

1 SR86
2 141012-2
3 By Senator McGill
4 RFD:
5 First Read: 03-MAY-12

1 141012-2:n:05/03/2012:JGW/jgw

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8 REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF
9 THE SUPREME COURT RELATIVE TO SB 563 OF THE 2012 REGULAR
10 SESSION.

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12 WHEREAS, there is now pending in the Legislature
13 Senate Bill 563 which provides and directs the appropriation
14 and distribution of funds received by Jackson County as its
15 portion of the in-lieu-of tax payments received by the State
16 of Alabama from the Tennessee Valley Authority and which
17 specifically provides in part for a portion of the fund to be
18 appropriated to the Jackson County Discretionary Board
19 consisting of the Chair of the Jackson County Commission, the
20 senator, and two representatives, respectively, that are
21 legislators representing all or part of Jackson County; now
22 therefore,

23 BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF
24 ALABAMA, That the Justices of the Alabama Supreme Court, or a
25 majority of them, are hereby requested to render to the
26 Legislature their written opinion as provided in Section

1 12-2-10, Code of Alabama 1975, on the following questions
2 concerning the bill, a copy of which is attached:

3 (1) Does the bill violate Article III, Sections 42
4 and 43, of the Constitution of Alabama 1901, related to the
5 separation of powers?

6 (2) Does the bill violate Article IV, Section 72, of
7 the Constitution of Alabama of 1901, related to payment of
8 public funds?

9 (3) Does the bill violate Article IV, Section 105,
10 of the Constitution of Alabama of 1901, related to the
11 enactment of local laws?

12 BE FURTHER RESOLVED, That a copy of this resolution
13 be hand delivered to the Alabama Supreme Court.