

1 SB54  
2 173033-3  
3 By Senator Ward  
4 RFD: Governmental Affairs  
5 First Read: 02-FEB-16  
6 PFD: 01/20/2016

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Trails Commission; to amend  
12 Sections 41-23-140 and 41-23-141, Code of Alabama 1975, to  
13 further provide for the membership of the commission and the  
14 advisory board; to provide for terms; and to provide that the  
15 commission may be transferred for administrative and staff  
16 purposes to another state agency or department.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§41-23-140.

21 "(a) For the purposes of this article, the term  
22 trail means any form of paved or unpaved trail including  
23 freshwater and saltwater paddling trails. The term trail user  
24 community includes, but is not limited to, the following:  
25 Paved and unpaved trail users, hikers, ~~off-road~~ bicyclists,  
26 users of ~~off-road~~ off-highway vehicles, paddlers, equestrians,

1 disabled outdoor recreational users, and commercial  
2 recreational interests.

3 "(b) There is created within the Alabama Department  
4 of Economic and Community Affairs, the Alabama Trails  
5 Commission which shall advance development, interconnection,  
6 and use of trails in this state and as further provided in  
7 this article. The commission shall be composed of the  
8 following members:

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

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

15 "(3) One member recognized for expertise in trail  
16 development, management, or use, appointed by the Speaker of  
17 the House of Representatives and representing the trail user  
18 community.

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

21 "(5) One member appointed by the Director of the  
22 state Department of Transportation.

23 "(6) One member appointed by the Director of the  
24 Department of Tourism.

25 ~~"(7) One member appointed by the Commissioner of the~~  
26 ~~Department of Conservation and Natural Resources. The Director~~  
27 ~~of State Parks.~~

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

3           "(9) One member who shall be a representative of the  
4 regional planning councils appointed by the Governor.  
5 ~~Membership on the council shall rotate among the 12 regional~~  
6 ~~planning councils every two years. The regional planning~~  
7 ~~councils shall determine the order of rotation.~~

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

11           "(11) One member representing municipalities  
12 appointed by the Alabama League of Municipalities. ~~Membership~~  
13 ~~shall alternate between a county representative and a~~  
14 ~~municipal representative every two years.~~

15           "~~(11)~~ (12) One member appointed by the Business  
16 Council of Alabama.

17           "(c) The term of all appointees appointed after the  
18 effective date of the act adding this language shall be for  
19 ~~two~~ four years unless otherwise specified. The appointees ~~of~~  
20 ~~the Governor, the Lieutenant Governor, and the Speaker of the~~  
21 ~~House of Representatives~~ may be reappointed for ~~no~~ not more  
22 than two consecutive terms by the same appointing authority.  
23 ~~The representatives of the regional planning councils and~~  
24 ~~local governments may be reappointed for no more than two~~  
25 ~~consecutive terms.~~ All other appointees shall serve until a  
26 successor is appointed.

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

4           "(e) The commission shall be located for  
5 administrative purposes within the Alabama Department of  
6 Economic and Community Affairs and the department shall  
7 provide necessary staff assistance to the commission.  
8 Notwithstanding the foregoing, the commission may be  
9 transferred for administrative and staff assistance purposes  
10 to another state agency or department upon approval by a  
11 three-fourths vote of the commission and the approval of the  
12 Director of the Department of Economic and Community Affairs  
13 and the director of the state agency or department accepting  
14 the transfer.

15           "(f) The duties of the commission shall include the  
16 following:

17           "(1) Develop and support the Alabama Trails System.

18           "(2) Facilitate a statewide system of interconnected  
19 landscape linkages, conservation corridors, greenbelts,  
20 recreational corridors and trails, scenic corridors,  
21 utilitarian corridors, reserves, regional parks and preserves,  
22 ecological sites, and cultural/historic/recreational sites  
23 using land-based trails that connect urban, suburban, and  
24 rural areas of the state and facilitate expansion of the  
25 statewide system of freshwater and saltwater paddling trails.

1           "(3) Recommend priorities for critical links in the  
2 Alabama Trails System and coordinate local needs goals and  
3 leadership to accomplish this mission.

4           "(4) Review designation proposals for inclusion in  
5 the Alabama Trails System.

6           "(5) Encourage public-private partnerships to  
7 develop and manage trails.

8           "(6) Review progress toward meeting goals for the  
9 establishment and operation of the Alabama Trail System and  
10 recommend appropriate action.

11           "(7) Make recommendations for updating and revising  
12 the implementation plan for the Alabama Trails System.

13           "(8) Promote trail support organizations.

14           "(9) Support the Alabama Trails System through  
15 intergovernmental coordination, advocacy, education,  
16 alternative funding sources, and any other appropriate way.

17           "(10) Organize and coordinate a nonprofit tax  
18 deductible corporation that should be expected to aggressively  
19 serve Alabama trails in enterprises normally beyond the reach  
20 of government, such as fundraising, coordination of local and  
21 national institutions similarly intended, and supporting  
22 education and civic outreach.

23           "(g) The commission shall establish procedures for  
24 conducting its affairs in execution of the duties and  
25 responsibilities stated in this section, which operating  
26 procedures shall include determination of a commission chair  
27 and other appropriate operational guidelines. The commission

1 shall meet at the call of the chair, or at other times as may  
2 be prescribed by its operating procedures. The commission may  
3 establish committees to conduct the work of the commission and  
4 the committees may include nonmembers as appropriate.

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

9 "(i) The commission shall report annually to the  
10 Legislature, ~~by the second legislative day of each regular~~  
11 ~~session,~~ detailing progress, plans, and milestones in its  
12 conduct of duties authorized by this article and to what  
13 extent the commission is in compliance with the diversity  
14 provisions provided for in this article.

15 "§41-23-141.

16 "(a) There shall also be created ~~within the Alabama~~  
17 ~~Department of Economic and Community Affairs~~ an Alabama Trails  
18 Commission Advisory Board which shall advise the commission in  
19 the execution of the Alabama Trails Commission's powers and  
20 duties under this article. The advisory board of directors  
21 shall be composed of the following:

22 "(1) Two Senators appointed by the Lieutenant  
23 Governor.

24 "(2) Two members of the House of Representatives  
25 appointed by the Speaker of the House.

26 "(3) Three members of the Alabama Recreational  
27 Trails Advisory Board.

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

3           "(5) One member appointed by the State Forestry  
4 Commission.

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

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

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

11          "(9) One member appointed by the U.S. Forest  
12 Service.

13          "(10) One member ~~who shall be a representative of~~  
14 ~~the power industry appointed by the Alabama Power Company, and~~

15          "(11) One member shall be a representative of the  
16 Tennessee Valley Authority. Membership shall alternate between  
17 the Alabama Power Company and the Tennessee Valley Authority  
18 every two years.

19          "(12) One member shall be a representative of Power  
20 South.

21          "~~(11)~~ (13) One member appointed by the Alabama  
22 Farmers Federation.

23          "~~(12)~~ (14) One member appointed by the Army Corps of  
24 Engineers.

25          "~~(13)~~ (15) One member appointed by the Natural  
26 Resources Conservation Services.



1           "(16) One member shall be a representative of the  
2           State Lands Division appointed by the Commissioner of the  
3           Department of Conservation and Natural Resources.

4           "(17) One member who shall be a representative of a  
5           land trust headquartered in this state to be appointed by the  
6           Governor. This position shall rotate between land trusts every  
7           four years.

8           "(18) One member appointed by Blue Cross and Blue  
9           Shield.

10          "(19) Two members from under-represented user groups  
11          appointed by the Trails Commission.

12          "(20) One member from an under-represented federal  
13          agency appointed by the Trails Commission.

14          "(21) One member appointed by the Alabama  
15          Association of Resource Conservation and Development Council.

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

25          "(c) A vacancy on the advisory board shall be filled  
26          for the remainder of the unexpired term in the same manner as

1 the original appointment. Members whose terms have expired may  
2 continue to serve until replaced or reappointed.

3 "(d) The membership of the advisory board shall be  
4 inclusive and reflect the racial, gender, geographic,  
5 urban/rural, and economic diversity of the state."

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

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 02-FEB-16

Read for the second time and placed on the calen-  
dar..... 09-FEB-16

Read for the third time and passed as amended .... 11-FEB-16

Yeas 31  
Nays 0

Patrick Harris  
Secretary