Constitution of
19 Alabama of 1901, to read as follows:

20 Section 48.01.

21 All sessions of the Legislature shall be held in the
22 City of Montgomery in the Senate chamber and in the hall of
23 the House of Representatives, unless at any time it should
24 from any cause become impossible or dangerous for the Senate
25 to meet or remain in the Senate chamber, or for the House of
26 Representatives to meet or remain in the hall of the House of
27 Representatives, in which case the Governor may convene the

1 Legislature, or remove it after it has convened, to some other
2 place, or may designate some other place for the sitting of
3 the respective houses, or either of them, as necessity may
4 require. The Legislature shall convene on the second Tuesday
5 in January next succeeding their election and shall remain in
6 session for not longer than ten consecutive calendar days. No
7 business can be transacted at such sessions except the
8 organization of the Legislature, the election of officers, the
9 appointment of standing committees of the Senate and the House
10 of Representatives for the ensuing four years, the opening and
11 publication of the returns and the ascertainment and
12 declaration of the results of the election for Governor and
13 Lieutenant Governor, Attorney General, State Auditor,
14 Secretary of State, State Treasurer, and Commissioner of
15 Agriculture and Industries, the election of such officers in
16 the event of a tie vote, the determination of contested
17 elections for such offices, the judging of the election
18 returns and qualification of the members of the Legislature,
19 and the inauguration of the Governor and the other elected
20 state officers whose terms of office are concurrent with that
21 of the Governor. At the beginning of each organization
22 session, and at such other times as may be necessary, the
23 Senate shall provide for the appointment of standing
24 committees of the Senate and elect one of its members
25 President of the Senate, to preside over its deliberations,
26 and the House of Representatives shall provide for the
27 appointment of standing committees of the House of

1 Representatives and elect one of its members as Speaker of the
2 House of Representatives, to preside over its deliberations.
3 The President of the Senate and the Speaker of the House of
4 Representatives shall each hold his or her respective office
5 until his or her successor has been elected and qualified.

6 (c) Sections 51, 117, 118, 127, and 129 of the
7 Constitution of Alabama of 1901, now appearing as Sections 51,
8 117, 118, 127, and 129 of the Official Recompilation of the
9 Constitution of Alabama of 1901, as amended, are amended to
10 read as follows:

11 "Section 51.

12 "The senate, at the beginning of each ~~regular~~
13 organizational session, and at such other times as may be
14 necessary, shall elect one of its members president pro tem.
15 thereof, to preside over its deliberations in the absence of
16 the ~~lieutenant-governor~~ president of the senate; and the house
17 of representatives, at the beginning of each ~~regular~~
18 organizational session, and at such other times as may be
19 necessary, shall elect one of its members ~~as speaker, and the~~
20 speaker pro tempore to preside over its deliberations in the
21 absence of the speaker or the disability of the speaker
22 ~~president of the senate and the speaker of the house of~~
23 ~~representatives shall hold their offices respectively, until~~
24 ~~their successors are elected and qualified. In case of the~~
25 ~~temporary disability of either of said presiding officers, the~~
26 ~~house to which he belongs may elect one of its members to~~
27 ~~preside over that house and to perform all the duties of such~~

1 ~~officer during the continuance of his disability; and such~~
2 ~~temporary officer, while performing duty as such, shall~~
3 ~~receive the same compensation to which the permanent officer~~
4 ~~is entitled by law, and no other.~~ Each house shall choose its
5 own officers and shall judge of the election, returns, and
6 qualifications of its members.

7 "Section 117.

8 "(a) The ~~governor~~ Governor and ~~lieutenant governor~~
9 Lieutenant Governor shall each be at least thirty years of age
10 when elected, and shall have been citizens of the United
11 States ten years and resident citizens of this state at least
12 seven years next before the date of their election. ~~The~~
13 ~~lieutenant governor shall be ex officio president of the~~
14 ~~senate, but shall have no right to vote except in the event of~~
15 ~~a tie.~~

16 "(b) Commencing with the first general election for
17 Governor and Lieutenant Governor following ratification of
18 this amendment, and in every election for Governor and
19 Lieutenant Governor held thereafter, one vote shall be cast
20 jointly for the candidates for Governor and Lieutenant
21 Governor nominated by the same political party or petition.
22 The Legislature shall provide by general law for the
23 nomination of candidates for Governor and Lieutenant Governor.

24 "(c) The sole duty of the Lieutenant Governor is to
25 succeed to the Office of the Governor as specified in Section
26 127.

1 "(d) The legislative duties, responsibilities, and
2 powers previously vested in the Lieutenant Governor by this
3 constitution or by law are vested in the President of the
4 Senate.

5 "(e) The annual compensation paid to the Lieutenant
6 Governor shall be an amount equal to 75 percent of the annual
7 salary paid to the Governor.

8 "Section 118.

9 "The governor, lieutenant governor,
10 attorney-general, state auditor, secretary of state, state
11 treasurer, superintendent of education, and commissioner of
12 agriculture and industries, shall receive compensation to be
13 fixed by law, which shall not be increased or diminished
14 during the term for which they shall have been elected, and
15 shall, except the lieutenant governor, reside at the state
16 capital during the time they continue in office, except during
17 epidemics. ~~The compensation of the lieutenant governor shall~~
18 ~~be the same as that received by the speaker of the house,~~
19 ~~except while serving as governor, during which time his~~
20 ~~compensation shall be the same as that allowed the governor.~~

21 "Section 127.

22 "In case of the governor's removal from office,
23 death, l or resignation, the lieutenant governor shall become
24 governor. If both the governor and lieutenant governor be
25 removed from office, die, l or resign more than sixty days prior
26 to the next general election, at which any state officers are
27 to be elected, a governor and lieutenant governor shall be

1 elected at such election for the unexpired term, and in the
2 event of a vacancy in the office, caused by the removal from
3 office, death, or resignation of the governor and lieutenant
4 governor, pending such vacancy and until their successors
5 shall be elected and qualified, the office of governor shall
6 be held and administered by either the president ~~pro-tem.~~ of
7 the senate, speaker of the house of representatives,
8 attorney-general, state auditor, secretary of state, or state
9 treasurer in the order herein named. In case of the
10 impeachment of the governor, his or her absence from the state
11 for more than twenty days, unsoundness of mind, or other
12 disability, the power and authority of the office ~~shall~~, until
13 the governor is acquitted, returns to the state, or is
14 restored to his or her mind, or relieved from other
15 disability, shall devolve in the order herein named, upon the
16 lieutenant governor, president ~~pro-tem.~~ of the senate, speaker
17 of the house of representatives, attorney-general, state
18 auditor, secretary of state, and state treasurer. If any of
19 these officers be under any of the disabilities herein
20 specified, the office of the governor shall be administered in
21 the order named by such of these officers as may be free from
22 such disability. If the governor shall be absent from the
23 state over twenty days, the secretary of state shall notify
24 the lieutenant governor, who shall enter upon the duties of
25 governor; if both the governor and lieutenant governor shall
26 be absent from the state over twenty days, the secretary of
27 state shall notify the president ~~pro-tem.~~ of the senate, who

1 shall enter upon the duties of governor, and so on, in case of
2 such absence, he or she shall notify each of the other
3 officers named in their order, who shall discharge the duties
4 of the office until the governor or other officer entitled to
5 administer the office in succession to the governor returns.
6 If the governor-elect fail or refuse from any cause to
7 qualify, the lieutenant governor-elect shall qualify and
8 exercise the duties of governor until the governor-elect
9 qualifies; and in the event both the governor-elect and the
10 lieutenant governor-elect from any cause fail to qualify, the
11 president ~~pro-tem.~~ of the senate, the speaker of the house of
12 representatives, the attorney-general, state auditor,
13 secretary of state, and state treasurer, shall, in like
14 manner, in the order named, administer the office until the
15 governor-elect or lieutenant governor-elect qualifies.

16 "Section 129.

17 "The lieutenant governor, president ~~pro-tem.~~ of the
18 senate, speaker of the house, attorney-general, state auditor,
19 secretary of state, or state treasurer, while administering
20 the office of governor, shall receive like compensation as
21 that prescribed by law for the governor, and no other."

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

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

6 "Proposing an amendment to the Constitution of
7 Alabama of 1901, providing the Governor and Lieutenant
8 Governor would be elected jointly; removing the duty of the
9 Lieutenant Governor to serve as the President of the Senate
10 and to perform other legislative responsibilities; vesting
11 these legislative duties in the President of the Senate, who
12 shall be elected by the members of the Senate; specifying the
13 sole duty of the Lieutenant Governor is to succeed to the
14 Office of Governor under certain existing conditions; and
15 providing that the annual salary of the Lieutenant Governor is
16 an amount equal to 75 percent of the annual salary of the
17 Governor.

18 "Proposed by Act _____."

19 This description shall be followed by the following
20 language:

21 "Yes () No ()."