

1 HB573
2 212245-7
3 By Representatives Ledbetter and Kitchens
4 RFD: Ways and Means General Fund
5 First Read: 30-MAR-21

1
2 ENROLLED, An Act,

3 Relating to state parks; to implement HB565 of the
4 2021 Regular Session, proposing an amendment to the
5 Constitution of Alabama of 1901, authorizing the state to
6 become indebted and to sell and issue not in excess of a
7 specified amount in principal amount of general obligation
8 bonds of the state for the purpose of providing for the
9 improvement, renovation, equipping, acquisition, provision,
10 construction, and maintenance of Alabama state parks under the
11 jurisdiction of the Department of Conservation and Natural
12 Resources, and public historical sites and public historical
13 parks under the jurisdiction of the Alabama Historical
14 Commission; to provide for the organization of a public
15 corporation in the state to be known as the Alabama State
16 Parks Enhancement Authority; to provide for definitions; to
17 designate the officers and members of the board of directors
18 of the authority; to prescribe the powers of the authority; to
19 authorize the authority to sell and issue for the state bonds
20 and refunding bonds; to provide that bond proceeds in excess
21 of a specified amount due to receipt of original issue premium
22 in connection with the sale of bonds or other reasons, be
23 allocated to the Alabama Forestry Commission for state
24 forests; to provide that the authority would specify the form
25 and details of the bonds; to provide for the issuance of the

1 bonds in series; to provide for the sale of the bonds; to
2 provide for the temporary investment of the proceeds of the
3 bonds; to provide for the payment of the expenses of issuance
4 of the bonds; to provide for the issuance of refunding bonds
5 for the purpose of refunding any outstanding bonds issued
6 pursuant to the amendment and this act; to provide for the use
7 of proceeds derived from the bonds; to amend Section 40-23-35,
8 Code of Alabama 1975, to include a reference to bonds issued
9 by the authority; and to provide for a contingent effective
10 date.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. This act shall be known and may be cited
13 as the Alabama State Parks and Historical Facilities
14 Enhancement Act.

15 Section 2. The Legislature hereby finds and declares
16 all of the following:

17 (1) That the state parks, public historical sites,
18 and public historical parks provide essential services and
19 outdoor recreation opportunities to Alabama residents and
20 visitors.

21 (2) State parks, public historical sites, and public
22 historical parks have provided both a refuge and retreat
23 during the COVID-19 pandemic and highlighted how critical the
24 state parks are to the mental health and physical well-being
25 of the residents of this state.

1 (3) Because of the essential nature of state parks,
2 public historical sites, and public historical parks, it is
3 necessary, desirable, and in the public interest that the
4 state parks under the jurisdiction of the Department of
5 Conservation and Natural Resources, and public historical
6 sites and public historical parks under the jurisdiction of
7 the Alabama Historical Commission be improved and maintained
8 for future use and enjoyment.

9 (4) It is the intent of the Legislature to authorize
10 the formation of a public corporation for the purposes of
11 providing for the improvement, renovation, equipping,
12 acquisition, provision, construction, and maintenance of the
13 Alabama state parks under the jurisdiction of the Department
14 of Conservation and Natural Resources, and public historical
15 sites and public historical parks under the jurisdiction of
16 the Alabama Historical Commission and to authorize the
17 corporation to provide for payment of the costs of
18 accomplishing the stated purposes by implementing an amendment
19 to the Constitution of Alabama of 1901 proposed in HB565 of
20 the 2021 Regular Session, authorizing the issuance by the
21 state of up to ~~\$80,000,000~~ \$85,000,000 in aggregate principal
22 amount of general obligation bonds, and by issuing and selling
23 for the state, subject to the approval of the Governor,
24 interest bearing general obligation bonds of the state.

1 (5) The bonds shall be issued for the state by the
2 Alabama State Parks Enhancement Authority, and the proceeds
3 thereof shall be used exclusively for the purpose of paying
4 the expenses incurred in the sale and issuance of bonds and
5 for payment of the costs of the improvement, renovation,
6 equipping, acquisition, provision, construction, and
7 maintenance of Alabama state parks under the jurisdiction of
8 the Department of Conservation and Natural Resources, and
9 public historical sites and public historical parks under the
10 jurisdiction of the Alabama Historical Commission.

11 (6) If the bond proceeds exceed eighty-five million
12 dollars (\$85,000,000) due to receipt of original issue premium
13 in connection with the sale of bonds or due to any other
14 reason, any bond proceeds in excess of eighty-five million
15 dollars (\$85,000,000) plus expenses related to the issuance of
16 the bonds shall be allocated to the Alabama Forestry
17 Commission for the capital improvement, renovation, equipping,
18 acquisition, provision, construction, and maintenance of state
19 forests.

20 Section 3. (a) For purposes of this act, the
21 following terms shall have the following meanings:

22 (1) AMENDMENT. The amendment to the Constitution of
23 Alabama of 1901, proposed in HB565 of the 2021 Regular
24 Session, authorizing the issuance of the bonds to be issued by
25 the authority.

1 (2) AUTHORITY. The Alabama State Parks Enhancement
2 Authority.

3 (3) BOARD OF DIRECTORS. The board of directors of
4 the authority.

5 (4) BONDS. The bonds issued under this act.

6 (5) COMMISSION. The Alabama Historical Commission.

7 ~~(5)~~(6) DEPARTMENT. The Alabama Department of
8 Conservation and Natural Resources.

9 ~~(6)~~(7) GOVERNMENT SECURITIES. Any bonds or other
10 obligations which as to principal and interest constitute
11 direct obligations of, or are unconditionally guaranteed by,
12 the United States of America, including obligations of any
13 federal agency to the extent such obligations are
14 unconditionally guaranteed by the United States of America and
15 any certificates or any other evidences of an ownership
16 interest in such obligations of, or unconditionally guaranteed
17 by, the United States of America or in specified portions
18 thereof, which may consist of the principal thereof or the
19 interest thereon.

20 ~~(7)~~(8) PERMITTED INVESTMENTS. Any of the following:

21 a. Government securities.

22 b. Bonds, debentures, notes, or other evidences of
23 indebtedness issued by any of the following agencies: Bank for
24 Cooperatives; Federal Intermediate Credit Banks; Federal
25 Financing Bank; Federal Home Loan Banks; Federal Farm Credit

1 Bank; Export-Import Bank of the United States; Federal Land
2 Banks; or Farmers Homes Administration; or any other agency or
3 corporation which has been or may hereafter be created by or
4 pursuant to an act of the Congress of the United States as an
5 agency or instrumentality thereof.

6 c. Bonds, notes, pass through securities, or other
7 evidences of indebtedness of Government National Mortgage
8 Association and participation certificates of Federal Home
9 Loan Mortgage Corporation.

10 d. Time deposits evidenced by certificates of
11 deposit issued by banks or savings and loan associations which
12 are members of the Federal Deposit Insurance Corporation,
13 provided that, to the extent such time deposits are not
14 covered by federal deposit insurance, such time deposits,
15 including interest thereon, are fully secured in accordance
16 with the SAFE Program pursuant to Sections 41-14A-1 through
17 41-14A-14.

18 e. Government money market mutual funds.

19 f. Repurchase agreements for obligations of the type
20 specified in paragraphs a., b., and c., provided the
21 repurchase agreements are fully collateralized and secured by
22 the obligations that have a market value at least equal to the
23 purchase price of such repurchase agreements which are held by
24 a depository satisfactory to the State Treasurer in such
25 manner as may be required to provide a perfected security

1 interest in such obligations, and which meet the greater of
2 100% collateralization or the "AA" or "Aa" collateral levels
3 established by Standard & Poor's Ratings Group or Moody's
4 Investors Service, respectively, for structured financings.

5 Section 4. (a) (1) The Governor, the Lieutenant
6 Governor or his or her designee, the President Pro Tempore of
7 the Senate or his or her designee, the Speaker of the House of
8 Representatives or his or her designee, the Commissioner of
9 the Department of Conservation and Natural Resources, the
10 Director of Finance, the Minority Leader of the House of
11 Representatives or his or her designee, the Minority Leader of
12 the Senate or his or her designee, and the Commissioner of
13 Revenue may become a corporation, with the powers and duties
14 provided by this act.

15 (2) To become a corporation, the Governor, the
16 Lieutenant Governor or his or her designee, the President Pro
17 Tempore of the Senate or his or her designee, the Speaker of
18 the House of Representatives or his or her designee, the
19 Commissioner of the Department of Conservation and Natural
20 Resources, the Director of Finance, the Minority Leader of the
21 House of Representatives or his or her designee, the Minority
22 Leader of the Senate or his or her designee, and the
23 Chairperson of the Joint Legislative Committee on State Parks
24 shall present to the Secretary of State of Alabama an

1 application signed by them which shall set forth all of the
2 following:

3 a. The name, official designation, and official
4 residence of each of the applicants, together with a certified
5 copy of the commission evidencing each applicant's right to
6 office.

7 b. The date on which each applicant was inducted
8 into office and the term of office of each of the applicants.

9 c. The name of the proposed corporation created in
10 this section, which shall be the Alabama State Parks
11 Enhancement Authority.

12 d. The location of the principal office of the
13 proposed corporation, which shall be Montgomery, Alabama.

14 e. Any other matter relating to the incorporation
15 which the applicants may choose to insert and which is not
16 inconsistent with this act or the laws of this state.

17 (3) The application shall be subscribed and sworn to
18 by each of the applicants before an officer authorized by the
19 laws of this state to take acknowledgments to deeds. The
20 Secretary of State shall examine the application and, if the
21 Secretary finds that it substantially complies with the
22 requirements of this section, it shall be received, filed, and
23 recorded in an appropriate book of records in the office of
24 the Secretary of State.

1 (b) When the application has been made, filed, and
2 recorded, as provided in subsection (a), the applicants shall
3 constitute a public corporation under the name proposed in the
4 application, and the Secretary of State shall make and issue
5 to the applicants a certificate of incorporation pursuant to
6 this act, under the great seal of the state, to be recorded
7 with the application. There shall be no fees paid to the
8 Secretary of State for any activity associated with the
9 incorporation or dissolution of the corporation so organized.

10 (c) (1) The applicants named in the application and
11 their respective successors in office shall constitute the
12 members of the authority. The Governor shall be the president
13 of the authority, the Commissioner of the Department of
14 Conservation and Natural Resources shall be its
15 vice-president, and the Director of Finance shall be the
16 secretary of the authority. The State Treasurer shall be the
17 treasurer of the authority and shall act as custodian of its
18 funds, but shall not be a member of the authority.

19 (2) The members of the authority shall constitute
20 all the members of the board of directors of the authority,
21 and any ~~three~~ five members of the board of directors shall
22 constitute a quorum for the transaction of business.

23 (3) All members of the board shall be notified of
24 any meeting of the board of directors.

1 (4) If any of the officials of the state die or if
2 his or her term of a office as Governor, the Lieutenant
3 Governor, the President Pro Tempore of the Senate, Speaker of
4 the House of Representatives, Commissioner of the Department
5 of Conservation and Natural Resources, Director of Finance,
6 State Treasurer, or designees, as the case may be, expire or
7 otherwise become vacant, his or her successor in office shall
8 take his or her place as a member, officer, and director of
9 the authority, as the case may be.

10 (5) A member, officer, or director of the authority
11 may not receive compensation, for any service he or she may
12 render in connection with the authority.

13 (6) All proceedings of the board of directors shall
14 be reduced to writing by the secretary of the authority.
15 Copies of the proceedings, when certified by the secretary of
16 the authority under the seal of the corporation, shall be
17 received in all courts as prima facie evidence of the matters
18 and things certified therein.

19 Section 5. The authority shall each have the
20 following powers:

21 (a) To have succession by its corporate name without
22 time limit.

23 (b) To sue and be sued and to prosecute and defend,
24 at law or in equity, in any court having jurisdiction of the
25 subject matter and of the parties.

1 (c) To have and to use a corporate seal and to alter
2 the same at its pleasure.

3 (d) To receive, take, and hold by sale, gift, lease,
4 devise or otherwise, real and personal estate or property of
5 every description, and to manage the same.

6 (e) To sell and issue the state bonds and refunding
7 bonds as provided in this act.

8 (f) To appoint or employ attorneys, accountants,
9 financial advisors, underwriters, trustees, depositories,
10 registrars and other advisors, agents, and independent
11 contractors as the business of the authority may require.

12 Section 6. In addition to any other powers provided
13 in this act, the authority shall also have all of the
14 following powers:

15 (a) To improve, renovate, equip, acquire, provide,
16 construct, and maintain Alabama state parks under the
17 jurisdiction of the Department of Conservation and Natural
18 Resources, and public historical sites and public historical
19 parks under the jurisdiction of the Alabama Historical
20 Commission.

21 (b) To acquire by purchase, gift, or any other
22 lawful means, and to transfer, convey, or cause to be conveyed
23 to the state, any real, personal, or mixed property necessary
24 or convenient in connection with the improving, renovating,
25 equipping, acquiring, provisioning, constructing, and

1 maintenance of parks and park facilities, public historical
2 sites, and public historical parks.

3 (c) To enter into contracts with municipalities,
4 counties, the Alabama Department of Conservation and Natural
5 Resources, the Alabama Historical Commission or other agencies
6 or political subdivisions of the state or any other state,
7 private persons, firms, corporations, and any branch of the
8 federal government, in furtherance of its public purposes and
9 objects either relative to work done or to be done.

10 (d) To turn over to the Alabama Department of
11 Conservation and Natural Resources, the Alabama Historical
12 Commission, and the Alabama Forestry Commission any funds of
13 the authority as, from time to time, may be necessary or
14 convenient for carrying out the business of the authority.

15 Section 7. The bonds issued pursuant to this act
16 shall not be obligations of the authority but shall be general
17 obligations of the state with the full faith and credit and
18 taxing power of the state to be pledged to the prompt and
19 faithful payment of the principal thereof and the interest and
20 redemption premium, if any, thereon. The proceeds from the
21 sale of the bonds shall be used exclusively for the purposes
22 described in the amendment. The bonds may be sold and issued
23 in one or more series at any time and from time to time; may
24 have such series designations; may be in such forms, principal
25 amounts, denominations and numbers; may be of such tenor and

1 maturities; may bear such date or dates; may be payable in
2 installments and at the time or times, may be payable at a
3 place or places within or without the state; may bear interest
4 at the rate or rates payable and evidenced in such manner; may
5 contain provisions for redemption at the option of the state
6 to be exercised by the authority on the date or dates prior to
7 their respective maturities and upon payment of the redemption
8 price or prices; and may contain such other provisions not
9 inconsistent with the amendment and this act, all as shall be
10 provided by the board of directors of the authority in the
11 resolution or resolutions pursuant to which the bonds are
12 authorized, sold, and issued.

13 Section 8. The State Treasurer is authorized and
14 directed to pay the principal, premium, if any, and interest
15 on the bonds issued under this act, as the principal, premium,
16 if any, and interest shall respectively mature, and he or she
17 is further authorized and directed to maintain appropriate
18 records.

19 Section 9. (a) The bonds of each series issued
20 pursuant to this act may be issued as serial bonds payable in
21 annual installments or as term bonds or as a combination
22 thereof, and the principal of the bonds of each such series
23 shall mature or be subject to mandatory redemption according
24 to the schedule as the board of directors shall determine in
25 the resolution authorizing the issuance of such series.

1 (b) The bonds may be made subject to redemption
2 prior to their respective maturities, at the option of the
3 state, on such terms and conditions as shall be provided by
4 the board of directors in the resolution authorizing the
5 issuance of such series. Any or all of such bonds subject to
6 redemption at the option of the state may be called for
7 redemption by the corporation pursuant to a resolution adopted
8 by the board of directors thereof if, pursuant to
9 appropriations made by the Legislature, the moneys required
10 for the redemption are at the time held in the State Treasury
11 or if the redemption is to be effected with moneys provided by
12 the sale and issuance of refunding bonds issued pursuant to
13 the amendment and as provided for in this act. The corporation
14 may specify the terms and conditions under which any of the
15 bonds authorized pursuant to the amendment may be exchanged
16 for like bonds of other denominations as the authority may
17 prescribe.

18 Section 10. The bonds of each series thereof issued
19 pursuant to this act shall be sold by the authority at public
20 or private sale as provided in the amendment. The bonds shall
21 be executed in the name of the state by the Governor and
22 countersigned by the secretary of the authority issuing the
23 bonds, and the Great Seal of the state shall be impressed
24 thereon and attested by the Secretary of State. An electronic
25 signature or facsimile of the signature of each official may

1 be imprinted on any of the bonds in lieu of manual signatures,
2 and a facsimile of the Great Seal of the state may be printed
3 on the bonds in lieu of such seal being manually impressed
4 thereon. Each facsimile signature shall be valid in all
5 respects as if the officials whose facsimile signatures are
6 used had signed the bonds in person, and any facsimile of the
7 Great Seal of the state used shall be valid in all respects as
8 if such seal had been manually impressed on the bonds. In the
9 event any official who shall sign any of the bonds or whose
10 facsimile signature shall appear thereon shall thereafter
11 cease to hold office before the bonds are delivered and paid
12 for, the bonds shall nevertheless be valid for all purposes to
13 the same extent as if the official who signed the bonds or
14 whose facsimile signature appears thereon had remained in
15 office until all of the bonds bearing the signature or
16 facsimile thereof shall have been delivered and paid for.

17 Section 11. The proceeds derived from the sale of
18 each series of the bonds issued pursuant to this act by the
19 authority, other than refunding bonds, shall be paid into the
20 State Treasury upon receipt thereof, and the State Treasurer
21 shall keep such proceeds, as well as all income received from
22 the investment and reinvestment of the proceeds, including
23 income derived from the investment and reinvestment of
24 previously derived income, in a special fund in the State
25 Treasury, designated the Alabama State Parks Enhancement Fund,

1 pending the expenditure of the proceeds and income for the
2 purposes authorized and as required by the amendment and this
3 act. All proceeds deposited in the State Treasury shall be
4 continuously invested by the State Treasurer in Permitted
5 Investments, and as and when income from the investment of
6 such proceeds is received, the income shall be kept
7 continuously invested in the same manner as the proceeds. The
8 State Treasurer, on the advice of the officers of the
9 authority, acting on projections of expenditures provided by
10 the Director of Finance, shall keep all such proceeds,
11 together with the income derived from the investment and
12 reinvestment thereof, invested in investments that shall
13 mature or otherwise be subject to liquidation on such terms as
14 will provide cash when required for the purposes for which
15 bonds may be issued pursuant to this act.

16 Section 12. Upon order of the board of directors,
17 all expenses incurred in connection with the authorization,
18 preparation, sale, and issuance of bonds authorized by this
19 act and by the amendment shall be paid out of the proceeds
20 thereof. The proceeds remaining after payment of such
21 expenses, together with the income derived from the investment
22 and reinvestment of such proceeds, including income derived
23 from the investment and reinvestment of previously derived
24 income, shall be disbursed from time to time on the order of
25 said corporation upon the approval of the Director of Finance,

1 the Commissioner of Conservation and Natural Resources, and
2 the Governor.

3 Section 13. For the purpose of refunding any bonds
4 or refunding bonds of the authority issued under this act or
5 any other state law or any combination thereof, whether such
6 refunding shall occur before, at, or after the maturity of the
7 bonds refunded and for the purpose of paying all premiums and
8 expenses of such refunding, including, but not limited to,
9 attorneys' fees, advisors fees, and accountants' fees, the
10 authority is authorized to sell and issue its refunding bonds
11 in one or more series, and if sold in more than one series,
12 may all be authorized in one initial resolution of the
13 authority with the pledges therefore made by the authority in
14 the initial resolution, although some of the details
15 applicable to each series may be specified in the respective
16 resolutions under which the different series are issued. The
17 refunding bonds shall be sold on a competitive basis or on a
18 negotiated basis, as determined by the authority. The
19 authority may fix the method and the terms and conditions
20 under which the sale of any series of the refunding bonds may
21 be held, provided that such terms and conditions shall not
22 conflict with any requirement of this act. Provided, however,
23 no refunding bonds shall be issued unless the present value of
24 the aggregate debt service on the refunding bonds, computed
25 with a discount rate equal to the yield of the refunding

1 bonds, calculated in accordance with Section 148 of the
2 Internal Revenue Code, is not greater than 97 percent of the
3 present value of the aggregate debt service on the bonds to be
4 refunded, computed with a discount rate equal to the yield of
5 the refunding bonds, calculated in accordance with Section 148
6 of the Internal Revenue Code, and determined as if such bonds
7 to be refunded were paid and retired in accordance with the
8 schedule of maturities, considering mandatory redemption as
9 scheduled maturity, provided at the time of their issuance.
10 Provided, further, that the average maturity of the refunding
11 bonds, as measured from the date of issuance of the refunding
12 bonds, shall not exceed by more than three years the average
13 maturity of the bonds to be refunded, as also measured from
14 such date of issuance, with the average maturity of any
15 principal amount of bonds to be determined by multiplying the
16 principal of each maturity by the number of years, including
17 any fractional part of a year, intervening between the date of
18 issuance and each maturity, taking the sum of all such
19 products, and then dividing the sum by the aggregate principal
20 amount of bonds for which the average maturity is to be
21 determined. Pending the application of the proceeds of
22 refunding bonds issued in accordance with this section, the
23 proceeds, together with investment earnings therefrom and
24 amounts in any sinking fund, together with investment earnings
25 thereon, may be held by the State Treasurer as treasurer of

1 the authority in trust, or may be deposited by the State
2 Treasurer in trust, on such terms as the State Treasurer and
3 the authority shall approve, with a trustee or escrow agent,
4 which trustee or escrow agent shall be a banking institution
5 or trust company authorized to exercise trust powers in this
6 state for investment in permitted investments. Proceeds of
7 refunding bonds shall be so invested and applied as to assure
8 that the principal, interest, and redemption premium, if any,
9 on the bonds being refunded shall be paid in full on the
10 respective maturity, redemption, or interest payment dates.
11 Refunding bonds issued by the authority shall not be general
12 obligations of the authority but shall be payable solely from
13 the sources specified in this act and in the proceedings
14 whereby the refunding bonds are authorized to be issued. All
15 refunding bonds issued by the authority shall be solely and
16 exclusively obligations of the authority and shall not create
17 debts of this state. The faith and credit of this state shall
18 never be pledged for the payment of any refunding bonds issued
19 by the authority under this act. The authority may contract
20 with respect to the safekeeping and application of the
21 proceeds of refunding bonds and other funds included therewith
22 and the income therefrom, and shall have the right and power
23 to appoint a trustee therefore, which may be any bank or
24 company authorized to exercise trust powers and located within
25 or without the state. All other provisions of this act shall

1 apply to the refunding bonds issued under this act except: (1)
2 the limitation contained in Section 2 on the amount of bonds
3 that may be issued under this act; and (2) the provisions of
4 Section 11. Any bonds refunded prior to their maturity with
5 the proceeds of refunding bonds shall be deemed paid and the
6 pledges herein and by the authority made for the payment
7 thereof defeased if the authority, in its proceedings
8 regarding issuance of the refunding bonds provides for and
9 establishes a trust or escrow fund comprised of monies or
10 government securities, or both, sufficient to pay, when due,
11 the entire principal, premium, if any, and interest on the
12 bonds to be refunded thereby; provided, that such government
13 securities shall not be subject to redemption prior to their
14 maturities other than at the option of the holder thereof.
15 Upon the establishment of such a trust or escrow fund, the
16 refunded bonds shall no longer be deemed to be outstanding,
17 shall no longer be secured by the funds pledged therefor in
18 this act, shall no longer be obligations of the authority, and
19 shall be secured solely by and payable from monies and
20 government securities deposited in the trust or escrow fund.

21 Section 14. All bonds, including refunding bonds,
22 issued pursuant to this act, and the income therefrom,
23 including the interest income thereon, shall be free from all
24 taxation by the state or any county, municipality, or other
25 political subdivision or instrumentality of the state,

1 excepting inheritance, estate, and gift taxes. Any bonds
2 issued by the authority may be used by the holder thereof as
3 security for any funds belonging to the state or to any
4 instrumentality or agency of the state in any instance where
5 security for such deposits may be required by law. Unless
6 otherwise directed by the court having jurisdiction thereof,
7 or by the document that is the source of authority, a trustee,
8 executor, administrator, guardian, or person acting in any
9 other fiduciary capacity may, in addition to any other
10 investment powers conferred by law and with the exercise of
11 reasonable business prudence, invest trust and other fiduciary
12 funds in bonds of the authority.

13 Section 15. All contracts of the authority for the
14 improvement, renovation, equipping, acquisition, provision,
15 construction, and maintenance of Alabama state parks under the
16 jurisdiction of the Alabama Department of Conservation and
17 Natural Resources, and public historical sites and public
18 historical parks under the jurisdiction of the Alabama
19 Historical Commission shall be in writing, shall be subject to
20 the rules of, and shall be let under the supervision of, the
21 Alabama Department of Conservation and Natural Resources, or
22 the Alabama Historical Commission and shall be subject to
23 approval by the Governor and the Director of Finance.
24 Contracts under the Alabama State Parks Enhancement Authority
25 must also be approved by the Alabama Department of

1 Conservation and Natural Resources, or the Alabama Historical
2 Commission. Any real or personal property acquired by the
3 corporation by purchase, gift, transfer, or otherwise shall be
4 acquired in the name of the state and, as soon as possible,
5 shall be conveyed to Department of Conservation and Natural
6 Resources, or the Alabama Historical Commission.

7 Section 16. Except as provided otherwise in this
8 act, the proceeds from the bonds issued by the authority and
9 interest income thereon are appropriated as follows: Eighty
10 million dollars (\$80,000,000) of the bonds shall be used for
11 the improvement, renovation, equipping, acquisition,
12 provision, construction, and maintenance of state parks under
13 the jurisdiction of the Department of Conservation and Natural
14 Resources and the issuance costs of the bonds, and five
15 million dollars (\$5,000,000) for the costs of the improvement,
16 renovation, acquisition, provision, construction, equipping,
17 and maintenance of public historical sites and public
18 historical parks under the jurisdiction of the Alabama
19 Historical Commission.

20 Provided, however, the Alabama Historical Commission
21 shall not use bond proceeds for the improvement, acquisition,
22 provision, construction, equipping, or maintenance of
23 Confederate Memorial Park in Marbury.

24 Section 17. At any time when no bonds of the
25 authority are outstanding, the authority may be dissolved upon

1 filing with the Secretary of State an application for
2 dissolution, which shall be subscribed by each of the members
3 of the authority and which shall be sworn to by each such
4 member before an officer authorized to take acknowledgments to
5 deeds. Upon the filing of the application for dissolution, the
6 authority shall cease, and any property owned by it at the
7 time of its dissolution shall pass to the Department of
8 Conservation and Natural Resources. The Secretary of State
9 shall file and record the application for dissolution in an
10 appropriate book of record in his or her office, shall make
11 and issue, under the Great Seal of the state, a certificate
12 that the authority is dissolved, and shall record the
13 certificate with the application for dissolution.

14 Section 18. The authority, on behalf of the state,
15 shall have the power to provide for payments to the United
16 States of America as the directors deem necessary to cause the
17 interest on any bonds to be and remain exempt from federal
18 income taxation. The authority shall have the power to make
19 agreements respecting the investment of the proceeds of the
20 bonds or other funds of the authority necessary in order that
21 the interest income on bonds of the authority be and remain
22 exempt from federal income taxation.

23 Section 19. Section 40-23-35, Code of Alabama 1975,
24 is amended to read as follows:

25 "§40-23-35.

1 "(a) Such amount of money as shall be appropriated
2 for each fiscal year by the Legislature to the Department of
3 Revenue with which to pay the salaries, the cost of operation
4 and management of the department shall be deducted, as a first
5 charge thereon, from the taxes collected under the provisions
6 of this division; provided, that the expenditure of the sum so
7 appropriated shall be budgeted and allotted pursuant to
8 Article 4 of Chapter 4 of Title 41, and limited to the amount
9 appropriated to defray the expenses of operating the
10 department for each fiscal year. After the payment of the
11 expenses, so much of the amount remaining as may be necessary,
12 after first applying all sums of money received by reason of
13 the application of the surplus in the income tax as provided
14 by Section 40-18-58, for the replacement in the public school
15 fund of the three-mill constitutional levy for schools and in
16 the General Fund of the one-mill levy for soldiers' relief and
17 the two and one-half mills for general purposes lost by
18 exemption of homestead provided for in this division shall be
19 first charges against the proceeds of the licenses, taxes or
20 receipts levied or collected under this division. The
21 Comptroller, with the approval of the Governor, is hereby
22 directed to draw his or her warrants payable out of the total
23 proceeds of the licenses, taxes or receipts levied or
24 collected under this division as herein provided in such sum
25 as shall be found necessary to take care of and replace the

1 three-mill constitutional school levy, the one-mill soldiers'
2 relief levy and the two and one-half mill levy for general
3 purposes of the state ad valorem taxes lost as above set
4 forth.

5 "(b) Of the amounts of such collections in any
6 fiscal year, remaining after the payment of the expenses of
7 administration and replacement of the amounts in the several
8 funds as herein provided there shall be paid into the Treasury
9 sums to be credited as follows:

10 "(1) To the credit of the 67 counties of the state,
11 to be divided and distributed as hereinafter provided,
12 \$378,000;

13 "(2) To the Department of Human Resources,
14 \$1,322,000;

15 "(3) Beginning June 1, 2000, to the Department of
16 Conservation and Natural Resources for capital outlay for
17 acquisition of land contiguous to existing state parks and
18 land acquired for lakes and or water reservoirs, provision,
19 construction, improvement, renovation, equipping, and
20 maintenance of the state parks system only and not for use by
21 the Department of Conservation and Natural Resources for
22 personnel or administrative use, the sum equal to the increase
23 in receipts accruing to the State of Alabama due to the cap on
24 discounts per license holder in Section 40-23-36(b), which
25 increase shall be equal to the difference between the discount

1 rate or amount allowed under Section 40-23-36(b) and the
2 maximum discount rate allowable under Section 40-23-36(a);
3 provided, however, if at any time any bonds of the Alabama
4 State Parks System Improvement Corporation, ~~or~~ the Alabama
5 Public Historical Sites and Parks Improvement Corporation, or
6 the Alabama State Parks Enhancement Authority are outstanding
7 (excluding bonds that have been refunded by the establishment
8 of an escrow trust for the payment thereof consisting solely
9 of bonds or other obligations which as to principal and
10 interest constitute direct obligations of, or are
11 unconditionally guaranteed by, the United States of America)
12 there shall first be paid into the State General Fund from
13 such collections an amount equal to the debt service
14 (principal, interest, and premium, if any) payable on such
15 bonds in the then current fiscal year of the state. Provided,
16 however, that one million dollars (\$1,000,000) of such
17 increase in receipts per fiscal year shall be credited to the
18 Department of Human Resources beginning October 1, 1996, until
19 September 30, 2002, and shall be expended for the foster
20 children program.

21 "(4)a. On October 1, 2002, to the Department of
22 Conservation and Natural Resources for capital outlay, repairs
23 and maintenance of the state parks system only, the minimum
24 sum of five million dollars (\$5,000,000) from the increase in
25 receipts accruing to the State of Alabama due to the cap on

1 discounts per license holder in Section 40-23-36(b) as
2 calculated in Section 40-23-35(b) (3). Beginning October 1,
3 2003, annually, to the Department of Conservation and Natural
4 Resources for capital outlay, repairs, and maintenance of the
5 state parks system only, the sum calculated by a fraction, the
6 numerator of which is five million dollars (\$5,000,000) and
7 the denominator of which is equal to the increase in receipts
8 as calculated in Section 40-23-35(b) (3) for fiscal year 2002
9 accruing to the State of Alabama multiplied by the increase in
10 receipts as calculated in Section 40-23-35(b) (3) for the then
11 current fiscal year, or the sum of five million dollars
12 (\$5,000,000), whichever is greater. Notwithstanding the
13 previous sentence, for the fiscal years ending September 30,
14 2012, and September 30, 2013, only, the five million dollars
15 (\$5,000,000) shall be transferred to the State General Fund.

16 "b. Beginning October 1, 2002, to the credit of the
17 State General Fund, the balance of the sum equal to the
18 increase in receipts accruing to the State of Alabama due to
19 the cap on discounts per license holder in Section
20 40-23-36(b).

21 "(c) One-half of the amount deposited to the credit
22 of the 67 counties as above provided, shall be divided and
23 distributed proportionately among the 67 counties of the state
24 according to the population of the counties as shown by the
25 last federal census as proclaimed, published or certified by

1 the Director of the Bureau of the Census; and one-half of the
2 proceeds shall be divided or distributed equally among 67
3 counties; provided, that the funds divided and distributed to
4 the several counties of the state as hereinabove provided for
5 shall be used exclusively for full-time health service in
6 cooperation with the State Board of Health or the federal
7 government, and for extension services in cooperation with the
8 Alabama Agriculture Extension Service or the federal
9 government, at the discretion of the county commissions of the
10 several counties of the state.

11 "(d) The amounts provided in subsection (b) for the
12 Department of Human Resources shall be used for general
13 welfare purposes. For purposes of this division, "general
14 welfare purposes" means:

15 "(1) The administration of public assistance as set
16 out in Sections 38-2-5 and 38-4-1;

17 "(2) Services, including supplementation and
18 supplementary services under the federal Social Security Act,
19 to or on behalf of persons to whom such public assistance may
20 be given under Section 38-4-1;

21 "(3) Services to and on behalf of dependent,
22 neglected or delinquent children; and

23 "(4) Investigative and referral services to and on
24 behalf of needy persons.

1 "(e) In addition, there shall be paid, commencing on
2 January 1, 1978, and on the first day of each fiscal quarter
3 thereafter, to the Department of Human Resources for a
4 statewide, state-administered food stamp program, as
5 authorized by the Food Stamp Act of 1964, Public Law 88-525,
6 88th Congress, and amendments thereto, an amount equal to five
7 percent of the value of food stamp benefits issued statewide
8 in excess of the amount paid by recipients (bonus or free
9 stamps) during the immediate prior fiscal quarter, which sum
10 so appropriated shall be paid quarterly to the Department of
11 Human Resources Trust Fund for administration of the food
12 stamp program in conformity with rules and regulations
13 promulgated by the United States Department of Agriculture and
14 in conformity with Sections 38-1-1 through 38-6-9. Such
15 administrative funds shall be limited to and based on fiscal
16 year 1976-77 administrative costs, normal inflationary
17 increases and mandated administration requirements of the
18 Alabama Legislature and the United States Department of
19 Agriculture. The Department of Human Resources will not staff
20 any county food stamp office at a level which exceeds the
21 average staff-to-recipient ratios which existed in Alabama
22 during fiscal year 1976-77. This restriction will apply in
23 coordination with those provided hereinabove and, should
24 conflict occur, the lesser amount of expenditure shall be
25 required. At the end of each fiscal year, an accounting shall

1 be made of the sum so that any unexpended and unencumbered
2 balance of funds may be determined for the purpose of paying
3 such balance to the Education Trust Fund.

4 "(f) The amount of the proceeds of all taxes levied
5 by this division remaining after the payment of the expenses
6 of administration and enforcement and the replacement in the
7 several funds of the amount lost by any homestead exemptions
8 and the distribution as provided in subsections (b) and (d),
9 shall be paid into the Education Trust Fund except as provided
10 in subdivision (4) of Section 40-23-2 and subsection (c) of
11 Section 40-23-61 and, beginning January 1, 2016, except those
12 collected on consumable vapor products as defined in
13 subdivision (15) of subsection (a) of Section 40-23-1, which
14 shall be distributed to the State General Fund."

15 Section 20. The provisions of this act are
16 severable. If any part of this act is declared invalid or
17 unconstitutional, that declaration shall not affect the part
18 which remains.

19 Section 21. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law, contingent upon the
22 ratification of the constitutional amendment proposed in HB565
23 of the 2021 Regular Session, authorizing the issuance of bonds
24 for improvement, renovation, acquisition, provision,

1 construction, equipping, and maintenance of Alabama state
2 parks.

