

1 SB54
2 173033-4
3 By Senator Ward
4 RFD: Governmental Affairs
5 First Read: 02-FEB-16
6 PFD: 01/20/2016

1 SB54

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4 ENROLLED, An Act,

5 Relating to the Alabama Trails Commission; to amend
6 Sections 41-23-140 and 41-23-141, Code of Alabama 1975, to
7 further provide for the membership of the commission and the
8 advisory board; to provide for terms; and to provide that the
9 commission may be transferred for administrative and staff
10 purposes to another state agency or department.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 41-23-140 and 41-23-141, Code of
13 Alabama 1975, are amended to read as follows:

14 "§41-23-140.

15 "(a) For the purposes of this article, the term
16 trail means any form of paved or unpaved trail including
17 freshwater and saltwater paddling trails. The term trail user
18 community includes, but is not limited to, the following:
19 Paved and unpaved trail users, hikers, ~~off-road~~ bicyclists,
20 users of ~~off-road~~ off-highway vehicles, paddlers, equestrians,
21 disabled outdoor recreational users, and commercial
22 recreational interests.

23 "(b) There is created within the Alabama Department
24 of Economic and Community Affairs, the Alabama Trails
25 Commission which shall advance development, interconnection,

1 and use of trails in this state and as further provided in
2 this article. The commission shall be composed of the
3 following members:

4 "(1) Two members recognized for expertise in trail
5 development, management, or use, appointed by the Governor and
6 representing the trail user community.

7 "(2) One member recognized for expertise in trail
8 development, management, or use, appointed by the Lieutenant
9 Governor and representing the trail user community.

10 "(3) One member recognized for expertise in trail
11 development, management, or use, appointed by the Speaker of
12 the House of Representatives and representing the trail user
13 community.

14 "(4) One member appointed by the Director of the
15 Alabama Department of Economic and Community Affairs.

16 "(5) One member appointed by the Director of the
17 state Department of Transportation.

18 "(6) One member appointed by the Director of the
19 Department of Tourism.

20 "(7) One member appointed by the Commissioner of the
21 Department of Conservation and Natural Resources.

22 "(8) One staff member from the Governor's office
23 appointed by the Governor.

24 "(9) One member who shall be a representative of the
25 regional planning councils appointed by the Governor.

1 ~~Membership on the council shall rotate among the 12 regional~~
2 ~~planning councils every two years. The regional planning~~
3 ~~councils shall determine the order of rotation.~~

4 "~~(10) One member representing local governments~~
5 counties appointed by the Association of County Commissions of
6 Alabama, and

7 "(11) One member representing municipalities
8 appointed by the Alabama League of Municipalities. Membership
9 ~~shall alternate between a county representative and a~~
10 ~~municipal representative every two years.~~

11 "~~(11)~~ (12) One member appointed by the Business
12 Council of Alabama.

13 "(c) The term of all appointees appointed after the
14 effective date of the act adding this language shall be for
15 ~~two~~ four years unless otherwise specified. The appointees ~~of~~
16 ~~the Governor, the Lieutenant Governor, and the Speaker of the~~
17 ~~House of Representatives~~ may be reappointed for ~~no~~ not more
18 than two consecutive terms by the same appointing authority.
19 ~~The representatives of the regional planning councils and~~
20 ~~local governments may be reappointed for no more than two~~
21 ~~consecutive terms.~~ All other appointees shall serve until a
22 successor is appointed.

23 "(d) The membership of the commission shall be
24 inclusive and reflect the racial, gender, geographic,
25 urban/rural, and economic diversity of the state.

1 "(e) The commission shall be located for
2 administrative purposes within the Alabama Department of
3 Economic and Community Affairs and the department shall
4 provide necessary staff assistance to the commission.
5 Notwithstanding the foregoing, the commission may be
6 transferred for administrative and staff assistance purposes
7 to another state agency or department upon approval by a
8 three-fourths vote of the commission and the approval of the
9 Director of the Department of Economic and Community Affairs
10 and the director of the state agency or department accepting
11 the transfer.

12 "(f) The duties of the commission shall include the
13 following:

14 "(1) Develop and support the Alabama Trails System.

15 "(2) Facilitate a statewide system of interconnected
16 landscape linkages, conservation corridors, greenbelts,
17 recreational corridors and trails, scenic corridors,
18 utilitarian corridors, reserves, regional parks and preserves,
19 ecological sites, and cultural/historic/recreational sites
20 using land-based trails that connect urban, suburban, and
21 rural areas of the state and facilitate expansion of the
22 statewide system of freshwater and saltwater paddling trails.

23 "(3) Recommend priorities for critical links in the
24 Alabama Trails System and coordinate local needs goals and
25 leadership to accomplish this mission.

1 "(4) Review designation proposals for inclusion in
2 the Alabama Trails System.

3 "(5) Encourage public-private partnerships to
4 develop and manage trails.

5 "(6) Review progress toward meeting goals for the
6 establishment and operation of the Alabama Trail System and
7 recommend appropriate action.

8 "(7) Make recommendations for updating and revising
9 the implementation plan for the Alabama Trails System.

10 "(8) Promote trail support organizations.

11 "(9) Support the Alabama Trails System through
12 intergovernmental coordination, advocacy, education,
13 alternative funding sources, and any other appropriate way.

14 "(10) Organize and coordinate a nonprofit tax
15 deductible corporation that should be expected to aggressively
16 serve Alabama trails in enterprises normally beyond the reach
17 of government, such as fundraising, coordination of local and
18 national institutions similarly intended, and supporting
19 education and civic outreach.

20 "(g) The commission shall establish procedures for
21 conducting its affairs in execution of the duties and
22 responsibilities stated in this section, which operating
23 procedures shall include determination of a commission chair
24 and other appropriate operational guidelines. The commission
25 shall meet at the call of the chair, or at other times as may

1 be prescribed by its operating procedures. The commission may
2 establish committees to conduct the work of the commission and
3 the committees may include nonmembers as appropriate.

4 "(h) A vacancy on the commission shall be filled for
5 the remainder of the unexpired term in the same manner as the
6 original appointment. Members whose terms have expired may
7 continue to serve until replaced or reappointed.

8 "(i) The commission shall report annually to the
9 Legislature, ~~by the second legislative day of each regular~~
10 ~~session,~~ detailing progress, plans, and milestones in its
11 conduct of duties authorized by this article and to what
12 extent the commission is in compliance with the diversity
13 provisions provided for in this article.

14 "§41-23-141.

15 "(a) There shall also be created ~~within the Alabama~~
16 ~~Department of Economic and Community Affairs~~ an Alabama Trails
17 Commission Advisory Board which shall advise the commission in
18 the execution of the Alabama Trails Commission's powers and
19 duties under this article. The advisory board of directors
20 shall be composed of the following:

21 "(1) Two Senators appointed by the Lieutenant
22 Governor.

23 "(2) Two members of the House of Representatives
24 appointed by the Speaker of the House.

1 "(3) Three members of the Alabama Recreational
2 Trails Advisory Board.

3 "(4) One member representing a university in this
4 state appointed by the Governor.

5 "(5) One member appointed by the State Forestry
6 Commission.

7 "(6) One member appointed by the Commissioner of
8 Agriculture and Industries.

9 "(7) One member appointed by the State Health
10 Officer.

11 "(8) One member appointed by the Executive Director
12 of the Retirement Systems of Alabama.

13 "(9) One member appointed by the U.S. Forest
14 Service.

15 "(10) One member ~~who~~ shall be a representative of
16 ~~the power industry appointed by the Alabama Power Company, and~~

17 "(11) One member shall be a representative of the
18 Tennessee Valley Authority. Membership shall alternate between
19 the Alabama Power Company and the Tennessee Valley Authority
20 every two years.

21 "(12) One member shall be a representative of Power
22 South.

23 "~~(11)~~ (13) One member appointed by the Alabama
24 Farmers Federation.

1 "~~(12)~~ (14) One member appointed by the Army Corps of
2 Engineers.

3 "~~(13)~~ (15) One member appointed by the Natural
4 Resources Conservation Services.

5 "(16) One member appointed by the Commissioner of
6 the Department of Conservation and Natural Resources.

7 "(17) One member who shall be a representative of a
8 land trust headquartered in this state to be appointed by the
9 Governor. This position shall rotate between land trusts every
10 four years.

11 "(18) One member appointed by Blue Cross and Blue
12 Shield.

13 "(19) Two members from under-represented user groups
14 appointed by the Trails Commission.

15 "(20) One member from an under-represented federal
16 agency appointed by the Trails Commission.

17 "(21) One member appointed by the Alabama
18 Association of Resource Conservation and Development Council.

19 "(22) One member representing railroads appointed by
20 the Alabama Railway Association.

21 "(b) The term of all Alabama Trails Commission
22 Advisory Board appointees appointed after the effective date
23 of the act adding this language shall be for ~~two~~ four years
24 ~~unless otherwise specified.~~ The appointees ~~of the Governor,~~
25 ~~the Lieutenant Governor, and the Speaker of the House of~~

1 ~~Representatives~~ may be reappointed for no more than two
2 consecutive terms by the same appointing authority. The
3 members of the Alabama Trails Commission Advisory Board shall
4 serve until a successor is appointed.

5 "(c) A vacancy on the advisory board shall be filled
6 for the remainder of the unexpired term in the same manner as
7 the original appointment. Members whose terms have expired may
8 continue to serve until replaced or reappointed.

9 "(d) The membership of the advisory board shall be
10 inclusive and reflect the racial, gender, geographic,
11 urban/rural, and economic diversity of the state."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB54

Senate 11-FEB-16

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 12-APR-16

Senate concurred in House amendment 13-APR-16

By: Senator Ward