

1 SB88  
2 187447-1  
3 By Senators Dial and Ward (Constitutional Amendment)  
4 RFD: Constitution, Ethics and Elections  
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing constitutional provisions,  
9 the Lieutenant Governor is the President of the  
10 Senate, is entitled to vote in the event of a tie,  
11 and is vested with certain prescribed legislative  
12 duties, powers, and responsibilities.

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

21 This bill would require the members of the  
22 Senate to elect from its membership a President and  
23 President Pro Tempore of the Senate and would  
24 provide that the prior legislative duties,  
25 responsibilities, and powers of the Lieutenant  
26 Governor would be vested in the President of the  
27 Senate.

1                   This bill would specify that the annual  
2                   salary of the Lieutenant Governor would be an  
3                   amount equal to 75 percent of the annual salary  
4                   paid to the Governor.

5  
6                                   A BILL  
7                                   TO BE ENTITLED  
8                                   AN ACT  
9

10                   Proposing an amendment to repeal Amendment 57 of the  
11                   Constitution of Alabama 1901, now appearing as Section 48.01  
12                   of the Official Recompilation of the Constitution of Alabama  
13                   of 1901, as amended, to add a new Section 48.01 to, and to  
14                   amend Sections 51, 117, 118, 127, and 129 of, the Constitution  
15                   of Alabama of 1901, now appearing as Sections 51, 117, 118,  
16                   127, and 129 of the Official Recompilation of the Constitution  
17                   of Alabama of 1901, as amended; to remove the duty of the  
18                   Lieutenant Governor to serve as the President of the Senate  
19                   and other duties, responsibilities, and powers regarding the  
20                   Legislative Department; to specify that the sole duty of the  
21                   Lieutenant Governor is to succeed to the Office of Governor  
22                   under certain existing conditions; to vest these duties,  
23                   responsibilities, and powers with the President of the Senate  
24                   who shall be elected by the members of the Senate from the  
25                   membership of the Senate; and to provide for the annual salary  
26                   of the Lieutenant Governor.

27                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



1 business can be transacted at such sessions except the  
2 organization of the Legislature, the election of officers, the  
3 appointment of standing committees of the Senate and the House  
4 of Representatives for the ensuing four years, the opening and  
5 publication of the returns and the ascertainment and  
6 declaration of the results of the election for Governor,  
7 Lieutenant Governor, Attorney General, State Auditor,  
8 Secretary of State, State Treasurer, and Commissioner of  
9 Agriculture and Industries, the election of such officers in  
10 the event of a tie vote, the determination of contested  
11 elections for such offices, the judging of the election  
12 returns and qualification of the members of the Legislature,  
13 and the inauguration of the Governor and the other elected  
14 state officers whose terms of office are concurrent with that  
15 of the Governor. At the beginning of each organization  
16 session, and at such other times as may be necessary, the  
17 Senate shall provide for the appointment of standing  
18 committees of the Senate and elect one of its members  
19 President of the Senate, to preside over its deliberations,  
20 and the House of Representatives shall provide for the  
21 appointment of standing committees of the House of  
22 Representatives and elect one of its members as Speaker of the  
23 House of Representatives, to preside over its deliberations.  
24 The President of the Senate and the Speaker of the House of  
25 Representatives shall each hold his or her respective office  
26 until his or her successor has been elected and qualified.

1 (c) Sections 51, 117, 118, 127, and 129 of the  
2 Constitution of Alabama of 1901, now appearing as Sections 51,  
3 117, 118, 127, and 129 of the Official ReCompilation of the  
4 Constitution of Alabama of 1901, as amended, are amended to  
5 read as follows:

6 "Section 51.

7 "The senate, at the beginning of each ~~regular~~  
8 organizational session, and at such other times as may be  
9 necessary, shall elect one of its members president pro tem.  
10 thereof, to preside over its deliberations in the absence of  
11 the ~~lieutenant-governor~~ president of the senate; and the house  
12 of representatives, 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 ~~as speaker, and the~~  
15 speaker pro tempore to preside over its deliberations in the  
16 absence of the speaker or the disability of the speaker  
17 ~~president of the senate and the speaker of the house of~~  
18 ~~representatives shall hold their offices respectively, until~~  
19 ~~their successors are elected and qualified. In case of the~~  
20 ~~temporary disability of either of said presiding officers, the~~  
21 ~~house to which he belongs may elect one of its members to~~  
22 ~~preside over that house and to perform all the duties of such~~  
23 ~~officer during the continuance of his disability; and such~~  
24 ~~temporary officer, while performing duty as such, shall~~  
25 ~~receive the same compensation to which the permanent officer~~  
26 ~~is entitled by law, and no other.~~ Each house shall choose its

1 own officers and shall judge of the election, returns, and  
2 qualifications of its members.

3 "Section 117.

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

12 "(b) The sole duty of the Lieutenant Governor is to  
13 succeed to the Office of the Governor as specified in Section  
14 127.

15 "(c) The legislative duties, responsibilities, and  
16 powers previously vested in the Lieutenant Governor by this  
17 constitution or by law are vested in the President of the  
18 Senate.

19 "(d) The annual compensation paid to the Lieutenant  
20 Governor shall be an amount equal to 75 percent of the annual  
21 salary paid to the Governor.

22 "Section 118.

23 "The governor, lieutenant governor,  
24 attorney-general, state auditor, secretary of state, state  
25 treasurer, superintendent of education, and commissioner of  
26 agriculture and industries, shall receive compensation to be  
27 fixed by law, which shall not be increased or diminished

1 during the term for which they shall have been elected, and  
2 shall, except the lieutenant governor, reside at the state  
3 capital during the time they continue in office, except during  
4 epidemics. ~~The compensation of the lieutenant governor shall~~  
5 ~~be the same as that received by the speaker of the house,~~  
6 ~~except while serving as governor, during which time his~~  
7 ~~compensation shall be the same as that allowed the governor.~~

8 "Section 127.

9 "In case of the governor's removal from office,  
10 death, l or resignation, the lieutenant governor shall become  
11 governor. If both the governor and lieutenant governor be  
12 removed from office, die, l or resign more than sixty days prior  
13 to the next general election, at which any state officers are  
14 to be elected, a governor and lieutenant governor shall be  
15 elected at such election for the unexpired term, and in the  
16 event of a vacancy in the office, caused by the removal from  
17 office, death, l or resignation of the governor and lieutenant  
18 governor, pending such vacancy and until their successors  
19 shall be elected and qualified, the office of governor shall  
20 be held and administered by either the president ~~pro-tem.~~ of  
21 the senate, speaker of the house of representatives,  
22 attorney-general, state auditor, secretary of state, or state  
23 treasurer in the order herein named. In case of the  
24 impeachment of the governor, his or her absence from the state  
25 for more than twenty days, unsoundness of mind, or other  
26 disability, the power and authority of the office ~~shall~~, until  
27 the governor is acquitted, returns to the state, or is



1 restored to his or her mind, or relieved from other  
2 disability, shall devolve in the order herein named, upon the  
3 lieutenant governor, president ~~pro-tem.~~ of the senate, speaker  
4 of the house of representatives, attorney-general, state  
5 auditor, secretary of state, and state treasurer. If any of  
6 these officers be under any of the disabilities herein  
7 specified, the office of the governor shall be administered in  
8 the order named by such of these officers as may be free from  
9 such disability. If the governor shall be absent from the  
10 state over twenty days, the secretary of state shall notify  
11 the lieutenant governor, who shall enter upon the duties of  
12 governor; if both the governor and lieutenant governor shall  
13 be absent from the state over twenty days, the secretary of  
14 state shall notify the president ~~pro-tem.~~ of the senate, who  
15 shall enter upon the duties of governor, and so on, in case of  
16 such absence, he or she shall notify each of the other  
17 officers named in their order, who shall discharge the duties  
18 of the office until the governor or other officer entitled to  
19 administer the office in succession to the governor returns.  
20 If the governor-elect fail or refuse from any cause to  
21 qualify, the lieutenant governor-elect shall qualify and  
22 exercise the duties of governor until the governor-elect  
23 qualifies; and in the event both the governor-elect and the  
24 lieutenant governor-elect from any cause fail to qualify, the  
25 president ~~pro-tem.~~ of the senate, the speaker of the house of  
26 representatives, the attorney-general, state auditor,  
27 secretary of state, and state treasurer, shall, in like

1 manner, in the order named, administer the office until the  
2 governor-elect or lieutenant governor-elect qualifies.

3 "Section 129.

4 "The lieutenant governor, president ~~pro tem~~ of the  
5 senate, speaker of the house, attorney-general, state auditor,  
6 secretary of state, or state treasurer, while administering  
7 the office of governor, shall receive like compensation as  
8 that prescribed by law for the governor, and no other."

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

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

20 "Proposing an amendment to the Constitution of  
21 Alabama of 1901, removing the duty of the Lieutenant Governor  
22 to serve as the President of the Senate and to perform other  
23 legislative responsibilities; vesting these legislative duties  
24 in the President of the Senate, who shall be elected by the  
25 members of the Senate; specifying the sole duty of the  
26 Lieutenant Governor is to succeed to the Office of Governor  
27 under certain existing conditions; and providing that the

1 annual salary of the Lieutenant Governor is an amount equal to  
2 75 percent of the annual salary of the Governor.

3 "Proposed by Act \_\_\_\_\_."

4 This description shall be followed by the following  
5 language:

6 "Yes ( ) No ( )."