

ACT No. 2015 - 200
CA

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20 1901, are repealed.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:

SB25

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"Yes () No ()."

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Kay Ivey

President and Presiding Officer of the Senate

Tommy Sharp

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

Alabama Secretary Of State

Act Num.....: 2015-200
Bill Num....: S-25

Recv'd 05/21/15 01:48pmSLF

SPONSOR

LABATTON

SPONSORS

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SENATE ACTION

DATE: 3-3

2015

RD 1 RFD

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

This Bill was referred to the Standing Committee of the Senate on _____

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amd(s) _____ w/sub _____ w/eng sub _____
years 6 nays 0 abstain 0
this 11 day of March 2015
Patrick Harris, Chairperson

DATE: 3-11

2015

RD 2 CAL

FAU

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 28.
years 28 nays _____ abstain 0

PATRICK HARRIS, Secretary

DATE: 4-7-15

RD 3 at length

PASSED

PASSED AS AMENDED

years 28 nays 0 abstain 0
And was ordered sent forthwith to the House.

PATRICK HARRIS, Secretary

HOUSE ACTION

DATE: 4-7

2015

RD 1 RFD

CEAC

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on _____

Constitution, Campaigns, Election was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed

w/amd(s) _____ w/sub _____
this 10 day of April 2015

Chairperson

Patrick Harris

DATE: 4-16

2015

RD 2 CAL

A+length

DATE: _____

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RE-REFERRED

RE-COMMITTED

COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 25.
YEAS 97 NAYS 0

JEFF WOODARD, Clerk