

Overview of Article IV

Legislative Department

Sections 44-111.06

Article IV is the Article of the Alabama Constitution focused on the Legislative Department of the Alabama State Government. (Article V focuses on the Executive Department and Article VI, substantially revised in 1973, focuses on the Judicial Department. For shorthand, Article IV is sometimes referred to as the “Legislative Article”; Article V as the “Executive Article”; and Article VI as the “Judicial Article.”) Of the three, Article IV is by far the longer of the three, and addresses a greater range of topics.

The Two Basic Parts of Article IV

Article IV can be analyzed as consisting (with exceptions) of certain more or less distinct (but unofficial) groupings.

(Unofficial) Grouping One: Sections 44 through 83: Legislative Internal Affairs and Housekeeping

(Unofficial) Grouping Two: Sections 84-111.06: Prohibitions and Mandates

“Grouping One”: Legislative Internal Affairs and Housekeeping

With exceptions, sections 44 through 83 address the internal affairs of the legislature and basic legislative housekeeping. These include:

- **Membership** in the legislature (sections 46-47, 50, 60) and their compensation (section 49)
- **Time and place** of annual meetings (sections 48-48.02, section 58, section 76, second paragraph) and provisions for special sessions (section 76).
- **Organization** of legislature and **internal procedures**, including officers (section 51);
 - (52)quorum ;
 - (53-54)adoption of internal rules and expulsion ;
 - (55)journal ;
 - (56)legislative immunity ;
 - (57)open door principle ;
 - (59) restriction on appointment to other offices ;
 - (46,61)form of laws, and

- (62-64, 66) legislative procedure for enactment ;
- (67)employees and
- (69) supplies ;
- (70-73) special rules as to revenue bills and appropriations ;
- (82) manner of voting ; and
- (79-82)anti-corruption rules .
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“Grouping Two”: Prohibitions and Mandates

Article IV is not tightly organized. Thus, scattered through sections 44-83 are several “prohibition” sections:

- (65) Lotteries;
- (68-68.01) prohibition on extra compensation;
- (74) prohibitions on trust fund investment laws;
- (75) change of venue of lawsuits;
- (77) prohibition on state office of inspection and measurements.

The Commission may want to consider these as part of the Prohibitions and Mandates Group.

Sections 84 through section 110.06 contain sections, many of which are “prohibitions,” limiting the power of the legislature, and others of which are “mandates.”

Mandates include sections setting forth the responsibility of the Legislature to adopt laws providing for:

- (84) Arbitration;
- (85) Revision and promulgation of the laws;
- (86) Suppression of dueling ;
- (87) Deductions from salaries of public officers;
- (88) Requiring counties to provide for the poor ;
- (90) Annexation of foreign territory;
- (92) Value of property exempt from execution;
- (103) Regulation of common carriers and monopolies ; general laws in listed
- (104) Cases (last paragraph);
- (109) General laws for protection of local and private interests.

Prohibitions in “Grouping Two” (this is in addition to those identified as “prohibitions” in “Grouping One”) include:

(89) Legislature not to authorize municipalities to pass laws conflicting with general laws;

(93) No internal improvements [Note: this prohibition is one that has generated a number of amendments, codified under section 93];

(94) No legislative power to allow political subdivisions to engage in various acts [Note: this prohibition has also generated a number of amendments, most of them local amendments];

(95) Impairment of contracts;

(96) Non-uniformity of laws as to courts and compensation of public officers [this also has generated a number of local amendments, as well as a general amendment (96.01)];

(97 and 98) Payments to deceased or retired officials ;

(99) Donations of state lands;

(100) remission of obligations of corporations;

(101) Lobbying restrictions;

(104-111) (very significant provisions as to enactment of local laws).