

1 SB362
2 212243-1
3 By Senators Scofield, Reed, Livingston, Melson, Allen,
4 McClendon, Elliott, Albritton, Butler, Holley, Jones, Givhan,
5 Whatley, Beasley, Figures, Williams, Shelnuttt, Sessions,
6 Price, Chesteen, Waggoner, Stutts, Singleton, Hatcher and
7 Smitherman (Constitutional Amendment)
8 RFD: Finance and Taxation General Fund
9 First Read: 30-MAR-21

SYNOPSIS: The Alabama State Parks Division of the Department of Conservation and Natural Resources operates and maintains 21 state parks throughout the state.

 This bill would propose an amendment to the Constitution of Alabama of 1901, authorizing the issuance of general obligation bonds of the State of Alabama in an aggregate principal amount not exceeding \$80,000,000 for the improvement, renovation, equipping, acquisition, provision, construction, and maintenance of the Alabama state parks under the jurisdiction of the Department of Conservation and Natural Resources.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, authorizing the issuance of general

1 obligation bonds of the State of Alabama in an aggregate
2 principal amount not exceeding a specified amount for the
3 improvement, renovation, equipping, acquisition, provision,
4 construction, and maintenance of the Alabama state parks under
5 the jurisdiction of the Department of Conservation and Natural
6 Resources.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 PROPOSED AMENDMENT

15 (a) (1) The State of Alabama is authorized to become
16 indebted for the purpose of the improvement, renovation,
17 equipping, acquisition, provision, construction, and
18 maintenance of Alabama state parks under the jurisdiction of
19 the Department of Conservation and Natural Resources and in
20 evidence of the indebtedness so incurred, to sell and issue
21 bonds, in addition to all other bonds of the state, not
22 exceeding eighty million dollars (\$80,000,000) in aggregate
23 principal amount.

24 (2) The bonds shall be direct general obligations of
25 the state, and the full faith and credit and taxing power of
26 the state are hereby pledged to the prompt and faithful
27 payment of the principal thereof and the interest thereon. All

1 of the bonds shall be issued for the state by the Alabama
2 State Parks Enhancement Authority, created by this amendment
3 and further provided for by general law, pursuant to the
4 appropriate resolutions adopted by the board of directors of
5 the authority, and the proceeds thereof shall be appropriated
6 and used exclusively for the purpose of paying the expenses
7 incurred in the sale and issuance of the bonds and for payment
8 of the costs of the improvement, renovation, acquisition,
9 provision, construction, equipping, and maintenance of Alabama
10 state parks under the jurisdiction of the Department of
11 Conservation and Natural Resources.

12 (3) The improvement, renovation, equipping,
13 acquisition, provision, construction, and maintenance of
14 Alabama state parks under the jurisdiction of the Department
15 of Conservation and Natural Resources shall be completed in
16 accordance with plans developed by the Department of
17 Conservation and Natural Resources. Upon completion, all
18 improvements, renovations, fixtures, equipment, and real or
19 personal property shall become property of the Department of
20 Conservation and Natural Resources.

21 (b) The state is further authorized to become
22 indebted and in evidence thereof to sell and issue one or more
23 series of bonds to refund all or any of the bonds authorized
24 by this amendment in the principal amount or amounts, which
25 may exceed the principal amount of the bonds being refunded,
26 and in the manner as may be provided in general law.

1 (c) The authority is hereby vested with the power
2 and authority to provide for the sale and terms of the bonds
3 authorized and the issuance thereof, subject to the approval
4 of the Governor. The bonds may be sold, executed, and
5 delivered at any time and from time to time, may be in such
6 forms, denominations, series, and numbers, may be of such
7 tenor and maturities, may bear such date or dates, may be
8 payable in such installments and at such place or places, may
9 bear interest at such rate or rates payable and evidenced in
10 such manner, and may contain provisions for redemption at the
11 option of the state to be exercised by the authority at such
12 date or dates prior to their maturity and upon payment of such
13 redemption price or prices, all as shall be provided by the
14 authority in the resolution or resolutions under which the
15 bonds are issued. The principal of each series of bonds shall
16 mature on such date and in such amounts as shall be specified
17 in the resolution or resolutions of the board of directors of
18 the authority, the last of which installments shall mature not
19 later than 20 years after the date of the bonds of the same
20 series. Bonds of the authority, including refunding bonds, may
21 be sold either at public sale or private sale. Bonds sold by
22 competitive bid must be sold, whether on sealed bids or at
23 public auction, after advertisement as may be prescribed by
24 the authority, to the bidder whose bid reflects the lowest
25 true interest cost to the state computed to the respective
26 maturities of the bonds sold; provided, that if no bid deemed

1 acceptable by the authority is received, all bids may be
2 rejected.

3 (d) The bonds shall be signed in the name of the
4 state by the Governor, and the Great Seal of the State of
5 Alabama or a facsimile thereof shall be impressed, printed, or
6 otherwise reproduced thereon and shall be attested by the
7 signature of the Secretary of State; provided, that facsimile
8 or electronic signatures of either or both of the officers may
9 be reproduced on the bonds in lieu of manual signatures.

10 (e) All bonds issued under this amendment, together
11 with the interest income thereon, shall forever be exempt from
12 all taxation in the state, except inheritance, estate, and
13 gift taxes.

14 (f) The proceeds from the sale of the bonds by the
15 Alabama State Parks Enhancement Authority authorized by this
16 amendment, other than refunding bonds, after the payment of
17 all expenses of the sale thereof, shall be set apart in a
18 special fund in the State Treasury to be designated the
19 Alabama State Parks Enhancement Fund, and the proceeds,
20 together with income derived from the investment and
21 reinvestment thereof, shall be temporarily invested until
22 needed and disbursed, on order of the authority solely for the
23 purposes, hereinabove described, for which the bonds are
24 authorized to be issued.

25 (g) No further authorization from the Legislature
26 shall be a prerequisite to the validity of any bonds issued
27 under this amendment. However, the Legislature shall enact

1 appropriate legislation implementing this amendment, including
2 provisions for the issuance of refunding bonds as authorized
3 by this amendment.

4 (h) The Alabama State Parks Enhancement Authority,
5 to the extent practiced, shall strive to use businesses and
6 companies in all aspects of the bond and construction portions
7 authorized by this amendment that reflect the racial and
8 ethnic diversity of the state.

9 Section 2. An election upon the proposed amendment
10 shall be held at the next statewide primary election in 2022
11 in accordance with Sections 284 and 285 of the Constitution of
12 Alabama of 1901, now appearing as Sections 284 and 285 of the
13 Official Recompilation of the Constitution of Alabama of 1901,
14 as amended, and the election laws of this state.

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

20 "Proposing an amendment to the Constitution of
21 Alabama of 1901, authorizing the issuance and sale of general
22 obligation bonds of the State of Alabama of up to \$80,000,000
23 for the purposes of the improvement, renovation, equipping,
24 acquisition, provision, construction, and maintenance of
25 Alabama state parks under the jurisdiction of the Department
26 of Conservation and Natural Resources.

27 "Proposed by Act _____."

1 This description shall be followed by the following
2 language:
3 "Yes () No ()."