

Changes made to Recompiled Constitution

Sec. 32. Slavery prohibited; involuntary servitude.

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude.

The language, “, otherwise than for the punishment of crime, of which the party shall have been duly convicted” has been deleted.

Sec. 43.02. Administration of county affairs.

(a) Except where otherwise provided for or specifically prohibited by the constitution or by general or local law and subject to the limitations set forth herein, the county commission of each county in this state may exercise those powers necessary to provide for the administration of the affairs of the county through the programs, policies, and procedures described in subsection (b), subject to the limitations set forth in subsection (c).

(b) Subject to the limitations of subsections (a) and (c), each county commission in the state may establish:

(1) Programs, policies, and procedures relating to county personnel, including: Establishment of a county personnel system; the provision of employee benefits; allowing a deputy to be given his or her badge and pistol upon retirement; creating employee incentive programs related to matters such as attendance, performance, and safety; creating incentive programs related to the retirement of county employees; and creating employee recognition and appreciation programs.

(2) Community programs to provide for litter-free roadways and public facilities and public property and subject to any limitations in general law, programs related to control of animals and animal nuisances, provided no programs shall: a. result in the destruction of an animal unless required by the public health laws of the state; or b. relate to or restrict the use of animals for hunting purposes or the use of animals being raised for sale or kept for breeding, food or fiber production purposes, or otherwise used in connection with farming, poultry and egg, dairy, livestock, and other agricultural or farming operations.

(3) Programs related to public transportation and programs to promote and encourage safety when using public roads and rights-of-way, provided the programs do not in any way conflict with general law.

(4) Programs related to county offices, including one-stop tag programs; commissaries for inmates at the county jail; disposal of unclaimed personal property in the custody of the county; management of the county highway department; automation of county activities; and establishment of unit or district systems for the maintenance of county roads and bridges. Programs involving the operation of the office of an elected county official may only be established pursuant to this subdivision with the written consent and cooperation of the elected official charged by law with the responsibility for the administration of

the office.

(5) Emergency assistance programs, including programs related to ambulance service and programs to improve county emergency management services.

(c) Nothing in this amendment may be construed to provide a county commission any authority to levy or assess a tax or fee or to increase the rate of any tax or fee previously established, or to establish any program that would infringe on a citizen's rights with respect to the use of his or her private property or infringe on a right of a business entity with respect to its private property. Except as authorized in subdivision (4) of subsection (b), nothing in this amendment shall authorize the county commission to limit, alter, or otherwise impact the constitutional, statutory, or administrative duties, powers, or responsibilities of any other elected officials or to establish, increase, or decrease any compensation, term of office, or expense allowance for any elected officials of the county.

(d) Any programs, policies, or procedures proposed for adoption by the county commission pursuant to the authority granted under subsection (a) shall only be voted on at a regular meeting of the county commission. Prior to the adoption of the programs, policies, and procedures, the county commission shall provide notice of its intention to consider the matter by announcing at a regular county commission meeting that the matter will be on the agenda at the next regular meeting of the county commission and that any members of the public desiring to be heard on the matter will be granted that opportunity at the meeting where the matter will be considered. Notice of the meeting at which the matter will be considered by the county commission shall be given in compliance with the notice requirements for county commissions provided in the general law. Nothing herein shall authorize a county commission to supersede, amend, or repeal an existing local law.

(e) The provisions of this amendment shall not apply to Jefferson County. (Amendment 909.)

In paragraph (d), [repeal] has been deleted and “repeal” has been restored.

Sec. 111.05. Effectiveness of unfunded mandates for municipalities, etc.

(a) No general law, or state executive order whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, or a city or county board of education shall become effective as to any municipality or county, or an instrumentality thereof, or a city or county board of education until approved by an ordinance enacted, or a resolution adopted, by the governing authority of the affected municipality, county, instrumentality, or board of education or until, and only as long as, the Legislature appropriates funds for the purpose to the affected municipality, county, instrumentality, or board and only to the extent and amount that the funds are provided, or until a law provides for a local source of revenue within the municipality, county, instrumentality, or board for the stated purpose and the affected municipality, county, instrumentality, or board is authorized by ordinance or resolution to levy and collect the revenue and only to the extent and

amount of the revenue.

(b) This amendment shall not apply to:

(1) A local law as defined in Article IV, Section 110, Constitution of Alabama 1901.

(2) An act defining a new crime or amending the definition of an existing crime.

(3) An act, statute, executive order enacted, promulgated, or adopted and effective prior to January 6, 1999, which by its provisions requires expenditures by the county or municipality at any time after that date.

(4) An act enacted, or state executive order promulgated or adopted to comply with a federal mandate, only to the extent of the federal mandate.

(5) An act adopted or enacted by two-thirds of those voting in each house of the Legislature and any rule or regulation adopted to implement that act or adopted pursuant thereto.

(6) An act determined by the Legislative Fiscal Office to have an aggregate insignificant fiscal impact on affected municipalities, counties, instrumentalities, or boards. For purposes of this subsection, the phrase “aggregate insignificant fiscal impact” shall mean any impact less than \$50,000 annually.

(7) An act of general application prescribing the minimum compensation for public officials.

(8) An act, statute, administrative rule, or other provision or portion thereof addressing compensation, benefits, or due process of any employee of a board of education.

(c) For the purposes of this amendment, the phrase board of education shall include the Alabama Institute for Deaf and Blind, the Alabama School of Fine Arts, and the Alabama High School of Mathematics and Science. (Amendment 621; Amendment 890.)

In (8), after “board” [of] has been deleted.

Sec. 137. Duties generally and restrictions on receipt of fees, etc., by attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries; annual reports by state treasurer and state auditor; attorney general may be required to defend suits against state, political subdivisions, officers, etc.

The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall, every year, at a time fixed by the legislature, make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices, if required by the governor or the legislature. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries

prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. The legislature may require the attorney general to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers or employees of any such boards, or against any school official or employee throughout Alabama. (As amended by Amendment 111.)

Between the words “offices” and “if required”, a comma has been restored.

Sec. 176. Limitation on impeachment penalties; accused person liable to indictment and punishment.

The penalties in cases arising under this article [does] not extend beyond removal from office, and disqualifications from holding office, under the authority of this state, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law. (Original § 176 repealed by Amendment 904; current § 176 added by Amendment 904.)

In the first line of the paragraph, [do] has been deleted and [does] has been restored.

Sec. 213.21. Indebtedness by state for forensic sciences laboratories and education facilities.

The State of Alabama is authorized to become indebted for the purpose of providing, equipping and improving facilities in the State for use as forensic laboratories and education facilities for the provision of instruction and research in the field of forensic sciences and in evidence of the indebtedness so incurred to sell and issue bonds, in addition to all other bonds of the State, not exceeding \$17,500,000 in aggregate principal amount. Said bonds shall be direct general obligations of the State and the full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal thereof and the interest thereon. The proceeds from the sale of said bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for payment of the costs of the construction, alteration, improvement, remodeling, renovation, modernization, enlargement and equipment of buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, including the purchase of sites therefor, for use as forensic sciences laboratories and educational facilities for the provision of instruction and research in the field of forensic sciences. None of the proceeds derived from the sale of the bonds may be used to pay rents for the use of real or personal property or to make payments under any lease with option to purchase or similar contractual arrangement. Said bonds shall be issued by the State pursuant to appropriate resolutions adopted by the board of directors of Alabama Forensic Sciences Bond Authority, and the proceeds thereof shall be allocated by said authority for payment of the aforesaid costs in such amounts and manner as shall be authorized by act of the legislature.

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

the bonds being refunded) and in such manner as may be provided by law duly enacted by the legislature.

The aforesaid Authority is hereby vested with the power and authority to provide for the sale and terms of the bonds hereby authorized and the issuance thereof, subject to the approval Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by said Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said Authority in the resolution or resolutions whereunder the bonds hereby authorized are issued. The principal of each series of bonds shall mature on such date in such amounts as shall be specified in the resolution or resolutions of the board of directors of the said Authority under which they are issued, the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. All of the bonds (including refunding bonds) shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said Authority, to the bidder whose bid reflects the lowest true interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said Authority is received all bids may be rejected.

The bonds shall be signed in the name of the State by the Governor and countersigned by the chairman of the said Authority and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any or all of said officers may be reproduced on such bonds in lieu of their manually signing the same.

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

The proceeds from the sale of those bonds hereby authorized (other than refunding bonds), after the payment of all expenses of the sale thereof, shall be set apart in a special fund in the state Treasury to be designated "The Forensic Sciences Facilities Improvement Fund," and such proceeds shall be temporarily invested until needed and disbursed, together with income derived from the investment and reinvestment thereof, on order of the aforesaid Authority solely for the purposes, hereinabove described, for which said bonds are authorized to be issued. Proceeds and said income so disbursed may be combined with monies derived from other sources or otherwise provided by State institutions in accomplishing said purposes in such manner as said Authority shall direct, but the provision or existence of matching funds from the federal government or other entities or persons shall not be a prerequisite to the issuance of any bonds hereunder or to the disbursement of any proceeds thereof or any income earned on such proceeds.

The Alabama Forensic Sciences Bond Authority shall, to the extent possible and practical, utilize businesses and companies in all aspects of the bond and construction portions of this amendment that reflect the racial and ethnic diversity of the state.

No further authorizations from the legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the legislature shall enact appropriate legislation implementing the provisions hereof, including provisions for the issuance of refunding bonds as hereinabove authorized. (Amendment 620.)

In the third paragraph, the words “of the” after “approval” and before “Governor” have been deleted.

Sec. 213.35. Alabama Music Hall of Fame Authority.

I

Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, the Alabama music hall of fame authority (herein- after described) is fully authorized and empowered to sell and issue its interestbearing bonds, which shall be and constitute general obligations of the state, in an aggregate principal amount not exceeding \$2,500,000. The expenses incurred in the sale and issuance of said bonds shall be paid by the authority out of the proceeds derived from the sale thereof. The proceeds of said bonds remaining after payment of said expenses shall be turned over to the state treasurer, shall be carried in a special account of the state treasury to the credit of the authority, and shall be subject to be drawn on solely by the authority for the purposes authorized in this amendment.

As used in this amendment, the following words and phrases shall have the following respective meanings:

“Authority” means the Alabama music hall of fame authority created and established by this amendment.

“Board” means (i) the Alabama music hall of fame board created and established by sections 41-9-680, et seq., of the Code of Alabama 1975, as amended, or (ii) such other agency of the state which performs substantially the same functions as said board and which is declared by the legislature to be a successor thereto or a replacement thereof.

“State” means the state of Alabama.

The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of said bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such bonds issued pursuant to this amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said bonds and the interest and premium (if any) thereon.

The proceeds of said bonds remaining after payment of the expenses of selling and issuing the same, together with the investment income derived from said

proceeds, shall be used for the purpose of providing funds for the acquisition, construction, installation and equipping of buildings and other facilities consisting of any one or more of the following to be located in Colbertcounty, Alabama: (i) a music hall of fame and exhibition facility for the display of busts, statues, plaques, books, papers, pictures, computerized figures, memorabilia, records, films, audio tapes, video tapes, compact disks, recordings, pictures and other exhibits relating to music and musicians, (ii) a library, research and educational center for the collection and documentation of music and for music education and enrichment programs, (iii) an audio visual auditorium/theatre, (iv) a recording studio, or (v) other facilities necessary or useful in connection with the use of any of the aforesaid facilities, including the acquisition of sites and equipment for any of the aforesaid facilities. Said proceeds may also be used to pay any costs and expenses incidental to the aforesaid purposes for which the bonds are authorized, which may include but shall not be limited to interest on such bonds prior to and during construction of the aforesaid facilities to be constructed with said proceeds and for not exceeding one year after completion of construction. The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine which of the aforesaid facilities shall be acquired, constructed, installed or equipped by the authority using the aforesaid proceeds. The plans and specifications for any building or other facility acquired, constructed, installed or equipped with proceeds of said bonds shall be approved solely by the authority.

The authority is also authorized and empowered to sell and issue one or more series of its bonds, which shall be and constitute general obligations of the state, to refund all or any of the bonds authorized by this amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by resolution duly adopted by the authority. The authority is also hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of such refunding bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such refunding bonds issued pursuant to this amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said refunding bonds and the interest and premium (if any) thereon.

All of said bonds issued by the authority (including refunding bonds) may be sold only at public sale, with competitive bidding, to such person or persons, at such price or prices and upon such terms as the authority shall determine to be in the best interest of the authority and the state. Neither a public hearing nor consent of the state (including any officer, official, department or other agency of the state) shall be a prerequisite to issuance of any bonds by the authority.

Nothing in this amendment or in any other provision of the Constitution of Alabama of 1901, as amended, shall prevent the authority from selling and issuing one or more additional series of its bonds which shall be solely revenue obligations of the authority and which shall not create general obligations or debts of the state.

II

There is hereby created and established a state agency to be known as the Alabama music hall of fame authority which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of the afore- said facilities.

The members of the board, and their respective successors as members thereof shall constitute ex officio all the members of the authority. The chairman, vice chairman, secretary and treasurer of the board shall constitute ex officio the chairman, vice chairman, secretary and treasurer respectively of the authority. The authority, at its option, may appoint an assistant secretary who need not be a member of the authority. The members of the authority shall constitute the governing body of the authority. The presence of any four members of the authority shall constitute a quorum for the transaction of business. No vacancy in the membership of the authority or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the authority to act. Should any member of the authority cease to be a member or officer of the board by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor as a member or officer of the board shall take his place as a member or officer, as the case may be, of the authority.

The authority may adopt such rules, regulations and bylaws as it may determine to be necessary or desirable for the conduct of its duties, powers or functions. The authority is authorized and empowered to use the moneys, services, facilities and employees of the board in carrying out its functions or in furthering the objects or purposes of this amendment. Reasonable compensation and expense allowances for members or officers of the authority may from time to time be altered or provided for by legislative act. No member, officer or employee of the authority or the board shall be personally liable for any debt, obligation or liability of the authority, the board or the state.

III

The authority shall be authorized:

- a. To investigate and select an available site for its operations and housing the exhibits, including the surrounding grounds, in cooperation with the community, taking into consideration all pertinent factors affecting the suitability of such site;
- b. To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge any available facility, including providing it with necessary equipment, furnishings, land-scaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;
- c. To enter into such contracts and cooperative agreements with the local, state and federal governments, with agencies of such governments, including the Tennessee valley authority, with private individuals, corporations, associations and other organizations as it may deem necessary or convenient to carry out the purposes of this amendment, such contracts and agreements to include leases to private industry;

- d. To borrow money from private sources or such other source as may be acceptable to the authority under such terms and conditions as may be provided by resolution duly adopted by the authority and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may, from time to time, be necessary or desirable;
 - e. To issue and sell at any time, and from time to time, its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain any facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable out of the revenues derived from such facility and as otherwise herein provided;
 - f. To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the authority from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;
 - g. To accept public or private gifts, grants and donations;
 - h. To acquire property by purchase, lease, gift or license;
 - i. To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this amendment, or to transfer funds from the board to the authority or from the authority to the board;
 - j. To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;
 - k. To perform such other acts necessary or incidental to the accomplishment of the purposes of this amendment, whether or not specifically authorized in this amendment, and not otherwise prohibited by law.

IV

In view of the unique character and complexity of the duties and responsibilities imposed on the authority by this amendment, it is hereby specifically provided that the authority shall have, in addition to the power and the authority enumerated in part III of this amendment, the right, power and authority to:

- a. Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this amendment, said program of promotion and advertising to be conducted by the authority both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by it;
 - b. Purchase and acquire items of tangible or intangible personal property;
 - c. Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the authority, any such lease agreement to be

designated so as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the authority.

V

The authority and the board, the property and the income of the authority and the board, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority or the board, and leases, mortgages and deeds of trust or trust indentures by or to the authority or the board shall be exempt from all taxation in the state of Alabama. The authority and the board shall be exempt from all taxes levied by any county, incorporated city or town, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the authority or the board may engage. The authority and the board shall not be obligated to pay or allow any fee, taxes or costs to the judge of probate of any county of the state in respect of the recording of any document.

The authority and the board are arms of the state, existing to carry forth important functions of the state government, and as such they constitute part of the state for purposes of Article I, Section 14 of the Constitution of 1901, as amended, and the members and officers of the authority and the board are state officers for purposes of said Section 14 of the Constitution whose duties and functions are discretionary in nature. No proceeding, notice or approval shall be required for the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the authority.

VI

Any bonds of the authority may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the authority in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said board under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of such series and the last of which installments shall mature not later than 30 years after the date of the bonds of the same series. The bonds shall be signed in the name of the authority by its chairman and the great seal of the state of Alabama, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of the authority; provided that facsimile signatures of said officers may be reproduced on such bonds in lieu of their manually signing the same.

The provisions of this amendment shall be self-executing and no further authorization from the legislature shall be a prerequisite to the validity of any bonds issued hereunder, although the legislature may enact appropriate

implementing laws, whether before or after the effective date of this amendment, which are not in conflict herewith. Act No. 87-613, Acts of Alabama 1987, is such an implementing law and shall become effective upon the ratification of this amendment by the qualified electors of this state.

VII

The state is authorized to pay from any of its revenues of whatsoever nature and make available to the authority at any time and from time to time such sums as the authority determines are necessary for the prompt and faithful payment of the principal, the interest and premium (if any) on the bonds of the authority in the event the authority determines that appropriations by the legislature and other revenues of the authority (including bond proceeds) remaining after the payment of operating and other expenses are insufficient for the payment of said principal, interest and premium.

VIII

The provisions of this amendment shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the authority and the board and for the management and control of displays by such means as may be determined to be feasible and agreed upon by the authority and the board. (Amendment 489.)

In paragraph VII, [the] has been deleted and in its place “e” has been restored.

Sec. 213.38. Road bond issue amendment.

Section 1. The state is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in the state of Alabama. To this end, and for this purpose, the state is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable state bonds, in an amount not to exceed the sum of twenty-five million dollars (\$25,000,000.00) to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold under this provision to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The state highway commission or highway department shall locate, construct, and maintain highways and state trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route, or by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the state line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held; the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-

quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the state highway commission in each county in the state. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this state. Such bonds when issued shall be a direct obligation of the state, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the state is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind. (Amendment 11.)

The phrase “Section 1” were restored at the beginning of the first paragraph.

Sec. 215.03. Special county tax for public hospital purposes.

This amendment shall apply in all counties except Mobile and Jefferson counties. The term “public hospital purposes” as used in this amendment shall be construed to include the acquisition by purchase, lease, or otherwise, and the construction, equipment, operation, and maintenance of public hospital facilities. The term “public hospital facilities” as used in this amendment shall be construed to include public hospitals, public clinics, public health centers, nurses’ homes and training facilities, and related public health facilities of any kind.

If a majority of the qualified electors of any county in the state, except Mobile and Jefferson counties, who participate in an election held therein pursuant to the provisions of any amendment to the Constitution heretofore adopted shall vote at such election in favor of the levy and collection of a special county tax, within the limitations provided in such amendment, for any one or more of the purposes included within the meaning of the term public hospital purposes, the proceeds derived from the tax authorized at such election may be applied for any one or more of the purposes for which said tax may be so voted. Whenever the tax shall be voted the governing body of the county may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall be voted by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of not exceeding 75% of the annual proceeds from said tax received by the county.

The governing body of each county in which the said tax may be voted shall have the further power to designate as the agency of the county to acquire, construct, equip, operate and maintain public hospital facilities any public corporation heretofore or hereafter organized for hospital purposes in the county under any general law heretofore or hereafter enacted by the legislature. When a public corporation shall be so designated, the proceeds of said tax thereafter collected shall be paid over to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payment of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more

of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said public corporation, and may pledge for the payment of the principal thereof and interest thereon not exceeding 75% of the annual proceeds from said tax so paid to it.

Each county in which the tax shall be voted, and in the event a public corporation shall have been designated as the agency of such county pursuant to the provisions hereof then said public corporation, shall have the power to contract with any other county or similar public corporation with respect to the acquisition by purchase, lease, or otherwise, and the construction, equipment, operation, and maintenance of public hospital facilities outside of the county and within any zone or region of which the county may be a part, and which may have heretofore been established or may hereafter be established for public hospital purposes by the legislature or by any agency designated by it, the obligations of such contract to be payable solely out of the proceeds of said tax; provided, that the proceeds of said tax shall not be used outside of the county for any purpose for which the proceeds could not be used in the county, and shall not be used with respect to public hospital facilities located outside of the county if the tax is voted specifically for public hospital facilities located in the county.

No securities issued or contracts made by a county under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of the county or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

In each instance in which a special county tax for any one or more of the purposes included within the meaning of the term "public hospital purposes" has heretofore been authorized at an election held in a county pursuant to the provisions of any amendment to the Constitution heretofore adopted, all provisions of this amendment shall be applicable in said county to the same extent as if said election had been held after the adoption of this amendment.

This amendment shall be self-executing. (Amendment 76.)

In the first paragraph, after "include" and before "public" a comma was deleted.

Sec. 219.07. Acquisition, maintenance and protection of unique lands and water areas.

Section 1. Declaration of Purpose.

The Legislature of Alabama finds that Alabama is endowed with a rich diversity of natural areas having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational values and scenic beauty. As a part of the continuing growth of the population and the economic

development of the state, it is necessary and desirable that certain lands and waters be set aside, managed and preserved for use as state parks, nature preserves, recreation areas, and wildlife management areas. In order to meet the State's outdoor recreation needs and to protect the natural heritage of Alabama for the benefit of present and future generations, it is the policy of the state to:

(a) Protect, manage, and enhance certain lands and waters of Alabama with full recognition that this generation is a trustee of the environment for succeeding generations;

(b) Protect, to the fullest extent practicable, recreational lands and areas of unique ecological, biological and geological importance; and

(c) Promote a proper balance among population growth, economic development, environmental protection, and ecological diversity. Accordingly, there is hereby established the Alabama Forever Wild Land Trust for the purpose of identifying, acquiring, managing, protecting and preserving natural lands and waters that are of environmental or recreational importance.

Section 2. Definitions.

(1) "Alabama Trust Fund" means the irrevocable, permanent trust fund created by Amendment 450 to the Alabama Constitution of 1901 [§219.02].

(2) "Alabama Trust Fund Board" means the board of trustees of the Alabama Trust Fund as established by Amendment 450 to the Alabama Constitution of 1901 [§219.02].

(3) "Appraised Value" means that price estimated in terms of money at which the property would change hands between a willing and financially able buyer and a willing seller, neither being under any compulsion to buy or sell.

(4) "Board" means the Board of Trustees of the Alabama Forever Wild Land Trust, as established by Section 4 of this Amendment.

(5) "Commissioner" means the Commissioner of the Alabama Department of Conservation and Natural Resources or any other officer of the state who, by law, shall succeed to his responsibilities.

(6) "Conservation Easement" means a right, whether or not stated in the form of restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of land providing for the retention of properties predominantly in their natural, scenic, open or wooded condition, or as suitable habitat for fish and wildlife, or as recreational lands.

(7) "Dedication" means the transfer to the state of an estate, interest, or right in a natural area to fulfill the purposes of this Amendment.

(8) "Department" means the Alabama Department of Conservation and Natural Resources or any other department or agency of the state that, by law, shall succeed to its functions and responsibilities.

(9) "Final Approval Committee" means a Committee, as established by Section 6 of this Amendment, to be composed of the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

(10) "Forever Wild Land Trust" means the Alabama Forever Wild Land Trust

created by this Amendment.

(11) “Instrument of Dedication” means any written document by which an estate, interest, or right in a natural area is formally dedicated as a natural area preserve.

(12) “Land” or “lands” means real property and any interests therein, including, but not limited to, fee simple titles, ownership interests less than fee simple, leases, easements, licenses, restrictions and use agreements. Such property and interests therein shall also include wetlands, estuarine areas and submerged lands and the waters thereon.

(13) “Natural Area” means any property, whether publicly or privately owned, (a) that retains or has generally reestablished its natural character, though it need not be completely natural and undisturbed, or (b) which is important in preserving rare or vanishing flora and fauna, native ecological systems, fish and wildlife habitats, geological, natural, scenic or similar features of scientific, recreational, or educational value benefitting the citizens of the state.

(14) “Natural Area Preserve” means a natural area that has been dedicated pursuant to Section 12 of this Amendment.

(15) “State” means the State of Alabama.

(16) “Stewardship” means the maintenance, protection, operation, enhancement, and management of lands acquired for the Forever Wild Land Trust.

(17) “Trustee” means a member of the Board of Trustees of the Forever Wild Land Trust.

(18) “Trust income” means the net income received by the state from the investment and reinvestment of all assets of the Alabama Trust Fund, determined in accordance with the provisions of Amendment Number 450 of the Constitution of Alabama of 1901 [§ 219.02].

(19) In dividing the State into geographical regions:

(a) “Central District” means the following counties of the state: Autauga, Bibb, Chambers, Chilton, Clay, Coosa, Elmore, Greene, Hale, Jefferson, Lee, Perry, Pickens, Randolph, Shelby, Sumter, Talladega, Tallapoosa, and Tuscaloosa.

(b) “Northern District” means those counties in the geographical region of the state north of the Central District, as defined above.

(c) “Southern District” means those counties in the geographical region of the state south of the Central District, as defined above.

(20) “Person” means any individual, firm, corporation, trust, partnership, or association.

Section 3. Establishment of Forever Wild Land Trust, Lead Management Agency, and Categories of Lands to be Acquired.

(a) For the purposes set forth in this Amendment, there is hereby established the Alabama Forever Wild Land Trust, which shall be a permanent trust to be

funded and administered in accordance with the provisions of this Amendment. Title to all properties acquired for the Forever Wild Land Trust shall be vested in the Alabama Trust Fund for the State of Alabama. The Department shall serve as the lead management agency with respect to all lands acquired and shall have the responsibility of providing to the Board administrative support as necessary.

(b) In order to protect the natural heritage and diversity of Alabama for future generations, the state, acting through the Forever Wild Land Trust, will acquire lands, the title of which shall be held in the Alabama Trust Fund, to ensure their protection and use for conservational, educational, recreational or aesthetic purposes. These lands may include, but shall not be limited to, the following: Wetlands, river corridors, lakes and streams, and the banks and shores thereof, springs, riverine, montane, plain, coastal, and other kinds of terrain, geological systems, areas supporting threatened or endangered species, sensitive and ecologically important lands, unusual habitat types, forests and woodlands, fish and wildlife habitats, wilderness areas, unusual assemblages of wildflowers, natural lands, waters or wetlands that will provide public hunting and fishing, lands having other distinctive natural or recreational characteristics, and lands that will constitute suitable additions to the state's system of parks and fish and wildlife management areas.

(c) Property purchased with Forever Wild Land Trust moneys or which become part of the trust property through dedication or by some other means shall be subject to the condemnation of easements, rights-of-way and other necessary rights and estates in property by or on behalf of corporations that construct, own or operate railroads, pipelines for the transportation of oil, gas, fuel or water, hydroelectric or other electric generating facilities and electric lines, telephone transmission lines and other communication facilities, or any other public utility or method of transportation which serves, or is intended to serve, the public convenience and necessity to the same extent and under the same conditions that such lands, if owned by private persons, would be subject to condemnation by such corporations under federal or state law now in effect or hereafter enacted. No use of any such lands as determined by the Board shall constitute a use thereof for public purposes that will require proof of actual necessity by any corporation seeking to condemn such lands.

(d) Notwithstanding any other provision of this Amendment, no property shall be acquired for the Alabama Trust Fund or with moneys from the Forever Wild Land Trust through condemnation or the use of eminent domain.

(e) No funds or assets of the Forever Wild Land Trust derived from any source shall be expended or used to construct or improve buildings, structures or facilities used for human lodging, feeding or entertainment, including, without limitation thereto, hotels and other lodging facilities, restaurants, convention centers and meeting halls, golf courses, dancing or meeting pavilions, tennis courts, recreational dams, exhibition halls, and similar facilities that have a principal purpose not related to the stewardship of properties of the Forever Wild Land Trust, the title of which is held in the Alabama Trust Fund, in their natural state; provided, however, that nothing herein contained shall be construed to prohibit the expenditure of funds allocated to the Stewardship Account for the construction

and maintenance of roads, bridges, culverts, drainage facilities, hiking trails, boat launching ramps and other improvements located on Trust Lands to provide reasonable public access thereto, for the construction and maintenance of visitors' centers and facilities, interpretive displays and other facilities for the guidance and education of visitors, for the construction and maintenance of facilities and the acquisition of equipment necessary or appropriate in connection with the performance of stewardship responsibilities (including housing for custodial personnel), or for any other purpose reasonably related to the stewardship responsibilities of the Board.

Section 4. Establishment of Board of Trustees of the Alabama Forever Wild Land Trust.

(a) There is hereby established the Board of Trustees of the Alabama Forever Wild Land Trust, which shall consist of fifteen voting members as follows:

(1) One member shall be the Commissioner of the Department who shall also serve as Chairman of the Board.

(2) One member shall be the State Forester.

(3) Three members which shall be appointed by the Alabama Commission on Higher Education from Departments of Biology, Zoology, Environmental Sciences and Wildlife Science from eligible four-year institutions of higher education in Alabama. An eligible institution shall consist of a public or private four-year college or university, offering a degree in biology or one of its divisions, and having an enrollment of at least 1500 undergraduate students. There shall be one professional biologist appointed to the Board from eligible institutions in the Northern District of the state, one from such institutions in the Central District of the state, and one from such institutions in the Southern District of the state, as said districts are defined in Section 2 hereof. Each eligible institution in the appropriate geographical region shall be entitled to submit one nomination to the Alabama Commission on Higher Education for the professional biologist trustee from that region on the Board.

(4) One member shall be the Executive Director of the Marine Environmental Sciences Consortium.

(5) There shall be three members from each of the three geographical regions of the state as defined in Section 2 of this Amendment, as follows. Provided, however, at least one appointee by the Governor, at least one appointee by the Lieutenant Governor and at least one appointee by the Speaker of the House of Representatives shall be black. If none of the recommending groups recommend a black to the appointing authority, said appointing authority shall appoint a black on his or her own initiative.

(A) One member from the Northern District shall be appointed by the Governor from a list of names presented by Group A and shall serve an initial term of six years. One member from the Northern District shall be appointed by the Lieutenant Governor from a list of names presented by Group B and shall serve an initial term of four years. One member from the Northern District shall be appointed by the Speaker of the House of Representatives

from a list of names presented by Group C and shall serve an initial term of two years.

(B) One member from the Central District shall be appointed by the Lieutenant Governor from a list of names presented by Group C and shall serve an initial term of six years. One member from the Central District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group A and shall serve an initial term of four years. One member from the Central District shall be appointed by the Governor from a list of names presented by Group B and shall serve an initial term of two years.

(C) One member from the Southern District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group B and shall serve an initial term of six years. One member from the Southern District shall be appointed by the Governor from a list of names presented by Group C and shall serve an initial term of four years. One member from the Southern District shall be appointed by the Lieutenant Governor from a list of names presented by Group A and shall serve an initial term of two years.

(D) Any successor appointments and appointments to vacancies shall be made in the same manner as described in subparagraphs (A), (B) and (C) above, and members appointed after the initial term of that office has expired shall serve for six-year terms, except that no member shall serve consecutive six-year terms.

(E) It is the intent of this Amendment that the eastern and western areas of the three geographical regions of the state shall be represented on the Board of Trustees.

(6) Each person appointed to the Board shall be and remain an Alabama resident and shall have a demonstrated knowledge of and commitment to land acquisition for the purposes of conservation and recreation. Organizations making recommendations to the appointing officials shall be Alabama organizations or the Alabama chapter of national organizations in order to ensure that the decisions affecting Alabama's future are made by Alabama residents.

The recommending groups are composed as follows:

(A) "Group A" shall consist of non-profit organizations, each having its principal programs extending generally throughout the State, whose demonstrated primary concerns are environmental protection for the state and its citizens and non-consumptive use and preservation of natural areas, and whose membership exceeds 750 individual residents of Alabama, including, but not limited to, The Nature Conservancy of Alabama, the Alabama Audubon Council (comprising the chapters in Alabama of the National Audubon Society), The Alabama Conservancy, the Alabama Chapter of the Sierra Club, and their respective successor organizations.

(B) "Group B" shall consist of business, industry, trade associations and professional organizations, each having its principal programs extending generally throughout the state, and having a demonstrated concern for

balancing economic growth with protection for the environment and increased recreational opportunities, including, but not limited to, the Business Council of Alabama, the Alabama Forestry Association, Alabama Forest Resources Center, the Alabama Farmers Federation, the Petroleum Council of Alabama, the Association of County Commissions of Alabama, and their respective successor organizations.

(C) “Group C” shall consist of non-profit organizations, each having its principal programs extending generally throughout the state, whose demonstrated primary purposes are to promote hunting, fishing, camping or other compatible recreational activities or conservation for such purposes, and whose membership exceeds 750 individual residents of Alabama, including, but not limited to, the Alabama Wildlife Federation, the Alabama State Advisory Council of Ducks Unlimited, Bowhunters of Alabama Inc., the Coastal Land Trust, Inc., the Gulf Coast Conservation Association, the Tennessee Valley Waterfowl Association, the Alabama Rifle and Pistol Association, the Alabama Chapter of the Safari Club International (whether or not those named organizations meet the membership requirement), and their respective successor organizations.

(D) In order to qualify as a recommending organization, each organization not specifically listed in this section must file with the Secretary of State and with the named organizations within the same “group”, by January 1 preceding the date of expiration of term of office of Trustees hereunder, a written statement of intent to nominate persons to serve on the Board. This statement must include a request for designation of the “group” within which the organization plans to nominate Trustees and information demonstrating that the organization qualifies to make such nominations. It shall also include a copy of the organization’s charter, stating its purpose. Should the Secretary of State or any of the named organizations within the same group oppose in writing the eligibility of the new organization to nominate members of the Board or the designation of the “group” within which it proposes to nominate members, then the Secretary of State shall determine the eligibility of the applying organization to submit nominations for membership on the Board and, if determined eligible, the “group” within which it shall submit nominations. In making this decision, the Secretary of State shall give due consideration to the views submitted to him by the organizations in the “group” within which the new organization proposes to submit nominations. An organization, together with its affiliates, cannot recommend names to the appointing officials as a member of more than one “group”.

Each organization submitting nominations may submit, to the appropriate appointing official for that position on the Board, the names of not more than two of its members who have the qualifications to serve in the position for which they are being nominated. In the event that no organization within a group recommends names to the appointing official, then that official may appoint a Trustee from that group solely of his own choice.

(E) Terms of office of the initial Trustees shall begin on the January 1 following ratification of this Amendment, or on the first day of the third

month following said ratification, whichever shall first occur. Terms of office of successor Trustees shall begin and end on anniversaries of that date. In the case of the initial appointments of Trustees, nominations shall be made to the appropriate appointing officials not later than one month after ratification of this Amendment, and appointments by said officials shall be made by the date of beginning of the initial Trustees' terms of office. Nominations of successor Trustees shall be made to the appropriate appointing officials not later than two months prior to the expiration of the Trustees' terms of office, and said officials shall appoint new Trustees within 30 calendar days after the expiration of said terms. In the event a Trustee resigns or dies, or otherwise vacates his office, the Commissioner or the Secretary of State shall promptly notify the appropriate nominating organizations and shall publish notice of such vacancy once a week for three successive weeks in three newspapers of regional circulation in this state with a request for new nominations from any group that may qualify to do so under the provisions of this Amendment. Nominations for a replacement Trustee shall be made to the appointing official during the 30 calendar days following such death, resignation or other vacation of office, and the appointing official shall appoint a replacement Trustee not later than the end of the next succeeding 30 calendar days thereafter. In the event the appropriate appointing official fails to make an initial appointment or an appointment within said 30-day periods for appointment after expiration of term of office or after death, resignation or other vacation of office, the right to make an appointment to fill that vacancy shall fall to the next appointing official in line of rotation of the Governor to the Lieutenant Governor to the Speaker of the House (with the Governor then to follow the Speaker); and, if that successor appointing official fails to make such appointment within 30 days, then the right to make the appointment shall fall to the next succeeding appointing official, all to the end that there will, as nearly as possible, always be a full complement of Trustees on the Board. Trustees appointed to fill a vacancy other than by reason of expiration of term of office shall serve the remainder of the unexpired term of the Trustee being replaced.

Section 5. Rights, Powers, and Duties of the Board.

(a) The Board is to meet at least quarterly each year for the transaction of its business and to review the progress of the Forever Wild Land Trust. It shall review written requests from state agencies, private organizations, and private citizens proposing that certain properties or interests therein be acquired. For purposes of establishing a quorum, there must be present at least three-fifths ($\frac{3}{5}$) of the members of the Board then in office at any Board meeting in order to conduct business; provided, however, that in absence of a quorum, the members present, by majority vote, may adjourn the meeting from time to time until a quorum shall attend. Any Board action or recommendation must be approved by at least three-fifths ($\frac{3}{5}$) of the members of the entire Board then in office, unless specified otherwise in this Amendment. Using its own knowledge and expertise, as well as the knowledge and expertise of the scientific community and state and federal

agencies, the Board shall adopt a priority list of properties to be considered for acquisition. Recognizing that real estate transactions must involve willing sellers and may involve complicated procedures that could affect the availability of property, the Department shall, to the extent practicable, follow the directions of the Board in acquiring lands or waters. Provided, however, the Forever Wild Land Trust may only purchase or acquire an interest in property from the priority list of properties adopted by the Board.

(b) In addition to the site-specific management and allowable use guidelines referred to in Section 9, the Board may recommend to the Department rules, regulations and management criteria, which the Board feels would be beneficial to carrying out the goals and purposes of this Amendment.

(c) The Board shall assist the Department in developing and maintaining an inventory of areas and sites which through acquisition become state natural and/or recreational areas and shall make public as desirable information regarding their location, management, regulation, and permissible public uses.

(d) The Board shall prepare and submit to the Governor and the state Legislature, on or before February 1 of each year, a report which shall describe and account for all expenditures and acquisitions by the Forever Wild Land Trust for the preceding fiscal year, as well as plans for the current fiscal year. The Board shall present this annual report to the public at a public meeting to be held within ten days after February 1 of each year. The public meeting shall be an informal process to present information on the Forever Wild Land Trust to the public and give the public an opportunity to have a dialogue with the Board regarding its future plans and operations.

(e) Before purchasing or acquiring any interest in lands with moneys from the Forever Wild Land Trust, the Board, acting through the Commissioner, or the Commissioner on his own initiative, shall obtain at least two appraisals from certified real estate appraisers. In no event shall the Board expend more than the "appraised value", as defined in Section 2 of this Amendment, in purchasing such lands; provided, however, that by affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of the Board, the Board may expend up to 125 percent of the appraised value for such purchase where such action is necessary to accomplish the purposes and goals of this Amendment.

(f) The Board may assume indebtedness on behalf of the Forever Wild Land Trust that may be owed with respect to real or personal property given, donated, contributed or devised to the Forever Wild Land Trust, or that may be secured by a mortgage, deed of trust or security interest covering such property, and to agree to pay such indebtedness from current assets or future revenues of the Forever Wild Land Trust; provided that the present value of all installments of principal and of interest on such indebtedness at the time of the assumption thereof, determined in accordance with accepted principles and using a discount rate equal to the rate of interest payable on such indebtedness, shall be less than 80% of the fair market value of such property as determined by an active public market for such property or an appraisal performed by an independent, professionally

qualified appraiser.

(g) The Board may contract for the purchase of tracts or parcels of land in which the purchase price shall be payable in future installments, together with such rate of interest on the unpaid balance of such purchase price as the Board shall determine to be reasonable, and to secure the payment of such installments, together with the interest thereon, by purchase money mortgages on the land so acquired and by a pledge of future revenues committed to the Forever Wild Land Trust, including, without limitation thereto, any portion of the trust income allocated to said trust by Section 7 of this Amendment; provided that such installments shall in no event exceed 80% of the fair market value of such property determined as set forth in the preceding subsection and provided further that the total cumulative indebtedness assumed each year under the preceding sub-section (f) together with the total cumulative indebtedness incurred each year by purchase money mortgages as provided in this sub-section (g) shall be limited to no more than 25% of the trust income allocated to said trust for the preceding year.

(h) The Board may enter into contracts with any person, nonprofit organization, corporation, governmental entity or other entity concerning tracts or parcels of land that constitute desirable acquisitions for the Forever Wild Land Trust pursuant to which such person, nonprofit organization, corporation, governmental entity or other entity will agree to acquire and hold such land, or to hold such land if theretofore acquired by such person, nonprofit organization, corporation, governmental entity or other entity and to sell or donate such land to the Forever Wild Land Trust at some future date, in the interim preserving and managing such land in its natural state subject to such conditions, including the reimbursement of expenses, as the Board shall deem advantageous for the ultimate acquisition and preservation of such land.

(i) The Board may sell, lease or exchange specific properties or interests therein acquired or held by the Alabama Trust Fund for the Forever Wild Land Trust. Any such sale or exchange shall be made at not less than the "appraised value", as defined in Section 2 of this Amendment; provided, however, that by affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of the Board, the Board may authorize and direct the Commissioner to sell or exchange property of said trust for not less than 85 percent of the appraised value where such action is necessary to accomplish the purposes and goals of the Amendment. All moneys received from any such sale or lease shall be paid into the Forever Wild Land Trust.

(j) The Board shall establish a technical advisory committee, consisting of the State Forester, the President of the Alabama Chapter of the Wildlife Society, the State Geologist, and any other person whom the Board may desire to appoint, for the purpose of obtaining advice and assistance in performing the Board's functions and duties under this Amendment.

(k) In addition, the Board is authorized at its discretion:

(1) to establish procedures relating to the confidentiality of information where necessary to accomplish the purposes and goals of this Amendment; to cooperate or contract with any federal, state or local government agency, private organization, or individual to accomplish any of the purposes and goals of this

Amendment, paying any reasonable fees or expenses in connection with such cooperation or contracts from moneys held under or within the Forever Wild Land Trust;

(2) to recommend that moneys paid into the Forever Wild Land Trust be allowed to accumulate, with only the income thereon being spent, or that the corpus or principal of the Forever Wild Land Trust be expended in whole or in part;

(3) to do any and all things necessary to take advantage of federal, state, or local government or private funds donated or obtainable through the use of the Forever Wild Land Trust; and

(4) to adopt, alter and repeal bylaws, regulations and rules in accordance with the provisions of the Administrative Procedure Act for the regulation and conduct of its affairs and business in accordance with the provisions of the Alabama Administrative Procedures Act.

(l) Members of the Board and the technical advisory committee shall be entitled to receive the per diem allowance and travel expenses provided by law to state employees. These expense payments shall be for the sole purpose of travel to and from their places of residence to meetings and for travel involving official business of the Forever Wild Land Trust. Those members who are state officials or employees shall serve without compensation or expense allowances other than that to which they are otherwise entitled in the positions they hold.

(m) The Commissioner and the Department are hereby specifically authorized and empowered to carry out all directions and recommendations of the Board made hereunder to accomplish the purposes of the Forever Wild Land Trust and this Amendment.

Section 6. Final Approval Committee.

There is hereby established a Final Approval Committee to be composed of the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

Before purchasing or leasing any property, or acquiring any interest therein, with any funds from the Forever Wild Land Trust or selling any properties previously purchased from the Forever Wild Land Trust, the Board shall submit to the Final Approval Committee a written proposal of the purchase, lease, sale or acquisition of any other interest in property. Said proposal shall include a legal description of the property to be purchased, leased or sold; the proposed purchase, lease or sale price; and any additional terms of the sale, purchase, lease or other interest therein. The Final Approval Committee shall approve or disapprove the proposal by a majority vote of the full membership of said Committee within 30 days after the date of submission of the proposal. Failure of the Committee to act within 30 days of submission shall constitute approval of said proposal.

Section 7. Source of Funds.

(a) Beginning with the state's 1992-1993 fiscal year, there shall be allocated and paid into the Forever Wild Land Trust the percentage of trust income earned from the Alabama Trust Fund that would have been reinvested in the Alabama

Trust Fund under Section 4(c) of §219.02. Notwithstanding Section 4(c) of §219.02, the percentage of trust income earned from the Alabama Trust Fund shall be allocated to the Forever Wild Land Trust as follows:

(1) For the 1992–1993 fiscal year, four percent (4%) of the trust income earned from the Alabama Trust Fund.

(2) For the 1993–1994 fiscal year, five percent (5%) of the trust income earned from the Alabama Trust Fund.

(3) For the 1994–1995 fiscal year, six percent (6%) of the trust income earned from the Alabama Trust Fund.

(4) For the 1995–1996 fiscal year, seven percent (7%) of the trust income earned from the Alabama Trust Fund.

(5) For the 1996–1997 fiscal year, eight percent (8%) of the trust income earned from the Alabama Trust Fund.

(6) For the 1997–1998 fiscal year, nine percent (9%) of the trust income earned from the Alabama Trust Fund.

(7) Thereafter, ten percent (10%) of the trust income earned from the Alabama Trust Fund; provided, however, that in no event shall such trust income paid to the Forever Wild Land Trust exceed \$15 million in any one fiscal year.

(b) The Alabama Trust Fund Board shall provide the Board of Trustees of the Forever Wild Land Trust with advice and assistance in the investment of funds in the Forever Wild Land Trust.

(c) Title to the property acquired from funds in the Forever Wild Land Trust shall be held in the Alabama Trust Fund for the State of Alabama. Provided, however, the Alabama Trust Fund Board shall not have any responsibility for nor any control over the approving or disapproving of the acquisition, disposition or use of any such property. Nothing in this Section or §219.02 shall be construed so as to require the Alabama Trust Fund Board to have a fiduciary responsibility for the investment of Forever Wild Land Trust funds or the production of income from property acquired by the Board of Trustees of the Forever Wild Land Trust.

(d) The amounts allocated to the Forever Wild Land Trust shall be included in determining whether the trust income received by the state from the Alabama Trust Fund equals or exceeds \$60,000,000 for the purposes of the County Government Capital Improvement Act (codified at Sections 11–29–1 through 11–29–7 of the Code of Alabama, 1975, as amended) and the Municipal Government Capital Improvement Act (codified at Sections 11–66–1 through 11–66–7 of the Code of Alabama, 1975, as amended). In no event shall any provision hereof serve to decrease the amount of income from the Alabama Trust Fund which is to be appropriated to the Municipal Government Capital Improvement Fund and the County Government Capital Improvement Fund under the above-referenced acts.

Section 8. Donations of Property.

Any person making a donation of any property or any interest therein, to the state for the purposes of this Amendment, shall receive, irrespective of any other provisions of the income tax laws of the state, twice the ordinary deduction for

state income tax purposes for the taxable year in which the property or interest is donated. Provided, however, the value of any such property or interest therein, subject to this double deduction, shall be limited to the actual value of the property, or any interest therein, donated to the state which shall not include any indebtedness, encumbrances or liens assumed by the Forever Wild Land Trust or the value of any interests or rights retained by the donor.

For the purposes of this section, the “actual value” of property shall be the appraised value for ad valorem taxation purposes, averaged over the preceding five years.

Section 9. Stewardship Account.

The Alabama Trust Fund Board shall establish a separate account within the Alabama Trust Fund to be known as the Forever Wild Land Trust Stewardship Account. When the Forever Wild Land Trust acquires property or an interest in property pursuant to this Amendment, the Board of Trustees of the Forever Wild Land Trust shall set aside an amount from the Forever Wild Land Trust equal to fifteen percent (15%) of the appraised value of the land acquired, or the land affected if less than a fee interest was acquired. The Alabama Trust Fund Board shall provide for the investment of the Stewardship Account. The Board of Trustees of the Alabama Forever Wild Land Trust may authorize the Department to expend any interest income generated from the investment of funds within the Stewardship Account by the Alabama Trust Fund Board. Provided, however, the Commissioner shall notify the Board of Trustees in writing if he determines that the interest income projected to be generated from the Forever Wild Land Trust Stewardship Account for the next fiscal year will be insufficient to properly manage property acquired by the Forever Wild Land Trust. The Board may authorize by a three-fifths ($\frac{3}{5}$) vote that funds within the corpus of the Forever Wild Land Trust Stewardship Account be expended by the Department for management purposes for the next fiscal year, provided that funds from the Stewardship Account may not be expended to purchase additional property or interests therein. Within one year after the Forever Wild Land Trust acquires any properties pursuant to this Amendment, the Board of Trustees of the Forever Wild Land Trust shall develop management and allowable use guidelines which shall be followed by the Department in the administration and stewardship of that piece of property. The Lands Division of the Department shall, in accordance with such general directions as may be given by the Board of Trustees, coordinate management of properties acquired pursuant to this Amendment and expenditures from the Stewardship Account. All lands will be managed under the multiple-use management principle; to insure that all resource values including recreation, hunting, fishing, boating, hiking, aesthetics, soil, water, forest management and minerals are protected or enhanced. No use will be allowed that is not compatible with the primary purpose for acquiring the land. In coordinating such management within the Department, the Game and Fish Division of the Department shall manage wildlife and fisheries programs; the State Parks Division of the Department shall manage parks programs; the Lands Division of the Department shall manage natural areas programs through its Natural Heritage Program; and the Lands Division of the Department shall manage other activities and programs

relating to Forever Wild Land Trust properties. The Forestry Commission shall serve as consultant to the Department for the purpose of managing the forest and forestry resources programs. Any income that may be generated from the property or from any use of said property acquired through the Forever Wild Land Trust shall be treated as interest income of the Alabama Trust Fund and shall accrue to the credit of the general fund of the State of Alabama.

The right of the public to hunt and fish on the lands and easements acquired under the provisions of this act shall not be abridged or restricted, subject to such rules, regulations, seasons and limits as are established by the Department of Conservation and Natural Resources.

Section 10. Enforceability of Conservation Restrictions; Recordation; Acquisition and Disposal of Interests.

(a) No conservation restriction or easement as defined in Section 2 of this Amendment held by any governmental body shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable to or being assigned to any other governmental body with like purposes. All such restrictions and easements shall be duly recorded and indexed in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions or easements by adequate legal description or by reference to a recorded plat showing its boundaries.

Such conservation restrictions are interests in land and may be acquired by any governmental body which has power to acquire interests in land, in the same manner as it may acquire other interests in land. Such a restriction or easement may be enforced by injunction or proceeding in equity, and shall entitle the holder of it to enter the land in a reasonable manner and at reasonable times to assure compliance. Such a restriction or easement may be released in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interest in land, subject to such conditions as may have been imposed at the time of creation of the restriction.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable. Nothing in this Amendment shall diminish the powers granted by any law to acquire by purchase, gift, eminent domain or otherwise as restricting the use of an existing or future easement, express or implied, in favor of any utility or other holder of an easement for public purpose. The existence of conservation easements or restrictions shall not of itself be proof of value as a measure of damages in any eminent domain proceedings.

(b) When a conservation restriction or easement is held by public body under the program established by this Amendment, the real property subject thereto shall be assessed for taxation purposes on the basis of the true cash value of the property or as otherwise provided by law, less such reduction in value as may result from the granting of the conservation restriction or easement. The value of the interest held by the public body shall be exempt from property taxation to the same extent as other public property.

Section 11. Alabama Natural Heritage Program.

(a) The Alabama Natural Heritage Program is hereby established as a part of the Lands Division of the Department, or its duly designated successor, and shall be funded from the Forever Wild Land Trust or the Forever Wild Land Trust Stewardship Account as provided by the Board, and from private donations.

(b) For purposes of this program, the Department, subject to approval by the Board, shall:

(1) Produce an inventory of Alabama's natural heritage resources, including their location and ecological status.

(2) Maintain a natural heritage data bank of inventory data and other relevant information for ecologically significant sites supporting natural heritage resources. Information from this data bank may be made available to public agencies and to private institutions or individuals for environmental assessment and land management purposes.

(3) Develop a Natural Heritage Plan which suggests priorities for the protection, acquisition and management of dedicated natural area preserves.

(4) Establish procedures relating to the confidentiality of data and inquiries for information in order to protect natural resources and encourage use by public agencies and private organizations and individuals in planning or conducting their activities.

Section 12. Dedication of Natural Area Preserves.

(a) The Department shall, in the name of the State and upon the recommendation of the Board, accept the dedication of natural areas on lands deemed by the Board and the Commissioner to qualify as natural area preserves under the provisions of this Amendment. Natural area preserves may be offered for dedication by voluntary act of the owner. The owner of a qualified natural area may transfer fee simple title or other interest in land to the State. Natural area preserves may be acquired by gift, grant or purchase.

(b) Dedication of a natural area preserve shall become effective only upon acceptance of the instrument of dedication by the Board and the Commissioner.

(c) The instrument of dedication may:

(1) Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to further the purposes of this Amendment;

(2) Define, consistent with the purposes of this Amendment, the respective rights and duties of the owner and of the state and provide procedures to be followed in case of violations of the restrictions;

(3) Recognize and create reversionary rights, transfers upon condition or with limitations, and gifts over; and

(4) Vary in provisions from one natural area preserve to another in accordance with differences in the characteristics and conditions of the several areas.

(d) Public departments, commissions, boards, counties, municipalities,

corporations, colleges, universities and all other agencies and instrumentalities of the state and its political subdivisions may dedicate suitable areas within their jurisdiction as natural area preserves in accordance with the powers and authorities granted to such organizations by existing state legislation.

(e) The Board may enter into amendments to the instrument of dedication upon finding that such amendments will not permit an impairment, disturbance, use, or development of the area inconsistent with the provisions of this Amendment. If the fee simple estate in the natural area preserve is not held by the state under this article, no amendment may be made without the written consent of the owner of the other interests therein.

Section 13. Sunset Provision.

Beginning with the state's 2012–2013 fiscal year and each succeeding fiscal year, all moneys to be paid into the Forever Wild Land Trust shall be paid to the Alabama Trust Fund in the event the Legislature has not provided for the continuation of payments into the Forever Wild Land Trust Fund as provided for in this section, provided that 2.5% of the trust income earned from the investment of funds in the Alabama Trust Fund shall continue to be paid to the Forever Wild Stewardship Account established in Section 9 of this Amendment until such time as the Legislature, by legislative act, determines that interest income earned from the investment of funds within the corpus of the Stewardship Account is sufficient for the proper administration and stewardship of properties acquired from the Forever Wild Land Trust. And provided further, that the Legislature, by legislative act, or by the enactment of a constitutional amendment may continue payment of the revenues provided in Section 7 hereof, or at any time provide for the payment of other revenues, into the Forever Wild Land Trust. At such time as the payment of trust income into the Forever Wild Land Trust shall cease, the percentage of trust income accruing to said trust fund shall be paid into the Alabama Trust Fund each year to become a part of the corpus of the Alabama Trust Fund.

Section 14. Amendment Self-Executing.

This Amendment shall be self-executing, but the Legislature shall have the right and power to enact laws supplemental hereto and in furtherance of the purposes and objectives hereof, provided that such laws are not inconsistent with the provisions of this Amendment.

Section 15. Severability.

If any provision of this Amendment, or the application of any provision to any entity, person, or circumstance is for any reason adjudged by a court of competent jurisdiction to be invalid, the remainder of this Amendment and its application shall not be affected. (Amendment 543.)

In Section 2, paragraphs (1) and (2), the word “this” has been changed to “the”.

In Section 7, paragraph (a), the phrase, “Amendment Number 450 to this Alabama Constitution of 1901. [§219.02] ” has been deleted twice and “219.02” has been put in its

place; in (c), the phrase, “Amendment or Amendment to this Alabama Constitution of 1901 [§219.02]” has been deleted and the phrase “Section or §219.02” has been put in its place.

In Section 10, the word “unenforceable” has been deleted and the word “unforceable” has been restored.

Sec. 256. Educational policy of state; authority of legislature to provide for or authorize establishment and operation of schools by persons, municipalities, etc.; grant, donation, sale or lease of funds and property for educational purposes; election of certain schools for attendance by parents of minors.

It is the policy of the state of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature.

The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the state for educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the state or any municipality shall not be donated for educational purposes except to nonprofit charitable or eleemosynary corporations or associations organized under the laws of the state. (As amended by Amendment 111.)

In the first paragraph, the comma after “legislature” has been deleted. The language”, to require or impose conditions or procedures deemed necessary to the preservation of peace and order” has been deleted.

Sec. 259. Use of poll taxes for support and furtherance of education. This section has been repealed in its entirety.

Sec. 260.02. Education Trust Fund Rainy Day Account.

Section I. Amendment 709 to the Constitution of Alabama of 1901, now appearing as Section 260.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, is hereby repealed.

Section II. As used in this amendment, the following words and phrases shall have the following respective meanings:

“Alabama Trust Fund” means the irrevocable, permanent trust fund created by Amendment No. 450 to the Constitution of Alabama of 1901, now appearing as Section 219.02 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

“Education Trust Fund Rainy Day Account” or “General Fund Rainy Day Account” means the special accounts created by this amendment.

“Oil and Gas Capital Payment” means any payment (including any royalty payment) received by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue by the state from federal oil and gas leases off the coast of Alabama. Any royalty or other payment, with the exception of any taxes heretofore or hereafter levied, that is based upon or determined with respect to the production of oil, gas or other hydrocarbon minerals and that is paid to the state or any agency or instrumentality thereof, regardless of the time of such payment, shall be considered an oil and gas capital payment.

Section III. (a) Within thirty days following ratification of this constitutional amendment there shall be created within the Alabama Trust Fund the Education Trust Fund Rainy Day Account and the General Fund Rainy Day Account. In any year in which the Governor certifies to the state comptroller and notifies the Legislature that proration would occur in appropriations from the Education Trust Fund or the State General Fund, the Education Trust Fund Rainy Day Account or the General Fund Rainy Day Account shall be credited with Oil and Gas Capital Payments previously transferred into the Alabama Trust Fund in the amount required to fund withdrawals from the Account of the amounts authorized by this section. However, the amount withdrawn from the Education Trust Fund Rainy Day Account in a fiscal year may not exceed six and one-half percent of the previous fiscal year’s Education Trust Fund appropriations less the total amount of any prior years’ withdrawals from the Account which have not been repaid to the Account, as provided for in subsections (b), (c), and (e). The amount withdrawn from the General Fund Rainy Day Account in a fiscal year may not exceed ten percent of the previous fiscal year’s General Fund appropriations less the total amount of any prior years’ withdrawals from the Account which have not been repaid to the Account, as provided for in subsections (b), (c), and (e). Funds from the Education Trust Fund or the General Fund Rainy Day Account may be withdrawn only to prevent proration of the appropriations from the Education Trust Fund or the General Fund. For the fiscal year beginning October 1, 2008, withdrawals shall be limited to an amount necessary to reach the highest estimated

available revenue for each Fund as certified by the Finance Director and the Legislative Fiscal Officer prior to the end of the 2008 Regular Legislative Session. Beginning in the fiscal year beginning October 1, 2009, withdrawals from the Education Trust Fund Rainy Day Account and the General Fund Rainy Day Account shall be limited to an amount necessary to reach the average of the estimated available revenue for each Fund which is to be certified by the Finance Director and the Legislative Fiscal Officer prior to the third legislative day of each Regular Session. The Governor shall certify to the state comptroller and notify the Legislature that proration would occur in appropriations from the Education Trust Fund or the General Fund in accordance with this constitution. Upon the certification by the Governor, and after all other sources available to be used to offset proration have been utilized, withdrawals from the Education Trust Fund Rainy Day Account or the General Fund Rainy Day Account may be made; however, withdrawals shall be limited to the amount of the anticipated proration and funds allotted only to the extent necessary to avoid proration of appropriations from the Education Trust Fund or the General Fund as limited by this section. In the event funds are withdrawn from the Education Trust Fund or the General Fund Rainy Day Account an additional amount equal to twenty-five percent of the Education Trust Fund or the General Fund transfer amount shall be transferred from the Alabama Trust Fund to the County and Municipal Government Capital Improvement Fund.

(b) The Finance Director shall ensure that if during the fiscal year, receipts to the Education Trust Fund or the General Fund (net of the Education Trust Fund or the General Fund Rainy Day Account payments) are sufficient to reduce anticipated proration which has been certified by the Governor to the state comptroller and for which funds have been withdrawn, then the amount corresponding to the reduced anticipated proration percentage shall be transferred back to the Education Trust Fund or the General Fund Rainy Day Account within the Alabama Trust Fund within thirty days after the end of the fiscal year in which the withdrawals were made. Any amount transferred back to the Education Trust Fund or the General Fund Rainy Day Account shall necessitate a transfer of an additional amount equal to twenty-five percent of that amount from the County and Municipal Government Capital Improvement Fund into the Education Trust Fund or the General Fund Rainy Day Account within the Alabama Trust Fund.

(c) The Legislature may provide by statute for the replenishment of the Education Trust Fund or the General Fund Rainy Day Account within the Alabama Trust Fund from sources other than the Alabama Trust Fund or Oil and Gas Capital Payments. The earnings from the investment of funds due to the replenishment shall be deposited into the State General Fund.

(d) The allocations to the Alabama Capital Improvement Trust Fund and to the County and Municipal Government Capital Improvement Fund as provided in Amendment 666 to the Constitution of Alabama of 1901, now appearing as Section 219.04 of the Official Compilation of the Constitution of Alabama of 1901, as amended, shall not be diminished by the application of this amendment.

(e) The Legislature must replenish the accounts within six (6) years after

withdrawal of any funds from the Education Trust Fund Rainy Day Account and within ten (10) years after withdrawal of any funds from the General Fund Rainy Day Account pursuant to the provisions of this amendment. After the complete replenishment of the Education Trust Fund or the General Fund Rainy Day Account, any excess funds shall be designated to repay any lost interest earnings to the trust established under Amendment 543 to 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, due to any withdrawal from the Education Trust Fund or the General Fund Rainy Day Account. (Amendment 803.)

In Section II, fourth paragraph, a comma has been restored between the words “leasing” and “or”. In the same paragraph, a comma has been restored between the words “gas” and “or”.

Sec. 266. Board of Trustees of Auburn University.

(a) Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of one member from each of the congressional districts in the state as the same were constituted on the first day of January, 1961, one member from Lee County, three at-large members who shall be residents of the continental United States, two additional at-large members who shall be residents of the continental United States and who shall enhance the diversity of the board of trustees by reflecting the racial, gender, and economic diversity of the state, and the Governor, who shall be ex officio president of the board.

(b) The trustees from each congressional district, from Lee County, and all at-large trustees, including the two additional at-large members who shall enhance the diversity of the board, shall be appointed by the appointing committee created herein, by and with the advice and consent of the Senate. The appointment of members to fill a vacated position with a partially expired term of office shall also be made by the appointing committee as provided herein.

(c) A board of trustees appointing committee is established composed of the following members:

(1) The President Pro Tem of the Board of Trustees of Auburn University or the designee of the President Pro Tem. The designee shall be a member of the Board of Trustees of Auburn University.

(2) A member of the Board of Trustees of Auburn University selected by the board of trustees.

(3) Two members of the Auburn Alumni Association Board of Directors, who are not current employees of Auburn University, selected by the Auburn Alumni Association Board of Directors.

(4) The Governor or a designee of the Governor who is an alumnus of Auburn University but who is not a current member of the Auburn Board of Trustees nor a current member of the Auburn Alumni Association Board of Directors nor a

current employee of Auburn University.

(d) The Governor, or the designee of the Governor, shall serve as chairperson of the appointing committee. If the chairperson fails to call a meeting within 90 days prior to the expiration of the term of a sitting board member or within 30 days following the creation of a vacancy by death, resignation, or other cause, a majority of the committee, in writing, may call a meeting giving at least 10 days notice. In the absence of the chairperson or another member designated by the chairperson to preside, the majority of the committee shall choose its own chairperson.

(e) When appropriate, the appointing committee shall meet to address the appointment of any of the following:

(1) Persons to fill an expired or soon-to-be expired term of office of any member of the Board of Trustees of Auburn University, including the five at-large positions.

(2) Persons to fill the remainder of a partially expired term of office of any position on the Board of Trustees of Auburn University which has been vacated by reason of death, resignation, or other cause, including the five at-large positions.

(f) The appointing committee, by majority vote, shall appoint an individual to fill the respective position on the board of trustees. The committee shall ensure that appointments are solicited from all constituencies, are inclusive, and reflect the racial, gender, and economic diversity of the state. A person may not be appointed to the Board of Trustees of Auburn University while serving on the appointing committee.

(g) A trustee shall hold office for a term of seven years, and may serve no more than two full seven-year terms of office. Appointment and service for a portion of an unexpired term shall not be considered in applying the two-term limit.

(h) For purposes of ensuring that transitions in board membership occur in a stable manner, if the secretary of the board determines that, as of January 1 of any calendar year, four or more members of the board hold seats the terms for which will expire during that calendar year, then the secretary shall provide written notice to the board of such fact and the term of the trustees whose term would otherwise expire during that subject year shall be adjusted in the following manner: The trustee who was first confirmed to a term expiring in the subject year shall have his or her term extended to the same month and day in the first subsequent year in which there are less than three trustees with terms expiring; if, after making this initial adjustment, there are still four or more trustees with terms expiring during the subject year, then the term of the next trustee or trustees whose terms are to expire during the subject year shall be adjusted, in order of their original confirmation to the term, to expire on the same month and day as their original term but in the next subsequent year or years in which there are less than three trustees with terms expiring that year; term adjustments to the next subsequent year or years in which there are less than three trustees with terms expiring shall occur regardless of whether the expiration is due to an original expiration date or due to an expiration date adjusted under this subsection, but in no case shall the term of

more than three trustees expire during the same calendar year; and in making adjustments, the terms of the final three trustees with terms expiring during the subject year shall expire on the originally established dates. For purposes of this subsection, if two or more trustees were confirmed on the same date, then the order of expiration the terms of those trustees shall be determined alphabetically by last name.

(i) Each member of the board of trustees as constituted on December 13, 2000, may serve the remainder of his or her current term and shall be eligible, if otherwise qualified, to serve for no more than two additional seven-year terms.

(j) No person shall be appointed as a member of the board of trustees after having reached 70 years of age.

(k) One more than half of the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.

(l) A term shall begin only upon confirmation by the Senate. A member may continue to serve until a successor is confirmed, but in no case for more than one year after completion of a term.

(m) No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of duties as such.

(n) No employee of Auburn University shall be eligible to serve as a member of the board of trustees.

(o)(1) The appointing committee shall submit the name of the persons selected for appointment to the Secretary of the Senate, who shall inform the Senate of the receipt of such submission. If the Senate is in regular session at that time, the submission shall be made by the conclusion of the next legislative day following the appointment. If the Senate is not in regular session at the time of appointment, the submission shall be made before the commencement of the next regular session.

(1) If the entire Senate, by a majority vote, confirms the submission, the appointee shall immediately assume office. An appointee may not begin service prior to Senate confirmation.

(2) If the submission is not confirmed by the entire Senate by a majority vote by the conclusion of the legislative session, the submission shall be considered rejected.

(3) A submission to the Senate may be withdrawn at any time by the appointing committee in regard to appointments made by the committee. Upon the rejection of a submission or the withdrawal of a submission, the appointment and confirmation process specified in this amendment shall commence anew.

(p) The same name may be submitted to the Senate for the same position on the board more than one time.

(q) Upon the expiration of a term of office, a member of the board of trustees shall continue to serve until a successor is appointed pursuant to this amendment, is confirmed by the entire Senate by majority vote, and assumes office. If a successor is not confirmed by the conclusion of the regular session in which one

or more names for the position were initially submitted, the former holder of the position may continue to serve until a successor is appointed and confirmed, but in no case shall this continuation be longer than one year after completion of the term of office.

(r) If any position on the board of trustees becomes vacant during a term of office by reason of death, resignation, or other cause, a person shall be appointed by the appointing committee to fill the remainder of the unexpired term of office pursuant to the procedure provided for other appointments made by the appointing committee. The position shall be considered vacant until a person is confirmed by a majority vote of the entire Senate. (Original § 266 repealed by Amendment 161; current § 266 derived from Amendment 161, as amended by Amendment 670 and Amendment 906.)

In paragraph (h), after the word “expiration”, [of] has been deleted.