

1 SB25
2 163386-2
3 By Senator Albritton (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 03-MAR-15
6 PFD: 02/09/2015

1 SB25

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4 ENROLLED, An Act,

5 To propose an amendment to the Constitution of
6 Alabama of 1901, as amended, to repeal Article III and
7 Amendment 582 of the Constitution of Alabama of 1901, and add
8 Article III to the Constitution of Alabama of 1901, relating
9 to the separation of powers.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. The following amendment to the
12 Constitution of Alabama of 1901, as amended, is proposed and
13 shall become valid as a part thereof when approved by a
14 majority of the qualified electors voting thereon and in
15 accordance with Sections 284, 285, and 287 of the Constitution
16 of Alabama of 1901, as amended:

17 PROPOSED AMENDMENT

18 I. Article III of the Constitution of Alabama of
19 1901, and Amendment 582 of the Constitution of Alabama of
20 1901, are repealed.

21 II. Article III is added to the Constitution of
22 Alabama of 1901, to read as follows:

23 Article III. SEPARATION OF POWERS.

24 Section 42. (a) The powers of the government of the
25 State of Alabama are legislative, executive, and judicial.

1 (b) The government of the State of Alabama shall be
2 divided into three distinct branches: legislative, executive,
3 and judicial.

4 (c) To the end that the government of the State of
5 Alabama may be a government of laws and not of individuals,
6 and except as expressly directed or permitted in this
7 constitution, the legislative branch may not exercise the
8 executive or judicial power, the executive branch may not
9 exercise the legislative or judicial power, and the judicial
10 branch may not exercise the legislative or executive power.

11 Section 43. No order of a state court which requires
12 disbursement of state funds shall be binding on the state or
13 any state official until the order has been approved by a
14 simple majority of both houses of the Legislature. This
15 section shall not apply to orders, judgments, or decrees
16 requiring payment of compensation for the taking of property
17 by eminent domain or arising out of challenges to taxation or
18 to such other orders, judgments, or decrees as may be
19 otherwise required by statute, or settled principles of
20 Alabama common law as decided by the Alabama appellate courts,
21 not inconsistent with other provisions of this Constitution.
22 Nothing herein shall be construed to preclude a court from
23 making findings of fact or conclusions of law and orders
24 relating thereto, that standards required by the United States
25 Constitution, the Constitution of Alabama of 1901, laws of

1 this state or of the United States, or rules or regulations
2 promulgated pursuant thereto, are not being met, and from
3 ordering the responsible entity or entities to comply with
4 such standards.

5 Section 2. This amendment shall become operative
6 January 1, 2017.

7 Section 3. An election upon the proposed amendment
8 shall be held in accordance with Sections 284 and 285 of the
9 Constitution of Alabama of 1901, now appearing as Sections 284
10 and 285 of the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, and the election laws of this
12 state.

13 Section 4. The appropriate election official shall
14 assign a ballot number for the proposed constitutional
15 amendment on the election ballot and shall set forth the
16 following description of the substance or subject matter of
17 the proposed constitutional amendment:

18 "Proposing an amendment to the Constitution of
19 Alabama of 1901, to repeal and restate the provisions of
20 Article III of the Constitution of Alabama of 1901 relating to
21 separation of powers to modernize the language without making
22 any substantive change, effective January 1, 2017.

23 "Proposed by Act _____."

24 This description shall be followed by the following
25 language:

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"Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB25
Senate 07-APR-15
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 19-MAY-15

By: Senator Albritton