

CHAPTER 108**(SB 82)**

AN ACT relating to income tax checkoff programs, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective for taxable years beginning on or after January 1, 2016, any taxpayer required to file a return under KRS 141.180 who is entitled to an income tax refund and who desires to contribute to the pediatric cancer research trust fund created under Section 2 of this Act may designate an amount, not to exceed the amount of the refund, to be paid to the fund. A designation made under this section shall not affect the income tax liability of the taxpayer, but it shall reduce the income tax refund by the amount designated.*
- (2) *The tax refund designation authorized by this section shall be printed on the face of the Kentucky individual income tax form.*
- (3) *The instructions accompanying the individual income tax return shall include a description of the pediatric cancer research trust fund and the purposes for which the funds from the income tax checkoff may be used.*
- (4) *The commissioner of the department shall, by July 1, 2017, and by July 1 of each year thereafter, transfer the funds designated by taxpayers under this section to the pediatric cancer research trust fund created by Section 2 of this Act.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *The pediatric cancer research trust fund is hereby created as a separate trust fund. The fund shall be administered by the Cabinet for Health and Family Services.*
- (2) *The fund shall receive amounts collected from the income tax checkoff created in Section 1 of this Act, and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of this fund.*
- (3) *Notwithstanding KRS 45.229, trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (4) *Any interest earned on moneys in the trust fund shall become a part of the trust fund and shall not lapse.*
- (5) *Trust fund moneys shall be used to support pediatric cancer research and treatment for Kentucky patients. Funds shall be administered and distributed by the pediatric cancer trust fund board established by Section 3 of this Act for the purposes directed in this section and Sections 3 and 4 of this Act.*
- (6) *Moneys transferred to the trust fund pursuant to Section 1 of this Act are hereby appropriated for the purposes set forth in Section 4 of this Act.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *The pediatric cancer trust fund board is hereby created for the purpose of administering and distributing funds from the trust created under Section 2 of this Act. The board shall be composed of nine (9) members to be appointed as follows:*
 - (a) *A specialist in pediatric oncology nominated by the Kosair Children's Hospital to be appointed by the Governor;*
 - (b) *A specialist in pediatric oncology nominated by the University of Kentucky Children's Hospital to be appointed by the Governor;*
 - (c) *A representative nominated by Kentucky Chapters of the Leukemia and Lymphoma Society to be appointed by the Governor;*
 - (d) *A representative nominated by Kentucky offices of the American Cancer Society to be appointed by the Governor;*
 - (e) *Three (3) citizens, one (1) of whom shall be a pediatric cancer survivor, or parent thereof, to be appointed by the Governor from a list of six (6) citizens nominated by Kentucky offices of the American Cancer Society;*

- (f) *The secretary of the Cabinet for Health and Family Services, or the secretary's designee; and*
- (g) *The commissioner of the Department for Public Health, or the commissioner's designee.*
- (2) *The board shall be attached to the Cabinet for Health and Family Services for administrative purposes.*
- (3) *The secretary of the Cabinet for Health Services shall convene the first meeting of the board within sixty (60) days of the effective date of this Act.*
- (4) *Board members shall serve without compensation, but may receive reimbursement for their actual and necessary expenses incurred in the performance of their duties.*
- (5) *The term of each appointed member shall be four (4) years.*
- (6) *A member whose term has expired may continue to serve until a successor is appointed and qualifies. A member who is appointed to an unexpired term shall serve the rest of the term and until a successor is appointed and qualifies. A member may serve two (2) consecutive four (4) year terms and shall not be reappointed for four (4) years after the completion of those terms.*
- (7) *A majority of the full membership of the board shall constitute a quorum.*
- (8) *At the first meeting, the board shall elect, by majority vote, a president who shall preside at all meetings and coordinate the functions and activities of the board. The president shall be elected or reelected each calendar year thereafter.*
- (9) *The board shall meet at least two (2) times annually, but may meet more frequently, as deemed necessary, subject to call by the president or by request of a majority of the board members.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

The pediatric cancer research fund board created by Section 3 of this Act shall:

- (1) *Develop a written plan for the expenditure of trust funds made available under Section 2 of this Act. The initial plan shall be completed on or before October 1, 2015, and shall be updated on an annual basis on or before October 1 of each year thereafter. The plan shall, at a minimum, include the following:*
 - (a) *A summary of existing pediatric cancer research, awareness, treatment, and funding programs provided to children of Kentucky;*
 - (b) *A needs assessment for the pediatric cancer patients of the Commonwealth of Kentucky that identifies additional research funding needs by cancer type and geographic area, with support for why the identified programs are needed; and*
 - (c) *A prioritized list of programs and research projects that the board will address with funding available through the competitive grant program established under subsection (2) of this section;*
- (2) *Promulgate administrative regulations to establish a competitive, open grant program to provide funding to not-for-profit entities, academic medical centers and government agencies offering research funding and treatment for pediatric cancer to Kentucky children impacted by the disease.*
 - (a) *The grant program shall provide funding to research projects and programs in accordance with the priorities established in the plan developed under subsection (1) of this section.*
 - (b) *The administrative regulations shall, at a minimum:*
 - 1. *Establish an application process and requirements;*
 - 2. *Set forth program and outcome measurement requirements;*
 - 3. *Establish an application review and award process; and*
 - 4. *Provide monitoring, oversight, and reporting requirements for funded programs;*
- (3) *Promulgate administrative regulations necessary to carry out the provisions of this section and Section 3 of this Act; and*
- (4) *Provide to the Governor and the Legislative Research Commission an annual report by October 1 of each year. The report shall include:*
 - 1. *The plan developed under subsection (1) of this section for the expenditure of funds for the current and next fiscal year;*

2. *A summary of the use and impact of prior year funds;*
3. *A summary of the activities of the board during the prior fiscal year; and*
4. *Any recommendations for future initiatives or action regarding pediatric cancer research funding.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective for taxable years beginning on or after January 1, 2016, any taxpayer required to file a return under KRS 141.180, who is entitled to an income tax refund and who desires to contribute to the rape crisis center trust fund created by Section 6 of this Act, may designate an amount, not to exceed the amount of the refund, to be paid to the fund. A designation made under this section shall not affect the income tax liability of the taxpayer, but it shall reduce the income tax refund by the amount designated.*
- (2) *The tax refund designation authorized by this section shall be printed on the face of the Kentucky individual income tax form. The instructions accompanying the individual income tax return shall include a description of the rape crisis center trust fund and the purposes for which the funds may be used.*
- (3) *The department shall, by July 1, 2017, and annually thereafter, transfer the funds designated by taxpayers under this section to the rape crisis center trust fund created by Section 6 of this Act.*

➔SECTION 6. A NEW SECTION OF KRS 211.600 TO 211.608 IS CREATED TO READ AS FOLLOWS:

- (1) *There is created a trust fund to be known as the rape crisis center trust fund. The fund shall be administered by the Cabinet for Health and Family Services.*
- (2) *The trust fund shall be funded with moneys collected through the designation of a taxpayer's refund as provided by Section 5 of this Act and any contributions, gifts, donations, or appropriations designated for the trust fund. Moneys in the fund shall be used to support the services listed in KRS 211.600(3). No moneys in the fund shall be used to support abortion services or abortion education.*
- (3) *Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in subsection (2) of this section.*
- (4) *Any interest earned upon moneys in the rape crisis center trust fund shall become a part of the fund and shall not lapse.*
- (5) *Moneys deposited in the fund are appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

Signed by Governor April 1, 2015.