

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

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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~~ bicyclists,
14 users of ~~off-road~~ off-highway 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. The Director~~
16 ~~of State Parks.~~

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

19 "(9) One member who shall be a representative of the
20 regional planning councils appointed by the Governor.
21 ~~Membership on the council shall rotate among the 12 regional~~
22 ~~planning councils every two years. The regional planning~~
23 ~~councils shall determine the order of rotation.~~

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

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

5 "~~(11)~~(12) One member appointed by the Business
6 Council of Alabama.

7 "(c) The term of all appointees appointed after the
8 effective date of the act adding this language shall be for
9 two four years unless otherwise specified. The appointees of
10 ~~the Governor, the Lieutenant Governor, and the Speaker of the~~
11 ~~House of Representatives~~ may be reappointed for ~~no~~ not more
12 than two consecutive terms by the same appointing authority.
13 ~~The representatives of the regional planning councils and~~
14 ~~local governments may be reappointed for no more than two~~
15 ~~consecutive terms.~~ All other appointees shall serve until a
16 successor is appointed.

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

20 "(e) The commission shall be located for
21 administrative purposes within the Alabama Department of
22 Economic and Community Affairs and the department shall
23 provide necessary staff assistance to the commission.
24 Notwithstanding the foregoing, the commission may be
25 transferred for administrative and staff assistance purposes
26 to another state agency or department upon approval by a
27 three-fourths vote of the commission and the approval of the

1 Director of the Department of Economic and Community Affairs
2 and the director of the state agency or department accepting
3 the transfer.

4 "(f) The duties of the commission shall include the
5 following:

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

7 "(2) Facilitate a statewide system of interconnected
8 landscape linkages, conservation corridors, greenbelts,
9 recreational corridors and trails, scenic corridors,
10 utilitarian corridors, reserves, regional parks and preserves,
11 ecological sites, and cultural/historic/recreational sites
12 using land-based trails that connect urban, suburban, and
13 rural areas of the state and facilitate expansion of the
14 statewide system of freshwater and saltwater paddling trails.

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

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

20 "(5) Encourage public-private partnerships to
21 develop and manage trails.

22 "(6) Review progress toward meeting goals for the
23 establishment and operation of the Alabama Trail System and
24 recommend appropriate action.

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

27 "(8) Promote trail support organizations.

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

4 "(10) Organize and coordinate a nonprofit tax
5 deductible corporation that should be expected to aggressively
6 serve Alabama trails in enterprises normally beyond the reach
7 of government, such as fundraising, coordination of local and
8 national institutions similarly intended, and supporting
9 education and civic outreach.

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

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

23 "(i) The commission shall report annually to the
24 Legislature, ~~by the second legislative day of each regular~~
25 ~~session,~~ detailing progress, plans, and milestones in its
26 conduct of duties authorized by this article and to what

1 extent the commission is in compliance with the diversity
2 provisions provided for in this article.

3 "§41-23-141.

4 "(a) There shall also be created ~~within the Alabama~~
5 ~~Department of Economic and Community Affairs~~ an Alabama Trails
6 Commission Advisory Board which shall advise the commission in
7 the execution of the Alabama Trails Commission's powers and
8 duties under this article. The advisory board of directors
9 shall be composed of the following:

10 "(1) Two Senators appointed by the Lieutenant
11 Governor.

12 "(2) Two members of the House of Representatives
13 appointed by the Speaker of the House.

14 "(3) Three members of the Alabama Recreational
15 Trails Advisory Board.

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

18 "(5) One member appointed by the State Forestry
19 Commission.

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

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

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

26 "(9) One member appointed by the U.S. Forest
27 Service.

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

3 "(11) One member shall be a representative of the
4 Tennessee Valley Authority. Membership shall alternate between
5 the Alabama Power Company and the Tennessee Valley Authority
6 every two years.

7 "(12) One member shall be a representative of Power
8 South.

9 "~~(11)~~(13) One member appointed by the Alabama
10 Farmers Federation.

11 "~~(12)~~(14) One member appointed by the Army Corps of
12 Engineers.

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

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

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

22 "(18) One member appointed by Blue Cross and Blue
23 Shield.

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

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

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

3 "(b) The term of all Alabama Trails Commission
4 Advisory Board appointees appointed after the effective date
5 of the act adding this language shall be for ~~two~~ four years
6 ~~unless otherwise specified.~~ The appointees ~~of the Governor,~~
7 ~~the Lieutenant Governor, and the Speaker of the House of~~
8 ~~Representatives~~ may be reappointed for no more than two
9 consecutive terms by the same appointing authority. The
10 members of the Alabama Trails Commission Advisory Board shall
11 serve until a successor is appointed.

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

16 "(d) the membership of the advisory board shall be
17 inclusive and reflect the racial, gender, geographic,
18 urban/rural, and economic diversity of the state."

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