

1 HB317
2 116227-1
3 By Representative Collier
4 RFD: Government Appropriations
5 First Read: 19-JAN-10

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8 SYNOPSIS: Currently, the State Lands Division of the
9 Department of Conservation and Natural Resources
10 receives payments for the lease of submerged lands
11 owned absolutely by the state, pursuant to Section
12 9-15-15, Code of Alabama 1975.

13 This bill would redistribute those payments
14 to certain local governments in Mobile County and
15 to Mobile County for certain public uses.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 To amend Section 9-15-15, Code of Alabama 1975,
22 relating to the distribution of revenues from unused lands
23 managed by the Department of Conservation and Natural
24 Resources; to provide further for the distribution of such
25 revenues for certain public uses in Mobile County.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 9-15-15, Code of Alabama 1975, is
2 amended to read as follows:

3 "§9-15-15.

4 "(a) Any revenues that shall accrue from the lands
5 so managed by the Department of Conservation and Natural
6 Resources subject to costs of administration shall be the
7 property of the department or institution to which the lands
8 belong or in which the department or institution shall own the
9 beneficial interest.

10 "(b) If the land shall be owned absolutely by the
11 State of Alabama, and shall consist of submerged land, the
12 revenue from the use of the land, with the exception of
13 offshore oil and gas capital payments and sand and gravel
14 royalties, shall become a part of the State Lands Fund of the
15 Lands Division of the Department of Conservation and Natural
16 Resources of the State of Alabama.

17 "(c) Notwithstanding subsection (b), an amount equal
18 to 25 percent of those rental and other payments accruing to
19 the State of Alabama on or after October 1, 2009, pursuant to
20 paragraph "6.", but specifically excluding the advance payment
21 by lessee of five times the first annual fee specified in
22 subparagraph "6. (a)(1)", of that lease entitled "Natural Gas
23 Storage Lease No. 1," by and between the State of Alabama,
24 acting by and through its Commissioner of the Department of
25 Conservation and Natural Resources, Lessor, and MoBay Storage
26 Hub, LLC, Lessee, shall be distributed as follows:

1 "1. Twenty-five percent to the City of Bayou la
2 Batre to be used for parks and recreational facilities and for
3 other quality of life improvements and uses including the
4 purchase of land for public use, preservation, management,
5 protection, and improvements to city-owned land.

6 "2. Twenty-five percent to the Town of Dauphin
7 Island to be used for parks and recreational facilities and
8 for other quality of life improvements and uses including the
9 purchase of land for public use, preservation, management,
10 protection, and improvements to city-owned land.

11 "3. Fifty percent to Mobile County. Of the 50
12 percent distribution to Mobile County, 75 percent shall be
13 used for areas south of Interstate 10 for parks and
14 recreational facilities outside of the corporate limits of the
15 City of Mobile and for other quality of life improvements and
16 uses including the purchase of land for public use,
17 preservation management, protection, and improvements for
18 county-owned land.

19 "(d) In all other cases, however, the reasonable
20 cost of administering, managing, protecting, mapping,
21 surveying, cruising, or developing any unused lands shall be a
22 charge against the income produced therefrom, and the charge
23 shall be deducted from the income by the Commissioner of
24 Conservation and Natural Resources and retained by the
25 Department of Conservation and Natural Resources.

26 "(e) The balance remaining shall be paid to the
27 institution, department, or agency of the State of Alabama

1 entitled thereto. If the lands are not submerged lands and are
2 owned absolutely by the state, the revenue derived therefrom,
3 less the cost of management, protection, and development of
4 the lands, shall be paid by the Commissioner of Conservation
5 and Natural Resources to the State Treasurer to become a part
6 of the State General Fund."

7 Section 2. This act shall become effective on
8 October 1, 2010, following its passage and approval by the
9 Governor, or its otherwise becoming law.