

1 SB505  
2 131554-1  
3 By Senator Bussman (Constitutional Amendment)  
4 RFD: Children, Youth Affairs, and Human Resources  
5 First Read: 24-MAY-11

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8 SYNOPSIS: Under existing law, the Commissioner of  
9 Conservation and Natural Resources has the  
10 authority to manage, control, and lease sixteenth  
11 section and school land, originally granted by  
12 Congress to each township in the state for the use  
13 of the inhabitants of the township for the use of  
14 schools, and income arising from the sixteenth  
15 section trust fund is applied to the support and  
16 maintenance of the public schools in the state.

17 This bill would propose an amendment to the  
18 Constitution of Alabama of 1901, to grant sixteenth  
19 section and school lands located in Cullman County  
20 to the Cullman County Board of Education, to  
21 authorize the Cullman County Board of Education to  
22 manage, sell, lease, and control those lands and  
23 any timber, minerals, or other natural resources of  
24 the land, and to provide for the distribution of  
25 any proceeds and interest generated by the  
26 properties.  
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1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
4

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 PROPOSED AMENDMENT

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

26 (b) Any proceeds from the sale of sixteenth section  
27 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  
26    deposited into the Cullman County Board of Education General  
27    Fund.

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

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

20           Section 2. An election upon the proposed amendment  
21 shall be held in accordance with Amendment 555 to the  
22 Constitution of Alabama of 1901, now appearing as Section  
23 284.01 of the Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, and the election laws of this  
25 state.

26           Section 3. The appropriate election official shall  
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the  
2 following description of the substance or subject matter of  
3 the proposed constitutional amendment:

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

14 "Proposed by Act \_\_\_\_\_"

15 This description shall be followed by the following  
16 language:

17 "Yes ( ) No ( )."