

1 HB362
2 189033-3
3 By Representatives Tuggle, Johnson (R), Holmes (M), Brown,
4 Beech, Wingo and Sells (Constitutional Amendment)
5 RFD: State Government
6 First Read: 01-FEB-18

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8 SYNOPSIS: Under existing law, property that has been
9 acquired by the Forever Wild Land Trust is not
10 subject to ad valorem taxation.

11 This bill proposes a constitutional
12 amendment that would require the Forever Wild Land
13 Trust to annually reimburse the amount of ad
14 valorem tax revenue lost as a result of property
15 previously subject to ad valorem tax being acquired
16 by the Forever Wild Land Trust, which monies shall
17 be paid to the county tax official in each county
18 where the property has been acquired and
19 distributed as other ad valorem tax proceeds unless
20 the county opts out. The amount of reimbursement
21 would be the amount as if the property was taxed at
22 current use value of the property as forest
23 property with good productivity. The bill would
24 also provide that if funding for the Forever Wild
25 Land Trust is not continued after September 30,
26 2032, the Forever Wild Land Stewardship Account

1 would receive up to \$1,000,000 from the Alabama
2 Trust Fund annually.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Proposing an amendment to the Constitution of
9 Alabama of 1901, to require the Forever Wild Land Trust to
10 annually reimburse the amount of ad valorem tax revenue lost
11 for the previous tax year as a result of property previously
12 subject to ad valorem tax being acquired by the Forever Wild
13 Land Trust; to provide that reimbursed monies shall be paid to
14 the county tax official in each county where the property has
15 been acquired and distributed as other ad valorem tax proceeds
16 unless the county opts out; and to provide additional funds to
17 the Alabama Forever Wild Land Stewardship Fund if funding for
18 the Forever Wild Land Trust is not continued.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The following amendment to the
21 Constitution of Alabama of 1901, as amended, is proposed and
22 shall become valid as a part thereof when approved by a
23 majority of the qualified electors voting thereon and in
24 accordance with Sections 284, 285, and 287 of the Constitution
25 of Alabama of 1901, as amended:

26 PROPOSED AMENDMENT

1 (a) This amendment applies to each county of the
2 state unless the county commission elects not to participate.
3 A county may elect not to participate through a vote by the
4 county commission on or before August 1 preceding the tax year
5 for which reimbursement would be due under subsection (b). The
6 county commission shall provide notice of the election to the
7 Board of Trustees of the Forever Wild Land Trust on or before
8 October 1 of the year in which the election is made.

9 (b) Beginning with the ad valorem tax year
10 commencing after ratification of this amendment and continuing
11 each year thereafter, in each year following a fiscal year in
12 which the Forever Wild Land Trust received at least ten
13 million dollars (\$10,000,000) pursuant to Amendment 860, the
14 Forever Wild Land Trust shall reimburse the amount of ad
15 valorem tax revenue lost for that tax year as a result of
16 property previously subject to ad valorem tax being acquired
17 by the Forever Wild Land Trust. Payment shall be made from
18 monies received pursuant to Amendment 860 of the Constitution
19 of Alabama of 1901 or otherwise. The amount due to be paid
20 each year shall be determined by the county tax official in
21 each county where the property has been acquired by the
22 Forever Wild Land Trust and shall be in an amount equal to the
23 amount of ad valorem tax revenue lost in the affected county
24 for the current ad valorem tax year only on property in the
25 county that has been acquired by the Forever Wild Land Trust.
26 This provision applies to property acquired by the Alabama
27 Forever Wild Land Trust prior to or after ratification of this

1 amendment but shall not require payment of any taxes lost
2 before the ad valorem tax year commencing after ratification
3 of this amendment.

4 (c) The amount to be reimbursed each year shall be
5 the amount of ad valorem tax that would have been assessed for
6 the current use value of the property as forest property with
7 good productivity if the property had not been acquired by the
8 Forever Wild Land Trust. The county tax official in a county
9 where property has been acquired by the Forever Wild Land
10 Trust shall determine and report in writing the amount of ad
11 valorem taxes that would have been assessed on the property on
12 October 1 of the reporting year if the property had not been
13 acquired by the Forever Wild Land Trust. The county tax
14 official shall submit the written report to the Board of
15 Trustees of the Forever Wild Land Trust on or before October 1
16 of each year setting out the amount to be reimbursed to the
17 county by the board.

18 (d) The monies paid from the Forever Wild Land Trust
19 for lost ad valorem tax as a result of the acquisition of
20 property previously subject to ad valorem tax shall be a first
21 priority payment made by the Forever Wild Land Trust each
22 applicable year. The payments shall be distributed to the
23 county tax official in each county where payment is due on or
24 before December 31 of that year. The county tax official shall
25 distribute monies paid as lost ad valorem tax pursuant to this
26 amendment in the same manner as other ad valorem tax proceeds

1 are distributed pursuant to this constitution or the general
2 laws of the state.

3 (e) If a constitutional amendment is not ratified to
4 continue funding of Forever Wild past September 30, 2032, the
5 Forever Wild Land Stewardship Account shall receive annually
6 one percent of the total of 33 percent of the oil and gas
7 capital payments paid into the Alabama Trust Fund for the
8 fiscal year ending one year prior to the beginning of the
9 fiscal year for which the distribution is being made and five
10 percent of the average market value of invested assets of the
11 Alabama Trust Fund at the end of three fiscal years ending
12 one, two, and three years prior to the beginning for which the
13 distribution is being made, not to exceed one million dollars
14 (\$1,000,000).

15 (f) Notwithstanding Amendment 543 to the
16 Constitution of Alabama of 1901, the proceeds from the sale of
17 any timber on property acquired by the Forever Wild Land Trust
18 shall be deposited into the Forever Wild Land Stewardship
19 Account, unless the prior owner has retained timber rights.

20 (g) The Legislature shall have the right and power
21 to enact laws supplemental hereto and in furtherance of the
22 purposes and objectives hereof, provided that such laws are
23 not inconsistent with the provisions of this amendment,
24 Amendment 543, or Amendment 860 of the Constitution of Alabama
25 of 1901.

26 Section 2. An election upon the proposed amendment
27 shall be held in accordance with Sections 284 and 285 of the

1 Constitution of Alabama of 1901, now appearing as Sections 284
2 and 285 of the Official ReCompilation of the Constitution of
3 Alabama of 1901, as amended, and the election laws of this
4 state.

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

10 "Proposing an amendment to the Constitution of
11 Alabama of 1901, to require the Forever Wild Land Trust to
12 annually reimburse the amount of ad valorem tax revenue lost
13 as a result of property previously subject to ad valorem tax
14 being acquired by the Forever Wild Land Trust, which monies
15 shall be paid to the county tax official in each county
16 wherein property has been acquired and distributed as other ad
17 valorem tax proceeds unless the county opts out, and to
18 provide additional funds to the Alabama Forever Wild
19 Stewardship Fund if funding for Forever Wild is not continued
20 beyond fiscal year 2032.

21 "Proposed by Act _____."

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."