

HB245 INTRODUCED



1 HB245
2 JJ9SNNF-1
3 By Representative Harrison (Constitutional Amendment)
4 RFD: State Government
5 First Read: 27-Feb-24



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SYNOPSIS:

Under the Constitution of Alabama of 2022, only the Governor may call the Legislature into a special session.

This bill would authorize members of the Legislature to request the convening of a special session with the Secretary of State, who, once he or she receives the requisite number of requests, would be required to poll all members of the Legislature. If a majority of members of both houses vote in the affirmative, the Secretary of State would notify the President Pro Tempore of the Senate and the Speaker of the House of Representatives, who would be required to issue a joint proclamation calling the Legislature into a special session.

A BILL
TO BE ENTITLED
AN ACT

Proposing to amend Section 76 of the Constitution of Alabama of 2022, and add a new section to the Constitution of Alabama of 2022, to authorize the Legislature to call itself into a special session and provide for the process for



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29 convening a special session.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. The following amendment to the Constitution
32 of Alabama of 2022, is proposed:

33 PROPOSED AMENDMENT

34 "~~§~~Section 76

35 When the ~~legislature shall be~~ Legislature is convened
36 in special session, there shall be no legislation upon
37 subjects other than those designated in the proclamation ~~of~~
38 ~~the governor~~ calling ~~such~~ for the convening of the special
39 session, except by a vote of two-thirds of each house. Special
40 sessions shall be limited to 12 legislative days and ~~thirty~~30
41 calendar days."

42 A new section is added to the Constitution of Alabama
43 of 2022 to read as follows:

44 (a) In addition to Section 122 of the constitution, the
45 Legislature may also be convened in special session as
46 provided in this section.

47 (b) When 30 percent of the members of the Legislature
48 request in writing the convening of the Legislature in a
49 special session and submit the request to the Secretary of
50 State, the Secretary of State, within seven days after
51 receiving the requisite number of written requests, shall poll
52 members of the Legislature, and upon the affirmative vote of a
53 majority of the members of both houses, shall immediately
54 notify the President Pro Tempore of the Senate and the Speaker
55 of the House of Representatives. The President Pro Tempore of
56 the Senate and the Speaker of the House of Representatives



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57 shall immediately issue a joint proclamation calling for the
58 convening of a special session under the same conditions and
59 limitations in subsection (b) of Section 48.01 and Section 122
60 and shall set the time for convening the special session,
61 which shall not be less than 14 days, nor more than 21 days
62 from the date of notification from the Secretary of State.

63 (c) If the Secretary of State fails to receive the
64 requisite number of written requests to convene the
65 Legislature in a special session within a period of 60 days
66 after receipt of the first written request, all written
67 requests received by the Secretary of State shall be rendered
68 void and no special session shall be called. The written
69 requests shall not be used at any future time for the
70 convening of the Legislature.

71 (d) Nothing in this section shall affect the authority
72 of the Governor to convene a special session under Section 122
73 of the constitution.

74 Upon ratification of this constitutional amendment, the
75 Code Commissioner shall number and place this amendment as
76 appropriate in the constitution omitting this instructional
77 paragraph and may make the following nonsubstantive revisions:
78 change capitalization, hierarchy, spelling, and punctuation
79 for purposes of style and uniformity; correct manifest
80 grammatical, clerical, and typographical errors; revise
81 internal or external citations and cross-references; and
82 translate effective dates.

83 END OF PROPOSED AMENDMENT

84 Section 2. An election upon the proposed amendment



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85 shall be held in accordance with Sections 284 and 285 of the
86 Constitution of Alabama of 2022, and the election laws of this
87 state. The appropriate election official shall assign a ballot
88 number for the proposed constitutional amendment on the
89 election ballot and shall set forth the following description
90 of the substance or subject matter of the proposed
91 constitutional amendment:

92 "Proposing an amendment to the Constitution of Alabama
93 of 2022, to amend Section 76 and add a new section authorizing
94 the Legislature to call itself into a special session under
95 certain conditions.

96 Proposed by Act ____."

97 This description shall be followed by the following
98 language:

99 "Yes() No()."

100 Section 3. The proposed amendment shall become valid as
101 a part of the Constitution of Alabama of 2022, when approved
102 by a majority of the qualified electors voting thereon.

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