SB383

212245-2

By Senators Scofield and Albritton

RFD: Finance and Taxation General Fund

First Read: 01-APR-21
SYNOPSIS: This bill would implement the constitutional amendment proposed in SB362 of the 2021 Regular Session, which, if ratified, authorizes the issuance of general obligation bonds of the State of Alabama in an aggregate principal amount not exceeding $80,000,000 for the improvement, renovation, acquisition, provision, construction, equipping, and maintenance of Alabama state parks under the jurisdiction of the Department of Conservation and Natural Resources.

This bill would also provide for membership and duties of the Alabama State Parks Enhancement Authority.

A BILL TO BE ENTITLED
AN ACT

Relating to state parks; to implement SB362 of the 2021 Regular Session, proposing an amendment to the
Constitution of Alabama of 1901, authorizing the state to become indebted and to sell and issue not in excess of a specified amount in principal amount of general obligation bonds of the state for the purpose of providing for the improvement, renovation, equipping, acquisition, provision, construction, and maintenance of Alabama state parks under the jurisdiction of the Department of Conservation and Natural Resources; to provide for the organization of a public corporation in the state to be known as the Alabama State Parks Enhancement Authority; to provide for definitions; to designate the officers and members of the board of directors of the authority; to prescribe the powers of the authority; to authorize the authority to sell and issue for the state bonds and refunding bonds; to provide that the authority would specify the form and details of the bonds; to provide for the issuance of the bonds in series; to provide for the sale of the bonds; to provide for the temporary investment of the proceeds of the bonds; to provide for the payment of the expenses of issuance of the bonds; to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to the amendment and this act; to provide for the use of proceeds derived from the bonds; to amend Section 40-23-35, Code of Alabama 1975, to include a reference to bonds issued by the authority; and to provide for a contingent effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. This act shall be known and may be cited as the Alabama State Parks Enhancement Act.

Section 2. The Legislature hereby finds and declares all of the following:

(1) That the state parks provide essential services and outdoor recreation opportunities to Alabama residents and visitors.

(2) State parks have provided both a refuge and retreat during the COVID-19 pandemic and highlighted how critical the state parks are to the mental health and physical well-being of the residents of this state.

(3) Because of the essential nature of state parks, it is necessary, desirable, and in the public interest that the state parks under the jurisdiction of the Department of Conservation and Natural Resources be improved and maintained for future use and enjoyment.

(4) It is the intent of the Legislature to authorize the formation of a public corporation for the purposes of providing for the improvement, renovation, equipping, acquisition, provision, construction, and maintenance of the Alabama state parks under the jurisdiction of the Department of Conservation and Natural Resources and to authorize the corporation to provide for payment of the costs of accomplishing the stated purposes by implementing an amendment to the Constitution of Alabama of 1901 proposed in SB362 of the 2021 Regular Session, authorizing the issuance by the state of up to $80,000,000 in aggregate principal amount of
general obligation bonds, and by issuing and selling for the
state, subject to the approval of the Governor, interest
bearing general obligation bonds of the state.

(5) The bonds shall be issued for the state by the
Alabama State Parks Enhancement Authority, and the proceeds
thereof shall be used exclusively for the purpose of paying
the expenses incurred in the sale and issuance of bonds and
for payment of the costs of the improvement, renovation,
equipping, acquisition, provision, construction, and
maintenance of Alabama state parks under the jurisdiction of
the Department of Conservation and Natural Resources.

Section 3. (a) For purposes of this act, the
following terms shall have the following meanings:

(1) AMENDMENT. The amendment to the Constitution of
Alabama of 1901, proposed in SB362 of the 2021 Regular
Session, authorizing the issuance of the bonds to be issued by
the authority.

(2) AUTHORITY. The Alabama State Parks Enhancement
Authority.

(3) BOARD OF DIRECTORS. The board of directors of
the authority.

(4) BONDS. The bonds issued under this act.

(5) DEPARTMENT. The Alabama Department of
Conservation and Natural Resources.

(6) GOVERNMENT SECURITIES. Any bonds or other
obligations which as to principal and interest constitute
direct obligations of, or are unconditionally guaranteed by,
the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof, which may consist of the principal thereof or the interest thereon.

(7) PERMITTED INVESTMENTS. Any of the following:

a. Government securities.

b. Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks; or Farmers Homes Administration; or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof.


d. Time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not
covered by federal deposit insurance, such time deposits, including interest thereon, are fully secured in accordance with the SAFE Program pursuant to Sections 41-14A-1 through 41-14A-14.

e. Government money market mutual funds.

f. Repurchase agreements for obligations of the type specified in paragraphs a., b., and c., provided the repurchase agreements are fully collateralized and secured by the obligations that have a market value at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" or "Aa" collateral levels established by Standard & Poor's Ratings Group or Moody's Investors Service, respectively, for structured financings.

Section 4. (a)(1) The Governor, the Lieutenant Governor or his or her designee, the President Pro Tempore of the Senate or his or her designee, the Speaker of the House of Representatives or his or her designee, the Commissioner of the Department of Conservation and Natural Resources, the Director of Finance, and the Commissioner of Revenue may become a corporation, with the powers and duties provided by this act.

(2) To become a corporation, the Governor, the Lieutenant Governor or his or her designee, the President Pro Tempore of the Senate or his or her designee, the Speaker of
the House of Representatives or his or her designee, the
Commissioner of the Department of Conservation and Natural
Resources, the Director of Finance, and the Chairperson of the
Joint Legislative Committee on State Parks shall present to
the Secretary of State of Alabama an application signed by
them which shall set forth all of the following:

a. The name, official designation, and official
residence of each of the applicants, together with a certified
copy of the commission evidencing each applicant's right to
office.

b. The date on which each applicant was inducted
into office and the term of office of each of the applicants.

c. The name of the proposed corporation created in
this section, which shall be the Alabama State Parks
Enhancement Authority.

d. The location of the principal office of the
proposed corporation, which shall be Montgomery, Alabama.

e. Any other matter relating to the incorporation
which the applicants may choose to insert and which is not
inconsistent with this act or the laws of this state.

(3) The application shall be subscribed and sworn to
by each of the applicants before an officer authorized by the
laws of this state to take acknowledgments to deeds. The
Secretary of State shall examine the application and, if the
Secretary finds that it substantially complies with the
requirements of this section, it shall be received, filed, and
recorded in an appropriate book of records in the office of
the Secretary of State.

(b) When the application has been made, filed, and
recorded, as provided in subsection (a), the applicants shall
constitute a public corporation under the name proposed in the
application, and the Secretary of State shall make and issue
to the applicants a certificate of incorporation pursuant to
this act, under the great seal of the state, to be recorded
with the application. There shall be no fees paid to the
Secretary of State for any activity associated with the
incorporation or dissolution of the corporation so organized.

(c)(1) The applicants named in the application and
their respective successors in office shall constitute the
members of the authority. The Governor shall be the president
of the authority, the Commissioner of the Department of
Conservation and Natural Resources shall be its
vice-president, and the Director of Finance shall be the
secretary of the authority. The State Treasurer shall be the
treasurer of the authority and shall act as custodian of its
funds, but shall not be a member of the authority.

(2) The members of the authority shall constitute
all the members of the board of directors of the authority,
and any three members of the board of directors shall
constitute a quorum for the transaction of business.

(3) All members of the board shall be notified of
any meeting of the board of directors.
(4) If any of the officials of the state die or if his or her term of a office as Governor, the Lieutenant Governor, the President Pro Tempore of the Senate, Speaker of the House of Representatives, Commissioner of the Department of Conservation and Natural Resources, Director of Finance, State Treasurer, or designees, as the case may be, expire or otherwise become vacant, his or her successor in office shall take his or her place as a member, officer, and director of the authority, as the case may be.

(5) A member, officer, or director of the authority may not receive compensation, for any service he or she may render in connection with the authority.

(6) All proceedings of the board of directors shall be reduced to writing by the secretary of the authority. Copies of the proceedings, when certified by the secretary of the authority under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things certified therein.

Section 5. The authority shall each have the following powers:

(a) To have succession by its corporate name without time limit.

(b) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties.

(c) To have and to use a corporate seal and to alter the same at its pleasure.
(d) To receive, take, and hold by sale, gift, lease, devise or otherwise, real and personal estate or property of every description, and to manage the same.

(e) To sell and issue the state bonds and refunding bonds as provided in this act.

(f) To appoint or employ attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars and other advisors, agents, and independent contractors as the business of the authority may require.

Section 6. In addition to any other powers provided in this act, the authority shall also have all of the following powers:

(a) To improve, renovate, equip, acquire, provide, construct, and maintain Alabama state parks under the jurisdiction of the Department of Conservation and Natural Resources.

(b) To acquire by purchase, gift, or any other lawful means, and to transfer, convey, or cause to be conveyed to the state, any real, personal, or mixed property necessary or convenient in connection with the improving, renovating, equipping, acquiring, provisioning, constructing, and maintenance of parks and park facilities.

(c) To enter into contracts with municipalities, counties, the Alabama Department of Conservation and Natural Resources, or other agencies or political subdivisions of the state or any other state, private persons, firms, corporations, and any branch of the federal government, in
furtherance of its public purposes and objects either relative to work done or to be done.

(d) To turn over to the Alabama Department of Conservation and Natural Resources any funds of the authority as, from time to time, may be necessary or convenient for carrying out the business of the authority.

Section 7. The bonds issued pursuant to this act shall not be obligations of the authority but shall be general obligations of the state with the full faith and credit and taxing power of the state to be pledged to the prompt and faithful payment of the principal thereof and the interest and redemption premium, if any, thereon. The proceeds from the sale of the bonds shall be used exclusively for the purposes described in the amendment. The bonds may be sold and issued in one or more series at any time and from time to time; may have such series designations; may be in such forms, principal amounts, denominations and numbers; may be of such tenor and maturities; may bear such date or dates; may be payable in installments and at the time or times, may be payable at a place or places within or without the state; may bear interest at the rate or rates payable and evidenced in such manner; may contain provisions for redemption at the option of the state to be exercised by the authority on the date or dates prior to their respective maturities and upon payment of the redemption price or prices; and may contain such other provisions not inconsistent with the amendment and this act, all as shall be provided by the board of directors of the authority in the
resolution or resolutions pursuant to which the bonds are authorized, sold, and issued.

Section 8. The State Treasurer is authorized and directed to pay the principal, premium, if any, and interest on the bonds issued under this act, as the principal, premium, if any, and interest shall respectively mature, and he or she is further authorized and directed to maintain appropriate records.

Section 9. (a) The bonds of each series issued pursuant to this act may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof, and the principal of the bonds of each such series shall mature or be subject to mandatory redemption according to the schedule as the board of directors shall determine in the resolution authorizing the issuance of such series.

(b) The bonds may be made subject to redemption prior to their respective maturities, at the option of the state, on such terms and conditions as shall be provided by the board of directors in the resolution authorizing the issuance of such series. Any or all of such bonds subject to redemption at the option of the state may be called for redemption by the corporation pursuant to a resolution adopted by the board of directors thereof if, pursuant to appropriations made by the Legislature, the moneys required for the redemption are at the time held in the State Treasury or if the redemption is to be effected with moneys provided by the sale and issuance of refunding bonds issued pursuant to
the amendment and as provided for in this act. The corporation
may specify the terms and conditions under which any of the
bonds authorized pursuant to the amendment may be exchanged
for like bonds of other denominations as the authority may
prescribe.

Section 10. The bonds of each series thereof issued
pursuant to this act shall be sold by the authority at public
or private sale as provided in the amendment. The bonds shall
be executed in the name of the state by the Governor and
countersigned by the secretary of the authority issuing the
bonds, and the Great Seal of the state shall be impressed
thereon and attested by the Secretary of State. An electronic
signature or facsimile of the signature of each official may
be imprinted on any of the bonds in lieu of manual signatures,
and a facsimile of the Great Seal of the state may be printed
on the bonds in lieu of such seal being manually impressed
thereon. Each facsimile signature shall be valid in all
respects as if the officials whose facsimile signatures are
used had signed the bonds in person, and any facsimile of the
Great Seal of the state used shall be valid in all respects as
if such seal had been manually impressed on the bonds. In the
event any official who shall sign any of the bonds or whose
facsimile signature shall appear thereon shall thereafter
cease to hold office before the bonds are delivered and paid
for, the bonds shall nevertheless be valid for all purposes to
the same extent as if the official who signed the bonds or
whose facsimile signature appears thereon had remained in
office until all of the bonds bearing the signature or facsimile thereof shall have been delivered and paid for.

Section 11. The proceeds derived from the sale of each series of the bonds issued pursuant to this act by the authority, other than refunding bonds, shall be paid into the State Treasury upon receipt thereof, and the State Treasurer shall keep such proceeds, as well as all income received from the investment and reinvestment of the proceeds, including income derived from the investment and reinvestment of previously derived income, in a special fund in the State Treasury, designated the Alabama State Parks Enhancement Fund, pending the expenditure of the proceeds and income for the purposes authorized and as required by the amendment and this act. All proceeds deposited in the State Treasury shall be continuously invested by the State Treasurer in Permitted Investments, and as and when income from the investment of such proceeds is received, the income shall be kept continuously invested in the same manner as the proceeds. The State Treasurer, on the advice of the officers of the authority, acting on projections of expenditures provided by the Director of Finance, shall keep all such proceeds, together with the income derived from the investment and reinvestment thereof, invested in investments that shall mature or otherwise be subject to liquidation on such terms as will provide cash when required for the purposes for which bonds may be issued pursuant to this act.
Section 12. Upon order of the board of directors, all expenses incurred in connection with the authorization, preparation, sale, and issuance of bonds authorized by this act and by the amendment shall be paid out of the proceeds thereof. The proceeds remaining after payment of such expenses, together with the income derived from the investment and reinvestment of such proceeds, including income derived from the investment and reinvestment of previously derived income, shall be disbursed from time to time on the order of said corporation upon the approval of the Director of Finance, the Commissioner of Conservation and Natural Resources, and the Governor.

Section 13. For the purpose of refunding any bonds or refunding bonds of the authority issued under this act or any other state law or any combination thereof, whether such refunding shall occur before, at, or after the maturity of the bonds refunded and for the purpose of paying all premiums and expenses of such refunding, including, but not limited to, attorneys' fees, advisors fees, and accountants' fees, the authority is authorized to sell and issue its refunding bonds in one or more series, and if sold in more than one series, may all be authorized in one initial resolution of the authority with the pledges therefore made by the authority in the initial resolution, although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. The refunding bonds shall be sold on a competitive basis or on a
negotiated basis, as determined by the authority. The authority may fix the method and the terms and conditions under which the sale of any series of the refunding bonds may be held, provided that such terms and conditions shall not conflict with any requirement of this act. Provided, however, no refunding bonds shall be issued unless the present value of the aggregate debt service on the refunding bonds, computed with a discount rate equal to the yield of the refunding bonds, calculated in accordance with Section 148 of the Internal Revenue Code, is not greater than 97 percent of the present value of the aggregate debt service on the bonds to be refunded, computed with a discount rate equal to the yield of the refunding bonds, calculated in accordance with Section 148 of the Internal Revenue Code, and determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities, considering mandatory redemption as scheduled maturity, provided at the time of their issuance. Provided, further, that the average maturity of the refunding bonds, as measured from the date of issuance of the refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years, including any fractional part of a year, intervening between the date of issuance and each maturity, taking the sum of all such products, and then dividing the sum by the aggregate principal
amount of bonds for which the average maturity is to be determined. Pending the application of the proceeds of refunding bonds issued in accordance with this section, the proceeds, together with investment earnings therefrom and amounts in any sinking fund, together with investment earnings thereon, may be held by the State Treasurer as treasurer of the authority in trust, or may be deposited by the State Treasurer in trust, on such terms as the State Treasurer and the authority shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company authorized to exercise trust powers in this state for investment in permitted investments. Proceeds of refunding bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the bonds being refunded shall be paid in full on the respective maturity, redemption, or interest payment dates. Refunding bonds issued by the authority shall not be general obligations of the authority but shall be payable solely from the sources specified in this act and in the proceedings whereby the refunding bonds are authorized to be issued. All refunding bonds issued by the authority shall be solely and exclusively obligations of the authority and shall not create debts of this state. The faith and credit of this state shall never be pledged for the payment of any refunding bonds issued by the authority under this act. The authority may contract with respect to the safekeeping and application of the proceeds of refunding bonds and other funds included therewith.
and the income therefrom, and shall have the right and power
to appoint a trustee therefore, which may be any bank or
company authorized to exercise trust powers and located within
or without the state. All other provisions of this act shall
apply to the refunding bonds issued under this act except: (1)
the limitation contained in Section 2 on the amount of bonds
that may be issued under this act; and (2) the provisions of
Section 11. Any bonds refunded prior to their maturity with
the proceeds of refunding bonds shall be deemed paid and the
pledges herein and by the authority made for the payment
thereof defeased if the authority, in its proceedings
regarding issuance of the refunding bonds provides for and
establishes a trust or escrow fund comprised of monies or
government securities, or both, sufficient to pay, when due,
the entire principal, premium, if any, and interest on the
bonds to be refunded thereby; provided, that such government
securities shall not be subject to redemption prior to their
maturities other than at the option of the holder thereof.
Upon the establishment of such a trust or escrow fund, the
refunded bonds shall no longer be deemed to be outstanding,
shall no longer be secured by the funds pledged therefor in
this act, shall no longer be obligations of the authority, and
shall be secured solely by and payable from monies and
government securities deposited in the trust or escrow fund.

Section 14. All bonds, including refunding bonds,
issued pursuant to this act, and the income therefrom,
including the interest income thereon, shall be free from all
taxation by the state or any county, municipality, or other political subdivision or instrumentality of the state, excepting inheritance, estate, and gift taxes. Any bonds issued by the authority may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or person acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the authority.

Section 15. All contracts of the authority for the improvement, renovation, equipping, acquisition, provision, construction, and maintenance of Alabama state parks under the jurisdiction of the Alabama Department of Conservation and Natural Resources shall be in writing, shall be subject to the rules of, and shall be let under the supervision of, the Alabama Department of Conservation and Natural Resources and shall be subject to approval by the Governor and the Director of Finance. Contracts under the Alabama State Parks Enhancement Authority must also be approved by the Alabama Department of Conservation and Natural Resources. Any real or personal property acquired by the corporation by purchase, gift, transfer, or otherwise shall be acquired in the name of
the state and, as soon as possible, shall be conveyed to
Department of Conservation and Natural Resources.

Section 16. Except as provided otherwise in this
act, the proceeds from the bonds issued by the authority and
interest income thereon are appropriated for the improvement,
renovation, equipping, acquisition, provision, construction,
and maintenance of state parks under the jurisdiction of the
Department of Conservation and Natural Resources and the
issuance costs of the bonds.

Section 17. At any time when no bonds of the
authority are outstanding, the authority may be dissolved upon
filing with the Secretary of State an application for
dissolution, which shall be subscribed by each of the members
of the authority and which shall be sworn to by each such
member before an officer authorized to take acknowledgments to
deeds. Upon the filing of the application for dissolution, the
authority shall cease, and any property owned by it at the
time of its dissolution shall pass to the Department of
Conservation and Natural Resources. The Secretary of State
shall file and record the application for dissolution in an
appropriate book of record in his or her office, shall make
and issue, under the Great Seal of the state, a certificate
that the authority is dissolved, and shall record the
certificate with the application for dissolution.

Section 18. The authority, on behalf of the state,
shall have the power to provide for payments to the United
States of America as the directors deem necessary to cause the
interest on any bonds to be and remain exempt from federal income taxation. The authority shall have the power to make agreements respecting the investment of the proceeds of the bonds or other funds of the authority necessary in order that the interest income on bonds of the authority be and remain exempt from federal income taxation.

Section 19. Section 40-23-35, Code of Alabama 1975, is amended to read as follows:

"$40-23-35.

"(a) Such amount of money as shall be appropriated for each fiscal year by the Legislature to the Department of Revenue with which to pay the salaries, the cost of operation and management of the department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of the sum so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41, and limited to the amount appropriated to defray the expenses of operating the department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the General Fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be
first charges against the proceeds of the licenses, taxes or receipts levied or collected under this division. The Comptroller, with the approval of the Governor, is hereby directed to draw his or her warrants payable out of the total proceeds of the licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth.

"(b) Of the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided there shall be paid into the Treasury sums to be credited as follows:

"(1) To the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided, $378,000;

"(2) To the Department of Human Resources, $1,322,000;

"(3) Beginning June 1, 2000, to the Department of Conservation and Natural Resources for capital outlay for acquisition of land contiguous to existing state parks and land acquired for lakes and or water reservoirs, provision, construction, improvement, renovation, equipping, and maintenance of the state parks system only and not for use by
the Department of Conservation and Natural Resources for personnel or administrative use, the sum equal to the increase in receipts accruing to the State of Alabama due to the cap on discounts per license holder in Section 40-23-36(b), which increase shall be equal to the difference between the discount rate or amount allowed under Section 40-23-36(b) and the maximum discount rate allowable under Section 40-23-36(a); provided, however, if at any time any bonds of the Alabama State Parks System Improvement Corporation, or the Alabama Public Historical Sites and Parks Improvement Corporation, or the Alabama State Parks Enhancement Authority are outstanding (excluding bonds that have been refunded by the establishment of an escrow trust for the payment thereof consisting solely of bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America) there shall first be paid into the State General Fund from such collections an amount equal to the debt service (principal, interest, and premium, if any) payable on such bonds in the then current fiscal year of the state. Provided, however, that one million dollars ($1,000,000) of such increase in receipts per fiscal year shall be credited to the Department of Human Resources beginning October 1, 1996, until September 30, 2002, and shall be expended for the foster children program.

"(4)a. On October 1, 2002, to the Department of Conservation and Natural Resources for capital outlay, repairs
and maintenance of the state parks system only, the minimum sum of five million dollars ($5,000,000) from the increase in receipts accruing to the State of Alabama due to the cap on discounts per license holder in Section 40-23-36(b) as calculated in Section 40-23-35(b)(3). Beginning October 1, 2003, annually, to the Department of Conservation and Natural Resources for capital outlay, repairs, and maintenance of the state parks system only, the sum calculated by a fraction, the numerator of which is five million dollars ($5,000,000) and the denominator of which is equal to the increase in receipts as calculated in Section 40-23-35(b)(3) for fiscal year 2002 accruing to the State of Alabama multiplied by the increase in receipts as calculated in Section 40-23-35(b)(3) for the then current fiscal year, or the sum of five million dollars ($5,000,000), whichever is greater. Notwithstanding the previous sentence, for the fiscal years ending September 30, 2012, and September 30, 2013, only, the five million dollars ($5,000,000) shall be transferred to the State General Fund.

"b. Beginning October 1, 2002, to the credit of the State General Fund, the balance of the sum equal to the increase in receipts accruing to the State of Alabama due to the cap on discounts per license holder in Section 40-23-36(b).

"(c) One-half of the amount deposited to the credit of the 67 counties as above provided, shall be divided and distributed proportionately among the 67 counties of the state according to the population of the counties as shown by the
last federal census as proclaimed, published or certified by
the Director of the Bureau of the Census; and one-half of the
proceeds shall be divided or distributed equally among 67
counties; provided, that the funds divided and distributed to
the several counties of the state as hereinabove provided for
shall be used exclusively for full-time health service in
cooperation with the State Board of Health or the federal
government, and for extension services in cooperation with the
Alabama Agriculture Extension Service or the federal
government, at the discretion of the county commissions of the
several counties of the state.

"(d) The amounts provided in subsection (b) for the
Department of Human Resources shall be used for general
welfare purposes. For purposes of this division, "general
welfare purposes" means:

"(1) The administration of public assistance as set
out in Sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and
supplementary services under the federal Social Security Act,
to or on behalf of persons to whom such public assistance may
be given under Section 38-4-1;

"(3) Services to and on behalf of dependent,
neglected or delinquent children; and

"(4) Investigative and referral services to and on
behalf of needy persons.

"(e) In addition, there shall be paid, commencing on
January 1, 1978, and on the first day of each fiscal quarter
thereafter, to the Department of Human Resources for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of food stamp benefits issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Human Resources Trust Fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture. The Department of Human Resources will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of the sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Education Trust Fund.
"(f) The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution as provided in subsections (b) and (d), shall be paid into the Education Trust Fund except as provided in subdivision (4) of Section 40-23-2 and subsection (c) of Section 40-23-61 and, beginning January 1, 2016, except those collected on consumable vapor products as defined in subdivision (15) of subsection (a) of Section 40-23-1, which shall be distributed to the State General Fund."

Section 20. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 21. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law, contingent upon the ratification of the constitutional amendment proposed in SB362 of the 2021 Regular Session, authorizing the issuance of bonds for improvement, renovation, acquisition, provision, construction, equipping, and maintenance of Alabama state parks.