

1 SB196
2 147928-1
3 By Senator Orr (Constitutional Amendment)
4 RFD: Finance and Taxation General Fund
5 First Read: 12-FEB-13

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8 SYNOPSIS: Amendment 617 to the Constitution of Alabama
9 of 1901, now appearing as Section 213.32 of the
10 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 with a hotel facility as defined
24 by Section 34-15-1, Code of Alabama 1975, as
25 amended, or a golf course, from the requirement to
26 be exclusively and solely operated and maintained

1 by the Department of Conservation and Natural
2 Resources.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 PROPOSED AMENDMENT

23 "Amendment of Amendment 617.

24 "The State of Alabama is authorized to become
25 indebted for the purpose of the acquisition, provision,
26 construction, improvement, renovation, equipping, and
27 maintenance of the state parks system, public historical

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

1 debt service on said bond issue. Such acquisition, provision,
2 construction, improvement, renovation, equipping and
3 maintenance of the state parks system, shall be completed at
4 the direction of the Alabama State Parks System Improvement
5 Corporation with the advice and concurrence of the Joint
6 Legislative Committee on State Parks, and all state park
7 system land and facilities, except for ~~existing concession~~
8 ~~operations or other existing permitted operations~~ state park
9 system land and facilities at those state parks with a hotel
10 facility as defined by Section 34-15-1, Code of Alabama 1975,
11 as amended, or a golf course, shall thereafter be exclusively
12 and solely operated and maintained by the Department of
13 Conservation and Natural Resources. Six million dollars
14 (\$6,000,000) of the bonds shall be issued for the state by the
15 Alabama Public Historical Sites and Parks Improvement
16 Corporation pursuant to the appropriate resolutions adopted by
17 the board of directors of the corporation and the proceeds
18 thereof shall be appropriated and used exclusively for the
19 purpose of paying the expenses incurred in the sale and
20 issuance of the bonds and for the payment of the costs of the
21 acquisition, provision, construction, improvement,
22 renovations, equipping, and maintenance of public historical
23 sites and public historical parks not under the jurisdiction
24 of the Department of Conservation and Natural Resources. Such
25 acquisition, provision, construction, improvement, renovation,
26 equipping, and maintenance of public historical sites and
27 public historical parks shall be completed at the direction of

1 the Alabama Public Historical Sites and Parks Improvement
2 Corporation and shall thereafter be operated by the Alabama
3 Historical Commission, or other entity as authorized by the
4 commission, with the advice and concurrence of the Joint
5 Legislative Committee on State Parks.

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

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

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

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

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

26 "The proceeds from the sale of the bonds by the
27 Alabama State Parks System Improvement Corporation hereby

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

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

21 "No further authorization from the Legislature shall
22 be a prerequisite to the validity of any bonds issued
23 hereunder. However, the Legislature shall enact appropriate
24 legislation implementing the provisions hereof, including
25 provisions for the issuance of refunding bonds as hereinabove
26 authorized.

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

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

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

19 "Proposing an amendment to Amendment 617 of the
20 Constitution of Alabama of 1901, to remove the existing
21 provision that requires all state park system land and
22 facilities to be exclusively and solely operated and
23 maintained by the Department of Conservation and Natural
24 Resources.

25 "Proposed by Act _____."

26 This description shall be followed by the following
27 language:

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"Yes () No ()."