

1 SB38  
2 171038-1  
3 By Senators Scofield, Glover, Holley, Holtzclaw, Bussman,  
4 Dial, Orr, Melson, McClendon, Shelnutt, Albritton, Beasley,  
5 Waggoner, Ward, Hightower, Livingston, Whatley, Pittman,  
6 Smith, and Figures (Constitutional Amendment)  
7 RFD: Finance and Taxation General Fund  
8 First Read: 03-AUG-15

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8 SYNOPSIS: Under Amendment 543 of the Constitution of  
9 Alabama of 1901, now appearing as Section 219.07 of  
10 the Official Recompilation of the Constitution of  
11 Alabama of 1901, as amended, no funds or assets of  
12 the Forever Wild Land Trust may be expended or used  
13 to construct or improve buildings, structures or  
14 facilities used for human lodging, feeding or  
15 entertainment, or similar facilities that have a  
16 principal purpose not related to the stewardship of  
17 properties of the Forever Wild Land Trust; however  
18 funds allocated to the Stewardship Account may be  
19 used for construction, maintenance, and  
20 improvements located on Trust Lands in connection  
21 with the performance of stewardship  
22 responsibilities of the Board.

23 Under Amendment 856 of the Constitution of  
24 Alabama of 1901, now appearing as Section 219.09 of  
25 the Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, certain distributions

1 are provided to the Forever Wild Land Trust from  
2 the Alabama Trust Fund.

3 This bill would propose an amendment to  
4 Amendment 543, now appearing as Section 219.07 of  
5 the Official Recompilation of the Constitution of  
6 Alabama of 1901, as amended, and Amendment 856, now  
7 appearing as Section 219.09 of the Official  
8 Recompilation of the Constitution of Alabama of  
9 1901, as amended, to require the full sum of the  
10 annual amount paid to the Forever Wild Land Trust  
11 from the Alabama Trust Fund to be appropriated to  
12 the Department of Conservation and Natural  
13 Resources for the state parks of Alabama. In  
14 addition, this bill would prohibit the acquisition  
15 of new lands by purchase to be held in the Forever  
16 Wild Land Trust.

17  
18 A BILL

19 TO BE ENTITLED

20 AN ACT

21  
22 Proposing an amendment to the Constitution of  
23 Alabama of 1901, to amend Amendment 543, now appearing as  
24 Section 219.07 of the Official Recompilation of the  
25 Constitution of Alabama of 1901, as amended, and Amendment  
26 856, now appearing as Section 219.09 of the Official  
27 Recompilation of the Constitution of Alabama of 1901, as

1 amended, to require the full sum of the annual amount paid to  
2 the Forever Wild Land Trust from the Alabama Trust Fund to be  
3 appropriated to the Department of Conservation and Natural  
4 Resources for the state parks of Alabama. In addition, this  
5 bill would prohibit the acquisition of new lands by purchase  
6 to be held in the Forever Wild Land Trust.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. The following amendment to the  
9 Constitution of Alabama of 1901, as amended, is proposed and  
10 shall become valid as a part thereof when approved by a  
11 majority of the qualified electors voting thereon and in  
12 accordance with Sections 284, 285, and 287 of the Constitution  
13 of Alabama of 1901, as amended:

14 PROPOSED AMENDMENT

15 Section I. Amendment 543 of the Constitution of  
16 Alabama of 1901, now appearing as Section 219.07 of the  
17 Official Recompilation of the Constitution of Alabama of 1901,  
18 as amended, is amended to read as follows:

19 "Section 1. Declaration of Purpose. The Legislature  
20 of Alabama finds that Alabama is endowed with a rich diversity  
21 of natural areas having unique ecological systems, plant and  
22 animal life, geological formations, wildlife habitats,  
23 recreational values and scenic beauty. As a part of the  
24 continuing growth of the population and the economic  
25 development of the state, it is necessary and desirable that  
26 certain lands and waters be set aside, managed and preserved  
27 for use as state parks, nature preserves, recreation areas,

1 and wildlife management areas. In order to meet the State's  
2 outdoor recreation needs and to protect the natural heritage  
3 of Alabama for the benefit of present and future generations,  
4 it is the policy of the state to:

5 "(a) Protect, manage, and enhance certain lands and  
6 waters of Alabama with full recognition that this generation  
7 is a trustee of the environment for succeeding generations;

8 "(b) Protect, to the fullest extent practicable,  
9 recreational lands and areas of unique ecological, biological  
10 and geological importance; and

11 "(c) Promote a proper balance among population  
12 growth, economic development, environmental protection, and  
13 ecological diversity. Accordingly, there is hereby established  
14 the Alabama Forever Wild Land Trust for the purpose of  
15 identifying, acquiring, managing, protecting and preserving  
16 natural lands and waters that are of environmental or  
17 recreational importance.

18 "Section 2. Definitions. (1) ALABAMA TRUST FUND  
19 means the irrevocable, permanent trust fund created by  
20 Amendment 450 to this Alabama Constitution of 1901.

21 "(2) ALABAMA TRUST FUND BOARD means the board of  
22 trustees of the Alabama Trust Fund as established by Amendment  
23 450 to this Alabama Constitution of 1901.

24 "(3) APPRAISED VALUE means that price estimated in  
25 terms of money at which the property would change hands  
26 between a willing and financially able buyer and a willing  
27 seller, neither being under any compulsion to buy or sell.

1           “(4) BOARD means the Board of Trustees of the  
2 Alabama Forever Wild Land Trust, as established by Section 4  
3 of this Amendment.

4           “(5) COMMISSIONER means the Commissioner of the  
5 Alabama Department of Conservation and Natural Resources or  
6 any other officer of the state who, by law, shall succeed to  
7 his responsibilities.

8           “(6) CONSERVATION EASEMENT means a right, whether or  
9 not stated in the form of restriction, easement, covenant or  
10 condition, in any deed, will, or other instrument executed by  
11 or on behalf of the owner of land providing for the retention  
12 of properties predominantly in their natural, scenic, open or  
13 wooded condition, or as suitable habitat for fish and  
14 wildlife, or as recreational lands.

15           “(7) DEDICATION means the transfer to the state of  
16 an estate, interest, or right in a natural area to fulfill the  
17 purposes of this Amendment.

18           “(8) DEPARTMENT means the Alabama Department of  
19 Conservation and Natural Resources or any other department or  
20 agency of the state that, by law, shall succeed to its  
21 functions and responsibilities.

22           “(9) FINAL APPROVAL COMMITTEE means a Committee, as  
23 established by Section 6 of this Amendment, to be composed of  
24 the Governor, the Lieutenant Governor and the Speaker of the  
25 House of Representatives.

26           “(10) FOREVER WILD LAND TRUST means the Alabama  
27 Forever Wild Land Trust created by this Amendment.

1           “(11) INSTRUMENT OF DEDICATION means any written  
2 document by which an estate, interest, or right in a natural  
3 area is formally dedicated as a natural area preserve.

4           “(12) LAND OR LANDS means real property and any  
5 interests therein, including, but not limited to, fee simple  
6 titles, ownership interests less than fee simple, leases,  
7 easements, licenses, restrictions and use agreements. Such  
8 property and interests therein shall also include wetlands,  
9 estuarine areas and submerged lands and the waters thereon.

10           “(13) NATURAL AREA PRESERVE means any property,  
11 whether publicly or privately owned, (a) that retains or has  
12 generally reestablished its natural character, though it need  
13 not be completely natural and undisturbed, or (b) which is  
14 important in preserving rare or vanishing flora and fauna,  
15 native ecological systems, fish and wildlife habitats,  
16 geological, natural, scenic or similar features of scientific,  
17 recreational, or educational value benefitting the citizens of  
18 the state.

19           “(14) NATURAL AREA PRESERVE means a natural area  
20 that has been dedicated pursuant to Section 12 of this  
21 Amendment.

22           “(15) STATE means the State of Alabama.

23           “(16) STEWARDSHIP means the maintenance, protection,  
24 operation, enhancement, and management of lands acquired for  
25 the Forever Wild Land Trust.

26           “(17) TRUSTEE means a member of the Board of  
27 Trustees of the Forever Wild Land Trust.

1           “(18) TRUST INCOME means the net income received by  
2 the state from the investment and reinvestment of all assets  
3 of the Alabama Trust Fund, determined in accordance with the  
4 provisions of Amendment Number 450 of the Constitution of  
5 Alabama of 1901.

6           “(19) In dividing the State into geographical  
7 regions:

8           “(a) "Central District" means the following counties  
9 of the state: Autauga, Bibb, Chambers, Chilton, Clay, Coosa,  
10 Elmore, Greene, Hale, Jefferson, Lee, Perry, Pickens,  
11 Randolph, Shelby, Sumter, Talladega, Tallapoosa, and  
12 Tuscaloosa.

13           “(b) "Northern District" means those counties in the  
14 geographical region of the state north of the Central  
15 District, as defined above.

16           “(c) "Southern District" means those counties in the  
17 geographical region of the state south of the Central  
18 District, as defined above.

19           “(20) "Person" means any individual, firm,  
20 corporation, trust, partnership, or association.

21           “Section 3. Establishment of Forever Wild Land  
22 Trust, Lead Management Agency, and Categories of Lands to be  
23 Acquired. (a) For the purposes set forth in this Amendment,  
24 there is hereby established the Alabama Forever Wild Land  
25 Trust, which shall be a permanent trust to be funded and  
26 administered in accordance with the provisions of this  
27 Amendment. Title to all properties acquired for the Forever



1 Wild Land Trust shall be vested in the Alabama Trust Fund for  
2 the State of Alabama. The Department shall serve as the lead  
3 management agency with respect to all lands acquired and shall  
4 have the responsibility of providing to the Board  
5 administrative support as necessary.

6           “(b) In order to protect the natural heritage and  
7 diversity of Alabama for future generations, the state, acting  
8 through the Forever Wild Land Trust, will acquire lands, the  
9 title of which shall be held in the Alabama Trust Fund, to  
10 ensure their protection and use for conservational,  
11 educational, recreational or aesthetic purposes. These lands  
12 may include, but shall not be limited to, the following:  
13 Wetlands, river corridors, lakes and streams, and the banks  
14 and shores thereof, springs, riverine, montane, plain,  
15 coastal, and other kinds of terrain, geological systems, areas  
16 supporting threatened or endangered species, sensitive and  
17 ecologically important lands, unusual habitat types, forests  
18 and woodlands, fish and wildlife habitats, wilderness areas,  
19 unusual assemblages of wildflowers, natural lands, waters or  
20 wetlands that will provide public hunting and fishing, lands  
21 having other distinctive natural or recreational  
22 characteristics, and lands that will constitute suitable  
23 additions to the state's system of parks and fish and wildlife  
24 management areas.

25           “(c) Property purchased with Forever Wild Land Trust  
26 moneys or which become part of the trust property through  
27 dedication or by some other means shall be subject to the

1 condemnation of easements, rights-of-way and other necessary  
2 rights and estates in property by or on behalf of corporations  
3 that construct, own or operate railroads, pipelines for the  
4 transportation of oil, gas, fuel or water, hydroelectric or  
5 other electric generating facilities and electric lines,  
6 telephone transmission lines and other communication  
7 facilities, or any other public utility or method of  
8 transportation which serves, or is intended to serve, the  
9 public convenience and necessity to the same extent and under  
10 the same conditions that such lands, if owned by private  
11 persons, would be subject to condemnation by such corporations  
12 under federal or state law now in effect or hereafter enacted.  
13 No use of any such lands as determined by the Board shall  
14 constitute a use thereof for public purposes that will require  
15 proof of actual necessity by any corporation seeking to  
16 condemn such lands.

17 "(d) Notwithstanding any other provision of this  
18 Amendment, no property shall be acquired for the Alabama Trust  
19 Fund or with moneys from the Forever Wild Land Trust through  
20 condemnation or the use of eminent domain.

21 "(e) (1) No new property shall be acquired by  
22 purchase for the Alabama Trust Fund after the ratification of  
23 this amendment. Further, no property shall be acquired by  
24 purchase with moneys from the Forever Wild Land Trust, now  
25 designated for state parks pursuant to subsection (a) of  
26 Section 1 of Amendment 856 of the Constitution of Alabama of  
27 1901, now appearing as subsection (a) of Section 1 of Section

1 219.09 of the Official Recompilation of the Constitution of  
2 Alabama of 1901, as amended.

3 (2) Except for funds designated for state parks  
4 pursuant to subsection (a) of Section 1 of Amendment 856 of  
5 the Constitution of Alabama of 1901, now appearing as  
6 subsection (a) of Section 1 of Section 219.09 of the Official  
7 Recompilation of the Constitution of Alabama of 1901, as  
8 amended, No no funds or assets of the Forever Wild Land Trust  
9 derived from any source shall be expended or used to construct  
10 or improve buildings, structures or facilities used for human  
11 lodging, feeding or entertainment, including, without  
12 limitation thereto, hotels and other lodging facilities,  
13 restaurants, convention centers and meeting halls, golf  
14 courses, dancing or meeting pavilions, tennis courts,  
15 recreational dams, exhibition halls, and similar facilities  
16 that have a principal purpose not related to the stewardship  
17 of properties of the Forever Wild Land Trust, the title of  
18 which is held in the Alabama Trust Fund, in their natural  
19 state; provided, however, that nothing herein contained shall  
20 be construed to prohibit the expenditure of funds allocated to  
21 the Stewardship Account for the construction and maintenance  
22 of roads, bridges, culverts, drainage facilities, hiking  
23 trails, boat launching ramps and other improvements located on  
24 Trust Lands to provide reasonable public access thereto, for  
25 the construction and maintenance of visitors' centers and  
26 facilities, interpretive displays and other facilities for the  
27 guidance and education of visitors, for the construction and

1 maintenance of facilities and the acquisition of equipment  
2 necessary or appropriate in connection with the performance of  
3 stewardship responsibilities (including housing for custodial  
4 personnel), or for any other purpose reasonably related to the  
5 stewardship responsibilities of the Board.

6 "(3) The Department shall expend funds designated  
7 for state parks pursuant to subsection (a) of Section 1 of  
8 Amendment 856 of the Constitution of Alabama of 1901, now  
9 appearing as subsection (a) of Section 1 of Section 219.09 of  
10 the Official Recompilation of the Constitution of Alabama of  
11 1901, as amended, for the preservation, construction,  
12 improvement, protection, renovation, equipping, and  
13 maintenance of the state parks system. Funds may be expended  
14 for any other lawful purpose relating to state parks as deemed  
15 necessary by the Commissioner.

16 "Section 4. Establishment of Board of Trustees of  
17 the Alabama Forever Wild Land Trust. (a) There is hereby  
18 established the Board of Trustees of the Alabama Forever Wild  
19 Land Trust, which shall consist of fifteen voting members as  
20 follows:

21 "(1) One member shall be the Commissioner of the  
22 Department who shall also serve as Chairman of the Board.

23 "(2) One member shall be the State Forester.

24 "(3) Three members which shall be appointed by the  
25 Alabama Commission on Higher Education from Departments of  
26 Biology, Zoology, Environmental Sciences and Wildlife Science  
27 from eligible four-year institutions of higher education in

1 Alabama. An eligible institution shall consist of a public or  
2 private four-year college or university, offering a degree in  
3 biology or one of its divisions, and having an enrollment of  
4 at least 1500 undergraduate students. There shall be one  
5 professional biologist appointed to the Board from eligible  
6 institutions in the Northern District of the state, one from  
7 such institutions in the Central District of the state, and  
8 one from such institutions in the Southern District of the  
9 state, as said districts are defined in Section 2 hereof. Each  
10 eligible institution in the appropriate geographical region  
11 shall be entitled to submit one nomination to the Alabama  
12 Commission on Higher Education for the professional biologist  
13 trustee from that region on the Board.

14 "(4) One member shall be the Executive Director of  
15 the Marine Environmental Sciences Consortium.

16 "(5) There shall be three members from each of the  
17 three geographical regions of the state as defined in Section  
18 2 of this Amendment, as follows. Provided, however, at least  
19 one appointee by the Governor, at least one appointee by the  
20 Lieutenant Governor and at least one appointee by the Speaker  
21 of the House of Representatives shall be black. If none of the  
22 recommending groups recommend a black to the appointing  
23 authority, said appointing authority shall appoint a black on  
24 his or her own initiative.

25 "(A) One member from the Northern District shall be  
26 appointed by the Governor from a list of names presented by  
27 Group A and shall serve an initial term of six years. One

1 member from the Northern District shall be appointed by the  
2 Lieutenant Governor from a list of names presented by Group B  
3 and shall serve an initial term of four years. One member from  
4 the Northern District shall be appointed by the Speaker of the  
5 House of Representatives from a list of names presented by  
6 Group C and shall serve an initial term of two years.

7           “(B) One member from the Central District shall be  
8 appointed by the Lieutenant Governor from a list of names  
9 presented by Group C and shall serve an initial term of six  
10 years. One member from the Central District shall be appointed  
11 by the Speaker of the House of Representatives from a list of  
12 names presented by Group A and shall serve an initial term of  
13 four years. One member from the Central District shall be  
14 appointed by the Governor from a list of names presented by  
15 Group B and shall serve an initial term of two years.

16           “(C) One member from the Southern District shall be  
17 appointed by the Speaker of the House of Representatives from  
18 a list of names presented by Group B and shall serve an  
19 initial term of six years. One member from the Southern  
20 District shall be appointed by the Governor from a list of  
21 names presented by Group C and shall serve an initial term of  
22 four years. One member from the Southern District shall be  
23 appointed by the Lieutenant Governor from a list of names  
24 presented by Group A and shall serve an initial term of two  
25 years.

26           “(D) Any successor appointments and appointments to  
27 vacancies shall be made in the same manner as described in

1        subparagraphs (A), (B) and (C) above, and members appointed  
2        after the initial term of that office has expired shall serve  
3        for six-year terms, except that no member shall serve  
4        consecutive six-year terms.

5                "(E) It is the intent of this Amendment that the  
6        eastern and western areas of the three geographical regions of  
7        the state shall be represented on the Board of Trustees.

8                "(6) Each person appointed to the Board shall be and  
9        remain an Alabama resident and shall have a demonstrated  
10       knowledge of and commitment to land acquisition for the  
11       purposes of conservation and recreation. Organizations making  
12       recommendations to the appointing officials shall be Alabama  
13       organizations or the Alabama chapter of national organizations  
14       in order to ensure that the decisions affecting Alabama's  
15       future are made by Alabama residents.

16                "The recommending groups are composed as follows:  
17       (A) "Group A" shall consist of non-profit organizations, each  
18       having its principal programs extending generally throughout  
19       the State, whose demonstrated primary concerns are  
20       environmental protection for the state and its citizens and  
21       non-consumptive use and preservation of natural areas, and  
22       whose membership exceeds 750 individual residents of Alabama,  
23       including, but not limited to, The Nature Conservancy of  
24       Alabama, the Alabama Audubon Council (comprising the chapters  
25       in Alabama of the National Audubon Society), The Alabama  
26       Conservancy, the Alabama Chapter of the Sierra Club, and their  
27       respective successor organizations.

1           “(B) "Group B" shall consist of business, industry,  
2 trade associations and professional organizations, each having  
3 its principal programs extending generally throughout the  
4 state, and having a demonstrated concern for balancing  
5 economic growth with protection for the environment and  
6 increased recreational opportunities, including, but not  
7 limited to, the Business Council of Alabama, the Alabama  
8 Forestry Association, Alabama Forest Resources Center, the  
9 Alabama Farmers Federation, the Petroleum Council of Alabama,  
10 the Association of County Commissions of Alabama, and their  
11 respective successor organizations.

12           “(C) "Group C" shall consist of non-profit  
13 organizations, each having its principal programs extending  
14 generally throughout the state, whose demonstrated primary  
15 purposes are to promote hunting, fishing, camping or other  
16 compatible recreational activities or conservation for such  
17 purposes, and whose membership exceeds 750 individual  
18 residents of Alabama, including, but not limited to, the  
19 Alabama Wildlife Federation, the Alabama State Advisory  
20 Council of Ducks Unlimited, Bowhunters of Alabama Inc., the  
21 Coastal Land Trust, Inc., the Gulf Coast Conservation  
22 Association, the Tennessee Valley Waterfowl Association, the  
23 Alabama Rifle and Pistol Association, the Alabama Chapter of  
24 the Safari Club International (whether or not those named  
25 organizations meet the membership requirement), and their  
26 respective successor organizations.



1           “(D) In order to qualify as a recommending  
2 organization, each organization not specifically listed in  
3 this section must file with the Secretary of State and with  
4 the named organizations within the same "group", by January 1  
5 preceding the date of expiration of term of office of Trustees  
6 hereunder, a written statement of intent to nominate persons  
7 to serve on the Board. This statement must include a request  
8 for designation of the "group" within which the organization  
9 plans to nominate Trustees and information demonstrating that  
10 the organization qualifies to make such nominations. It shall  
11 also include a copy of the organization's charter, stating its  
12 purpose. Should the Secretary of State or any of the named  
13 organizations within the same group oppose in writing the  
14 eligibility of the new organization to nominate members of the  
15 Board or the designation of the "group" within which it  
16 proposes to nominate members, then the Secretary of State  
17 shall determine the eligibility of the applying organization  
18 to submit nominations for membership on the Board and, if  
19 determined eligible, the "group" within which it shall submit  
20 nominations. In making this decision, the Secretary of State  
21 shall give due consideration to the views submitted to him by  
22 the organizations in the "group" within which the new  
23 organization proposes to submit nominations. An organization,  
24 together with its affiliates, cannot recommend names to the  
25 appointing officials as a member of more than one "group".

26           “Each organization submitting nominations may  
27 submit, to the appropriate appointing official for that

1 position on the Board, the names of not more than two of its  
2 members who have the qualifications to serve in the position  
3 for which they are being nominated. In the event that no  
4 organization within a group recommends names to the appointing  
5 official, then that official may appoint a Trustee from that  
6 group solely of his own choice.

7 "(E) Terms of office of the initial Trustees shall  
8 begin on the January 1 following ratification of this  
9 Amendment, or on the first day of the third month following  
10 said ratification, whichever shall first occur. Terms of  
11 office of successor Trustees shall begin and end on  
12 anniversaries of that date. In the case of the initial  
13 appointments of Trustees, nominations shall be made to the  
14 appropriate appointing officials not later than one month  
15 after ratification of this Amendment, and appointments by said  
16 officials shall be made by the date of beginning of the  
17 initial Trustees' terms of office. Nominations of successor  
18 Trustees shall be made to the appropriate appointing officials  
19 not later than two months prior to the expiration of the  
20 Trustees' terms of office, and said officials shall appoint  
21 new Trustees within 30 calendar days after the expiration of  
22 said terms. In the event a Trustee resigns or dies, or  
23 otherwise vacates his office, the Commissioner or the  
24 Secretary of State shall promptly notify the appropriate  
25 nominating organizations and shall publish notice of such  
26 vacancy once a week for three successive weeks in three  
27 newspapers of regional circulation in this state with a

1 request for new nominations from any group that may qualify to  
2 do so under the provisions of this Amendment. Nominations for  
3 a replacement Trustee shall be made to the appointing official  
4 during the 30 calendar days following such death, resignation  
5 or other vacation of office, and the appointing official shall  
6 appoint a replacement Trustee not later than the end of the  
7 next succeeding 30 calendar days thereafter. In the event the  
8 appropriate appointing official fails to make an initial  
9 appointment or an appointment within said 30-day periods for  
10 appointment after expiration of term of office or after death,  
11 resignation or other vacation of office, the right to make an  
12 appointment to fill that vacancy shall fall to the next  
13 appointing official in line of rotation of the Governor to the  
14 Lieutenant Governor to the Speaker of the House (with the  
15 Governor then to follow the Speaker); and, if that successor  
16 appointing official fails to make such appointment within 30  
17 days, then the right to make the appointment shall fall to the  
18 next succeeding appointing official, all to the end that there  
19 will, as nearly as possible, always be a full complement of  
20 Trustees on the Board. Trustees appointed to fill a vacancy  
21 other than by reason of expiration of term of office shall  
22 serve the remainder of the unexpired term of the Trustee being  
23 replaced.

24 "Section 5. Rights, Powers, and Duties of the Board.

25 (a) The Board is to meet at least quarterly each year for the  
26 transaction of its business and to review the progress of the  
27 Forever Wild Land Trust. It shall review written requests from

1 state agencies, private organizations, and private citizens  
2 proposing that certain properties or interests therein be  
3 acquired. For purposes of establishing a quorum, there must be  
4 present at least three-fifths (3/5) of the members of the  
5 Board then in office at any Board meeting in order to conduct  
6 business; provided, however, that in absence of a quorum, the  
7 members present, by majority vote, may adjourn the meeting  
8 from time to time until a quorum shall attend. Any Board  
9 action or recommendation must be approved by at least  
10 three-fifths (3/5) of the members of the entire Board then in  
11 office, unless specified otherwise in this Amendment. Using  
12 its own knowledge and expertise, as well as the knowledge and  
13 expertise of the scientific community and state and federal  
14 agencies, the Board shall adopt a priority list of properties  
15 to be considered for acquisition. Recognizing that real estate  
16 transactions must involve willing sellers and may involve  
17 complicated procedures that could affect the availability of  
18 property, the Department shall, to the extent practicable,  
19 follow the directions of the Board in acquiring lands or  
20 waters. Provided, however, the Forever Wild Land Trust may  
21 only purchase or acquire an interest in property from the  
22 priority list of properties adopted by the Board.

23           “(b) In addition to the site-specific management and  
24 allowable use guidelines referred to in Section 9, the Board  
25 may recommend to the Department rules, regulations and  
26 management criteria, which the Board feels would be beneficial  
27 to carrying out the goals and purposes of this Amendment.

1           “(c) The Board shall assist the Department in  
2     developing and maintaining an inventory of areas and sites  
3     which through acquisition become state natural and/or  
4     recreational areas and shall make public as desirable  
5     information regarding their location, management, regulation,  
6     and permissible public uses.

7           “(d) The Board shall prepare and submit to the  
8     Governor and the state Legislature, on or before February 1 of  
9     each year, a report which shall describe and account for all  
10    expenditures and acquisitions by the Forever Wild Land Trust  
11    for the preceding fiscal year, as well as plans for the  
12    current fiscal year. The Board shall present this annual  
13    report to the public at a public meeting to be held within ten  
14    days after February 1 of each year. The public meeting shall  
15    be an informal process to present information on the Forever  
16    Wild Land Trust to the public and give the public an  
17    opportunity to have a dialogue with the Board regarding its  
18    future plans and operations.

19           “(e) Before purchasing or acquiring any donated or  
20    otherwise acquired at no cost to the state interest in lands  
21    with moneys from the Forever Wild Land Trust, the Board,  
22    acting through the Commissioner, or the Commissioner on his  
23    own initiative, shall obtain at least two appraisals from  
24    certified real estate appraisers. In no event shall the Board  
25    expend more than the "appraised value", as defined in Section  
26    2 of this Amendment, in purchasing such lands; provided,  
27    however, that by affirmative vote of at least three-fourths

1 (3/4) of the members of the Board, the Board may expend up to  
2 125 percent of the appraised value for such purchase where  
3 such action is necessary to accomplish the purposes and goals  
4 of this Amendment.

5 "(f) The Board may assume indebtedness on behalf of  
6 the Forever Wild Land Trust that may be owed with respect to  
7 real or personal property given, donated, contributed or  
8 devised to the Forever Wild Land Trust, or that may be secured  
9 by a mortgage, deed of trust or security interest covering  
10 such property, and to agree to pay such indebtedness from  
11 current assets or future revenues of the Forever Wild Land  
12 Trust; provided that the present value of all installments of  
13 principal and of interest on such indebtedness at the time of  
14 the assumption thereof, determined in accordance with accepted  
15 principles and using a discount rate equal to the rate of  
16 interest payable on such indebtedness, shall be less than 80%  
17 of the fair market value of such property as determined by an  
18 active public market for such property or an appraisal  
19 performed by an independent, professionally qualified  
20 appraiser.

21 "(g) The Board may contract for the purchase of  
22 tracts or parcels of land in which the purchase price shall be  
23 payable in future installments, together with such rate of  
24 interest on the unpaid balance of such purchase price as the  
25 Board shall determine to be reasonable, and to secure the  
26 payment of such installments, together with the interest  
27 thereon, by purchase money mortgages on the land so acquired

1 and by a pledge of future revenues committed to the Forever  
2 Wild Land Trust, including, without limitation thereto, any  
3 portion of the trust income allocated to said trust by Section  
4 7 of this Amendment; provided that such installments shall in  
5 no event exceed 80% of the fair market value of such property  
6 determined as set forth in the preceding subsection and  
7 provided further that the total cumulative indebtedness  
8 assumed each year under the preceding sub-section (f) together  
9 with the total cumulative indebtedness incurred each year by  
10 purchase money mortgages as provided in this sub-section (g)  
11 shall be limited to no more than 25% of the trust income  
12 allocated to said trust for the preceding year.

13 (h) The Board may enter into contracts with any  
14 person, nonprofit organization, corporation, governmental  
15 entity or other entity concerning tracts or parcels of land  
16 that constitute desirable acquisitions for the Forever Wild  
17 Land Trust pursuant to which such person, nonprofit  
18 organization, corporation, governmental entity or other entity  
19 will agree to acquire and hold such land, or to hold such land  
20 if theretofore acquired by such person, nonprofit  
21 organization, corporation, governmental entity or other entity  
22 and to sell or donate such land to the Forever Wild Land Trust  
23 at some future date, in the interim preserving and managing  
24 such land in its natural state subject to such conditions,  
25 including the reimbursement of expenses, as the Board shall  
26 deem advantageous for the ultimate acquisition and  
27 preservation of such land.

1           “(I) The Board may sell, lease or exchange specific  
2 properties or interests therein acquired or held by the  
3 Alabama Trust Fund for the Forever Wild Land Trust. Any such  
4 sale or exchange shall be made at not less than the "appraised  
5 value", as defined in Section 2 of this Amendment; provided,  
6 however, that by affirmative vote of at least three-fourths  
7 (3/4) of the members of the Board, the Board may authorize and  
8 direct the Commissioner to sell or exchange property of said  
9 trust for not less than 85 percent of the appraised value  
10 where such action is necessary to accomplish the purposes and  
11 goals of the Amendment. All moneys received from any such sale  
12 or lease shall be paid into the Forever Wild Land Trust.

13           “(j) The Board shall establish a technical advisory  
14 committee, consisting of the State Forester, the President of  
15 the Alabama Chapter of the Wildlife Society, the State  
16 Geologist, and any other person whom the Board may desire to  
17 appoint, for the purpose of obtaining advice and assistance in  
18 performing the Board's functions and duties under this  
19 Amendment.

20           “(k) In addition, the Board is authorized at its  
21 discretion:

22           “(1) to establish procedures relating to the  
23 confidentiality of information where necessary to accomplish  
24 the purposes and goals of this Amendment;

25           “(2) to cooperate or contract with any federal,  
26 state or local government agency, private organization, or  
27 individual to accomplish any of the purposes and goals of this



1 Amendment paying any reasonable fees or expenses in connection  
2 with such cooperation or contracts from moneys held under or  
3 within the Forever Wild Land Trust;

4 "(3) to recommend that moneys paid into the Forever  
5 Wild Land Trust be allowed to accumulate, with only the income  
6 thereon being spent, or that the corpus or principal of the  
7 Forever Wild Land Trust be expended in whole or in part;

8 "(4) to do any and all things necessary to take  
9 advantage of federal, state, or local government or private  
10 funds donated or obtainable through the use of the Forever  
11 Wild Land Trust; and

12 "(5) to adopt, alter and repeal bylaws, regulations  
13 and rules in accordance with the provisions of the  
14 Administrative Procedure Act for the regulation and conduct of  
15 its affairs and business in accordance with the provisions of  
16 the Alabama Administrative Procedures Act. "(1) Members of the  
17 Board and the technical advisory committee shall be entitled  
18 to receive the per diem allowance and travel expenses provided  
19 by law to state employees. These expense payments shall be for  
20 the sole purpose of travel to and from their places of  
21 residence to meetings and for travel involving official  
22 business of the Forever Wild Land Trust. Those members who are  
23 state officials or employees shall serve without compensation  
24 or expense allowances other than that to which they are  
25 otherwise entitled in the positions they hold.

26 "(m) The Commissioner and the Department are hereby  
27 specifically authorized and empowered to carry out all

1 directions and recommendations of the Board made hereunder to  
2 accomplish the purposes of the Forever Wild Land Trust and  
3 this Amendment.

4 "(n) (a) After the ratification of this amendment,  
5 no new property shall be acquired by purchase with moneys from  
6 the Forever Wild Land Trust.

7 "(b) Nothing in this amendment shall be construed to  
8 amend or affect any agreement or contract made prior to the  
9 ratification of this amendment.

10 "Section 6. Final Approval Committee. There is  
11 hereby established a Final Approval Committee to be composed  
12 of the Governor, the Lieutenant Governor and the Speaker of  
13 the House of Representatives.

14 "Before purchasing or leasing any property, or  
15 acquiring any interest therein, with any funds from the  
16 Forever Wild Land Trust or selling any properties previously  
17 purchased from the Forever Wild Land Trust, the Board shall  
18 submit to the Final Approval Committee a written proposal of  
19 the purchase, lease, sale or acquisition of any other interest  
20 in property. Said proposal shall include a legal description  
21 of the property to be purchased, leased acquired or sold; the  
22 proposed sale price of the land being sold; and any additional  
23 terms of the sale, purchase, lease or other interest therein.  
24 The Final Approval Committee shall approve or disapprove the  
25 proposal by a majority vote of the full membership of said  
26 Committee within 30 days after the date of submission of the

1 proposal. Failure of the Committee to act within 30 days of  
2 submission shall constitute approval of said proposal.

3 "Section 7. Source of Funds. (a) Beginning with the  
4 state's 1992-1993 fiscal year, there shall be allocated and  
5 paid into the Forever Wild Land Trust the percentage of trust  
6 income earned from the Alabama Trust Fund that would have been  
7 reinvested in the Alabama Trust Fund under Section 4(c) of  
8 Amendment Number 450 to this Alabama Constitution of 1901.  
9 Notwithstanding Section 4(c) of Amendment Number 450 to the  
10 Alabama Constitution of 1901, the percentage of trust income  
11 earned from the Alabama Trust Fund shall be allocated to the  
12 Forever Wild Land Trust as follows:

13 "(1) For the 1992-1993 fiscal year, four percent  
14 (4%) of the trust income earned from the Alabama Trust Fund.

15 "(2) For the 1993-1994 fiscal year, five percent  
16 (5%) of the trust income earned from the Alabama Trust Fund.

17 "(3) For the 1994-1995 fiscal year, six percent (6%)  
18 of the trust income earned from the Alabama Trust Fund.

19 "(4) For the 1995-1996 fiscal year, seven percent  
20 (7%) of the trust income earned from the Alabama Trust Fund.

21 "(5) For the 1996-1997 fiscal year, eight percent  
22 (8%) of the trust income earned from the Alabama Trust Fund.

23 "(6) For the 1997-1998 fiscal year, nine percent  
24 (9%) of the trust income earned from the Alabama Trust Fund.

25 "(7) Thereafter, ten percent (10%) of the trust  
26 income earned from the Alabama Trust Fund; provided, however,

1 that in no event shall such trust income paid to the Forever  
2 Wild Land Trust exceed \$15 million in any one fiscal year.

3 "(b) The Alabama Trust Fund Board shall provide the  
4 Board of Trustees of the Forever Wild Land Trust with advice  
5 and assistance in the investment of funds in the Forever Wild  
6 Land Trust.

7 "(c) Title to the property acquired from funds in  
8 the Forever Wild Land Trust shall be held in the Alabama Trust  
9 Fund for the State of Alabama. Provided, however, the Alabama  
10 Trust Fund Board shall not have any responsibility for nor any  
11 control over the approving or disapproving of the acquisition,  
12 disposition or use of any such property. Nothing in this  
13 Amendment or Amendment 450 to this Alabama Constitution of  
14 1901 shall be construed so as to require the Alabama Trust  
15 Fund Board to have a fiduciary responsibility for the  
16 investment of Forever Wild Land Trust funds or the production  
17 of income from property acquired by the Board of Trustees of  
18 the Forever Wild Land Trust.

19 "(d) The amounts allocated to the Forever Wild Land  
20 Trust shall be included in determining whether the trust  
21 income received by the state from the Alabama Trust Fund  
22 equals or exceeds \$60,000,000 for the purposes of the County  
23 Government Capital Improvement Act (codified at Sections  
24 11-29-1 through 11-29-7 of the Code of Alabama, 1975, as  
25 amended) and the Municipal Government Capital Improvement Act  
26 (codified at Sections 11-66-1 through 11-66-7 of the Code of  
27 Alabama, 1975, as amended). In no event shall any provision

1 hereof serve to decrease the amount of income from the Alabama  
2 Trust Fund which is to be appropriated to the Municipal  
3 Government Capital Improvement Fund and the County Government  
4 Capital Improvement Fund under the above-referenced acts.

5 "Section 8. Donations of Property. Any person  
6 making a donation of any property or any interest therein, to  
7 the state for the purposes of this Amendment, shall receive,  
8 irrespective of any other provisions of the income tax laws of  
9 the state, twice the ordinary deduction for state income tax  
10 purposes for the taxable year in which the property or  
11 interest is donated. Provided, however, the value of any such  
12 property or interest therein, subject to this double  
13 deduction, shall be limited to the actual value of the  
14 property, or any interest therein, donated to the state which  
15 shall not include any indebtedness, encumbrances or liens  
16 assumed by the Forever Wild Land Trust or the value of any  
17 interests or rights retained by the donor.

18 "For the purposes of this section, the "actual  
19 value" of property shall be the appraised value for ad valorem  
20 taxation purposes, averaged over the preceding five years.

21 "Section 9. Stewardship Account. The Alabama Trust  
22 Fund Board shall establish a separate account within the  
23 Alabama Trust Fund to be known as the Forever Wild Land Trust  
24 Stewardship Account. When the Forever Wild Land Trust acquires  
25 property or an interest in property pursuant to this  
26 Amendment, the Board of Trustees of the Forever Wild Land  
27 Trust shall set aside an amount from the Forever Wild Land

1 Trust equal to fifteen percent (15%) of the appraised value of  
2 the land acquired, or the land affected if less than a fee  
3 interest was acquired. The Alabama Trust Fund Board shall  
4 provide for the investment of the Stewardship Account. The  
5 Board of Trustees of the Alabama Forever Wild Land Trust may  
6 authorize the Department to expend any interest income  
7 generated from the investment of funds within the Stewardship  
8 Account by the Alabama Trust Fund Board. Provided, however,  
9 the Commissioner shall notify the Board of Trustees in writing  
10 if he determines that the interest income projected to be  
11 generated from the Forever Wild Land Trust Stewardship Account  
12 for the next fiscal year will be insufficient to properly  
13 manage property acquired by the Forever Wild Land Trust. The  
14 Board may authorize by a three-fifths (3/5) vote that funds  
15 within the corpus of the Forever Wild Land Trust Stewardship  
16 Account be expended by the Department for management purposes  
17 for the next fiscal year, provided that funds from the  
18 Stewardship Account may not be expended to purchase additional  
19 property or interests therein. Within one year after the  
20 Forever Wild Land Trust acquires any properties pursuant to  
21 this Amendment, the Board of Trustees of the Forever Wild Land  
22 Trust shall develop management and allowable use guidelines  
23 which shall be followed by the Department in the  
24 administration and stewardship of that piece of property. The  
25 Lands Division of the Department shall, in accordance with  
26 such general directions as may be given by the Board of  
27 Trustees, coordinate management of properties acquired

1 pursuant to this Amendment and expenditures from the  
2 Stewardship Account. All lands will be managed under the  
3 multiple-use management principle; to insure that all resource  
4 values including recreation, hunting, fishing, boating,  
5 hiking, aesthetics, soil, water, forest management and  
6 minerals are protected or enhanced. No use will be allowed  
7 that is not compatible with the primary purpose for acquiring  
8 the land. In coordinating such management within the  
9 Department, the Game and Fish Division of the Department shall  
10 manage wildlife and fisheries programs; the State Parks  
11 Division of the Department shall manage parks programs; the  
12 Lands Division of the Department shall manage natural areas  
13 programs through its Natural Heritage Program; and the Lands  
14 Division of the Department shall manage other activities and  
15 programs relating to Forever Wild Land Trust properties. The  
16 Forestry Commission shall serve as consultant to the  
17 Department for the purpose of managing the forest and forestry  
18 resources programs. Any income that may be generated from the  
19 property or from any use of said property acquired through the  
20 Forever Wild Land Trust shall be treated as interest income of  
21 the Alabama Trust Fund and shall accrue to the credit of the  
22 general fund of the State of Alabama.

23 "The right of the public to hunt and fish on the  
24 lands and easements acquired under the provisions of this act  
25 shall not be abridged or restricted, subject to such rules,  
26 regulations, seasons and limits as are established by the  
27 Department of Conservation and Natural Resources.

1                   "Section 10. Enforceability of Conservation  
2       Restrictions; Recordation; Acquisition and Disposal of  
3       Interests. (a) No conservation restriction or easement as  
4       defined in Section 2 of this Amendment held by any  
5       governmental body shall be unenforceable on account of lack of  
6       privity of estate or contract or lack of benefit to particular  
7       land or on account of the benefit being assignable to or being  
8       assigned to any other governmental body with like purposes.  
9       All such restrictions and easements shall be duly recorded and  
10      indexed in the manner of other conveyances of interests in  
11      land, and shall describe the land subject to the restrictions  
12      or easements by adequate legal description or by reference to  
13      a recorded plat showing its boundaries.

14                  "Such conservation restrictions are interests in  
15      land and may be acquired by any governmental body which has  
16      power to acquire interests in land, in the same manner as it  
17      may acquire other interests in land. Such a restriction or  
18      easement may be enforced by injunction or proceeding in  
19      equity, and shall entitle the holder of it to enter the land  
20      in a reasonable manner and at reasonable times to assure  
21      compliance. Such a restriction or easement may be released in  
22      whole or in part, by the holder for such consideration, if  
23      any, as the holder may determine, in the same manner as the  
24      holder may dispose of land or other interest in land, subject  
25      to such conditions as may have been imposed at the time of  
26      creation of the restriction.



1            "This section shall not be construed to imply that  
2 any restriction, easement, covenant or condition which does  
3 not have the benefit of this section shall, on account of any  
4 provision hereof, be unforceable. Nothing in this Amendment  
5 shall diminish the powers granted by any law to acquire by  
6 ~~purchase~~, gift, eminent domain or otherwise as restricting the  
7 use of an existing or future easement, express or implied, in  
8 favor of any utility or other holder of an easement for public  
9 purpose. The existence of conservation easements or  
10 restrictions shall not of itself be proof of value as a  
11 measure of damages in any eminent domain proceedings.

12            "(b) When a conservation restriction or easement is  
13 held by public body under the program established by this  
14 Amendment, the real property subject thereto shall be assessed  
15 for taxation purposes on the basis of the true cash value of  
16 the property or as otherwise provided by law, less such  
17 reduction in value as may result from the granting of the  
18 conservation restriction or easement. The value of the  
19 interest held by the public body shall be exempt from property  
20 taxation to the same extent as other public property.

21            "Section 11. Alabama Natural Heritage Program. (a)  
22 The Alabama Natural Heritage Program is hereby established as  
23 a part of the Lands Division of the Department, or its duly  
24 designated successor, and shall be funded from the Forever  
25 Wild Land Trust or the Forever Wild Land Trust Stewardship  
26 Account as provided by the Board, and from private donations.

1           “(b) For purposes of this program, the Department,  
2 subject to approval by the Board, shall:

3           “(1) Produce an inventory of Alabama's natural  
4 heritage resources, including their location and ecological  
5 status.

6           “(2) Maintain a natural heritage data bank of  
7 inventory data and other relevant information for ecologically  
8 significant sites supporting natural heritage resources.  
9 Information from this data bank may be made available to  
10 public agencies and to private institutions or individuals for  
11 environmental assessment and land management purposes.

12           “(3) Develop a Natural Heritage Plan which suggests  
13 priorities for the protection, acquisition and management of  
14 dedicated natural area preserves.

15           “(4) Establish procedures relating to the  
16 confidentiality of data and inquiries for information in order  
17 to protect natural resources and encourage use by public  
18 agencies and private organizations and individuals in planning  
19 or conducting their activities.

20           “Section 12. Dedication of Natural Area Preserves.

21           (a) The Department shall, in the name of the State and upon  
22 the recommendation of the Board, accept the dedication of  
23 natural areas on lands deemed by the Board and the  
24 Commissioner to qualify as natural area preserves under the  
25 provisions of this Amendment. Natural area preserves may be  
26 offered for dedication by voluntary act of the owner. The  
27 owner of a qualified natural area may transfer fee simple

1 title or other interest in land to the State. Natural area  
2 preserves may be acquired by gift, grant or purchase.

3 "(b) Dedication of a natural area preserve shall  
4 become effective only upon acceptance of the instrument of  
5 dedication by the Board and the Commissioner.

6 "(c) The instrument of dedication may:

7 "(1) Contain restrictions and other provisions  
8 relating to management, use, development, transfer, and public  
9 access, and may contain any other restrictions and provisions  
10 as may be necessary or advisable to further the purposes of  
11 this Amendment;

12 "(2) Define, consistent with the purposes of this  
13 Amendment, the respective rights and duties of the owner and  
14 of the state and provide procedures to be followed in case of  
15 violations of the restrictions;

16 "(3) Recognize and create reversionary rights,  
17 transfers upon condition or with limitations, and gifts over;  
18 and

19 "(4) Vary in provisions from one natural area  
20 preserve to another in accordance with differences in the  
21 characteristics and conditions of the several areas.

22 "(d) Public departments, commissions, boards,  
23 counties, municipalities, corporations, colleges, universities  
24 and all other agencies and instrumentalities of the state and  
25 its political subdivisions may dedicate suitable areas within  
26 their jurisdiction as natural area preserves in accordance

1 with the powers and authorities granted to such organizations  
2 by existing state legislation.

3 "(e) The Board may enter into amendments to the  
4 instrument of dedication upon finding that such amendments  
5 will not permit an impairment, disturbance, use, or  
6 development of the area inconsistent with the provisions of  
7 this Amendment. If the fee simple estate in the natural area  
8 preserve is not held by the state under this article, no  
9 amendment may be made without the written consent of the owner  
10 of the other interests therein.

11 "Section 13. Sunset Provision. Beginning with the  
12 state's 2012-2013 fiscal year and each succeeding fiscal year,  
13 all moneys to be paid into the Forever Wild Land Trust shall  
14 be paid to the Alabama Trust Fund in the event the Legislature  
15 has not provided for the continuation of payments into the  
16 Forever Wild Land Trust Fund as provided for in this section,  
17 provided that 2.5% of the trust income earned from the  
18 investment of funds in the Alabama Trust Fund shall continue  
19 to be paid to the Forever Wild Stewardship Account established  
20 in Section 9 of this Amendment until such time as the  
21 Legislature, by legislative act, determines that interest  
22 income earned from the investment of funds within the corpus  
23 of the Stewardship Account is sufficient for the proper  
24 administration and stewardship of properties acquired from the  
25 Forever Wild Land Trust. And provided further, that the  
26 Legislature, by legislative act, or by the enactment of a  
27 constitutional amendment may continue payment of the revenues

1 provided in Section 7 hereof, or at any time provide for the  
2 payment of other revenues, into the Forever Wild Land Trust.  
3 At such time as the payment of trust income into the Forever  
4 Wild Land Trust shall cease, the percentage of trust income  
5 accruing to said trust fund shall be paid into the Alabama  
6 Trust Fund each year to become a part of the corpus of the  
7 Alabama Trust Fund.

8 "Section 14. Amendment Self-Executing. This  
9 Amendment shall be self-executing, but the Legislature shall  
10 have the right and power to enact laws supplemental hereto and  
11 in furtherance of the purposes and objectives hereof, provided  
12 that such laws are not inconsistent with the provisions of  
13 this Amendment.

14 "Section 15. Severability. If any provision of this  
15 Amendment, or the application of any provision to any entity,  
16 person, or circumstance is for any reason adjudged by a court  
17 of competent jurisdiction to be invalid, the remainder of this  
18 Amendment and its application shall not be affected."

19 Section II. Amendment 856 of the Constitution of  
20 Alabama of 1901, now appearing as Section 219.09 of the  
21 Official Recompilation of the Constitution of Alabama of 1901,  
22 as amended, is amended to read as follows:

23 "Section 1. (a) Notwithstanding any other provision  
24 of this constitution, beginning with the state's 2012-2013  
25 fiscal year, the following distributions shall be made  
26 annually from the Alabama Trust Fund in lieu of any other

1 distributions of trust income, realized capital gains, or  
2 unrealized capital gains provided by law:

3           “(1) An amount equal to thirty-three percent (33%)  
4 of the oil and gas capital payments paid into the Alabama  
5 Trust Fund for the fiscal year ending one year prior to the  
6 beginning of the fiscal year for which the distribution is  
7 being made plus five percent (5%) of the average market value  
8 of invested assets of the Alabama Trust Fund as of the end of  
9 the three fiscal years ending one, two, and three years prior  
10 to the beginning of the fiscal year for which the distribution  
11 is being made shall be distributed as follows:

12           “a. Ten percent (10%) of the amount distributed  
13 shall be paid to the County Government Capital Improvement  
14 Fund and shall be distributed pursuant to Section 11-29-6,  
15 Code of Alabama 1975, as amended.

16           “b. Ten percent (10%) of the amount distributed  
17 shall be paid to the Municipal Government Capital Improvement  
18 Fund and shall be distributed pursuant to Section 11-66-6,  
19 Code of Alabama 1975, as amended.

20           “c. If the constitutional amendment proposed by Act  
21 2011-315 is ratified, then ten percent (10%) of the amount  
22 distributed, but not more than fifteen million dollars  
23 (\$15,000,000) in any one fiscal year, shall be paid to the  
24 Forever Wild Land Trust. This distribution shall continue  
25 through the fiscal year ending September 30, 2032, and shall  
26 not be made after the end of that fiscal year. If the  
27 constitutional amendment proposed by Act 2011-315 is not

1       ratified, then one percent (1%) of the amount distributed, but  
2       not more than one million dollars (\$1,000,000) in any one  
3       fiscal year, shall be paid to the Forever Wild Land Trust  
4       Stewardship Account. The full sum of the amount paid to the  
5       Forever Wild Land Trust from the Alabama Trust Fund shall be  
6       appropriated to the Department of Conservation and Natural  
7       Resources for the state parks of Alabama each fiscal year.

8                "d. One percent (1%) of the amount distributed, but  
9       not more than five million dollars (\$5,000,000) in any one  
10       fiscal year, shall be paid to the Alabama Senior Services  
11       Trust Fund.

12                "e. The remainder of the amount distributed shall be  
13       paid to the State General Fund.

14                "(b) Beginning with the state's 2012-2013 fiscal  
15       year, an amount equal to five percent (5%) of the average  
16       market value of invested assets of the County and Municipal  
17       Government Capital Improvement Trust Fund as of the end of the  
18       three fiscal years ending one, two, and three years prior to  
19       the beginning of the fiscal year for which the distribution is  
20       being made shall be distributed as follows:

21                "(1) Fifty percent (50%) of the amount distributed  
22       shall be paid to the County Government Capital Improvement  
23       Fund and shall be distributed pursuant to Section 11-29-6,  
24       Code of Alabama 1975, as amended.

25                "(2) Fifty percent (50%) of the amount distributed  
26       shall be paid to the Municipal Government Capital Improvement

1 Fund and shall be distributed pursuant to Section 11-66-6,  
2 Code of Alabama 1975, as amended.

3 "(c) Notwithstanding the provisions of subsections  
4 (a) and (b) of this Section, if market or financial conditions  
5 dictate that distributing the entire amounts authorized by  
6 this amendment would be detrimental to the preservation of the  
7 invested assets of the Alabama Trust Fund, the preservation of  
8 the invested assets of the County and Municipal Government  
9 Capital Improvement Trust Fund, or both, the Board of Trustees  
10 of the Alabama Trust Fund in its sole discretion may, by a  
11 two-thirds recorded vote of the entire membership of the  
12 Board, elect to distribute a smaller percentage of the oil and  
13 gas capital payments, a smaller percentage of the average  
14 amount of invested assets, or both. The Board shall make this  
15 election at least six months prior to the beginning of the  
16 fiscal year for which the distributions will be made.

17 "(d) For purposes of this amendment, "invested  
18 assets" means all assets which are invested in accordance with  
19 the investment policy statement adopted by the Board of  
20 Trustees of the Alabama Trust Fund. Invested assets shall not  
21 include investments in land or properties acquired for the  
22 Forever Wild Land Trust and vested in the Alabama Trust Fund  
23 and shall not include any outstanding and unpaid amounts due  
24 to the Education Trust Fund Rainy Day Account or to the  
25 General Fund Rainy Day Account.

26 "Section 2. A County and Municipal Government  
27 Capital Improvement Trust Fund Advisory Committee is created.



1 The Committee shall be composed of three members appointed by  
2 the Alabama League of Municipalities and three members  
3 appointed by the Association of County Commissions of Alabama.  
4 The Committee shall serve in an advisory role, and the Board  
5 of Trustees of the Alabama Trust Fund shall define the duties  
6 of the Committee.

7 "Section 3. Beginning with the state's 2012-2013  
8 fiscal year, whenever funds are withdrawn from the Education  
9 Trust Fund Rainy Day Account or the General Fund Rainy Day  
10 Account, there shall not be any additional transfer of funds  
11 into the County and Municipal Government Capital Improvement  
12 Trust Fund, and investment income earned on amounts repaid to  
13 the Education Trust Fund Rainy Day Account and the General  
14 Fund Rainy Day Account shall not be distributed to the State  
15 General Fund.

16 "Section 4. Beginning with the state's 2012-2013  
17 fiscal year and continuing through the state's 2014-2015  
18 fiscal year, there is hereby transferred \$145,796,943 annually  
19 to the State General Fund from the Alabama Trust Fund.

20 "Section 5. All laws or parts of laws in conflict  
21 with this amendment are repealed, including, but not limited  
22 to: Those portions of Amendments 450, 543, and 666 to the  
23 Constitution of Alabama of 1901, relating to the distribution  
24 of trust income, realized capital gains, and unrealized  
25 capital gains; Amendment 668 to the Constitution of Alabama of  
26 1901, relating to the distribution of trust income; those  
27 portions of Amendment 803 to the Constitution of Alabama of

1 1901, relating to additional transfers to the County and  
2 Municipal Government Capital Improvement Fund and the  
3 distribution of investment income on repayments to the  
4 Education Trust Fund and State General Fund Rainy Day  
5 Accounts; and Sections 11-66-5 and 11-29-5 of the Code of  
6 Alabama 1975, as amended, relating to appropriations of trust  
7 income to the County and Municipal Government Capital  
8 Improvement Trust Funds."

9 Section 2. An election upon the proposed amendment  
10 shall be held in accordance with Sections 284 and 285 of the  
11 Constitution of Alabama of 1901, now appearing as Sections 284  
12 and 285 of the Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, and the election laws of this  
14 state.

15 Section 3. The appropriate election official shall  
16 assign a ballot number for the proposed constitutional  
17 amendment on the election ballot and shall set forth the  
18 following description of the substance or subject matter of  
19 the proposed constitutional amendment:

20 "Proposing an amendment to the Constitution of  
21 Alabama of 1901, to amend Amendment 543, now appearing as  
22 Section 219.07 of the Official Recompilation of the  
23 Constitution of Alabama of 1901, as amended, and Amendment  
24 856, now appearing as Section 219.09 of the Official  
25 Recompilation of the Constitution of Alabama of 1901, as  
26 amended, to require the full sum of the annual amount paid to  
27 the Forever Wild Land Trust from the Alabama Trust Fund to be

1 appropriated to the Department of Conservation and Natural  
2 Resources for the state parks of Alabama and to prohibit the  
3 acquisition of new lands by purchase to be held in the Forever  
4 Wild Land Trust.

5 "Proposed by Act \_\_\_\_\_."

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

8 "Yes ( ) No ( )."