

1 SJR72
2 117536-1
3 By Senator Barron
4 RFD:
5 First Read: 23-FEB-10

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8 REQUESTING AN OPINION OF THE ALABAMA SUPREME COURT
9 ON THE SANFORD AMENDMENT TO SB121.

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11 WHEREAS, the Alabama Legislature is considering
12 SB121, a copy of which is attached, proposing an amendment to
13 the Constitution of Alabama of 1901, to provide for the use of
14 certain oil and gas revenue for highways, roads, and bridges;
15 and

16 WHEREAS, the Alabama Senate has adopted the Sanford
17 Amendment, a copy of which is attached, and questions have
18 arisen concerning whether the amendment would violate the
19 United States Constitution; now therefore,

20 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
21 HOUSES THEREOF CONCURRING, That we respectfully request the
22 Honorable Chief Justice and Associate Justices of the Supreme
23 Court, or a majority of them, to give this body their written
24 opinions on the following important constitutional questions
25 which have arisen concerning the Sanford Amendment:

1 1. Does the Sanford Amendment to SB121, or any part
2 thereof, violate the commerce clause of the United States
3 Constitution, Article I, Section 8, Clause 3?

4 2. Does the Sanford Amendment to SB121, or any part
5 thereof, violate the privileges and immunities clause of the
6 United States Constitution, Article IV, Section 2, Clause 1?

7 3. Does the Sanford Amendment to SB121, or any part
8 thereof, violate the Equal Protection Clause of the United
9 States Constitution, Fourteenth Amendment?

10 BE IT FURTHER RESOLVED, That a copy of this
11 resolution be hand delivered to the Alabama Supreme Court.