

1 SB260
2 173478-2
3 By Senators Scofield, Livingston, Waggoner, Reed, Whatley,
4 Melson, Stutts, Dial, Holley, Ward, Marsh and Beasley
5 (Constitutional Amendment)
6 RFD: Governmental Affairs
7 First Read: 17-FEB-16

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To propose an amendment to the Constitution of
12 Alabama of 1901, to prohibit any monies from the State Parks
13 Fund, the Parks Revolving Fund, or any fund receiving revenues
14 currently deposited in the State Parks Fund or the Parks
15 Revolving Fund, and any monies currently designated under law
16 for use by the state parks system from being transferred to
17 any other public account, fund or entity or used for any
18 purpose other than the support, upkeep, and maintenance of the
19 state parks system; and to propose an amendment to Amendment
20 617 of the Constitution of Alabama of 1901, now appearing as
21 Section 213.32 of the Official ReCompilation of the
22 Constitution of Alabama of 1901, as amended; to provide
23 exceptions to the requirement that all state park system land
24 and facilities be exclusively and solely operated and
25 maintained by the Department of Conservation and Natural
26 Resources.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 benefit the State Parks System shall be distributed to the
2 General Fund.

3 PART II.

4 Amendment of Amendment 617.

5 The State of Alabama is authorized to become
6 indebted for the purpose of the acquisition, provision,
7 construction, improvement, renovation, equipping, and
8 maintenance of the state parks system, public historical
9 sites, and public historical parks, and in evidence of the
10 indebtedness so incurred to sell and issue bonds, in addition
11 to all other bonds of the state, not exceeding one hundred ten
12 million dollars (\$110,000,000) in aggregate principal amount.
13 The bonds shall be direct general obligations of the state and
14 the full faith and credit and taxing power of the state are
15 hereby pledged to the prompt and faithful payment of the
16 principal thereof and the interest thereon. One hundred four
17 million dollars (\$104,000,000) of the bonds shall be issued
18 for the state by the Alabama State Parks System Improvement
19 Corporation pursuant to the appropriate resolutions adopted by
20 the board of directors of the corporation and the proceeds
21 thereof shall be appropriated and used exclusively for the
22 purpose of paying the expenses incurred in the sale and
23 issuance of the bonds and for payment of the costs of the
24 acquisition, provision, construction, improvement, renovation,
25 equipping, and maintenance of the state parks system;
26 provided, any lake acquired and/or built with the proceeds
27 thereof by the Department of Conservation and Natural

1 Resources as a part of a state park must have a minimum buffer
2 of six hundred (600) lateral feet between the shoreline and
3 any private property. In the event that the water from any
4 said lake is sold, the cost thereof shall be equal to the
5 periodic costs for that portion of the bond issue incurred by
6 the Alabama State Parks System Improvement Corporation for
7 said lake, and shall be repaid to the Department of
8 Conservation and Natural Resources at the same rate as the
9 debt service on said bond issue. Such acquisition, provision,
10 construction, improvement, renovation, equipping and
11 maintenance of the state parks system, shall be completed at
12 the direction of the Alabama State Parks System Improvement
13 Corporation with the advice and concurrence of the Joint
14 Legislative Committee on State Parks, and all state park
15 system land and facilities, except for ~~existing concession~~
16 ~~operations or other existing permitted operations~~ state park
17 system land and facilities at those state parks with either
18 (1) an establishment where sleeping or sleeping and eating
19 accommodations are advertised or held out to be available to
20 transients, including hotel rooms, cottages, and cabins, or
21 (2) a golf course, or both, shall thereafter be exclusively
22 and solely operated and maintained by the Department of
23 Conservation and Natural Resources. This provision shall not
24 mandate operations by entities other than the Department of
25 Conservation and Natural Resources but shall be construed to
26 permit such operations. Six million dollars (\$6,000,000) of
27 the bonds shall be issued for the state by the Alabama Public

1 Historical Sites and Parks Improvement Corporation pursuant to
2 the appropriate resolutions adopted by the board of directors
3 of the corporation and the proceeds thereof shall be
4 appropriated and used exclusively for the purpose of paying
5 the expenses incurred in the sale and issuance of the bonds
6 and for the payment of the costs of the acquisition,
7 provision, construction, improvement, renovations, equipping,
8 and maintenance of public historical sites and public
9 historical parks not under the jurisdiction of the Department
10 of Conservation and Natural Resources. Such acquisition,
11 provision, construction, improvement, renovation, equipping,
12 and maintenance of public historical sites and public
13 historical parks shall be completed at the direction of the
14 Alabama Public Historical Sites and Parks Improvement
15 Corporation and shall thereafter be operated by the Alabama
16 Historical Commission, or other entity as authorized by the
17 commission, with the advice and concurrence of the Joint
18 Legislative Committee on State Parks.

19 The State of Alabama is further authorized to become
20 indebted and in evidence thereof to sell and issue one or more
21 series of bonds to refund all or any of the bonds hereinabove
22 authorized by this amendment in such principal amount or
23 amounts, which may exceed the principal amount of the bonds
24 being refunded, and in such manner as may be provided by law
25 duly enacted by the Legislature.

26 The aforesaid corporations are hereby vested with
27 the power and authority to provide for the sale and terms of

1 the bonds hereby authorized and the issuance thereof, subject
2 to the approval of the Governor. The bonds may be sold,
3 executed, and delivered at any time and from time to time, may
4 be in such forms, denominations, series, and numbers, may be
5 of such tenor and maturities, may bear such date or dates, may
6 be payable in such installments and at such place or places,
7 may bear interest at such rate or rates payable and evidenced
8 in such manner, and may contain provisions for redemption at
9 the option of the state to be exercised by the corporations at
10 such date or dates prior to their maturity and upon payment of
11 such redemption price or prices, all as shall be provided by
12 the corporations in the resolution or resolutions whereunder
13 the bonds hereby authorized are issued. The principal of each
14 series of bonds shall mature on such date and in such amounts
15 as shall be specified in the resolution or resolutions of the
16 board of directors of the corporations under which they are
17 issued, the last of which installments shall mature not later
18 than 20 years after the date of the bonds of the same series.
19 All of the bonds, including refunding bonds, shall be sold
20 only at public sale or sales, either on sealed bids or at
21 public auction, after such advertisement as may be prescribed
22 by the corporations, to the bidder whose bid reflects the
23 lowest true interest cost to the state computed to the
24 respective maturities of the bonds sold; provided, that if no
25 bid deemed acceptable by the corporation is received, all bids
26 may be rejected.

1 The bonds shall be signed in the name of the state
2 by the Governor of the State of Alabama and the Great Seal of
3 the State of Alabama or a facsimile thereof shall be
4 impressed, printed or otherwise reproduced thereon and shall
5 be attested by the signature of the Secretary of State of the
6 State of Alabama; provided that facsimile signatures of either
7 or both of the officers may be reproduced on such bonds in
8 lieu of their manually signing the same.

9 All bonds issued under the provisions of this
10 amendment, together with the interest income thereon, shall
11 forever be exempt from all taxation in the state, except
12 inheritance, estate and gift taxes.

13 The proceeds from the sale of the bonds by the
14 Alabama State Parks System Improvement Corporation hereby
15 authorized, other than refunding bonds, after the payment of
16 all expenses of the sale thereof, shall be set apart in a
17 special fund in the State Treasury to be designated "The
18 Alabama State Parks System Improvement Fund," and such
19 proceeds, together with income derived from the investment and
20 reinvestment thereof, shall be temporarily invested until
21 needed and disbursed, on order of the aforesaid corporation
22 solely for the purposes, hereinabove described, for which the
23 bonds are authorized to be issued.

24 The proceeds from the sale of the bonds by the
25 Alabama Public Historical Sites and Parks Improvement
26 Corporation hereby authorized, other than refunding bonds,
27 after the payment of all expenses of the sale thereof, shall

1 be set apart in a special fund in the State Treasury to be
2 designated "The Alabama Public Historical Sites and Parks
3 Improvement Fund," and such proceeds, together with income
4 derived from the investment and reinvestment thereof, shall be
5 temporarily invested until needed and disbursed, on order of
6 the aforesaid corporation solely for the purposes, hereinabove
7 described, for which the bonds are authorized to be issued.

8 No further authorization from the Legislature shall
9 be a prerequisite to the validity of any bonds issued
10 hereunder. However, the Legislature shall enact appropriate
11 legislation implementing the provisions hereof, including
12 provisions for the issuance of refunding bonds as hereinabove
13 authorized.

14 The Alabama State Parks System Improvement
15 Corporation and the Alabama Public Historical Sites and Parks
16 Improvement Corporation authorized in this constitutional
17 amendment are strongly encouraged to utilize businesses and
18 companies in all aspects of the bond and construction portions
19 of this amendment that reflect the racial and ethnic diversity
20 of the state.

21 Section 2. An election upon the proposed amendment
22 shall be held in accordance with Sections 284 and 285 of the
23 Constitution of Alabama of 1901, now appearing as Sections 284
24 and 285 of the Official Recompilation of the Constitution of
25 Alabama of 1901, as amended and the election laws of this
26 state.

1 Section 3. The appropriate election official shall
2 assign a ballot number for the proposed constitutional
3 amendment on the election ballot and shall set forth the
4 following description or subject matter of the proposed
5 constitutional amendment:

6 "Proposing an amendment to the Constitution of
7 Alabama of 1901, to prohibit any monies from the State Parks
8 Fund, the Parks Revolving Fund, or any fund receiving revenues
9 currently deposited in the State Parks Fund or the Parks
10 Revolving Fund, and any monies currently designated pursuant
11 to statute for the use of the state parks system from being
12 transferred for another purpose other than the support,
13 upkeep, and maintenance of the state parks system.

14 Notwithstanding, in the event that guest revenues to
15 the State Parks Revolving Fund exceed the threshold of \$50
16 million (as annually adjusted based on increases in the
17 consumer price index) in a fiscal year, the sales and use and
18 cigarette tax revenue distributed to benefit the State Parks
19 System shall be reduced in the following fiscal year. The
20 amount of the reduction shall correspond to the amount of
21 guest revenue to the State Parks Revolving Fund exceeding the
22 threshold. The amount of tax revenue not distributed to
23 benefit the State Parks System shall be distributed to the
24 General Fund.

25 Proposing an amendment to Amendment 617 of the
26 Constitution of Alabama of 1901, to allow the Department of
27 Conservation and Natural Resources the option to provide for

1 the operation and management, by non-state entities, of
2 hotels, golf courses, and restaurants at any applicable state
3 parks in Alabama.

4 "Proposed by Act _____."

5 This description shall be followed by the following
6 language:

7 "Yes () No ()."

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 17-FEB-16

Read for the second time and placed on the calen-
dar..... 25-FEB-16

Read for the third time and passed as amended 22-MAR-16

Yeas 29
Nays 1

Patrick Harris
Secretary