

1 SB260
2 173478-3
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

1 SB260

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4 ENROLLED, An Act,

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

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. The following amendment to the
23 Constitution of Alabama of 1901, as amended, is proposed and
24 shall become valid as a part thereof when approved by a
25 majority of the qualified electors voting thereon and in

1 accordance with Sections 184, 285, and 287 of the Constitution
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 PART I.

5 The Legislature shall not pass any law authorizing
6 nor shall any officer, agency, or employee transfer, use, or
7 pledge any monies from the State Parks Fund, the Parks
8 Revolving Fund, or any fund receiving revenues currently
9 deposited in the State Parks Fund or the Parks Revolving Fund,
10 and any monies currently designated by law and deposited into
11 a public account for the use by the state parks system from
12 being transferred to any other public account, fund or entity
13 or used for any purpose other than the support, upkeep, and
14 maintenance of the state parks system.

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

1 PART II.

2 Amendment of Amendment 617.

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

1 permit such operations. Six million dollars (\$6,000,000) of
2 the bonds shall be issued for the state by the Alabama Public
3 Historical Sites and Parks Improvement Corporation pursuant to
4 the appropriate resolutions adopted by the board of directors
5 of the corporation and the proceeds thereof shall be
6 appropriated and used exclusively for the purpose of paying
7 the expenses incurred in the sale and issuance of the bonds
8 and for the payment of the costs of the acquisition,
9 provision, construction, improvement, renovations, equipping,
10 and maintenance of public historical sites and public
11 historical parks not under the jurisdiction of the Department
12 of Conservation and Natural Resources. Such acquisition,
13 provision, construction, improvement, renovation, equipping,
14 and maintenance of public historical sites and public
15 historical parks shall be completed at the direction of the
16 Alabama Public Historical Sites and Parks Improvement
17 Corporation and shall thereafter be operated by the Alabama
18 Historical Commission, or other entity as authorized by the
19 commission, with the advice and concurrence of the Joint
20 Legislative Committee on State Parks.

21 The State of Alabama is further authorized to become
22 indebted and in evidence thereof to sell and issue one or more
23 series of bonds to refund all or any of the bonds hereinabove
24 authorized by this amendment in such principal amount or
25 amounts, which may exceed the principal amount of the bonds

1 being refunded, and in such manner as may be provided by law
2 duly enacted by the Legislature.

3 The aforesaid corporations are hereby vested with
4 the power and authority to provide for the sale and terms of
5 the bonds hereby authorized and the issuance thereof, subject
6 to the approval of the Governor. The bonds may be sold,
7 executed, and delivered at any time and from time to time, may
8 be in such forms, denominations, series, and numbers, may be
9 of such tenor and maturities, may bear such date or dates, may
10 be payable in such installments and at such place or places,
11 may bear interest at such rate or rates payable and evidenced
12 in such manner, and may contain provisions for redemption at
13 the option of the state to be exercised by the corporations at
14 such date or dates prior to their maturity and upon payment of
15 such redemption price or prices, all as shall be provided by
16 the corporations in the resolution or resolutions whereunder
17 the bonds hereby authorized are issued. The principal of each
18 series of bonds shall mature on such date and in such amounts
19 as shall be specified in the resolution or resolutions of the
20 board of directors of the corporations under which they are
21 issued, the last of which installments shall mature not later
22 than 20 years after the date of the bonds of the same series.
23 All of the bonds, including refunding bonds, shall be sold
24 only at public sale or sales, either on sealed bids or at
25 public auction, after such advertisement as may be prescribed

1 by the corporations, to the bidder whose bid reflects the
2 lowest true interest cost to the state computed to the
3 respective maturities of the bonds sold; provided, that if no
4 bid deemed acceptable by the corporation is received, all bids
5 may be rejected.

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

14 All bonds issued under the provisions of this
15 amendment, together with the interest income thereon, shall
16 forever be exempt from all taxation in the state, except
17 inheritance, estate and gift taxes.

18 The proceeds from the sale of the bonds by the
19 Alabama State Parks System Improvement Corporation hereby
20 authorized, other than refunding bonds, after the payment of
21 all expenses of the sale thereof, shall be set apart in a
22 special fund in the State Treasury to be designated "The
23 Alabama State Parks System Improvement Fund," and such
24 proceeds, together with income derived from the investment and
25 reinvestment thereof, shall be temporarily invested until

1 needed and disbursed, on order of the aforesaid corporation
2 solely for the purposes, hereinabove described, for which the
3 bonds are authorized to be issued.

4 The proceeds from the sale of the bonds by the
5 Alabama Public Historical Sites and Parks Improvement
6 Corporation hereby authorized, other than refunding bonds,
7 after the payment of all expenses of the sale thereof, shall
8 be set apart in a special fund in the State Treasury to be
9 designated "The Alabama Public Historical Sites and Parks
10 Improvement Fund," and such proceeds, together with income
11 derived from the investment and reinvestment thereof, shall be
12 temporarily invested until needed and disbursed, on order of
13 the aforesaid corporation solely for the purposes, hereinabove
14 described, for which the bonds are authorized to be issued.

15 No further authorization from the Legislature shall
16 be a prerequisite to the validity of any bonds issued
17 hereunder. However, the Legislature shall enact appropriate
18 legislation implementing the provisions hereof, including
19 provisions for the issuance of refunding bonds as hereinabove
20 authorized.

21 The Alabama State Parks System Improvement
22 Corporation and the Alabama Public Historical Sites and Parks
23 Improvement Corporation authorized in this constitutional
24 amendment are strongly encouraged to utilize businesses and
25 companies in all aspects of the bond and construction portions

1 of this amendment that reflect the racial and ethnic diversity
2 of the state.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Sections 284 and 285 of the
5 Constitution of Alabama of 1901, now appearing as Sections 284
6 and 285 of the Official ReCompilation of the Constitution of
7 Alabama of 1901, as amended and the election laws of this
8 state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description or subject matter of the proposed
13 constitutional amendment:

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to prohibit any monies from the State Parks
16 Fund, the Parks Revolving Fund, or any fund receiving revenues
17 currently deposited in the State Parks Fund or the Parks
18 Revolving Fund, and any monies currently designated pursuant
19 to statute for the use of the state parks system from being
20 transferred for another purpose other than the support,
21 upkeep, and maintenance of the state parks system.

22 Notwithstanding, in the event that guest revenues to
23 the State Parks Revolving Fund exceed the threshold of \$50
24 million (as annually adjusted based on increases in the
25 consumer price index) in a fiscal year, the sales and use and

1 cigarette tax revenue distributed to benefit the State Parks
2 System shall be reduced in the following fiscal year. The
3 amount of the reduction shall correspond to the amount of
4 guest revenue to the State Parks Revolving Fund exceeding the
5 threshold. The amount of tax revenue not distributed to
6 benefit the State Parks System shall be distributed to the
7 General Fund.

8 Proposing an amendment to Amendment 617 of the
9 Constitution of Alabama of 1901, to allow the Department of
10 Conservation and Natural Resources the option to provide for
11 the operation and management, by non-state entities, of
12 hotels, golf courses, and restaurants at any applicable state
13 parks in Alabama.

14 "Proposed by Act _____."

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

17 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB260

Senate 22-MAR-16

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 20-APR-16

By: Senator Scofield