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# SUPREME COURT OF ALABAMA

OCTOBER TERM, 2013-2014

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OPINION OF THE JUSTICES

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No. 388

Opinion Issued February 27, 2014

Members of the Senate  
Alabama State House  
Montgomery, Alabama 36130

Dear Senators:

We have received Senate Resolution No. 44, which states,  
  
in pertinent part:

"[W]e respectfully request the Honorable Chief Justice and Associate Justices of the Alabama Supreme Court, or a majority of them, to give this body their written opinions on a constitutional question which has arisen concerning the following pending Senate Bills: SB253 relating to impeachment of certain public officials; SB258 relating to the

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Legislative Department; SB259 relating to the Executive Department; SB261 relating to the Separation of Powers of Government; and SB276 relating to Homestead Exemptions.

"Section 284 of the Constitution of Alabama of 1901 (the constitution) prescribes the manner in which amendments to the constitution may be proposed by the Legislature. Three-fifths of all members elected to both the House of Representatives and the Senate must approve proposed amendments, after which the proposals must be voted upon by the electorate, and if approved by a majority of the voters, become a valid part of the constitution.

"In a September 27, 2013, decision of the Alabama Supreme Court, Bell v. Strange, [[Ms. 1120603, September 27, 2013] \_\_\_ So. 3d \_\_\_ (Ala. 2013)], the court discussed the role of Section 284 in amending the constitution.[<sup>1</sup>]

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

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

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<sup>1</sup>In Bell, this Court affirmed the trial court's judgment without an opinion. Justice Parker and Justice Shaw issued opinions concurring specially in and Chief Justice Moore issued an opinion dissenting from the no-opinion affirmance.

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We respectfully decline to issue an advisory opinion with respect to the question presented.

QUESTION DECLINED.

Respectfully Submitted,

/s/ Lyn Stuart  
Lyn Stuart

/s/ Michael F. Bolin  
Michael F. Bolin

/s/ Glenn Murdock  
Glenn Murdock

/s/ Greg Shaw  
Greg Shaw

/s/ James Allen Main  
James Allen Main

/s/ A. Kelli Wise  
A. Kelli Wise

/s/ Tommy Bryan  
Tommy Bryan

Associate Justices