

1 HB314
2 131554-2
3 By Representatives Oden, Buttram and Henry (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 14-FEB-12

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ENROLLED, An Act,

To propose an amendment to the Constitution of Alabama of 1901, pertaining only to Cullman County, to grant sixteenth section and school lands located in Cullman County, and held in trust by the state for education purposes in the county, to the Cullman County Board of Education; to authorize the Cullman County Board of Education to manage, sell, lease, and control those lands and any timber, minerals, or other natural resources of the land; and to provide for the distribution of any proceeds and interest generated by the properties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

(a) All sixteenth section school and school land located in Cullman County is vested in the Cullman County Board of Education. The board may manage, sell, lease, and control the land and any timber, minerals, or other natural resources of the land.

(b) Any proceeds from the sale of sixteenth section or school land shall be distributed as follows:

1 (1) Ninety percent shall be deposited into a trust
2 account in Cullman County.

3 (2) Ten percent shall be deposited into the Cullman
4 County Board of Education General Fund.

5 (c) Any interest earned on the funds deposited
6 pursuant to subdivision (1) of subsection (b) and the funds
7 deposited under subdivision (2) of subsection (b) shall be
8 annually distributed to the Cullman County school system and
9 the Cullman City school system based on the number of students
10 residing within the then existing boundaries of each system.
11 The number of students residing in a school system shall be
12 based on the then existing enrollment of students in each
13 system, adjusted by the number of students enrolled in the
14 system who reside outside of the system, as identified by the
15 Cullman City Board of Education. The annual distribution of
16 interest for each of the five years immediately following
17 ratification of this amendment shall be calculated using
18 2010-2011 school year student enrollment data. Thereafter, the
19 distribution formulation shall be recalculated and updated for
20 each five-year period based upon student enrollment data at
21 the beginning of the five-year period.

22 (d) Any proceeds generated from the sale of timber,
23 minerals, or other natural resources of the land, or from the
24 lease of sixteenth section or school land shall be paid
25 directly to the Cullman County Board of Education and

1 deposited into the Cullman County Board of Education General
2 Fund.

3 (e) It is the intent of the Legislature that this
4 amendment supersede any other provision of this constitution
5 which may be construed as being in conflict with this
6 amendment as it relates to sixteenth section or school lands
7 in Cullman County and the rights, power, and control of the
8 property relating to the sale, lease, or other disposition of
9 the land or the sale of timber, minerals, or other natural
10 resources generated by the land, or any proceeds or interest
11 earned therefrom.

12 (f) Upon ratification of this amendment, all
13 proceeds realized from the sale, lease, or other disposition
14 of sixteenth section or school land or the sale of timber,
15 minerals, or other natural resources generated by Cullman
16 County sixteenth section or school lands occurring before
17 ratification of this amendment, and held in trust by the State
18 of Alabama, shall continue to be held in trust and any revenue
19 and interest derived from those transactions shall be paid to
20 the custodian of funds of the Cullman County Board of
21 Education.

22 Section 2. An election upon the proposed amendment
23 shall be held in accordance with Amendment 555 to the
24 Constitution of Alabama of 1901, now appearing as Section
25 284.01 of the Official ReCompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

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

8 "Relating to Cullman County, proposing an amendment
9 to the Constitution of Alabama of 1901, to grant sixteenth
10 section and school lands located in Cullman County, and held
11 in trust by the state for education purposes in Cullman
12 County, to the Cullman County Board of Education; to authorize
13 the Cullman County Board of Education to manage, sell, lease,
14 and control those lands; and to provide for the distribution
15 of any proceeds and interest from the sale, lease, or other
16 disposition of the land or the sale of timber, minerals, or
17 other natural resources generated by the land.

18 "Proposed by Act _____"

19 This description shall be followed by the following
20 language:

21 "Yes () No ()."

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-FEB-12.

Greg Pappas
Clerk

Senate

22-MAR-12

Passed