

1 HB314
2 131554-1
3 By Representatives Oden, Buttram and Henry (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 14-FEB-12

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8 SYNOPSIS: Under existing law, the Commissioner of
9 Conservation and Natural Resources has the
10 authority to manage, control, and lease sixteenth
11 section and school land, originally granted by
12 Congress to each township in the state for the use
13 of the inhabitants of the township for the use of
14 schools, and income arising from the sixteenth
15 section trust fund is applied to the support and
16 maintenance of the public schools in the state.

17 This bill would propose an amendment to the
18 Constitution of Alabama of 1901, to grant sixteenth
19 section and school lands located in Cullman County
20 to the Cullman County Board of Education, to
21 authorize the Cullman County Board of Education to
22 manage, sell, lease, and control those lands and
23 any timber, minerals, or other natural resources of
24 the land, and to provide for the distribution of
25 any proceeds and interest generated by the
26 properties.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To propose an amendment to the Constitution of
6 Alabama of 1901, pertaining only to Cullman County, to grant
7 sixteenth section and school lands located in Cullman County,
8 and held in trust by the state for education purposes in the
9 county, to the Cullman County Board of Education; to authorize
10 the Cullman County Board of Education to manage, sell, lease,
11 and control those lands and any timber, minerals, or other
12 natural resources of the land; and to provide for the
13 distribution of any proceeds and interest generated by the
14 properties.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to the
17 Constitution of Alabama of 1901, is proposed and shall become
18 valid as a part of the Constitution when all requirements of
19 this act are fulfilled:

20 PROPOSED AMENDMENT

21 (a) All sixteenth section school and school land
22 located in Cullman County is vested in the Cullman County
23 Board of Education. The board may manage, sell, lease, and
24 control the land and any timber, minerals, or other natural
25 resources of the land.

26 (b) Any proceeds from the sale of sixteenth section
27 or school land shall be distributed as follows:

1 (1) Ninety percent shall be deposited into a trust
2 account in Cullman County.

3 (2) Ten percent shall be deposited into the Cullman
4 County Board of Education General Fund.

5 (c) Any interest earned on the funds deposited
6 pursuant to subdivision (1) of subsection (b) and the funds
7 deposited under subdivision (2) of subsection (b) shall be
8 annually distributed to the Cullman County school system and
9 the Cullman City school system based on the number of students
10 residing within the then existing boundaries of each system.
11 The number of students residing in a school system shall be
12 based on the then existing enrollment of students in each
13 system, adjusted by the number of students enrolled in the
14 system who reside outside of the system, as identified by the
15 Cullman City Board of Education. The annual distribution of
16 interest for each of the five years immediately following
17 ratification of this amendment shall be calculated using
18 2010-2011 school year student enrollment data. Thereafter, the
19 distribution formulation shall be recalculated and updated for
20 each five-year period based upon student enrollment data at
21 the beginning of the five-year period.

22 (d) Any proceeds generated from the sale of timber,
23 minerals, or other natural resources of the land, or from the
24 lease of sixteenth section or school land shall be paid
25 directly to the Cullman County Board of Education and
26 deposited into the Cullman County Board of Education General
27 Fund.

1 (e) It is the intent of the Legislature that this
2 amendment supersede any other provision of this constitution
3 which may be construed as being in conflict with this
4 amendment as it relates to sixteenth section or school lands
5 in Cullman County and the rights, power, and control of the
6 property relating to the sale, lease, or other disposition of
7 the land or the sale of timber, minerals, or other natural
8 resources generated by the land, or any proceeds or interest
9 earned therefrom.

10 (f) Upon ratification of this amendment, all
11 proceeds realized from the sale, lease, or other disposition
12 of sixteenth section or school land or the sale of timber,
13 minerals, or other natural resources generated by Cullman
14 County sixteenth section or school lands occurring before
15 ratification of this amendment, and held in trust by the State
16 of Alabama, shall continue to be held in trust and any revenue
17 and interest derived from those transactions shall be paid to
18 the custodian of funds of the Cullman County Board of
19 Education.

20 Section 2. An election upon the proposed amendment
21 shall be held in accordance with Amendment 555 to the
22 Constitution of Alabama of 1901, now appearing as Section
23 284.01 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, and the election laws of this
25 state.

26 Section 3. The appropriate election official shall
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the
2 following description of the substance or subject matter of
3 the proposed constitutional amendment:

4 "Relating to Cullman County, proposing an amendment
5 to the Constitution of Alabama of 1901, to grant sixteenth
6 section and school lands located in Cullman County, and held
7 in trust by the state for education purposes in Cullman
8 County, to the Cullman County Board of Education; to authorize
9 the Cullman County Board of Education to manage, sell, lease,
10 and control those lands; and to provide for the distribution
11 of any proceeds and interest from the sale, lease, or other
12 disposition of the land or the sale of timber, minerals, or
13 other natural resources generated by the land.

14 "Proposed by Act _____"

15 This description shall be followed by the following
16 language:

17 "Yes () No ()."