

Legislative Process

Provided as a service by:

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This information prepared by the Alabama Law Institute is only a highlight and brief of the legislative process, but it should give you an idea of how your laws are developed in Alabama.

I. THE LEGISLATURE

- A. Established in 1819.
- B. Consists of a Senate and House of Representatives.
- C. Meets annually in Montgomery for regular sessions.

II. THE LEGISLATORS

- A. Alabama has 35 Senators and 105 Representatives.
- B. Qualifications for Senator:
 - 1. Citizen and resident of Alabama for three years.
 - 2. Twenty-five years of age.
 - 3. Resident of the Legislative District for one year.
- C. Qualifications for Representative:
 - 1. Citizen and resident of Alabama for three years.
 - 2. Twenty-one years of age.
 - 3. Resident of the Legislative District for one year.

III. TERM OF OFFICE

- A. Representatives and Senators are elected for four year terms.
- B. Elections are held in even numbered years.
 - 1. Primary election held on first Tuesday of June to select candidates from major political parties.
 - 2. General election held first Tuesday after the first Monday in November to elect the legislators.

IV. THE LEGISLATORS FROM YOUR DISTRICT

- A. A list of members of the Legislature is available in the Secretary of State's office.
- B. Legislators have offices in the State House and an appointment can be made to see them.
- C. It is the legislator's duty to represent the people of their district.
 - 1. Let them know what you like or dislike.
 - 2. Your advice is instrumental in their decision-making.

V. WHEN THE LEGISLATURE CONVENES AND ADJOURNS

- A. Regular session begins on the second Tuesday in March on the first year after election and the first Tuesday of February on the second and third year and the second Tuesday in January the fourth year.
- B. Special sessions may be called by the Governor.
- C. Regular sessions last for 30 legislative days and 105 calendar days.
- D. Special sessions are limited to 12 legislative days and 30 calendar days.

VI. THE SESSION BEGINS

- A. Organizational sessions convene on the second Tuesday in January following the election of legislators and are limited to ten consecutive calendar days.
- B. The various officers, leaders, and employees for each body would include:
- | | |
|--|--------------------------------------|
| 1. President of the Senate | 7. Reading Clerks |
| 2. Speaker of the House | 8. Committee Clerks and Secretaries |
| 3. President Pro-tem and Speaker Pro-tem | 9. Enrolling-Engrossing Clerks |
| 4. Secretary of the Senate | 10. Doorkeepers and Sergeant at arms |
| 5. Clerk of the House | 11. Security Officers |
| 6. Assistant Secretary and Assistant Clerk | 12. Pages |

VII. VIEWING THE LEGISLATURE IN ACTION

- A. The general daily order of business shall be:

Senate	House
1. Prayer	1. Call to Order
2. Pledge of Allegiance	2. Prayer
3. Call to Order	3. Pledge of Allegiance
4. Roll Call	4. Roll Call
5. Reading of the Journal	5. Approval of the Journal
6. Signing of Bills	6. Leave of Absence
7. Introduction of Bills	7. Report of Standing Committee of Bills
8. House Messages	8. Introduction of Bills and Resolutions
9. Reports from Standing Committee	9. Report of Committee on Rules
10. Reports from Select Committees	10. Uncontested Local Bills
11. Motions and Resolutions	11. Bills on Consent Calendar
12. Uncontested Local Bills	12. Unfinished Business
13. Bills on Third Reading	13. Bills on Calendar
14. Unfinished Business	14. Executive or Senate Messages (at any time)
15. Other Business	

VIII. VOTING

- A. A quorum of members (18 Senators, 53 Representatives) must be present to transact business.
- B. Voting on the passage of motions or measures is done electronically in the House and by voice in the Senate; it becomes a part of the permanent public record (the "Journal").
1. No member may vote unless that member is on the floor of the House (or Senate); if on the floor, the member may abstain from voting.
 2. Voting in the House is usually by electronic vote.
 - a. To vote, the member flips a switch and the vote is recorded as a green "aye" or a red "nay."
 - b. Votes are displayed on the electronic board.
- C. A majority vote is required for the passage of measures and ordinary business.

IX. COMMITTEES

- A. Each House has approximately 23 Standing Committees, ranging from 5 to 15 members each.
- B. These committees will cover the areas of:

1. Agriculture & Forestry	13. Governmental Operations
2. Appropriations & Taxation	14. Health
3. Banking & Insurance	15. Internal Affairs
4. Boards & Commissions	16. Judiciary
5. Business & Labor Relations	17. Local Government
6. Children	18. Local Delegations
7. Commerce & Transportation	19. Military Affairs
8. Constitution & Elections	20. Public Safety
9. County & Municipal Government	21. Rules
10. Economic & Industrial Development	22. Small Business
11. Education	23. Tourism & Marketing
12. Energy & Environment	

- C. Each House's rules provide how the chairperson and vice-chairperson of each committee are selected.
- D. The committee system divides up the work of the legislature.
1. Bills are assigned after first reading, by the presiding officer to a specific committee; in the Senate the assignment is with the concurrence of the President Pro-Tem; committees take one of the following actions upon a bill.
 - a. Receives and takes no action
 - b. Reports bill out of committee to floor of Senate or House as follows:
 - 1) Favorable
 - 2) Favorable with amendment
 - 3) Substitute

- E. Major revision of bills is done in committee.
 - 1. Here the public has the opportunity to testify in favor or opposition of a bill.
 - 2. Amendments may be made by motion in the committee, by committee reports, or substitute bills. All changes in a bill must relate to the subject matter of the bill; unrelated amendments may not be tacked on.

X. KINDS OF LEGISLATIVE MEASURES

- A. A bill is proposed law. All statutes must be enacted through a bill.
- B. Resolutions, unlike bills, do not result in new law. They can be used by the drafter as a vehicle to accomplish several functions.
 - 1. To express policy.
 - 2. To amend Alabama's Constitution. An amendment to the Constitution may be proposed by joint resolution passed by a three-fifths vote in both the House and Senate in order to be put on the next general election ballot. No action of the Governor is necessary.
 - 3. To amend legislative rules.
 - 4. To take action on federal constitutional issues.
 - 5. To create interim study committees.
 - 6. To provide for administrative details of each house, such as when to adjourn and when to meet again.
 - 7. To express congratulations, commendation, or sympathy.
 - 8. To repeal agency rules.
- C. There are two types of resolutions: simple and joint.
 - 1. Simple resolutions are resolutions of a single house, to express that house's opinion on a particular matter.
 - 2. Joint resolutions are passed by both houses and submitted to the Governor for his approval, except for constitutional amendments which do not require the Governor's approval.

XI. PARTS OF A BILL

There are 7 parts of a bill. They are:

- 1. Designation. The designation identifies the bill number, the house of origination, and the sponsor of the bill.
- 2. Synopsis. The synopsis briefly explains what the bill is about.
- 3. Formal Title. While the formal title need not be an index to the bill, it is required to contain a general description of the subject matter of the bill, expressed as briefly as possible.
- 4. Subject Title. Following the formal title is the subject of the bill, citing the sections of Alabama statutes affected.
- 5. Enacting Clause. The enacting clause must read "BE IT ENACTED BY THE LEGISLATURE OF ALABAMA."
- 6. Body. In the body of the bill, the purpose or proposal is actually set out. "New" matter is underscored, and matter to be deleted is stricken through.
- 7. Effective Date Clause. If there is no effective date provided in the bill, it takes effect when signed by the Governor.

XII. STEPS ENACTING A BILL

- A. A legislator prepares a bill or has it prepared in typewritten form on 8½ x 11 inches, line numbered pages.
- B. The bill is then dropped in the "hopper" by delivery to Secretary of Senate, or Clerk of the House.
- C. The bill then is read for the first time by title only.
- D. The bill then is assigned to the appropriate committee.
- E. A standing committee then studies the bill and holds a hearing, as previously set forth.
- F. If the bill is reported out of committee the chairman signs the report and the report is delivered to Secretary of the Senate or Clerk of the House.
- G. The report of the committee returned to the body constitutes a second reading.
- H. The bill is read for the third time and must be read at length unless reading is waived.
- I. If the bill receives a majority vote it is declared passed and sent to the other body.
- J. The other house then goes through the same process as outlined above, including first and second readings, assignment to the committee, hearing, etc.
- K. If the bill receives majority vote of the second house it then goes to house of origination for enrollment:
 - 1. If the bill is amended in the second house it is then necessary to send it to first house for concurrence on amendment.
 - 2. If first house does not concur on amendments, a conference committee is then chosen from each house.
 - 3. If both houses accept conference committee report, the bill is deemed passed and then enrolled.
- L. The bill is then signed by:
 - 1. Secretary of the Senate, if originating in Senate; or by clerk of the House, if originating in House.
 - 2. Speaker of the House.
 - 3. Presiding Officer of the Senate.
- M. The signed bill is then enrolled and sent to the Governor.
- N. The enrolled bill becomes law if:
 - 1. Governor signs.
 - 2. Governor does not sign or veto, in 10 days.
 - 3. Both houses pass it over the Governor's veto (by majority vote of the total membership of each house).
- O. The enrolled bill is filed with Secretary of State and receives an Act Number, as example, Act 07-117.
- P. Those provisions of the Enrolled Act that are general, public, and permanent in nature are compiled in the Alabama Code.

- Q. The Constitution may be amended -- in two different ways:
1. Amendments may be proposed by bill or resolution in one house, read on three separate days, and passed by a three-fifths vote in that house. Next the measure goes through the same procedure in the other house. If the measure is successful in both houses, it is submitted to the people and must receive a majority vote to become part of the Constitution.
 2. An amendment may be passed if a majority of the Legislature passes a bill or resolution calling for a constitutional convention, setting out the number of delegates to the convention, and providing for an election to decide whether the convention will be held. No constitutional convention has been held in Alabama since the present Constitution was adopted in 1901.

XIII. WHEN BILLS BECOME EFFECTIVE

- A. Generally, bills become effective upon passage by the Legislature and when signed by the Governor unless another date is specified.
- B. General appropriation bills become effective on October 1 following the date of their passage.
- C. Crime bills without a specified effective day take effect 60 days after their approval.

XIV. WHO PREPARES AND INTRODUCES BILLS

- A. Anyone may draft a bill; however, because even a simple bill requires careful preparation, attorneys in Legislative Reference Service will do the majority of drafting and must review each bill prior to introduction.
- B. The Alabama Law Institute, a group of lawyers specializing in code revision, is responsible for many of the major law revisions.
- C. Only legislators may introduce bills.
- D. The Governor and other citizens must obtain a legislator to sponsor a bill.

XV. FISCAL NOTES

- A. The Legislative Fiscal Office prepares a written cost estimate (fiscal note) for each bill that will have any direct financial impact on the state.
- B. The fiscal note is designed to show the cost to the state.

XVI. WHEN BILLS MAY BE INTRODUCED

- A. Bills may be prefiled for introduction on the first day of the session.
- B. Bills may be introduced at any time during the session before the 26th legislative day.
- C. Local bills must be advertised in the paper for four weeks before introduction.
- D. More than 1,500 bills are now introduced each session. Of these less than 25 percent are passed and become part of Alabama law.

XVII. BUDGET ISOLATION

- A. A Constitutional amendment requires the Legislature to give priority to the passage of a budget. Any other bills may be passed prior to the passage of a budget with the approval of a resolution of not less than three-fifths of a quorum present.
- B. Each house develops its own procedure for routinely handling bills during budget isolation.

XVIII. RECORD OF LEGISLATIVE ACTIVITY

- A. A journal is kept in both the House and Senate.
 1. The journal is a summary of various items of business transacted on the floor of the House such as:
 - a) Time of convening
 - b) Record of those present, absent and excused
 - c) Report of committees
 - d) Reading of bills and resolutions
 - e) How every member voted on a bill, etc.
- B. A "Calendar," or listing of bills, is prepared in each House and is provided daily to each legislator.

XIX. LOBBYING AND LOBBYISTS

- A. Lobbyists serve as information agents for both the legislators and the group they represent:
 1. They may represent civic groups, interested citizens, business associations, etc.
 2. They provide expert witnesses, develop background material and give assistance to law makers.
 3. Lobbyists are considered an integral part of the law-making process.
- B. Lobbyists are required to register with the Alabama Ethics Commission and must wear badges provided by the Secretary of the Senate or Clerk of the House.