

Supreme Court of Alabama
Oral Argument
Friday, November 5, 2021

First Case

Case: 1200278 -- Ex parte Tom Fredricks (In re: Tom Fredricks v. John McMillan, in his capacity as State Treasurer; Dr. Kathleen Baxter, in her capacity as State Comptroller; and Kelly Butler, in his capacity as State Finance Director).

Attorneys: William Thompson Love for the petitioner.

Steve Marshall, attorney general; Edmund Gerard LaCour, Jr., solicitor general; and James W. Davis and Winfield J. Sinclair, assistant attorneys general, for the respondents.

Summary: The Rebuild Alabama Act, Act No. 2019-2, Ala. Acts 2019 (1st Special Session), authorizes the appropriation of a portion of gas-tax revenues for the widening and deepening of the Mobile Ship Channel. Taxpayer Tom Fredricks challenges the constitutionality of that appropriation under Amendment No. 354 (which amended Amendment No. 93) to the Alabama Constitution, codified at Art. IV, § 111.06, Ala. Const. 1901 (Off. Recomp.), which concerns how gas-tax revenues are to be used. Specifically, the parties' dispute primarily involves the meaning of the phrase "public highway" as used in Amendment No. 354 and whether the Mobile Ship Channel qualifies as a "public highway." The trial court and the Court of Civil Appeals concluded that the appropriation did not violate Amendment No. 354. The Alabama Supreme Court is reviewing the decision of the Court of Civil Appeals.