

1 HB65
2 215778-1
3 By Representative Robbins (Constitutional Amendment)
4 RFD: Ways and Means General Fund
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

SYNOPSIS: Existing law requires any income generated from Forever Wild Land Trust property to be treated as interest of the Alabama Trust Fund and be credited to the State General Fund.

This bill would propose an amendment to the Constitution of Alabama of 1901, to provide that any income from carbon credits generated from the management of Forever Wild forest resources would be credited to the county general fund in which the Forever Wild land is located.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Forever Wild Trust Fund; to propose an amendment to Section 9 of Amendment 543 of the Constitution of Alabama of 1901, now appearing as Section 219.07 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide for the distribution of the income from

1 carbon credits generated from the management of Forever Wild
2 forest resources.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the
5 Constitution of Alabama of 1901, as amended, is proposed and
6 shall become valid as a part thereof when approved by a
7 majority of the qualified electors voting thereon and in
8 accordance with Sections 284, 285, and 287 of the Constitution
9 of Alabama of 1901, as amended:

10 PROPOSED AMENDMENT

11 Section 9 of Amendment 543 of the Constitution of
12 Alabama of 1901, now appearing as Section 219.07 of the
13 Official Recompilation of the Constitution of Alabama of 1901,
14 as amended, is amended to read as follows:

15 "Section 9. Stewardship Account.

16 "(a) The Alabama Trust Fund Board shall establish a
17 separate account within the Alabama Trust Fund to be known as
18 the Forever Wild Land Trust Stewardship Account. When the
19 Forever Wild Land Trust acquires property or an interest in
20 property pursuant to this Amendment, the Board of Trustees of
21 the Forever Wild Land Trust shall set aside an amount from the
22 Forever Wild Land Trust equal to fifteen percent (15%) of the
23 appraised value of the land acquired, or the land affected if
24 less than a fee interest was acquired. The Alabama Trust Fund
25 Board shall provide for the investment of the Stewardship
26 Account. The Board of Trustees of the Alabama Forever Wild
27 Land Trust may authorize the Department to expend any interest

1 income generated from the investment of funds within the
2 Stewardship Account by the Alabama Trust Fund Board. Provided,
3 however, the Commissioner shall notify the Board of Trustees
4 in writing if he or she determines that the interest income
5 projected to be generated from the Forever Wild Land Trust
6 Stewardship Account for the next fiscal year will be
7 insufficient to properly manage property acquired by the
8 Forever Wild Land Trust. The Board may authorize by a
9 three-fifths (3/5) vote that funds within the corpus of the
10 Forever Wild Land Trust Stewardship Account be expended by the
11 Department for management purposes for the next fiscal year,
12 provided that funds from the Stewardship Account may not be
13 expended to purchase additional property or interests therein.
14 Within one year after the Forever Wild Land Trust acquires any
15 properties pursuant to this Amendment, the Board of Trustees
16 of the Forever Wild Land Trust shall develop management and
17 allowable use guidelines which shall be followed by the
18 Department in the administration and stewardship of that piece
19 of property. The Lands Division of the Department shall, in
20 accordance with such general directions as may be given by the
21 Board of Trustees, coordinate management of properties
22 acquired pursuant to this Amendment and expenditures from the
23 Stewardship Account. All lands will be managed under the
24 multiple-use management principle; to insure that all resource
25 values including recreation, hunting, fishing, boating,
26 hiking, aesthetics, soil, water, forest management and
27 minerals are protected or enhanced. No use will be allowed

1 that is not compatible with the primary purpose for acquiring
2 the land. In coordinating such management within the
3 Department, the Game and Fish Division of the Department shall
4 manage wildlife and fisheries programs; the State Parks
5 Division of the Department shall manage parks programs; the
6 Lands Division of the Department shall manage natural areas
7 programs through its Natural Heritage Program; and the Lands
8 Division of the Department shall manage other activities and
9 programs relating to Forever Wild Land Trust properties. The
10 Forestry Commission shall serve as consultant to the
11 Department for the purpose of managing the forest and forestry
12 resources programs.

13 "Any (b) (1) Except as provided in paragraph (2), any
14 income that may be generated from the property or from any use
15 of said property acquired through the Forever Wild Land Trust
16 shall be treated as interest income of the Alabama Trust Fund
17 and shall accrue to the credit of the general fund of the
18 State of Alabama.

19 "(2) Any income received from carbon credits or
20 other similar forestry carbon offsets generated from the
21 management of Forever Wild forest resources shall be credited
22 to the general fund of the county in which the forestland is
23 located.

24 "(c) The right of the public to hunt and fish on the
25 lands and easements acquired under the provisions of this act
26 shall not be abridged or restricted, subject to such rules,

1 regulations, seasons and limits as are established by the
2 Department of Conservation and Natural Resources."

3 END OF PROPOSED AMENDMENT

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

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

15 "Proposing an amendment to Section 9 of Amendment
16 543 of the Constitution of Alabama of 1901, now appearing as
17 Section 219.07 of the Official Recompilation of the
18 Constitution of Alabama, as amended, to provide that any
19 income received from carbon credits generated from the
20 management of Forever Wild forest resources would be credited
21 to the county general fund in which the Forever Wild land is
22 located.

23 "Proposed by Act _____."

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."