

1 SB119
2 155227-1
3 By Senator Orr (Constitutional Amendment)
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 14-JAN-14

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8 SYNOPSIS: Amendment 617 to the Constitution of
9 Alabama of 1901, now appearing as Section 213.32 of
10 the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, provides for the
12 issuance and sale of general obligation bonds of
13 the State of Alabama for the purpose of the
14 acquisition, provision, construction, improvement,
15 renovation, equipping, and maintenance of the State
16 Park System, public historical sites and public
17 historical parks. All state park system land and
18 facilities must be exclusively and solely operated
19 and maintained by the Department of Conservation
20 and Natural Resources.

21 This proposed amendment would except the
22 operation of state park land and facilities at
23 those state parks which offer overnight lodging
24 accommodations to transients, or a golf course, or
25 both, from the requirement to be exclusively and
26 solely operated and maintained by the Department of
27 Conservation and Natural Resources.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 Proposing an amendment to Amendment 617 of the
7 Constitution of Alabama of 1901, now appearing as Section
8 213.32 of the Official Recompilation of the Constitution of
9 Alabama of 1901, as amended; to provide exceptions to the
10 requirement that all state park system land and facilities be
11 exclusively and solely operated and maintained by the
12 Department of Conservation and Natural Resources.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. The following amendment to the
15 Constitution of Alabama of 1901, as amended, is proposed and
16 shall become valid as a part thereof when approved by a
17 majority of the qualified electors voting thereon and in
18 accordance with Sections 284, 285, and 287 of the Constitution
19 of Alabama of 1901, as amended:

20 PROPOSED AMENDMENT

21 "Amendment of Amendment 617.

22 "The State of Alabama is authorized to become
23 indebted for the purpose of the acquisition, provision,
24 construction, improvement, renovation, equipping, and
25 maintenance of the state parks system, public historical
26 sites, and public historical parks, and in evidence of the
27 indebtedness so incurred to sell and issue bonds, in addition

1 to all other bonds of the state, not exceeding one hundred ten
2 million dollars (\$110,000,000) in aggregate principal amount.
3 The bonds shall be direct general obligations of the state and
4 the full faith and credit and taxing power of the state are
5 hereby pledged to the prompt and faithful payment of the
6 principal thereof and the interest thereon. One hundred four
7 million dollars (\$104,000,000) of the bonds shall be issued
8 for the state by the Alabama State Parks System Improvement
9 Corporation pursuant to the appropriate resolutions adopted by
10 the board of directors of the corporation and the proceeds
11 thereof shall be appropriated and used exclusively for the
12 purpose of paying the expenses incurred in the sale and
13 issuance of the bonds and for payment of the costs of the
14 acquisition, provision, construction, improvement, renovation,
15 equipping, and maintenance of the state parks system;
16 provided, any lake acquired and/or built with the proceeds
17 thereof by the Department of Conservation and Natural
18 Resources as a part of a state park must have a minimum buffer
19 of six hundred (600) lateral feet between the shoreline and
20 any private property. In the event that the water from any
21 said lake is sold, the cost thereof shall be equal to the
22 periodic costs for that portion of the bond issue incurred by
23 the Alabama State Parks System Improvement Corporation for
24 said lake, and shall be repaid to the Department of
25 Conservation and Natural Resources at the same rate as the
26 debt service on said bond issue. Such acquisition, provision,
27 construction, improvement, renovation, equipping and

1 maintenance of the state parks system, shall be completed at
2 the direction of the Alabama State Parks System Improvement
3 Corporation with the advice and concurrence of the Joint
4 Legislative Committee on State Parks, and all state park
5 system land and facilities, except for ~~existing concession~~
6 ~~operations or other existing permitted operations~~ state park
7 system land and facilities at those state parks with either
8 (1) an establishment where sleeping or sleeping and eating
9 accommodations are advertised or held out to be available to
10 transients, including hotel rooms, cottages, and cabins, or
11 (2) a golf course, or both, shall thereafter be exclusively
12 and solely operated and maintained by the Department of
13 Conservation and Natural Resources. This provision shall not
14 mandate operations by entities other than the Department of
15 Conservation and Natural Resources but shall be construed to
16 permit such operations. Six million dollars (\$6,000,000) of
17 the bonds shall be issued for the state by the Alabama Public
18 Historical Sites and Parks Improvement Corporation pursuant to
19 the appropriate resolutions adopted by the board of directors
20 of the corporation and the proceeds thereof shall be
21 appropriated and used exclusively for the purpose of paying
22 the expenses incurred in the sale and issuance of the bonds
23 and for the payment of the costs of the acquisition,
24 provision, construction, improvement, renovations, equipping,
25 and maintenance of public historical sites and public
26 historical parks not under the jurisdiction of the Department
27 of Conservation and Natural Resources. Such acquisition,

1 provision, construction, improvement, renovation, equipping,
2 and maintenance of public historical sites and public
3 historical parks shall be completed at the direction of the
4 Alabama Public Historical Sites and Parks Improvement
5 Corporation and shall thereafter be operated by the Alabama
6 Historical Commission, or other entity as authorized by the
7 commission, with the advice and concurrence of the Joint
8 Legislative Committee on State Parks.

9 "The State of Alabama is further authorized to
10 become indebted and in evidence thereof to sell and issue one
11 or more series of bonds to refund all or any of the bonds
12 hereinabove authorized by this amendment in such principal
13 amount or amounts, which may exceed the principal amount of
14 the bonds being refunded, and in such manner as may be
15 provided by law duly enacted by the Legislature.

16 "The aforesaid corporations are hereby vested with
17 the power and authority to provide for the sale and terms of
18 the bonds hereby authorized and the issuance thereof, subject
19 to the approval of the Governor. The bonds may be sold,
20 executed, and delivered at any time and from time to time, may
21 be in such forms, denominations, series, and numbers, may be
22 of such tenor and maturities, may bear such date or dates, may
23 be payable in such installments and at such place or places,
24 may bear interest at such rate or rates payable and evidenced
25 in such manner, and may contain provisions for redemption at
26 the option of the state to be exercised by the corporations at
27 such date or dates prior to their maturity and upon payment of

1 such redemption price or prices, all as shall be provided by
2 the corporations in the resolution or resolutions whereunder
3 the bonds hereby authorized are issued. The principal of each
4 series of bonds shall mature on such date and in such amounts
5 as shall be specified in the resolution or resolutions of the
6 board of directors of the corporations under which they are
7 issued, the last of which installments shall mature not later
8 than 20 years after the date of the bonds of the same series.
9 All of the bonds, including refunding bonds, shall be sold
10 only at public sale or sales, either on sealed bids or at
11 public auction, after such advertisement as may be prescribed
12 by the corporations, to the bidder whose bid reflects the
13 lowest true interest cost to the state computed to the
14 respective maturities of the bonds sold; provided, that if no
15 bid deemed acceptable by the corporation is received, all bids
16 may be rejected.

17 "The bonds shall be signed in the name of the state
18 by the Governor of the State of Alabama and the Great Seal of
19 the State of Alabama or a facsimile thereof shall be
20 impressed, printed or otherwise reproduced thereon and shall
21 be attested by the signature of the Secretary of State of the
22 State of Alabama; provided that facsimile signatures of either
23 or both of the officers may be reproduced on such bonds in
24 lieu of their manually signing the same.

25 "All bonds issued under the provisions of this
26 amendment, together with the interest income thereon, shall

1 forever be exempt from all taxation in the state, except
2 inheritance, estate and gift taxes.

3 "The proceeds from the sale of the bonds by the
4 Alabama State Parks System Improvement Corporation hereby
5 authorized, other than refunding bonds, after the payment of
6 all expenses of the sale thereof, shall be set apart in a
7 special fund in the State Treasury to be designated "The
8 Alabama State Parks System Improvement Fund," and such
9 proceeds, together with income derived from the investment and
10 reinvestment thereof, shall be temporarily invested until
11 needed and disbursed, on order of the aforesaid corporation
12 solely for the purposes, hereinabove described, for which the
13 bonds are authorized to be issued.

14 "The proceeds from the sale of the bonds by the
15 Alabama Public Historical Sites and Parks Improvement
16 Corporation hereby authorized, other than refunding bonds,
17 after the payment of all expenses of the sale thereof, shall
18 be set apart in a special fund in the State Treasury to be
19 designated "The Alabama Public Historical Sites and Parks
20 Improvement Fund," and such proceeds, together with income
21 derived from the investment and reinvestment thereof, shall be
22 temporarily invested until needed and disbursed, on order of
23 the aforesaid corporation solely for the purposes, hereinabove
24 described, for which the bonds are authorized to be issued.

25 "No further authorization from the Legislature shall
26 be a prerequisite to the validity of any bonds issued
27 hereunder. However, the Legislature shall enact appropriate

1 legislation implementing the provisions hereof, including
2 provisions for the issuance of refunding bonds as hereinabove
3 authorized.

4 "The Alabama State Parks System Improvement
5 Corporation and the Alabama Public Historical Sites and Parks
6 Improvement Corporation authorized in this constitutional
7 amendment are strongly encouraged to utilize businesses and
8 companies in all aspects of the bond and construction portions
9 of this amendment that reflect the racial and ethnic diversity
10 of the state."

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

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

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

1 "Proposed by Act _____."

2 This description shall be followed by the following

3 language:

4 "Yes () No ()."