

**Article IV of the Alabama Constitution**  
**Sections 44-83 (With Exceptions)<sup>1</sup> (Legislative Department: Internal Organization and Housekeeping)**

<b>Sec. 44. Composition of legislature.</b>	
<b>Current</b>	<b>Proposed<sup>2</sup></b>
The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• Each of Alabama’s Constitutions, from the statehood Constitution of 1819 onward, has contained an almost identical provision.</li> <li>• One aspect of the section (reflected in the title “Composition of the Legislature” is that this section establishes a “bicameral legislature” composed of two houses. All American states except for one (Nebraska) follow the bicameral pattern.</li> <li>• The section also vests the “legislative power of the state” in the legislature. This reflects a “unitary sovereignty” concept. It is as a result of this concept that political subdivisions, such as counties and cities, lack inherent legislative powers of their own, and instead exercise only such legislative powers as are delegated to them by the legislature or explicitly set forth in the constitution itself (as has been done by many local constitutional amendments).</li> <li>• Another aspect of this section is that it embodies the principle of “representative democracy” rather than “direct democracy.”</li> <li>• The legislature can delegate legislative power to local political subdivisions, doing so either by “general law” or by “local law”, as defined in section 110; when it does so by “local law” the requirements of sections 104-110 must be met.</li> <li>• The 1973 Proposed Revision (contained in the gray booklet) made no change in this section.</li> </ul>	

<sup>1</sup> With the exception of the following “prohibition” or “mandate” sections (as described in the “Overview” previously distributed): Section 65 (Lotteries and Gift Enterprises Prohibited); Section 74 (Authorization of Investment of Trust Funds By Executors, Trustees, etc. in Bonds or Stocks of Private Corporations Prohibited); Section 75 (Change of Venue in Civil and Criminal Cases); Section 77 (State Office For Inspection or Measuring of Merchandise, Commodities, Etc, Prohibited); and Section 78 (Legislation to Change Seat of Government).

<sup>2</sup> The “Proposed” Column is intentionally blank in this chart, pending input from the members of the Commission.

**Sec. 45. Style of laws; division of laws; laws restricted to one subject; amendment or revival of laws by title only.**

<b>Current</b>	<b>Proposed</b>
<p>The style of the laws of this state shall be: "Be it enacted by the legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length.</p>	

**Comments:**

- **The heart of this section is the procedural limitation of each law to “one subject” and that “one subject” must be “clearly expressed” in the title of the law.**
- **A majority of American state constitutions contain such a provision, sometimes referred to as the “single subject” rule and sometimes referred to as the “clear expression rule.”**
- **The purpose of the “single subject” rule is to prevent “legislative logrolling” in which the non-germane riders are added to a bill in order to obtain the votes of fellow legislators who agree to vote for the original bill if an amendment they favor is added. The “clear expression” aspect is a “truth in legislating” requirement, intended to allow legislators to know from the title what they are voting on.**
- **In Alabama, the “single subject”/“clear expression” requirement was first adopted in the 1865 Constitution.**
- **In addition to the procedural “single subject”/“clear expression” requirement, the section also contains a stylistic requirement which has been in the Constitution since 1819. When the drafters of the 1865 Constitution added the “single subject”/“clear expression” requirement, they simply tagged it on to the stylistic requirement.**
- **The “single subject”/“clear expression” requirement has been productive of an immense amount of litigation (in other states as well as in Alabama) because of the indefiniteness of “subject” and of “clearly expressed.”**
- **Both the 1973 Proposed Revision (the gray booklet”) and the 1979 Proposed Revision (the newsprint handout) re-organized the omitted the first stylistic requirement” and re-wrote the “single subject”/“clear expression” rule but without substantive change.**

**Their version of a section to replace Section 45 read as follows:**

**Form of Bills**

- (a) Every bill, except general appropriation bills, general revenue bills, and bills adopting a code or revision of statutes, shall be confined to one subject and matter properly connected therewith, and the subject shall be briefly and clearly expressed in the title.**
- (b) No law shall be revived or amended by reference to its title only, buty the act revived or section amended shall be re-enacted and published at length.**

**Note: Both the 1973 and the 1979 Proposed Revisions substantially re-organized the Legislative Article, placing their “Form of Bills” section (which was numbered 3.16 with other procedural and house keeping provisions, such as the section dealing with each House’s Journal. The Commission may want to consider such a re-organization.**

<b>Sec. 46. Election and terms of office of senators and representatives; vacancies in office.</b>	
<b>Current</b>	<b>Proposed</b>
<p>(a) Senators and representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November unless the legislature shall change the time of holding elections and in every fourth year thereafter. The terms of office of the senators and representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution. At the general election in the year nineteen hundred and two all the representatives, together with the senators for the even numbered districts and for the thirty-fifth district, shall be elected. The terms of those senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution, are hereby extended until the day after the general election in the year nineteen hundred and six; and until the expiration of his term as hereinbefore extended, each such senator shall represent the district established by this Constitution, bearing the number corresponding with that for which he was elected. In the year nineteen hundred and six, and in every fourth year thereafter, all the senators and representatives shall be elected.</p> <p>(b) Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election to fill such vacancy for the remainder of the term. However, if the secretary of state determines that a legally qualified candidate for election to the vacancy is unopposed when the last date for filing certificates of nomination has passed, the election shall not be held. The secretary of state shall issue a certificate of election to the candidate, the same as if an election had been held, and the certificate shall be accepted by the house in which the vacancy occurred as evidence of the unopposed candidate's right to fill the position created by the vacancy. In the event an election is held, all the costs and expenses incurred thereby shall be paid out of any funds in the state treasury not otherwise appropriated.</p>	

**Comments:**

- A section addressing this subject has been a part of the Alabama Constitution since the statehood Constitution of 1819.
- What is now section 46(a) in the Recompilation of the Constitution was section 46 of the original Constitution of 1901. What is now section 46(b) was added to the Constitution as Amendment 97, adopted in 1953.
- The Proposed Revision of 1973 and that of 1979 would each have split section 46 into two separate sections, which were sections 3.02 and 3.03, respectively in each of those Proposed Revisions.
- Section 3.02 of the Proposed Revisions substituted the following for what is now section 46 (the substitute deleted obsolete provisions but with no substantive change [the bracketed insertions which were not in the Proposed Revisions seem necessary]):

**Election and Terms of Office of Senators and Representatives.**

**Senators and representatives shall be elected for a four-year term on the Tuesday succeeding the first Monday in November [of the year 2014] [and in every fourth year thereafter. The legislature may change the time of holding elections. The terms of office of the senators and representatives shall commence on the day after their election.**

- Section 3.03 of the Proposed Revisions substituted the following for what is now Section 46(b):

**Election To Fill Vacancy in Senate or House of Representatives**

**Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election to fill such vacancy for the remainder of the term. All expenses of the election shall be paid by the state. If a legally qualified candidate for election is unopposed then the last date for filing for places on the ballot has passed, the election shall not be held, and a certificate of election shall be issued in the manner provided by law.**

<b>Sec. 46.01. Continuity of Legislature in event of enemy attack</b>	
<b>Current</b>	<b>Proposed</b>
<p>The legislature may provide for the continuity of the legislature of the state of Alabama and the representation therein of each of the political subdivisions of the state in the event of an attack by an enemy of the United States, by providing for the selection of emergency interim legislators who shall be designated for temporary succession to the powers and duties but not the office of a legislator in case of such emergency. Such emergency interim legislator may serve only when the legislator in whose stead he is authorized to serve has died or is unable temporarily for physical, mental or legal reasons to exercise the powers and discharge the duties of his office, and until such time as the elected legislator is able to resume the duties of his office, or in case of a vacancy in such office a successor has been elected in accordance with section 46 of this Constitution.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section originated as Amendment 159, adopted in 1961.</b></li> <li>• <b>The Proposed Revision of 1973 offered a broader alternative, taken from the Michigan constitution. The version was broader in two ways. (a) it covered natural disasters as well as enemy attack and (b) it allowed for the legislature to provide for “prompt and temporary” succession to “powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents of which have become unavailable for carrying on their offices.” It also provides general authority for the legislature to “enact other laws necessary and proper for insuring continuity for government operations.</b></li> </ul>	

<b>Sec. 47. Qualifications of senators and representatives.</b>	
<b>Current</b>	<b>Proposed</b>
<p>Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this state for three years and residents of their respective counties or districts for one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of office.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>A predecessor of this section has been in the Alabama Constitution since the statehood Constitution of 1819. The present section 47 tracked the parallel provision of the 1875 Constitution in every respect except it lowered the age requirement for senators from 27 years of age to the 25 years of age.</b></li> <li>• <b>The Proposed Revisions of 1973 and of 1979 suggested two substantive changes. One was to delete the reference to “counties” since, under federal legislative apportionment changes, both senators and representatives are now elected by district; formerly representatives “districts” corresponded with county lines. Second, the Proposed Revisions each proposed lowering the state residency requirement from three years to one year.</b></li> <li>• <b>Thus the Proposed Revisions in section 3.04 of each read:</b> <p style="margin-left: 40px;"><b>Qualifications of Senators and Representatives</b></p> <p style="margin-left: 40px;"><b>Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens of this state and residents of their respective districts for one year next before their election. They shall reside in their respective districts during their term of office.</b></p> </li> </ul>	

<b>Sec. 48. Time and place of meetings of legislature; maximum length of sessions.</b>	
<b>Current</b>	<b>Proposed</b>
<p>The legislature shall meet quadrennially at the capitol in the senate chamber, and in the hall of the house of representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under the Constitution, nor longer than fifty days at any subsequent session. If at any time it should from any cause become impossible or dangerous for the legislature to meet or remain at the capitol or for the senate to meet or remain in the senate chamber, or for the representatives to meet or remain in the hall of the house of representatives, the governor may convene the legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section was in the original Constitution of 1901.</b></li> <li>• <b>Subsequent amendments, codified in later sections of the Recompiled Constitution, have largely if not entirely superceded it.</b></li> <li>• <b>Those include section 48.01, the next section to be considered, which is based on Amendment 57, adopted in 1946. (Amendment 57 was an extensive amendment, but among its several provisions was the change to biennial legislative sessions from quadrennial sessions).</b></li> <li>• <b>Also, the second paragraph of section 76, codified in the Re-Compilation based on Amendment 339, adopted in 1975 and effective for the 1976 legislative session. It was that amendment that changed the meeting of the legislature from biennial to annual sessions.</b></li> <li>• <b>Unless members of the Commission or other members of the Drafting Staff see some part of Section 48 that has not been superceded or become obsolete, it may be appropriate to consider deletion of the section entirely in favor of whatever revisions the Commission wants to consider in the subsequent sections.</b></li> </ul>	

**Sec. 48.01. Time and place of meetings of Legislature; biennial sessions; organizational sessions; election of president pro tempore of Senate and speaker of House of Representatives; maximum length of sessions; compensation and travel allowances of members of Legislature.**

Current	Proposed
<p>All sessions of the legislature shall be held at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become impossible or dangerous for the legislature to meet or re-main at the capitol, or for the senate to meet or remain in the senate chamber, or for the representatives to meet or remain in the hall of the house of representatives, in which case the governor may convene the legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. At the beginning of each such organization session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant-governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has</p>	

been elected and qualified. The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment. The provisions of this amendment shall become effective at the beginning of the term of the members of the legislature elected at the general election in 1946.

**Comments:**

- **Section 48.01 of the Recompiled Constitution is based on portions of Amendment 57, adopted in 1946 and first applicable to the 1946 legislative session.**
- **Amendment 57 was an amendment of considerable breadth. It in turn was a revision of Amendment 39, adopted in 1939.**
- **In addition to the subjects addressed here in section 48.01, Amendment 57 (as had Amendment 39) took on legislative compensation; the Amendment 57 provisions on legislative compensation are now codified in Section 49. See below.**
- **As the somewhat obsolete title in the Code indicates, Amendment 57 and before it Amendment 39 provided for biennial legislative sessions, the original 1901 provision for quadrennial sessions having been unworkable during the Depression. Subsequently Amendment 339, adopted in 1975 and first effective for the 1976 legislative session provided for annual sessions. Amendment 339 resulted from the work of the 1973 Commission. See below.**
- **There is overlap, which however creates only minor conflict, if any, with section 51, on the election and role of officers of each house. One of the innovations of Amendment 57, now embodied in section 48.01, was provision for a separate organizational session at which the election of officers would occur; Section 51, adopted when section 48 provided for quadrennial sessions, provided for election of officers at each session. See below. The Commission may want to sort this out and eliminate duplication, as the 1973 and 1979 Proposed Revisions would have done.**
- **Also, there is overlap with section 48.02, which originated as Amendment 427, adopted in 1982. See below.**

<b>Sec. 48.02. Alabama State House.</b>	
<b>Current</b>	<b>Proposed</b>
In the event the legislature determines it to be necessary or desirable that the Capitol be repaired, renovated, restored, constructed or reconstructed, the legislature, by resolution, shall designate and provide a suitable place for the meeting of the legislature and the transacting of business of the legislative department. Such place shall be designated and known as the Alabama State House.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>Since Amendment 57 (now section 48.01) provided for the legislature to meet “at the capitol in the senate chamber and in the hall of the house of representatives” Amendment 427, now codified as section 48.02, was thought necessary to allow the move to what is now known as the State House.</b></li> </ul>	

<b>Sec. 49. Compensation of members of legislature.</b>	
<b>Current</b>	<b>Proposed</b>
<p>The pay of the members of the legislature shall be ten dollars per day. Each member of the legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled; and not more than one such travel allowance shall be paid for each session of the legislature. In addition to his travel allowance, each member of the legislature also shall be allowed expenses, other than actual expenses of traveling, not exceeding an amount to be fixed by the legislature, incurred in the performance of his duties; but such expense allowance shall not be less than the smallest allowance to any other person traveling within the state in the service of the state of Alabama, or any of its agencies, for expenses other than actual expenses of traveling.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This provision constitutes that portion of Amendment 57, adopted in 19465, dealing with legislative compensation. The other portions of section 57 are codified in section 48.01 above.</b></li> <li>• <b>As adopted in 1901, Section 49 provided:</b>  <p style="padding-left: 40px;"><b>The pay of the members of the legislature shall be four dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.</b></p> </li> <li>• <b>Amendment 39, adopted in 1939, changed the daily pay to ten dollars per day, but added “for each day during the the period in which the legislature is in session butg not exceeding in any event the number of calendar days for which the legislature is authorized to be in session” [which was sixty consecutive calendar days under Amendment 39]. The ten cents per mile travel allowance remained the same, but subject to the added proviso that “not more than one travel allowance shall be paid for each session of the legislature.”</b></li> <li>• <b>As reflected above in the current re-compiled version of section 49, Amendment 57 retained the daily rate of ten dollars per day but did not expressly limit the number of calendar days for which the daily pay was paid. Amendment 57 also added that the language now set forth in section 49, recompiled, above, that : “In addition to his travel allowance [i.e., ten cents per mile], each member of the legislature also shall be allowed expenses, other than actual expenses of traveling, not exceeding an amount to be fixed by the</b></li> </ul>	

legislature, incurred in the performance of his duties; but such expense allowance shall not be less than the smallest allowance to any other person traveling within the state in the service of the state of Alabama, or any of its agencies, for expenses other than actual expenses of traveling.” Under the “an amount to be fixed by the legislature” language, it has been held that a court cannot inquire into the amount so fixed. Van Hart v deGraffenreid, 388 So. 2d 1196 (Ala. 1980); Ex Parte Alabama Senate, 466 So. 2d 914 (Ala. 1985).

- Both the 1973 Proposed Revision and the 1979 Proposed Revision proposed a “Compensation Commission for the Members of the Legislature.” See section 3.11 of the “gray booklet” distributed to the Commission. It is not set out here because of its length.

<b>Sec. 50. Number of senators and representatives; apportionment of legislators.</b>	
<b>Current</b>	<b>Proposed</b>
The legislature shall consist of not more than thirty-five senators, and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties, as prescribed in this Constitution; provided that in addition to the above number of representatives, each new county hereafter created shall be entitled to one representative.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>Under federal legislative apportionment guidelines, the use of county lines to establish legislative districts probably can no longer be done. Consideration could thus be given to deleting “and counties” after the “several districts.”</b></li> <li>• <b>Also the last proviso entitling any new county to one representative probably is not permissible under federal apportionment rules.</b></li> </ul>	

**Sec. 51. Election of president pro tem of senate and speaker of house of representatives; temporary president and speaker; officers of each house; each house judge of election, returns and qualifications of members.**

Current	Proposed
<p>The senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tem. thereof, to preside over its deliberations in the absence of the lieutenant-governor; and the house of representatives, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members as speaker; and the president of the senate and the speaker of the house of representatives shall hold their offices respectively, until their successors are elected and qualified. In case of the temporary disability of either of said presiding officers, the house to which he belongs may elect one of its members to preside over that house and to perform all the duties of such officer during the continuance of his disability; and such temporary officer, while performing duty as such, shall receive the same compensation to which the permanent officer is entitled by law, and no other. Each house shall choose its own officers and shall judge of the election, returns, and qualifications of its members.</p>	

**Comments:**

- **Consideration may be given to conforming this provision, which appeared as such in the original 1901 Constitution, with Section 48.01 with which it overlaps. Section 48.01 is based on Amendment 57 (and the earlier Amendment 39) each of which provided that “provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment.”**
- **There are minor differences that should be conformed.**
- **More significantly, Amendments 57 (and 39) basically provided for an organizational session. The Proposed Revisions of 1973 and of 1979 split off what are the provisions of section 48.01 dealing with an organizational session. See section 3.06 of the 1973 Proposed Revision (the gray booklet).**
- **The format adopted by the Proposed Revisions then included a separate but updated section on Election of Presiding Officers and Determination of Qualification of Members (which is what section 51 deals with). See Proposed Revision of 1973, section 3.07.**

<b>Sec. 52. Quorum in each house.</b>	
<b>Current</b>	<b>Proposed</b>
A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section appears in the current Constitution exactly as it was adopted in 1901.</b></li> <li>• <b>A parallel provision has appeared in every Alabama Constitution since 1819.</b></li> <li>• <b>The 1973 Proposed Revision continued this section without change, combining it with section 58 in section 3.13, all without change.</b></li> </ul>	

**Sec. 53. Rules of proceedings of both houses; punishment for contempt or disorderly behavior; enforcement of process; protection of members from violence, bribes, etc.; expulsion of members.**

Current	Proposed
<p>Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the legislature of a free state.</p>	

**Comments:**

- **Perhaps the most significant provision in this section is the allocation to each house of the power to make its own rules of procedure. This power has been accorded great deference by the courts. This is a matter generally of “separation of powers” under sections 42 and 43, Article III, as well as this specific provision. See, most recently, Birmingham-Jefferson Civic Center Authority v City of Birmingham, 912 So. 2d 204 (Ala. 2005).**
- **Also of significance is the section’s recognition of the power of the legislature over its members. As to this it has been held that the legislative power is not exclusive, so that judicial action may enforce section 60, below,**
- **The 1973 Proposed Revision combined this section with section 54 below. See section 3.14 of the Proposed Revision of 1973 (gray booklet).**
- **The only change the Proposed Revision of 1973 made was the deletion of the last phrase of this section: “and the two houses shall have all the powers necessary for the legislature of a free state.”**

<b>Sec. 54. Expulsion for corruption bar to further service in legislature; punishment for contempt or disorderly behavior not bar to indictment for same offense.</b>	
<b>Current</b>	<b>Proposed</b>
A member of the legislature, expelled for corruption, shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>This provision of the 1901 Constitution has not been amended. A virtually identical provision appeared in the 1875 Constitution, but not in any of the previous constitutions.</b></li> <li>• <b>The Proposed Revision of 1973 combined this section, without change, with section 53. See Proposed Revision of 1973, sec. 3.14.</b></li> </ul>	

<b>Sec. 55. Journal of proceedings of each house.</b>	
<b>Current</b>	<b>Proposed</b>
<p>Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>A similar provision has appeared in each Alabama Constitution since 1819.</b></li> <li>• <b>The journal of each house is the official record of the proceedings in that house.</b></li> <li>• <b>The Proposed Revision of 1973 [section 3.17] made no substantive change in Section 55, but simplified the language of the section, as follow:</b> <p style="margin-left: 40px;"><b>Each house shall keep a journal of its proceedings and cause the same to be published as soon as practicable. A record vote with the yeas and nays entered on the journal, shall be taken on any question on the demand of one-tenth of the members present. Any member of either house shall have the right to protest against any act or resolution and have the reason for his protest entered on the journal.</b></p> </li> <li>• <b>A similar provision appears in the United States Constitution, Art. I, sec. 5:</b> <p style="margin-left: 40px;"><b>Each house shall keep a journal of its proceedings, and from time to time, publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.</b></p> </li> </ul>	

<b>Sec. 56. Immunity of legislators.</b>	
<b>Current</b>	<b>Proposed</b>
Members of the legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house shall not be questioned in any other place.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• A similar provision (including the “going to and returning from” clause has appeared in each Alabama Constitution since 1819.</li> <li>• There is also a similar provision in the U.S. Constitution, Art. I, sec. 6 (second sentence.). Like the Alabama provision (the original Alabama provision adopted in 1819 very likely was modeled on the U.S. Constitutional provision), the U.S. Constitutional provision contains both an attendance-at-and-going-to-and-returning-from clause as well as a Speech or Debate clause.</li> <li>• The origins of the “going-to-and-returning-from clause may be puzzling. The explanation is that at one time persons owing debts were subject to civil arrest at the instance of their creditors. The concern was that members of Congress or, at the state level, legislators would be harassed by creditors as they went to or returned from, or attended, legislative sessions. Interpreting a similar provision, an Oklahoma court ruled that the protection only extends to civil arrests and not to criminal arrests, even for minor crimes such as traffic violations. <u>Howard v Webb</u>, 570 P. 2d 42 (Okla. 1977). See, Alabama Law Institute, <u>Alabama Legislation</u> (Seventh Edition), 495-496.</li> <li>• Since arrest for debt is generally no longer an issue, the Commission may wish to consider changing this provision. It should be noted that by statute, legislators are immune from service of process (as well as arrest under sec. 56)( while attending or going to or returning from sessions.</li> </ul>	

<b>Sec. 57. Doors of each house to be open; exceptions; restrictions on admittance to floor.</b>	
<b>Current</b>	<b>Proposed</b>
<p>The doors of each house shall be opened except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the legislature, the officers and employes of the two houses, the governor and his secretary, representatives of the press, and other persons to whom either house, by unanimous vote, may extend the privileges of its floor.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>The first clause (through the word “secrecy”) has been part of the Alabama Constitution since 1901.</b></li> <li>• <b>The remainder of the section (beginning with “but no person”) was added in 1901.</b></li> <li>• <b>The 1973 Proposed Revision omitted this section in its entirety.</b></li> </ul>	

<b>Sec. 58. Adjournment or change of place of sitting by one house without consent of other house.</b>	
<b>Current</b>	<b>Proposed</b>
Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section, with this identical wording, has been part of the Alabama Constitution since 1819.</b></li> <li>• <b>The Proposed Revision of 1973 simplified the language somewhat to read:</b>  <p style="margin-left: 40px;"><b>Neither house shall, without the consent of the other, adjourn for more than three days.</b></p> </li> <li>• <b>In the Proposed Revision of 1973, the simplified version of this section was then combined with section 52 (Quorum) as section 3.13.</b></li> <li>• <b>A similar provision appears in the United States Constitution, Art. I, sec. 5:</b>  <p style="margin-left: 40px;"><b>Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which the two houses shall be sitting.</b></p> </li> </ul>	

<b>Sec. 59. Appointment of legislators to other offices during terms for which elected.</b>	
<b>Current</b>	<b>Proposed</b>
No senator or representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>The provisions of this section appeared in identical language, in the 1819 Constitution.</b></li> <li>• <b>The Proposed Revision of 1973 proposed two changes in this section. One was the deletion of the exception for “offices as may be filled by election by the people.” The other was to provide that cost-of-living adjustments would not be considered an increase in emoluments.</b></li> <li>• <b>A similar provision appears in the United States Constitution, art I, sec. 6 :</b>  <p style="margin-left: 40px;"><b>No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.</b></p> </li> </ul>	

<b>Sec. 60. Conviction of certain crimes bar to eligibility for legislature and to holding state office of trust or profit.</b>	
<b>Current</b>	<b>Proposed</b>
No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the legislature, or capable of holding any office of trust or profit in this state.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section can be traced back to a provision, using somewhat different language, in the Constitution of 1819.</b></li> <li>• <b>The Proposed Revision of 1973 suggested somewhat simplified language:</b>  <p style="padding-left: 40px;"><b>No person convicted of a felony involving moral turpitude whose civil and political rights have not been restored shall be eligible to an office of trust or profit in this state.</b></p> </li> </ul>	

<b>Sec. 61. Laws to be passed by bills; restrictions on amendments to bills.</b>	
<b>Current</b>	<b>Proposed</b>
No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section took its present form in 1875. The parallel provisions in each of the predecessor constitutions were more open-ended, providing that “Bills may originate in either house, and may be amended, altered, or rejected by the other . . . .”</b></li> <li>• <b>In the present provision, the phrase generating issues is the constraint on any amendment or alteration “as to change its original purpose.”</b></li> <li>• <b>The Proposed Revision of 1973 set forth the no-change-of-purpose principle in section 3.19, first sentence. The principle that no law shall be enacted except by bill was located in the preceding section 3.18, where it preceded a re-statement of Section 62’s requirement of reference to a standing committee (3.18(a)) along with section 63’s requirement of three readings (3.18(b)) and of recording of votes by the yeas and nays in the journal (3.18(c)).</b></li> </ul>	

<b>Sec. 62. Referral of bills to standing committees.</b>	
<b>Current</b>	<b>Proposed</b>
No bill shall become a law until it shall have been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the journal of each house.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• The requirement of reference of bills to a standing committee, and return there from as a pre-condition to passage originated in the 1875 Constitution. The 1901 constitution added the requirement that the bill be “acted upon by such committee in session” and that the facts of the reference and return appear on the journal.</li> <li>• The requirement is intended, according to Justice Stone in <u>Jones v Hutchinson</u>, 43 Ala. 721, to “prevent hasty and inconsiderate legislation, surprise, and fraud.”</li> <li>• The Proposed Constitution of 1973 continued this provision as section 3.18(a), but added a proviso that “A majority of either house may discharge a committee from consideration of a bill and consider the same as if reported”, thus providing for compulsory reporting of bills.</li> </ul>	

<b>Sec. 63. Number of readings for bills; recordation of votes on bills; majority vote required for passage of bills.</b>	
<b>Current</b>	<b>Proposed</b>
Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>The three-reading requirement has appeared in some form in each of the Alabama Constitutions, beginning in 1819. The provision took its present form in the Constitution of 1875 (prior versions permitted waiver of the reading requirement by four-fifths vote. Note that section 66 permits the reading at length prior to signing of bills by the presiding officer can be waived by two-thirds vote.</b></li> <li>• <b>The Proposed Revision of 1973 continued the requirement in section 3.18(b).</b></li> <li>• <b>However, this is a requirement that the Clerk of the House, Greg Pappas, appearing before the Commission, proposed be changed and even deleted.</b></li> </ul>	

<b>Sec. 64. Procedure for amendment of bills; adoption of reports of committees of conference.</b>	
<b>Current</b>	<b>Proposed</b>
<p>No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section requires that the same voting and journal entry requirements for passage of a bill applies as well to amendments and concurrences of one house with amendments by another and of conference committee reports.</b></li> <li>• <b>The 1973 Proposed Revision continues this rule, placing it in the same section with the rule in Section 61 against amendments that change the purpose of a bill. Thus the two provisions as to the requirements of amendments are placed in the same section, i.e., section 3.19.</b></li> </ul>	

<b>Sec. 65. Lotteries and gift enterprises prohibited.</b>	
<b>Current</b>	<b>Proposed</b>
<b>Comments:</b> This is a “prohibition” section and will be addressed with the “prohibition” provisions of Art. IV.	

<b>Sec. 66. Signature of bills by presiding officer of each house; reading of bills at length may be dispensed with.</b>	
<b>Current</b>	<b>Proposed</b>
<p>The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>The Proposed Revision of 1973 pro posed to change this provision by permitting the bill to be signed in the house by the clerk and in the senate by the secretary rather than by the presiding officer.</b></li> </ul>	

<b>Sec. 67. Number, duties and compensation of officers and employees of each house.</b>	
<b>Current</b>	<b>Proposed</b>
The legislature shall prescribe by law the number, duties, and compensation of the officers and employes of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employe elected or appointed in pursuance of law.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>This section first appeared in the Constitution of 1875. It was continued without change in section 67 of the 1901 Constitution.</b></li> <li>• <b>The Proposed Revision of 1973 continued this provision without change. See section 3.12.</b></li> </ul>	

**Sec. 68. Extra compensation not to be granted public officer, employee, contractor, etc., after service rendered or contract made; increase or decrease of compensation of officers during term of office.**

<b>Current</b>	<b>Proposed</b>
<p>The legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee, or allowance to any public officer, servant, or employe, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the state bind the state to the payment of any sum of money but by authority of law; provided this section shall not apply to allowances made by commissioners' courts or boards of revenue to county officers for ex officio services, nor prevent the legislature from increasing or diminishing at any time the allowance to sheriffs or other officers for feeding, transferring, or guarding prisoners.</p>	
<p><b>Comments: Like section 65, this prohibition section will be considered later.</b></p>	

**Sec. 68.01. Increasing or decreasing salaries, etc., of state and county officers.**

<b>Current</b>	<b>Proposed</b>
<p>Any provisions of this Constitution or amendments thereto to the contrary notwithstanding, neither the legislature, nor any county of the state shall, by the imposition of new, different, and additional duties or otherwise, increase, or authorize the increase of, the salary, fees or other compensation of any officer of the state or of any county of the state, who is elected or appointed for a fixed term, during the term for which he is elected or appointed, regardless of whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment; nor shall the legislature or any county of the state in any manner or by any means decrease, or authorize the decrease of, the salary, fees or other compensation of any such officer, during the term for which he is elected or appointed; nor shall the legislature or any county of the state increase or decrease, or authorize the increase or decrease of, the salary, fees or other compensation of any person filling an unexpired term in any such office during the remainder of such term, either before or after the appointment or election of such person to fill the unexpired term. As to officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of any such court, board, commission, or similar body shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.</p>	

**Comments: This section will also be considered with the “prohibition” provisions.**

<b>Sec. 68.02. Suspension of restriction on diminishing public salaries, etc.</b>	
<b>Current</b>	<b>Proposed</b>
Amendment 26A; repealed by own terms.	
<b>Comments:</b> None.	

<b>Sec. 69. Stationery, printing, fuel, etc., to be furnished by lowest responsible bidder; conflicts of interest.</b>	
<b>Current</b>	<b>Proposed</b>
<p>All stationery, printing, paper, and fuel used in the legislative and other departments of government shall be furnished and the printing, binding, and distribution of laws, journals, department reports, and all other printing, binding, and repairing and furnishing the halls and rooms used for the meeting of the legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contract, and all such contracts shall be subject to the approval of the governor, auditor, and treasurer.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>At one time in American political life, publishers whose papers had supported the winners would be rewarded with government printing would be rewarded by being selected as the government printer. As noted by the court in <u>Brown and Company v Seay</u>, 86 Ala. 122, 5 So. 216, this provision, added to the Constitution in 1875, replaced that system with one of performance under contract with the lowest responsible bidder.</b></li> <li>• <b>The proposed Revision of 1973 deleted this provision. It may now be covered by statute.</b></li> </ul>	

**Sec. 70. Revenue bills to originate in house of representatives; preparation of general revenue bill; amendments to revenue bills by senate; time limit for passage of revenue bills.**

<b>Current</b>	<b>Proposed</b>
<p>All bills for raising revenue shall originate in the house of representatives. The governor, auditor, and attorney-general shall, before each regular session of the legislature, prepare a general revenue bill to be submitted to the legislature, for its information, and the secretary of state shall have printed for the use of the legislature a sufficient number of copies of the bill so prepared, which the governor shall transmit to the house of representatives as soon as organized, to be used or dealt with as that house may elect. The senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.</p>	

**Comments:**

- **The general principle that revenue bills originate in the house of representatives appeared in all Alabama Constitutions from the statehood constitution of 1819 through that of 1875 and was continued in 1901 as the first sentence of section 70, together with the third sentence: “The Senate may propose amendments to revenue bills.”**
- **The same principle is embodied in the United States Constitution as the first sentence of Art. I, sec. 7. The statements of this principle in the Alabama constitutions from 1819 through 1875 simply tracked the United States Constitution provision, which reads: “All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.”**
- **A bill for raising revenue is essentially one for levying taxes. See Kennamer v State, 150 Ala. 74, 43 So. 482.**
- **The balance of section 70, after the first sentence, was added by the 1901 Convention. Included in the added text are provisions that require the Governor and other executive officers to submit a “general revenue bill”, with the secretary of state providing sufficient copies.**
- **An important substantive change added in 1901 was the last sentence: “No revenue bill shall be passed during the last five days of the session.” Former Governor Oates, a delegate to the 1901 Convention and chair of the Committee that submitted this particular section, explained on the floor of the convention that this was to give time for the Governor to review the contents of any general**

revenue bill (note that “general revenue bills” are excepted from the “single subject/clearly expressed” requirement of section 45) and decide whether to veto any item in it. As to this history, see In re: Opinion of the Justices, 223 Ala. 369, 136 So. 589.

- The Alabama Supreme Court has ruled by advisory opinion that the five-day rule applies only to “general revenue bills.” 269 Ala. 676, 115 So. 2d 484 (1959). See Alabama Law Institute, Alabama Legislation (7<sup>th</sup> ed), p. 166.
- The Proposed Revision of 1973 returned to the traditional statement, eliminating the requirements added in 1901 that the governor prepare and transmit a general revenue bill, and that no revenue bills be passed in the last five days. See sec. 3.21. Notice that there is some overlap between this section’s requirement that the Governor transmit a proposed general revenue bill and section 71.01(b)’s requirement (added by Amendment 448) that the Governor submit a proposed budget.

<b>Sec. 71. Restrictions on general appropriation bill.</b>	
<b>Current</b>	<b>Proposed</b>
<p>The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. The salary of no officer or employe shall be increased in such bill, nor shall any appropriation be made therein for any officer or employe unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This provision originated in the Constitution of 1875. The provision in that Constitution, however, only included what is now the first and last sentences of section 71. The second sentence dealing with salaries was added in 1901.</b></li> <li>• <b>The Proposed Revision of 1973 essentially tracked the provisions of section 71, but added “for educational institutions” after “public schools” in the first sentence.</b></li> <li>• <b>This was in response to various court holdings that “public schools” in the first sentence referred only to those referred to in section 256 and not to other educational institutions. Under that interpretation, “general appropriations” bills, which are not required to comply with section 45’s “single subject” requirement, could not be used for appropriations to educational institutions other than section 256 public schools.</b></li> </ul>	

**Sec. 71.01. Paramount duty of Legislature to make basic appropriations at regular sessions.**

<b>Current</b>	<b>Proposed</b>
<p>(A) The following words and phrases, whenever used in this amendment, shall have the following respective meanings:</p> <p>“Basic appropriations” means, with respect to any regular session of the legislature, such appropriations as the legislature may deem appropriate for the expenditures by the state during the ensuing budget period for the ordinary expenses of the executive, legislative and judicial departments of the state, for payment of the public debt, and for education (excluding, however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise).</p> <p>“Budget period” means a fiscal year of the state or such period other than [a] fiscal year as may hereafter be fixed by law as the period with respect to which state budgets are prepared and state appropriations are made.</p> <p>(B) On or before the second legislative day of each regular session of the legislature, beginning with the first regular session after January 1, 1983, the governor shall transmit to the legislature for its consideration a proposed budget for the then next ensuing budget period.</p> <p>(C) The duty of the legislature at any regular session to make the basic appropriations for any budget period that will commence before the first day of any succeeding regular session shall be paramount; and, accordingly, beginning with the first regular session held after January 1, 1983, no bill (other than a bill making any of the basic appropriations) shall be signed by either the presiding officer of the house or senate and transmitted to the other house until bills making the basic appropriations for the then ensuing budget</p>	

period shall have been signed by the presiding officer of each house of the legislature in accordance with Section 66 of this Constitution and presented to the governor in accordance with Section 125 of this Constitution; provided, that this paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading; and provided further, that following adoption, by vote of either house of not less than three-fifths of a quorum present, of a resolution declaring that the provisions of this paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein.

(D) Upon the signing and presentation to the governor in accordance with the said Sections 66 and 125 of bills making the basic appropriations, the provisions of the foregoing paragraph (C) prohibiting the final passage of bills in the house and senate (other than bills making any part of the basic appropriations) shall cease to be effective and shall not be revived or become again effective as a result of (i) the subsequent legislative history of any bill so signed and presented, including any veto, return with executive amendment, or any other action, or failure to act, by either the governor or the legislature under the provisions of the said Section 125; or (ii) a determination, by either judicial decree or opinion of the justices of the Alabama Supreme Court, that any bill so signed and presented is wholly or in part invalid.

(E) The legislature may, by statute or rule, make such further provisions for the timely passage of bills making the basic appropriations as are not inconsistent with the provisions of this Constitution.

(F) Nothing contained herein shall be construed as requiring the legislature to make any appropriation not otherwise required by this Constitution to be made.

**Comments:**

- **This section, now codified as section 71.01, was the “budget isolation amendment” which was added to the Constitution as Amendment 448. See discussion at Alabama Law Institute, Alabama Legislation (7<sup>th</sup> edition), pp 164-165.**
- **Interestingly, the Proposed Revision of 1973 had included a form of a “budget isolation” requirement, though one much more rudimentary than that eventually adopted in Amendment 448.**

<b>Sec. 72. Payment of money out of state treasury; publication of annual statement of receipts and expenditures.</b>	
<b>Current</b>	<b>Proposed</b>
No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• Though the wording has changed somewhat in different constitutions, the substance of this provision appears in all Alabama Constitutions, from the statehood Constitution of 1819 onward.</li> <li>• Neither the 1973 Proposed Revision (the gray book) nor 1979 Proposed Revision changed this section. However the 1979 Revision re-located the “Balanced Budget Amendment” (Amendment 26), the provision which mandates proration when there is a shortfall in available funds. That provision is currently codified at the end of section 213, since Amendment 26 was originally adopted as an amendment to the original section 213 to this Article at this point. With some re-working of the text of the Balanced Budget/Proration provision, the 1979 Proposed Revision proposed a new section located here in the Legislative Article (sec. 3.24 by its numbering) which would read as follows: <ul style="list-style-type: none"> <li>“Section 3.24. Balanced State Budget Required; Proration When Appropriations Exceed Available Revenues.</li> <li>“No order or warrant shall be drawn upon the state treasury for payment of money belonging to, or administered by, the state unless there is in the state treasury money appropriated and available for full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the state treasury for all proper claims presented for the issuance of warrants, warrants shall be issued only for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereafter be paid by the state treasury. At the end of each fiscal year, all unpaid appropriations which exceed the the amount of money in the state treasury subject to payment of the same after the proration above provided for shall become null and void to the extent of such excess. As used in this section, “state treasury” is intended to include all revenue and funds subject to appropriation by the Legislature.”</li> </ul> </li> <li>• The 1979 Proposal does not speak in terms of restrictions on the state comptroller personally, and omits the criminalizing of violations in the last sentence of section 213. It also contains a definition of “state treasury.”</li> </ul>	

<b>Sec. 73. Appropriations to charitable or educational institutions not under absolute control of state.</b>	
<b>Current</b>	<b>Proposed</b>
No appropriation shall be made to any charitable or educational institution not under the absolute control of the state, other than normal schools established by law for the professional training of teachers for the public schools of the state, except by a vote of two-thirds of all the members elected to each house.	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>The Commission may wish to consider this section later as a “prohibition” section, or it may wish to consider it as an “internal rules/housekeeping” provision, as it addresses the other appropriations sections.</b></li> <li>• <b>It is not an absolute prohibition, but simply embodies a procedural requirement for a super-majority two-thirds vote.</b></li> <li>• <b>The 1973 Proposed Revision retained this section; it deleted the exception for normal schools but otherwise retained the section without change. See Section 3.24. The 1979 Proposed Revision (the “newsprint handout”) did the same in its section 3.25.</b></li> </ul>	

<b>Sec. 74. Restrictions on investment of trust funds by executors, trustees, etc., in private corporations.</b>	
<b>Current</b>	<b>Proposed</b>
<b>Comments:</b> This is a “prohibition” section and will be considered with the other “prohibition” provisions of Art. IV.	

<b>Sec. 75. Change of venue in civil and criminal cases.</b>	
<b>Current</b>	<b>Proposed</b>
<b>Comments:</b> This too is a “prohibition” section (or perhaps it is a Separation of Powers provision); in any case, it will be addressed in connection with the other Art. IV prohibition provisions.	

<b>Sec. 76. Restrictions on legislation at special sessions; regular sessions; duration of regular and special sessions.</b>	
<b>Current</b>	<b>Proposed</b>
<p>When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house. Special sessions shall be limited to thirty days.</p> <p>Beginning in the year 1976 regular sessions of the legislature shall be held annually on the first Tuesday in May, or on such other day as may be prescribed by law, and shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and 30 calendar days.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>The limit on legislation considered at a special session first appeared in the 1875 Constitution. That original provision contained not provision to permit other legislation to be considered by vote of two-thirds; the two-thirds provision was added in the 1901 Constitution.</b></li> <li>• <b>The second paragraph derives from Amendment 339, adopted in 1975. Section 3.10 of each Revision.</b></li> <li>• <b>As to the first paragraph, the 1973 and 1979 Proposed Revisions made no change except to delete at this point the second sentence limiting special sessions to thirty days. Each of the Proposed Revisions re-located all provisions as to length of sessions, special and regular, to a single section, something the Commission may wish to consider doing as well.</b></li> </ul>	

<b>Sec. 77. State office for inspection or measuring of merchandise, commodities, etc., prohibited.</b>	
<b>Current</b>	<b>Proposed</b>
<b>Comments:</b> <b>This section will be addressed as a “prohibition” section with the other “prohibition” provisions of Art. 4.</b>	

<b>Sec. 78. Legislation to change seat of government of state.</b>	
<b>Current</b>	<b>Proposed</b>
<b>Comments:</b> <b>This section will be addressed as a “prohibition” section with other Art. 4 “prohibition” provisions.</b>	

<b>Sec. 79. Bribery -- Solicitation, acceptance, etc., of bribes by legislators.</b>	
<b>Current</b>	<b>Proposed</b>
<p>A member of the legislature who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, association, or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same; or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby; or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid, for another as the consideration for his vote, or influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities and penalties provided thereby for such offense, and such additional punishment as is or shall be provided by law.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section first became part of the Constitution in 1875, and was continued without change in 1901.</b></li> <li>• <b>The 1973 and 1979 Proposed Revisions omitted this section</b></li> </ul>	

<b>Sec. 80. Bribery -- Offer, gift, etc., of money, etc., to executive or judicial officers or members of legislature to influence official acts.</b>	
<b>Current</b>	<b>Proposed</b>
Any person who shall, directly or indirectly, offer, give, or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as may be provided by law.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>This section first became part of the Constitution in 1875, and was continued without change in 1901.</b></li> <li>• <b>The 1973 and 1979 Proposed Revisions omitted this section</b></li> </ul>	

<b>Sec. 81. Offense of corrupt solicitation to be defined by law.</b>	
<b>Current</b>	<b>Proposed</b>
<p>The offense of corrupt solicitation of members of the legislature or of public officers of this state or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the judges to give the same specially in charge to the grand juries in all the counties of this state.</p>	
<p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• <b>This section first became part of the Constitution in 1875, and was continued without change in 1901.</b></li> <li>• <b>The 1973 and 1979 Proposed Revisions omitted this section</b></li> </ul>	

<b>Sec. 82. Disclosure of personal or private interest in bills, etc., by legislators.</b>	
<b>Current</b>	<b>Proposed</b>
A member of the legislature who has a personal or private interest in any measure or bill proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>This section first became part of the Constitution in 1875, and was continued without change in 1901.</b></li> <li>• <b>The 1973 and 1979 Proposed Revisions omitted this section</b></li> </ul>	

<b>Sec. 83. Voting in elections by legislature</b>	
<b>Current</b>	<b>Proposed</b>
In all elections by the legislature the members shall vote viva voce, and the votes shall be entered on the journal.	
<b>Comments:</b> <ul style="list-style-type: none"> <li>• <b>This section has been part of the Alabama Constitution, using the same terminology, since 1819.</b></li> <li>• <b>The Proposed Revisions of 1973 and 1979 substituted the word “publicly” for “viva voce.”</b></li> <li>• <b>According to Alabama Law Institute, <u>Alabama Legislation</u> (7<sup>th</sup> edition), p. 148, members of the Senate vote by voice vote while members of the House of Representatives vote by an electrical roll call system.</b></li> </ul>	