

1 SB261
2 151037-4
3 By Senator Fielding (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 22-JAN-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 PROPOSED AMENDMENT

24 I. Article III of the Constitution of Alabama of
25 1901, and Amendment 582 of the Constitution of Alabama of
26 1901, are repealed.

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

3 Article III. SEPARATION OF POWERS.

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

6 (b) The government of the State of Alabama shall be
7 divided into three distinct branches: legislative, executive,
8 and judicial.

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

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

1 making findings of fact or conclusions of law and orders
2 relating thereto, that standards required by the United States
3 Constitution, the Constitution of Alabama of 1901, laws of
4 this state or of the United States, or rules or regulations
5 promulgated pursuant thereto, are not being met, and from
6 ordering the responsible entity or entities to comply with
7 such standards.

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

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

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

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

26 "Proposed by Act _____."

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

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Campaign Finance, Eth-
ics, and Elections..... 22-JAN-14

Read for the second time and placed on the calen-
dar 1 amendment..... 18-FEB-14

Read for the third time and passed as amended 20-MAR-14

Yeas 23
Nays 7

Patrick Harris
Secretary