

HB239 INTRODUCED



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



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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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29 TO BE ENTITLED

30 AN ACT

31

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

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

41 PROPOSED AMENDMENT

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

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

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

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

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



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57 Franklin County school system and the Russelville City school
58 system in proportion to the number of students residing within
59 the then existing boundaries of each system. The number of
60 students residing in a school system shall be based on the
61 then existing enrollment of students in each system, adjusted
62 by the number of students enrolled in the system who reside
63 outside of the system, as identified by the Franklin County
64 Board of Education. The annual distribution of interest for
65 each of the five years immediately following ratification of
66 this amendment shall be calculated using 2023-2024 school year
67 student enrollment data. Thereafter, the distribution
68 formulation shall be recalculated and updated for each
69 five-year period based upon student enrollment data at the
70 beginning of the five-year period.

71 (d) Any proceeds generated from the sale of timber,
72 minerals, or other natural resource of the land, or from the
73 lease of the land or its natural resources, shall be paid to
74 the Franklin County Board of Education and deposited into the
75 Franklin County Board of Education General Fund.

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

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



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

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

100 END OF PROPOSED AMENDMENT

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

109 "Proposing an amendment to the Constitution of Alabama
110 of 2022, to grant certain sixteenth section and indemnity
111 school lands located in Walker County that are for the
112 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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