

1 HB38  
2 171857-1  
3 By Representative Ainsworth  
4 RFD: Ways and Means Education  
5 First Read: 10-SEP-15

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill provides for the establishment of  
9 the Alabama Shared Revenue Fund and provides for  
10 the distribution of the proceeds of the shared  
11 revenue sources of the Education Trust Fund and the  
12 State General Fund initially into this fund to be  
13 allocated to the Education Trust Fund and the State  
14 General Fund based upon the percentages established  
15 in this bill.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 To establish the Alabama Shared Revenue Fund as a  
22 separate fund within the State Treasury, the balance of which  
23 shall be distributed to the Education Trust Fund and the State  
24 General Fund.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. For the purposes of this act, the  
27 following words shall have the following meanings:

1           (1) EDUCATION TRUST FUND. An account created in the  
2 State Treasury by Act 1927-163 and referenced in Section  
3 16-13-16 of the Code of Alabama 1975, into which are deposited  
4 certain revenues paid to the State of Alabama for  
5 appropriation for educational purposes.

6           (2) FISCAL YEAR. The fiscal year of the State of  
7 Alabama that begins on October 1 and ends on September 30.

8           (3) SHARED REVENUE. Any source of revenue to the  
9 Education Trust Fund or the State General Fund of any kind or  
10 type that has been enacted, established, or provided for in  
11 fiscal years prior to the current fiscal year and any new  
12 revenue source for the current and/or future fiscal year. This  
13 definition does not include transfers to the Education Trust  
14 Fund or the State General Fund from agencies provided for in  
15 any appropriations act.

16           (4) STATE GENERAL FUND. An account in the State  
17 Treasury into which are deposited certain revenues paid to the  
18 State of Alabama for appropriation for any lawful purpose  
19 including but not limited to state government operating  
20 purposes.

21           Section 2. (a) There is hereby established in the  
22 State Treasury a separate fund known as the Alabama Shared  
23 Revenue Fund, into which shall be initially deposited all  
24 shared revenues dedicated by statute or otherwise for the  
25 Education Trust Fund and the State General Fund. This  
26 provision shall in no way apply to any direct distribution of  
27 revenues or receipts to any state agency or instrumentalities

1       thereof or funds which are otherwise earmarked for specific  
2       purposes and are not funds which constitute a receipt to the  
3       State General Fund or Education Trust Fund. The Alabama Shared  
4       Revenue Fund shall be separate from the Education Trust Fund  
5       and the State General Fund.

6               (b) Notwithstanding any other provision of law to  
7       the contrary, the amounts standing in the Alabama Shared  
8       Revenue Fund on the last day of each month shall be  
9       distributed to the Education Trust Fund and the State General  
10      Fund based on the following percentages:

11               (i) Education Trust Fund -- seventy-eight percent  
12      (78%)

13               (ii) State General Fund -- twenty-two percent (22%)

14               (c) The Department of Revenue shall review and  
15      certify that the monthly distribution to the Education Trust  
16      Fund is sufficient to ensure that the Education Trust Fund  
17      receives a total amount of revenue which is at least equal to  
18      the amount of income tax receipts that would have been  
19      deposited into the Education Trust Fund prior to the enactment  
20      of this bill.

21               (d) The Executive Budget Office shall review and  
22      certify the monthly distributions to the Education Trust Fund  
23      and the State General Fund are sufficient to ensure that the  
24      Education Trust Fund and the State General Fund receive a  
25      total amount of revenue at least equal to the constitutionally  
26      earmarked revenues or receipts that would have been deposited  
27      into the Funds prior to enactment of this bill.

1           Section 3. The provisions of this bill shall not  
2 affect the Education Trust Fund Rolling Reserve Cap for fiscal  
3 year 2016 under the Rolling Reserve Act. For the purposes of  
4 determining the fiscal year appropriation cap under that act  
5 in subsequent fiscal years, the amounts, excluding any  
6 non-recurring revenue as defined in Section 29-9-2, Code of  
7 Alabama, 1975, that would have been deposited into the  
8 Education Trust Fund prior to the enactment of this bill,  
9 distributed to the Education Trust Fund pursuant to this act  
10 shall be interpreted to be the recurring revenues of the  
11 Education Trust Fund.

12           Section 4. Notwithstanding any prior provision of  
13 law to the contrary, the provisions of this bill shall only  
14 affect distributions of revenues or receipts directly to the  
15 State General Fund and the Education Trust Fund and in no way  
16 shall affect any direct distribution of similar revenues or  
17 receipts to any state agency or instrumentalities thereof or  
18 funds which are otherwise earmarked for specific purposes and  
19 are not funds which constitute a receipt to the State General  
20 Fund or Education Trust Fund.

21           Section 5. This act shall become effective October  
22 1, 2015 and shall be fully implemented by January 1, 2016. The  
23 Executive Budget Office shall ensure that all necessary  
24 administrative changes for implementation are in effect by  
25 January 1, 2016, and shall also ensure any required  
26 distributions from the effective date of this act until full

1 implementation are fully credited to the State General Fund  
2 and the Education Trust Fund.