

1 SR44  
2 158148-1  
3 By Senator Taylor  
4 RFD: Rules  
5 First Read: 11-FEB-14

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8 REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF  
9 THE ALABAMA SUPREME COURT RELATIVE TO SENATE BILLS 253, 258,  
10 259, 261, AND 276 OF THE 2014 REGULAR SESSION OF THE  
11 LEGISLATURE.

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13 BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF  
14 ALABAMA, That we respectfully request the Honorable Chief  
15 Justice and Associate Justices of the Alabama Supreme Court,  
16 or a majority of them, to give this body their written  
17 opinions on a constitutional question which has arisen  
18 concerning the following pending Senate Bills: SB252 relating  
19 to impeachment of certain public officials; SB258 relating to  
20 the Legislative Department; SB259 relating to the Executive  
21 Department; SB261 relating to the Separation of Powers of  
22 Government; and SB276 relating to Homestead Exemptions.

23 Section 284 of the Constitution of Alabama of 1901  
24 (the constitution) prescribes the manner in which amendments  
25 to the constitution may be proposed by the Legislature.  
26 Three-fifths of all members elected to both the House of  
27 Representatives and the Senate must approve proposed

1 amendments, after which the proposals must be voted upon by  
2 the electorate, and if approved by a majority of the voters,  
3 become a valid part of the constitution.

4 In a September 27, 2013, decision of the Alabama  
5 Supreme Court, Bell v. Strange, et al., Special Term 2013,  
6 1120603, the court discussed the role of Section 284 in  
7 amending the constitution.

8 Because the purpose of the Senate Bills cited is to  
9 propose various amendments to the constitution to be submitted  
10 to the voters of the state, and in deference to this  
11 legislative body so that we may properly and constitutionally  
12 perform the duties of our office, written opinions are  
13 requested concerning the following important constitutional  
14 question:

15 If pending Senate Bills 253, 258, 259, 261, and 276  
16 are passed in compliance with the requirements of Section 284  
17 of the Constitution of Alabama, would they be constitutionally  
18 valid proposed constitutional amendments?

19 BE IT FURTHER RESOLVED, That the Secretary of the  
20 Senate provide sufficient true copies of these pending bills  
21 and this request to the Clerk of the Supreme Court of Alabama  
22 for consideration of this request.