

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

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.

A BILL

TO BE ENTITLED

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

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

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

(d) Any proceeds generated from the sale of timber, minerals, or other natural resources of the land, or from the lease of sixteenth section or school land shall be paid directly to the Cullman County Board of Education and deposited into the Cullman County Board of Education General Fund.

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

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

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

Section 3. The appropriate election official shall 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 ()."