

HB239 INTRODUCED



1 HB239
2 N4VI888-1
3 By Representative Kiel (Constitutional Amendment)
4 RFD: State Government
5 First Read: 27-Feb-24



SYNOPSIS:

Under existing law, the Commissioner of Conservation and Natural Resources has the authority to manage and supervise all sixteenth section and indemnity school lands in this state, including leasing and selling these lands, which were originally granted by Congress to each township in the state for the use of schools therein.

Also under existing law, proceeds produced by school lands are provided to schools as determined by their original grant in amounts dependent upon the type of proceeds.

This bill would propose an amendment to the Constitution of Alabama of 2022, to grant certain sixteenth section and indemnity school lands located in Walker County that are for the exclusive use of schools in Franklin County to the Franklin County Board of Education to manage, sell, lease, and control these lands and any timber, minerals, or other natural resource of the land; and to provide for the distribution of any proceeds and interest generated by this land.

A BILL



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TO BE ENTITLED

AN ACT

Proposing an amendment to the Constitution of Alabama of 2022, to grant certain sixteenth section and indemnity school lands located in Walker County that are for the exclusive use of schools in Franklin County to the Franklin County Board of Education; and to provide for the distribution of any proceeds and interest generated by this land.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) All sixteenth section and indemnity school land located in Walker County which is for the exclusive use of schools in Franklin County is vested in the Franklin County Board of Education. The board may manage, sell, lease, and control the lands and any timber, minerals, or other natural resource of the land.

(b) Any proceeds from the sale of this land shall be distributed as follows:

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

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

(c) Any interest earned on the funds deposited pursuant to subdivision (b)(1) and the funds deposited pursuant to subdivision (b)(2) shall be annually distributed to the



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Franklin County school system and the Russelville City school system in proportion to 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 Franklin County Board of Education. The annual distribution of interest for each of the five years immediately following ratification of this amendment shall be calculated using 2023-2024 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 resource of the land, or from the lease of the land or its natural resources, shall be paid to the Franklin County Board of Education and deposited into the Franklin County Board of Education General Fund.

(e) It is the intent of the Legislature that this amendment supersede any other provision of this constitution that may be construed as conflicting with this amendment as it relates to the land and the rights, power, and control thereof and to the sale, lease, or other disposition of the land and timber, minerals, or other natural resource of the land, and any proceeds and interest earned therefrom.

(f) Upon ratification of this amendment, all proceeds realized from the sale, lease, or other disposition of the



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land or the sale of timber, minerals, or other natural resource of the land occurring before ratification of this amendment that are held in trust by the State of Alabama shall continue to be held in trust, and any proceeds and interest derived from those transactions shall be paid to the Franklin County Board of Education.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 2022, to grant certain sixteenth section and indemnity school lands located in Walker County that are for the exclusive use of schools in Franklin County to the Franklin



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113 County Board of Education; and to provide for the distribution
114 of any proceeds and interest generated by this land in
115 proportion to the student enrollment in school systems in
116 Franklin County.

117 Proposed by Act ____."

118 This description shall be followed by the following
119 language:

120 "Yes() No()."

121 Section 3. The proposed amendment shall become valid as
122 a part of the Constitution of Alabama of 2022, when approved
123 by a majority of the qualified electors voting thereon.

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