

PROPOSED CONSTITUTIONAL AMENDMENT
REGARDING LINE ITEM VETO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SYNOPSIS: This bill proposes an amendment to the Constitution of Alabama of 1901 to adopt a new section of the Constitution of Alabama of 1901 entitled "Bills Presented to the Governor" and repeal Sections 125 and 126 thereof.

A B I L L
T O B E E N T I T L E D
A N A C T

Proposing an amendment to the Constitution of Alabama of 1901 adding a new section entitled "Bills Presented to the Governor" to the Constitution of Alabama of 1901; repealing Sections 125 and 126 thereof; granting the governor an expanded power to exercise the veto of line items in a budget; requiring a supermajority vote of the legislature to override a governor's veto; and simplifying and clarifying the unnecessarily detailed

1 procedures in the 1901 Constitution regarding the presentation
2 of a bill to the governor.

3
4

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12
13
14
15
16
17

PROPOSED AMENDMENT

BILLS PRESENTED TO THE GOVERNOR

18 "Section 1. Repeal of Sections 125 and 126.
19 Sections 125 and 126 of the Constitution of Alabama of 1901
are hereby repealed.

20 Section 2. Bills Presented to the Governor.

21 (A) REQUIREMENT OF PRESENTMENT. Every bill passed by the
22 legislature shall, before it becomes law, be presented to
23 the governor unless otherwise provided by this
24 Constitution.

1 (B) VETO. If the legislature is in session, the bill
2 shall become law if the governor signs or fails to veto it
3 within seven calendar days of presentation. If the
4 legislature adjourns sine die before presentation or during
5 the seven day period, the bill shall become law if the
6 governor signs or fails to veto it within twenty calendar
7 days of presentation. When the governor vetoes a bill, he
8 or she shall, within seven calendar days of presentation,
9 return it to the secretary or clerk of the house in which
10 the bill originated, unless the legislature shall, by
11 adjournment sine die, prevent such return. The bill shall
12 be reconsidered and, if two-thirds of the members elected
13 to each house vote for the passage of the bill, it shall
14 become law.

15 (C) EXECUTIVE AMENDMENTS. The governor may, within seven
16 calendar days after a bill has been presented to him or
17 her, return the bill to the house in which it originated,
18 with recommendations for its amendment. If both houses
19 approve the amendment, the bill as amended shall become
20 law. If either house refuses to approve the amendment, or
21 fails to act thereon before adjournment sine die, then the
22 bill shall again be sent to the governor and acted on by
23 him or her as if it were before him or her for the first

1 time, but no further amendment to the bill can be
2 recommended by the governor.

3 (D) ITEM VETO. The governor shall have power to approve
4 or disapprove any item or items of any bill making an
5 appropriation of money and embracing distinct items, and
6 the part or the parts of the bill approved shall be the
7 law, and the item or items disapproved shall be void unless
8 repassed as provided herein. The governor shall, by
9 message in writing to the house where the bill originated,
10 state specifically the item or the items he or she
11 disapproves, setting the same out in full in his or her
12 message. In such case, the enrolled bill shall not be
13 returned with the governor's objection. The message
14 stating the item or items he or she disapproves shall be
15 returned with the governor's objection within seven
16 calendar days after the bill shall have been presented,
17 unless the legislature, by adjournment sine die, prevents
18 the return, in which case the disapproved item or items
19 shall be void and shall not become law. If the return is
20 prevented by an adjournment or recess during the session,
21 the message must be returned within two days after the
22 legislature reassembles, otherwise the item or items shall
23 become law. When the message is received, the house in

1 which the bill originated shall enter the governor's
2 message and objections upon the journal and proceed to
3 reconsider each item separately. If a two-thirds majority
4 of the whole number elected to that house vote for approval
5 of the item or items, the governor's message with the item
6 or items approved by the originating house shall be sent
7 to the other house, which by a two-thirds majority of the
8 whole number elected to that house, may adopt and approve
9 the item or items approved by the originating house. Any
10 item or items so approved by both houses shall become law,
11 the governor's veto notwithstanding.

12 (E) RECORDING THE VOTE. In all cases set forth above, the
13 names of the members voting for and against the bill, or
14 amendment, or item veto, shall be entered on the journal.

15 (F) DEFINITION OF "BILL". As used in this Amendment,
16 "bill" includes every vote, order, or resolution to which
17 concurrence of both houses may be necessary, except on
18 questions of adjournment, the bringing on of elections by
19 the two houses, the amending of the Constitution, and
20 resolutions of commendation and sympathy."

21 Section 2 Unless otherwise provided by the
22 Legislature, an election upon the proposed amendment is ordered
23 to be held on the date of the first statewide general or special

1 election held in the State after the expiration of three months
2 from final adjournment of the session of the Legislature at
3 which the act proposing the amendment hereinabove proposed is
4 adopted. The election shall be held in accordance with the
5 provisions of Section 284 and 285 of the Constitution of Alabama
6 of 1901, as amended, and the general election laws of the State.

7 Section 3. Notice of the election and of the
8 proposed amendment shall be given by proclamation of the
9 Governor, which proclamation shall be published once a week for
10 four successive weeks next preceding the day appointed for the
11 election in a newspaper in each county of the State. In every
12 county in which no newspaper is published, a copy of the notice
13 shall be posted at each courthouse and post office in such
14 county.

15

16