SB25

163386-2

By Senator Albritton (Constitutional Amendment)

RFD: Judiciary

First Read: 03-MAR-15

PFD: 02/09/2015
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

I. Article III of the Constitution of Alabama of 1901, and Amendment 582 of the Constitution of Alabama of 1901, are repealed.

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

Article III. SEPARATION OF POWERS.

Section 42. (a) The powers of the government of the State of Alabama are legislative, executive, and judicial.
(b) The government of the State of Alabama shall be divided into three distinct branches: legislative, executive, and judicial.

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

Section 43. No order of a state court which requires disbursement of state funds shall be binding on the state or any state official until the order has been approved by a simple majority of both houses of the Legislature. This section shall not apply to orders, judgments, or decrees requiring payment of compensation for the taking of property by eminent domain or arising out of challenges to taxation or to such other orders, judgments, or decrees as may be otherwise required by statute, or settled principles of Alabama common law as decided by the Alabama appellate courts, not inconsistent with other provisions of this Constitution. Nothing herein shall be construed to preclude a court from making findings of fact or conclusions of law and orders relating thereto, that standards required by the United States Constitution, the Constitution of Alabama of 1901, laws of
this state or of the United States, or rules or regulations promulgated pursuant thereto, are not being met, and from ordering the responsible entity or entities to comply with such standards.

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

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

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

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

"Proposed by Act ________.”

This description shall be followed by the following language:
"Yes ( )  No ( )."
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