

1 SB408
2 159126-1
3 By Senator Pittman
4 RFD: Governmental Affairs
5 First Read: 25-FEB-14

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Alabama Trails
9 Commission is a state commission within the
10 Department of Economic and Community Affairs. In
11 addition, an advisory board has been established to
12 advise the commission. Members of the commission
13 and advisory board serve for two-year terms.

14 This bill would further provide for the
15 membership of the Trails Commission and the
16 advisory board, provide that terms would be four
17 years, and would authorize the commission with
18 approval of another state agency or department to
19 be transferred for administrative and staff
20 purposes to the other state agency or department.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to the Alabama Trails Commission; to amend
27 Sections 41-23-140 and 41-23-141, Code of Alabama 1975, to

1 further provide for the membership of the commission and the
2 advisory board; to provide for terms; and to provide that the
3 commission may be transferred for administrative and staff
4 purposes to another state agency or department.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 41-23-140 and 41-23-141, Code of
7 Alabama 1975, are amended to read as follows:

8 "§41-23-140.

9 "(a) For the purposes of this article, the term
10 trail means any form of paved or unpaved trail including
11 freshwater and saltwater paddling trails. The term trail user
12 community includes, but is not limited to, the following:
13 Paved and unpaved trail users, hikers, off-road or on-road
14 bicyclists, users of off-road vehicles, paddlers, equestrians,
15 disabled outdoor recreational users, and commercial
16 recreational interests.

17 "(b) There is created ~~within the Alabama Department~~
18 ~~of Economic and Community Affairs,~~ the Alabama Trails
19 Commission which shall advance development, interconnection,
20 and use of trails in this state and as further provided in
21 this article. The commission shall be composed of the
22 following members:

23 "(1) Two members recognized for expertise in trail
24 development, management, or use, appointed by the Governor and
25 representing the trail user community.

1 "(2) One member recognized for expertise in trail
2 development, management, or use, appointed by the Lieutenant
3 Governor and representing the trail user community.

4 "(3) One member recognized for expertise in trail
5 development, management, or use, appointed by the Speaker of
6 the House of Representatives and representing the trail user
7 community.

8 "(4) One member appointed by the Director of the
9 Alabama Department of Economic and Community Affairs.

10 "(5) One member appointed by the Director of the
11 state Department of Transportation.

12 "(6) One member appointed by the Director of the
13 Department of Tourism.

14 "(7) One member appointed by the Commissioner of the
15 Department of Conservation and Natural Resources.

16 "(8) One staff member from the Governor's office
17 appointed by the Governor.

18 "(9) One member who shall be a representative of the
19 regional planning councils appointed by the Governor.

20 ~~Membership on the council shall rotate among the 12 regional~~
21 ~~planning councils every two years. The regional planning~~
22 ~~councils shall determine the order of rotation.~~

23 "(10) One member representing ~~local governments~~
24 counties appointed by the Association of County Commissions of
25 Alabama, and

26 "(11) One member representing municipalities
27 appointed by the Alabama League of Municipalities. ~~Membership~~

1 ~~shall alternate between a county representative and a~~
2 ~~municipal representative every two years.~~

3 ~~"(11)(12)~~ One member appointed by the Business
4 Council of Alabama.

5 "(c) The term of all appointees appointed after the
6 effective date of the act adding this language shall be for
7 ~~two~~ four years unless otherwise specified. The appointees of
8 the Governor, the Lieutenant Governor, and the Speaker of the
9 House of Representatives may be reappointed for no more than
10 two consecutive terms. ~~The representatives of the regional~~
11 ~~planning councils and local governments may be reappointed for~~
12 ~~no more than two consecutive terms.~~ All other appointees shall
13 serve until a successor is appointed.

14 "(d) The membership of the commission shall be
15 inclusive and reflect the racial, gender, geographic,
16 urban/rural, and economic diversity of the state.

17 "(e) ~~The~~ commission shall be located for
18 administrative purposes within the Alabama Department of
19 Economic and Community Affairs and the department shall
20 provide necessary staff assistance to the commission.
21 Notwithstanding the foregoing, the commission may be
22 transferred for administrative and staff assistance purposes
23 to another state agency or department upon approval of the
24 commission and the approval of the director of the state
25 agency or department accepting the transfer.

26 "(f) The duties of the commission shall include the
27 following:

- 1 "(1) Develop and support the Alabama Trails System.
- 2 "(2) Facilitate a statewide system of interconnected
3 landscape linkages, conservation corridors, greenbelts,
4 recreational corridors and trails, scenic corridors,
5 utilitarian corridors, reserves, regional parks and preserves,
6 ecological sites, and cultural/historic/recreational sites
7 using land-based trails that connect urban, suburban, and
8 rural areas of the state and facilitate expansion of the
9 statewide system of freshwater and saltwater paddling trails.
- 10 "(3) Recommend priorities for critical links in the
11 Alabama Trails System and coordinate local needs goals and
12 leadership to accomplish this mission.
- 13 "(4) Review designation proposals for inclusion in
14 the Alabama Trails System.
- 15 "(5) Encourage public-private partnerships to
16 develop and manage trails.
- 17 "(6) Review progress toward meeting goals for the
18 establishment and operation of the Alabama Trail System and
19 recommend appropriate action.
- 20 "(7) Make recommendations for updating and revising
21 the implementation plan for the Alabama Trails System.
- 22 "(8) Promote trail support organizations.
- 23 "(9) Support the Alabama Trails System through
24 intergovernmental coordination, advocacy, education,
25 alternative funding sources, and any other appropriate way.
- 26 "(10) Organize and coordinate a nonprofit tax
27 deductible corporation that should be expected to aggressively

1 serve Alabama trails in enterprises normally beyond the reach
2 of government, such as fundraising, coordination of local and
3 national institutions similarly intended, and supporting
4 education and civic outreach.

5 "(g) The commission shall establish procedures for
6 conducting its affairs in execution of the duties and
7 responsibilities stated in this section, which operating
8 procedures shall include determination of a commission chair
9 and other appropriate operational guidelines. The commission
10 shall meet at the call of the chair, or at other times as may
11 be prescribed by its operating procedures. The commission may
12 establish committees to conduct the work of the commission and
13 the committees may include nonmembers as appropriate.

14 "(h) A vacancy on the commission shall be filled for
15 the remainder of the unexpired term in the same manner as the
16 original appointment. Members whose terms have expired may
17 continue to serve until replaced or reappointed.

18 "(i) The commission shall report annually to the
19 Legislature, by the second legislative day of each regular
20 session, detailing progress, plans, and milestones in its
21 conduct of duties authorized by this article and to what
22 extent the commission is in compliance with the diversity
23 provisions provided for in this article.

24 "§41-23-141.

25 "(a) There shall also be created ~~within the Alabama~~
26 ~~Department of Economic and Community Affairs~~ an Alabama Trails
27 Commission Advisory Board which shall advise the commission in

1 the execution of the Alabama Trails Commission's powers and
2 duties under this article. The advisory board of directors
3 shall be composed of the following:

4 "(1) Two Senators appointed by the Lieutenant
5 Governor.

6 "(2) Two members of the House of Representatives
7 appointed by the Speaker of the House.

8 "(3) Three members of the Alabama Recreational
9 Trails Advisory Board.

10 "(4) One member representing a university in this
11 state appointed by the Governor.

12 "(5) One member appointed by the State Forestry
13 Commission.

14 "(6) One member appointed by the Commissioner of
15 Agriculture and Industries.

16 "(7) One member appointed by the State Health
17 Officer.

18 "(8) One member appointed by the Executive Director
19 of the Retirement Systems of Alabama.

20 "(9) One member appointed by the U.S. Forest
21 Service.

22 "(10) One member ~~who~~ shall be a representative of
23 the power industry appointed by the Alabama Power Company. ~~and~~

24 "(11) One member shall be a representative of the
25 power industry appointed by the Tennessee Valley Authority.
26 ~~Membership shall alternate between the Alabama Power Company~~
27 ~~and the Tennessee Valley Authority every two years.~~

1 "(12) One member shall be a representative of the
2 power industry appointed by Power South.

3 "~~(11)~~(13) One member appointed by the Alabama
4 Farmers Federation.

5 "~~(12)~~(14) One member appointed by the Army Corps of
6 Engineers.

7 "~~(13)~~(15) One member appointed by the Natural
8 Resources Conservation Services.

9 "(16) One member appointed by the Forever Wild
10 Board.

11 "(17) One member who shall be a representative of
12 land trusts in this state to be appointed by the Governor.

13 "(b) The term of all Alabama Trails Commission
14 Advisory Board appointees appointed after the effective date
15 of the act adding this language shall be for ~~two~~ four years
16 unless otherwise specified. The appointees of the Governor,
17 the Lieutenant Governor, and the Speaker of the House of
18 Representatives may be reappointed for no more than two
19 consecutive terms. The members of the Alabama Trails
20 Commission Advisory Board shall serve until a successor is
21 appointed.

22 "(c) A vacancy on the advisory board shall be filled
23 for the remainder of the unexpired term in the same manner as
24 the original appointment. Members whose terms have expired may
25 continue to serve until replaced or reappointed."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.