By Senators Scofield, Livingston, Waggoner, Reed, Whatley, Melson, Stutts, Dial, Holley, Ward, Marsh and Beasley

(Constitutional Amendment)

RFD: Governmental Affairs

First Read: 17-FEB-16
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in
accordance with Sections 184, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

PART I.

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

Notwithstanding, in the event that guest revenues to the State Parks Revolving Fund exceed the threshold of $50 million (as annually adjusted based on increases in the consumer price index) in a fiscal year, the sales and use and cigarette tax revenue distributed to benefit the State Parks System shall be reduced in the following fiscal year. The amount of the reduction shall correspond to the amount of guest revenue to the State Parks Revolving Fund exceeding the threshold. The amount of tax revenue not distributed to benefit the State Parks System shall be distributed to the General Fund.
PART II.

Amendment of Amendment 617.

The State of Alabama is authorized to become indebted for the purpose of the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks system, public historical sites, and public historical parks, and in evidence of the indebtedness so incurred to sell and issue bonds, in addition to all other bonds of the state, not exceeding one hundred ten million dollars ($110,000,000) in aggregate principal amount. The 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. One hundred four million dollars ($104,000,000) of the bonds shall be issued for the state by the Alabama State Parks System Improvement Corporation pursuant to the appropriate resolutions adopted by the board of directors of the corporation and the proceeds thereof shall be appropriated and used exclusively for the purpose of paying the expenses incurred in the sale and issuance of the bonds and for payment of the costs of the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks system; provided, any lake acquired and/or built with the proceeds thereof by the Department of Conservation and Natural
Resources as a part of a state park must have a minimum buffer of six hundred (600) lateral feet between the shoreline and any private property. In the event that the water from any said lake is sold, the cost thereof shall be equal to the periodic costs for that portion of the bond issue incurred by the Alabama State Parks System Improvement Corporation for said lake, and shall be repaid to the Department of Conservation and Natural Resources at the same rate as the debt service on said bond issue. Such acquisition, provision, construction, improvement, renovation, equipping and maintenance of the state parks system, shall be completed at the direction of the Alabama State Parks System Improvement Corporation with the advice and concurrence of the Joint Legislative Committee on State Parks, and all state park system land and facilities, except for existing concession operations or other existing permitted operations state park system land and facilities at those state parks with either (1) an establishment where sleeping or sleeping and eating accommodations are advertised or held out to be available to transients, including hotel rooms, cottages, and cabins, or (2) a golf course, or both, shall thereafter be exclusively and solely operated and maintained by the Department of Conservation and Natural Resources. This provision shall not mandate operations by entities other than the Department of Conservation and Natural Resources but shall be construed to
permit such operations. Six million dollars ($6,000,000) of the bonds shall be issued for the state by the Alabama Public Historical Sites and Parks Improvement Corporation pursuant to the appropriate resolutions adopted by the board of directors of the corporation and the proceeds thereof shall be appropriated and used exclusively for the purpose of paying the expenses incurred in the sale and issuance of the bonds and for the payment of the costs of the acquisition, provision, construction, improvement, renovations, equipping, and maintenance of public historical sites and public historical parks not under the jurisdiction of the Department of Conservation and Natural Resources. Such acquisition, provision, construction, improvement, renovation, equipping, and maintenance of public historical sites and public historical parks shall be completed at the direction of the Alabama Public Historical Sites and Parks Improvement Corporation and shall thereafter be operated by the Alabama Historical Commission, or other entity as authorized by the commission, with the advice and concurrence of the Joint Legislative Committee on State Parks.

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 corporations are 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 of the 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 the corporations 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 corporations in the resolution or resolutions whereunder
the bonds hereby authorized are issued. The principal of each
series of bonds shall mature on such date and in such amounts
as shall be specified in the resolution or resolutions of the
board of directors of the corporations under which they are
issued, the last of which installments shall mature not later
than 20 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 corporations, 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 corporation is received, all bids
may be rejected.

The bonds shall be signed in the name of the state
by the Governor of the State of Alabama 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 of the
State of Alabama; provided that facsimile signatures of either
or both of the 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 the bonds by the
Alabama State Parks System Improvement Corporation 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
Alabama State Parks System Improvement Fund," and such
proceeds, together with income derived from the investment and
reinvestment thereof, shall be temporarily invested until
needed and disbursed, on order of the aforesaid corporation solely for the purposes, hereinabove described, for which the bonds are authorized to be issued.

The proceeds from the sale of the bonds by the Alabama Public Historical Sites and Parks Improvement Corporation 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 Alabama Public Historical Sites and Parks Improvement Fund," and such proceeds, together with income derived from the investment and reinvestment thereof, shall be temporarily invested until needed and disbursed, on order of the aforesaid corporation solely for the purposes, hereinabove described, for which the bonds are authorized to be issued.

No further authorization 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.

The Alabama State Parks System Improvement Corporation and the Alabama Public Historical Sites and Parks Improvement Corporation authorized in this constitutional amendment are strongly encouraged to 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.

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

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

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

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

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

"Proposed by Act ________." This description shall be followed by the following language:

"Yes ( ) No ( )."
President and Presiding Officer of the Senate

Speaker of the House of Representatives

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

Patrick Harris
Secretary

House of Representatives
Passed: 20-APR-16

By: Senator Scofield